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# Court Proceedings and Artificial Intelligence - New Horizons

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*Abstract*

At the beginning of the XXI century, as never before, the topic of artificial intelligence has been in the focus of scientific interest. This is due to the galloping pace of information technology and digitalization that the judiciary and law must inevitably follow.

Artificial intelligence is a new challenge for court proceedings. This is because using artificial intelligence tools in court proceedings is expected to improve access to justice, increase the speed of court proceedings, and reduce the costs of conducting them.

The subject of this paper's analysis is the various applications of artificial intelligence through which the court procedure can potentially be automated. These are the following applications: an application for the search for the best evidence, an application for the summary analysis of previously made court decisions, an application for the electronic management of court proceedings, a lawyer - robot application, a judge - robot application, an application for the simultaneous resolution of several repetitive actions (lawsuits), an application for simulating court decisions with algorithms, an application for tracking a person while serving a sentence (compass system), an application for examining cases of domestic violence, sexual abuse, and others.

By analyzing the applications of artificial intelligence in court proceedings, the authors of this paper want to point out the advantages and weaknesses in the use of artificial intelligence in them. Undeniably, the benefits of artificial intelligence can be used to streamline and reduce the costs of court proceedings without violating any basic human rights or information security breach.

*Keywords:* Artificial intelligence, court proceedings, applications, benefits, access to justice

## Introduction

At the beginning of the 19th century, the breakthrough of artificial intelligence in all spheres of social life was felt more clearly than ever before. Of course, the judicial system and court procedures are not an exception to this, which are beginning to be reformed through artificial intelligence tools. This is completely justified because the benefits of artificial intelligence in court proceedings should initially mean strengthening the principle of procedural economy in terms of reducing the time and costs of initiating, conducting and completing court proceedings. From here, the question of how and which applications of artificial intelligence can improve access to justice in court proceedings without infringing on some basic human rights is justified.

## The Meaning of Artificial Intelligence and the Benefits of Artificial Intelligence in Court Proceedings

Artificial intelligence can be described as allowing a machine to behave in such a way that it would be called intelligent if a human being behaved in such a way (McCarthy, 2016) or the ability of a machine to mimic intelligent human behavior. In other words, machines' ability to function in meaningful ways in relation to the specific tasks they are intended to perform and the situations they are intended to operate in. Artificial intelligence is also the area of science and technology that is about studying, understanding, and developing machines with intelligent behavior.

Since the machine can simultaneously process more information than a human can immediately, artificial intelligence can speed up the initiation, management, and completion of court proceedings. By reducing the duration of court proceedings and reducing trial costs, artificial intelligence is expected to facilitate access to justice in the future (Gómez Fröde, 2020).

The penetration and application of artificial intelligence in the justice system was initially connected with the article „*Some Speculation About Artificial Intelligence and Legal Reasoning*" by authors Bruce G. Buchanan & Thomas E. Headrick, from 1970. This is because the authors of this article emphasized the need for a connection between law and informatics, the lawyer/judge and the computer, which will be the starting point for overcoming the traditional ways of judging (Buchanan & Hendrick, 1970).

The legal systems within the common system's framework, especially those of the most economically developed countries, will react expressly to this scientific benefit.

The breakthrough of artificial intelligence in the court proceedings either is much more visible in the legal culture of the common law system as opposed to the civil law system. However, more recently, the trend of approximating the legal procedural systems also causes reforms in the civil law system in the direction of encouraging some national legislators to carry out reforms in the procedural laws (pioneers Estonia and Holland) to create a legal basis for the application of artificial intelligence in court proceedings.

Hence, the penetration of artificial intelligence in court proceedings is indisputable. However, we are not talking about an automatic process, but about a process of using the benefits of artificial intelligence in a way that does not violate the basic legal principles that refer to court procedures, as well as in a way that does not shift the position of judicial power in the system of separation of powers. Implementation of Artificial Intelligence is a process that is expected to transform the judicial procedure (Susskind, 2020).

The use of artificial intelligence in the judiciary is also supported by the European Union. In this context, the European Commission for the Efficiency of Justice (CEPEJ) adopted a European Ethical Charter on the use of Artificial Intelligence in Judicial Systems and their environment (European Commission for the Efficiency of Justice [CEPEJ], 2018).

## Applications of Artificial Intelligence in Court Proceedings

In comparative procedural law, the influence of artificial intelligence is already present in court proceedings. Proof of this are the following applications: an application for the search for the best evidence, an application for the summary analysis of previously made court decisions, an application for the electronic management of court proceedings, a lawyer - robot application, a judge - robot application, an application for the simultaneous resolution of several repetitive actions (lawsuits), an application for simulating court decisions with algorithms, an application for tracking a person while serving a sentence (compass system), an application for examining cases of domestic violence, sexual abuse, and others. Each of these applications can be used in court proceedings if it is precisely and carefully legally regulated and limited according to the needs of the courts. In doing so, care should be taken that artificial intelligence does not lead to the deconstruction of the trial and the weakening of the position of the judicial authority, nor to allow technology to gallop in front of reason and the law.

## An Application for the Search for the Best Evidence

A variety of Artificial Intelligence tools can be used during the systematic review or evidence synthesis process. These may be used to assist with developing a search strategy, locating relevant articles or resources, or during the data screening, data extraction, or synthesis stage. They can also be used to draft plain language summaries (Alshami, 2023).

Artificial intelligence can help the courts in their work because it uses an algorithm that allows them to simultaneously process data in a capacity that is not available to a human. Big Data technology can be exclusively useful for this (Ávila Paz de Robledo, 2023).

Big Data is a set of technologies that allow the processing of massive amounts of personal data from various sources using algorithms, with the aim of being able to give them a utility that provides value. In other words, big data allows the processing of data whose size (volume), complexity (variability), and speed of growth (velocity) make it difficult to capture, manage, process, or analyze using conventional technologies and tools.

Big Data, as a set of technologies, can be useful for the search for the best evidence before the court. This is more evident in the common law system because the law of evidence is a special branch of law that exists independently of the rules on civil procedure.

Before the national legislatures is the challenge to regulate the legal regime for electronic evidence in court proceedings. Once the legal regime for electronic evidence is regulated, the application of artificial intelligence tools to find the best evidence will be invaluable (Seng & Mason, 2021).

## An Application for the Summary Analysis of Previously Made Court Decisions

Artificial intelligence connects to the justice system through predictive justice (Queudot & Meurs, 2018).

Predictive justice is the process of predicting the final decision or part of the court proceedings by artificial intelligence. Namely, with the help of special algorithms, an analysis of many previously processed court decisions for the same or similar cases is performed (Lopes, 2024). In this way, with the help of the benefits of artificial intelligence, court precedents are easily reached, and, in this way, the work of lawyers and judges is made easier.

However, given the fact that the court decision is not a formal source of law in the civil law system, the application for a summary analysis of previously made court decisions is much more necessary and is used in the judicial system of the states of the common law system. This is because the precedent way of decision - making is a basic rule in the judicial procedures of Anglo - American law. However, even though in the civil law system, the court decision is not a formal source of law, it is a factual source of law that is becoming increasingly formalized. This is so because the courts of first instance follow and very often respect the decisions of higher courts on the same or similar cases.

## An Application for the Electronic Management of Court Proceedings

Artificial intelligence has special algorithms with the help of which the complexity of the court case can be assessed from the moment of submission of the initial act (complaint). This algorithm of artificial intelligence is quite useful because it predicts the resources that should be invested in solving the court case, as well as the limits within which the judicial authority should be engaged.

## A Lawyer - Robot Application

Artificial intelligence can be a good advisor for lawyers, too. The app DoNotPay is the world's first robot lawyer (McDonough, 2023). A robot lawyer is set to represent a defendant in an actual court case for the first time in history. This is all powered by DoNotPay's artificial intelligence, which touts itself as the world's first robot lawyer. The defendant will be wearing an earpiece (apparently Apple AirPods) and will be coached in court by the Artificial Intelligence on what to say. The case involves a minor traffic offense. The goal is to guide the defendant with the use of DoNotPay's technology to possibly get the speeding charges and fines dropped. A lawyer - robot application was used for the first time in the USA law in 2023.

## A Judge - Robot Application

In the world, China is the country that first introduced the Smart Judge project. The aim of the project is to speed up the resolution of simple cases. The first cases decided by this Judge - robot were undisputed copyright cases as well as cases related to the violation of online trade (Wideroth, 2020).

The judge - robot application is also a special project of Estonian law. The goal of this project is to use artificial intelligence to make a robot judge who would have the authority to initially resolve disputes of small value. This project is justified because it will relieve the courts of the simpler cases of low value, and as a benefit of artificial intelligence, it can be further applied in other court cases where there is no classical administration of justice. However, given the fact that the correctness of the work of this judge - robot cannot be predicted in advance if the judge - robot - decides, and the parties consider that it is illegal, the parties can refute it by submitting an appeal to a classic court.

## An Application for the Simultaneous Resolution of Several Repetitive Actions (Lawsuits)

With the help of artificial intelligence tools, it is possible to solve several court cases related to the same or similar factual and legal situation at the same time. It is precisely for this reason that the tools of artificial intelligence in court proceedings are expected to find application in several repetitive actions. This alone would speed up the work of the courts in making decisions.

## An Application for Simulating Court Decisions With Algorithms

A group of American academics has developed a machine learning application that claims to be able to predict the outcome of a case at the Supreme Court of the United States (SCOTUS) with an accuracy of 70.2%, and the voting behavior of individual judges with 71.9% accuracy (Katz et al., 2017). In addition to information about the case, this application uses information about the political preferences and past voting behavior of the individual justices. The most extensively described application is one that claims to be able to predict decisions of the European Court of Human Rights (ECHR). This tool uses natural language processing and machine learning to predict whether, in a particular situation, the Court will rule that a particular provision of the European Convention on Human Rights (ECHR) has been violated. The tool works with information from earlier judgments. This application claims 79% accuracy.

Artificial intelligence can overcome judicial subjectivism in making judicial decisions and thereby ensure impartiality in decision-making. However, artificial intelligence alone is not enough to solve the problem of judicial impartiality. Namely, the use of artificial intelligence to simulate court decisions hides one danger in itself - mistakes in court decisions and the spread of those mistakes in the same or similar future cases.

Hence, the implementation of artificial intelligence in the decision - making phase of court proceedings opens several issues that are legally necessary to be regulated: who will be responsible for the errors that artificial intelligence can potentially introduce into the court decision, the personal responsibility of the person who controls the computer program in case of potential errors as well as the protection against hacker attacks on the judicial system.

Artificial Intelligence is swiftly becoming a relevant component in judicial decision - making processes around the globe (Barysė & Sarel, 2024). In China, “internet courts” already provide an online dispute resolution mechanism, also involving Artificial Intelligence components. In the US state of Wisconsin, judges utilize algorithms to derive recommended criminal sentences. Assessments of the defendant’s risk of engaging in violent acts are increasingly used in many countries with varying degrees of accuracy. Such technologies are typically referred to as Algorithmic Decision Making.

## An Application for Tracking a Person While Serving a Sentence (Compass System)

In the common law system, or more precisely in the USA, in California, a special Compass system is used (Prakken, 2018). This system is a special software, a creation of artificial intelligence, which aims to assess the probability of repeating the crime. With this alone, the Compass system helps the judge in deciding on the criminal sanction that would be a substitute for detention.

Artificial intelligence algorithms in criminal proceedings can be used to assess the risk of escape and recidivism, and can also be a tool for predicting the outcome of criminal proceedings and for examining cases of domestic violence and sexual abuse.

## Conclusion

What good can AI do for justice, and what does it take? Not all court work is complex custom work. Therefore, the need for information technology is not the same for all cases. AI, after all, is also information technology, and can be useful in diverse ways for distinct types of cases. Some AI has already proven itself in practice. The use of AI - based IT systems is possible in the judiciary as systems that support the work of the judge in all types of cases. It is a recommended solution given the growing number of disputes settled by the courts and the abundant body of judicial decisions. In turn, the introduction of automated artificial intelligence systems would require amendments to the state constitutions. The right to justice in its content does not only include the right to have one's case examined by any specific public authority, but this authority must have certain attributes. Independence in adjudication is attributed only to judges, which is why an electronic court based on AI would not meet this requirement. Namely, automated systems that replace a judge will not work in all types of court cases, most of all in complicated ones. This is why, they should not be applied in all case types and they should not be applied in cases of judicial review of administration. In criminal cases, their application could be limited only to a few cases of a lower rank, for example, those in which a penal order may be issued. The greatest possibilities of the use of AI - based IT systems may be seen in civil proceedings. We can assume various categories of cases that should be examined in such a manner. It seems reasonable to implement such a system for cases now heard in the electronic writ of payment proceedings, which are already largely done mechanically.

AI tools can enhance efficiency and accuracy in legal proceedings, but they also raise ethical concerns, such as bias, accountability, and the potential for undermining the human element in justice. Due to the development of technologies and the changing world, the use of AI systems in the judiciary will only be a matter of time. The introduction of such systems is certainly advocated by factors such as shortening the time of examination of court cases, reduced court costs or the fact that when it comes to analytical capabilities such systems exceed perceptive skills of even the best of judges (Nowotko, 2021). However, the imperfection of such a change cannot be overlooked. In the last context, one needs to remember the social functions that the judiciary has. The introduction of AI to the judiciary poses a risk of dehumanization of the justice system. When introducing such systems, their transparency and security should be ensured to eliminate unauthorized interference in the content of passed judgements. The introduction of AI should be preceded by an educational campaign addressed to people who do not have relevant IT (technical) knowledge and suitable transition periods. The feasibility of using AI in resolving issues that require processing a large amount of information and documents in electronic form. This will ensure procedural savings and reduction of time for consideration of disputes on the merits through speed and error - free calculations. Electronic justice at the present stage of development of information technology has moved to a qualitatively new level. Traditional document flow in paper form is being actively replaced by documents in digital format.

AI holds immense potential to revolutionize the legal landscape, from transcription and translation services to aiding judges in their duties. It can improve the efficiency and effectiveness of the legal system, making justice more accessible to all. There is not (yet) any evidence that robots (are going to) judge. A lot of work is still needed before AI can comply with this standard of a proper procedure. Legal information needs to be more structured and endowed with meaning. AI is already able to help individuals, litigants, and judges with organizing information. As the legal information is enriched, it can also help with advice and suggestions. Judges must understand what the AI is doing to make adequate use of it. Courts must digitize their information and provide it with legal interpretation to make it more usable for AI. Courts must constantly monitor their AI for effectiveness and adjust it if necessary. For courts and court systems, set up and run as production organizations, this kind of development work is a huge new task.

The proposed forecast for the stages of implementation of judicial - AI is primarily based on the level of development of information technology. At present, AI has not yet been created that is close to the cognitive abilities of the human brain and its billions of neurons. It is necessary to use AI in matters that require processing a large amount of information and documents in electronic form. So, for example, if AI transfers certain routine functions of the court records department and the judge himself, the judge will have additional time for a more detailed study of the case materials and analytical work (Laptev & Feyzrakhmanova, 2024). AI will provide procedural savings and reduce the time for considering disputes on the merits through the speed and accuracy of calculations.

It can be argued that the technology of AI should be open, reliable, and transparent for all citizens, business entities, and society. This approach will ensure public confidence in the court and the modern information technologies introduced into its work: AI and cloud computing. The development of digital technologies in the era of information society and big data has proven the prospects for introducing AI in court. All the above does not change the fact that, with reference to the use of AI in judicial application of the law, one needs to ask a question about when and to what degree this will take place, not whether this will materialize at all. These changes are indeed unavoidable.

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# IMF's Role in Post-Pandemic Economic Recovery

Sezer Ferhad

*Abstract*

The International Monetary Fund is one of the most important international financial institutions, which aims to protect and ensure the development of the global financial system as well as the development of developing countries. The IMF has been the go-to source for help during many times of crisis, and the latest financial and economic crisis following the COVID-19 pandemic was no different. Many countries required aid and policy guidance in order to ensure a fast and strong recovery from the pandemic, and the IMF assumed the role to provide the much-needed support tied to its conditionalities. The aid provided by the IMF had a significant impact on many aspects of economies and led to a considerably quicker recovery, to the surprise of many. The impact of the IMF with regard to rebuilding market trust and financial stability led to a commendable recovery. However, there were several shortcomings as well. The opportunity provided by the need for an economic recovery to reshape economics into a more inclusive, green economic understanding and to reduce inequalities was underutilized, and the characteristic austerity policies of the Fund continued to create new struggles for developing countries with vulnerability. The aim of this paper is to understand the role and impact of the IMF during the post-pandemic economic recovery.

*Keywords*: Conditionalities, financial institutions, green economics, inequality, public debt

## Introduction

In 2020, the international financial system as well as national economies felt a heavy blow from the emergence of the COVID-19 pandemic, which shook the globe. The pandemic had a severe impact on many sectors of international economics, from international trade to financial institutions, from growth rates to inflation. The pandemic virtually brought whole economies to a halt as businesses were shut down and supply lines were disrupted due to strict regulations to prevent the spread of the pandemic. There is no question that the impact of the pandemic on national economies was severe, and even after the end of the pandemic lockdowns, national economies still felt the aftershock of the pandemic era with high inflation rates, recessions, and economic crises. The severe lockdowns caused numerous issues for countries, including economic recession, increased inequality, an increase in poverty, and high inflation rates (World Bank, 2022).

Observing the dire situation caused by the COVID-19 pandemic, it was obvious that financial institutions were needed to cover for the damage, especially in developing and vulnerable economies, which faced dire consequences. The recovery period developed in a much more optimistic fashion contrary to many expectations (Gourinchas, 2023) with many aspects of the economy reaching pre-pandemic figures within a short period of time. This rapid recovery can be attributed to several factors, from decisive action in relief packages and economic reforms of governments to the effective intervention of international financial institutions in mitigating the effects of the crisis, which will be the focus of this paper. The International Monetary Fund (IMF), which is one of the primary international financial institutions responsible for maintaining global financial stability, provided numerous financial aid packages as well as policy guidance to countries in order to help mitigate the adverse effects of the pandemic and the post-pandemic economic crisis on the national economies. The IMF employed numerous instruments in order to mitigate the impact of the crisis, which ranged from rapid financing instruments to flexible credit instruments, among other instruments that are specifically tailored for arrangements designed for times of emergency (IMF, 2024). However, it is vital to analyze and understand how effective the instruments and policies employed by the IMF have been in mitigating the crisis and what role the IMF has played in the global post-pandemic economic recovery phase.

In order to provide a clear focus and precise aim for the study, this paper will work based on the following research questions:

1. What was the role of the IMF in post-pandemic economic recovery?
2. What was the impact of IMF instruments in strengthening the economic recovery?
3. What were the shortcomings in the IMF's approach to post-pandemic economic recovery?
4. What are some policy recommendations that may improve the effectiveness of the IMF in mitigating crises?
5. What has been the role of the IMF in public debt management in post-pandemic economic recovery?

The research questions stated above will serve as a guide for the research of this paper and will also be addressed in the conclusion of this paper.

## Problem Statement

Post-pandemic economic recovery has been, understandably, the main focus of economists as well as policymakers throughout the world, as the importance of mitigating the financial and economic crises deriving from the pandemic, the lockdown, and its aftermath is crucial in ensuring the stability and health of our economies as well as the global financial structure. Considering this, the International Monetary Fund, by nature, had a crucial role to play in ensuring that the post-pandemic economic recovery is successful and provides satisfying results. Therefore, it is important to understand the importance of the role of the IMF in the post-pandemic economic recovery, what were the measures that the IMF took and their impact in this regard, which will give us a better understanding of the effectiveness (or ineffectiveness) of the IMF as an international financial institution and will also serve as a potential reference for possible crises in the future, while also scrutinizing the IMF and its role. The pandemic and the economic instabilities that arise from it have also put into question the ability of states to achieve proper public debt management and sustainability. The efforts and guidance of the IMF, as an international financial institution in this regard, are also vitally important to understand the role of the IMF in the post-pandemic economic recovery period.

## Literature Review

Observing the dire global financial situation during and following the COVID-19 pandemic, the IMF engaged actively in order to offer financial aid and play a role in mitigating the crisis and ensuring a strong economic recovery post-pandemic. Utilizing the specific financial packages, or instruments, such as the rapid financing instruments, in order to effectively and quickly deliver aid to countries in need. The funding for these aid packages came from the Catastrophe Containment and Relief Trust (IMF, 2021) which was designed to provide grants to struggling economies facing extraordinary crises. Additionally, the Fund also published a report (Agarwal & Gopinath, 2021) which provided detailed guidelines for countries in order to effectively end the pandemic and to begin a rapid economic recovery, the report included details for social and health policies as well as a pledge of funding from the IMF.

According to some authors (Kentikelenis et al., 2022), in the path to economic recovery post-pandemic, the IMF has rejuvenated its role as a key financial institution in global economic affairs by providing much-needed assistance and policy guidance to states. The authors suggest that the IMF, not only with its aid packages but especially with its policy guidance in ensuring a just economic recovery, focusing on reducing inequalities and aiming to achieve a green and inclusive economic recovery, has made a significant impact. The IMF had stressed that the post-pandemic economic recovery should be seen as an opportunity to restructure the economic system, to ensure a more inclusive, green, and sustainable understanding of the economy (IMF, 2024). The authors also point out that through the IMF's leading role in the post-pandemic economic recovery, the climate change debate has received a new impetus, leading way to a more encouraging outlook on green economic policies.

Authors such as (Ramos & Gallagher, 2022) have also pointed out that the IMF has changed course following the pandemic crisis and has shifted its attention towards improving health outcomes, protecting vulnerable people and firms, and addressing climate change during the post-pandemic economic recovery period, instead of focusing solely on fiscal issues. The authors also point out that IMF senior officials have significantly made the issue of climate change and a shift towards green economics a priority in their narratives, albeit the attention towards these issues has a large room for improvement.

On the other hand, authors such as Jrad et al. (2023) have pointed out that although the IMF has encouraged such policies, the characteristic austerity measures stipulated by most IMF agreements may lead to an increase in income inequality and deepen the wounds of the pandemic in the post-pandemic economy. The authors stress that there are several case studies in the MENA (Middle East & North Africa) region, the IMF has agreed to provide loans and packages under austerity measure stipulations, even though the IMF has stated that most of the emergency response packages provided to countries due to the pandemic crisis are free from the typical conditionalities. The authors stress that through the implementation of such IMF-led economic recovery programs, the crisis may be deepened, and the most vulnerable categories of society post-pandemic may continue to struggle. This leads to a peculiar position in which the IMF may need to change course, especially in its understanding of policy in mitigating crises, considering the extraordinary situation in which the global economy finds itself, post-pandemic.

The same argument is also supported by Tamale (2021). In a study that found that 85% of loans negotiated between the IMF and 85 national governments in response to the pandemic crisis indicate plans to undertake austerity measures. The author states that although the austerity measures encouraged by the IMF may be effectively applied and provide results in high-income and developed countries, developing countries with high poverty rates will be negatively impacted, as the austerity measures would be a burden on the more vulnerable categories in society, leading to higher inequality and poverty. This is also supported by other studies such as a case study which has focused on Argentina, Greece and Türkiye (Ibish & Ferhad, 2023), highlighting how these measures which are considered as tendencies of IMF conditionalities have negatively impacted economic development in such countries, once again highlighting the necessity for a multilayered approach in such matters.

Authors such as (Merling, 2021) emphasize that the "market fundamentalism" of the IMF, which aims to encourage growth through austerity, is counter-productive, as increased income inequality through austerity measures and deregulations under structural reforms pushed for by the IMF has been shown to hinder consistent and reliable economic growth. Merling has pointed out that the Fund must reform its understanding of economic policy guidance and engage in a more flexible approach in order to ensure an effective post-pandemic economic recovery and decrease the widening income inequality, which was further put under the spotlight following the pandemic crisis.

The impact of the pandemic on the public debt, especially in developing countries, has been very visible. A study by Harada (2024) demonstrates this, pointing out that the high spikes of inflation, increased market volatility, and cutbacks on foreign capital have led to financing issues in developing countries, which further hinder the possibility of public debt sustainability in these states. The study also points out the importance of the IMF in such situations, stressing that developing countries lack the financial capabilities to counter economic hardships caused by the pandemic, and as a result must rely upon effective support by international financial institutions like the IMF for support, with the number of developing countries approaching the IMF for financial support and policy guidance reaching over 100.

A study by Kose et al. (2021) points out the increasing crisis with regard to public debt that has been plaguing developing countries, while highlighting the reality that increases in public debt have been a consistent trend even before the pandemic, stating that the "fourth wave of debt" has turned into a tsunami following the pandemic. The study suggests that developing countries must ensure financial support and investments, while also being in coordination with international financial institutions, in order to realize effective policies in preventing widespread debt crises. The study also points out the necessity of instruments and finances from the IMF to developing countries, to be formulated in the form of lending into arrears (LIA) programs, in order to add lending conditionalities to borrowing countries, and ensure ambitious reforms and tackle the increasing public debt. The impact of the COVID-19 pandemic has also further intensified and brought into the spotlight shortcomings in terms of political stability and institutional capacities, as pointed out in some studies (Kaytan, 2025) which highlight the role of international organizations in mitigating the impact of institutional shortcomings on economic development.

Following the COVID-19 pandemic, International organizations (IMF, 2020; OECD, 2020) provided guidance reports on addressing the issues and new challenges that may arise with regard to public debt management. Having in mind the impact of the pandemic on numerous aspects of the economic directly related to the management of public debt, such as the need for increased budget expenses to tackle the health crisis and mitigate the effects of the shutdown, a decrease in external demand and capital for developing countries, among others, the policies employed to mitigate such issues is of vital importance in avoiding a debt crisis and the role of the IMF in this regard should be thoroughly analyzed. Some countries have effectively managed this bounce back, one of the examples being North Macedonia, which has effectively managed to mitigate the effects of the pandemic and rejuvenate its economy through targeted policies of financial relief to businesses and households through subsidies and tax-cuts (Ibish & Ferhad, 2024), while this has been effective, the policies indicate that particularly for developing countries, the path forward should not be one of austerity but consideration for vulnerable categories of the economic sectors. The policy guidance report by the IMF acknowledges the importance of international financial institutions in this period, encouraging developing countries to avoid financing by their central banks and view it as a last resort, instead opting for additional funds from the IMF instruments, and utilizing the Medium-Term Debt Management Strategy framework (Balibek et al., 2019) as guidance.

On the other hand, a study by (Klutse et al., 2023), focusing in the developing countries of Ghana and Kenya and their public debt management post-pandemic, has pointed out the dangers of developing countries relying upon borrowing from international financial institutions for managing their public debt, mainly the IMF, highlighting the increased debt service rates and inefficient spending of the borrowed funds, which leads to an endless cycle in which the public debt is further increased and the possibility of a debt default is considerably high. Instead, the paper points out that developing countries must focus on establishing domestic fiscal buffers (savings) and fiscal space in order to properly service their debt and ensure proper public debt management.

## Research Data and Methodology

The paper will work with secondary data, provided by academic articles, as well as data from international financial institutions. To analyze the role and the effectiveness of the IMF during the post-pandemic economic recovery period, this study will employ the use of the data provided by the IMF COVID-19 Recovery Index (Gallagher & Carlin, 2020) which provides an evaluation of 0 (worst) to 3 (best) of the effectiveness of IMF responses in countries post-pandemic based on three main parameters: Health, protecting the vulnerable and Green Recovery. Observing this data, an assessment will be made on the effectiveness and role of the IMF during the post-pandemic economic recovery, over a wide range of countries.

## Findings

It is important to mention that the Fund focused on developing countries for their emergency support, considering that the pandemic had the highest effect on the financial and social situation in these vulnerable states. The funds released through the CCRT (Catastrophe Containment and Relief Trust) were given under the condition of receiving countries undertaking governance measures to promote accountable and transparent use of these resources (IMF, 2021). It is understandable that the regular IMF conditionalities did not apply in these cases, considering the urgency and the extraordinary nature of the pandemic and the following financial crisis.

When it comes to the IMF's responsiveness in terms of Public debt sustainability in developing countries, there are many areas in which there is vast room for improvement. Although the IMF has initiated programs in line with the sustainable development goals (Munevar, 2020b), the Debt Sustainability Analysis and the following policy guidance have shown to neglect various aspects of social development, which leads to questions regarding the relevance of the DSA framework, having in consideration the emergence of new issues in developing countries tied to post-pandemic economic recovery. As reports (Munevar, 2020a) indicate, the IMF has steadily provided financial assistance aiming to directly tackle the debt crises related to the pandemic; however, at the risk of hampering social development with harsh austerity measures, ignoring the impact of social development and public investments on the sustainability of public debt.

According to the IMF COVID-19 Recovery Index, the performance of states that received IMF guidance and aid after the pandemic for economic recovery performed an overall average of 2.65 out of 3 in support of vulnerable categories, which signifies a significantly above-average performance. The index also shows that the IMF has lent much of its focus on health and aid issues, with the index showing a performance of 2.39 out of 3 in that regard. Contrary to these, Green Recovery has significantly underperformed with a score of 0.42 out of 3.

The index has clearly shown that the IMF has designated its main focus to protecting vulnerable categories and health-favorability as more urgent issues to be addressed post-pandemic; the issue of green economics has taken a back seat, supporting the criticism put forth by authors mentioned in the literature review. The overall rating assessed by the index to the performance of IMF aid is 1.82 out of 3, which leaves a lot of room for improvement, especially when considering the dire importance of economic reform and recovery.

## What Was the Role of the IMF in Post-Pandemic Economic Recovery?

During the Pandemic crisis and the post-pandemic economic recovery, the IMF had engaged in numerous agreements with vulnerable and developing countries in order to provide much-needed financial aid and policy guidance to mitigate the effects of the pandemic crisis and to ensure a proper economic recovery in order to protect the global financial system and prevent a domino effect. In line with this, the IMF created an overall policy of rebuilding the economies of developing countries with varying levels of success, with most of the focus going to ensuring the protection of the fiscal stability in these nations, as well as building stronger health institutions. However, there are several criticisms that can be pointed out, such as a lack of proper implementation of the green economic reform plans and the insistence on the austerity measures regardless of the increase in vulnerable categories in society.

## What Was the Impact of IMF Instruments in Strengthening the Economic Recovery?

There is no doubt that the IMF had a significant impact on the post-pandemic economic recovery period, considering the enthusiastic packages and policy guidance provided by the Fund. The IMF had a considerable impact on rebuilding trust in financial institutions, acting as a stabilizing factor to the markets, ensuring a level of protection to vulnerable categories of society, as well as building health favorability. The IMF utilized the Rapid Credit Facility and the Rapid Financing Instrument in order to effectively and rapidly intervene in struggling economies and provide the much-needed aid as fast as possible. Utilizing these instruments, the Fund also softened its conditionalities and requirements, observing the urgency and severity of the financial and economic crisis at hand. These instruments had an immediate effect in providing funds to states when the global economy had come to a halt, and countries were facing striking levels of deficits. The immediate relief led to the receiving states being able to implement policies in order to tackle the health crisis and its effects on all sectors of the economy. The positive impact of this rapid intervention cannot be ignored, as these funds were vital for receiving states in avoiding an economic crash and meltdown, which would have created a domino effect throughout the global financial markets.

## What Were the Shortcomings in the IMF Approach to Post-Pandemic Economic Recovery?

There were several shortcomings that can be detected with regard to the IMF's performance in the post-pandemic economic recovery. The initiative of rebuilding the global economy on the basis of green economics has been admittedly lackluster; the IMF has not brought up the necessary attention to capitalizing on the need for economic recovery after the pandemic to reshape the global financial system and economics into a more equal, inclusive, and green characteristic, although such intentions were displayed by IMF officials. On the other hand, the IMF continued its austerity measures as conditionalities for states receiving emergency aid for economic recovery, which may have crippled the economic recovery of these societies, which had an increased vulnerability following one of the most impactful economic crises in recent history during and after the pandemic crisis.

## What are Some Policy Recommendations That May Improve the Effectiveness of the IMF in Mitigating Crises?

There are many commendable aspects of the instruments and approach used by the IMF in mitigating crises; there is significant room for improvement. As demonstrated throughout this paper, the International Monetary Fund should pay further attention to the internal context and needs of states and in that line tailor its conditionalities and policy guidance in that regard. The fund has yet to adapt to the ever-evolving nature of economics, and the contemporary issues of economic and financial needs in states, especially developing countries, are still not properly taken into consideration. The IMF must acknowledge the glaring issues within developing states that make them ineffective and unprepared in implementing the conditionalities of the Fund as they stand. Instead, the IMF must focus on reducing inequalities, improving institutional strength, and ensuring a stable and reliable market within these states. The fund has lacked in all three aspects in its policy guidance and packages for developing states.

IMF policy guidance within developing states must encourage the development of a proper welfare and social system, reduction of corruption within public institutions and the development of strong and reliable financial institutions before considering austerity measures in these states. The implementation of these measures can ensure that developing state face future crises more effectively and become more reliable partners for the IMF and the global financial system.

The implementation of a proper welfare and social system would ensure that the vulnerable categories within developing states would have a safety net to rely on during crises, whether it be within a health or financial context, and ensure that during crises, the state would not be so heavily burdened by a devastated part of society unprotected by an effective welfare system. Steps taken to reduce corruption within public institutions would ensure a more effective implementation of state policies and effective use of the state budget, which would have an impact on the balance of the budget and the authority of the state in curtailing crises. The development of strong financial institutions would provide stability and reliability to the state's financial policies and the domestic market, which would increase domestic and foreign investments and the stability of the economy.

## What has been the Role of the IMF in Public Debt Management in Post-Pandemic Economic Recovery?

The IMF has consistently provided policy guidance and financial support through its lending programs to developing countries following the pandemic and the post-pandemic economic recovery period, having in mind the urgency of addressing rising public debt. Although the austerity measures tied to IMF conditionalities are prone to ignoring the importance and impact of stagnated economic development and public investments on the public deficit, and thus the sustainability of the public debt.

The IMF and other international financial institutions have consistently been criticized for the neo-liberal tendencies of their financial assistance programs, ignoring the importance of safety nets, welfare programs, and public investments. Having in mind that GDP growth is an essential part of achieving public debt sustainability, the IMF should consider re-visiting and adjusting its programs and, in fact, its DSA framework, to incorporate the need and necessity of social development, public investment, and protection of vulnerable categories of the economic strata from the austerity measures that are characteristic of IMF programs.

However, for most developing countries, the IMF continues to be a safe-haven against debt crises and potential debt default, especially in times of economic crisis, market shocks, and volatile international finances, of which the pandemic and its economic consequences have been a primary example.

## Conclusions

The International Monetary Fund has been a key player during times of financial crises, and countries have looked to the IMF for policy guidance and aid packages in order to mitigate financial crises for decades; however, the delivery of the IMF has not always been successful. As the paper has covered, there have been many criticisms with regard to the IMF's approach to tackling the pandemic crisis and economic recovery following the pandemic. The main criticism is the underutilization of the opportunities presented by the post-pandemic economic recovery, in which the Fund could have imposed more ambitious reforms through its conditionalities and ensured a platform for a more inclusive and green economy in the future. However, it should also be considered that the urgency of the crisis required an immediate response through extraordinary funds, which limited the possible approaches with regard to the conditionalities and requirements of the Fund towards receiving states.

On the other hand, the nature of the IMF packages directed towards post-pandemic economic recovery was focused on developing countries, which were struggling immensely due to the pandemic and the post-pandemic economic crisis. Having this in mind, ensuring that the crisis does not deepen and create a larger financial burden, and the lack of potential spill-over effect of these ambitious reforms within these developing countries on the overall global financial structures, it is understandable why the Fund avoided harsh conditionalities in this regard.

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# Gender Inequality in STEM: Socialization, Structural Barriers, and Institutional Dynamics in the Republic of North Macedonia

**Fatime Hasani Reka**

*Abstract*

Gender equality constitutes both a fundamental human right and a central pillar of sustainable socio-economic development (Gjorgjioska et al., 2025). Despite notable gains in educational attainment, gender disparities remain pronounced in Science, Technology, Engineering, and Mathematics (STEM), particularly in pathways leading to technical leadership. This study explores the "Southeast European Paradox," whereby countries such as North Macedonia and Serbia record substantially higher shares of female STEM graduates than the European Union average, yet struggle to retain this talent within the labor market (OECD, 2024).

Adopting a mixed-methods analytical approach, the research interprets these patterns through the theoretical lenses of social identity theory, social constructivism, and feminist institutionalism. The findings point to a persistent "leaky pipeline": although women in North Macedonia perform strongly in tertiary education, a significant proportion subsequently exit STEM careers. This attrition is closely associated with exclusionary institutional environments, gendered perceptions of technical competence, and limited career progression opportunities. Comparative evidence from neighboring Southeast European contexts further indicates enduring sectoral segregation, with women underrepresented in high-value industrial domains relative to service-oriented sectors.

The study concludes that formally gender-neutral policy frameworks are insufficient to address these structural constraints. Instead, more robust and targeted interventions are required, including institutional accountability mechanisms such as Gender Responsive Budgeting, enforceable organizational quotas, and systematic gender-sensitivity training within educational and professional settings.

*Keywords:* Gender inequality, STEM, Southeast Europe, institutional barriers, gender responsive budgeting.

## Introduction

Gender equality is a cornerstone of modern global policy, recognized as a prerequisite for innovation, economic competitiveness, and democratic governance (Sjoberg, 2023). Within Science, Technology, Engineering, and Mathematics, however, a persistent "leaky pipeline" continues to diminish female representation as careers progress (van Anders, 2004). While this phenomenon is documented globally, Southeast Europe presents a distinctive socio-political paradox. In North Macedonia, for instance, women represent 47.8% of STEM tertiary graduates, one of the highest rates in the region (Tereshchenko et al., 2023). Yet, this educational success does not translate into labor market parity, as nearly 70% of these women eventually exit the sector due to systemic institutional barriers and workplace prejudice (Reka & Memeti, 2024).

The persistence of this gap cannot be attributed to a lack of academic ability or individual preference alone (González-Pérez et al., 2022). Regional data indicate that female students often outperform their male peers in mathematics, yet they face a "chilly climate" where their technical competence is frequently questioned (Ferati et al., 2023). This is evidenced by the fact that only 12% of men in the Western Balkans view their female colleagues' computer skills positively, highlighting a deep-seated cultural coding of STEM as a masculine domain (Ferati et al., 2023; Leka et al., 2024). Consequently, the disparity is not merely a product of "choice" but is actively produced through the interaction of gender socialization, institutional "gender regimes," and restrictive labor market structures (Anglin et al., 2022; Baguant et al., 2023).

This paper investigates the mechanisms sustaining these inequalities by integrating four theoretical perspectives: gender role theory, social identity theory, social constructivism, and feminist institutionalism (Dost, 2024; Vilhena & Pizarro, 2021). Focusing on North Macedonia, the study situated within the broader Southeast European context aims to explain why high graduation rates fail to overcome the structural "glass ceilings" and "identity dissonance" that characterize the regional STEM landscape (Cotter et al., 2001; Dost, 2024). By combining theoretical analysis with regional statistics, the study provides a framework for multi-level policy interventions that go beyond increasing educational access to address the substantive conditions of career advancement.

## Conceptual and Theoretical Framework

The concept of equality in STEM has evolved from classical discussions of resource distribution to a more nuanced focus on structural barriers. While formal equality—treating everyone the same—is often the baseline for policy, it is frequently insufficient in technical fields because the starting points for men and women are inherently different. Instead, an equity lens is required to address the "leaky pipeline," recognizing that women need specific institutional support to overcome barriers that increase in complexity as they move up the academic and professional ladder (Guo et al., 2025). In the post-socialist context of North Macedonia, this distinction is critical: while formal legal equality is high, persistent cultural narratives and a "masculine career model" continue to shape actual outcomes (Ferati et al., 2023; Reka & Memeti, 2024).

To explain these disparities, this study adopts an interdisciplinary framework integrating four complementary perspectives:

**Gender Role Theory and Socialization** - Gender role theory posits that societies develop normative assumptions regarding appropriate roles for men and women, which are transmitted through early socialization in families and schools (Anglin et al., 2022). In STEM, these roles are often internalized as implicit beliefs about one's own abilities (Aalderen-Smeets & Molen, 2016). Cultural narratives frequently link scientific competence and technical expertise with masculine traits, discouraging women from pursuing these disciplines even when their academic performance equals or exceeds that of their male peers (Anglin et al., 2022; Ferati et al., 2023).

**Social Constructivism and Gender Regimes -** Building on the concept of gender as a socially constructed phenomenon, this study examines how educational and professional environments actively reproduce gendered norms (Baguant et al., 2023). Gender is not merely a biological attribute but is "done" through everyday interactions, evaluation systems, and workplace cultures (Guo et al., 2025). Within STEM departments, these "gender regimes" can reinforce the association of leadership with masculinity, influencing how institutional actors evaluate competence and suitability for advancement (Baguant et al., 2023; Bairoh, 2023).

**Social Identity Theory and "Belonging" -** Social identity theory explains how group membership influences motivation and persistence. When STEM fields are culturally coded as masculine, women may experience a "lack of identity fit" or reduced feelings of belonging (Dost, 2024). This dissonance is exacerbated by peer perceptions; for instance, in the Western Balkans, research indicates that only 12%

of men view their female colleagues' computer skills positively, creating a "chilly climate" that discourages long-term career commitment despite proven technical excellence (Ferati et al., 2023; Leka et al., 2024).

**Feminist Institutionalism -** Finally, feminist institutionalism highlights how organizational rules and informal norms reproduce inequality even in the absence of explicit discrimination (Vilhena & Pizarro, 2021). Institutional arrangements such as recruitment practices and promotion criteria often favor a career trajectory that neglects the need for co-responsibility in care work (Reka & Memeti, 2024). This perspective emphasizes that formal access to education does not automatically translate into substantive equality in leadership, as the "glass ceiling" is maintained through gendered structural conditions and organizational practices (Cotter et al., 2001; Vilhena & Pizarro, 2021).

By integrating these perspectives, the study demonstrates that gender inequality in STEM is a systemic phenomenon emerging from the interaction of individual attitudes, socio-cultural norms, and institutional frameworks (Ferati et al., 2023; Vilhena & Pizarro, 2021).

## Research Strategy and Analytical Approach

The study employs a data triangulation strategy, integrating quantitative indicators with theoretically informed qualitative interpretation and primary fieldwork findings (Reka & Memeti, 2024). The analytical approach is explanatory rather than purely descriptive (Reka & Memeti, 2024). Quantitative data establish empirical trends—such as participation rates and career progression—while qualitative frameworks, including gender role theory and social identity theory, are applied to interpret the causal mechanisms driving these patterns (Anglin et al., 2022; Dost, 2024).

**Case Selection and Comparative Framework -** North Macedonia serves as the primary case study due to its notably high proportion of female STEM graduates alongside persistent labor market disparities (Reka & Memeti, 2024). To contextualize these dynamics, the study incorporates a comparative regional perspective, including Serbia, Croatia, and Bulgaria (Ferati et al., 2023; Tereshchenko et al., 2023). These countries were selected based on shared post-socialist institutional legacies, comparable higher education structures, and similar trajectories of European integration (Ferati et al., 2023; Reka & Memeti, 2024).

**Data Sources and Methodology -** The empirical component draws on internationally harmonized statistical systems and complementary qualitative insights, integrating secondary data from Eurostat, the UNESCO Institute for Statistics, the OECD, and the European Commission's *She Figures* framework. These sources ensure cross-national comparability and methodological consistency through the application of standardized classifications (e.g., ISCED, Frascati) and coordinated international data collection protocols (European Commission, 2021; OECD, 2015; UNESCO Institute for Statistics, 2023; Eurostat, 2022). Primary qualitative synthesis to capture the "on-the-ground" dynamics of policy influence, the analysis synthesizes results from a survey of 10–15 activists and professionals within the North Macedonian STEM sector (Reka & Memeti, 2024). This allows the study to identify specific "change agents" and the practical barriers faced by those advocating for gender mainstreaming (Reka & Memeti, 2024).

Policy Document Review: A desktop analysis of National Action Plans for Gender Equality and national legislative frameworks was conducted to evaluate the alignment between policy intent and structural outcomes (Reka & Memeti, 2024). Three categories of indicators are examined across the selected regions: educational participation - Enrollment and graduation rates in tertiary STEM programs (Reka & Memeti, 2024). Labor market representation: participation in engineering, ICT, and scientific research occupations (Reka & Memeti, 2024). Career advancement - the presence of women in senior academic, managerial, and leadership positions, addressing the "glass ceiling" in higher education (Reka & Memeti, 2024; Vilhena & Pizarro, 2021).

Theoretical Integration: the interpretation of empirical patterns is guided by an integrated framework that combines Gender Role Theory: Micro level socialization and career choice (Anglin et al., 2022).

Social Identity Theory: Perceptions of belonging and "identity fit" in male-dominated spaces (Dost, 2024). Feminist Institutionalism: Structural and organizational dynamics that maintain gendered power imbalances (Vilhena & Pizarro, 2021).

Several limitations are acknowledged. While the inclusion of survey data provides qualitative depth, the small sample size (10–15 respondents) means these findings are indicative rather than representative of the entire workforce (Reka & Memeti, 2024). Furthermore, variations in national statistical methodologies across the Western Balkans may affect the comparability of certain secondary indicators (Ferati et al., 2023). Despite these constraints, this integrative methodological approach provides a robust framework for understanding the structural drivers of gender inequality in STEM.

## Gender Socialization and Educational Pathways

Gender socialization plays a crucial role in shaping educational aspirations and career choices (Özdemir & As, 2022). From an early age, social norms and expectations influence how boys and girls perceive their abilities and future opportunities (Arel, 2014; Hamel, 2021). Research shows that stereotypes associating mathematics, engineering, and technology with masculine identities often emerge during early childhood and continue to influence educational choices throughout adolescence (Cvencek et al., 2011; McGuire et al., 2022).

Family expectations, media representations, and educational environments contribute to the internalization of these stereotypes (Cheryan et al., 2017; Wang & Degol, 2017). Girls may develop lower self-confidence in technical subjects despite demonstrating comparable academic performance to boys (OECD, 2015; UNESCO, 2017). The limited visibility of female role models in STEM professions can further reinforce perceptions that these careers are less suitable for women (Dasgupta & Stout, 2014; Lockwood, 2006). Female student representation in a course significantly predicts greater academic achievement for *all* students, with particularly favorable outcomes for women in mathematics and computer science when they have a female instructor (Bowman et al., 2022)."Lack of Identity Fit" to explain why even high-achieving girls might opt out. It's not just about competence; it's about whether they see themselves as belonging in a "male-coded" environment (Bowman et al., 2022). Stereotype Threat: Although Steele & Aronson are in your bibliography, you can more explicitly link it to your findings on why women in North Macedonia might achieve higher grades but still have lower self-confidence in technical fields (Verdugo-Castro et al., 2022). Educational institutions can unintentionally reinforce these patterns through curriculum design, teaching practices, and career guidance structures (OECD, 2019; UNESCO, 2017). Teachers' expectations and classroom dynamics may also influence students' perceptions of their abilities in science and mathematics (Gunderson et al., 2012; Wang & Degol, 2017).

As a result, gender disparities in STEM often originate during early educational stages rather than emerging exclusively in labor market contexts (Eccles, 2011; Cheryan et al., 2017).

## Structural Barriers in STEM Careers

Although gender gaps in higher education have narrowed significantly in many countries, structural barriers continue to affect women's advancement in STEM careers (European Commission, 2021; World Economic Forum, 2023). One of the most widely discussed phenomena in this context is the "glass ceiling," which refers to invisible organizational barriers that prevent women from reaching senior leadership positions despite comparable qualifications and professional achievements (Cotter et al., 2001).

Institutional practices such as opaque promotion procedures, limited mentoring opportunities, and expectations regarding long working hours can disproportionately affect women's career trajectories (Mason et al., 2013; OECD, 2019). Work-life balance challenges, particularly related to family responsibilities, may further contribute to unequal career progression (European Institute for Gender Equality, 2022; UNESCO, 2017). These fields often have a much higher male-to-female ratio (around 4:1) compared to other STEM disciplines (Cimpian & King, 2024). Highlighting this shows that the "STEM" umbrella can sometimes mask the more extreme disparities in certain technical disciplines. The COVID-19 pandemic exacerbated existing disparities by leading to lower initiation of new projects, which could impact the productivity and careers of women in STEM for years to come (Figueiredo, 2023).

Organizational cultures within scientific institutions and technology industries may also reproduce gender biases in evaluation and leadership selection processes (Acker, 1990; Ridgeway, 2011). These dynamics can result in the systematic undervaluation of women's professional contributions and limit their access to decision-making positions (Eagly & Karau, 2002; Valian, 1998). Consequently, structural inequalities within organizational environments play a crucial role in shaping gender disparities in STEM professions (European Commission, 2021; World Economic Forum, 2023).

## Comparative Regional Evidence: The Southeast European Paradox

A comparative analysis of Southeast Europe reveals a distinctive "STEM Paradox": the region consistently produces higher proportions of female STEM graduates than the Western European average, yet fails to convert this educational capital into professional leadership (Ferati et al., 2023; Tereshchenko et al., 2023). While the European Union average for female STEM graduates stands at 32.2%, several countries in the region significantly exceed this benchmark (OECD, 2024). For instance, North Macedonia (44.5%) and Serbia (43.5%) maintain some of the highest female graduation shares in the world (Tereshchenko et al., 2023). This high baseline is often attributed to the region's post-socialist legacy, which historically emphasized gender-neutral access to technical education as a component of state-led industrialization (Ferati et al., 2023; Reka & Memeti, 2024).

## Educational Benchmarking: Bulgaria and Croatia

The trend remains robust across the broader Balkan landscape. In Bulgaria, women accounted for 31.5% of STEM graduates in 2023, a figure that remains stable and competitive with the EU (Guthrie et al., 2022). Similarly, in Croatia, female participation in ICT and engineering has benefited from early exposure to technical curricula, yet both countries exhibit the same "leaky pipeline" seen in North Macedonia. In Bulgaria, while the share of women in ICT is among the highest in the EU, they are significantly more likely to occupy entry-level or service-oriented roles (46%) rather than high-value manufacturing or R&D positions (22%) ("Eurostat," 2012; Travers et al., 2024). This suggests that the regional barrier is not a lack of interest or academic ability, but a structural "chilly climate" that redirects women toward less technical or lower-status sub-sectors (Ferati et al., 2023; González-Pérez et al., 2022).

## Labor Market Disparities and the "Glass Ceiling"

The translation of education to employment reveals a sharp regional divergence. Across the EU, women represent 40.5% of scientists and engineers, yet in the Western Balkans, their presence in private-sector technological leadership is markedly lower ("Eurostat," 2012). In North Macedonia, the disparity is stark: despite high graduation rates, 70% of women in STEM eventually exit the sector (Reka & Memeti, 2024). This attrition is driven by a regional cultural climate where technical competence is still perceived as a masculine trait. Research across the Western Balkans indicates that only 12% of men view their female colleagues' computer skills positively, creating a pervasive "identity dissonance" for women in these fields (Ferati et al., 2023; Leka et al., 2024). This perception gap is a shared regional challenge that transcends national borders, affecting career commitment in Serbia and Croatia as much as in North Macedonia (Dost, 2024; Ferati et al., 2023).

## Divergent Policy Responses: Serbia as a Regional Benchmark

While the challenges are shared, the policy responses in Southeast Europe are beginning to diverge, providing a roadmap for North Macedonia. Serbia has emerged as a regional leader by moving beyond "gender-neutral" language to implement "hard" policy instruments. The Serbian National Strategy for Gender Equality (2021–2030) has begun mandating Gender Equality Plans as a requirement for the accreditation of higher education institutions (Reka & Memeti, 2024). This contrasts sharply with North Macedonia's Education Strategy 2018–2025, which remains "gender-neutral" and lacks the specific "apparatuses and instruments" to address the 70% workforce exit rate (Reka & Memeti, 2024).

Furthermore, while Bulgaria has focused on strengthening mathematics programs to maintain its high graduation rates, it still lacks the binding quotas for corporate boards that are currently being proposed in North Macedonia to break the "glass ceiling" (Guthrie et al., 2022; Gjorgjioska et al., 2025). By comparing these national trajectories, it becomes clear that "access to education" is no longer the primary hurdle; the next stage of regional development requires institutionalized accountability—such as Gender Responsive Budgeting and mandatory bias training—to ensure that the region's high female technical talent is not lost to systemic attrition (Reka & Memeti, 2024; Vilhena & Pizarro, 2021).

**Table 1:** Key Comparative Data Summary

| Country | Female STEM Graduates (%) | EU Comparison (32.2%) | Key Policy Status |
|---|---|---|---|
| **North Macedonia** | 44.5% - 47.8% (Tereshchenko et al., 2023) | Significant Lead | High attrition (70%); lacks GEPs (Reka & Memeti, 2024) |
| **Serbia** | 43.5% (Tereshchenko et al., 2023) | Significant Lead | Implementing mandatory GEPs (Reka & Memeti, 2024) |
| **Bulgaria** | 31.5% (Guthrie et al., 2022) | Parity | High ICT participation; sectoral segregation ("Eurostat," 2012) |
| **Croatia** | ~31-33% (Tereshchenko et al., 2023) | Parity | Strong early socialization; high "glass ceiling" (Cotter et al., 2001) |

## Policy Approaches and Gender Mainstreaming

Addressing gender inequality in STEM requires a strategic shift from formal equality (legal protections on paper) to substantive equality, which focuses on the actual career outcomes of women (Vilhena & Pizarro, 2021). While the Western Balkans region has made significant strides in closing the gender gap in education, the transition to the labor market remains the primary point of failure. This is particularly evident in North Macedonia, where a female STEM graduation rate of 47.8% (Tereshchenko et al., 2023) coexists with an attrition rate where 70% of women eventually exit the sector due to systemic prejudice and the unequal distribution of family care responsibilities (Reka & Memeti, 2024).

## Addressing Institutional Gaps in North Macedonia

The current Education Strategy for 2018–2025 in North Macedonia identifies the need for gender equality but fundamentally lacks the "policies, apparatuses, and instruments" required for implementation (Reka & Memeti, 2024). For instance, while the strategy suggests revising textbooks to remove stereotypes, it fails to set measurable, sex-disaggregated goals for STEM enrollment (Reka & Memeti, 2024). Furthermore, existing labor market initiatives—such as the IT training courses launched by the Employment Agency Service—remain "gender-neutral" in their design. This neutrality is a policy failure, as it ignores the distinct socioeconomic barriers (e.g., lack of childcare or "identity dissonance" in male-coded spaces) that prevent women from accessing these opportunities (Dost, 2024; Reka & Memeti, 2024).

To bridge this gap, North Macedonia should look to regional benchmarks like Serbia, which has begun integrating mandatory Gender Equality Plans into the accreditation standards for higher education institutions (Reka & Memeti, 2024). Without such "hard" policy instruments, gender mainstreaming remains a rhetorical exercise rather than a structural reform.

## Gender Responsive Budgeting and Economic Levers

A critical mechanism for translating these goals into reality is Gender Responsive Budgeting. Increasingly viewed in the Western Balkans as a bridge between social agendas and fiscal policy, GRB ensures that the distribution of public funds actively corrects resource imbalances (Reka & Memeti, 2024). For STEM, this involves:

- Targeted Social Support: Allocating budget lines for institutional support systems for student-mothers and caregivers (Reka & Memeti, 2024).
- Incentivizing Inclusive Hiring: Using fiscal policy to encourage affirmative hiring practices. Research indicates that when candidates are equally qualified, preferential selection of women helps correct for existing "lack of fit" biases without sacrificing technical competence (Bairoh, 2023).
- Binding Quotas: Moving beyond voluntary targets, there is a growing case for binding quotas on Macedonian corporate boards (Gjorgjioska et al., 2025). Such measures directly challenge the "glass ceiling" by ensuring that the 47.8% female graduate pool has a clear, institutionalized path to senior leadership (Cotter et al., 2001; Tereshchenko et al., 2023).

## Curricular and Cultural Transformation

Finally, policy must address the "chilly climate" that begins in early socialization. Educational institutions must move beyond passive "encouragement" to active curricular reinforcement (Reka & Memeti, 2024). This includes:

- Mandatory Teacher Training: Training educators to identify and neutralize gender bias in subjects like mathematics and physics, where stereotypes often discourage high-performing girls (Cvencek et al., 2011; Ferati et al., 2023).
- Textbook and Media Reform: Mandating the visibility of female scientists in all state-approved educational materials to provide the role models necessary for long-term career persistence (Hamel, 2021; Reka & Memeti, 2024).
- Increasing Visibility: As only 12% of men in the region currently view their female colleagues' computer skills positively, policies must prioritize the public visibility of female technical contributions to challenge the cultural association between STEM and masculinity (Ferati et al., 2023).

In conclusion, effective gender mainstreaming in North Macedonia requires a move away from "gender-neutral" policies toward a Gender Responsive Budgeting framework that addresses the specific structural leaks—from enrollment to leadership—within the STEM pipeline (Reka & Memeti, 2024; Vilhena & Pizarro, 2021). This approach necessitates comprehensive data collection and analysis, disaggregated by sex and other relevant factors, to accurately identify disparities and measure the impact of interventions (Reka & Memeti, 2024). Such data standardization, accompanied by proactive policy initiatives like scholarship programs, is crucial for fostering an environment conducive to women's advancement in STEM fields (Reka & Memeti, 2024).

## Discussion

The findings of this study demonstrate that gender inequality in North Macedonia's STEM sector is a systemic phenomenon produced by the interaction of socialization, institutional norms, and labor market structures. While the region displays a high female share of STEM tertiary graduates—reaching 47.8% in North Macedonia, one of the highest globally—this educational success does not translate into labor market parity (Tereshchenko et al., 2023). This discrepancy confirms that "formal equality" in access to education is insufficient to ensure "substantive equality" in career outcomes (Vilhena & Pizarro, 2021).

1. The "Leaky Pipeline" and Feminist Institutionalism

From a feminist institutionalist perspective, the transition from education to the workforce represents a significant point of attrition. The "leaky pipeline" in North Macedonia is not a matter of individual choice but is driven by gendered institutional arrangements (van Anders, 2004). Despite graduating in high numbers, nearly 70% of women in STEM eventually drop out due to systemic factors, including workplace prejudice and the unequal distribution of family care responsibilities (Reka & Memeti, 2024). These findings support the argument that institutions continue to reward a "masculine career model" that relies on extreme presenteeism, effectively creating a "glass ceiling" that limits women's advancement to leadership (Cotter et al., 2001; Utzeri, 2019).

2. Social Identity and the "Lack of Fit" Paradox

The analysis reveals a stark disconnect between objective academic ability and professional belonging. While quantitative data shows that girls in North Macedonia frequently achieve better grades in mathematics than their male peers, they are still steered away from technical specializations (Ferati et al., 2023). Social identity theory helps explain this paradox: even high-achieving women may opt out of STEM if they perceive a "lack of identity fit" within a culturally coded masculine environment (Cheryan et al., 2016; Master et al., 2015). This is evidenced by regional peer perception data, where only 12% of men viewed their female colleagues' computer skills positively, and men consistently gave lower ratings to female teachers in technical courses (Ferati et al., 2023). Such a “chilly climate” discourages long-term persistence and reinforces the belief that technical competence is a masculine trait (González-Pérez et al., 2022; Leka et al., 2024).

3. Gender Role Socialization and Enrollment Disparities

The disparities begin well before the labor market, rooted in early gender socialization. In North Macedonia, only 15.69% of women enroll in STEM faculties compared to 25.72% of men (Reka & Memeti, 2024). This mirrors global patterns where math-gender stereotypes emerge as early as second grade, influencing self-concept before actual achievement differences exist (Cvencek et al., 2011). Even though 95% of women in the region view Computer Science as an “adequate” field for their gender, traditional family investments and social frameworks continue to funnel them toward “feminized” science-related majors (like teaching) rather than engineering or technology (Ferati et al., 2023; Özdemir & As, 2022).

4. Policy Limitations and the Path Forward

Finally, this study highlights the limitations of current policy approaches in North Macedonia. The Education Strategy 2018–2025 sets broad goals for women in STEM but lacks the specific “policies, apparatuses, and instruments” needed for implementation, such as mandatory teacher training on gender bias or specific textbook reforms to provide equal visibility to female scientists (Reka & Memeti, 2024). To bridge this gap, the findings suggest that regional interventions must move beyond “increasing participation” and toward Gender Responsive Budgeting and institutional reforms that address the “masculine culture” of ICT sectors directly (Gjorgjioska et al., 2025; Reka & Memeti, 2024).

Overall, addressing these inequalities requires a shift from viewing STEM disparities as an “individual choice” problem to recognizing them as an institutional regime that must be transformed through coordinated structural change (Baguant et al., 2023; Vilhena & Pizarro, 2021).

“This study significantly advances the scholarship on STEM gender gaps by offering a holistic analytical framework that integrates gender role theory, social identity theory, and feminist institutionalism—perspectives often examined in isolation (Anglin et al., 2022; Vilhena & Pizarro, 2021). By applying this framework to the understudied context of Southeast Europe, the analysis moves beyond descriptive accounts of the ‘leaky pipeline’ to explain the specific institutional mechanisms that sustain the regional paradox: where high educational attainment (e.g., 47.8% in North Macedonia) fails to translate into professional parity (van Anders, 2004;

Ferati et al., 2023; Tereshchenko et al., 2023). Ultimately, by linking these theoretical insights to concrete policy gaps in regional strategies, this paper provides a robust framework for designing multi-level interventions that address both early socialization and the structural 'glass ceilings' within the ICT and engineering sectors (Cotter et al., 2001; Reka & Memeti, 2024)."

## Conclusion

Gender inequality in STEM remains a systemic challenge shaped by the tension between high educational attainment and restrictive institutional cultures. This study has highlighted a significant regional paradox: while North Macedonia achieves a female STEM graduation rate of 47.8%—one of the highest in the region—women remain disproportionately likely to divert into teaching careers or exit the technology sector entirely (Ferati et al., 2023; Tereshchenko et al., 2023). This "leaky pipeline" is not merely a result of personal choice but is driven by a "chilly climate" where only 12% of men in the region view their female colleagues' computer skills positively, reinforcing the notion that technical competence is a masculine trait (Baguant et al., 2023; Ferati et al., 2023).

Achieving substantive equality requires moving beyond formal policy commitments to address specific structural gaps. A critical priority for North Macedonia is the implementation of sex-disaggregated data collection by field, the absence of which currently "complicates the assessment of women's status" and prevents targeted interventions (Reka & Memeti, 2024). Furthermore, educational reforms must prioritize early exposure to computer science and coding in primary curricula to build self-assurance before gendered "identity dissonance" takes root (Cvencek et al., 2011; Leka et al., 2024).

Ultimately, expanding women's participation in STEM is a strategic necessity for regional economic development. As current disparities in job selection exacerbate economic vulnerability and unequal earnings, empowering women in technical fields is essential for fostering a prosperous and inclusive society (Gjorgjioska et al., 2025; Reka & Memeti, 2024). By transforming the institutional rules that sustain the "masculine career model," North Macedonia can ensure that its high educational success leads to measurable leadership outcomes (van Anders, 2004; Utzeri, 2019).

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BALKAN JOURNALS

# Exploring the Role of Citizens' Associations in Shaping Decision-Making Processes in North Macedonia

**Besa Bytyqi**

*Abstract*

The main purpose of this research is to present a study analysis of the notion of interest groups, especially citizens' associations in the Republic of North Macedonia and their participation in public policy development. Interest groups can be defined as formal organizations that strive to reach their goals through influencing decision-making processes. These groups are considered as non-political, but they rather deal with the "politics of politics."

This research paper actually analyses the impact of citizens' associations on local government in the Republic of North Macedonia and to what extent the citizens take part in the compilation of public policy. For this research, a questionnaire has been prepared and 200 citizens living in Skopje have been contacted by phone, and the achieved results and statistical data show that still the participation of citizens in public policy is not at the proper level. The level of cooperation between citizens and local government, i.e. municipalities, is still at a low level. There is an institutional weakness and low implementation capacity, which limits the voice and participation of citizens in local affairs. This institutional gap also undermines the principles of the rule of law, equal access to justice, as many citizens remain excluded from meaningful decision-making processes, and their rights are not fully safeguarded in practice.

There is a need to raise citizens' awareness and convince them that the voice of citizens in municipalities should be heard, i.e. they should speak loudly. Strengthening the rule of law and ensuring equal access to justice are therefore essential for enabling genuine democratic participation and for enhancing trust between citizens and institutions. Finally, it is concluded that during the decision-making processes in North Macedonia, nongovernmental and international organizations have given a great contribution with their activities.

*Keywords:* Citizens' Associations, Decision-making, Equal Access, Democratic Participation

## Introduction

Interest groups constitute one of the fundamental pillars of pluralist democracies. They can be broadly defined as organized collectives of individuals or institutions who share similar positions, values, or concerns on particular political, economic, social, or cultural issues. Such groups are formed with the purpose of influencing decision-making processes, shaping public opinion, and contributing to the broader social and political agenda (Britannica). In this sense, interest groups operate as intermediaries between the state and society, articulating and aggregating citizens' needs and aspirations, and ensuring that diverse voices are represented within the policymaking sphere.

A widely accepted definition describes an interest group as "any association of individuals or organizations, usually formally organized, that, on the basis of one or more shared concerns, attempts to influence public policy in its favor." (Plano & Greenberg, 1985, p. 231). This definition highlights two essential aspects of interest groups: their organized nature and their intention to affect policy outcomes without directly seeking governmental office. Unlike political parties, which compete in elections to gain control of public institutions, interest groups function as advocacy actors that employ lobbying, consultation, public campaigns, and expert engagement to shape political agendas and legislative processes.

From the standpoint of pluralist theory, scholars such as Robert A. Dahl and David B. Truman view interest groups as indispensable to democratic governance. Dahl argues that political power in modern democracies is dispersed among a variety of organized groups, each competing for influence and thereby preventing the concentration of authority in the hands of a single elite (Dahl, 1961). Similarly, Truman emphasizes that group interaction is a natural and necessary feature of democratic life, as it provides an institutional mechanism for balancing conflicting demands and promoting social equilibrium (Truman, 1951). Within this framework, interest groups are not merely pressure actors but integral components of the democratic process itself. They ensure that governance remains responsive to a plurality of social interests, thereby contributing to political stability and legitimacy.

Building on this idea, Gabriel A. Almond and Sidney Verba's civic culture theory underscores the importance of active citizen participation through associations and organizations as a precondition for a stable democratic order (Almond & Verba, 1963). Interest groups serve this participatory function by creating opportunities for citizens to engage in public life, voice their concerns, and hold decision-makers accountable. In this regard, they perform both representative and educational roles—facilitating the communication of social needs to the state while simultaneously fostering civic awareness and political responsibility among their members.

The range of organizations that fall under the category of interest groups is extensive. These include trade unions, chambers of commerce, professional associations, youth and women's organizations, cultural and artistic societies, organizations of war veterans and disabled persons, farmers' associations, religious communities, and ethnic associations. Although these entities are formally independent of the state, they frequently cooperate with public authorities and play a consultative role in various stages of policy formulation. Their activities often contribute to social cohesion and pluralistic dialogue within democratic institutions.

The importance of organized interest groups becomes particularly evident in their capacity to facilitate compromise among diverse social forces. Without their presence, reconciling conflicting interests within a complex society would be significantly more difficult. Associations and civic organizations thus act as vital mediating structures within civil society, linking citizens to political institutions and providing legitimate channels through which social interests can be expressed and negotiated. Consequently, they not only influence policy outcomes but also reinforce the legitimacy and accountability of democratic governance.

In the Republic of North Macedonia, interest groups and civic associations have increasingly become active participants in the political process, particularly in the context of the country's democratization and the consolidation of civil society. Over the years, various organizations have emerged, reflecting the pluralism of interests and values characteristic of Macedonian society. These organizations play an essential role in articulating citizens' interests, promoting social inclusion, and enhancing participatory democracy at both national and local levels.

The *Law on Self-Government* provides a formal framework for citizen participation and civic engagement. In Chapter Four, it explicitly recognizes the right of citizens to participate directly in the decision-making processes of local self-government. Article 25 stipulates that "the citizens shall participate directly in the decision-making process on issues of local relevance through civil initiative, meetings of citizens, and referendum." (Official Gazette of RNM, 5/2002). This provision institutionalizes one of the key principles of democratic governance—the active involvement of citizens in public affairs. In this context, the development and functioning of interest groups in North Macedonia do not merely represent expressions of pluralism but serve as fundamental conditions for the consolidation of participatory democracy and the strengthening of civil society.

## The Local Self-Government

The Local Self-Government is the category of the constitutional law and political system. Regardless the degree of completion it means effort and request for participation, self-determination and self-governance. It characterizes the effort of people who more or less manage themselves with matters relating to its community affairs, either directly or as often, through representatives. The Local self-government is a form of the governance, local government units, ie the system of governance and political form in basic communities and wider political-administrative local units (countries, cities, municipalities, districts, departments, provinces, districts, regions). It is initially formed at communities in the sociological sense. The political activity is one of the most important features of the political process. Andrew Heywood in his study “Politics”, to “what is the politics?” corresponds that it is above all social and collective. Politics exists and is realized among people to regulate their relations by making decisions or setting rules that apply to all. Otto von Bismarck, the German Chancellor, in one of his debates called politics as an art. By art Bismarck meant the art of governing, that contained also exercise control within the company by making and implementing collective decisions (Llambro, 2003).

There is no universally accepted definition for the civil organizations. However, according the UN definition, the civic organizations are...*non-profit, voluntary citizens groups organized on local, national and international levels, with the aim to raise questions of public interest. Goal-oriented and created by people sharing common interests, they provide a variety of services and humanitarian functions, represent the needs of the citizens in front of the governments, monitor policies and implementation of programmes and support the participation of civil sector on community level* (United Nations, n.d.)

At least five citizens of voting age, who are citizens of the Republic of North Macedonia, may establish an association. One or more founders may found a foundation and the founding capital shall be no less than 5,000.00 EUR in Denars counter-value, at the exchange rate for the day of the registration, as determined by the National Bank of North Macedonia (Delova, 2007).

According to many authors, the Citizens’ Associations represent an important instrument for democracy and pluralism of modern society relations, support processes and expanding individual participation and the free choice of individuals, namely construction of "capacity" for the development of civil association.

The participatory approach of making policies and laws on the EU level and its member states is enshrined in the Lisbon treaty. Specifically, Article 10 prescribes that: "Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen." (Treaty on European Union, 2016, Art. 10(3)). This also reflects obligations of local governments to work toward participatory democracy in light of EU endeavours. This quote can be found in the Consolidated Version of the Treaty on European Union.

## The Role and the Influence of Citizens' Associations in North Macedonia

As mentioned earlier, according to the Law on Associations of Citizens and Foundations since 1998, the two main legal forms of civil organizations in the Republic of North Macedonia are associations of citizens (membership organizations), the existence of which is related to bringing people and foundations which are based on union funds.

The role and influence of associations in the Republic of North Macedonia is manifested in several areas: public policy and fulfillment of social needs; strengthening of citizens, especially the strengthening of women and marginalized persons and informing and educating the citizens; impact of the national budget process; fight against corruption and asking responsibilities from private enterprises.

The area where the associations have been successful so far are at strengthening the citizens, especially the strengthening of marginalized persons and at informing and educating the citizens. The area of the associations as a  moderate are influencing public policy and fulfillment of social needs. And the area where the associations have not achieved a lot, or not at all are the impact on the national budget process and asking responsibilities from private enterprises.

## The Significance of the Study

This case-study investigated the influence of Citizens' Associations on local government during the decentralization process in the Republic of North Macedonia and to what extend the citizens of Skopje take part in compilation of public policy.

The city of Skopje as a capital of the Republic of North Macedonia has a special status and it has ten municipalities. Among the ten existing municipalities in Skopje, two municipalities are chosen. The municipality of Karposh and the Municipality of Chair. According to the last Census in 2021 the Municipality of Karposh has 63.760 inhabitants living in the area of 35,21 $km^2$ (City Population, 2021). The population is diverse, whereas the majority 88.52% are Ethnic Macedonians, 3.66% Serbians, 3.27% Albanians and the other ethnicities appear with a lower percentage (Municipality of Karposh, n.d.).

And according the last census, the Municipality of Chair has 64.773 inhabitants living in the area of 3.52 $km^2$, one of the municipalities with the highest density in Europe, 18.400 inhabitants living in 1 $km^2$. The population is mixed, 57% Albanians, 24.13%Macedonians, 6.95% Turkish, 4.76% Roma, 4.55% Bosnians, and the other ethnicities take part with lower that 1% (Municipality of Chair, n.d.)

This research paper also examined how much the citizens can be informed from the municipalities' official web sites. The official web site of Karposh offers two languages: Macedonian and English, and the web site of Chair is in three languages: Albanian, Macedonian and English.

## Methods, Procedure and Results

The methods used for this research are of scientific overall statistical methods, where the data is presented in quantitative ways given in statistical tables. As an instrument to measure the citizens' knowledge for interest groups and associations and in what level they participate and influence to improve their lives on local level a questionnaire was compiled with the following questions:

1. Have you heard about interest groups?
2. Can you give a definition for an interest group?
3. Are citizens' associations active in your municipality?
4. Are you a member of any of the following associations?
5. If you are a member of any association, how often do you meet and discuss?
6. Is there any particular office in your municipality to discuss the actual problems?

## Participants and Procedure:

The participants in the case-study were 200 citizens living in the City of Skopje, mixed nationalities Albanian, Macedonian, Turkish, Serbian, Bosnian, Roma, and Vlach. 100 citizens that were contacted live in the Municipality of Karposh and the other 100 citizens live in the Municipality of Chair. Materials from the official web-sites of these two municipalities were used, and the aim was to see if the citizens can be informed through the municipalities' web sites. Data were collected through a telephone survey conducted between January and February 2024. Every fifth listed household was selected using a systematic sampling technique based on landline telephone numbers available in the online directory (ZK, n.d.).

## The Phone Survey Results

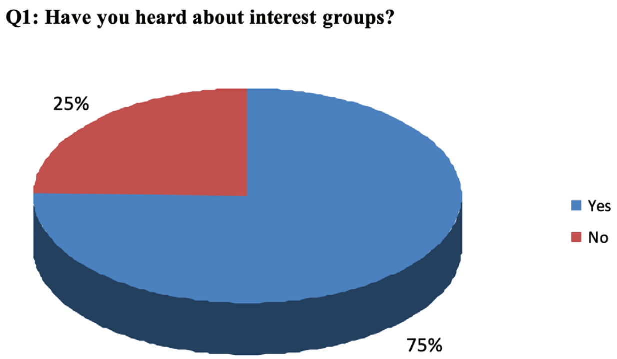


**Figure 1:** The average percentage of question 1 in both municipalities

For Question 1, all 100 respondents from the Municipality of Karpoš answered "yes", whereas 50 respondents from the Municipality of Čair provided the same response. The results are presented in the table below. A difference was observed in response behavior between the two municipalities.

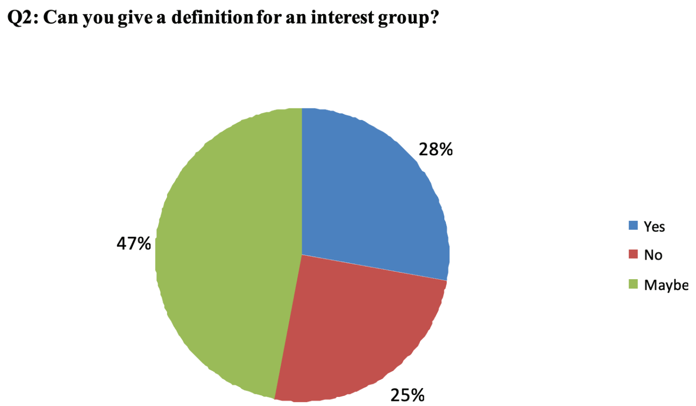


**Figure 2:** Question 2 of the survey in the Municipality of Chair

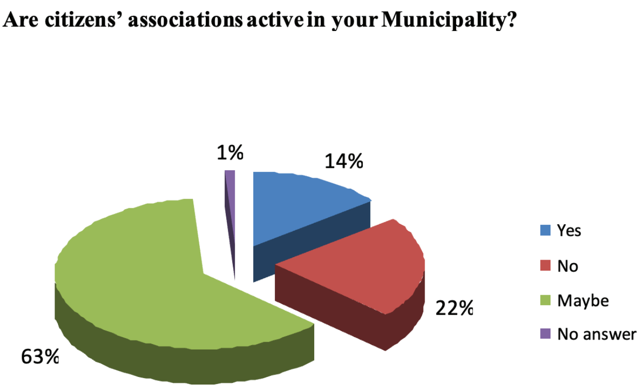


**Figure 3:** Question 3 of the survey

Fourteen percent of the respondents who provided a positive response were residents of the Municipality of Karpoš.

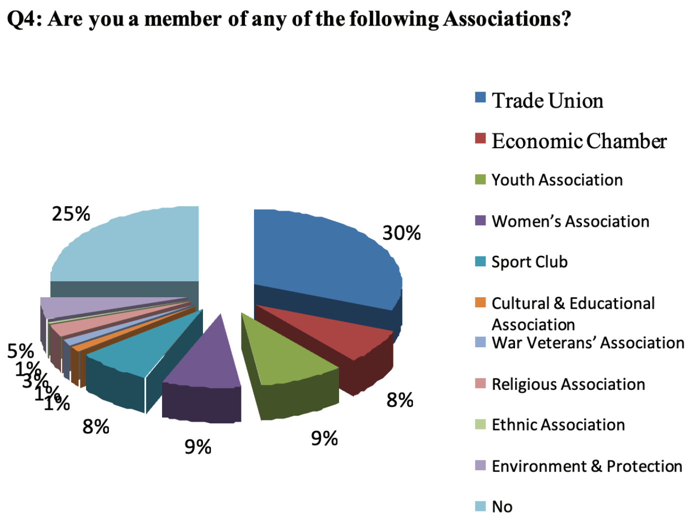


**Figure 4:** Question 4 of the survey

The pie chart presents data on individuals' membership in different types of associations. The results show a clear hierarchy in association engagement, indicating varying levels of participation across social, economic, and civic organizations. The largest share of respondents, 30%, reported being members of a Trade Union. This suggests that organized labor remains a central and influential structure for collective representation. Such high union membership may reflect a strong formal employment sector, labor rights awareness, or historical traditions of collective bargaining. The second largest group, comprising 25% of respondents, indicated no membership in any association. This figure is significant, pointing to potential disengagement from civic and collective life or barriers to participation such as lack of awareness, interest, or access. The contrast between trade union engagement and overall non-membership highlights the dual nature of social involvement—strong in specific institutional contexts, but limited in broader civil society participation.

Two associations—Youth Associations (9%) and Women's Associations (9%)—follow as moderately represented categories. Their near-equal shares suggest parallel structures of engagement, possibly reflecting gender and age-related mobilization. Such organizations may play crucial roles in fostering social development, empowerment, and community activism among younger demographics and women.

Similarly, Economic Chamber membership (8%) and Sport Club membership (8%) represent comparable participation levels. These figures imply that while economic and recreational associations attract some members, their appeal is not as broad as that of trade unions. Economic Chambers often require business affiliation, potentially limiting accessibility to general populations.

Membership in other association types—Cultural & Educational (3%), War Veterans' (1%), Religious (1%), Ethnic (1%), and Environment & Protection (5%)—is comparatively low. These results may indicate that such associations cater to more specialized interests or smaller social groups. The relatively low participation in environmental and cultural associations may also reflect limited public awareness or prioritization of these domains in civic engagement.

Overall, the data reveal a concentration of association membership in traditional and structured organizations (notably trade unions), with weaker representation in voluntary and identity-based associations. This trend can be interpreted as evidence of a civic culture that is more institutional than grassroots-oriented.

In summary, while a significant portion of respondents demonstrate engagement through trade unions and selected social organizations, a quarter remain unassociated. This imbalance underscores the need for policies and initiatives aimed at strengthening civic participation, diversifying membership opportunities, and promoting inclusive engagement across environmental, cultural, and educational associations.

## Conclusion and Recommendations for Further Research

According the phone survey and the data found in the web sites of the Municipality of Karposh and Chair, it is concluded that in the municipality of Chair citizens are beginning to identify the decentralized areas that have 'tangible impact on their everyday lives'. In the Chair Municipality, there is not too many data on the official web site. Because of the small territory and high density, there is a lack of offices for citizens' associations. Furthermore, there is an institutional weakness and low implementation capacity, which limits the voice and participation of citizens. The citizens still are not aware that they can be crucial in decision making and public policy processes, but they still think that someone else should decide on their behalf. In the municipality of Chair International Organizations continually contribute with projects, as municipality's partners. They are: USAID, UNDP, NDI, Word Bank and European Agency for Reconstruction. Recently the USAID office stopped with the projects.

In the Municipality of Karposh there are 40 registered NGO-s and Citizens' Associations that cooperate with the municipality. There are often public debates, and the citizens can be informed in advance through the municipality's web site. There is a special unit assigned to work with citizens and the municipality financially supports the associations. The citizens are very active and aware of their duties and responsibilities. It has a Certificate of Approval for Quality Management System ISO 9001:2008 and this Municipality should be used as a model for other municipalities in the country.

Thus, the empirical findings reveal a considerable gap between institutional frameworks and their effective implementation, resulting in limited civic engagement and a weakened interface between citizens and local authorities. Such deficiencies not only constrain participatory governance but also undermine the fundamental principles of the rule of law and equal access to justice. Addressing these shortcomings requires strengthening institutional capacities, enhancing transparency, and fostering a culture of civic responsibility and trust in public institutions. Furthermore, the active involvement of nongovernmental and international organizations demonstrates the potential for collaborative approaches to reinforce democratic practices and promote more inclusive decision-making processes. Ensuring that citizens' voices are meaningfully integrated into policy development remains a crucial prerequisite for consolidating democratic governance in North Macedonia.

As this research was done with the citizens living in just two municipalities of Skopje another study should be carried out on the influence of citizens' associations on decision-making, involving the inhabitants living in other municipalities in the City of Skopje and wider in North Macedonia and a bigger sample should be used. The author hopes in future to continue with the research and do a survey with youth associations; especially with students studying in State and Private Universities in North Macedonia since recently the youth is not involved in these activities, while in other European countries and in the USA the students shape the public policy.

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BALKAN JOURNALS

# The Effect of Socio-Economic Risk (Criminogenic) Factors and Psychological Perspectives of Juvenile Delinquency: Psychodynamic and Cognitive Approaches

**Ebru Ibish, Shehida Rizvanche Matsani**

*Abstract*

Juvenile delinquency is a complex phenomenon. When considering the causes of crime, the effects of internal and external factors are quite important. More precisely, we can talk about factors related to society and factors related to the individual. If we examine the causes of crime in terms of factors related to the individual, psychological theories find application in this very part of criminological studies. It would not be right to stick to a single theory when considering juvenile delinquency, which is generally of close interest to criminology and criminal law. However, considering the changes children show in their developmental stages, psychological theories are inevitable when explaining this phenomenon. Psychodynamic, social learning and cognitive theories are particularly important in explaining juvenile delinquency within the scope of psychological theories. The psychodynamic perspective emphasizes the influence of unconscious processes, unresolved conflicts from childhood, and the role of family dynamics in shaping an individual's propensity for delinquency. The social learning approach highlights the significance of environmental factors and observational learning. This perspective argues that adolescents learn behaviors through the modeling of significant others, such as peers and family members. The reinforcement of these behaviors through positive and negative feedback further contributes to the persistence of delinquent actions. The cognitive approach focuses on the mental processes that underpin decision-making and the interpretation of social cues. It suggests that delinquents often exhibit cognitive distortions, such as attributing blame or justifying harmful actions, which skew their perceptions of morality and consequence. This perspective underscores the importance of cognitive restructuring and intervention programs aimed at fostering critical thinking and empathy to combat delinquency.

*Keywords:* Juvenile delinquency, juvenile crime, psychodynamic theory, social learning theory, cognitive theory.

## Introduction

Juvenile delinquency remains a critical global concern, with profound implications for public safety, youth development, and social stability. Socio-economic factors set up the main risk area. Psychological theories explain how those factors effects personal behavior. Putting socio-economic elements together with psychodynamic, social learning, and cognitive theories gives almost a full picture of juvenile delinquency.

In the period of rapid economic, cultural, and demographic changes in societies, youth are increasingly exposed to criminogenic risk factors like poverty, social disorganization, family instability, and lack of access to education and social services. These factors may particularly heighten vulnerability to deviant behaviors when combined with emotional, cognitive, or developmental challenges.

Understanding how socio-economic risks interact with psychological dimensions is thus essential to the formulation of comprehensive prevention and intervention strategies. Childhood is a critical period during which the foundations of an individual's personality development and emotional structuring are laid. Traumatic experiences during this period, events such as physical, emotional, or sexual abuse, neglect, domestic violence, loss of a parent, or interfamily conflict, can negatively impact a child's psychosocial well-being.

Such experiences can lead to distortions in an individual's self-perception, undermined confidence, and inadequate emotional regulation, paving the way for later criminal behavior.

Psychological theories provide an important framework for understanding the causes of child and adolescent delinquency. In this context, for the aims of this paper psychodynamic, social learning, and cognitive theories will explain the process by which individuals turn to crime from different perspectives, shedding light on the psychological mechanisms underlying behavior. Within psychology, two theoretical frameworks-psychodynamic and cognitive-offer insightful analysis into the processes leading to juvenile offending. Psychodynamic theory places significant emphasis on early childhood experiences, unconscious conflicts, and emotional regulation difficulties, which may result in delinquent behavior as a maladaptive response to unresolved inner conflicts. Cognitive approaches, however, center more on how the offending young person perceives and interprets their social environment and then acts upon that perception, pointing to such issues as defects in moral reasoning, information processing, decision-making, and problem-solving.

By combining these psychological viewpoints with socio-economic criminogenic factors, the present paper will provide a more comprehensive account of the origins and development of juvenile delinquency.

## The Effect of Socio-Economic Risk (Criminogenic) Factors on Juvenile Delinquency

From a criminological point of view, criminogenic factors are key and basic in order to explain the causes of juvenile delinquency. When examining the causes of juvenile delinquency, it is necessary to include etiological factors. The process of identifying the problem and the source of crime and delinquency is certainly not simple; it depends on various factors directed at the individual and the social environment.

In criminology, when researching the etiological characteristics of crime and delinquency, we encounter a distinction between endogenous and exogenous, or internal and external risk factors in etiology. According to this division, endogenous factors in etiology focuses on the individual and the reasons that led to their involvement in crime and delinquency, while exogenous factors in etiology focuses on society and the changes that occur within it, which certainly affect the occurrence of crime and delinquency.

The etiology of juvenile delinquency should be investigated from the perspective of macro and micro causes of delinquency. However, given that these are delinquents who differ in their biological, psychological, and social characteristics from adults, it is certainly necessary to place greater emphasis on the specifics of criminogenic factors as the main indicators of the causes of delinquency in juveniles, as well as endogenous and exogenous factors as a very significant segment of the overall etiology of juvenile delinquency. Criminogenic factors are the most important segment of the etiological part of juvenile delinquency.

Most often in the literature, the following basic criminogenic factors appear: poverty, unemployment, wealth and migrations but they are not the only factors that can be presented as causes that influence juvenile delinquency, so with globalization, the development of society, and the development of technology, we get new categories of criminogenic factors that serve as indicators of the causes of delinquency. Scientifically verified knowledge of the etiology of juvenile delinquency and the study of the factors that determine juvenile delinquency locate criminogenic factors at three levels: general level (covering the material socio-economic conditions of life), special level (the microenvironment in which the child lives, develops and forms a personality) and individual level (the personality of the delinquent with his biological, psychological, emotional, intellectual abilities) (Arnaudovski, 2000).

Today, there are different classifications of criminogenic/risk factors in criminology. Some factors focus on internal and external, some on primary and secondary, while some focus on actors related to the individual and society.

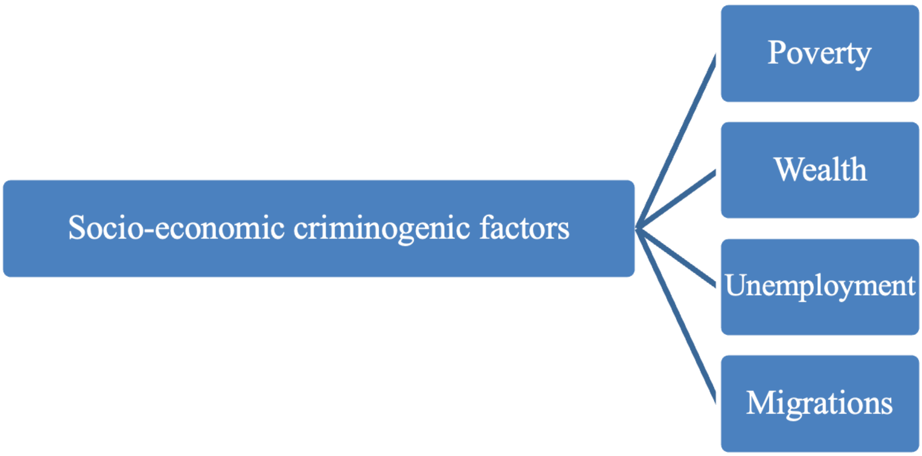


**Figure I:** Classification of socio-economic criminogenic (risk) factors

## Poverty as a Risk Factor

Poverty is an expression of class inequality in a society, it is closely related to begging, vagrancy and even migrations. According to UNICEF nearly 900 million children worldwide experience multidimensional poverty – meaning they lack necessities like food, water, shelter, education and healthcare. From the criminological perspective, poverty appears as one of the main factors of juvenile delinquency.

Poverty is one of the strongest structural predictors of juvenile delinquency. Children who grow up in economically deprived environments often face chronic stress, limited supervision, and fewer prosocial opportunities, all of which increase the likelihood of engaging in delinquent behavior. Research shows that economic hardship can disrupt family functioning by increasing parental stress, reducing effective parenting, and limiting the time and emotional resources parents can devote to their children (Conger et al., 2010).

Poverty directly affects the involvement of children in socio-pathological phenomena, especially prostitution and vagrancy. Poverty creates aggression towards the child, which later turns into participation in delinquent activities.

There are so-called "delinquent areas" or "delinquent environments" in which poverty is more prevalent and hence the delinquency rate is higher; these are ghettos, poor neighborhoods of large cities with poor living conditions and deficient recreational facilities. Poor education, unfavorable living conditions, and a poor environment are important characteristics of poverty.

Poverty leads to children working in unfavorable conditions that hurt their proper development. In order to provide conditions for existence, the development, health, education and safety of the child are neglected.

Migrations are a very significant factor in explaining the impact of poverty on juvenile delinquency, because a large percentage of migrant children face poverty and very poor living conditions, hence they find the solution in crime and delinquency. In conditions of war when poverty is most prevalent, the rate of crime and delinquency shows a growing tendency and finally, the class division in a society between rich and low-income families undoubtedly has a direct impact on juvenile delinquents.

## Wealth as a Risk Factor

To explain the influence of wealth, the child's family should also be given space. Thus, in wealthy families, the possibility of committing crimes and involving children in delinquency is not excluded, even though the family has a satisfactory financial situation. Here, we will discuss different types of crimes that do not coincide with those associated with poverty.

To delve into the essence and influence of this factor on the child, the following three elements, which mutually influence one another, are crucial: family, supervision and the financial status of the family.

Within the framework of this criminogenic factor, we most often talk about some of the sociopathological types, especially drug addiction (use and trafficking in narcotics), prostitution, and computer crime, which have recently become characteristic of juvenile delinquents, as well as organized crime.

Prostitution is one of the oldest professions, which was previously associated only with poverty. However, older research suggests that this sociopathological phenomenon is characteristic of people affected by poverty and misery, but today we associate prostitution not only with poverty, but also with wealth. It is mostly female juvenile delinquents who practice this profession with people from the upper class of society; in this case, it is not about coercion, but rather about the child's own initiative, and hence, we return to the same problem: lack of supervision by the family. Today, the use and sale of narcotics is becoming an increasingly widespread phenomenon, especially for minors aged 15 to 18 (during secondary education).

## Unemployment as a Risk Factor

One of the main threats arising from the economic crisis is unemployment. The unemployment rate of a country is closely related to the relationship between unemployment and delinquency; more precisely, this means that the higher the unemployment rate in a society, the higher the rate of juvenile delinquency and, by extension, crime in general.

Within the framework of juvenile delinquency, the unemployment situation of the child and the child's family is considered, as well as the effects arising from this situation, which are insufficient material resources that lead to the child's dissatisfaction with his life and demands, and hence his delinquent activities to more easily obtain material resources.

The issue of criminogenic factors is indeed very complex, and it is obvious that they often overlap, i.e., have a close relationship when defining their impact on delinquency.

Unemployment as a criminogenic factor not only affects the economic situation of family members and society, but it also represents a chain of many other negative conditions that affect the development of the child, such as:

- Exclusion of the child from the educational process due to lack of funds,
- Participation of children under 15 years of age in the labor market with poor and difficult working conditions that can disrupt their health
- Begging and begging, which show a growing tendency in North Macedonia
- Living in environments in which the child remains directly under the influence of gangs and criminal groups
- Disruption of interpersonal relationships and, of course, committing delinquent activities.

## Migrations as a Risk Factor

In recent years, with the serious emergence of the migrant crisis, migration has proven to be a very influential criminogenic factor on crime and delinquency. The relationship between migration and delinquency is not a new phenomenon; this issue in the United States began to be monitored and researched in the mid-20th century. Migrations not only contributes to an increase in the rate of crime and delinquency, but at the same time, serious forms of crime such as human trafficking, child trafficking, migrant smuggling, and prostitution occur here.

In this context, it is particularly important to emphasize one of the most serious crimes: the sexual exploitation of children which can be defined as a serious violation of their rights and a deeply disturbing issue that demands urgent attention. It involves the manipulation, coercion, or abuse of children for sexual purposes, causing immense harm and long-lasting consequences. Child sexual exploitation refers to the use of children for sexual purposes, which can manifest in various forms. These include child pornography, child trafficking, child prostitution, online grooming, and the production and distribution of explicit materials involving children (Metaj & Ibish, 2024).

## Importance of Psychodynamic Theories

The psychodynamic theory assumes that individuals develop in stages, and that abnormalities may emerge during these stages, resulting in inhibited personality development. This leads to conflicts between an individual's personal desires and the constraints imposed by society, which can lead to criminal behavior (Shoemaker, 2018). The roots of the psychodynamic theory to juvenile delinquency date back to Sigmund Freud (1900/1953). According to the psychodynamic theory, crime occurs when certain desires and tendencies repressed in the individual's subconscious deviate from normal behavior and transform into abnormal behavior (Sözen, 1986).

The psychodynamic theory posits that criminality is a manifestation of the fundamental structures that constitute a person's psychological framework, including Freud's conceptualizations of the "conscious" and "unconscious" and the interactions between the id, ego, and superego. Therefore, this theory posits that criminality is primarily a result of the psychic conflict between the unconscious ego and the conscious superego (Vold & Bernard, 1986).

Sigmund Freud (1923), the founder of this theory, proposed that personality consists of three fundamental structures: the id, the ego, and the superego. From the psychodynamic theory of criminality, a child classified as mentally balanced is characterized by the harmonious functioning of these three personality factors, balancing each other and enabling the child to function normally. Freud's structural model of personality, comprised of the id, ego, and superego, provides a useful framework for explaining criminal behavior. Driven by primitive instincts and the pleasure principle, the id seeks immediate gratification. The id can be identified as the source of antisocial behavior and attempts to meet the individual's desires and needs at the expense of society. The ego mediates between these drives and the reality principle, while the superego represents internalized moral standards and focuses on the social norms and values the child learns through socialization (Freud, 1925; cited in Thompson & Morris, 2016).

Delinquent behavior occurs because of imbalance between these three parts of our personality and is thought to be a symbolic way of meeting our unconscious needs (Siegel et al. 2006). Freud emphasized the influence of parental parenting on ego and superego development, explaining criminal behavior as the overdevelopment or underdevelopment of the superego during childhood (Geçtan, 2003; Öncül, 2017; Shoemaker, 2018).

In delinquent children, the superego is often inadequately developed due to inconsistent discipline, neglectful or overly authoritarian parental attitudes, emotional neglect, or the lack of stable parental figures (Alexander, 1930). Psychodynamic theorists emphasize that juvenile delinquency is often an expression of family dysfunction. Aggression in children may be the result of imitating inadequate or even violent parental behavior (Kostic, 2013). Parental conflict, inconsistent discipline, or the absence of a father figure can disrupt a child's ego development and moral internalization (Glueck & Glueck, 1950). According to the studies of Ardoin and Bartling (2010), the most important causes of juvenile delinquency are father absence, mother absence, domestic violence, alcohol or illegal substance use, parent or siblings who have received a custodial sentence, child mental health history, and poverty.

Traumatic experiences during childhood can lead to problems with secure attachment to parents. Children with emotional attachment problems, in particular, may exhibit impaired empathy and understanding of others' emotions due to a lack of secure attachment relationships. This can lead to aggressive, unruly, or antisocial behavior patterns (Bowlby, 1969). From a psychodynamic perspective, the roots of delinquency are often traced back to early attachment failures and parental rejection. Emotional deprivation, harsh punishment, or inconsistent care can lead to feelings of anger, frustration, and insecurity in the child. If these feelings are repressed, they can later manifest as aggression or defiance of authority (Bowlby, 1944; Blos, 1962). Internal conflicts, which often stem from a conflict between the id and the ego and lead to guilt, are extremely painful for the individual. Therefore, the individual pushes them into the unconscious. They then develop coping strategies called defense mechanisms to cope with the conflicts. However, these defense mechanisms can lead to problematic personality traits and problematic behaviors such as delinquency (Söylev, 2022). Criminal behavior can also be understood as the result of maladaptive defense mechanisms. Psychologically traumatic experiences such as neglect, abuse, and overly authoritarian or inconsistent parenting styles undermine a child's sense of security, negatively impacting both self-development and impulse control. This leads to the maladaptive and dysfunctional use of defense mechanisms, which form the psychological basis of behaviors defined as criminal behavior. Research shows that family dysfunction, neglect/abuse, and negative parenting behaviors weaken children's ability to regulate their emotions, resulting in the increased use of more primitive defense mechanisms and an increase in delinquent behavior (Aazami et al. 2023). For example, a child who unconsciously harbors anger toward a rejecting parent may direct this hostility toward peers, property, or authority figures. These behaviors serve as unconscious attempts to regain control over distressing emotions.

In his psychodynamic theory, Alfred Adler (1870-1937) conducted research on children who committed crimes and linked criminal behavior to a lack of social attention developed from childhood. According to Adler, crime is not solely caused by environmental or physical conditions; its underlying basis lies in an inferiority complex. Adler argued that an inferiority complex can have mental, physical, or social origins, emphasizing that such feelings drive individuals to strive for success but also lead them to engage in criminal behavior, particularly due to factors stemming from parental attitudes within the family (Söylev, 2022).

In conclusion, the psychodynamic theory addresses juvenile delinquency within a holistic framework that encompasses not only visible behavior but also childhood traumas, family relationships, emotional needs, and unconscious processes. It offers a comprehensive understanding of both the prevention of criminal behavior and the promotion of healthy personality development. From a psychodynamic perspective, juvenile delinquency emphasizes the decisive influence of early childhood experiences, unconscious conflicts, and family interactions on an individual's behavioral patterns. This framework highlights the importance of early diagnosis, psychological support, and family-based interventions when working with children who are prone to delinquency.

## The Cognitive Approach

The cognitive theory is a theoretical framework that explains juvenile delinquency through an individual's thinking styles, problem-solving abilities, social information processing processes, and cognitive distortions. According to this theory, the basis for a child's delinquency lies not in environmental factors but in how they perceive, interpret, and evaluate their environment. In other words, behavior is determined not by the situations a child encounters, but by the thought patterns they develop about these situations. Criminal behavior, in turn, often emerges as a result of faulty thinking patterns, often referred to as cognitive distortions (Beck, 1967; Dodge, 2006; Walter, 2006; Walters, 2012).

A core concept of the cognitive framework is cognitive distortions, which refer to biased, inaccurate, or irrational thought patterns that justify or rationalize harmful actions. Young offenders frequently exhibit distortions such as externalizing blame, minimizing the consequences of harmful actions, devaluing the victim, and egocentric justification (Walters, 2012). For example, beliefs such as "violence is the only way to gain respect," "everyone breaks the rules," or "I'm not responsible because others provoked me" reflect maladaptive cognitive schemas that reinforce criminal behavior (Gibbs et al., 1995).

The cognitive theory addresses the mental processes underlying criminal behavior. These mental processes (e.g., social information processing, decision-making, schemas, and attributions) can be situational, that is, specific to the moment of the incident and a specific behavior, or they can point to more enduring factors that pave the way for the emergence of this behavior. For example, children with high aggression have been shown to be less sensitive to facial expressions and nonverbal messages in social interactions, to interpret these more inaccurately, and to have difficulty understanding others' emotions (Öncül, 2017).

Studies highlight these children's negative experiences with violence and the schemas these experiences create. Through these schemas, children may interpret others' intentions and behaviors in a more hostile manner and attribute more positive meanings to aggressive behavior. A criminal-positive mindset becomes a significant causal factor predicting the likelihood of this behavior recurring (Walter, 2012).

Cognitive distortions frequently exhibited by individuals with criminal tendencies include thinking patterns such as placing blame on others, justifying harmful actions, or minimizing victim responsibility. Such thinking impairs both an individual's moral judgment and their ability to properly evaluate the consequences of their actions. According to Kohlberg's theory of moral development, most criminally predisposed youth exhibit moral thinking focused on avoiding punishment or self-interest, making it difficult for them to develop behaviors consistent with social values.

Kohlberg, a leading figure in cognitive development theory, discussed three levels of moral development: Preconventional (Premoral), Conventional, and Postconventional (Autonomy). The first level Kohlberg identified, the preconventional level, is the stage in which a child's behavior is guided by rules established by others. During this stage, children generally attempt to avoid punishment by obeying the rules of their parents and caregivers. The second level, the conventional level, is the stage in which children adopt the rules of others and conform to social expectations, even if this sometimes goes against their own interests. Finally, the postconventional level refers to the stage in which an individual develops their own ethical principles and values and chooses to act accordingly. According to this model, criminal behavior stems from individuals who are morally immature. Kohlberg argued that moral thinking must first be developed before moral action can occur. According to Kohlberg, not reaching the pre-moral period, that is, having a low level of moral development, is one of the main reasons for juvenile delinquency (Maxfield & Babbie, 2009; Cited in Alparslan, 2023; Kohlberg, 1958; Cited in Thompson, 2025).

The cognitive theory generally considers juvenile delinquency within the broader context of thought processes, arguing that antisocial behavior stems from distorted thinking, inadequate moral reasoning, and deficiencies in interpreting social information. This framework suggests that delinquency should be assessed not only through behavioral outcomes but also through the cognitive processes, thinking styles, and moral evaluation mechanisms that lead to these outcomes. In this regard, programs that focus on cognitive restructuring, strengthening social problem-solving skills, empathy training, and improving moral reasoning have been found to be effective in interventions for children prone to delinquency. Consequently, it can be argued that practices aimed at preventing and reducing juvenile delinquency should be supported by holistic approaches that target cognitive processes.

## Conclusion

At its core, juvenile delinquency is multifaceted, stemming from socio-economic conditions interacting dynamically with psychological mechanisms. A recurring emphasis in this paper has been placed on how structural variables-poverty, community disorganization, family instability, and inadequate availability of basic services-provide the socio-economic environments in which youngsters are more susceptible to criminogenic influences. Psychological theories particularly psychodynamic and cognitive perspectives offer critical understanding of the internal mechanisms that influence how juveniles perceive, interpret, and ultimately respond to these socio-economic criminogenic factors.

Psychodynamic approaches emphasize the long-term influence of trauma and emotional dysregulation during early childhood years, showing how unresolved inner conflicts may be manifested as antisocial behaviors. Cognitive theories point to impairments in moral reasoning and problem-solving that can distort a teenager's understanding of social situations, leading to harmful, maladaptive decisions.

These varied perspectives reinforce the need for an integrated framework for understanding juvenile delinquency, one that incorporates both structural conditions of risk elevation and the mediating psychological processes that influence individual behavior.

Only when psychological development is located in its wider socio-economic context can a full and subtle understanding of delinquency emerge, along with clearer routes to effective prevention and intervention. Ultimately, strategies for tackling juvenile offending have to be aimed not only at relieving socio-economic disadvantage but also at promoting healthy psychological development so that young people have the emotional, cognitive, and social resources to negotiate their environments without recourse to crime.

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# The Rational Actor Approach in the Kurdish Initiative's Demonstration of Ontological Security in Turkish Foreign Policy

Isa Kasum

*Abstract*

The Kurdish Initiative, led by the Justice and Development Party (AKP), aimed to integrate the Kurds who constitute the majority in many provinces of the Southeast but are considered a minority within the national framework of the Republic of Türkiye into the system and to reduce the influence of organizations like the PKK (Kurdistan Workers Party), which has been a source of conflict in the country for thirty years. However, in later stages, the AKP administration pursued a rational actor approach on behalf of the Republic of Türkiye, ultimately seeking to prevent the establishment of a Kurdish state, whether through cross-border operations in Syria or occasional targeted operations against high-ranking PKK leaders in Northern Iraq.

*Keywords:* Republic of Türkiye, AKP, PKK, rational actor.

## Introduction

Initially, our main argument, the Kurdish Initiative, and its internal impact on Turkish Foreign Policy, are largely seen as a product of the structure-agency problem. While structure is primarily seen as a matter of Turkish domestic policy, over time, it can be portrayed as a threat factor employed to eliminate the Kurdistan Workers Party (PKK), to single-handedly resolve the Kurdish issue while fully integrating Kurdish identity into the system, and to separate the PKK, naturally seen as outside the system, from Türkiye's domestic politics and transform it into an external issue. Or, more importantly, to assert its neo-Ottomanist policy as a foreign policy threat, thus resolving the century-long Mosul and Kirkuk situation. Türkiye has also been grappling with the Kurdish issue, which has an ethno-political nature, since the very first day of its organization as a nation-state. Under various guises (such as the Eastern Question, the problem of backwardness, the problem of terrorism, etc.), it has been striving to eliminate this issue or minimize its impact.

The Kurdish issue has many dimensions. The multifaceted nature of the problem inevitably leads to heavy costs. The period of conflict over the last 30 years, in particular, has caused significant social, economic, political, and legal damage. Therefore, the Kurdish issue is one of the greatest obstacles to social peace and stability, economic development, and democracy in Türkiye and must be resolved urgently. Since 1984, when the PKK began its armed struggle, Türkiye has pursued two approaches to resolving the Kurdish issue. The first is security. The Turkish state has perceived this issue primarily as a security issue. It has attempted to resolve the issue by increasing public order measures, restricting freedoms, and, when necessary, resorting to extralegal measures. However, an issue involving ethnic identity demands and a social and political basis cannot be resolved solely by increasing security measures. This has only exacerbated the problem.

## History of Kurdish Identity and Population Area

Kurds have a long presence in the region, and their origins are generally traced back to the ancient Medes, who lived in the mountainous region of northwestern Iran and rose to prominence in the 7th century BC. Kurdish nationalists have used the Nowruz festival and the Legend of Kawa the Blacksmith to explain the historical emergence of the Kurds and to construct the Median Empire as the golden age of the Kurdish nation. After the decline and disintegration of the Abbasid Caliphate in the 10th century, a number of Kurdish emirates rose to prominence. From the

11th century onward, the Kurdish emirates had to contend with the growing influence of the Seljuk Turks, who had become the dominant power in the region after defeating the Byzantine Empire at the Battle of Manzikert in 1071 (Güneş, 2012, p. 33; O'Shea 2004, p. 151).

The rise of the Ottoman Empire from the early 16th century onwards led to military rivalry between the Ottoman and Safavid Empires, and a large portion of Kurdish-populated lands came under Ottoman rule after the Battle of Chaldiran in August 1514. The Ottoman victory marked a significant shift in the way the Kurdish Emirates negotiated their existence. Ottoman authorities adopted a policy of conciliation and a decentralized political system to gain the support of the Kurdish Emirates and empower them to deal with the threat posed by the Safavid Empire (McDowall, 2004). The Kurdish Emirates provided soldiers to the Ottoman Army when necessary and defended the empire's borders, "developing varying degrees of autonomy". During this period, the Bitlis Emirate established itself as a Kurdish economic and cultural centre, but the Ottoman Empire was keen to avoid any potential challenges to its rule in the region and consequently brought the emirate's territory under its direct rule in 1655 (Bengio & Eppel, 2016, p. 31). A number of other Kurdish emirates managed to maintain their presence within the Ottoman Empire until the first half of the 19th century. Furthermore, the Kurdish emirates of Ardalan and Baban remained loyal to the Safavid and later Qajar rulers of Iran and managed to maintain their presence until the mid-19th century (McDowall, 2004, pp. 32-36).

Between the 16th and 18th centuries, "Kurdistan" remained a border region between the Ottoman and Persian empires and the site of long geopolitical rivalries that hindered Kurdish national unity and the consolidation of Kurdish political structures in the region: Kurdish location on the path of many invading armies heading elsewhere guaranteed a turbulent history and hindered its social and economic development (O'Shea, 2004, p. 190).

The expansion of state authority into Kurdish lands in the early 19th century resulted in the elimination of the autonomy enjoyed by the Kurdish Emirates. Changes in the region's external relations (especially the cessation of hostilities and the establishment of a border between the Ottoman and Persian Empires after the signing of the Treaty of Erzurum in 1823, and the growing influence of Russia and Britain ended the favorable conditions that had allowed the Kurdish Emirates to grow (Bengio & Eppel, 2016, p. 46).

A number of Kurdish individuals rose to prominence within the empire's bureaucracy, and attempts were made to establish organizations that campaigned for the development of Kurdish society and the raising of Kurdish national consciousness. The Kurdish Mutual Aid and Progress Society, founded in 1908, and the Kurdistan Teali Society, founded in December 1918, are the main Kurdish nationalist organizations, and these movements emerged and remained active during a period of significant transformation in the Ottoman Empire (Bajalan, 2016). However, efforts to organize a stronger Kurdish movement and begin work towards the establishment of a Kurdish state were interrupted by the First World War. There is a dispute between some of the mandatory authorities regarding the ownership of the Mosul Vilayet. According to the Sykes-Picot Agreement of 1916, (Madhar Ahmad, 1994, p. 105), France was granted the Mosul Vilayet, but the discovery of oil in Kirkuk may have been one of the reasons for the change in the original agreement that granted control of Mosul to Britain in 1918. Consequently, the League of Nations granted France mandates over Syria and Lebanon and also granted Britain a right over Iraq and Palestine.

The British were trying to gain Kurdish support to counter Turkish Pan-Islamic propaganda and efforts to turn the Kurds against the British. Britain is supporting the proposed Kurdish autonomy or independence (McDowall, 2004, p. 156; Yassin, 1995, p. 47), It supports the creation of a barrier zone between the Soviet Union and the British sphere of interest, between the Soviet Union and Türkiye, between Türkiye and Iranian Azerbaijan, and between Türkiye and Central Asia to contain the possible expansion of Soviet influence into the Middle East following the October Revolution (Yassin, 1995, p. 49).

What should be noted here is that serious tensions developed between Sheikh Mahmud and the British. The British believed that Sheikh Mahmud planned to expand his authority to include all of Iraq's Kurdish regions, and that he was in a position to achieve his interests in the region by turning against the Turks (Jwaideh, 1999, pp. 193-194) When the British decided to reduce Sheikh Mahmud's power and influence, she responded by staging a rebellion, and on May 22, 1919, the first recorded revolution in Kurdish cities took place (Yassin, 1995, p. 199). This rebellion expanded to Erbil and Mosul. However, in November 1922, Sheikh Mahmud declared himself King of Kurdistan and accepted limited self-government within the new Iraqi state. In July 1924, the British permanently expelled him from modern day Northern Iraq (Pelletiere, 1984, pp. 62-63).

The idea of a Kurdish state encompassing all Kurdish-populated areas in areas so called "Kurdistan" and the Middle East was initially advocated by Xoybûn (Being Oneself) in the late 1920s and 1930s. Xoybûn is a Kurdish nationalist organization founded in Lebanon in 1927 by Kurdish nationalist intellectuals exiled from Türkiye to Syria and Lebanon after the founding of the Republic of Türkiye. It led the Ararat Rebellion in Türkiye between 1928 and 1930. Initial Kurdish attempts to secure their demands through armed rebellion failed to change the course of history. However, the idea of an independent state encompassing all of Kurdish populated areas as a homeland for all Kurds resurfaced in the second half of the 20th century (McDowall, 2004, pp. 203-205).

In addition to the discontinuities imposed by national borders, Kurdish identity functions internally as a source of differentiation within these states and as a linkage beyond state borders. Kurdish-populated areas are becoming peripheral to newly established states in the Middle East, which are highly centralized and authoritarian, adopting policies that leave little room for recognition of Kurdish identity and rights. Throughout the 20th century, Kurdish movements in Iraq, Iran, Türkiye and Syria resisted states and their attempts to control Kurdish-inhabited territories. Kurds were forced to rely on violence to subvert the nationalist movements pursued by states, but this drew them into protracted conflicts and pitted them against vastly superior military forces. One of the most significant developments in Kurdish politics in the mid-20th century was the establishment of a Kurdish Republic in Mahabad, Iran, in 1946. This came as a result of the occupation of Iran by British and Soviet forces following the end of World War II. The withdrawal of Soviet forces enabled the Iranian army to recapture Kurdish-controlled areas, and most of the Kurdish Republic's leaders were executed by Iranian authorities. However, some managed to escape to the Soviet Union (McDowall, 2004).

Kurds in Iraq have always harbored a universal desire for self-determination. The development of ethnic nationalism is largely linked to the existence of a common language, race, and religion. The spread of doctrinal nationalism among Kurds, resulting from the active participation of Kurdish intellectuals, was largely a reaction against Armenian, Turkish, Arab, and Persian nationalism. The explosion of movements during this period accelerated the emergence and growth of doctrinal nationalism among Kurds and encouraged them to demand freedom. The emergence of a Kurdish nationalist press and the establishment of Kurdish associations and communities further fueled Kurdish cultural and political activities. National parties, particularly the Hiwa Party, supported Barzani's use of nationalism, and it has been argued that the impact of socio-economic changes accelerated Barzani's rapid rise among the Kurds during and after World War II. However, Jabar and Mansour argues that the slogan of an autonomous Kurdistan and the idea of self-determination became the most important demand of the people, especially among the intelligentsia, who were instrumental in encouraging the people to move to a new phase of the liberation struggle. Furthermore, it is also argued that World War I was influential in the emergence of the first Kurdish nationalist movements in Türkiye and Iraq. The spread of the idea of self-determination was supported by two leaders, Soviet leader Lenin and US President Wilson. This encouraged the Kurds to demand an independent state (Jabar & Mansour, 2019, p. 15).

## The Concept of Identity - The Origin of the Kurds

It is argued that the ethnic problems that have emerged in modern times are rooted in many factors, such as socioeconomic and cultural inadequacies. While these claims alone are insufficient to explain the emergence of ethnic-based movements, they have significantly contributed to the continuity and reproduction of ethnic reactions. At this point, it is important to note that ethnic groups in many countries, from underdeveloped to highly developed ones, possess their own uniqueness, and that the causes of these problems may also be unique (Kurubaş, 2008, p.12).

Kurds are an indigenous people of the Mesopotamian plains and the highlands of what is now southeastern Türkiye, northeastern Syria, northern Iraq, northwest Iran, and southwest Armenia. Today, while they lack a standard dialect, they form a distinctive community united by race, culture, and language. While the majority are Sunni Muslims, they also adhere to a range of different religions and beliefs. In the early 20th century, many Kurds began to consider the creation of a homeland, commonly referred to as "Kurdistan". After World War I and the defeat of the Ottoman Empire, the victorious Western Allies made provisions for a Kurdish state in the 1920 Treaty of Sèvres. However, these hopes were dashed three years later when the Treaty of Lausanne, which defined the borders of modern Türkiye, made no provision for a Kurdish state and left the Kurds with minority status within their own country. After this, any Kurdish attempt to establish an independent state was abandoned. In pursuit of its strategic interests, Britain stripped the former Ottoman Empire of Basra, which was dominated by Shiite Arabs, Baghdad, which was dominated by Sunni Arabs, and Mosul, which was dominated by Kurds, in order to destabilize the Iraqi state. Britain's primary interest lies in protecting the trade route from India to the Mediterranean basin and Iraq's oil resources, particularly the northern oil fields of Kirkuk (McDowall, 2004, pp. 142-155).

In explaining the concept of identity, the initial stage is for an individual to answer the question "what they are." While each individual has some unique characteristics, they also share many similarities with others. In this respect, identity serves as a tool that sometimes differentiates an individual from others and sometimes emulates them. The sense of identity often oscillates between positive and negative meanings (Smith, 2020).

Mehmet Ali Kılıçbay argues that the concept of identity brings about homogeneity, and that this situation places identity in a state of limbo that both enables and hinders its own existence. Indeed, as used in Turkish identity actually refers to a forced commitment, a homogeneity with the multitude, rather than a conscious choice. In this respect, "homogenization" rather than "separation" comes to the fore (Kılıçbay, 2003, pp. 161-163). The concept of identity, in general terms, refers to the answers that individuals, groups, societies, or communities give to the questions "Who are you?" and "Who were you?" (Güvenç, 1993, p. 3). Bozkurt Güvenç examines identity under three categories:

- "Individual Identity: Identities presented through identity cards such as national identity cards and passports that serve to identify and distinguish individuals from one another."
- "Personal Identity: This type of identity consists of institutional identities such as work and profession, chosen with characteristics such as language, culture and religion inherited from ancestry."
- "National-Cultural Identity: It consists of identities such as religion, language and culture that come from history and lineage in societies" (Güvenç, 1993, p. 23).

There are several reasons for the advancement and spread of Kurdish nationalism; the imposition of Ottoman rule, the negative reactions of feudal and noble Kurdish families to a central authority, and the poor social and economic conditions prevalent in Kurdish regions have led to a society (Inati, 2003, p. 167). During World War I, Kurdish elites and educated urban individuals played a major role in the development of Kurdish nationalism and the politicization of Kurds. This coincided with the rise of the modern state system in the Middle East. The eventual dissolution of the Ottoman Empire was also a significant factor in the advancement of the ethno-national identities of the ethnic minorities under its rule.

## The Emergence of the Kurdistan Workers' Party (Partiya Karkeren Kurdistan) and the Internationalization of the Security Problem - Ontological Security - Rational Actor

Ontological security theory, which began to gain popularity in the early 2000s, has gained a significant place in the discipline of International Relations (IR) by offering an alternative approach to understanding states' foreign policy and security behavior. While traditional security approaches attempt to explain state behavior primarily through the concepts of physical security and survival, ontological security studies argue that physical security alone is insufficient to fully understand actor behavior, as actors also take identity-based security into account when making decisions. According to the ontological security approach, actors may adopt behaviors consistent with their identities even when such behaviors conflict with their physical security. This highlights the significance of ontological security: by integrating identity into security analysis, the concept offers an alternative explanatory framework for issues that traditional security theories often fail to adequately address.

The concept of ontological security was introduced into the IR discipline from the fields of psychoanalysis and sociology. In psychoanalysis, Ronald D. Laing used the concept to describe the individual's need for a stable and continuous sense of self (Laing, 1960, pp. 39-42), while Anthony Giddens further developed the concept within sociology to analyze the effects of modernization and globalization on the individual. According to Giddens, ontological security refers to the sense of confidence an individual feels regarding the continuity of their self-identity and the constancy of their social environment (Giddens, 1991, p. 38). The common point in these two thinkers' definitions of ontological security is the emphasis on the existence of an identity that is stable and persistent over time (Laing, 1960, p. 42; Giddens, 1990, pp. 92-100).

This theoretical framework has also been applied to collective actors and movements organized around identity-based claims. One such example is the PKK (Kurdistan Workers Party), which evolved from a small ideological circle that emerged during meetings in Ankara's Dikmen Park in the late 1970s into an organized movement and later initiated armed guerrilla warfare in 1984. The armed struggle launched by the PKK bears similarities to other identity-based insurgent movements, such as the FARC in Latin America. The PKK carried out armed operations not only against military targets but also, at times, against civilians. Although Öcalan is remembered by some Kurds as a folk hero, the large-scale ethnic cleansing campaign known as the "Operation Anfal," conducted by the Baathist regime of Iraq in the late 1980s and early 1990s, played a significant role in portraying the Kurds as an oppressed nation in the international arena (Glenny, 2012, pp. 334-340). However, what distinguishes the PKK from other terrorist groups is its direct attacks on its own people and its strategic raids, assassinations, and kidnappings. According to some researchers, there is data indicating a loss of forty thousand or more in the Republic of Türkiye. Moreover, when we look at the loss of life alone, the true nature of the toll also indicates a financial and socio-cultural decline. In the political arena, it has engaged in representative democratic participation within the party several times. This has been confirmed in the official addresses of some official Turkish political figures: Ahmet Türk, a member of the Kurdish political movement and former Chairman of the DTP, stated, "The DTP is not an organization of aliens, nor is the PKK an organization of aliens. The PKK and the DTP share a common base. The children of those who vote for me are in the mountains. We must analyze the facts by seeing this" (Habertürk, 2009).

This insurgent group, which reached the peak of its military and political influence by 1993, did not establish an independent Kurdish state but instead consolidated a de facto sphere of influence, primarily in northern Iraq (Kurdistan Regional Government of Iraq), while advancing a political project that envisioned a future "Kurdistan" encompassing southeastern Türkiye, parts of northern Iraq and northern Syria, and areas of the Zagros Mountains (Marcus, 2007, pp. 181-185; Gunter, 1997, pp. 45-47). This consolidation of influence enabled the organization to mobilize support both domestically and among Kurdish diaspora communities, particularly in the European Union, the United States, and Canada, as well as from non-Kurdish sympathizers (Marcus, 2007, pp. 189-193).

The Kurdish Question, however, is not a phenomenon that emerged in 1984 with the onset of the PKK's armed struggle; rather, it represents a much longer historical process dating back to the late Ottoman period, with roots extending to the mid-nineteenth century (van Bruinessen, 1992, pp. 167-170). One of its earliest and most significant manifestations in the Republican era was the Sheikh Said Rebellion of 1925, which is widely recognized in the literature as a foundational episode of Kurdish resistance (Bozarslan, 2008, pp. 336-338). Within the context of Türkiye's long-standing denial of the Kurdish question, the PKK has consistently been portrayed as an externally supported organization seeking to weaken and divide the Turkish state. This perception is closely linked to the so-called "Sèvres syndrome," a deeply embedded ontological narrative in Türkiye that frames separatist movements as existential threats orchestrated by foreign powers (Balcı & Yeşiltaş, 2018, pp. 59-61). From an ontological security perspective, the PKK has thus been constructed as a symbol of this syndrome by nationalist, bureaucratic, and military elites, reinforcing anxieties over territorial integrity and state identity (Rumelili, 2015, pp. 14-16).

Northern Iraq consequently became a focal point of Türkiye's security concerns. Following the power vacuum created after the 1991 Gulf War, the PKK established a network of military camps and logistical bases in Kurdistan Regional Government of Iraq, from which it launched cross-border attacks into Türkiye (Gunter, 1997, pp. 73-76). The intra-Kurdish conflict between the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) further facilitated the PKK's entrenchment in the region (McDowall, 2004, pp. 371-374). In response, Türkiye initiated a large-scale military operation in March 1995, deploying approximately 35,000 troops over a six-week period. This operation marked a clear departure from earlier, limited cross-border actions and signaled the adoption of a new security strategy aimed at preventing Kurdistan Regional Government of Iraq from becoming a permanent sanctuary for the PKK (Marcus, 2007, pp. 243-246). From Türkiye's ontological security standpoint, this shift reflected not only concerns over physical security but also efforts to restore a sense of control, continuity, and sovereignty perceived to be threatened by the PKK's cross-border presence (Mitzen, 2006, pp. 353-355). Of course, if we consider the national, regional, and international conjuncture that developed after this process, the postponement of the political and customs union, granted by the European Union under the guise of human rights (minorities) and freedoms, pitted the hardcore faction against the more moderate, conciliatory faction in Türkiye. It's worth emphasizing that the US and British-Israeli intelligence played a significant role in the lead-up to the capture of Öcalan in Nairobi, Kenya, during August 1999; however, it was ultimately the exceptional operational success of Türkiye's National Intelligence Organization (MİT) that secured Öcalan's apprehension and return to Türkiye, demonstrating Türkiye's capacity for effective high-level intelligence and covert operations. Indeed, whether it was a European Union that justified the Copenhagen criteria, or an Italian Prime Minister Massimo D'Alema who sympathized with the Kurds and their cause, there was ultimately a US President Bill Clinton who could not condone the Republic of Türkiye's separation from the West, and at the same time, Hungary and many other countries with which there were disagreements within the EU called for the territorial integrity of the Republic of Türkiye to be respected and its sovereignty not to be violated. Türkiye survived a war with Syria before capturing the PKK leader. The diplomacy of the Republic of Türkiye, led by İsmail Cem, saved the country from major conflicts both in Syria and during the "Kardak Crisis" with Greece as a result of very successful diplomatic efforts. The PKK's activities were halted in 2000, when a ceasefire order was issued following the arrest of Öcalan and the high-level meeting, cementing the strategic impact of MİT's operation on regional stability. (Anadolu Ajansı, 2021; Yeni Şafak, 2024).

In the literature, we often see the Kurdish initiative or the Kurdish issue raised during Mesut Yılmaz's prime ministry. The MHP and others, particularly Devlet Bahçeli, made exclusionary remarks with political messages, such as "the PKK's spokesperson." The natural disaster that affected Turkish politics, the August 17, 1999 earthquake, and the 2001 crisis that affected domestic political and economic life, made the country excessively dependent on the West. This period, during which the military gradually transferred its former authority to the Istanbul-Cihangir elite and right-wing conservatives gained power, led to the US's declaration of war against global terrorism following the September 11 attacks on the WTC and the Pentagon. This, in turn, raised the suspicion that Türkiye would experience PKK terrorism again within the country, replacing the peaceful atmosphere it had found in the region. In domestic politics, the AKP, which won the November 2002 elections, won the government alone without a coalition government. The main opposition party, the CHP, and the MHP, not only lost their coalition government without passing the threshold but also failed to enter parliament (Akarca & Tansel, 2015). In foreign policy, in the context of the war on terror launched by the Bush administration after the September 11, 2001 attacks, Türkiye's concerns about developments in northern Iraq and the prospects for the establishment of a Kurdish state became a contentious issue between the US and Türkiye. Türkiye cooperated extensively with the US against the Taliban and al-Qaeda in Afghanistan. Türkiye contributed to the International Stabilization Force in Afghanistan (ISAF) and also assumed its command for six months in June 2002. However, Türkiye expressed significant differences with the US regarding its policy toward Saddam Hussein and Iraq. In this context, Türkiye's primary concern was that a US military intervention could hasten the disintegration of Iraq and the emergence of an independent Kurdish state in the north. Turkish officials have repeatedly stated that they would intervene militarily if a Kurdish state were established (The Washington Post, 2002).

If Türkiye were to do so and intervene militarily in northern Iraq, it would clearly undo many of the gains made through recent political reforms and rekindle the Kurdish issue in Türkiye. In contrast, following the conclusion of the Öcalan case and the new government's pronounced commitment to political reforms and improving Türkiye's human rights record, US-Türkiye relations experienced a marked warming. This was reflected in President Clinton's keen interest in Türkiye's relations with the EU and Türkiye's acceptance as a candidate. More importantly, the US administration played a vital role in securing the OSCE summit in Istanbul. In Congress, the Committee on Security and Cooperation in Europe (CSCE) had long opposed the summit, arguing that Türkiye's poor human rights record made it undeserving of such prestige. The CSCE also requested that the US administration do its utmost to relocate the summit. The Kurdish issue was minimized in US-Türkiye relations. The September 11, 2001 attacks reinforced Türkiye's strategic importance to the US in the war on terror. US officials frequently cited Türkiye as a model for the Islamic world (Kirişci, 2004).

When the US military intervention began without Türkiye's involvement, fears intensified, particularly among extremists, that the US would now assist in the establishment of a Kurdish state in northern Iraq. There was significant agitation in Türkiye supporting a Turkish military intervention in northern Iraq. Will the US be able to persuade the Kurds in northern Iraq to be sensitive to Türkiye's interests? Will they be able to prevent the resurgence of the PKK, now KADEK? The answers to these questions will always have significant implications for US-Türkiye relations, as well as for the implementation of political reforms regarding the Kurds in Türkiye (The Washington Post, 2002).

## The Kurdish Initiative Policy of the Justice and Development Party

In 2005, a group of Turkish intellectuals publicly called on the PKK to lay down its arms following Prime Minister Recep Tayyip Erdoğan's visit to Diyarbakır, a moment widely interpreted as a symbolic opening toward addressing the Kurdish Question. However, the intense power struggle among state elites that emerged immediately after the Justice and Development Party (AKP) came to power significantly constrained any substantive attempt to resolve what remained the most persistent source of political violence in Türkiye. This struggle intensified during the 2007 presidential election crisis, which culminated in early general elections. Following its decisive electoral victory, the AKP succeeded in securing the presidency for Abdullah Gül. The subsequent Ergenekon investigations substantially weakened the operational and discursive capacity of a bureaucratic-military elite faction that had long dominated security policy through extra-legal means. Although the

Constitutional Court case seeking the closure of the AKP posed a serious threat to the government, its eventual outcome—limited to the suspension of state funding ultimately strengthened the AKP's political position and expanded its room for maneuver in addressing the Kurdish Question (Leezenberg, 2008, pp. 67-68).

From a peace studies perspective, a genuine peace process cannot be reduced to the mere cessation of armed conflict or the absence of direct violence. As Johan Galtung argues, ending direct violence represents only a minimal condition for peace and does not, by itself, address the structural and cultural dimensions of conflict (Galtung, 1969, pp. 183-184). A comprehensive peace process requires long-term engagement with the social, economic, psychological, and security-related roots of violence. In many protracted conflicts, such an ideal outcome is never fully realized, as negotiated settlements often prioritize immediate stability over deeper transformation. Nevertheless, as long as direct violence persists, meaningful progress in other areas remains severely constrained. In this study, the term "peace process" refers to the totality of political, legal, and social initiatives undertaken after a ceasefire with the aim of reaching a sustainable political solution to a deeply entrenched conflict such as the Kurdish Question (Kaplan, 2019, pp. 34-36) .

In comparative perspective, the Kurdish experience in Iraq offers an important point of reference. The Kurds in Iraq have been constitutionally recognized as a distinct national group since the 1958 Interim Constitution, which defined Kurds and Arabs as co-founders of the Iraqi state and acknowledged their respective national rights (McDowall, 2004, pp. 309-311). A second major step occurred with the adoption of the 1970 Interim Constitution following the Baʿath Party's consolidation of power, which formally recognized Kurdish autonomy, albeit in a limited and contested manner (McDowall, 2004, pp. 317-320). After 2003, the Kurds participated for the first time in the drafting of a permanent Iraqi constitution, marking a significant strategic shift in their political position. However, this period also introduced new challenges, particularly concerning power-sharing arrangements, federal authority, and the consolidation of democratic governance in post-Saddam Iraq (Natali, 2010, pp. 91-94).

The central issue in post-2003 Iraq has been how its constituent groups can share power and govern the state either democratically or through durable political consensus. For the Kurds, the democratization of Iraq has been a critical condition for the realization and protection of their political demands. At the same time, Kurdish political actors have consistently insisted on safeguarding their autonomous status, at minimum preserving the level of self-rule achieved during the

1990s. From Türkiye's ontological security perspective, developments in Kurdistan Regional Government of Iraq have been closely monitored not only as matters of regional security but also as challenges to deeply rooted narratives concerning territorial integrity, sovereignty, and national identity. Consequently, the AKP's Kurdish Initiative must be understood not merely as a policy shift driven by domestic democratization, but also as an attempt to recalibrate Türkiye's ontological insecurities in a rapidly changing regional geo-framework.

## Conclusion

Since Öcalan's capture in February 1999 and his subsequent call to end the PKK's armed struggle, Türkiye has entered a new phase in its approach to the Kurdish Question. Öcalan's capture is widely regarded as the culmination of a process that began in the early 1990s, a period during which security-oriented narratives dominated state policy and the Kurdish issue was framed primarily as an existential threat to Türkiye's territorial integrity and national unity (Marcus, 2007, pp. 273-276). This period was marked by the predominance of military solutions and the marginalization of political alternatives. Former President Süleyman Demirel's characterization of Öcalan's capture as one of the most significant events in the history of the Republic reflects the extent to which the issue was perceived through an ontological security lens, linking state survival, identity, and continuity (Barkey & Fuller, 1998, pp. 31-33).

Nevertheless, it would be analytically inaccurate to argue that Kurdish nationalism or the prospect of an independent Kurdish state constitutes the sole or even primary challenge Türkiye has faced since its founding. Rather, the central concern from the state's perspective has been the precedent-setting effect that such a development could generate for other identity-based claims, raising fears of fragmentation and systemic transformation. Within this context, anxieties over "Balkanization" function not merely as strategic concerns but as deeply embedded ontological insecurities tied to the Republic's foundational narratives and self-understanding (Rumelili, 2015, pp. 12-14).

Developments in Iraq have further intensified these concerns. The gradual institutionalization of Kurdish autonomy in northern Iraq since the 1990s, and particularly after 2003, has reinforced Turkish fears regarding the potential spillover effects of Kurdish self-rule across borders (McDowall, 2004, pp. 383-386). At the same time, Türkiye has remained attentive to the broader regional consequences of instability in Iraq, including the economic disruption of trade routes and the humanitarian devastation experienced during the Iran-Iraq War and the aftermath of the 1991 Gulf War. Notably, during the 2003 US-led invasion of Iraq, Kurdistan Regional Government of Iraq remained comparatively more stable than much of the rest of the country, with the only major confrontation occurring near Khurmal on the Iran-Iraq border, where US air strikes facilitated a Patriotic Union of Kurdistan (PUK) ground offensive against Ansar al-Islam (Natali, 2010, pp. 102-104). These dynamics complicated Türkiye's security calculus, blending pragmatic cooperation with persistent ontological anxieties.

In more recent years, the rise of DEASH (as referred to in Turkish literature) or ISIS (as referred to in Western literature), and the subsequent coordination between Türkiye, the United States, and Kurdish actors in Iraq, have further transformed regional relationships. Despite deep-rooted suspicions driven by Kurdish nationalism, counterterrorism cooperation compelled Ankara and the Erbil-based Kurdistan Regional Government of Iraq to engage in unprecedented levels of coordination (Gunter, 2013, pp. 87-89). This cooperation illustrates how immediate physical security threats can, at times, override but not eliminate ontological insecurities related to identity and sovereignty.

Despite these developments, the conflict associated with the PKK has not been fully resolved. The November 13, 2022, terrorist attack on Istanbul's Taksim Square, which Turkish authorities attributed to the PKK despite the organization's denial, underscores the persistence of violent dimensions of the conflict. The continued existence of PKK-affiliated structures in Syria, particularly the PYD, and the activities of legal political actors perceived by the state as linked to the organization, such as the HDP, remain central to Türkiye's security discourse. From an ontological security perspective, these actors are often framed not merely as security threats but as challenges to the coherence of the Turkish national identity and political order.

Ultimately, the trajectory of the Kurdish Question will depend largely on domestic developments within Türkiye. The success of political reform initiatives, particularly those aimed at democratization, rule of law, and cultural rights, will play a decisive role in shaping future outcomes. Progress in EU-Türkiye relations could provide an external anchor for reforms and contribute positively to both economic stability and the expansion of Kurdish cultural rights (Keyman & Öniş, 2007, pp. 217-219). Conversely, a failure of reform, deterioration in relations with the European Union, or renewed instability in Iraq could reinforce hardline positions and exacerbate ontological insecurities, increasing the risk of renewed polarization between Turkish nationalist and Kurdish separatist actors. Such an outcome would have destabilizing consequences not only for Türkiye but also for the broader region, the European Union, and transatlantic partners.

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# Constructivist Aspects of The UN Security Council's Permanent Members' Conduct: The Case of China

Ljupcho Stojkovski

*Abstract*

The UN Security Council (UNSC) has been under an increasing international spotlight with the wars in Syria and Ukraine and the vetoes of some of its five permanent members (P5) in these wars. Yet, the P5 behave differently in and towards the UNSC, and this difference is not (only) explainable by material factors but also, as constructivist IR theory would argue, by the different ideational perspectives they have about world politics and their place in it. This paper deals with China's conduct in and toward the UN Security Council from a constructivist perspective. China's behavior rests on several notions, such as non-interference in the internal affairs of a State, and respect for its territorial integrity, as well as opposition to the use of force for regime change. China perceives the world as multipolar and pluralistic and considers that world politics should be conducted in a prudent and constructive manner that is based on consensus through consultation (among great powers) and the respect of the interests of all parties (including small and middle States). Since the start of the 21st century, China has been increasingly more active and assertive in the UNSC, which is evidenced by the fact that it is the permanent member with the most abstentions during this period and the only permanent member that has used the veto more times after the end of the Cold War than during it. At the same time, China wants to portray itself as a "responsible great power" in the UN and in the global order and pays considerable effort in building and maintaining this image. Yet, it stands for a restrictive interpretation of key concepts for international peace and security, such as sovereignty, responsibility, and threat to peace, and is not keen on Security Council reform.

*Keywords:* UN Security Council (UNSC), permanent five (P5), constructivism, China, international peace and security

## Introduction

The United Nations Security Council (UNSC) is under constant scrutiny by the world public, especially when it is unable or unwilling to prevent a major international conflict, as has been the case over the past two years with the Russian invasion of Ukraine and the Israeli bombing of Gaza. Calls and proposals for reform of the Council, as the body with the primary responsibility for ensuring the maintenance of international peace and security, have been constantly circulating. In the face of such huge failures of the Security Council, the finger is always pointed, rightly, at its five permanent members, who have the right to veto (and many other, at least implicit, privileges that arise from their permanent membership) on every substantive decision that this body can make. But apart from having the same rights and privileges under the UN Charter, the five permanent members – the United States, China, Russia, Great Britain, and France – differ quite a bit in how they behave in and towards the Security Council. Their differences are certainly due to differences in material factors (military force, economic power, other resources, etc.), but also in intangible, value-based, and ideational factors (identities, beliefs, discourses, worldviews) that they have for the world and for international politics (Reus-Smit, 2005). More precisely, as constructivist IR theory argues, material factors in themselves have no meaning unless they are put in context with the intangible, ideational, and normative views that give meaning to these material factors (Wendt, 1995). Terms such as "power" or "national interest" do not have an independent or self-evident meaning but depend on the values, identities and norms used by States, which, values, identities and norms are not something external, given to States, but are created through language and mutual interaction (Wendt, 1992, 1999; Finnemore & Sikkink, 2001). That is why it is important to delve into these aspects of the permanent five members in order to understand their behavior in and towards the Security Council.

This paper will focus on the constructivist aspects – ideas, beliefs, identities, and discourses in and towards the Security Council – of one permanent member – China. In short, China identifies and presents itself as a "responsible great power". For China, the world is multipolar and pluralistic, and therefore China is expected to pursue a flexible and constructivist policy that is based on reaching consensus through consultations of major powers, but which should also take into account the interests of all parties (specifically small and medium-sized states). China promotes itself, as Xi points out, as "a builder of world peace, contributor to global development, defender of the international order, and provider of public goods".

(Fung & Lam, 2022, p. 5). However, Chinese normative views, for example, on sovereignty or human rights, differ to some extent from the widely agreed-upon international ones. For China, the United Nations are a "cornerstone for a state-led international order" (Fung & Lam, 2022, p. 10) but it is trying to shape the UN according to its needs, understandings, and views on international politics. It is the UN where China most promotes itself as a responsible great power.

## Responsible Great Power

China wants to portray itself in its actions on the international political scene, and especially in the UN, as a "responsible great power." The role of a responsible great power implies that it should pursue its interests as a great power but not stop there. The concept of a responsible great power:

> Calls for respect of the diversity and interdependence among different states and pursues the common security of the international community; the equality of the countries, big or small, strong or weak; peaceful means like the diplomatic, economic and cultural ways to solve the problems instead of the use or threat of use of force; the establishment of a more just and reasonable international order; more responsibilities of the great powers when confronting the global issues and balance between state sovereignty and international concerns. (Tiewa & Haibin, 2014, p. 424)

The identity of a responsible great power stems from China's global strategy, which is based on two elements: a perspective on the world as a multipolar and pluralistic place, and prudent management of great power relations aimed at correcting misperceptions and addressing common challenges. According to these views, pluralism and multipolarity imply that global power is gradually shifting from the West to the East and from established great powers to developing countries, and that global problems and challenges are interconnected and interdependent. China sees this trend of multipolarity and economic globalization to its advantage and believes that the balance of power is slowly being distributed more equally among the great powers. Because of this interdependence and multipolarity, no country, no matter how powerful, can resolve conflicts and crises around the world on its own, and therefore intensive dialogue and consultation among the great powers is needed (Lei, 2014). This also means that in finding solutions to world problems, the emphasis should be on achieving a global rather than a Western normative consensus (Foot, 2014).

Wise management of great power relations, however, should be based on mutual respect and aim for "win-win" cooperation. Mutual respect implies that great powers should be willing to listen to each other, put themselves in the shoes of the other great power, and try to understand and accommodate their positions. According to the former Chinese Ambassador to the USA, "њin-win" cooperation means that the parties should abandon the all-or-nothing strategy when negotiating a solution and should welcome each other's successes and find opportunities for the other great power to succeed as well (Lei, 2014, pp. 3-4). In other words, the Chinese worldview tries to be democratic and inclusive towards all states, but at the same time it is hierarchical and in some ways favors the great powers (Fung & Lam, 2022).

It is exactly the concept of a responsible great power that can best explain China's position in and towards the Security Council, and towards the UN in general, which takes place along two separate lines: the significantly more involved and assertive position that China takes in the UN today, and the different identity that China manifests in the Security Council as opposed to the UN General Assembly.

Observing China's behavior in the Security Council, one can note China's increased activity, involvement, and assertiveness in the work of this body in the post-Cold War period, and especially in the last decade. First, although China was one of the founding great powers of the United Nations, the People's Republic of China (PRC) was not a permanent member of the Security Council for the first 26 years after its establishment. This changed in 1971, when, by General Assembly Resolution 2758, the PRC took the place of the Republic of China (Taiwan) in the Security Council (Lei, 2014; Wenqi & Xinyu, 2015). This did not mean, however, that China immediately began to act as a great power. In the 1970s and 1980s, Chinese diplomacy was guided by Deng Xiaoping's maxim that the Chinese government should "bide its time, hide its brightness, not seek leadership, but do something" (Foot, 2014, p. 1085). In practice, Chinese diplomats during that period were rather unskilled and silent, or as a former UN diplomat from that time described them: "They come. They smile. They leave." (as cited in Fullilove, 2011, p. 68). In the rare moments when they did speak during this period, it was often "propagandistic rhetoric carefully prepared in Beijing" (Fullilove, 2011, p. 68).

China's attitude towards the Council began to change in the 1990s, and an even more notable change can be observed in the last decade of this century. Modern Chinese diplomats are now "extraordinary sophisticated and capable" and have a "clear strategic vision" (Fullilove, 2011, p. 68). In the UNSC, since the end of the

Cold War until today, China has abstained the most of the five permanent members. China's abstentions are guided by its approach of "principled pragmatism" – on the one hand, the desire to maintain and present Chinese positions on a particular issue, but on the other hand, China should not be an obstacle and not block the Council. (Lei, 2014). In addition to abstaining the most, China is also the only permanent member of the Security Council to have used the veto more times since the end of the Cold War – 18 times, as of January 2026 – than during the entire period of the Cold War – 3 times (Dag Hammarskjöld Library, n.d.).

In contrast to this behavior in the Security Council, China presents a different face in the UN General Assembly. Thus, if we look at its voting preferences, in the Security Council, China votes identically to the US and the other permanent member states in 95% of cases, while in the General Assembly, it agrees with the US in only 11.7% of the votes, and with France and the UK in 44%. In contrast to the voting of the other P5 in the General Assembly, China's voting here coincides with that of the emerging and developing economies – for example, with the BRICS or the G77 countries, China coincides in 80% of the votes (Foot, 2014, p. 1089; Fung & Lam, 2022, p. 26). Such a sharp discrepancy is due to the amalgam that constitutes the identity of a responsible great power that China manifests in international relations, and which is best expressed in the United Nations – on the one hand, it identifies and presents itself as a great power that, together with other great powers, decides on international peace and security. On the other hand, China is also presented as a post-colonial, non-Western, middle-power developing country, which stands in solidarity with smaller and middle-sized countries and wants to present itself as their representative on the international stage (Foot, 2014; Garwood-Gowers, 2016). In other words, there are two Chinas in the UN - one before the General Assembly that is more rigid and doctrinaire, and one before the Security Council that is more pragmatic and flexible (Fullilove, 2011). A large part of this transformation and discrepancy is that China is a "powerful but poor major power" (Lei, 2014, p. 5), a "rising power, but a fragile one" (Chen, 2016, p. 12). This refers to, on the one hand, the enormous economic and growing military rise of China in the last few decades, but also to the poverty of its citizens, on the other.

## Chinese Normative and Value Positions

China's worldview, and thus its foreign policy, is largely based on the "Five Principles of Peaceful Coexistence." The five principles, which stem from the 1954 China-India Treaty and were later incorporated into the Chinese Constitution, include:

mutual respect for territorial integrity and sovereignty, mutual non-aggression, non-interference in the internal affairs of other states, equality and cooperation for mutual benefit, and peaceful coexistence (Ministry of Foreign Affairs of the People's Republic of China, n.d.). Although these principles largely coincide with some of the guiding principles of the UN Charter, China interprets them rather restrictively and conservatively. This is due to different normative understandings of the concept of sovereignty, the relationship of sovereignty with human rights and economic development, the use of force, but also to its own experiences and unresolved issues with ethnic separatist movements in the country.

Central to the "Five Chinese Principles of Peaceful Coexistence," the notions of sovereignty, non-interference in internal affairs, and non-intervention differ from those inherent in the modern ("Western") interpretation of these institutions. Respect for territorial integrity and non-interference in internal affairs has a more than 2,000-year tradition in China (Wang, 2015). During this period, "Chinese intellectuals and government policymakers reached a consensus that sees sovereignty as the right [of the authorities] to autonomously handle domestic issues free from [any] external interference" (Wang, 2015, p. 89). Human rights are important, but the protection of the individual in relation to the state is only secondary to the survival and power of the state. Therefore, human rights should be placed and improved within the framework of the state. Hence, external interference would not only weaken state sovereignty but would also completely worsen the human rights situation in the country (Tiewa, 2012). Therefore, it is necessary to strengthen the state because this will inevitably strengthen the harmony between the state and its people (Foot 2014). Moreover, a "healthy and powerful sovereign state is beneficial to the stability, good governance and balanced development of a country and [the] international society" (Tiewa & Haibin, 2014, p. 411). Stability is of paramount importance in China because it is considered a prerequisite for peace and development (MacLeod, 2017). China assumes that there is "a causal linkage between peace and [economic] development" (Hirono, as cited in Foot, 2014, p. 1096), or, as the Chinese Special Envoy for Darfur has emphaiszed repeateadly at the height of the Darfur crisis and the criticism directed at China for blocking appropriate action, that the key problem in Darfur is economic development and poverty, not genocide (Tiewa & Haibin, 2014, p. 417). If we take into account the poor human rights situation in the country, the challenges with separatist movements in Taiwan, Tibet and Xinjiang, as well as the fact that economic development is what has made China a world superpower on the one hand, but on the other hand, despite it, China has a very poor Human Development Index (Foot, 2014, p. 1089), it becomes clearer why the communist regime in power has a strong inclination towards domestic stability, non-intervention and why it links human rights and development with sovereignty.

The conservative interpretation of sovereignty and non-interference in internal affairs, the maintenance of domestic stability through (indirect) support for the authorities in that country, as well as the five principles of peaceful coexistence, are also reflected in Chinese understandings and preferences for the use of force in international relations. In general, China has an aversion to the use of any coercive measure (sanctions, peacekeeping missions to impose peace, force to protect civilians, etc.), especially when they have to be used without the consent of the host country. After all, "it has been standard Chinese practice to align itself with the stances of the incumbent governments in various conflict-ridden countries" (Lei, 2014, p. 11). In those situations where there is no consent from the host country, and there is a consensus from the wider international community for the use of force, China does not hinder (although most often does not even explicitly approve and support) the use of force, emphasizing that it is an exceptional measure that should not become a precedent, and recalling that the principles of sovereignty and non-interference in internal affairs have priority. Such a Chinese inclination is also visible if we observe China's strategic preferences for the use of force. Analyzing the period from 1949-1992 and classifying the use of force into three categories: territory-oriented force, policy-oriented force, and regime-oriented force, Johnson concludes that China uses force aimed at (or resulting in) regime change by far the least. Only in 7% of cases was force directed at an existing regime, in contrast to 42.3% when it was directed at a specific policy and 49% when it was directed at a specific territory (Wang, 2015, p. 85; Tiewa, 2012, p. 165).

From the preferences for the use of force and from the understanding of sovereignty and its relationship with human rights, one can also induce and explain the rather restrictive and literal interpretation of the phrase "threat to *international* peace and security". For China, a crisis, regardless of its dimensions, is considered a domestic affair as long as it does not affect the region or the world at large. Massive human rights violations within a country, at least initially, are not in themselves sufficient grounds for the Security Council to take any action and therefore should not interfere in that crisis.

However, in the context of understandings of sovereignty as responsibility (Cohen & Deng, 2016) and the discourse and normative power of human rights, the conservative interpretation of the principles of sovereignty, non-interference in internal affairs, and non-use of force, do not (always) correspond to the image of a "responsible great power" that China promotes. Therefore, paying attention to its image in the eyes of the international scene, China's position on these issues is evolving to some extent, and China is taking a more flexible, and as it likes to say for itself, constructive position. In order to maintain its international reputation and the image of a responsible great power, China has often known (and has) to approach a certain international agreement or normative standard of behavior (Foot, 2001). The most obvious and relatively recent example of this is the agreement with the adoption of Security Council Resolution 1973 and the authorization of the use of force in Libya in 2011, although China emphasized in the debate on its adoption that it "is always against the use of force in international relations", and that it does not support certain parts of the resolution (United Nations Security Council, 2011, p. 10), but in the end it did not block its adoption. Also, China often gets involved diplomatically and medially in the resolution of specific crises and conflicts as soon as such conflicts can threaten the image it wants to build for itself before the international community. A serious threat to its image was the so-called "Genocide Olympics" launched by the international non-governmental sector in the face of the 2008 Summer Olympics in Beijing, and on the occasion of the situation in Darfur (Chen, 2016). This was followed by the intensified recovery of its international reputation. Similarly, the Chinese behavior has been publicly called responsible for blocking action in situations of mass suffering, such as when vetoing the war in Syria over the past thirteen years. China strongly protests when "controversial draft resolutions" are publicly proposed for which there is no prior agreement among the five permanent members, such as those that it (always together with Russia) blocked on Syria, and believes that they should not be put to a vote at all, and in order to maintain a good image for itself, it tries to balance and somehow contribute to mitigating the crisis. Examples of such Chinese behavior in the past are Darfur, Zimbabwe and Myanmar (Teitt, 2009). When it is directly diplomatically involved, China does so through its formula of "three-party dual track diplomacy", which implies the involvement of the current government of a country, the regional organization of that country, and a UN body. Such political engagement is complemented by a humanitarian aspect, most often expressed through the delivery of humanitarian aid (Chen, 2016). In the war in Syria specifically, China is also providing humanitarian aid and has repeatedly called for a "balanced" political solution to the crisis and for reaching a consensus through consultations in the Security Council.

## Chinese Constructivist Aspects in Practice

China's increased participation and assertiveness on the international stage, its commitment to maintaining its own image as a "responsible great power", but also the promotion of its normative views on (sovereignty, human rights, and the use of force), are particularly visible through China's attitude towards UN peacekeeping missions, through the initiation of new or modification of current (security) initiatives or norms, and through the issue of Security Council reform.

## Peacekeeping Missions

From being one of the biggest opponents of the institution of 'peacekeeping missions', which they considered to be a neo-imperialist venture of the great powers, China has become one of the biggest supporters of these missions. In line with its overall disregard and opposition to the Security Council and the UN during the Cold War, China initially refused to even participate in the Security Council vote on peacekeeping missions as well as to contribute financially to the budget of these missions (Wenqi & Xinyu, 2015, p. 91). Since the 1980s, China has slowly begun to soften on this issue and not oppose their existence at all, and in 1989 China sent its military observers to a UN mission for the first time (the UNTAG mission in Namibia) (Wenqi & Xinyu, 2015).

Since the beginning of the 21st century, China has been steadily increasing its troop contribution to UN peacekeeping missions, rising from 44th place in 2001, to 16th place in 2005, to 15th place in 2010, to 12th place in 2016 (Tiewa, 2012, p. 164). Today, as of October 2025, China ranks 8th (United Nations Peacekeeping, n.d.-a) and is the permanent member of the Security Council that by far contributes the most personnel to UN missions. Of course, this increased involvement is in absolute numbers, and from the perspective of the size of the Chinese army (about 2 million) (Fullilove, 2011) or from the perspective of the total population of China (about 1 billion), it is quite small. Moreover, of the total Chinese personnel, the largest share is accounted for by police forces, medical forces, and military observers, and not by combat troops. It was not until late 2014, as part of the UN peacekeeping mission in South Sudan, that China first sent combat-ready troops (Wenqi & Xinyu, 2015, p. 92). One reason for this is the limited Chinese strategic military capabilities and capabilities (Wang, 2015, pp. 83-84). Performance evaluations of Chinese peacekeepers, however, are "generally positive" and, according to Gill and Huang, as of 2011, "no allegations of misconduct have been logged against Chinese personnel in UN peacekeeping operations" (Foot, 2014, p. 1093). Additionally, "Chinese peacekeepers are consistently rated among the most professional, well-trained, effective, and disciplined contingents in UN peacekeeping operations" (Gill & Huang, 2009, p.25).

There has been a similar growth in the financial contribution to the budget of UN peacekeeping missions. Thus, for the period 2010-2012, China contributed 3.9% of the total budget of the missions, for the period 2013-2015 such contribution was 6.6%, while for the period 2020-2021 it contributes 15.2% of the total budget, making it the second largest financial supporter of UN peacekeeping missions, right behind the United States (which covers 27.9% of that budget) (Lei, 2014, p. 3; United Nations Peacekeeping (b), n.d.).

This increased involvement in UN peacekeeping missions is a significant and indicative change in the course of Chinese foreign policy. It contributes to building and nurturing the image of a responsible great power, as China wants to be perceived by the world. More specifically, engagement in peacekeeping missions helps China: first, to project a more benign and "harmonious" image [of itself] beyond its own borders; second, to reassure its neighbors of its peaceful intentions; and third, to gently balance the United States and other Western powers, while gradually but surely establishing itself as a great power (Wang, 2015; Wenqi & Xinyu, 2015). Additionally, the three basic principles of classical peacekeeping missions – consent of the host state, neutrality, and use of force only in self-defense – are well-connected and similar to the main pillars of Chinese foreign policy when it comes to the use of force (seeking a diplomatic solution that includes all parties; force as an exception, deployment of troops only after consent of the host state, non-use or minimal use of force). By using this UN institution, China, in addition to gaining the opportunity to present itself as a responsible power, is also trying to project its normative views regarding issues of sovereignty, territorial integrity, and the use of force in international relations.

## Discursive-Normative Shaper

According to Chinese President Xi, China is weak in its discursive power on the international stage, that is, in its "ability to exert influence over the formulations and ideas that underpin the international order" (Fung & Lam, 2022, p. 30). To this end, China acts in two separate but often related directions – on the one hand, it constantly tries to insert (into UN documents) some of the same phrases that reflect Chinese ideas and identities and that will show that "China is on the right track and developing in a good direction" such as, for example, "compromise through consensus", "win-win cooperation", "shared, mutual benefits" "community of shared future", etc. (Fung & Lam, 2022, p. 31). On the other hand, China also launches its own global initiatives and promotes them through UN forums, through which it wants to shape the international order according to its normative views. Examples of this are the Global Development Initiative, promoted in 2021, the Global Security Initiative, launched in 2022, and the Global Civilization Initiative, actualized in 2023. China's behavior is similar to already existing concepts and norms, which it wants to shape and change according to its beliefs, such as by promoting the doctrine of "Responsible Protection". The concept of "Responsible Protection" is a "semi-official Chinese version of R2P". R2P, or the Responsibility to Protect, is a norm agreed upon at the 2005 World Summit according to which each state has the primary responsibility to protect its population from genocide, crimes against humanity, war crimes, and ethnic cleansing, and the international community has a secondary responsibility to do the same when states fail to do so (Stojkovski, 2017a). The Chinese version of the Responsible Protection (Zongze, 2012), however, prescribes strict and conservative conditions and interpretations of what constitutes and how R2P should be developed (Garwood-Gowers, 2016).

## Security Council Reform

Regarding the issue of reform of the Security Council – more specifically, enlargement of the UNSC – China believes that there should be a broad consensus on it, that there should be no rush or set any deadline for the adoption of the same reform, nor should the adoption of controversial draft resolutions be forced (Permanent Mission of the People's Republic of China to the UN, 2015). In line with its identity as a representative of small and medium-sized states, China publicly supports reform, or rather, the expansion of the Security Council. However, in the background, it actively opposes the expansion of the Council, such as in 2005, when individually and together with the United States, it thwarted the initiative of the G4 countries to expand the Council (von Freiesleben, 2013, p. 8). Also, although it is publicly silent on this issue, China is opposed to limiting the privilege of using the veto in the Security Council, even in situations where mass crimes are at stake (Stojkovski, 2017b, pp. 99-100).

## Conclusion

This paper presented the main constructivist aspects of China in and towards the UN Security Council, i.e., the guiding ideas, beliefs, and identities that shape its behavior on the international stage. Central here is the amalgam of a responsible great power, according to which China is in the club of great powers that decide on world issues, but at the same time it is a growing power that understands and advocates for small and medium-sized states, which shapes the global political and legal discourse on security and other issues according to its interpretations of sovereignty, human rights, development and dispute resolution, as well as a power that sees the UN, especially the Security Council, as a place where it can further establish itself on the international stage and contribute to or influence the shaping of the multilateral world order. China is increasingly active and assertive in promoting its normative views and shaping legal and political discussions, and thus the international order.

Granted, China's increased engagement in the Security Council and the promotion of the position of multipolarity and the image of a responsible great power are not and will not be without problems for China. The Security Council is a world forum where China can, on the one hand, limit the United States in its actions and in its imposition of "Western" norms, and on the other hand, promote its views and establish itself as a growing great power. China can achieve these goals, among other things, through the use of the veto and the threat of a veto. But here we come to the paradox of this position. The frequent use of the veto with the desire to oppose the power and interests of the United States (and the West) and to emphasize its own worldview and interests can make the Security Council irrelevant and "force" the United States to take action unilaterally and independently and outside the Council. On the other hand, the use of abstention (instead of the veto) with the desire to be a constructive side, but also to maintain the relevance of the Security Council as the primary institution for regulating issues of international peace and security, but also as a forum before which China (and Russia) can to some extent keep the United States "under control", may put China (and Russia) in the shadow of the unipolar world of the United States, rather than promoting the multipolar view it advocates (Foot, 2014).

Hence, China will likely continue to be proactive in the Security Council and in the UN in general, promoting its beliefs, views, and identities and seeking to shape these institutions accordingly.

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# The Legal Dilemma of Climate-Change Refugees in Light of the Provisions of International Law

**Mohammad Jamal Abdelnabi**

*Abstract*

This paper addresses the legal dilemma surrounding climate-change refugees in light of the provisions of international law. The paper aims to explore and analyze the current international legal regime that consists of the rules of international refugee law and international human rights law, and examines the possibilities of climate-change refugees to receive protection under these legal frameworks. By adopting doctrinal and analytical methods, the paper starts with analyzing the definitional challenges surrounding the term «climate-change refugees», then it moves to explore the applicability of the 1951 Refugee Convention and relevant regional instruments to climate-change refugees, and then evaluates the role of international human rights law as a complementary protection framework. The paper concludes that while climate-change refugees are not legally recognized and protected by international refugee law at both international and regional levels, they also do not receive adequate protection under international human rights law. Finally, the paper calls on the international community and the UN to establish a new, comprehensive international legal framework, in a form of a new convention or an additional protocol that formally recognizes climate-change refugees as a protected category and provides them with clear, adequate, and effective protection.

*Keywords:* Climate change, climate-change refugee, international refugee law, international human rights law, protection

## Introduction

Human migration is not a new phenomenon. It is as old as humanity itself. Throughout history, people have been on the move. The motives behind their movement could be economic, social, political, or even environmental. According to the New York Declaration for Refugees and Migrants (2016), people migrate from one place to another in seeking of jobs and better economic opportunities, or fleeing from armed conflicts, wars, food insecurity, persecution, terrorism, human rights abuses, the negative impacts of climate change, and natural disasters (UN, 2016).

Climate change has undeniably become one of the most key challenges of the 21st century. Scientific consensus confirms that greenhouse gases (GHGs) resulting from human activities, particularly the widespread use of fossil fuels, have significantly altered the Earth's climate system and intensified the scale and frequency of both slow-onset and sudden-onset disasters. According to the United Nations Framework Convention on Climate Change (UNFCCC) (1992), climate change is defined as climate alterations that can be directly or indirectly attributed to human activities that modify the global atmospheric composition and that exceed the limits of natural climate variability over time (UN, 1992).

Over the past few decades, climate change has become one of the key drivers of forced displacement worldwide. The rising sea level, extreme weather events, severe droughts, water scarcity, desertification, and other climate-related hazards affect the lives of people around the world and undermine their access to food, water, housing, health care, and livelihoods, and even pose a direct threat to their lives. As a result, millions of people have been forced to flee from their homes and seek refuge in a new place due to the adverse effects of climate change. According to the Internal Displacement Monitoring Center (IDMC), climate-related disasters have displaced more than 250 million people worldwide over the past decade. This figure is expected to increase, as the UNHCR estimates that the number of countries that are likely to encounter extreme climate hazards will rise from 3 to 65 by 2040 (UN, 2025). As the effects of climate change are expected to worsen in the coming decades, scientists' predictions indicate that by 2050, around 1.2 billion people may be displaced globally because of climate change and natural disasters (Institute for Economics & Peace, 2020).

The significance of this paper lies in its addressing one of the most significant repercussions of climate change, namely the climate-change refugee phenomenon. Despite their ever-increasing numbers and suffering around the globe, this category has not received the same level of international attention and protection as others, such as political refugees.

Therefore, this paper focuses on analyzing the current international legal regime that consists of the rules of international refugee law (IRL) and international human rights law (IHRL), and examines whether these legal frameworks provide protection for climate-change refugees. To answer this question, the study begins by discussing the definitional dilemma surrounding the concept of climate-change refugees and highlighting the lack of consensus on how to define this category of people. Then it analyzes the term "refugee" and the conditions for refugee status under international refugee law, particularly the 1951 Refugee Convention and relevant regional instruments, and examines the possibility of extending protection to climate-change refugees under this legal framework. Then, the paper explores international human rights law as an alternative means of providing protection to climate-change refugees through complementary protection and the principle of non-refoulement. Finally, it concludes by proposing new international legal pathways capable of providing adequate and effective protection for climate-change refugees.

This study adopts a doctrinal and analytical approach to examine the legal dilemma surrounding the protection of climate-change refugees. It aims to address the definitional challenges surrounding the term "climate-change refugees" and to analyze the applicability of the 1951 Refugee Convention, the 1969 Organization of African Unity (OAU) Convention, the 1984 Cartagena Declaration, and international human rights law to climate-change refugees. The study relied on both primary and secondary data. By adopting this methodology, the study seeks to clarify the current legal status of climate-change refugees and identify the protection gaps. Primary data were collected from legal materials such as international conventions and treaties, regional treaties, jurisprudence of international and regional bodies, and official reports issued by United Nations organs and specialized agencies. Secondary data were collected from textbooks, academic articles, commentaries, and other relevant sources. The study is primarily based on desk research and the use of electronic and written sources.

## Climate-Change Refugees and the Dilemma of the Definition

There is disagreement and contention over the term that should be used to describe people who are displaced due to the effects of climate change. Media, scholars, activists, campaigners, and international organizations have used different terms and concepts to refer to this category of people. Some called them "environmental refugee", some called them "environmental migrant.", while others decided to call them straightforwardly as "climate refugee".

Activists, campaigners, and media, in addition to some researchers and academics, prefer to use the terms "climate refugee" or "environmental refugee" to add more momentum to the issue of climate-induced displacement, as the other terms, such as climate migrants or environmental migrants, may underestimate the seriousness of the problem that these people face. This position is supported by Behrman and Kent, who contend that labelling people displaced due to the effects of climate change as migrants could take away from them the human rights dimension (Behrman & Kent, 2018).

Lester Brown, an American environmental analyst and the founder of the World Watch Institute, was the first to introduce the concept of "Environmental refugee" in 1976 (Morrissey, 2012). However, the credit for bringing this concept to public debate goes to Professor Essam Al-Hinawi who in the 1985 UNEP report defined it as "people who have been forced to leave their habitat, temporarily or permanently, because of a marked environmental disruption, natural and/or triggered by people that jeopardize their existence and/or seriously affected the quality of their life" (El-Hinnawi, 1985).

All the definitions that emerged in subsequent years were influenced by Al-Hanawi's approach and characterized by generality. For instance, Norman Myers defined them as "Persons who can no longer gain a secure livelihood in their homelands because of drought, soil erosion, desertification, deforestation, and other environmental problems, together with the associated problems of problems of population pressures and profound poverty" (Myers, 2002). In addition, Ben Gorlick, who previously served as senior policy advisor of the UN, defined them as "people who are displaced from or who feel obliged to leave their usual place of residence, because their lives, livelihoods, and welfare, have been placed at serious risk as a result of adverse environmental, ecological, or climate processes and events" (Terminski, 2012).

It can be noted that despite the significance of these definitions in describing the environmentally-induced displacement. However, they are legally problematic because of their generality, breadth, and the lack of legal precision. They do not clearly identify the immediate cause of displacement as they conflate general environmental degradation, climate change, and socioeconomic factors as causes or drivers of displacement. They also do not address the degree of coercion that forces people to leave, and the nature of the displacement, whether internal or cross-border. This conceptual deficiency weakens the legal value of these definitions and makes it difficult to depend on them as a basis for building a coherent legal protection system for those who are displaced by the adverse effects of climate change.

Several scholars in the legal literature and research use the terms "environmental refugee" and "climate refugee" interchangeably. However, others differentiate between these terms, arguing that these concepts are not interchangeable and preferring the term climate refugee over environmental refugee". Their approach draws a clear distinction between general environmental phenomena, such as earthquakes and volcanoes, broader forms of environmental degradation, and climate change as a primary driver of forced displacement. According to their perspective, the term climate refugee is more accurate in describing people who leave their homelands specifically as a result of climate-related factors, in this regard, Biermann and Boas define a climate refugee as:" people who have to leave their habitats because of the sudden or gradual alteration in their natural environment related to one of three impacts of climate change: sea level rise, extreme weather events, drought, and water scarcity" (Biermann & Boas, 2010).

International organizations and expert bodies, such as UNHCR, IMO, and IPCC, refuse the terms "environmental refugee" and "climate refugee". Instead, they call them" persons displaced in the context of disasters and climate change" or "environmental migrants". The International Organization for Migration (IMO) defines the term "environmental migrants" as "persons or groups of persons who, predominantly for reasons of sudden or progressive change in the environment that adversely affects their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad" (IMO, 2008). According to their perspective, refugee status has a specific legal meaning under the 1951 Convention that does not include climate change and environmental disasters as reasons for asylum, as well as the use of the term refugee could confuse the existing legal system, impose new obligations on states towards a new category of people and consequently may weaken the protection provided for traditional refugees (political refugees).

In fact, the term "environmental refugee" is relatively broad and encompasses climate refugees (Biermann & Boas, 2010). Therefore, this paper will use the term "climate-change refugee" to refer to people who are forced to cross international borders because their homelands have become uninhabitable due to the adverse impacts of climate change, whether they are rapid or slow-onset effects, including sea level rise, extreme weather events, rising temperature, severe drought, and desertification.

## The Possibility of Providing Protection to Climate-Change Refugees Under International Refugee Law

### The 1951 UN Refugee Convention and the Case of Climate Change Refugee

The 1951 UN Refugee Convention, as amended by the 1967 Protocol, which removed the temporal and geographical restrictions on the Convention's application, is considered the fundamental legal instrument and the cornerstone of the international refugee protection regime under international law. It is crucial, as it provides a clear and detailed definition of the concept of a refugee, a specific status for refugees, outlines their rights and obligations towards host countries, and sets out states' obligations to provide protection for them.

Despite the fact that people who are forced to leave their homelands in the context of climate change may face similar hardships as political refugees, such as food insecurity, water scarcity, lack of healthcare, and other harms and risks related to the effects of climate change, the refugee convention precluded them from the protection provided by the convention. This exclusion stems from Article 1 of the 1951 Refugee Convention, which defines a refugee as a person who leaves his or her country of nationality due to a fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion, and is unable or unwilling to avail himself or herself of the protection of that country (UN, 1951).

It can be observed that the definition of a refugee under the Refugee Convention includes these components namely, crossing an international border and the existence of the individual outside their country of nationality, fear or being subjected to persecution based on specific grounds (race, religion, nationality membership of a particular social group or political opinion), and the inability or unwillingness to obtain protection from the country of origin.

The Grounds for seeking refugee status under International Refugee Law (IRL) are primarily fear and persecution. Fear is considered one of the most significant reasons for forcing a person to seek asylum, as it represents a psychological state that compels a refugee to flee to a place where he/she feels safe. This element was clearly mentioned in the Refugee Convention by stating "owing to well-founded fear" of persecution. Persecution, however, does not have a single, universally accepted definition under international law. Nevertheless, some scholars tried to define it as a threat to the right to life and liberty, as well as other serious violations or deprivations of the fundamental human rights, as enshrined in the international covenants and conventions (Aleinikoff, 1991). Acts that involve killing, torture, physical violence, arbitrary detention, and imposing unlawful limitations on political and religious activities are widely recognized as a clear example of persecution. By contrast, natural disasters and climate-related events do not fall within the scope of persecution under international law (UNHCR, 2005).

Although climate-change refugees may meet the border-crossing requirement and be outside their country of nationality, they do not meet the persecution-related criteria stipulated in the convention. The convention identifies five grounds for persecution that may force an individual to flee from his or her original country, namely race, religion, nationality, membership of a particular social group, or political opinion. In the case of climate-change refugees, however, the reasons for flight are natural and environmental disasters associated with climate change, such as sea-level rise, drought, floods, and desertification, which are not among the five grounds recognized under the Convention.

In addition, the Refugee Convention assumes that there is a persecutor who carries out the persecution. Such a persecutor may be a State or non-State actor that targets an individual or a group of people based on one or more of the aforementioned grounds. With respect to climate-change refugees, however, the source of harm and danger is climate change itself and the natural disasters that result from it. Neither climate change nor natural phenomena and disasters can be considered of being a source of persecution in the traditional legal sense. Furthermore, considering the states that cause pollution or the international community in general as the persecutor raises significant legal and scientific difficulties, particularly in establishing the causal relationship between their conduct or omission and the climate change-related harm suffered in individual cases (Kälin & Schrepfer, 2012). Consequently, from a strict legal perspective, the definition of a refugee does not extend to people who flee the effects of climate change. This position has been reaffirmed by Ian Fry, the Special Rapporteur on the promotion of human rights in the context of climate change, who, in his report to the Human Rights Council, stated that the term “climate refugee” is inconsistent with the 1951 Refugee Convention and its Additional Protocol (UNHRC,2023).

## The Regional Refugees Legal Instruments and the Case of Climate-Change Refugee

The limited scope of the refugee definition under the refugee convention, which was based primarily on individual persecution, was inadequate for addressing the political, economic, and social context of African and Latin American countries, which witnessed mass displacement resulting from armed conflicts, widespread violence, and the breakdown of public order in those regions. In this regard, the 1969 OAU Convention expanded the definition of the refugee by introducing additional categories of persons in Article 1(2). These categories include, in addition to the definition contained in 1951 Convention ‘every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality’ (OAU, 1969). Similarly, The Cartagena Declaration on Refugees recommends that the definition of a refugee adopted by Latin American States should include, in addition to the definition contained in 1951 Convention, persons “who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order” (Cartagena Colloquium, 1984).

If we examine the definitions of a refugee in the context of the OAU Convention and Cartagena Declaration, we find that they include people fleeing their countries due to events that constitute a serious disturbance or breach of public order. Neither the OAU Convention nor the Cartagena Declaration defines or restricts the concept of events and circumstances that may disturb public order. This raises a significant question of whether the adverse effects of climate change and climate-related disasters, such as widespread floods, severe droughts, and sea level rise, can be considered serious events that disrupt public order according to these instruments.

There is no universal and agreed-upon definition of public order in international law. However, it can be understood as the stability, tranquility, and security of the state and society (Stocchi, 2025). Thus, it is possible to establish a link between events and circumstances that may disrupt public order and the adverse effects of climate change, including sudden or slow-onset effects of climate change or natural disasters such as environmental degradation, desertification, and sea-level rise, as floods, hurricanes, wildfires, and other forms of natural disasters. According to the United Nations, a disaster can be understood as" a serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts" (UNDRR, 2017).

In this regard, some scholars argue that the adverse effects of climate change and natural disasters may cause disturbances to public order if they cause mass displacement, social instability, or breakdown of the essential state functions. (Kälin & Schrepfer, 2012). Thus, the OAU Convention and Cartagena Declaration can cover the cases of displacement resulting from climate change and natural disasters. However, this view has been contested. Some scholars oppose this interpretation, warning that the expanded interpretation of the definition of a refugee under these instruments' risks exceeding their meaning and may contradict the intention of their drafters, not to include climate change and disaster-induced displacement. Moreover, even if the OAU Convention could be interpreted to include climate-induced displacement and natural disasters, the absence of *opinio juris* among the African nations prevents such an interpretation from being considered as a legal obligation under the convention (McAdam,2009). Similarly, the scope of the Cartagena Declaration has not been understood in state practice to include displacement resulting from climate change and natural disasters (Kolmannskog, 2009).

The only legal instrument that explicitly addresses cross-border forced displacement resulting from natural disasters, including those caused by the adverse effects of climate change, is the Arab Convention on the Regulation of the Status of Refugees, which was adopted by the Arab League in 1994. This convention expanded the definition of refugee more comprehensively than the OAU Convention and Cartagena Declaration by including, in addition to the definition set out by the 1951 Refugee Convention, every person who is forcibly displaced to a country other than his country of origin due to aggression, occupation, natural disaster, or serious events that lead to major disruption of public order (League of Arab States, 1994).

As we see in the aforementioned definition, natural disasters, inter alia, are regarded as a direct driver of displacement, which, within the framework of this convention, allows the inclusion of people who leave their countries as a result of the effects of climate change within the definition of refugee. Despite the importance of the provisions of this convention, it had no real impact on the ground due to a Limited number of Arab states that ratified it, and even those that did, they did not incorporate its provisions into their national laws. Consequently, the Convention has remained largely ineffective in practice.

In summary, whatever level of protection that regional instruments may provide to the climate-change refugees or to any individual who is compelled to flee from climate and other natural disasters, the protection is limited to their territorial scope, and outside these regions, such individuals remain subject to the narrower refugee definition under the 1951 Refugee Convention.

## The New York Declaration for Refugees and Migrants and the Case of Climate Change Refugee

Adopted by the UN General Assembly Resolution 71/1 in September 2016. This declaration reaffirms the centrality and significance of the international refugee regime, which consists of the 1951 Refugee Convention and its 1967 Additional Protocol. It also represents a moral and ethical commitment by member states aimed at reinforcing and improving mechanism for protecting people during their movement, assist refugees and migrants irrespective of their legal status, emphasizing the need to respect their human rights, as well as it calls upon the international community to support countries that host a large number of refugees and migrants (UN, 2016).

The declaration explicitly acknowledged the link between climate change and human migration, both forced and voluntary, noting that people may move from one place to another due to the adverse effects of climate change, including climate-induced disasters and other environmental factors.

It can be noted that the New York Declaration for Refugees and Migrants does not recognize the term «climate-change refugees» as a distinct legal category nor provide them with a specific status. Rather, it deals with them within the broader framework of migration. The New York Declaration is crucial as it laid the groundwork for a subsequent global framework on refugees and migration, highlighting the necessity to address the root causes of forced migration and displacement, including environmental and climate-related factors (IMO, 2018).

## Interim Conclusions on International Refugee Law and Climate-Change Refugees

From the foregoing, it can be concluded that climate-change refugees are not legally recognized under international refugee law, including the 1951 Refugee Convention and relevant regional instruments. The 1951 Refugee Convention, which is considered the cornerstone of international refugee law, stipulates that persecution must be the main criterion for granting refugee status. As a result of the fact that climate change does not fall under this criterion, individuals who are compelled to leave their countries as a result of the effects of climate change and climate-related disasters are not eligible for the legal protection that is provided to refugees in accordance with this Convention. At the same time, the regional instruments have not explicitly addressed climate-related disasters, nor have they been understood or applied in a way that provides protection for people who are forced to leave their homeland and cross international borders as a result of climate change. Consequently, climate-change refugees do not enjoy protection under international refugee law (IRL). Therefore, the possibility of providing protection for this category of persons under international human rights law (IHRL) will be discussed in the next section.

## The Possibility of Providing Protection to Climate-Change Refugees Under International Human Rights Law

Climate change, with its adverse effects and the disasters resulting from it, directly and indirectly affects the full and effective enjoyment of people's basic rights necessary for living a decent life. It undermines a number of fundamental rights that everyone shall enjoy, including the rights to life, an adequate standard of living, safe drinking water and sanitation, health, housing, work, development, and self-determination (OHCHR, 2018). The Human Rights Council recognized the causal link between climate change and human rights deprivation in its 2023 resolution, which acknowledged that the adverse effects of climate change contribute to the deterioration of livelihoods, make people's lives difficult, and consequently lead them to migration and displacement (Human Rights Council, 2023).

In the absence of legal recognition of climate-change refugees as a category requiring international protection under international refugee law, particularly under the 1951 Refugee Convention and relevant regional instruments. International human rights law (IHRL) seems to be a potential option for their protection. This position has been reflected by the United Nations High Commissioner for Human Rights (OHCHR), who noted in his 2018 report that when people affected by climate change do not qualify as refugees and lack alternative migration pathways, the protection of their human rights becomes particularly critical (OHCHR, 2018).

International Human Rights Law sets out the obligations that states shall respect, protect, and fulfil. While other legal frameworks may apply only to certain categories of people or circumstances, international human rights law applies to all people, everywhere and at all times. This encompasses not only the citizens of a state but also every individual within that state's jurisdiction. Accordingly, all individuals, irrespective of their legal status, possess the same human rights as everyone else simply by virtue of being human beings.

International human rights treaties, covenants, and conventions are widely recognized worldwide. All 193 Member States of the United Nations are parties to at least one of the nine core international human rights treaties, and around 80% of these states have ratified more than four such conventions (Friedrich-Ebert-Stiftung, 2023). These treaties, which encompass ICCPR, ICESCR, ICERD, CEDAW, CAT, CRC, ICMW, ICPPED, and CRPD, impose obligations on countries to respect, protect, and implement human rights for all people without any discrimination. In this context, as climate-change refugees fall outside the protection provided by international refugee law. They may get avail from the complementary protection provided by international human rights law. This protection is grounded in the fundamental principles of international human rights law, which grants all human beings equal rights simply by virtue of being humans, regardless of their race, religion, sex, age, ethnicity, disability, nationality, immigration status, or any other status.

## Complementary Protection and Climate-Change Refugees

As we discussed in section two of this paper, international protection of refugees is primarily based on the rules of international law as set out in the 1951 Refugee Convention and its 1967 Protocol, and is further complemented by relevant regional instruments such as the 1969 OAU Convention. This protection begins when a refugee reaches the host country and expresses his or her desire to receive its protection. States are the primary actor that grants refugee status and provide international protection through their own national procedures in accordance with the provisions of the 1951 Refugee Convention and its Additional Protocol.

The UNHCR plays the role of custodian or guardian of the 1951 Refugee Convention and supervises the application and respect of its provisions by the State Parties. However, in some cases and under certain circumstances, particularly if the host state is not a party to the refugee convention, or if it is a party but it is unable or unwilling to provide protection, or if it lacks national systems for protecting refugees, the UNHCR may assume the responsibility for providing protection for refugees (UNHCR, 2019).

People who do not meet the strict criteria for granting refugee status under the 1951 Refugee Convention, such as climate-change refugees, are not entitled to the international protection provided by the convention. In light of this protection gap, complementary protection under international human rights law emerges as an alternative legal framework for providing protection to climate-change refugees.

Therefore, the complementary protection can be defined as a form of protection that is derived from international human rights law, granted to individuals who do not meet the criteria for refugee status under the 1951 Refugee Convention, particularly in situations where removal would expose such individuals to real risk to their lives or expose them to inhuman or degrading treatment or other human rights violations. It is described as complementary because it complements the protection provided by international Refugee law (McAdam, 2011).

## Non-Refoulement as the Legal Basis of Complementary Protection.

The legal basis of complementary protection lies in the principle of non-refoulement as established by international human rights law. However, this principle differs from that contained in Article 33 of the 1951 Refugee Convention, which is limited to cases involving persecution. As a result, the scope of non-refoulment under international human rights law is broader as it extends to cover all persons facing a serious threat to their fundamental rights, regardless of their refugee status.

The principle of non-refoulement on which the complementary protection is based, derived from the right to life (UDHR art 3; ICCPR art 6; CRC art 6; ECHR art 2) and the right to not be subjected torture or cruel or inhumane or degrading treatment (UDHR art 5; ICCPR art 7; CAT arts 2 and 3; ECHR art 3). Although these rights are not necessarily the only rights that may give rise to a protection obligation based on the principle of non-refoulement, they are widely recognized under international law and state practice that they give rise to a non-refoulement obligation (Borges, 2018). In the case Chahal v. United Kingdom (1996), the European Court of Human Rights has emphasized that Article 3 of the ECHR imposes an absolute and non-derogable obligation on States not to send back any individual to a place where he might be subjected to torture, inhuman or degrading treatment, or punishment (Furramani & Bushati, 2022). Unlike Article 33 of the 1951 Refugee Convention, the prohibition of removal of an individual under Article 3 of the ECHR is absolute, irrespective of the personal or criminal conduct of that person.

The adverse effects of climate change, such as sea level rise, desertification, drought, scarcity of drinking water, and the increased intensity and frequency of natural disasters resulting from it, can lead to conditions that threaten human survival itself or result in unavoidable suffering and erosion of human dignity for those affected. In this context, it can be said that removal climate-change refugees to their countries of origin that are acutely affected by climate change and no longer able to provide them with the minimum necessities of life including food, clean water, healthcare, and shelter may pose a serious threat to their lives and it may also constitute inhuman or degrading treatment even in the absence of deliberate torture under international human right law.

On this basis, the principle of non-refoulement may be applied to climate-change refugees where their removal would expose them to such serious harm. This approach was reflected in *Teitiota v. New Zealand (2020),* in which the UN Human Rights Committee issued a landmark decision holding that returning individuals to their country of origin may constitute a violation of the right to life if the climate conditions there pose a real and imminent threat to their lives. The Committee also concluded that the decision sets new standards that may facilitate the success of climate change-related asylum claims in the future (United Nations Human Rights Committee (HRC), 2020).

## Limits of International Human Rights Law Protection

Despite the significance of international human rights law on the international level, it provides only a minimum level of protection in the context of climate-change refugees. International human rights law does not confer a person the right to enter and be admitted into the territory of a foreign state, nor defines the legal status to be granted to such a person while residing in the country they entered. Moreover, it does not regulate their social and economic rights, the length of their stay, or providing permanent solutions for them (Francis, 2019). In this regard, the Office of the High Commissioner for Human Rights (OHCHR) affirmed that although persons displaced by climate change effects do not have the right to enter the territory of a foreign state, they are nevertheless entitled to fundamental human rights guarantees there (OHCHR, 2009). It can be noted that this position highlights a clear gap in the current protection regime under IHRL, this gap lies in the fact that those who fled due to the adverse effects of climate change has no right to enter the state and seek refuge under international human rights law, however, if they were lucky to be able to enter, they may get the right to stay based on the principle of non-refoulment if their removal would expose them to a real risk of violating the right to life or subjecting to inhuman treatment. Thus, international human rights law does not guarantee a comprehensive legal protection for climate-change refugees if we compare it with the protection regime established by the 1951 Refugee Convention for those who flee from persecution.

## Toward a New International Legal Framework for Climate-Change Refugees

Based on what has been analyzed in previous sections. It becomes evident to us that the existing international legal framework fails to provide a comprehensive and effective protection for climate-change refugees. Therefore, a new and comprehensive legal framework for climate-change refugees must be adopted by the United Nations and the international community. This legal framework can take the form of a new international convention on the protection of the rights of climate-change refugees or an Additional Protocol to the 1951 Convention, similar to the 1967 protocol, that expands the refugee protection under the convention to include, in addition to individuals who flee due to persecution, those who flee due to the adverse effects of climate change.

Whatever the form of this framework, it should recognize climate-change refugees as a distinct protected category that deserves protection under international law. This legal framework should also introduce a clear and unified definition of climate-change refugees, define their rights and guarantees and, set out the states' obligations towards them. These obligations and guarantees should, include but not limited to, recognizing and granting them a legal status similar to that granted for those flee from persecution, facilitating safe and lawful entry, granting a lawful stay and protection against arbitrary detention or punishment based on irregular entry, ensuring them an access to fundamental economic, social, and cultural rights, providing identity and travel documentation as well as offering durable solutions such as local integration or resettlement in a third state. The framework should further provide for establishing an international funding mechanism that contributes to supporting the protection, adaptation, and resettlement efforts for climate-change refugees.

## Conclusions

The study addressed the legal dilemma surrounding climate-change refugees in light of the provisions of international, particularly international refugee law and international human rights law. The study begins by discussing the definitional dilemma surrounding the term "climate-change refugees", indicating the absence of a universally accepted definition to describe those who cross international borders due to the impacts of climate change. The study also highlights the other different terms used by scholars, activists, and international organizations to describe this category of persons, such as «environmental refugees», «environmental migrants», and «climate refugees», differentiating between these terms and clarifying their conceptual and legal implications. For the purposes of this study, and to ensure greater accuracy in addressing the issue, the term "climate-change refugees" was adopted. The study then examined whether climate-change refugees could enjoy protection under international refugee law, including the 1951 Refugee Convention and its Additional Protocol, as well as relevant regional instruments, particularly the OAU Convention and the Cartagena Declaration. After that, the study examined international human rights law as an alternative means for providing protection to climate-change refugees through analyzing the concept of complementary protection and the principle of non-refoulement under international human rights law. Then it concludes by suggesting new international legal pathways that are able to provide effective protection for climate-change refugees.

Based on the above, the study finds that despite the growing number of climate-change refugees and the increasing urgency of their situation and suffering in light of the exacerbating effects of climate change and the increased intensity and frequency of the resulting disasters, they remain without adequate and effective protection under international law. First, they are not legally recognized or protected under international refugee law at either the international or regional level. While the 1951 refugee convention limits the protection to those who fear or suffer from persecution based on race, religion, nationality, political opinion or membership of a particular social group, and exclude the environmental and climate-change factors from its definition, the regional refugee instruments, despite they adopted a broader definition of the term refugee, they did not explicitly address climate change effects, nor have been understood or applied in a way that provides protection for climate- change refugees. Second, they also do not receive adequate protection under international human rights law as the complementary protection it provides is limited in scope and does not give them neither a general right to enter the territory of the state nor a clear legal status, it is just limited to prevent their removal in cases where return for those entered would expose them to a real risk to life or inhuman or degrading treatment. Finally, the study recommends that the international community and the UN need to establish a comprehensive legal framework, whether in the form of a new international convention or additional protocol, such as the 1967 protocol, that formally recognizes climate refugees as a protected category, defines the states' obligations, and provides them with clear, adequate, and effective protection.

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BALKAN JOURNALS

# Transparency, Intergovernmental Coordination, and Anti-Corruption Reforms in North Macedonia

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*Abstract*

Efforts to combat corruption increasingly emphasize the dual importance of transparency and intergovernmental coordination. These two governance principles are closely intertwined. When effectively combined, they create a framework that not only strengthens democratic legitimacy but also prevents abuse of power. From a legal reform perspective, transparency is more than a procedural value; it is a safeguard against corruption. International standards and obligations, particularly those stemming from European Union accession processes and global anti-corruption frameworks, further reinforce the need for transparent and coordinated governance. North Macedonia offers a compelling case study. As a unitary state undergoing decentralization and gradual deconcentration of central power, its institutional architecture relies heavily on coordination between ministries, regulatory bodies, and local governments. The actual Strategy for Transparency 2023–2026 reflects both domestic demand for stronger accountability and compliance with international obligations. Yet, the effectiveness of these reforms depends not only on formal commitments but also on how transparency and coordination are practiced within a complex political environment. The positioning of institutions, the role of their leaders, and the broader political dynamics shape whether anti-corruption objectives are achieved in practice. This paper examines how transparency reforms in North Macedonia intersect with intergovernmental coordination and legal commitments, highlighting the challenges and opportunities of aligning domestic governance structures with international anti-corruption standards.

*Keywords:* Corruption, transparency, intergovernmental coordination, international and regional standards, North Macedonia

## Introduction

Transparency makes the governance closer to citizens, fostering trust and accountability. Transparency ensures that the processes are open to scrutiny, making it easier to hold government officials accountable for their actions and decisions. Intergovernmental coordination often requires shared responsibilities and joint decision-making. Transparency ensures these processes are open to enquiry, making it easier to hold government officials accountable for their actions and decisions. Transparent intergovernmental coordination helps ensure consistency in policymaking, making the decision-making processes exposed and with that more effective and efficient. Additionally, when citizens understand the collaborative efforts and the reasons behind certain decisions, they are more likely to trust the government. Transparency, as a concept, is undoubtedly connected with the idea of good governance, which implies the responsible management of public affairs and public resources. A cornerstone of good governance is accountability based on transparency. According to the principles of SIGMA and the OECD, accountability presupposes the existence of clear lines of responsibility and accountability. At the most general level, accountability presupposes the relationship between the government and the citizens who elected it. In that regard, citizens enjoy certain rights to be informed about the actions of the government, and certain standards are guaranteed in treatment and compensation if those rights are violated (Carothers & Brechenmacher, 2014; Michener & Bersch, 2013; Kaufmann & Bellver, 2005; GRECO, 2019). This article analyses the government's effort in North Macedonia to increase transparency at various governance levels by introducing a new Strategy for Transparency 2023- 2026, while enforcing various legal measures aimed to prevent the corruption. Considering the steps taken towards increased transparency, the paper will present how transparency (or lack of it) influences intergovernmental coordination, hindering the potential for possible corruption. The conclusions are pointing the necessity in keeping all those elements in place for meaningful intergovernmental coordination processes.

## The Concept of Transparency

Transparency helps in making the governance closer to citizens, fostering trust and accountability. It helps in ensuring consistency in policymaking, it makes the decision-making processes open and with that more effective and efficient. The transparency and good governance go hand in hand. Good governance is considered a fundamental factor for economic development and stability of society. It includes effective and efficient services, clear transparent, and enforceable laws and rules, consistency and coherence in policy-making, respect for rule of law, and high standards of ethics. On the other hand, a foundation of good governance is accountability based on transparency. Within this frame, the political authority / government / body of the state administration, can be considered as transparent if regularly and proactively publish the information on the user-friendly manner and protects and promotes the unhindered realization of citizens' rights to access information of a public nature. In that sense, it is important to mention that alongside with citizens' rights there are connected obligation of the corresponding institutions and authorities to publish the data they have.

Transparency is necessarily connected with democracy and with the right of citizens to seek and receive information about the operation of their government and administration (understood in the broadest sense of the word. That is because an educated and well-informed citizen wants his or her views and knowledge to be taken into account in the public decision-making process – and governments are under pressure to respond.  Informing, consulting, and involving citizens are means to promote openness and investment in a better policy-making process, and in this process - information is the first stage, consultations are the second, and partnership with the institutions is the highest stage. Within this, the concept of Active transparency implies proactivity of the institutions in publishing the public data. The Responsibility is understood as a determination who should be held accountable for untaken action (or omission), - on horizontal or vertical level. Accountability, is connected with responsibility and assumes the need to explain the actions and decisions and provide clear answers to the citizens and stakeholders concerns through established clear mechanisms for complains and objections Inclusivity and participation improve the effectiveness of management and but the quality of the decisions made which means that citizens and stakeholders can influence the actions and decisions of the state, safely, equally and without discrimination and contribute with their views in all phases of the cycle of creating and carrying out public policies. All of these elements should be in place related to the concept of Integrity, which assumes that all levels of government consistently support ethical standards during their activities and give priority to the public interest over private ones (Cerna, 2014; Michener & Bersch, 2013; Kaufmann & Bellver, 2005).

## The Structure of Public Governance in North Macedonia and Policies for Governance Coordination

The Republic of North Macedonia (North Macedonia) is a unitary state and a parliamentary democracy. The governance is organized into two layers, and it is divided into central government and local government- each of it with their structure and particularities. The Law for organization of the state administrative bodies regulates the organization, competencies and work of the state administration bodies (Law on the organization of the state administrative bodies, 2000). The local self-government is established as a fundamental value and a right that is constitutionally granted and protected (Constitution of Republic of North Macedonia, 1991, Art. 114). The governance organization of the local level is as well-regulated in details through statutory provisions (Law on the territorial organisation of local self-government, 2004; Law on City of Skopje, 2004). Considering the population composition, North Macedonia is a multiethnic and multinational state with a diverse population structure. According to the last census in 2021, 58.44% of the population declared themselves as Macedonians, 24.30% as Albanians, 3.86% as Turks, 2.53% as Roma, 0.47% as Vlachs, 1.30% as Serbs and 0.87% as Bosniaks and others (State Statistical Office, 2021). The established political model is based on power-sharing and redistribution of public resources and political power. The system is not a typical consociationalism model but shares many characteristics. As a result, multi-ethnic coalitions are a regular occurrence on the Macedonian political stage (Shikova, 2018). The minority-majority relations affect all the efforts for the governmental coordination being vertical or horizontal. In general, often the system is immensely affected by political bargaining, but as well by prospects of potential EU membership. Nevertheless, North Macedonia has been an EU candidate for membership since 2005, fulfilling difficult political demands and facing many vetoes from the neighbouring countries (Shikova, 2025).

Since the Accession Partnership of the Republic of Macedonia with the EU (2001), and the signing of the Ohrid Framework Agreement (2001), which regulates the power-sharing relationship between different communities, there is a strong political focus on the decentralization reforms. According to Article 22 of the 2002 Law on Local Self-Government (Law on Local Self-Government, 2002), municipalities have both own and delegated competencies where the municipalities undertake responsibilities in important areas such as education, the provision of basic services and social welfare, economic affairs and transport, environment, health, etc. According to the Article 115 of Constitution of Republic of North Macedonia (1991) and the Article 23 of Law on Local Self-Government (2002), a public administration body may also delegate the execution of specific tasks from its competence to the municipality. Apart from delegated competences, there are as well shared competencies within the sphere of education, health, road maintenance, urban planning, and building permits (OECD, 2022).

## Transparency as Governmental Policy

Transparency in intergovernmental coordination is not a key topic in Macedonian political society. However, there are efforts towards greater transparency of the public institutions in general. In that frame, recently the Government adopted the Transparency Strategy 2023-2026, a unique document, that is meant to increase the transparency on central level institutions, but it is recommended to be implemented on a local level as well. The document set the prerequisites that need to be met for some institutions to be considered transparent. This strategic document takes into account transparency in a broader, essential sense and highlights the active role of institutions in achieving it. As a result of the Strategy, it is expected that the organizational culture will change towards increased openness of the institutions. That will affect the public perception and increase the citizen's trust in the system. Publishing not only data but also original documents in an easy-to-use format will raise accountability securing a method for possible involvement of the citizens in these processes. That can encourage citizens' participation (directly or being represented through citizens' associations) in policy creation and will contribute to their quality. The document predicts the usage of the new technologies and the communication channels by the Government and public bodies for spreading info about public activities and decisions that should increase the level of transparency (Strategy for Transparency of the Government of the Republic of North Macedonia, 2023).

These efforts are in line with public administration reform (the Strategy exists only on the central level and not on the local level) and they are built on previous steps taken in a sphere i.e. the previous Strategy for Transparency of the Government of the Republic of North Macedonia (2019-2021); mechanisms that were adopted for strengthening fiscal discipline; legally expanding of the scope of information that institutions should publish regularly on their web sites, etc. Although in general there are certain improvements towards more transparency, it is evident that this is mainly related to the central government institutions, and it is not quite mirrored on a local government level. It is not an overstatement if it is point out that most of the municipalities do not meet basic standards for openness and apply low standards for public consultations. That directly affects their transparency and transparency of the processes. In that respect, there is no possibility for effective monitoring and evaluation of the process of intergovernmental coordination, as well as its results – the enacted public policies. Considering the measurements, for example, the average openness of the municipalities for 2021 was at least 30% lower than the openness of the central government institutions – and some of the local self-government units fulfilled only 25% of the set criteria for transparency (Metamorphosis Foundation for Internet and Society, 2021). This is extremely problematic considering that the administrative processes of the country are directly influenced by the party politics and greater transparency is a must in reaching EU standards and fighting against corruption. The unclear and overlapping competencies of the institutions, lack of transparency, and the influence of politics over the system of administrative bureaucracy have long been contentious issues in the country (European Commission, 2025), and despite the steps undertaken, there are still challenges ahead.

## Anticorruption Policies

There is no universally accepted definition of corruption; however, it is commonly understood as the betrayal of public trust for the purpose of advancing private interests (Henry, 2006; Rosenbloom & Kravchuk, 2005). In its efforts to combat corruption, North Macedonia has established a comprehensive legal framework in which the Law on Prevention of Corruption and Conflict of Interests and the Criminal Code (1996) with its amendments, constitute the cornerstone regulating corruption-related offences. Complementary legislation — including the Law on Whistleblower Protection (2015), the Law on Lobbying (2021), the Law on Public Procurement (2021), and the Law on Public Financial Control (1990) with amendments, provides additional institutional safeguards. At the strategic level, priorities for policy action were set through the National Anti-Corruption Strategy 2021–2025 (2021). Moreover, the international obligations arising from the UN Convention against Corruption (2004) and the Council of Europe conventions on corruption (Council of Europe, 1999a, 1999b) reinforce domestic commitments, requiring not only legal compliance but also broader systemic transformation.

Institutionally, the architecture for preventing and combating corruption is extensive. The State Commission for Prevention of Corruption (SCPC) (2021) serves as the principal body leading anti-corruption efforts, supported by the State Audit Office and the Bureau for Public Procurement. The Ministry of Justice, the Ministry of Interior, and the Public Prosecutor's Office also play significant roles in the enforcement of anti-corruption policies, complemented by the work of the Financial Police, the Customs Administration, and various oversight institutions. Furthermore, internal integrity mechanisms have been established within all public sector institutions, were designated Integrity Officers act as internal anchors of integrity policies, connecting day-to-day operations with the overarching anti-corruption framework. Thus, while laws and institutions ensure external oversight of the effectiveness of integrity policies and procedures, the internal mechanism encompasses the responsibilities of institutional leadership, Integrity Officers, and other employees engaged in the functioning of the integrity system. Their collective mandate is to foster and maintain an institutional climate of integrity, strengthened through specialized training, methodological development, and application of guidelines for implementation (State Commission for Prevention of Corruption, 2021).

## Is the Intergovernmental Coordination Transparent?

Intergovernmental coordination requires communication in policy-making between the different levels of government, especially if the different levels of government share responsibilities in certain policy areas. Therefore, intergovernmental relations dominate the executive branches of the government layers, and that can create an issue concerning accountability. That comes at stake, especially in systems of power-sharing, like in North Macedonia, that often consensus decisions and coordination between executives are sometimes done behind closed doors, at the expense of public accountability and transparency. Despite the introduced mechanisms for greater transparency, political bargaining predominates in the relationships among the level of governments, sometimes making intergovernmental coordination a less transparent process and prone to corruption. That is related to general policies not just for intergovernmental coordination, but for instance the last corruption perception index lists North Macedonia on 88$^{th}$ place out of examined 180 countries and territories, putting it in a vicious cycle of week democracy and flourishing corruption (Corruption Perception Index, 2024).

Alongside with abovementioned issues, In North Macedonia the institutions have discretionary authorities and they are spread in many laws. The actions of institutions under a given discretionary authority are evident in the legal act by which the decision is made. In its work, the administration issues a series of specific administrative acts, with which it resolves certain cases, most often in administrative proceedings. Laws, i.e. the vague and poorly defined provisions of laws and bylaws, give institutions tacit freedom in certain situations to act as they deem best. However, although flexibility is provided for the sake of better efficiency, most often the powers are abused for personal interest, not for the public good, thus exceeding the limits of the legal and ethical performance of functions. This is largely due to the lack of specific guidelines for acting under discretionary authorities by institutions. If such guidelines exist, institutions with discretionary powers will explain their actions in more detail in the decision, and supervisory authorities will be able to decide on the manner of acting and respecting the guidelines when applying substantive law. According to the established institutional system/mechanism, the acts of the public administration are subject to supervision and control by the immediately higher authorities (ministries), specialized bodies (second-instance commissions), the state administrative inspectorate or the courts (Administrative, Higher Administrative and Constitutional Court). Supervision is carried out over the legality of general acts (rulebooks, statutes, etc.), over specific acts, over the operation and over the material and financial operations of the administration and is carried out by independent institutions such as the Parliament of the Republic of Macedonia, the State Audit Office (SAO), the Ombudsman (OP), the State Commission for the Prevention of Corruption (SCPC) and others, whose recommendations have only a consultative role and do not cause legal consequences for the institutions. This is important, because abuse of discretionary powers can only be established when their acts are effectively controlled (Gjorgjievski & Vrglevski, 2023).

There is a general understanding that steps need to be taken towards more transparency on all government levels in North Macedonia and that includes the processes of intergovernmental coordination. That is reflected in the various reform processes. Some of them include the Open Data Strategy 2018-2020 (2018); The Strategy for the Reform of the Public Administration 2023-2030 (2023), as well as the National Action Plan for Open Government Partnership (2024-2026), in which the Government commitments to facilitate the access to information and for greater transparency - both centrally and at the local level. Those efforts have their predecessors' steps. For instance, between 2004 and 2005, significant reforms were carried out to consolidate the local public finance system. Within the Law on Financing Local Self-Government Units (2004) predicts establishing a Committee for Monitoring and Development of the Local Government Finance System, composed of members from national and local governments, with aim to promote transparency and accountability in the use of public resources. That was as well one of the main objectives of the Fiscal Decentralization Reform starting from 2021 (OECD, 2022). Additionally, there is a huge legislative framework that tends to increase transparency. The illustrative example can be the Law on Local Self-Government (LLSG) that permits coordination of policies in specific areas of mutual interest between the government and municipalities. Those agreements need be reported to the Parliament that oversees them from the aspect of transparency, especially the allocation of subsidies, and financing sources (Law on Local Self-Government, 2002, Art 79- 80).

## Discussion

Intergovernmental coordination requires effective communication in policymaking between different levels of government, especially when they share responsibilities in certain policy areas. Within intergovernmental relations, the executive branch tends to predominate in North Macedonia. However, persistent issues related to accountability indicate the need for greater responsibility and stronger democratic oversight. Coordination and decision-making are often conducted in non-transparent settings, through informal channels, where political negotiations and political deal-making frequently occur. These processes are frequently marked by competition rather than cooperation, and the pursuit of effective decisions sometimes comes at the expense of public accountability.

To make intergovernmental coordination a more transparent process and more resilient to corruption, unified websites and regularly updated data are needed. Regulations, legal acts, and other documents that directly or indirectly affect citizens' rights and obligations should be publicly available, systematically organized, and regularly updated. Assistance to citizens in finding relevant information should be mandatory, and access to information should be understood not merely as access to documents, but as the right to obtain valid and reliable data. Access to information should not entail costs, as stipulated by the Macedonian legal framework. Nevertheless, citizens must be given greater opportunities to gain insight into budget expenditures and revenues, as well as into public processes, the exercise of official mandates, and the use of discretionary powers.

Significant differences in openness and transparency among institutions have been observed, often depending on the goodwill and commitment of those in managerial positions. In addition to disparities within the central government, varying levels of transparency exist among the planning regions (which are established primarily for statistical purposes) and, more notably, at the local level. The least transparent processes are those related to public finances, with transparency decreasing at lower levels of government and in institutions with lesser status in the state hierarchy.

Although most initiatives for improvement originate at the central government level, intergovernmental processes in the country remain heavily influenced by party politics. Achieving greater transparency is essential for meeting EU standards and strengthening the fight against corruption. Therefore, the existing administrative culture of secrecy must change. The necessary instruments are already in place to transform the behaviour of civil servants and government officials toward greater openness and accountability.

## Conclusion

Although intergovernmental coordination in North Macedonia is governed by statutory provisions that prescribe established procedures, routines, and oversight by the Parliament and its bodies, a persistent lack of transparency can be observed in practice. Nevertheless, despite the institutional and normative efforts undertaken, intergovernmental coordination frequently remains insufficiently visible to the public and that increases the chances for corruption. Active transparency, especially in matters of financial disclosure, continues to represent a significant challenge for institutions, and is particularly pronounced at the local level. Consequently, a transformation of the prevailing administrative culture of limited openness is necessary, supported by existing legal instruments to guide the conduct of public officials. While progress has been recorded at the central level of government, further advancement is required locally to ensure greater openness and public insight into intergovernmental processes. Despite the extensive legal frame and established polices, in essence there are structural and practical obstacles towards more open process of coordination. The anticorruption measures are in place; however, they remain with fragmented implementation and an overly formalistic approach has less effects on the corruption level. For more transparent processes resilient to potential corruption, the objective extends beyond the mere prevention of corrupt practices; it encompasses the development of public institutions characterized by professionalism, accountability, and ethical responsibility. Such transformation is essential for North Macedonia to achieve higher levels of transparency, accountability within the intergovernmental coordination in the public sector (on central and local level) and with it to achieve democratic legitimacy.

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BALKAN JOURNALS

# Institutional Suspension and Student Subjectivity

Nazim Zullufi

*Abstract*

This article reconceptualizes student status as a form of institutional and existential suspension in post-transitional societies. Drawing on critical analyses by Ivan Illich, Pierre Bourdieu, and Michel Foucault, it argues that universities do more than produce cultural capital: they generate a subjectivity structured by deferred responsibility and prolonged anticipation. In contexts of structural uncertainty, especially in post-socialist Balkan societies, student suspension emerges as a rational strategy rather than a moral failure. Engaging with Ulrich Beck's risk society and debates on youth precarity, the article shifts the analysis of student disengagement from moral critique to structural explanation. The Balkan case illustrates how institutional frameworks extend "waithood," legitimizing a liminal period between dependence and full societal integration. This framework highlights the university not only as a site of knowledge production but also as an architect of social time, where postponement and anticipation are normalized. The study thus provides a lens to understand how late-modern higher education institutionalizes suspension and shapes student subjectivity.

*Keywords*: Institutional suspension, student subjectivity, cultural capital, waithood, risk society

## Introduction

Higher education in modern discourse is commonly perceived as an emancipatory mechanism and as a preparatory phase for professional and civic integration. The figure of the student has traditionally been defined as a subject "in formation," investing in cultural and social capital in order to later integrate into the labor market and public life. This linear narrative, from education to work, from dependence to autonomy, represents one of the most powerful myths of educational modernity. However, in the context of the socio-economic transformations of recent decades, this linear scheme appears increasingly unstable, as the expansion of higher education has not been proportionally accompanied by professional stability and civic integration.

In reality, the student period often coexists with unemployment, precarious work, and migration. This context of uncertainty has prolonged the duration of studenthood and created an intermediate space: a suspended condition between dependence and responsibility. The student is no longer simply "on the path toward" integration but often remains in an intermediate state where full economic and civic responsibility is postponed, and the extension of studies becomes a strategy for managing uncertainty.

This article proposes to interpret this condition not as a moral crisis or youth apathy, but as a form of institutional suspension. Student status is produced as a social category that legitimizes the postponement of full engagement in the public and economic spheres. Suspension is not merely a subjective experience; it is the product of the interaction between educational structures, the logic of cultural capital, and structural uncertainty.

Ivan Illich's critical analyses of the institutionalization of learning demonstrate that the university colonizes the individual's time and life trajectory, transforming learning into a certified dependency (Illich, 1971). According to Pierre Bourdieu, education functions as a mechanism for converting cultural capital into social advantage and as an instrument for the reproduction of existing social structures (Bourdieu, 1986). In this sense, the diploma is not simply a document recognizing knowledge but an instrument of legitimation and a marker of status. Meanwhile, Michel Foucault argues that institutions produce disciplined subjects through evaluation, control, and performance (Foucault, 1977).

The modern student, evaluated according to credentials and academic results, becomes a liminal subject: organized around anticipation, not fully autonomous, and structured to cope with uncertainty.

At the same time, late modernity is characterized by the individualization of risk and structural uncertainty, as emphasized by Ulrich Beck (Beck, 1992). Biography becomes an individual project to be managed, while success and failure are interpreted as outcomes of personal choices. In this climate, investment in higher education appears as a rational strategy to minimize risk. The postponement of public and professional engagement becomes part of a rational calculation in the face of a fragmented and unstable labor market.

Post-socialist Balkan societies offer a particularly meaningful terrain for analyzing this phenomenon. Political and economic transition has produced high levels of unemployment, informality, and migration, while higher education has expanded significantly. The university often functions as a mechanism of postponement in the face of an uncertain labor market. Studies are prolonged, enrollments in new programs increase, and student status becomes a legitimized form of waiting. In this sense, the diploma is not merely cultural capital; it is an instrument for managing uncertainty and a means of preserving biographical flexibility.

Public discourse in the Balkans often interprets student disengagement as apathy, a lack of idealism, or a crisis of values. Sporadic protests and limited political participation are read as indicators of the weakening of civic culture. However, a structural analysis suggests that such disengagement may instead be understood as the result of rationality imposed by socio-economic uncertainty. When professional integration and economic stability are uncertain, individuals shift their priorities toward accumulating credentials and managing the time of waiting.

Through the concept of institutional suspension, this article aims to move the analysis away from moralizing youth and toward a deeper structural understanding. The student is not viewed as a passive or failed subject but as an actor positioned within an institutional configuration that produces waiting as a normalized condition. Suspension thus becomes an analytical category for understanding the relationship between knowledge, time, and responsibility.

Within this framework, the Balkans are not merely a local case; they offer a comparative and analytical perspective for understanding dynamics that are increasingly present in global higher education: the mass expansion of studies, credential inflation, the prolongation of the transition to work, and the transformation of youth into a temporary category of suspension. By combining classical critical theory with post-transitional analysis, this article proposes that the contemporary university is not only an institution that produces cultural capital but also a mechanism that institutionalizes suspension.

In the sections that follow, the article develops this argument through an expanded theoretical framework that links the institutional colonization of life, the reproduction of cultural capital, and the disciplinary production of the subject with the analysis of structural uncertainty and post-socialist transition, positioning the Balkans as an analytical space and a regional contribution to the global debate.

## Methodological Approach and Theoretical Framework

This article adopts a theoretical - conceptual approach, focusing on the critical analysis of student status as a form of institutional suspension. It does not rely on primary empirical data; instead, it draws on classical and contemporary literature from critical sociology, youth studies, and post-transition research. The aim of this methodological approach is to interpret student status not as an individual or moral phenomenon, but as the product of the interaction between educational institutions, social structures, and economic uncertainties.

One of the central foundations of this article is the analysis of the institutional colonization of life as articulated by Ivan Illich, in Deschooling Society (1971), he argues that educational institutions are not merely transmitters of knowledge but monopolize the process of learning and transform the individual into a subject dependent on certifying structures. The duration of studies, continuous assessments, and credentialism compel students to invest not only in knowledge but also in a social and structural process that reproduces dependency. According to Illich (1971), the university colonizes time and the life trajectory of individuals, turning the student's future into an object planned and controlled by institutional logic.

Another essential dimension is cultural capital and social reproduction, as emphasized by Pierre Bourdieu. Bourdieu (1986) argues that education functions as a mechanism for converting cultural capital into social advantage and as an instrument for reproducing existing hierarchies. The diploma is not merely a document certifying knowledge, but a symbol of legitimacy and status. In contexts marked by economic uncertainty and fragmented labor markets, students tend to perceive studying not primarily as an ethical or civic commitment but as a strategic investment for securing future social mobility. Credential inflation and the mass expansion of education intensify this expectation: student status becomes a legitimized period of suspension that creates space for risk management and biographical flexibility.

According to Michel Foucault (1977), institutions produce subjects through disciplinary techniques in which duration, evaluation, and performance become instruments of subject formation. In this sense, the student becomes a liminal subject, organized around anticipation and credentials, evaluated through performance, and structured to cope with socio-economic uncertainty. Through disciplinary mechanisms, the university not only determines academic trajectories but also manages the individual's waiting and future time. Institutional suspension is not accidental; it is the outcome of a structural rationality that links knowledge with control and the capitalization of time.

In the context of late modernity, this configuration is closely linked to structural uncertainty and the concept of the risk society, as argued by Ulrich Beck (1992). The postponement of professional and civic engagement becomes part of a rational strategy for managing individual risk. The student's biography is transformed into a project in which success and failure are interpreted as the result of personal choices and the capacity to manage uncertainty. Within this framework, institutional suspension is not a deficit but a rational strategy for coping with uncertainty.

Moreover, the concept of waithood, introduced by Anani Honwana (2012), adds an empirical–theoretical dimension to the analysis. Waithood describes the prolonged period of waiting during youth, in which individuals lack stable access to employment, economic autonomy, and full civic responsibility. In the Balkans, this condition illustrates how universities assume a role not only in academic preparation but also in the administration of uncertainty, legitimizing suspended time and postponing integration into the labor market.

The theoretical framework of this article therefore connects three analytical levels:

(1) institutions that colonize time and produce dependency (Illich, 1971),

(2) cultural capital as a mechanism of social reproduction and mobility (Bourdieu, 1986), and

(3) the disciplinary production of the liminal subject (Foucault, 1977), all situated within a global context of modern uncertainty (Beck, 1992; Honwana 2012).

The Balkans are used as an analytical space to illustrate how these processes converge: the expansion of higher education, youth unemployment, and migration transform student status into a legitimized period of suspension and risk management.

In this way, the expanded theoretical approach of this article seeks to demonstrate that student disengagement is not an individual or moral phenomenon but the result of a complex interaction between institutions, cultural capital, and socio-economic uncertainty. Institutional suspension thus becomes an analytical category that helps us understand the relationship between knowledge, time, and responsibility, positioning the Balkans as an illustrative case with global relevance.

## The University as a Producer of Deferred Time

The contemporary university is not merely a space for the production and transmission of knowledge; it is an institution that structures time, organizes waiting, and rationalizes suspension. In this sense, the student period does not represent only a linear transition from education to employment, but an institutionalized liminal condition in which time becomes a strategic resource for managing uncertainty.

Drawing on the critical analyses of Illich (1971) Bourdieu (1986), and Foucault (1977) as well as debates on the structural uncertainty of late modernity (Beck, 1992), this section argues that the university functions as a producer of deferred time, making suspension not a deviation but a normal effect of institutional rationality.

In Illich's analysis (1971), the educational institution monopolizes the process of learning and transforms knowledge into a certified product. This monopoly is not limited to the content of knowledge; it also includes the organization of individual time.

The university determines the rhythm of student life through the structure of academic years, credits, examinations, and graduation cycles. Thus, the student's time is no longer a spontaneous time of personal development but an institutionalized time, regulated and legitimized by the logic of certification. In this way, the university colonizes life trajectories, transforming the future into a project managed within the academic framework.

This colonization of time creates a specific space: the student period becomes a suspended time in which full economic and civic responsibility is postponed. Rather than being interpreted as passivity, this condition should be understood as an institutionalized strategy in response to uncertainty. In contexts where the labor market is fragmented and opportunities for professional integration are unstable, as in many post-socialist societies of the Balkans—the prolongation of studies and continuation into new academic cycles become rationalized forms of waiting (Honwana, 2012). The university thus not only prepares individuals for the future but also administers the time of transition toward it.

From Bourdieu's perspective (1986), this deferred time is directly connected to the accumulation of cultural capital. A degree functions as symbolic capital that can be converted into social and professional advantage. In a context of credential inflation, where a bachelor's degree no longer guarantees stable integration, students invest in master's programs, additional training, and new certifications. This is not simply a desire for knowledge; it is an investment rationality. Time spent at the university becomes a period of strategic accumulation of capital, where each additional year of study represents an opportunity to increase symbolic value in the labor market (Standing, 2011).

However, this investment also produces a structural side effect: the prolongation of the liminal condition. Students remain for extended periods in an intermediate space, neither fully professionally integrated nor entirely dependent. Suspension becomes legitimized, even necessary, in order to maintain competitiveness. Thus, cultural capital and deferred time intertwine: the university creates the conditions for an economy of waiting, where youth becomes a prolonged period of investment.

The disciplinary dimension analyzed by Foucault (1977) deepens this process. The university is not only a space for capital accumulation but also a mechanism for the production of subjects. Through grades, credits, and systems of evaluation, the institution organizes the behavior and time of students.

Each semester constitutes a cycle of control and performance, where students learn to manage waiting, plan deadlines, and structure ambitions according to institutional demands. This discipline produces a liminal subject: an individual who experiences time as a manageable project oriented toward certification and performance.

At this point, deferred time is not merely a result of economic conditions; it is the effect of the interaction between institutional colonization, the accumulation of cultural capital, and the disciplining of the subject. The university produces a rationality in which suspension is perceived as normal and necessary. Students are not simply waiting; they are investing, certifying themselves, and preparing within a structure that legitimizes waiting as part of future success (Arnett, 2004; Woodman & Wyn, 2015).

This process is closely related to the structural uncertainty of late modernity. As Beck (1992) argues, individuals in the risk society must manage their biographies as individual projects in which success and failure become personalized. In this context, the university provides a controlled space where risk can be postponed and managed. Studying becomes a means of minimizing uncertainty, while institutional suspension provides time to prepare entry into an unpredictable labor market.

In the Balkans, this dynamic takes particularly concentrated forms. Youth unemployment, informality, and migration make professional integration uncertain. For many students, continuing education represents a safer alternative than immediate entry into the labor market (OECD, 2024; Eurostat, 2023). The university functions as a mechanism for the administration of waiting: it legitimizes suspended time and transforms it into potential future capital. Student status thus becomes not only an academic identity but also a social strategy.

This liminal condition corresponds with Honwana's concept of waithood (2012), which describes the prolonged period of waiting during youth. In the case of students, waithood is not passivity; it is structured and institutionalized waiting. The university gives this waiting form, rhythm, and legitimacy. Each cycle of study adds symbolic capital but also extends the time of suspension.

In this way, the university as a producer of deferred time creates a new configuration of the relationship between knowledge, time, and responsibility.

Suspension is not a moral defect of youth but the result of an institutional and economic rationality that transforms time into a strategic resource. The student period becomes a space where risk is managed, capital is accumulated, and full responsibility is postponed for a supposedly more secure future, even though that future remains increasingly uncertain.

The university, therefore, should not be seen only as an institution of knowledge but as an architect of social time. It produces and organizes deferred time, structuring waiting as part of student life and transforming suspension into a normalized dimension of the transition toward adulthood. In this sense, the student period represents not only educational investment but also an institutionalized form of managing uncertainty in contemporary societies.

## Suspension, Liminality, and Waithood

If the university produces deferred time through its institutional structures, then suspension should not be understood as a side effect of the transition toward employment, but rather as an institutionalized form of social temporality. It represents a regime of time in which the present is organized through investment in a projected yet uncertain future. The student experience in late modernity constitutes a space where the transition to adulthood is no longer a clear moment of passage, but a prolonged, fragmented, and uncertain process.

The concept of liminality, developed by Victor Turner (1969), describes the intermediate phase of rites of passage, in which the individual exists "betwixt and between" two social statuses. In classical anthropological analysis, this phase was temporary and clearly structured. In late modernity, however, life transitions have become less linear and more unstable. As Jeffrey Jensen Arnett (2004) argues, the phase of "emerging adulthood" represents a prolonged period of identity exploration and professional uncertainty that delays the consolidation of adult roles.

Student status represents precisely this extended liminality. The student is no longer fully dependent, yet not stably integrated into the labor market. The degree functions as a symbol of entry into the professional order, but real integration is often postponed beyond the completion of studies. This makes the university an institution that not only prepares individuals but also prolongs the transition.

The concept of waithood, articulated by Anani Honwana (2012), reinforces this analysis. Honwana argues that many young people experience an extended period of waiting for stable employment and economic independence, despite significant investment in education. Waithood is not merely an individual experience but the product of structural transformations in the labor market. In this sense, the university functions as a mechanism that institutionalizes waiting and legitimizes it as a rational investment.

These dynamics must be understood within the framework of Ulrich Beck's (1992) analysis of the risk society. According to Beck, late modernity is characterized by the individualization of uncertainty. Economic and professional risks shift from structural arrangements onto individuals, who must manage them through personal strategies. The extension of studies, the accumulation of credentials, and academic mobility appear as forms of adaptive rationality within an unstable labor market.

However, as Guy Standing (2011) argues, the rise of the precariat has produced a class of individuals characterized by contractual insecurity and fragmented professional identity. The transition from university to employment often does not represent entry into stability but rather the continuation of uncertainty in new forms. Literature on youth transitions emphasizes that the linear model of education-to-work has significantly weakened (Furlong, 2013; Woodman & Wyn, 2015).

In the context of the Western Balkans, these processes are particularly visible. According to the OECD (2024), youth unemployment in the region remains significantly above the European Union average. Data from Eurostat (2023) confirm that youth unemployment rates in several Western Balkan countries are considerably higher than the EU average.

However, suspension should not be reduced solely to economic indicators. It also has cultural and psychological dimensions. For the student, university time is simultaneously a time of investment and a deferred time. It produces a continuous sense of preparation: preparation for the labor market, for competition, for possible migration, and for additional certifications. This permanent preparation creates a subject who lives in the horizon of the future but rarely experiences that future as secure.

At the symbolic level, the university constructs the narrative of meritocracy: success is presented as the result of individual effort. This narrative makes suspension appear as a personal choice rather than a structural constraint. Students often interpret the prolongation of studies as a strategic investment, postponing important life decisions, such as marriage, family formation, and territorial stabilization, until the moment when “things stabilize.” Yet this moment is often continually deferred.

In this way, suspension becomes a normalized condition. It is not perceived as an open crisis but as an expected phase of the biographical trajectory. Nevertheless, its prolongation produces long-term consequences: delayed economic autonomy, extended dependence on family, fragmentation of professional identity, and a strong orientation toward migration as an alternative.

The university, therefore, is not merely a space for intellectual formation. It is an institution that organizes the social time of youth by creating a prolonged period of mediation between dependence and autonomy. Under conditions of structural uncertainty, this deferred time functions as a social buffer: it keeps youth within an institutional framework, delaying direct confrontation with an unstable labor market.

In conclusion, suspension, liminality, and waithood constitute essential analytical categories for understanding the transformation of the student experience in late modernity. The university appears not only as an institution of knowledge production but also as a structure that organizes the time of waiting and shapes the biographies of young people under conditions of structural uncertainty. In this sense, it becomes the architect of a prolonged transition that does not guarantee stability but normalizes uncertainty as a permanent condition of entry into adult life.

## The Post-Transitional Balkan Context

The political and economic transformations that swept across Southeast Europe following the collapse of socialist regimes at the end of the twentieth century created a new social configuration in which transition itself became a prolonged historical condition. Rather than representing a temporary period of passage toward institutional stability and economic development, transition in many Balkan countries produced enduring structures of uncertainty, institutional fragmentation, and labor market instability.

Within this context, the university assumed a particular social role: it became not only an institution of knowledge production but also a mechanism for managing the waiting and uncertainty experienced by young people.

The sociological literature on post-socialist transition emphasizes that the economic transformations of the 1990s produced a profound restructuring of class structures and professional trajectories. Privatization, deindustrialization, and economic liberalization were often accompanied by job losses and rising structural unemployment, particularly among youth (Brunnbauer, 2011). In this context, the transition from education to work, which during the socialist period had been relatively direct and largely guaranteed by the state, became increasingly uncertain and fragmented.

In the socialist systems of Southeast Europe, higher education was closely linked to state economic planning. University degrees often guaranteed relatively secure integration into the public sector or state-owned enterprises. After the collapse of this system, this mechanism disintegrated, creating a situation in which the university degree continues to hold symbolic value but no longer guarantees direct integration into the labor market. As a result, the relationship between education and employment became more uncertain and increasingly mediated by other social factors, such as social networks, social capital, and international mobility.

Within this new structural context, the university began to function as a space in which the timing of professional integration could be postponed and managed. The extension of the study period, participation in master's and doctoral programs, and involvement in various training initiatives became common strategies for young people facing an unstable labor market. Sociological studies on youth in Southeast Europe show that this extension of the transition period toward adulthood is a widespread phenomenon in the region (Furlong, 2013; Woodman & Wyn, 2015).

This prolonged condition of transition is closely related to the concept of waithood, developed by anthropologist Anani Honwana. Honwana uses this term to describe the extended period of waiting that characterizes the lives of many young people in contexts of economic and institutional uncertainty (Honwana, 2012). Although the concept was initially developed to analyze African contexts, it has increasingly been used to understand youth experiences in other uncertain environments, including Southeast Europe. In the case of Balkan students, the university becomes one of the key institutions that organizes and legitimizes this period of waiting.

Another important dimension of the post-transitional context is migration. For many young people in the Balkans, university studies are closely linked to projects of international migration. A university degree is often perceived as symbolic capital that can be used to access labor markets abroad or to pursue further studies at Western universities. Studies on migration from Southeast Europe show that higher education frequently functions as part of family and individual strategies for social and economic mobility (Brunnbauer, 2011).

In this sense, the university is not only a space of professional preparation but also a platform for projects of global mobility. Academic exchange programs, international scholarships, and academic networks create opportunities for temporary or permanent migration. However, this dynamic also produces a new tension: the university may function as a mechanism that prepares the emigration of young people, thereby contributing to the phenomenon of brain drain, which has characterized many countries in the region over the past decades.

From the perspective of Pierre Bourdieu's theory of cultural capital, this situation can be interpreted as a transformation in the ways educational capital is converted into economic and social capital. In societies where the labor market is unstable and where institutional meritocracy is weak, the cultural capital represented by a university degree does not automatically convert into professional advantage. Instead, it must interact with other forms of capital—particularly social capital and international mobility, in order to produce concrete outcomes in individuals' professional trajectories (Bourdieu, 1986).

This situation produces a structural paradox: while universities continue to produce degrees and increase the number of graduates, real opportunities for professional integration remain limited. This phenomenon is often described in the literature as credential inflation, where the relative value of academic degrees declines due to their increased supply. In such a context, students feel compelled to continue accumulating academic credentials in order to remain competitive in the labor market.

This dynamic is closely connected to broader processes of late modernity, which sociologist Ulrich Beck describes as characteristic of the risk society. According to Beck, individuals in contemporary societies must manage their biographies under conditions of structural uncertainty, where responsibility for success or failure increasingly shifts to the individual (Beck, 1992).

In this sense, students in post-transitional societies face a situation in which they must strategically plan and manage their educational and professional trajectories, often without guarantees of future outcomes.

Within this context, the university functions as one of the institutions that offers a space of relative stability within an uncertain social environment. Student status allows young people to temporarily postpone entry into an unpredictable labor market while investing in the accumulation of cultural capital and the construction of social networks. This period of institutional suspension creates a space in which economic risk can be managed and deferred to a later moment.

However, this strategy also has its limitations. The longer the study period extends, the greater the tension becomes between social expectations and economic realities. Families and societies often expect higher education to produce social mobility and economic stability, while the reality of the labor market does not always fulfill these expectations. This tension produces feelings of uncertainty and ambivalence within the student experience, where studying is experienced simultaneously as an opportunity and as a form of unavoidable postponement of confrontation with economic realities.

In conclusion, the post-transitional Balkan context creates the structural conditions under which the university functions as a producer of deferred time. Economic transformations, labor market uncertainty, and migration dynamics make the student period a strategic space for managing the transition to adulthood. In this sense, student status is not only an educational category but also a social form for managing uncertainty in post-transitional societies.

## Conclusion

This article has sought to reconsider the contemporary experience of students by shifting the focus from the traditional interpretation of the university as a simple space for the production of knowledge toward a broader sociological understanding of its role in structuring time and life transitions. The central argument developed throughout the analysis is that the student period should be understood as a form of institutional suspension, in which individuals remain temporarily in an intermediate condition between education and full integration into economic and social life. In this sense, the student is not only a subject of learning but also a subject of an institutional order that organizes their time, postpones the full responsibilities of adulthood, and manages the waiting for an uncertain professional future.

The theoretical analysis has argued that the university functions as a producer of deferred time, structuring the student experience through cycles of study, academic credentials, and mechanisms of certification. This structure creates a temporal space in which the transition to the labor market is extended and institutionalized. Rather than being interpreted simply as a delay or deviation from the normal life trajectory, this period can be understood as a social mechanism in response to the uncertainties of late modernity. In a context where labor markets are increasingly fragmented and professional careers more unstable, the university offers an intermediate structure within which individuals can postpone confrontation with economic risk while investing in the accumulation of cultural capital.

From this perspective, the student emerges as an institutionally suspended subject. This suspension is not merely an individual or psychological condition but the result of the interaction between educational institutions, economic structures, and social expectations of social mobility. The university creates conditions in which waiting becomes both legitimized and rationalized. Students continue their studies, pursue additional academic cycles, and invest in further credentials not only because of a desire for knowledge but also as a strategy to increase their opportunities in an increasingly competitive labor market.

The analysis of the post-transitional Balkan context has shown that this dynamic takes particularly pronounced forms in the region. Economic and institutional transformations following the collapse of socialist regimes have produced persistent structures of uncertainty for young people.

High youth unemployment, economic informality, and large-scale migration have made professional integration no longer a linear process. In this situation, the university often functions as one of the few institutions that provides relative stability and a temporal structure during youth. Student status thus becomes not only an academic identity but also a social strategy for managing uncertainty.

From this perspective, the experience of students in the Balkans should not be viewed merely as a peripheral case but as an important contribution to global debates on higher education and youth transitions. Many of the processes observed in the region, such as the extension of studies, credential inflation, and labor market uncertainty, are part of broader transformations that characterize contemporary societies. For this reason, the analysis of the Balkan context can contribute to a wider understanding of how universities around the world are reshaping the relationship between education, time, and social integration.

In this sense, the concept of institutional suspension offers an analytical framework that may also be applied in comparative international studies. It enables the examination of different ways in which universities organize young people's transition into professional life and how these processes relate to the economic and political structures of their respective societies. In some contexts, the university may function as a mechanism of selection and social mobility; in others, it may become a prolonged space of transition and the administration of waiting.

However, this study remains primarily theoretical and interpretative, relying on sociological literature and the analysis of the regional context. For this reason, an important direction for future research is the development of empirical studies that examine the concrete experiences of students across different universities. Qualitative research, such as interviews with students and graduates, could help illuminate how individuals experience institutional suspension and how they construct their strategies in response to uncertainty. Likewise, quantitative studies could provide data on the duration of the transition from university to the labor market and on the role of academic credentials in social mobility.

Another important research direction concerns the analysis of graduate migration and the role of universities in producing human capital that is often realized outside countries of origin.

In regions such as the Balkans, where migration constitutes a significant component of youth life strategies, institutional suspension may be connected not only to entry into the domestic labor market but also to migration projects and international mobility.

In conclusion, this article has argued that the university should be understood not only as an institution of knowledge but also as an architect of social time. Through its academic and symbolic structures, it produces institutionalized periods of suspension that organize the transition of youth into adulthood. By conceptualizing the student as an institutionally suspended subject, it becomes possible to more clearly understand how higher education intersects with the uncertainties of the contemporary economy and with the transformations of young people's life trajectories. This perspective opens the way for new sociological analyses of the role of universities in modern societies and of the ways in which educational institutions shape the experience of youth in an increasingly uncertain world.

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# Geopolitical Interests of the People's Republic of China in the Eastern Mediterranean

**Nefail Emini**

*Abstract*

Over the past decade, the People's Republic of China has emerged as one of the most influential actors on the international stage, expanding its economic, political, and strategic presence across nearly all regions of the world. The Belt and Road Initiative (BRI), launched in 2013 by President Xi Jinping, represents the principal instrument through which Beijing projects its geoeconomic power and consolidates its global influence. In this context, the Eastern Mediterranean has become one of the most significant regions for China's strategic outlook, combining clear geopolitical, economic, energy-related, and maritime advantages.

The Eastern Mediterranean's position as a key maritime corridor linking Asia to Europe, its growing energy importance following the discovery of substantial natural resources, and its function as a major node of international trade make the region vital for the Maritime Silk Road. Consequently, China has significantly increased its presence through large-scale infrastructure investments, technological cooperation, economic agreements, and, in certain cases, limited security initiatives.

This study aims to examine China's geopolitical interests in the Eastern Mediterranean by analyzing the impact of the Belt and Road Initiative on its relations with the region's principal states: Greece, Türkiye, Egypt, Israel, and Cyprus. Through an assessment of concrete infrastructure, port, energy, and technology projects, the study evaluates how these engagements are reshaping regional power dynamics and contributing to the expansion of China's influence.

*Keywords:* People's Republic of China, Eastern Mediterranean, Türkiye, Greece, Egypt

## Belt and Road Initiative (BRI)

China is one of the global powers that entered the Eastern Mediterranean relatively late compared to other major actors, a delay largely attributable to the fact that Beijing began to emerge as a significant player in international relations and the global economy only over the past two decades. The ascent of President Xi Jinping to the leadership of China injected new momentum and energy not only into the country's diplomatic posture but also into its economic trajectory, signaling that within a remarkably short period China would transform into one of the world's leading economic powers—and, consequently, into an influential actor in global politics.

"Since 2012, China has expanded its presence in the Eastern Mediterranean, viewing the region as an area of significant strategic and economic opportunity within the framework of its Belt and Road Initiative." (Alterman et al., 2018, p. 16).

This is a colossal project—what Xi Jinping has described as the 'Project of the Century'—as it encompasses powerful geopolitical and economic components. Its core objective is the revitalization of the ancient Silk Road, through which Beijing seeks to enhance cooperation among states, expand its markets, and simultaneously increase its influence across the countries along the initiative's routes. In total, it involves 78 countries across three continents, a scope that underscores the project's strategic weight and the profound geopolitical impacts it is expected to generate, shaping the future trajectory of international relations.

"During his visit to Kazakhstan in September 2013, and subsequently during his visit to ASEAN member states in October of the same year, President Xi Jinping proposed that China and Central Asia join efforts to develop a Twenty-First-Century Maritime Silk Road and a Silk Road Economic Belt." (Zhang, 2020, p. 9).

The "Belt and Road Initiative" is divided into two components. The first is the land-based economic belt, which aims to connect China with the states of Central Asia and Europe through the construction of road and railway infrastructure. The second component concerns the Maritime Silk Road, which seeks to link China's coastal regions with those of Asia and the Mediterranean.

## The Eastern Mediterranean as a Constituent Part of the BRI

The Eastern Mediterranean is one of the world's most strategically significant maritime regions, serving as a crucial bridge between Europe, Asia, and Africa.

Inevitably, it constitutes a highly important element of China's overall strategy—particularly within the framework of the Belt and Road Initiative—given that the initiative effectively begins in Beijing and extends to this region.

Considering its exceptional geopolitical position, China has substantially increased its presence in the Eastern Mediterranean over the past decade, seeking to transform the region into a central hub for the distribution of its goods to the European Union, which remains its largest trading partner. Approximately three-fifths of China's exports are transported via maritime routes, and the Eastern Mediterranean represents the shortest, most direct, and most efficient passage for these goods to reach the EU.

This strategic reality has led China to launch numerous ambitious infrastructure investment projects across nearly all countries of the region. Although these projects are primarily focused on ports, they also encompass broader economic and energy-related components, which lie at the core of Beijing's interests in the area. As a result, China's presence has been significantly strengthened throughout the region, where it is investing hundreds of millions and even billions of dollars. "At the national level, the major countries in the Eastern Mediterranean region (Türkiye, Syria, Egypt, Libya, Greece, and Cyprus), except for Israel, have signed cooperation agreements with the Chinese government. Although Israel has not signed a cooperation document directly with China, it is also actively dovetailing with the "Belt and Road" construction" (Ye, 2023, p. 65).

The strategic importance of this region for China is also closely tied to the discovery of substantial reserves of natural gas and oil—energy resources for which Beijing has an acute need—making the Eastern Mediterranean one of the most critical focal points of its foreign policy. Another dimension of the region's significance lies in the fact that, through deepening its engagement with the countries of the Eastern Mediterranean, China seeks to challenge and counterbalance the influence and power of the United States in one of the world's most geopolitically, economically, and energetically vital areas.

## Greece as the Center of Sino–Greek Maritime Cooperation

"Greece is, thus far, the country with which China has advanced maritime cooperation projects most extensively, particularly in 2015, which was officially designated as the Year of China–Greece Maritime Cooperation." (Ekman, 2018, p. 10). The selection of Greece as one of the primary destinations for China's investments is closely linked to the country's extensive archipelagic structure, its significant geopolitical position, and, simultaneously, its status as a member of the European Union—factors that grant Beijing substantial economic and geopolitical advantages. For Greece, on the other hand, Chinese investments have served as an important lifeline for its economy, which suffered a deep financial crisis from which it has still not fully recovered. Over the past fifteen years, Chinese investments in the country have exceeded €10 billion, concentrated primarily in infrastructure, energy, telecommunications, and maritime transport.

In 2016, an agreement was concluded between Greece and China granting the China Ocean Shipping Company (COSCO) administrative control over the Port of Piraeus, valued at €1.5 billion, along with an additional investment commitment of €500 million dedicated to the expansion of the port's operational capacities. The upgraded facilities became fully operational in 2021 and are expected to serve as the main gateway for Chinese exports to Southern, Central, and Eastern Europe. The Port of Piraeus has thus become a symbol of Sino–Greek cooperation, while simultaneously illustrating Beijing's geopolitical ambitions in the Eastern Mediterranean.

This agreement triggered strong reactions both domestically and in Brussels and Washington, heightening concerns about the potential expansion of Chinese influence within the European Union. At the same time, the deal has been perceived as a security risk, as it provides Beijing with facilitated access to the Mediterranean Sea and poses a challenge to NATO's strategic interests in the region. In 2025, the U.S. Department of Defense placed COSCO on a list of companies suspected of having links to the People's Liberation Army of China.

"To counterbalance Chinese influence, Washington and Brussels have backed the Alexandroupolis LNG terminal27—a $380 million project launched in May 2022, largely financed by the EU—as both a strategic and political investment. Linked to regional pipelines, the terminal is designed to strengthen Europe's energy resilience and anchor NATO's presence in Southeastern Europe" (Zeneli, 2025).

This dynamic is most clearly reflected in the growing confrontation between Washington and Beijing over Greek ports. In November of this year, the Greek Parliament authorized the expansion of the port of Elefsina, which had been acquired by the American company ONEX in 2023. The American group has been granted access to an additional 40 hectares, enabling it to expand its activities beyond shipyards into commercial, logistics, energy, port-related, and military sectors. The strategic importance of this port lies in its proximity to the Port of Piraeus, which is controlled by the Chinese.

Greece has thus become a major arena of competition between Washington and Brussels on the one side, and Beijing on the other, as each seeks to secure influence and supremacy over its port infrastructure. Nevertheless, cooperation between China and Greece has not been limited to the maritime domain. Chinese businesses have expanded strongly into various other sectors, making them an increasingly important component of the Greek economy. In 2024, bilateral trade between the two countries reached €12.6 billion, highlighting the strength of their economic partnership.

## Türkiye: A Bridge Between East and West in China's Strategic Vision

China's investments in the Eastern Mediterranean are not confined to Greece; they extend to several other states in the region, most notably Türkiye. As one of the most significant regional actors with substantial geopolitical weight, Türkiye occupies a pivotal position within the Belt and Road Initiative (BRI). Serving as a natural bridge between Europe, Asia, and Africa, Türkiye represents an indispensable component of China's broader strategy to expand its influence across the Eastern Mediterranean.

"Kumport, Türkiye's third-largest container port, located at the strategic crossroads between Asia and Europe, is now two-thirds owned by a Chinese sovereign wealth fund." (Linden, 2018, p. 10). This acquisition, valued at 940 million dollars, is located near Istanbul and is expected to have a significant impact on Beijing's Initiative. In addition to this investment, China has undertaken numerous other projects that have further increased interdependence and cooperation between the two countries. Bilateral trade between China and Türkiye reached approximately 50 billion dollars in 2024, underscoring the strong economic partnership between Beijing and Ankara. Beyond economic interests, China also perceives a substantial geostrategic value in Türkiye, particularly in relation to the 'Middle Corridor,' which represents a key component of its broader geopolitical vision.

"The Middle Corridor is a multimodal land and sea transport route starting in China, crossing through Central Asia, the Caspian Sea and extending into the South Caucasus and Türkiye before reaching Europe" (Urciuolo, 2024, p. 2). This corridor is emerging as a powerful alternative to maritime transport and to the Northern Corridor, which previously passed through Russia and Belarus for the export of Chinese goods to European markets.

The project will provide an alternative route for the transportation of Chinese goods and products toward Europe, while simultaneously transforming Türkiye into a key hub within the 'Belt and Road Initiative.' Another major Chinese project in Türkiye is the Emba Hunutlu Power Station—a thermal power plant with a capacity of 1,320 MW located in the province of Adana. This investment is estimated to be worth between 1.7 and 2.1 billion dollars. China is also considering the possibility of investing in Türkiye's railway system with the aim of creating a new, rapid transit route for goods destined for European markets; the projected cost of this undertaking is estimated at approximately 60 billion dollars.

## Egypt as a Strategic Node for the Belt and Road Initiative

Egypt is another key state in the Eastern Mediterranean whose geopolitical significance holds exceptional importance for Beijing's Silk Road strategy, given that the majority of Chinese exports destined for Europe pass through the Suez Canal—underscoring the pivotal role this country plays in China's strategic calculus. Moreover, as the largest Arab state and a member of the Arab League, Egypt enables Beijing to expand its influence within the Arab world and, consequently, across the broader Middle East.

Bilateral trade between the two countries reached 17 billion dollars in 2024, reflecting a robust partnership between Beijing and Cairo. Cooperation spans nearly all major sectors, including economics, infrastructure, energy, culture, and the military sphere. China has invested approximately 6 billion dollars in the Suez Canal Economic Zone. Additionally, Beijing is financing the construction of a portion of Egypt's new administrative capital, an investment valued at around 3 billion dollars, which forms an integral component of the Belt and Road Initiative.

"Moreover, energy projects are another significant facet of Egypt–China BRI cooperation, something Egypt values given its target of becoming a regional energy hub and desire to industrialize" (Kandil, 2024, p. 6). The Chinese company Power Construction Corp (PowerChina) recently signed a contract with Suez Wind Energy for the construction of a 1,100-megawatt wind power project, which represents the largest wind energy project in Egypt and the second largest on the African continent. Egypt has also concluded an agreement with Energy China for the development of a green hydrogen and ammonia plant in the Suez Canal Economic Zone, valued at 6.75 billion dollars.

Bilateral cooperation has further strengthened in the military domain. In August 2024, the two countries conducted joint military exercises, during which the People's Liberation Army (PLA) Navy carried out a combined naval drill with the Egyptian Navy in the Mediterranean Sea.

## Israel as a Strategic Node in the Eastern Mediterranean for the "Belt and Road Initiative"

China has also turned its attention toward Israel, another key state in the region, as it constitutes an important component of Beijing's strategic vision within the Belt and Road Initiative. Israel's strong geopolitical position in the Eastern Mediterranean makes it highly significant for China's project, while simultaneously providing Beijing with an opportunity to balance the influence and power of Washington in the area. China's interests in Israel span multiple domains, including economic, infrastructural, maritime, and technological cooperation. Bilateral trade has reached substantial levels, with exchanges between the two countries amounting to over 16 billion dollars in 2024.

"A Chinese government-owned company — Shanghai International Port Group — has a contract to operate a major new container facility at the Port of Haifa for 25 years, starting from 2021" (Feith & Cropsey, 2019, p. 21). This constitutes a significant geopolitical achievement for China and, simultaneously, a strategic challenge, considering that Israel is one of the closest and most trusted allies of the United States in the region.

One of China's most important port-related projects in Israel is the Gulf Port, which became operational in 2021 and was granted to the Chinese company Shanghai International Port Group under a 25-year lease agreement. In addition to the Port of Haifa, China has also secured concession rights over the Port of Ashdod—clear evidence that Beijing is making substantial inroads into the Israeli market and thereby completing the mosaic of its presence in the Eastern Mediterranean.

Cooperation between the two states extends beyond maritime infrastructure and includes the technological sector, where China and Israel have concluded more than 450 agreements. Energy is also a central component of Chinese investment in Israel. Dalia Energy signed construction agreements with three Chinese companies—CHEC, HEI, and THCC—for the development of two power plants. These agreements include the construction of the Dalia 2 power station in Tzafit, with a budget of 3.8 billion shekels (approximately 1.1 billion euros), and the Eshkol

Avshalom power plant at the site of the former Eshkol facility, with a budget of 3.3 billion shekels (around 1 billion dollars).

## Cyprus' Maritime Fleet: A Strategic Asset for Beijing

Cyprus is another state in which China has expressed growing strategic interest, primarily due to its geographic positioning. As an island located at the heart of the Eastern Mediterranean, Cyprus serves as a crucial nexus between Europe, Asia, and Africa. At the same time, the country possesses a significant maritime fleet, ranked fifth in Europe and fourteenth globally, which makes it an attractive and strategically valuable component of Beijing's broader ambitions. "At the same time, approximately half the cargo consignments carried by RoC-owned or managed ships have China as their destination" (Tonchev, 2025, p. 17). Trade exchanges between the two countries reached more than 1 billion USD in 2024. Cooperation also extends into the telecommunications sector, where Huawei has enabled full nationwide coverage of Cyprus with 5G infrastructure, giving the island the fastest internet network in the European Union. Other areas of partnership include energy and tourism.

Beyond its economic presence, China has, over the past decade, sought to increase its military footprint in the region. In 2015, it participated for the first time in a joint naval exercise in the Eastern Mediterranean alongside Russia—a powerful signal that Beijing is positioning itself as an actor of considerable weight in this strategic maritime space.

China maintains agreements with other Eastern Mediterranean states as well; however, these partnerships are not as advanced as those with the countries previously discussed. This is largely due to ongoing conflicts and instability in places such as Libya, Syria, and Lebanon, which limit the depth and scope of Beijing's engagement.

## Conclusion

China is consolidating its position as one of the most influential actors in the Eastern Mediterranean, driven by its economic power and its expanding presence across numerous countries through the Belt and Road Initiative (BRI). Through these investments, Beijing has significantly broadened its influence not only in the Eastern Mediterranean but also in the states that have become part of this initiative.

Although host countries have largely welcomed Chinese investments—given their contribution to the development of various sectors of their domestic economies—the economic presence of Beijing has simultaneously provoked reactions and skepticism from multiple political and strategic centers. The takeover of the Port of Piraeus triggered strong responses within the European Union (EU) and the United States (US), transforming the issue into a form of open rivalry among Beijing, Washington, and Brussels. In response to China's growing economic footprint in Greece, the US and the EU have promoted alternative projects aimed at counterbalancing Beijing's expanding influence.

Similarly, the penetration of Chinese capital and investments in countries such as Türkiye, Egypt, Israel, and Cyprus have sparked comparable reactions, primarily from the EU and the US, which interpret these initiatives as mechanisms through which Beijing "purchases" strategic influence. Western actors have repeatedly issued warnings about the geopolitical implications of this economic presence.

Despite periodic criticism and external pressure, China continues to expand its involvement in the economies of Eastern Mediterranean countries and increasingly positions itself as an economic and financial alternative to traditional Western models. As China intensifies its investments, the US and the EU view this trend with growing concern, while the Eastern Mediterranean is gradually transforming into an arena of intensified geopolitical competition between these major power blocs.

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# Constitutional and Procedural Regulation of Parliaments in Comparative Perspective: North Macedonia, Serbia, Croatia, and Bosnia and Herzegovina

**Shadija Bantashoska**

*Abstract*

The aim of this paper is to analyze the role of Parliament as the highest representative body in North Macedonia, emphasizing the importance of its legitimacy and proper constitution for ensuring democratic stability and institutional functionality. The research focuses on the legal, institutional, and procedural framework regulating the formation of the Assembly of the Republic of North Macedonia. This study applies historical-comparative and legal-political methodologies, including analysis of relevant legal acts, the Constitution, and archival data from previous parliamentary compositions, with special attention to the constitutive session and election of the President of the Assembly. Additionally, a comparative analysis is conducted on procedures for constituting parliaments in Serbia, Croatia, and Bosnia and Herzegovina. The results indicate that timely and proper constitution of Parliament, including the election of parliamentary leadership and formation of working bodies, is key to ensuring legitimacy, effective legislative functioning, and strengthening citizens' trust in the political system. Differences in procedural solutions, such as the role of the oldest member presiding over the constitutive session, quorum requirements, and leadership election rules, significantly impact the perception and functionality of the parliamentary institution. The study concludes that legitimate and timely constitution of Parliament is a prerequisite for stable democratic governance and institutional stability, proposing improvements to procedures for forming parliamentary bodies, increasing transparency and accountability, and applying good practices from Balkan countries to enhance national parliamentary practice.

*Keywords:* Parliament, constitution, legitimacy, democratic governance, institutional stability

## Introduction

The term *parliament* derives from the Latin word *parlare*, meaning "to speak." Accordingly, a parliament functions as a forum for discussion, debate, and deliberation, combining legislative authority with a representative role in which the interests and will of citizens are collectively expressed. Excluding or undermining the parliament from a country's political system is widely considered a threat to democratic governance and a step toward authoritarianism (Treneska-Deskoska et al., 2021, p. 517).

During the feudal era, parliament emerged as an institution in response to the demands of feudal lords to limit the monarch's unilateral power to impose taxes, following the principle of no taxation without representation. Under this principle, all taxpayers acquired the right to be represented in parliament, indicating that the original functions of the estates-general from which parliament evolved were primarily financial and judicial in nature. With the rise of the bourgeois class, parliament gradually assumed a dominant position within the political system. It came to symbolize the existence of political freedoms, particularly suffrage, embodied the principle of popular sovereignty, and introduced mechanisms of publicity and oversight over the monarch, who had previously wielded absolute authority.

Today, parliaments serve as the central institution of democracy, embodying the will of the people and carrying the responsibility to address citizens' needs and expectations. As elected bodies representing society in all its diversity, they reconcile differing interests and mediate conflicts among various groups through dialogue and compromise.

## Historical Overview of the Constitution of the Assembly in Macedonia

Following the independence of the Republic of Macedonia, the country faced the significant challenge of transitioning from a one-party system to political pluralism, which laid the foundation for the establishment of parliamentary democracy. The political environment in the late 1980s and early 1990s was marked by growing demands for democratization, political participation, and the recognition of citizens as the primary source of sovereign power (Treneska-Deskoska et al., 2021, pp. 146–147). These constitutional reforms formally recognized citizens as subjects of power, ensuring that political pluralism and direct elections became fundamental principles of governance. The amendments replaced the previously dominant concept of the working class with the citizen, who exercises power through elected representatives in the Assembly, municipal and city councils, and other forms of direct participation.

The 1990 constitutional amendments were complemented by the Law on Amendments to the Law on Social Organizations and Citizens' Associations, which introduced multi-party pluralism and enabled new political actors to participate in the electoral process (Socialist Republic of Macedonia, 1990). This marked a crucial legal and institutional step toward democratic governance, ensuring that citizens had the right to form political parties, engage in public debates, and participate in free and fair elections. The 1990 elections, legally permitted by the constitutional amendments and the newly adopted electoral law, are considered the first free elections in Macedonia (Skaric, 2000, p. 212). These elections involved multiple parties, independent candidates, and civil organizations, reflecting the diverse interests of Macedonian society and signaling the transition from centralized control to participatory democracy.

The period preceding these elections was characterized by intense political debate, negotiation among emerging political parties, and the gradual establishment of electoral institutions capable of overseeing a fair election process. This included the creation of the State Electoral Commission, the drafting of new electoral rules, and the organization of public information campaigns to educate citizens about their voting rights. These preparatory steps were essential to ensure that the parliamentary elections would not only be free but also perceived as legitimate by the general public and the international community. The transition to political pluralism thus combined legal reforms, institutional restructuring, and civic engagement, reflecting the broader democratization trends observed across Eastern Europe after the fall of communism.

## The First Multi-Party Assembly in the Socialist Republic of Macedonia

The first multi-party Assembly in Macedonia was formally constituted on 8 January 1991, following the parliamentary elections held in November 1990. These elections were the first multi-party parliamentary elections in the country's history and were conducted under the framework of the Law on the Election and Recall of Members of Parliament and Councilors, adopted in September 1990 by the one-party delegate-based Assembly of the Socialist Republic of Macedonia (SRM). This process marked a peaceful and lawful transition toward a multi-party electoral system, establishing the legal and procedural basis for the new Assembly to function effectively.

The constitutive session of the Assembly was presided over by the oldest Member of Parliament, following established parliamentary tradition intended to ensure neutrality during the initial phase of parliamentary formation. The session commenced with the election of a Verification Committee composed of five Members of Parliament. This committee reviewed the official report submitted by the Republic Electoral Commission, confirmed that the elections had been conducted according to the established regulations, and dismissed the two complaints submitted as unfounded (Assembly of the Republic of North Macedonia, n.d.). The Assembly then deliberated on the findings of the Verification Committee, and by majority vote, verified all 120 parliamentary mandates, officially granting MPs their rights and duties as outlined in the Constitution, electoral laws, and Rules of Procedure.

A Committee on Elections and Appointments was subsequently formed, consisting of a president and twelve members with adequate political representation. The constitutive session lasted approximately eight hours and included multiple breaks due to disagreements among political parties, reflecting both the challenges of transitioning from a one-party system and the growing pains of establishing parliamentary democracy. Although previous parliamentary procedures were utilized, the new Assembly reflected a political reality distinct from the former one-party delegate-based structure, emphasizing inclusivity, pluralism, and transparency.

During this first mandate, the Assembly confronted several critical issues. These included questions regarding Macedonia's status as an independent and sovereign state following the dissolution of the Yugoslav federation, the adoption of a new Constitution in 1991, and the alignment of national laws with constitutional provisions. In January 1991, the Assembly adopted the Declaration of Sovereignty of the SRM with broad consensus among parliamentary parties, asserting its constitutional authority to issue political declarations. In August 1991, the Assembly organized a consultative referendum on the establishment of a sovereign and independent state, held on 8 September 1991 under the 1973 Law on Referendum. Voter turnout reached 75.74%, with 95.26% voting in favor, confirming strong public support for Macedonian sovereignty. One week later, the Assembly adopted a formal declaration confirming the referendum results, establishing the principles of international legal subjectivity for the new state, and making Macedonia the only Balkan country to achieve independence peacefully during this period (Lider.mk, 2024).

Concurrently, the Assembly initiated the drafting and adoption of a new Constitution, completing Macedonia's separation from the Yugoslav federation and formalizing the office of the President as Head of State. Adopted with 92 votes, surpassing the two-thirds majority required, the Constitution defined Macedonia as a sovereign and independent state and laid the foundation for a democratic parliamentary system (Ristovska, 2015). This Constitution enshrined the principles of political pluralism, separation of powers, and citizen representation, providing a robust framework for democratic governance and institutional stability.

## Constitution of the Assembly of the Republic of North Macedonia

In the political system of North Macedonia, the Assembly serves as the central legislative body, composed of Members of Parliament (MPs) elected through a proportional system. Political parties shape the work of the Assembly by organizing parliamentary groups, coordinating legislative agendas, and guiding the actions of their members. MPs participate in proposing, debating, and voting on laws, while parties also contribute to government formation, as the party or coalition holding a parliamentary majority assumes executive authority. Additionally, parties oversee the performance of the executive branch, ensuring accountability and translating citizens' interests into policy decisions, thereby supporting institutional stability and democratic governance.

The Assembly of the Republic of North Macedonia is a unicameral representative body, composed of 120 to 140 MPs, elected for a four-year term. Mandates begin with the constituent session of the Assembly. The President of the Assembly from the previous composition convenes the session, which must take place no later than 20 days after the parliamentary elections. According to the 2002 Rules of Procedure, if the session is not convened within this period, the MPs convene themselves on the 21st day at 10:00 a.m. The outgoing President sets the date in consultation with representatives of political parties in the newly elected Assembly. If no agreement is reached within 15 days, the session is held on the 21st day at 10:00 a.m. and is presided over by the oldest elected MP until a new President or Deputy President is elected. The Assembly can only be constituted if a majority of MPs are present. The presiding officer begins with a roll call to determine quorum, and the session may last up to three days. The agenda includes verification of MPs' mandates, election of the Committee on Election and Appointment Issues, and election of the President of the Assembly (Republic of North Macedonia, 2023, Article 9).

Once quorum is confirmed, the Assembly elects a Verification Committee composed of a chairperson and four MPs from different parties. The Committee's task is, based on a proposal from the State Election Commission, to submit a written report proposing verification of each MP's mandate. The Assembly then deliberates and votes on the report as a whole. After verification, MPs acquire the rights and duties defined by the Constitution, law, and Rules of Procedure. During the same session, the Committee on Election and Appointment Issues is elected upon the proposal of at least ten MPs, ensuring proportional representation of political parties. A single debate is held for the Committee election, lasting no more than one day, and voting is completed by midnight of the same day (State Election Commission of the Republic of North Macedonia, n.d.).

The President of the Assembly is elected from among the MPs, either upon the proposal of the Committee on Election and Appointment Issues or at the proposal of at least 20 MPs. Each MP may propose only one candidate and vote for only one candidate. Proposals must be submitted in writing during the Assembly session and include the candidate's full name, biographical data, a rationale for the proposal, and the names and handwritten signatures of the MPs submitting it. If multiple candidates are proposed, their order is determined alphabetically by surname. A single debate on the election is held, lasting no more than one day, and voting occurs immediately after, by 24:00. The presiding officer conducts the voting, and if the Assembly decides on a secret ballot, the presiding officer is assisted by the Secretary General and three MPs from different parties, elected for this purpose. The candidate receiving a majority of votes from all MPs is elected President of the Assembly. The Assembly is considered constituted upon the election of the President. The newly elected President informs the President of the Republic, who must, within ten days, entrust the mandate to form the Government to a candidate from the party or parties holding a majority in the Assembly (Republic of North Macedonia, 2023).

## Comparison with Other Balkan Countries Regarding the Constitution of the Assembly

### Comparison with Serbia

The National Assembly of the Republic of Serbia is a unicameral body composed of 250 Members of Parliament (MPs). The first session is convened by the President of the outgoing Assembly and must take place within 30 days of the publication of the final election results. Until a new President is elected, the session is chaired by the oldest MP, or by the next oldest if the former is unavailable. During this session, the Assembly confirms the mandates of MPs, elects the President and Deputy

President, appoints the Secretary, and elects members of the working bodies and permanent parliamentary delegations (National Assembly of Serbia, n.d.).

A candidate for President may be proposed by at least 30 MPs, with each MP supporting only one candidate. Proposals are submitted in writing to the Presiding Member for circulation. The Assembly decides whether the vote will be conducted by secret or open ballot, and the candidate receiving a majority of all MPs is elected President. The Assembly is considered constituted upon confirmation of the mandates of two-thirds of its members (Republic of Serbia, 2010).

## Comparison with Croatia

The Assembly of the Republic of Croatia is the representative body of citizens and the holder of legislative power, composed of 100 to 160 Members of Parliament (MPs) elected for a four-year term (Republic of Croatia, n.d.). The first session is convened by the President of the Republic within 20 days of the parliamentary elections. Until the election of the President of the Assembly, the session is chaired by the previous President, or, if unavailable, by the oldest MP present.

During the constitutive session, the Assembly confirms the mandates of MPs and elects the President and the Mandate-Immunity Committee. The session may also include the election of Deputy Presidents, the Secretary of the Assembly, and other parliamentary committees. The President and Deputy Presidents together form the Presidency of the Assembly, which oversees parliamentary operations, resources, office allocations, and the preparation of draft rules and decisions for Assembly approval (Croatian Parliament, 2013).

A candidate for President may be proposed by parliamentary groups or by at least 40 MPs and is elected by a majority of all MPs. The Assembly is considered constituted upon the election of its President. The President of the Assembly is the second-highest office in the Republic, acting as the deputy to the President of the Republic and assuming the office in the event of vacancy (Republic of Croatia, n.d., Article 97).

## Comparison with Bosnia and Herzegovina

The Parliamentary Assembly of Bosnia and Herzegovina is bicameral, consisting of the House of Peoples and the House of Representatives. The House of Peoples has 15 delegates, two-thirds from the Federation of Bosnia and Herzegovina (including five Croats and five Bosniaks) and one-third from the Republika Srpska (five Serbs). Delegates from the Federation are elected by their respective ethnic groups in the Federation's House of Peoples, while delegates from Republika Srpska are elected by its National Assembly. A quorum requires nine members, including at least three from each constituent people. The House elects a Chair and two Deputy Chairs, representing the three constituent peoples, with the Chairmanship rotating among them, and is considered constituted upon their election (House of Peoples of Bosnia and Herzegovina, 2014).

The House of Representatives comprises 42 members, two-thirds elected from the Federation and one-third from Republika Srpska through direct elections according to the Election Law, with the first elections held under Annex III of the General Framework Agreement. The House is constituted at its first session upon the election of a Chair and two Deputy Chairs. Both chambers are convened at the Parliamentary Assembly in Sarajevo within 30 days of the elections, adopt their own Rules of Procedure, and all legislative decisions require approval by both houses, with decisions within each chamber taken by a majority of members present and voting (Bosnia and Herzegovina, n.d.).

## Differences and Similarities in the Constitutional Process of the Parliament in the Republic of North Macedonia, the Republic of Serbia, the Republic of Croatia, and Bosnia and Herzegovina

The comparative analysis of the constitutive sessions of the parliaments in North Macedonia, Serbia, Croatia, and Bosnia and Herzegovina reveals both commonalities and differences in parliamentary organization and procedures.

1. **Parliamentary structure and composition.** North Macedonia, Serbia, and Croatia have unicameral legislatures with a fixed or limited number of Members of Parliament (MPs), whereas Bosnia and Herzegovina has a bicameral parliament with an ethnically regulated composition in the House of Peoples.
2. **Convening the first session.** In all countries, the first session is convened by the President of the previous legislature or its collegiate body, generally within 20–30 days after elections. In North Macedonia, Serbia, and Bosnia and Herzegovina, the oldest MP temporarily presides over the session until a new President is elected.
3. **Election of the parliamentary President/Chair.** All systems have formal procedures for electing the President. The number of MPs required to propose a candidate and the majority needed to elect vary: 20 in North Macedonia, 30 in Serbia, 40 in Croatia, while Bosnia and Herzegovina emphasizes ethnic representation with a rotating Chair system.

4. **Constitution of the parliament.** In North Macedonia, Serbia, and Croatia, the parliament is considered constituted after the election of its President. In Bosnia and Herzegovina, both chambers are constituted upon election of their respective Chairs and Deputy Chairs, with particular attention to ethnic balance.

North Macedonia's model emphasizes civic representation and parliamentary democracy without ethnic quotas, whereas Bosnia and Herzegovina integrates ethnic representation as a fundamental principle. Serbia and Croatia follow unicameral systems with formalized procedures similar to North Macedonia, demonstrating stability and continuity in parliamentary practice.

## Conclusion

The Assembly of the Republic of North Macedonia is the central legislative institution. Its composition typically includes multiple political parties, reflecting the multi-party system, which explains why coalition governments are common due to the proportional electoral system. As a unicameral body, the Assembly holds the authority to enact laws, approve the national budget, ratify international treaties, and elect or dismiss the Prime Minister and government ministers, among other responsibilities. Consequently, the Assembly plays a key role in the democratic system of North Macedonia, ensuring a balance of power among the executive, legislative, and judicial branches.

The "legal life" of the parliament begins with its constitution. The incorporation or convening of Members of Parliament (MPs) to initiate parliamentary work involves a set of legal actions required for the Assembly to exercise its functions. Before being constituted, the parliament does not legally exist; it consists only of elected candidates who, as such, do not yet form a parliamentary body. Upon constitution, this "collection of elected candidates" transforms into a representative institution with the legal capacity to perform its duties. Considering the powers and responsibilities of the Assembly, it is evident that the functionality of parliament is a crucial element for the operation of the state, as only through it can effective and reasonable decisions of fundamental importance for the overall governance of the country be made.

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