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THE ROAD TO MIGRATION: CIVILIZATION AND SUPPLY BASED CONFLICT

*Ferenc Szavai Tibor, page 9-21

ABSTRACT

Currently Europe is living through a modern age migration, even though the phenomenon of migration was already present in the 19-20 century economic history. However the size and composition of the current migration differs considerably from those of the past. On the one hand after the Cold War the conflict of nation-states became insignificant, the clash of civilizations characterizes our time. Decrease in population, dissolution of states and fight for provision make the life of the people uncertain. Available supplies are being depleted, and developed countries are needing workforce. No civilization has found an antidote to these problems.

Keywords

the phenomenon of migration, decrease in population, dissolution of states, the clash of civilizations



Prof. Ferenc Szavai Tibor PhD
*Rector of Kaposvár University ,
President of ACEU*

e-mail: szavai.ferenc@ke.hu

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I. Economic and Social History

The frames of reference in modern economic history are mostly drawn at the micro, macro and political levels. Our topic, migration, appears at the micro and macro levels of economy – limits of economic growth, population processes. On a macro level approach economic growth and the problem of structural change are at the forefront, other important subjects are employment, finance and capital market, and international economic relations. An investigation carried out from the political perspective leads us to the issues of economic order, state and economy, economic self-management, and industrial connections.

Among the subfields of economic history, business history, international economic relations, regional economic differences, population history, history of agriculture, urban history, mainly the frameworks of the history of banks and money provide the research aspects. (Moderne Wirtschaftsgeschichte: 2006) Social history has emerged in the 50s and 60s of the 20th century deliberately following the patterns of social sciences, its important dimensions include: employment, income structure, distribution, magnitude, and related social prestige. Economy and social history are interconnected in multiple ways. Here are some examples as proofs: business history, history of crisis and prosperity, history of branches of economy (commerce, bank, industry, crafts), social and welfare systems, or economic and social policy. (Gyáni Gábor-Kövér György: 2006)

Alongside traditional economic history new schools have emerged, such as, cliometrics for whose application and development Robert W. Fogel and Douglass C. North have received the Noble Prize in 1993. Contemporary schools of economic history also prefer to start from economic calculability, problem solving through the means of exact calculation. (<http://www.lse.ac.uk/collections/economicHistory/seminars/default.htm> 2017.09.16)

It also matters what kind of impact do nation-states and other actors have on events in the international system, what sort of disruptions and conflicts must they resolve. This way, population explosion in the undeveloped world, running out of food and water resource, and difficulties of the state are causing major disruptions in the development of modern economy, as well as in the solutions to the most basic questions of society. Today conflicts are mostly civilizational, not between nation-states, therefore, these as well as the supply problems may have led to the migration in current era. The present study is concerned with thinking over these issues.

II. Migration

In recent years Europe has been the target of an immigration wave of unprecedented magnitude. Huge population release from undeveloped regions, Europe's labor demand, decreasing supplies may have all contributed to it, which has also been shaped by the changing character of today's conflicts, and several nation-states' favorable opinion about the legalization of migration. The phenomenon significantly differs from past migrations.

In economic history and in the system of international relations, but in many other fields of science the study of population is a basic issue. Since the agents are the ordinary people, independently of their classification based on prestige or revenue. 19th and 20th century economic development and population growth posed a challenge, which in Europe have led to migration in two distinct stages, the „Old Migration” and the „New Migration”. The first was a consequence of Irish famine, and was characterized as emigration from the British isles. (*Livi-Bacci Massimo:1998*)

In the second stage Austro-Hungarian and Italian emigration was dominant. During the 19th century more than 60 million people (of which 38-39 million migrated to America) emigrated from Europe. (Pounds Norman J.G: 1979)

During the 19th century the population of Europe has doubled, but in other parts of the world population growth has barely exceeded 20%. The slow down of population growth in Europe and an unprecedented surge in population growth in other parts of the world is a 20th century phenomenon. Population growth had tendencies: decrease of infant mortality, sudden increase of average age, migration in the 19th century had predominantly economic reasons, in the 20th century it was mostly due to wars and political oppression. European emigration mainly to America reached its peak before the First World War. This prompted legal regulations and restrictions on the American continent, Europe's role changes, it becomes receiving, which is especially true of Jewish migration. (*Cameron, Rondo:1989*)

On the other hand uncontrolled population explosion would deplete the scarce resources, and would also ruin the environment. Humanity needs more resources for food production, whereas global warming can lead to ecological catastrophe. In the developed industrial countries of the world we can witness a population decline instead of population growth, which means fewer young workers, people live longer, sustaining an ever larger number of pensioners causes problems. Undeveloped countries have high birth rates. While in developed industrial countries population is plummeting, which will determine the 21st century. In history population decline meant diminishing power. This will be the case with Europe. The international power is affected by population decline. (*George Friedman: 2010*)

Undoubtedly, one of the main indicator of economic performance is economic growth without which progress is inconceivable. But of course it is also important to keep in mind the depletion of resources. Many people have raised the alarm in the 70s. Forrester was the first, then Meadows followed with his model in his book published under the title “Dynamics of Growth in the Finite World”. Meadows’ model was superior to Forrester’s as it could address more questions. (Meadows, D. et al: 2004)

It is now quite clear that we deplete the resources of our planet much faster than we can reproduce them. Current living standards cannot be sustained for long. In this circumstance it does not help, if we abolish the barriers, it only makes the situation worse. But it would make things even worse if we had to limit the necessary supplies permanently. The faster we act the better the results will be. Unfortunately there is no sign that we have done anything, or even that we have thought about what should be done. The main trends for global concern are the following: accelerated industrialization, fast population growth, wide spread malnutrition, depletion of non-renewable resources, environmental degradation. The race between population and resources raises two problems: the complete depletion of resources, and the traditional energy resources are increasingly scarcer, their price rises, and there is an increasing demand for solar energy research. (American National Intelligence Council (NIC). Global Trends 2025:2008.)

Besides zones of conflict, state failures, the pressure of migration has increased, the number of people involved in migration: 100 million people, which is just a few percent of world population, characterized by regional concentration. In developed countries jobs growth cannot keep pace with population growth. Between 1990 and 2010 the workforce of developing countries is expected to increase by 41,2% (in Africa this value is 75%). The differences in economic development are increasing – the differences between living standards and real wages are ever greater. The development in transportation and telecommunication – the continents are more accessible, countries with the highest average wages import cheap labor to decrease production costs. Several developing countries are supporting labor export, because it is cheaper than economic reform. Violence, local war zones, ethnic tensions also conduce to migration. (Ibid)

III. State dissolution

State dissolution can also cause insecurities, and the migration of people. If we take a look at the great fault-lines of 20th century, we can see that there was a lot of that, if we consider the fate of the biggest integrations only. The dissolution of the Turkish Empire and the Austro-Hungarian Monarchy was regulated by the peace treaties ending the First

World War. The matter was different with the dissolution of the Soviet Union, Czechoslovakia and Yugoslavia, because in their cases the international laws of the Vienna Convention provided the legal clinging.(Ф. Савай:2016)

The 1973 Vienna Convention concerns the succession of previous agreements and settlements. The 1983 Vienna Convention deals with the succession of state property and state debt. The issue over the distribution of properties (archives) and debt, even in the case of a union (integration), the primary rule is that the parties involved must reach an agreement. The 1983 Vienna Convention is not yet in force, and it is quite unlikely that this will change in the foreseeable future. Despite the fact that the agreement is left to the parties, it would be desirable to regulate the process with legal means as well. In it, however, economic indicators must have an important role to play which we can see in the presented examples from 20th century. On the other hand political decisions are also present in the distribution of property and debt, in many cases at the expense of economic means. The regulation of the matter would be a common task, because it would prevent a series of forced decisions and agreements with uncertain (or even contested) outcomes generating disputes just as we can witness their unsettlement even today.(Michael Silagi: 2008)

Different versions of federalism have evolved throughout the 19th and 20th centuries.(Szávai Ferenc: 2008)

Even today it has no uniform theory which could be uniformly applies. Integration and disintegration are inseparable phenomena, they were at once present in Europe in the 20th century with classic cases of state succession. 20th century provides five classic examples of the ways that international law regulated state succession.(Ferenc Szávai. 2016)

Related to the First World War the following cases were regulated by peace treatise: 1. Turkish Empire, 2. Austro-Hungarian Monarchy. Regulations by international law: 3. Dissolution of the Soviet Union, 4. Disintegration of Czechoslovakia, 5. Yugoslavia.

The current international regulation of state succession was set down in two Vienna Conventions, its basic principles determined the issues related to state succession of dissolved multinational states. Both UN Convention had been negotiated in Vienna and made important resolutions in connection with state succession. The Convention of 1978 dealt with international treaties, while the Convention of 1983 dealt with the partition of state property, public records and public debt.(*Vienna Convention on Succession of States in respect of Treaties. 1978.*)

Russia proclaimed its sovereignty on June 14 1990, but did not leave the former Soviet Union. The Soviet Union ceased to be on December 25 1991 with the resignation of Gorbachev, and it was replaced by sovereign

federal and nation-states. But the collapse had begun a decade earlier. On December 4 1991 decision was made to divide the foreign state property of the Soviet Union among the 11 CIS republics in accordance with the principles of the Vienna Convention of 1983. With latter admissions succession in the property of the former empire was shared among 15 subjects. As far as movable property was concerned questions arose about the allocations of common railway, civil aviation, naval fleet, commercial fleet, former diamond property.

They have signed an agreement on the railway on January 22 1993, on the commercial fleet on June 22 1992, on the division of the Black Sea fleet in June 1995. In the latter case Russia received 81,7%. Ukraine received 18,3%.(Das Recht der Staatensukzession (The Law of State Succession). *Leipzig April 1995. Heidelberg, 1996.*)

About former public records and cultural wealth provisions were made by the “Agreement on returning cultural and historical values to the states of their origin” on February 14 1992, and the “Agreement on legal succession concerning the Public Records Offices of the former USSR” on July 6 1992, whose basic principle was integrity and indivisibility.(*Ibid*)

Former Czechoslovakia broke up at the end of 1992, on January first 1993 the UN gave membership to the Czech Republic and the Slovak Republic as international legal subjects.

The constitution of November 13 1992 besides separation regulated the domestic and foreign movable and immovable property (state actives, passives and foreign currency issues).

In the case of domestic value the ratio of division was 2:1, which was largely determined on the basis of the size of the population. Interestingly, they did not take into consideration as possible criteria gross domestic product or tax revenues. The above ratio prevailed in international organizations as well. Foreign currency reserve was also settled in the ratio of 2:1 within the agreement on July 15 1993. Movable properties were accepted on September 26 1994, based on the ‘principle of possession’. In the case of public records offices the agreement of October 29 1992 coming into force on January 1st 1993 has decreed common and shared ownership.(*Szarka László: A 1996*)

Finally, the breakup of the federal state known as Yugoslavia formed in 1929 occurred after a national and war conflict. This process happened between 1988-1992. The international conference on Yugoslavia was held in London on August 26-28 1992. The so-called: ‘state succession workgroup’ could not achieve meaningful result. The plan of the workgroup on February 23 1993 was to assess the properties and debt of former Yugoslav Socialist Republic as it was on December 31 1990,

and to create a reliable cadastre of them. By May 1994 9000 itemized and comprehensive indicators has been made, but during its making many problems arose. The Badinter Committee made reports and mediated in the arrangement of the matter. Its result was an agreement which divided foreign immovable property in percentage. Criteria were size of population, territorial extension of succession states, contribution to federal budget, share from gross domestic product.

European integration requires a political system which shows flexibility in the division of power between local, regional and central government and thus can function efficiently. Today the basic task lying ahead of Europe expanded to 25-28 is consolidation and maintenance of convergence processes. The Union has entered into a critical period in his development, it depends on the above tasks whether it is capable of further integration, or whether integration comes to a halt.

The new conflict ridden era of mass migration also requires the practical use of researches. That is, the experiences of the dissolution of former state formations and the summation of daily problems lead us to new researches, to filter results, to handle conflict.(*Szavai Ferenc:2008*)

The cases of federal state disintegration do not provide a unified methodological solution to succession. Each case is unique, of course there are common traits. Despite the fact that the Unites States of America functions as a federalist union and despite the cooperative successes of the federation and its member states the dysfunctionality of multinational states and their subsequent disintegration in 20th century Europe is a warning sign, which may well be characteristic of the continent. The problems of Europe make us continuously seek an answer to the question: “Quo vadis Europe?”, particularly now after Brexit!

IV Clash of civilizations

The other question: what are the chances of nation-states in a fast globalizing and wealth bidding new world. Of course, September 11 2001 has changed a lot of things. Samuel Huntington reacts to it, when he speaks of the clash of civilizations.(*Samuel P. Huntington: 2002*)

In his view at the end of the Cold War and with the collapse of the communist world the distinguishing marks between peoples are no longer ideological, economic or political, but cultural.

Nation-states remain the actors in world affairs, the main state groups are constituted by seven or eight major civilizations of the world. In this new world the deepest and most dangerous conflicts are unfolding

not between social classes, not even between rich and poor, but between people from different civilizations. The current issue of world politics are reducible to the differences of civilizations. In the world the West who played a leading role for so long has his power vaning, while the power of non-Western civilizations is growing. World politics has become multipolar and multicivilizational. Civilizations do not follow the borders.

Huntington's claims: the rules of the post-Cold War world are set by cultural identities, people use politics not only to promote their own interests, but to determine their own identities, the main players of world politics are still the nation-states, but they are now grouped together by civilization. It is among his basic ideas that civilizations are mortal and subject to change. (*Huntington Samuel P.: 1996*)

There wont be any global civilization, modernization will not lead to westernization. Currently the world is many-sided and multipolar, what is happening now is a change in the balance of power among civilizations. The West is getting into more conflicts with other civilizations. We can observe many clashes, current mass migration might be a part of that, although it could also be prompted by the lack of state authority in the conflict zones or wandering for the short supplies.

According to Huntington, the conditions for the West's survival are the following: the old institutional system must be abolished, the illusion of Western universalism must be given up, the preservation of its uniqueness must be emphasized, self-restraint must be imposed (not to interfere into the inner conflicts of other civilizations), conflict management via common mediation must be sought (with other civilizations), international institutions (such as the UNSC) in accordance with the new order must be reformed. Huntington's short characerization of the post-Cold War world sums up best his view: (*Ibid 34*)

„In the post-Cold War world, states increasingly define their interests in civilizational terms. They cooperate with and ally themselves with states with similar or common culture and are more often in conflict with countries of different culture. States define threats in terms of the intentions of other states, and those intentions and how they are perceived are powerfully shaped by cultural considerations. Publics and statesmen are less likely to see threats emerging from people they feel they understand and can trust because of shared language, religion, values, institutions, and culture. They are much more likely to see threats coming from states whose societies have different cultures and hence which they do not understand and feel they cannot trust.”

For this reason the question of the future for him is quite self-ironic: (*Ibid 303*)

„The overriding lesson of the history of civilizations, however, is that many things are probable but nothing is inevitable. Civilizations can and have reformed and renewed themselves. The central issue for the West is whether, quite apart from any external challenges, it is capable of stopping and reversing the internal processes of decay. Can the West renew itself or will sustained internal rot simply accelerate its end and/or subordination to other economically and demographically more dynamic civilizations?”

V Bleak future

In light of this it is also worth to consider what the world would be like in 2025 according to the Global Trends forecast of the National Intelligence Council. It characterizes the future as crisis after crisis. Specifically, it predicts a decreasing role and power of the US in global politics, permanent terrorist threats, the weakening of democratic states, environmental catastrophes, and shortages of water, food and energy.

The global demand for energy is going to increase in the next 20 years, 1,9% per year (between 1980 and 2000 it was around 1,6%) because of several factors: the population is growing and society is getting older (right now the US population is 303 million, whereas global population reaches the 6,6 billion; which will reach the 8 billion by 2025 according to UN). Population growth in developing countries will be much faster than in developed countries.*(Ibid)*

From 1980 to 2000 the necessary amount of energy grew predictably, approximately by 1,6%. The fear of that the World is running out of oil is not justified. Interestingly, the document provides a comprehensive analysis of water. Physical water shortage: 75% of rivers are reserved for agricultural, industrial and national aims. Shortage is related to availability, that is, irrigation is possible in dry areas where water is rare. Impending physical water shortage: more than 60% of rivers are collected in pools which will lead to physical water shortage in a short run.*(Ibid)*

Economic water shortage: the abundance of water resources is relative, 25% of rivers are used for human purposes but malnutrition still exists. These areas could provide for green and blue investments but the human and economic resources are limited. The per capita drinking water consumption in developing and developed countries is now an issue. The demand for irrigation water is much bigger than domestic needs. In developing countries the agricultural water consumption is 70%.*(Ferenc Szávai: Growth, Development and Progression Crisis after Crisis?)*

The virtual exchange price of water:

- 1kg of wheat = 1300 l water
- 1 kg beef = 16000 l water
- 1cup of coffee = 140 l water
- 1 cotton shirt = 2500 l water
- 1 bed sheet = 9750 l water
- 1 l gasoline = 2,5 l water
- 1 l bio gasoline = 1000 l water
-

VI. CONCLUSION

In 2025 in the middle of different kinds of shortages the limitations of raw-material resources will increase, new participants will emergence, whose effects are to be dealt with by the international system. Accessibility to safe and clean energy resources and managing chronic food and water shortages are going to be key issues for more and more countries in the next 15 to 20 years.

Climate change makes the situation of raw-material resources sector even more complicated – its physical impact is even more serious. In the next 15 years the emission of gases causing greenhouse effect depends on technological advancement and political decisions. The biggest danger is that the different crisis-zones affect each other and thus preserve the situations.

Timing is most important.*(Ibid)* Current technologies are not capable of exchanging traditional energy resources. The new technologies probably will not be commercially viable and widely available until 2025. The current bio-fuel is too expensive, it would increase the food prices and its production would demand the same energy as it produce. The tranformation of non-food based biomass into fuel has a much more promising potential. The pure coal technology is becoming more relevant. If it becomes cost-effective, it could produce a significant amount of energy by 2025 in a well controlled environment. The creation of a hydrogen-economy needs vast investments. It is estimated that in the next two decades to meet the basic energy needs it will require 3 trillion dollar worth of investment. As it is improbable that new forms of energy would rely on current infrastructure, it to be expected that the production of any new kind of energy would require significant amount of investment.*(Ibid)*

Given the title, we may ask: who else will come? Based on past experience we think that economic and social migrants will come. The African demographic boom, and climate change will also propel many to migrate to Europe, alongside the many war refugees. The current situation is just the beginning of the migration pressure.

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ROLE AND IMPACT OF INTERNATIONAL ORGANIZATIONS IN INTERNATIONAL RELATIONS IN THE DIRECTION OF THE PROTECTION OF HUMAN RIGHTS AND THE RIGHTS TO THE ENVIRONMENT

*Zoran Filipovski, Abdulmecit Nuredin, Kalina Sotiroska Ivanoska, Milena Galetin, page 23-35

ABSTRACT

International organizations are essential actors that influence international relations in the international system, because their influence in many cases has a positive effect on resolving the problems that are more common in international political relations, driven by the interests of states, and are related to issues of environmental disasters, nuclear danger, climate change, economic development and the protection of human rights.

The text will cover the genesis of international organizations and their influence on the development and changes in international relations, which will positively reflect on the efforts of the countries in terms of environmental protection.

In the context of this, the influence of these organizations on the states in terms of the acceptance of the provisions of international agreements as sources of horizontal legislation in the field of environment is of significant importance.

In the context of this, of substantial importance is the impact of these organizations on the states in terms of acceptance of the provisions of international agreements as sources of horizontal legislation in the field of environment.

Key words: International organizations, human rights, environmental protection, international documents for human rights protection and the right environment.



* Assoc. Prof. Zoran Filipovski
PhD

e-mail: filipovski@vizyon.edu.mk

* Prof. Abdulmecit Nuredin
Ph.D

e-mail: nuredin@vizyon.edu.mk

* Assist. Prof. Kalina Sotiroska
Ivanoska Ph.D

e-mail:

kalina.sotiroska@vizyon.edu.mk

* MSc. Milena Galetin Ph.D
candidate

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INTRODUCTION

In the last decades, the protection of the environment has become the most important, especially after the development of an industry that negatively reflects the climate change. Climate change has, in the past, been causally related to mass industrial production, and now the primacy is assumed by the human factor as a result of population growth and migration movements. Global warming, which is the main cause of climate change, is correlated with people's activities. The effects of global warming are felt everywhere in the world, and what is worrying is the change in the water level as a result of the melting of glaciers and ice in both sexes, which together with the change in temperature has a significant impact on climate change.

Such a situation undoubtedly affects the quality of people's lives regardless of the culture, the country or the territorial integrity of the states. If we ask ourselves which factors can influence the improvement of the quality of life, it is certain that the answers will range from the subjective, that is, from the quality that we possess as individuals, to the economic, sociological and cultural characteristics. However, the fact that the estimate of the quality of life is much more complicated, and if all parameters of our environment are perceived, it can be concluded that it depends above all on where, as well as under what conditions it is living¹. (Marko Antonijevic, Strahinja Starcevic, Slobodan Savic, Sasa Jovanovic, 2013). With this in mind, human health is one of the most essential components of the quality of life, which can in many ways be affected by climate change, which in the next period is likely to be severe. As a consequence, the predictions, from various analyzes, suggest that increased temperatures, which will cause large droughts, water shortages, and thus reduce agricultural products that will be reflected negatively on the food industry in less developed countries.

All this has negative repercussions on the quality of life, which was still an important reason for the urgent approach to implementing all available measures to reduce emissions of pollutants, as well as mitigating the processes and consequences of climate change.

Such scenarios suggest that it is necessary to work on finding measures that will be an antidote to such phenomena, ie finding mechanisms to prevent or slow down further global warming by reducing emissions of harmful gases into the atmosphere and strictly controlled cutting of tropical forests represent a regulator of global warming. Although awareness of the adoption of such measures is more common and accepted by all countries, the main problem is their realization.

Within its powers, the governments of many developed countries have adopted various international and internal regulations as well as signed a number of interstate agreements with the sole aim of protecting the existing composition of the atmosphere. In addition to the numerous international regulations, today there are protection solutions, which include new ways of mitigating climate change² (WWF 2012).

If we start from the theory and approach to the environmental problems of the civil society organizations, it is evident that the modern society and science are in great contradiction considering the fact that the economy, through the development of industrial production, in order to achieve greater profit and capital, expresses a negation precisely in the field of environment.

Most of the population under global environmental problems includes climate change, pollution and the energy crisis, ignoring others such as rapid population growth and consumption per capita.

2. INTERNATIONAL INSTRUMENTS FOR HUMAN RIGHTS PROTECTION AND THE RIGHT TO HEALTH ENVIRONMENT

Environmental pollution poses a threat to the lives, health and well-being of people and is often the cause of serious violations of the corpus of human rights and freedoms. Natural disasters, as a consequence of climate change, lead to an increase in the percentage of human and economic losses, which is reflected in the increased exposure to risks, which are closely correlated with the inability to enjoy basic human rights.

The right to an adequate standard of living is recognized according to the norms of international and national law. According to Article 11 of the International Covenant on Economic, Social and Cultural Rights, it can be concluded that not only is the right to living standards for a certain person and his family recognized, but with the norms of this international document, a continuous improvement of living conditions is foreseen. The World Health Organization points out the following indicators for measuring health inequalities in the context of the environment: inadequate access to water, substandard conditions for basic hygiene and waste, excessive moisture in family facilities, inability to adequately heat them, inadequate sound and heat insulation, lack of green or recreational areas, passive smoking in the home³ (WHO, 2012).

This right also implies the right to adequate housing, which is of great importance for the enjoyment of economic, social and cultural rights, which only suggests that it can not be regarded as a right that is in correlation with other guaranteed human rights. An even bigger problem, which is evident in developing countries, and associated with this right is housing in informal settlements, where living conditions are inadequate, sometimes worse than substandard living conditions.

For the greater part of human development, the world's population grew much slower. Growth rates began to increase during the 17th and 18th centuries by reducing mortality rates. In the context of this we can say that by 1945, more than ten thousand generations were needed to reach the number of two billion inhabitants of the globe, while today a century is sufficient, the population of two to rise to 6 billion inhabitants. While the world's population at the beginning of the century counted 1.6 billion people, today it has grown to 6.67 billion people, and it is predicted that by 2050 it will reach about 9.2 billion people who will live on the earth. This explosiveness of the birth rate exerts additional pressure on the environment, which in itself indicates that governmental and non-governmental international organizations are rightly talking about the global crisis.⁴ (Mladen črnjar, Kristina Crnjar, 2009)

The United Nations Charter does not contain provisions for the protection of the environment and natural resources, but such provisions can not be found in the Universal Declaration of Human Rights of 1948. The same is the case with the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966), although they contain a number of provisions that protect the corpus of human rights and freedoms. However, in international law, it contains a number of bilateral and multilateral environmental protection agreements after the First World War as a result of changes in the global awareness of environmental issues on an international scale.

The provision of the first article of the International Covenant on Economic and Social Rights provides for the right of people to freely secure their economic, social and cultural development, even though this right is predominantly economic in character and can not be directly used. However, the document addresses the protection of the environment by predicting that each country is free to decide on its natural resources and resources.

Awareness of the need to create preconditions and measures for environmental protection began to develop in the 1960s, both nationally and internationally. In Stockholm in 1972, the first global congress for the protection of the environment was held when the United Nations Declaration on the Environment was adopted and known as the Stockholm Declaration, which, despite the anthropocentric approach, nevertheless made a direct link between the environment and human rights⁵ ([www.unep.org / Documents](http://www.unep.org/Documents)).

One of the new challenges to international environmental law, and is closely correlated with climate change, is the threat to ozone upholstery. The Convention for the Protection of the Ozone Layer (adopted in 1985), together with the Montreal Protocol on Ozone Depleting Substances (1987), is an important instrument for international environmental protection. Although its provisions do not relate directly to environmental

law, the provision of Article 2 provides for an obligation to take measures to protect human health and the environment. In this period comes the full promotion of the concept of sustainable development, which becomes the dominant approach in politics and the right to protect the environment. Of particular importance in this period was the participation of the public in capacity building, ie specialized non-governmental organizations, both internationally and nationally.

In 1992, the United Nations Conference on Environment and Sustainable Development was held in Rio. The legal documents that emerged as a result of this conference encountered divided opinions of the expert public, but in any case they are essential for the development of the right to a healthy environment, the dissemination of environmental information, as well as participation in decision-making and legal protection. The Rio Declaration on Environment and Development as the first principle envisages “the right to a healthy and productive life in harmony with nature”, while with the tenth principle it provides access to information, public participation in the decision-making process, and efficient access to judicial protection and administrative proceedings, including damages and access to remedies.

3. LEGAL DOCUMENTS AND PRINCIPLES FOR THE PROTECTION OF THE HUMAN ENVIRONMENT IN THE EUROPEAN UNION

At the beginning of the creation of the European Community, no discussions were held on environmental issues until 1972, that is, until the holding of the Paris Conference of Heads of State and Government, which was realized in cooperation with the Stockholm Environmental Conference.

It should be noted that it is not easy to determine and evaluate the concrete results of European measures in the field of environmental protection, because the quality of protection is a subjective term that covers a very wide field of action. EU environmental legislation dates back to 1972, when around 250 legislative acts were adopted that primarily concern the limitation of impacts by introducing minimum standards, in particular

waste management, and water and air pollution. The EU is more concerned about the implementation of legislation in member states, with the sole intention of the Union citizens to receive quality protection.

The European Union, with the measures envisaged in the environmental protection policy, aims to promote sustainable development and environmental protection for current and future generations, primarily with preventive activities on the principle of punishment of polluters. This environmental policy of the Union encompasses more than 200 major regulations in the legislation relating to the quality of water and air, the disposal and management of waste, industrial pollution control, chemicals and genetically modified organisms (GMOs), protection against noise and protection of forests. In order to implement this legislation, the governments of member states must allocate a large percentage of funds in their own budgets, as well as a powerful and well-trained administration at the state and local levels.

The Single European Act 1986 and the Treaty of Maastricht provide the Union with explicit powers in the field of environmental protection. With the entry into force of the single European law in 1987, a special section on the environment was introduced in his text. In addition to defining the conditions, this law also determines the objectives of the community and the principles upon which their implementation will be based. For the first time, the objectives and principles of the Union's environmental policy have become mandatory for Member States.

What needs to be stated is that Article 8 of the Treaty on European Union, where the environment is not explicitly mentioned, states that the EU's main objectives are to promote balanced and sustainable economic and social progress. Such an objective can not be achieved without undertaking measures in the field of environmental protection, and in that context, it should be noted that significant provisions on this issue have been introduced in the amendments to certain articles of the Treaty relating to the development of environmental policy in the following areas:

- conservation, protection and improvement of the quality of the environment;
- wise and rational use of natural resources;
- Improving measures taken internationally;
- a gender plan in order to solve problems in the field of environmental protection, both on a regional and global level.

In particular, it has been pointed out that care must be taken on the principle of prevention, the specific characteristics of certain territories and regions, as well as the needs for development of economic and social development.

The cooperation of the Member States is essential for the effectiveness of EU environmental laws, and in this regard, for the strict implementation of environmental protection, in 1997 the Commission recommended the imposition of fines by the European Court of Justice for the countries Articles that do not respect legislation in this area.

In addition to the legislation, the Commission is increasingly paying attention to other measures, such as economic instruments and tax policy instruments, as well as measures in the field of information and education. Since 1990, as one of the Commission's initiatives aimed at introducing energy tax and tax reform, it aims to achieve a redistribution of the tax burden from labor-related factors and the pollution of living resources. The second initiative concerns the environmental responsibility that needs to be set for the protection of the environment. In addition to these initiatives within the framework of the Environmental Policy, the Commission enables financial improvement of the investments in order to improve the environment through regional, structural and cohesion policies, as well as through instruments for financing the environmental protection⁸ (Zdravković dr Dušan, Radukić mr Snežana, 2006).

Regarding the enlargement of membership, the EU environmental legislation raises many challenges for the candidates. The EU's legal heritage is very extensive, complex and costly, and environmental problems are more significant in candidate countries than in member states.

4. INTERNATIONAL ORGANIZATIONS AND PROTECTION OF THE HUMAN ENVIRONMENT

Many organizations around the world devote their efforts to protect human rights and stop the human rights abuses. Large human rights organizations maintain extensive websites that document misdemeanors and call for action by governments to remedy the damaging consequences. Public support and condemnation of abuses is important to their success, as human rights organizations are most effective when their call for reform is backed by strong public support.

Environmental organizations work around the world in an effort to analyze, monitor and preserve the global environment. These organizations may be non-profit organizations, government departments, funds or non-governmental organizations. In addition, environmental organizations work at different levels in different regions of the world, including international, national, regional or local civic organizations.

There are many intergovernmental and non-governmental international organizations working on issues of protection of human rights and environmental rights, but the text will list some major international environmental organizations that are trying to solve problems for the protection of the environment through program activities protecting habitats, hunting, pollution and global warming.

The United Nations Environment Program (UNEP) was established in June 1972 after the UN Conference on the Environment, also known as the Stockholm Conference. She is responsible for a number of environmental issues related to various UN agencies. Some of these responsibilities include: developing international environmental agreements, fostering environmental science and developing development policies with national governments. UNEP activities cover a wide range of issues related to the atmosphere, marine and terrestrial ecosystems, environmental management and the green economy. It has played a significant role in the development of international environmental conventions, promoting environmental science and

information, and illustrating how they can be implemented in relation to policy, working on policy development and implementation with national governments, regional institutions and not -NGOs. UNEP has also been active in the financing and implementation of environmental development projects. UNEP experts contribute to contracting and policies regarding potential polluters. This program has helped to formulate guidelines and agreements for the protection of international trade in potentially harmful chemicals, transboundary air pollution and contamination on international roads.

The International Union for Conservation of Nature (IUCN) was established in the 1950s with a mission to promote nature conservation and sustainable use of natural resources around the world. In addition, this focus on this environmental organization focuses on issues such as poverty, gender equality and sustainable business practices, with the aim of more extensive protection of the environment.

The Intergovernmental Panel on Climate Change IPCC, operates under the umbrella of the United Nations Organization as an intergovernmental and scientific organization, founded in 1988 by the World Meteorological Organization and the United Nations Environment Program - UNEP. The organization's intention is to offer the world an impartial, scientific assessment of climate change and its effects. The IPCC reports are based on published literature from non-researchers of this organization

In 1988, under the auspices of the World Meteorological Organization and the United Nations Environment Program, the Intergovernmental Panel on Climate Change (IPCC) was established, the UN Environment Program is also one of several agencies for the implementation of the Global Fund for the Environment Environment (GEF) and the Multilateral Fund for the Implementation of the Montreal Protocol, which is also a member of the United Nations Development Group.

The Global Environment Facility (GEF) was established in 1991 as a result of the collaboration between 183 countries, civil society organizations, private businesses and international institutes. This organization finances projects for the protection and prevention of climate change, land

degradation, water fund, biodiversity and ozone layer. Currently, this international organization is the largest public financier of these types of projects in the world, with a fund of \$ 12.5 billion, \$ 58 billion for shared funding, and \$ 653.2 million for small grants. With these funds, 3,690 projects were realized in 165 countries.

The Land Management Project (ESGP) started in January 2009 by the International Human Dimension Program on Global Environmental Change, a research project focusing on human impact on global change. This project is a network of 300 active and 2,300 indirectly involved academics from around the world in order to publish scientific research that is the basis for finding measures to regulate global environmental change. With this, researchers hope to better understand the roles and responsibilities of governments, institutions and organizations in global issues and pollution issues.

UNESCO has been established as an international organization operating under UN auspices, and in its wide range of activities regulates issues related to environmental and social policies. The activities of this organization in the field of environmental protection are directed towards the consolidation of existing, implicit or explicit, policies that are relevant to social and environmental issues and concern: a) risk assessment, b) transparency, accountability and visibility, c) evaluation, e) gender equality, e) human rights and f) climate neutrality, which are placed at the center of their agenda. As a specialized agency of the United Nations, UNESCO works with states and societies to strengthen the foundations for lasting peace, to eradicate poverty, and to promote sustainable development and intercultural dialogue.

CONCLUSION

Environmental protection goals concern primarily the protection of people's health and life, the quality of ecosystems, the protection of plant and animal species and cultural goods whose creator is man, preserving the balance and ecological stability of nature, as well as the rational and appropriate use of natural resources. The correlative link between the use of natural resources and the distortion of the ecological balance is evident, for the simple reason that the very act of using natural resources leads to disturbance of the ecological balance. The reason for such a disruption is explained by the fact that natural resources are quantitatively limited and can absorb pollution and offset the harmful effects only to certain limits. For these reasons, the global ecological balance is becoming more important, and hence the need for the application of appropriate instruments operating within the framework of market laws.

From here, essential is the activities of international organizations whose focus is on environmental protection, especially in the implementation of the new development paradigm focused on a model of economic growth that is both environmentally sustainable; technical assistance to governments, and assistance in mobilizing financial resources for climate change projects. Also of no less importance are the measures taken by these organizations in the direction of implementing new development paradigms focused on a model of economic growth that is environmentally sustainable and socially inclusive: green growth.

The creation of a sustainable and long-lasting domestic technical and institutional capacity through programs for the development of sustainable individual and institutional capacities, the soft power, ie the publication of material materials, reports and books that deal with the field of environmental protection are just some of the mechanisms that international organizations use them as tools in their work.

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THE ROLE OF SOCIO PSYCHOLOGICAL APPROACH TO CONFLICT RESOLUTION IN MAINTAINING (INTER) NATIONAL PEACE AND STABILITY

*Ana Fritzhand, *Igor Tashkovski, page 37-46

ABSTRACT

Conflicts, as it is already well documented, are inevitable part of people's existence. They are neutral in their nature. Whether their outcome is positive or negative, depends on the approaches applied for their resolution. International conflicts, which are processes that affect international relations, also pervade the whole society. Therefore, when analyzing conflicts various dimensions should be accounted for. They include, but are not limited to, strategic, military and diplomatic, as well as the economic, psychological and cultural dimensions. All of these aspects interact with each other and define both intrasocietal and intersocietal processes that drive the conflict. This paper addresses several propositions about the nature of international conflicts which, according to Kelman (2007), are coming from the social-psychological perspective. One proposition is that international conflicts are processes driven from collective needs and fears. The other propositions claim that these conflicts are intersocietal, multifaceted processes of mutual influence, while in the same time they are interactive processes with an escalatory, self-perpetuating dynamics. As the same author points out, a new form of practice of international conflict resolution, called interactive problem solving, is based on social-psychological principles. We further analyze the potential of socio-psychological approach in resolving conflicts non-violently, by providing better understanding of the nature of conflict and highlighting the effective ways for building a culture of peace and thus maintaining peace and stability nationally and internationally.

Keywords: conflict resolution, international conflict, socio-psychological



Prof. Ana Fritzhand, PhD

University "Ss. Cyril and Methodius", Faculty of Philosophy, Skopje, Macedonia

e-mail:

anaf@fzf.ukim.edu.mk

Assist. Igor Tashkovski, MSc

University "Ss. Cyril and Methodius", Faculty of Philosophy, Skopje, Macedonia

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1. INTRODUCTION

Conflict resolution has a long history of development as a field of study, especially in the 1950s and 1960s where the pick in the Cold War took place. In such circumstances, the need for approaching conflict resolution more globally was clearly addressed. At present, as the context and the nature of conflicts are constantly changing, this need is even more affirmed. Thus, today we speak of international conflicts, which are processes that affect international relations and pervade the whole society. Therefore, when analyzing conflicts various dimensions should be accounted for. They include, but are not limited to, strategic, military and diplomatic, as well as the economic, psychological and cultural dimensions. All of these aspects interact with each other and define both intrasocietal and intersocietal processes that drive the conflict. In this sense, social-psychological perspective has much to offer in understanding and resolving international conflicts, especially those rooted in terrorist violence. Hence, a new form of practice of international conflict resolution, called interactive problem solving is based on social-psychological principles and has a potential for resolving conflicts nonviolently (Kelman, 2007).

Conflicts, as it is already well documented, are inevitable part of people's existence. They are neutral in their nature. Whether their outcome is positive or negative, depends on the approaches applied for their resolution. Sometimes they are highly destructive, but in other times they could stimulate creativity, or be a motivator of positive changes in the relations and personalities, i.e. a challenge for personal/mutual growth and development. Thus, as Ramsbotham, Woodhouse, Miall (2016) would argue, conflicts are universal features of human societies and can arise in many domains of people's existence, such as between family members, families, organizations, communities, or countries. This legitimize conflict resolution approaches to be applied in all these domains as well. According to Kelman and Fisher (2003), international conflict resolution can be placed in the context of a larger field of practice, applied at different levels and

domains, and anchored in different theoretical disciplines and traditions. Despite this obvious diversity, there are certain common threads that run throughout the field. In this sense, crosslevel exchanges are very valuable for developing general principles, but the application of these principles requires sensitivity to the unique features of the context in which they are applied.

2. CONFLICT RESOLUTION AND INTERNATIONAL PEACE

Conflict resolution is usually defined as a complex set of approaches and techniques for resolution of conflicts by a third party. It is tightly connected to the process of peacekeeping. However, there are different views of conflict resolution parameters and of the major realms it encompasses, so there is lack of consensus about those characteristics among different authors. According to Kriesberg (2009; as cited in Ташковски и Танески, 2018), some authors relate this term to a specific kind of work (ex. engaging in mediation in a particular manner). For others, it refers to various ways of managing and/or ending conflicts, by using joint efforts aimed towards mutually acceptable agreements. Finally, there are authors who believe that conflict resolution can be applied to all stages of conflicts. They are focusing on constructive ways of conducting and transforming conflicts which provide secure and equitable relations afterwards. The evolution of this field is closely related to the dynamic interplay of conflict applications (i.e. practice), academic theories and research. The realm of practice includes actions that professionals undertake to affect the course of conflicts, by applying conflict resolution methods, whereas the realm of research includes the analyses that help test deductive theory and represent the bases for inductive theory building.

According to Galtung (as cited in Мурцева-Шкарик, 2007), the essence of the conflict can be defined through the so-called “conflict triangle”. Its essential ingredients are: a) conflicting attitudes; b) conflict behavior, and c) a conflict situation i.e. the contradiction. The cause of

the conflict can start from any corner of the triangle, but it usually begins because of the contradiction. Conflicting attitudes can be cognitive and emotional, positive and negative, and represent a psychological state that arises from incompatibility, or contradiction. Conflicting behavior, can be physical and verbal, more or less violent and destructive, on the one hand, but also constructive and conciliatory, on the other. It is an action taken by the opposing party(s) that is (are) in a conflict situation. The intention of such behavior is the opposing party to give up its goals or to change them. Finally, the conflict situation, i.e. the contradiction occurs between two or more parties advocating for different and conflicting purposes.

In this model, the conflict must be resolved with the application of a holistic approach. This means that all three aspects should be treated in the same time in order to transform the conflict. Otherwise, when not taking into account the entire triangle, three types of errors could occur: a) an error in the attitude - occurs if the emphasis is placed only on the need for more love, and the contradiction is neglected; b) a behavioral error - occurs when it is considered that resolving the conflict is sufficient to reduce aggression and violence; and c) an error in the contradiction – which means that the inappropriate relation to the contradiction contributes to solving it in an inappropriate way. Galtung (as cited in Мурцева-Шкарик, 2007), points out that in order to transform the conflict, the attitude of hatred, mistrust, indecision, etc., should be transformed into empathy. Furthermore, violent behavior should be transformed into nonviolent, while contradiction should be transformed into creativity.

Combining Galtung's triangles (the one for the structure of the conflict and the other for the types of violence – structural, cultural and direct), it can be concluded that structural violence (ex. children die from poverty) could be resolved by removing structural contradictions and injustices. In the same time, cultural violence ends by changing the attitudes from hatred to empathy and love, while direct violence (ex. murdering civilians) - by stopping and changing the conflict behavior. These conflict resolution responses further relate to a broader strategies of peacekeeping,

peacebuilding and peacemaking. In sum, conflict resolution must include a set of dynamic changes that will bring de-escalation of conflict behavior, a substantial change in attitudes as well as transformation of the relationships or clashing interests that are placed in the core of the conflict structure (Ramsbotham, Woodhouse, Miall, 2016).

3. SOCIO-PSYCHOLOGICAL APPROACH TO CONFLICT RESOLUTION

Building trust among enemies, as Kelman (2005) would argue, is the central challenge for international conflict resolution. This process is long and gradual. In its essence lie the interactive problem solving strategies, also known as unofficial diplomacy (term given by Kelman). The basic dilemma of almost all conflict resolution efforts addresses the question of how conflicting parties could enter into peace process while still distrusting each other, yet still having in mind that without entering the peace process it cannot be expected that the trust will occur and be maintained. Therefore, ways of interactive problem solving proved to be useful in confronting this dilemma, for example in the case of Israeli-Palestinian conflict, and contribute to the wider and more complex process of building trust and establishing peace.

In relevant literature there is a consensus that trust is essential requirement for every conflict resolution approach to be effective and peaceful. Yet, although establishment of mutual trust is fundamental, its development is difficult to be achieved in deep rooted and highly violent conflicts between identity groups. The main difficulty in the later, is that conflicting parties believe that “the other” is focused on violating and jeopardizing their basic needs, their right to live peaceful life and so on. However, if they become aware that negotiation and exchanging relationship is their only way out of the conflict, the peace process becomes possible. Here is the point where interactive problem solving takes over. Kelman (1997, 2001) describes this process as academically based, third-party approach to international conflicts, mostly effective for resolving conflicts

between identity groups. It is based on conducting intensive workshops and face-to-face meetings focused on constructive problem-solving skills and strategies.

There are five focal points in the process of building trust among enemies that are relevant for interactive problem solving. First of them highlights the necessity of successive approximations of commitment and reassurance in the context of low trust among parties which have to enter into dialogue. The second one relates to the role of the third-party as a repository of trust especially at the beginning of the peace process. Here, the main requirement is this third party to prove itself as trustworthy. The third point is to have, so called, working trust, i.e. to have conflicting parties who acts out of their own interest but still assume that “the other” will contribute in maintaining relationship and making it work. The fourth one highlights the awareness of the uneasy coalition across conflicting lines. Its uneasiness comes from the fact that in protracted conflicts between identity groups, the separation comes along peoples’ core identities which make these types of conflicts very difficult to resolve. Then, there is also a fifth point that addresses the mutual reassurance whose main goal is to overcome the fear from “the other” and its motives to violate the security, identity and existence of one’s own group.

The successful outcome of the conflict resolution is reconciliation between conflicting parties. It takes time and great efforts from all sides and comes at the very end. Reconciliation is both a process and an outcome. It does not come naturally neither automatically after reaching an agreement. Therefore, it needs to be started from the beginning of the peace process and be maintained throughout the whole process as its integral part. Reconciliation activities need to be set in the context of overcoming marginalization, alienation, and other psychological and social effects of violent conflict. It is a longer process of solving antagonism and moving from competition to cooperation. According to some authors, it is part of the process called peacemaking, which also includes conflict transformation. The process of reconciliation usually include three elements: emotional, cognitive and behavioral. In its entirety, it helps individuals and groups in finding ways to effectively heal themselves and

accept the opposing side as equally worth. This is very important, because without forgiveness, there is no future. The process often begins with the transitional or post-conflict justice which basically is the introduction to reconciliation. It ends by certain reconstruction of trauma and proclamation of understanding and compensation for the victims (Frckoski, 2012).

Reconciliation is one of the three processes (together with settlement and resolution) to peacemaking aimed towards achieving different, yet, often overlapping, goals. Sometimes they are congruent to each other, but could also be contradictory to one another. In its full form, reconciliation presupposes conflict resolution, as conflict resolution presupposes conflict settlement. The crucial difference among these three processes could be found in that they correspond to the three processes of social influence. The first one is called compliance, and refers to acceptance of another's influence in order to achieve acceptance, approval or reward. Second one, known as identification refers to acceptance of another's influence in order to maintain desired influence and self-definition, while the third process – internalization - refers to acceptance of another's influence in order to maintain the congruence of one's value system (Kelman, 2004; pp. 114-115).

The psychological aspects of reconciliation are particularly relevant to the elimination of residues of victimization feelings. Reconciliation and healing remain an important part of a conflict resolution process given that the legacy of past violence serves as a latent source of future confrontations. Thus, it is a process which points to the central needs and fears of the societies. Group healing and other activities can focus on individual and social well-being in overcoming the pathological, psychological and social conditions that are likely to harbor the conflict. Reconciliation and healing should be supported by social and institutional changes, such as democratization, development and security reform (Jeong, 2010).

4. CONCLUSION

Social-psychological analysis has significant contribution to understanding and resolving international conflicts aimed to maintain national and international peace and stability. It provides a framework for conceptualizing change in the system and in relationships among its components. International conflicts are dynamic phenomena which need to be approached holistically and interdisciplinary. In this sense, focusing on social-psychological dimensions could provide better insight into the causes, the impact and the effects of change both on national and international system. The analysis made on micro and macro level provide better understanding of cognitive, emotional and motivational aspects (and their interaction) of peoples' behavior in a given point in time (Kelman, 2007).

Conflict resolution efforts have to be focused on finding and providing the effective ways and strategies of how to provoke change, on the possibilities and conditions for change to occur, as well as on overcoming the resistance to change. Here, another important aspect that should be accounted for are the barriers to conflict resolution recognized in escalating, self-perpetuating dynamic in interactions between conflicting parties. Changing this interaction dynamic from conflicting to constructive would help overcome mentioned barriers and could contribute to the improvement of the relationship itself. This means that by using the social-psychological approach and by engaging in interactive problem solving workshops, individuals promote their knowledge and skills in changing perspective, building trust, negotiating, mutual responsiveness, reciprocity, perspective taking, open-mindedness and other essential elements of conflict resolution.

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ADAPTATION TO, AND COPING WITH, CLIMATE CHANGE IMPACTS AND THREATS

*Kalina Sotiroska Ivanoska, Mensur Nuredin, Elisaveta Sardzoska, Muedin Kahveci, page 47-54

ABSTRACT

The focus of this article is to examine the human adaptation to climate change impacts, and to understand the coping mechanisms with climate change. The impacts of climate changes, seen as threat and stressor, affect the ways of individual and community adaptation. Adaptation includes a wide range of responses including how people perceive, react and understand, that indicate how they behave in response to the problems. Psychologist can assist adaptive responses and help people in many ways to cope properly to changes. There is a need of new policy initiatives integrating psychological adaptation processes.

Key words: adaptation, climate change, policy initiatives, psychology



Assist.Prof. Kallina Sotiroska
Ivanoska PhD

e-mail: kalina.sotiroska@
vizyon.edu.mk

Prof. Mensur Nuredin PhD

e-mail: mensur@vizyon.edu.
mk

Prof. Elisaveta Sardzoska PhD

Muedin Kahveci PhD

e-mail: muhittin.kahveci@
vizyon.edu.mk

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INTRODUCTION

In most instances climate change implicitly includes reference to the consequences of global weather pattern changes on local and global environments and ecosystems, that is, to climate changes and their physical environmental impacts, which are actually the more noticeable changes taking place in our environments. But there is another environment, where important and dramatic changes and impacts relating to climate changes are taking place, which is the human psychological, social, societal, and cultural environment. The climate change means a change of climate which is attributable directly or indirectly to human activity (Kolbert, 2006).

The Intergovernmental Panel on Climate Change (Intergovernmental Panel on Climate Change [IPCC], 2007) defined Climate change as any change in climate over time, whether due to natural variability or as a result of human activity.

The expected effects of climate change are also complex and far-reaching. Except activities to mitigate climate change, there is an inevitable need for urgent development system adaptation to climate change.

Dhoroty & Clayton (2011) have reported in their article that climate change is as much a psychological and social phenomenon as a matter of biodiversity and geophysics and has impacts beyond the biophysical. Also they contend that there is sufficient evidence to merit a response to the psychological impacts of climate change, and these impacts co-occur on multiple, simultaneous levels. According to them psychologists have an ethical obligation to take immediate steps to minimize harm, reduce disparities in climate impacts, and continually improve their climate-related interventions.

Climate change almost always refers to the perceived threat and unfolding environmental impacts of climate change as it is these facets of the larger phenomenon that are of particular relevance to public understandings and responses, psychological and social impacts, and planned change. These perceived threats and impacts are based on direct experience or indirect experience through media presentation.

Adaptation to climate change impacts and threats

Influenced by biology, the concept of adaptation has been at the heart of psychological modelling since its origin in psychological adaptation. The adaptation is defined as the process of unceasing interaction between the individual and the ever-changing world within which humans evolve. The concept of adaptation is like a complex dynamic that articulates the different actions of the individual, as well as the different processes that enable the emergence of transformation perspectives (Jakubowicz, 2002).

Climate change is increasingly a substantially constructed and socially represented phenomenon, environmental problem, threat, and narrative of environmental and societal risk and change.

Different processes are involved in pointing the human response and have an impact on the way the threat and the impacts of climate change are peripheral and depends on the discipline for example social, environmental, cognitive, health psychology, also the extent of initiative individual or community level. Such phenomenon threats from climate change are rather complex and require the involvement of the knowledge of different sciences.

The Intergovernmental Panel on Climate Change (IPCC, 2007) defines adaptation as “adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities”.

According to this definition of adaptation there are two criteria for adaptive responses, they must arise in response to the effects of climate change and they must result in beneficial outcomes, such as reducing adverse effects of climate change. Adaptive behaviour helps individual better take advantage of opportunities or responds to challenges from environmental circumstances related with climate change.

Adaptation refers to a wide range of responses individuals can make to difficult circumstances, including initial understandings, affective responses to situations, behavioral responses to situations, the process of selecting responses, and the reciprocating impacts of responses on individuals, communities, and the physical environment (Gifford, 2007; Stokols, Clitheroe, & Zmuidzinis, 2000; APA)

Within the context of psychological understandings and approaches to the threat of climate change, and at the level of individual functioning, it is important to underline that all psychological responses to perceived threat or changing environmental circumstances constitute adjustments and adaptations, and that these primarily reflect intra-individual appraisal, sense making, and coping processes, collectively referred to as ‘psychological adaptation’ (Reser & Swim, 2011; according to Reser, Morrissey & Ellul, 2012).

Coping with climate change

In psychological terms, climate change is more of a chronic environmental stressor (Evans, 2001; according to Evans & Stecker, 2004), which is constant but uncertain, of possibly perilous consequence, and with a high dread risk, not dissimilar to that found for some ‘technological risk’ domains (Lewis & Tyshenko, 2009).

Underlining the importance of perception and interpretation of the situation that is perceived to be stressful, Lazarus and Folkman (1984) define coping or adaptive strategies as cognitive and behavioral efforts to manage stress and to know how to dispose of the necessary resources available to enable this.

Psychological adaptation in the context of climate change is related with stress and coping mechanisms. Adaptation of climate change is coping with global environmental problems and global environmental change (Homburg, Stolberg & Wagner, 2007). Global environmental changes and the continuous threat of climate change are creating stressful situations.

Because individual human cannot eliminate the stress from the situation, people develop particular coping strategies. There are many efforts to conclude and define psychological coping to climate change at personal level but all of them are unsatisfactory.

Coping with the impacts of climate change is a long lasting process that involves many intrapsychic processes that influence reactions to climate change. Psychological processes include sense making; causal and responsibility attributions for adverse climate change impacts; appraisals of impacts, resources, and possible coping responses; affective responses; and motivational processes related to needs for security, stability, coherence, and control.

These processes are influenced by mass media representation of climate change, formal and informal social discourse involving social construction, representation, amplification, and attenuation of climate change risk and its impacts. These psychological processes motivate intrapsychic reactions as denial, emotion management, problem solving, ignorance and behaviour control. Also there are individual and community behavioural responses. The culture and personality play a significant role in the variation of responses in coping with stress about the climate change.

American Psychological Task Force on Psychology and Climate Change (APA, 2009) spent significant considerable time and thought in attempting to achieve a more helpful and strategic integration of convergent perspectives within psychology relating to the psychological impacts of the threat of climate change, as risk perception, environmental stress, stress and coping, psychological adaptation, anticipatory coping, with the hope that this crucial body of psychological work might be more widely appreciated and utilised (Reser, Morrissey & Ellul, 2012).

Climate Change Impact

In their article, Doherty & Clayton (2011) describe three classes of psychological impacts: direct, as acute or traumatic effects of extreme weather events and a changed environment; indirect as threats to emotional

well-being based on observation of impacts and concern or uncertainty about future risks; and psychosocial, as chronic social and community effects of heat, drought, migrations, and climate-related conflicts, and postdisaster adjustment.

Doherty & Clayton (2011) suggested that many factors could be potential mediators or moderators of responses to climate change. There are three main groups, vulnerability and resilience, media representation and information technology, and group of social and cognitive factors. The relative sternness of climate change impacts may be moderated by sources of vulnerability and resilience. Some processes could set people to be in harm's way, for example living in marginal, low-lying areas and having precarious, resource-based livelihoods, and limit their option for adaptation. Otherwise, adaptive capacities such as economic development, functioning level of mental health and, the reduction of risk and resource inequities, and engagement of local stakeholders in disaster adaptation activities are important to community resilience and the potential to adapt successfully in the aftermath of disasters (Ebi & Semenza, 2008; Norris et al., 2008; according to Doherty & Clayton, 2011). Exposure to information by modern technologies explain the influence of media representation and discover why climate change can have psychological impacts on individuals and communities that have no direct exposure on physical impacts. A sense of impact or alarm regarding climate change is likely to be both mediated by cognitive appraisals, such as estimates of personal risk and attributions of responsibility (Leiserowitz, 2007), and moderated by the responses of one's social referents. Contextual factors such as concern about economic issues or other immediate life stressors also moderate the importance and urgency of climate change (Pew Research Center, 2009; Weber, 2006; according to Doherty & Clayton, 2011).

Global change is as much a psychological and social phenomenon as a matter of biodiversity and geophysics and poses threats to mental health and human well-being. Psychologists have an ethical obligation to take immediate steps to minimize the psychological harm associated with

climate change, to help to reduce global disparities in climate impacts, and to continually improve their climate-related interventions through coordinated programs of research and practice that draw on the rich diversity of psychologists' skills and training.

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GREEN ECONOMY AND GREEN JOBS - TRENDS IN THE SOUTH EASTERN EUROPE

*Simonida Vukadinović, **Jelena Ješić, **Andrea Andrejević Panić, page 55-64

ABSTRACT

The paper presents green economy trends as well as green jobs increase in the selected countries of the region of the South Eastern Europe. Main subject of the paper shows that green economy represents a system of economic activities that produce, distribute and consume goods and services which makes better human living in long term in order to diminish environmental risks and ecological shortage. Also, term circular economy is a new concept, that presents set of quality responses to global crisis issues, not only of industry crises but also environmental and climate change issues as well. The objectives of the paper are reflected in the circular economy concept as a strategy by which resource consumption is not increasing and the environmental impact is reduced. The objective is supported in the fact that green jobs present decent jobs contributed to environmental preserve and restoring all industry sectors. The significance of this subject can be found in the fact that only last year, global economy created more than half a million new jobs in renewable energy sector, so that number of employed in renewables is more than 10 million (10,3 million; 3,4 million in the solar industry; 1.15 million in wind power industry). Some predictions in this context will be given in the paper as well.

Key words: green economy, green jobs, renewables, circular economy, recycling, environment.



***Assist. Prof. Simonida Vukadinović PhD**

EDUCONS University, Faculty of Business Economy, Sremska Kamenica, Serbia

e-mail: simonida.vukadinovic@educons.edu.rs

****Assist. Prof. Jelena Ješić PhD**

EDUCONS University, Faculty of Business Economy, Sremska Kamenica, Serbia

e-mail: jelena.jessic@educons.edu.rs

****Assist. Prof. Andrea Andrejević Panić PhD**

EDUCONS University, Faculty of Business Economy, Sremska Kamenica, Serbia

e-mail: andrea.andrejevic@educons.edu.rs

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1. INTRODUCTION

Green economy presents chance in terms of stimulating economic growth, creating decent jobs, social inclusion as well as poverty reduction. But, this transition also presents possibility, such as migrations because of job and job losses in declining industries. What is obvious is that green growth and greener economies transition will have a great impact across countries, sectors, and workers. The global agenda emphasizes greener growth, a just transition and green job creation, but there is no full understanding of the likely employment impacts of different policy options.

Green jobs as a term is not generally defined. Just a few economic sub-sectors (e.g. wind turbines production or production of solar panels, can unambiguously be classified as green industries). ILO's definition of green jobs includes those in sectors that are producing green goods and services as well as occupations environmentally favorable green processes. The International Conference of Labour Statisticians (ICLS) has its criteria of defining green jobs, Eurostat, has its too. All in all green jobs are a subset of the employment effects arising in a process of green transition.

Practically there is no evidence of the quality of created green jobs, as one important aspect of green transition. Also, statistics on job creation do not usually consider if they are sustainable, permanent, positions or temporary jobs. Another warning is that some studies can look at direct job creation, while others may have indirect and induced jobs (some of researchers take into account only at the created jobs, while others look at the net impact on employment- accounting jobs lost).

Highly energy-intensive and polluting industries are the steel, aluminum, cement, and paper industry. More than 40 percent of steel production and 1/4 of aluminum production are based on recycled waste, employing more than a 250.000 people.

“Recycling and remanufacturing jobs worldwide number many millions, but incompatible definitions and a lack of data gathering make a global tally impossible. China alone is thought to have some 10 million jobs in this sector, and the United States has more than 1 million. In developing coun-

tries, recycling is often done by informal networks of scavengers. Brazil, which boasts a high rate of aluminum recycling, relies on some 500,000 scrap collectors. Cairo's 70,000 Zabaleen recycle as much as 85 percent of the materials they collect. Afforestation and reforestation efforts, as well as better stewardship of critical ecosystems more generally, could support livelihoods among the more than 1 billion people who depend on forests, often through non-timber forest products. Planting trees creates large numbers of jobs, although these are often seasonal and low paid. Agroforestry, which combines tree planting with traditional farming, offers significant environmental benefits in degraded areas—including carbon sequestration. Some 1.2 billion people already depend on it to some extent” (Renner M., et al., 2008).

Although it is needed for green job to be a decent job that offers good wage and income security, as well as safe working conditions, working dignity, and appropriate workers' rights, unfortunately it is not usually the case. Crops growing on biofuel plants in Malaysia, Indonesia Colombia and Brazil, involves excessive workloads, exposure to pesticides, poor pay, and workers oppression. These cautious aspects stress the necessity for sustainable employment good for both the environment, and people holding the job. However, the economy reconciling human aspirations with the borders of the planet is possible.

This paper doesn't analysis the overall labour market situation in the South Eastern Europe, it will put emphasis on the green employment statistics and predictions.

Green jobs – world and EU outlook

“Renewables keep expanding the global energy system. The International Renewable Energy Agency (IRENA) analysis suggests that jobs in the renewable energy sector could rise from last year's amount of 10.3 million (2017) to 23.6 million in 2030 and even 28.8 million in 2050” (IRENA, Renewable Energy and Jobs Annual Review 2018, pg. 24).

Table 1. Estimated direct and indirect jobs in renewable energy worldwide

TABLE 1. ESTIMATED DIRECT AND INDIRECT JOBS IN RENEWABLE ENERGY WORLDWIDE, BY INDUSTRY, 2016-17

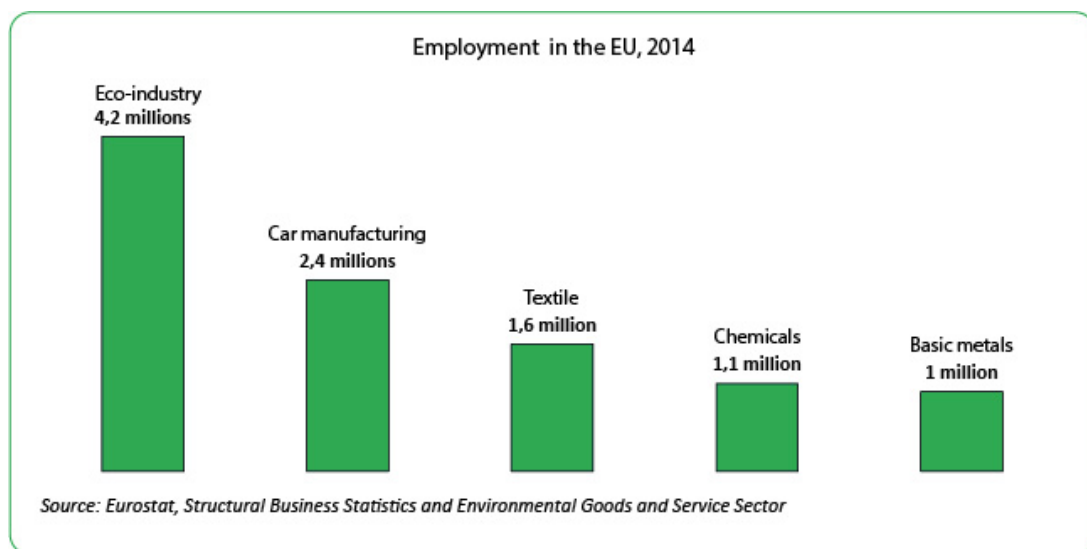
								
	World	China	Brazil	United States	India	Germany	Japan	Total European Union ^a
 Solar Photovoltaic	3 365	2 216	10	233	164	36	272	100
 Liquid Biofuels	1 931	51	795 ^b	299 ^b	35	24	3	200
 Wind Power	1 148	510	34	106	61	160	5	344
 Solar Heating/Cooling	807	670	42	13	17	8.9	0.7	34
 Solid Biomass ^{a,b}	780	180		80 ^c	58	41		389
 Biogas	344	145		7	85	41		71
 Hydropower (Small) ^c	290	95	12	9.3	12	7.3 ^d		74 ^d
 Geothermal Energy ^d	93	1.5		35		6.5	2	25
 CSP	34	11		5.2		0.6		6
Total (excluding Large Hydropower)	8 829^e	3 880	893	786	432	332	283	1 268
 Hydropower (Large) ^{e,f}	1 514	312	184	26	289	7.3 ^d	20	74 ^d
Total (including Large Hydropower)	10 343	4 192	1 076	812	721	332^d	303	1 268^e

Source: International Renewable Energy Agency, *Renewable Energy and Jobs - Annual Review 2018, Annual Review, United Arab Emirates, 2018*, pg.25.

Table 1 presents sector's estimates in renewable energy around the world. Solar energy sector is leader in green employment worldwide, and China is estimated as a leader of green employment.

Germany is European leader in renewables so this country is presented separately.

Table 2. Employment in the EU, 2014.



Source: Eurostat, Structural Business Statistics and Environmental Goods and Service Sector

According to the data from table 2 there was 4.2 million of people employed on various green jobs in 2014 in EU. “A vision for Europe’s new plastics economy is a smart, innovative and sustainable plastics industry, where design and production fully respects the needs of reuse, repair, and recycling, brings growth and jobs to Europe and helps cut EU’s greenhouse gas emissions and dependence on imported fossil fuels” (European Commission, Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions, A European Strategy for Plastics in a Circular Economy, Brussels, 2018., pg.5). The recycling capacity of EU plastics has been significantly expanded and modernized. The sorting and recycling capacity has increased four times since 2015 by 2030 leading to the creation of 200 000 new jobs across Europe.

Green jobs – trends in South Eastern Europe

Taking into account high unemployment rate in the South Eastern Europe, especially in rural areas, solutions that provide more jobs in rural areas would be desirable. However, there are several aspects in a more comprehensive conversion to organic agriculture that reduce the potential additional employment that organic agriculture would create. In Western Balkan region there is a trend of urbanization, and those who work in the fertilizer sector live in urban areas. Most people are in poor contact with the reality of agriculture and have experiences and skills other than those required by organic agriculture.

The agricultural sector of Serbia encompassed 9.4% of GDP in 2009 and 1.889 billion EUR of GDP. At the same time, work in the agricultural sector represented a large part of the country's employment - almost 24% of the working hours of the population in 2009. (more than 450,000 annual labor units). Serbia employs almost half (46%) of the total workforce in agriculture and fertilizer production; followed by Bosnia and Herzegovina (29%), Croatia (21%) and Montenegro (5%).

The region has a total of 8.0 million hectares of used agricultural area. Serbia has more agricultural land than all the other three countries. Its share in the total agricultural land of the Western Balkans is 60%. The region also has an additional 0.8 million hectares of unused agricultural land. These are mostly abandoned grasslands. The specification of the percentage of unused land is as follows: 56% of unused land is in Bosnia and Herzegovina; 25% is in Serbia; 18% are in Croatia, and 2% in Montenegro.

Recycling - the youngest branch of the economy in Serbia, according to the Ministry of Agriculture and Environment, currently employs about 22,000 people in a total of 2,000 companies. Serbia recycles about 5-7% of total waste, which is significantly less in comparison with other European countries. In most local governments there is no infrastructure for municipal waste management. Although investment is necessary in this area, we need measures of sustainable policy before that. With the development of this sector, new jobs will be created that will stimulate the fight against poverty and the employment of socially vulnerable groups of citizens. Waste management and, in particular, the collection and sorting of waste is an ecological and economic issue with great potential. The development of the recycling industry in Serbia started after 2009 by adopting the so-called set of green laws and introducing recycling into an economically viable system. At the end of 2009, the state began to subsidize companies that deal with waste treatment with rubber, then electrical and electronic waste, batteries and

oil. Then, ecological tax was introduced on the basis of the “polluter pays” principle, which aims, inter alia, to support the establishment of systemic waste management in Serbia. With transparent cash flows and environmental taxes dedicated to protecting the environment, the government should support the work of existing facilities and encourage the opening of new ones. However, in order to ensure a regular flow of funds into the budget, it is necessary to establish more stringent legal regulations for illegal disposal and pollution and more strictly control the implementation of existing legislation. Moreover, investing in technological innovations for better use of recycled raw materials can lead to the application of new products and the opening up of new markets. One of the biggest problems that prevents the further development of the Serbian recycling industry concerns the difficulty of collection receivables, that is, the state debt to operators. In 2015, the state owed companies that deal with waste management 1.5 billion dinars (about 13 million euros). Since then there has been a rise in government allocations, but this is still not enough resources for the growth of companies in that area, it’s not enough even for survival. Since the beginning of 2017, Serbia has established a Green Fund, which is budgetary and was established four years after the abolition of the previous, independent Environmental Protection Fund. The Initial Environmental Protection Fund was extinguished on the grounds that it was abused and that the funds were not spent for the purpose. As a result, no one was charged with alleged abuses, but the recycling industry was left with no funds for the system they just started to establish. Paradoxically, Serbia exports 300,000 tons of secondary raw materials each year and imports 250,000 tons at a higher price due to transport costs. In order to protect the recycling industry, the state announced that the waste market would soon be under the responsibility of the Environmental Protection Agency. This will work according to the following principle: before the company exports waste outside the territory of Serbia, it will have to offer it to domestic companies on the website of the Agency. This advertising will last for five days, and if no one replies within these five days, a certificate will be issued giving the owner an export license

Only 20% of all waters in Serbia come from national sources - everything else is transit water., In Serbia, 61.6% is underground and spring water, 30.2% originates from river flows, and 8.2% is water from the lake and reservoirs, of the total water used. The coverage of public water supply is currently around 80%.

“In Macedonia, there are no surveys on the market breakthrough or on the distribution of products that use energy, which is a necessary starting point for estimating the potential of energy savings. The projects for energy efficiency could have a longer period for the repayment of funds, sometimes no guarantee can be offered for them. These loans might be needed by legal and physical entities that are not experienced in preparing appropriate technical project and application. In order to support the efforts for reaching energy efficiency, it seems it is necessary to establish an Energy Efficiency

Fund. This fund shall finance the projects pertaining to energy efficiency, including grants for conveying market study, preparation of projects, energy controls, raising public awareness. Funding should be provided only if the projects are found suitable to the technological and economic features of energy efficiency projects. The fund shall be available to be used either for direct loans or for co-financing of loans through commercial banks, or it could provide guarantees for loans that commercial banks give through their own capital.”

In the Republic of Macedonia, official statistics do not define green jobs as an official category. For shore, there are opportunities for energy efficiency projects as well as creating “green jobs” in Macedonia. “Energy efficiency could be very important for the economy in the country because it has the capacity to create new jobs, to improve the quality of life, to reduce energy import and to improve the chances for the county’s EU accession. In addition, energy efficiency protects the environment and is economically feasible under the current circumstances. One euro invested in energy efficiency prevents investment of €2.2 on the side of the energy supply.”Regarding information related to the number of green jobs in Macedonia, we did not reach that data.

In the UNDP study - Assessing the impact of green economy investments in Montenegro, which, based on the simulation model, analyzes the impact of green investments, it is estimated that up to 20,000 new jobs can be opened by green investments by 2020, of which more than 4/5 would be in the tourism sector and related activities, and the rest in the activities related to the implementation of energy efficiency and transport measures. More than 16,000 new jobs related to the tourism sector would generally be opened through indirect effects, i.e. through better use of domestic and local supply chains (substitution of imported goods by domestic ones, primarily when it comes to agricultural products). Regarding information related to the number of green jobs in Montenegro, we did not reach that data.

CONCLUSION

The opportunity for green jobs is enormous. Much of opportunities won’t be achieved without sustainable and massive investments both in the public and private sectors. Establishment a framework for greening economy in all its segments is needed to be made by governments and all the stakeholders. Innovations and development of technology transfer are important for netting the global methods round the world at the level and speed adequate for avoiding global climate change.

Region of the South Eastern Europe has a great potential in green and circular economy development and by that green employment expansion, which will not only help economy expansion but environmentally better living of the region as well. What is obvious transition towards a low-carbon and circular economy, provides world and people with a cleaner, safer environment.

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FINANCING EU MILITARY OPERATIONS: THE ATHENA MECHANISM

*Aleksandar Chevleski, *Anita Gligorova, page 65-80

ABSTRACT

On 23 February 2004, the Council adopted Decision 2004/197/CFSP establishing a mechanism to administer the financing of the common costs of Union operations having military or defence implications. The Decision was amended by the Council Decision 2011/871/CFSP, and more recently, in 2015 the Council adopted a new Decision regarding the ATHENA mechanism. The structure for financing EU external action is flexible and fragmented: CSDP operations are not entirely budgetized; the administrative costs for the CSDP institutional framework are borne by the CFSP budget, but the operational costs for the different CSDP missions/operations are borne by different mechanisms. Operations having military and defence implications are financed directly by the participating Member States and particularly via the specific mechanism – ATHENA. Such fragmentation does not provide for coherence of EU external action nor continuous/stable financing of EU military operations.

Mostly, Athena finances the costs incurred for the headquarters, some types of infrastructure works, medical services, satellite imagery, transport to and from the theatre of operations for deployment. The 2018 saw a significant ambition to overcome the problems of financing the common costs via the establishment of the European Peace Facility (EPF) which will replace and supersede the Athena mechanism and the APF and will significantly broaden the percentage of the costs covered for a wide range of CSDP operations/missions. The proposal for establishing an EPF is currently under discussion.

This article will give brief historical-institutional overview of the workings of the ATHENA mechanism and will offer an insight in the newest developments in this field and assess their possible impact in the future.



*Assoc. Prof. Aleksandar
Chavleski PhD

*Faculty of Law, FON University,
Skopje*

*Assist. Prof. Anita Gligorova
PhD

*Faculty of Political Science and
Diplomacy, FON University,
Skopje*

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INTRODUCTION

One of the main factors in the implementation of the Common Security and Defense Policy (CSDP) is the financing of joint missions and crisis management operations. The complex rules for financing CSDP missions and operations directly affect the ability of the European Union to effectively conduct such crisis management operations.

The problem of financing peacekeeping missions was detected as early as planning the first CSDP peacekeeping mission, the EUPM police mission in Bosnia and Herzegovina, which was faced with difficult procedures for providing materials and transportation needed for the mission. In order to cover the operating costs of the mission, it was necessary to increase the budget of the Common Foreign and Security Policy (CFSP) for 2003, which is part of the Union's total budget. The final consent to increase the budget was obtained by the European Parliament as late as November 2003, which is a fairly long period taking into account that the mission planning team was set up on 15 April 2002. It must be emphasized that due to problems with funding in the deployment phase and the start of the mission, EUPM was under-equipped in terms of computers, cars and mobile phones. (Emerson, M., Gross, E., 2007)

The experience acquired by EUPM in terms of financing is significant not only for police missions, but for other later civilian missions and military operations.

Article 41 of the Treaty on the European Union regulates the rules for financing the CFSP, including peacekeeping missions and operations defined in Article 42 (1) and 43 TEU. Administrative expenditure to which the implementation of CFSP gives rise for the institutions shall be charged to the Union budget. (Treaty on European Union, Lisbon, 13 December 2007),

Operating expenditure shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and in cases where the Council acting unanimously decides otherwise. (Article 41)

According to that, CSDP civilian missions are financed from the CFSP budget, while the cost of military operations (unless the Council unanimously decides otherwise) are borne by the Member States.

Besides the CFSP budget and the Athena mechanism, EU has on its disposal two other instruments for funding crisis response, conflict prevention and peacebuilding: the African Peace Facility (APF) and the Instrument contributing to the Stability and Peace (IcSP). The IcSP is the EU's main thematic instrument in this regard. Activities of mediation, confidence building, security sector reform, transitional justice and gender mainstreaming have been financed by its funds. While the IcSP has long been considered the EU's flagship for civilian conflict prevention and crisis response, the inclusion of CBSD activities from 2018 onwards also allows for providing military actors with non-lethal equipment. (Furness, M., Bergmann, J., 2018)

The “Athena” mechanism

The first attempt to find a solution to finance military operations was made in 2002 at the European Council in Seville when it was decided the financing of military operations should be based on a combination of three elements:

- common costs;
- individual costs; and
- possibility the Council decide otherwise.

The individual costs of financing national contingents in military operations, then and now, are borne by the Member States participating in the military operation, i.e. on their national budgets and eventually on the budgets of other participating non – EU States in the operation. However, in terms of joint costs, after the Seville decision, remains the rule for them to decide on a case-by-case basis, which proved to be extremely complicated as early as the implementation of the first military operations in 2003, “EUFOR Concordia” in the Republic of Macedonia and “Artemis” in the Democratic Republic of the Congo.

Regarding the financing mechanism of the “EUFOR Concordia” military operation in the Republic of Macedonia, the EU identified four weaknesses:

1. the unavailability of EU funds in the preparatory and deployment phase of an operation;
2. the tendency of the financial mechanism to involve participating third countries late in the decision-making process, complicating timely coverage of operation costs
3. long negotiations with third countries and the difficult to finalize in time, especially since the operations was of short duration and

4. the complex financial rules applied to the operation and the late preparation of estimates of the common costs of the operation. (Dari, E., Price, M., Van der Wal, J., Gottwald, M., Koenig, N. 2012)

The aforementioned weaknesses were the reason for the Union, as early as the implementation of EUFOR Concordia, to begin developing a mechanism that would ensure efficient financing the common operating costs of military operations and avoid alignment for each operation individually. For this purpose, on February 23, 2004, the Council of the EU adopted the Decision for establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications. (Council Decision 2004)

This mechanism is called “Athena”. The Decision of the EU Council from 2004 has been amended several times. After the entry into force of the Treaty of Lisbon, on December 19, 2011, was adopted a new Decision of the EU Council regulating the “Athena” mechanism, and it is envisaged to be put under review at least every three years, if this doesn’t happen on request of the EU Member States or after the completion of each of the operations. (Art.43, Council Decision 2011)

The Decision from December 2011 was replaced by the Council Decision establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena) and repealing Decision 2011/871/CFSP (Council Decision 2015), adopted on 27 March 2015. The aim of the “Athena” mechanism is to reduce the costs of the participating states and to encourage other countries to participate in the financing of the military operations.

The “Athena” mechanism is under the authority of the Special Committee composed of representatives of the EU Member States that contribute to the financing of each individual operation. Third countries that participate in financing the operations can also participate in the work of the Special Committee, but do not have the right to vote. The Secretary-General of the Council, after informing the Special Committee, appoints an administrator and accounting officer for the “Athena” mechanism for a period of three years. The administrator manages the financial costs of carrying out military operations, maintains contacts with the governments of the Member States and with international organizations, draws up the budget proposal and submits it to the Special Committee and carries out administrative work in relation to revenues and expenditures that may occur outside the active phase of the military operations. The accounting officer is responsible for keeping the

accounts for Athena, payments, collection of revenue and recovery of amounts on behalf of the Athena mechanism, preparation of the annual financial report and preparation the final accounts after completion of each operation.

During the conduct of the military operation, the Operation Commander is authorized to finance the common costs of the operation which he commands. He sends to the administrator his proposals for the operational common costs for draft budget and providing all the necessary elements for budget implementation of the specific operation. For that purpose, he concludes contracts on behalf of the “Athena” mechanism and opens a bank account for the operation which he commands.

The presidency can convene a meeting of the SC, in a time-limit of maximum 15 days after a request in that regard was made by a Member State, the administrator of the SC or by a operation commander of any given EU military mission that is underway. The administrator informs the SC of possible involvement of the Athena mechanism. All decisions are adopted if consensus is reached amongst all of the voting members. These decisions are legally binding. (Council of EU 2017)

The Athena mechanism determines the types of common costs that refer to the preparatory, active and final phases of the operation, as well as the costs covered by the Athena mechanism regardless of the period in which they occurred.

I. Common costs borne by Athena mechanism whenever they are incurred are: mission expenditure for submitting an operation’s accounts to the Special Committee; indemnities for damages and costs resulting from claims and legal actions; costs pursuant to any decisions to store material which was acquired for common purpose of the operation, as well as funds designed to cover the bank costs, the auditing costs, the preparatory phase of the operation, the development and maintenance of the accounting and asset managing systems of the “Athena” mechanism and costs related to administrative arrangements and framework agreements. (Council Decision (CFSP) 2015)

II. Operational common costs relating to the preparatory phase of an operation, such as: costs necessary for exploratory missions and preparations by military and civilian personnel for a specific EU military operation (transport, accommodation, use of communications tools, recruitment of local civilian personnel for the execution of the mission, e.g. interpreters and drivers); and costs for medical services (emergency medical evacuation - Medevac) to persons participating in exploratory missions and preparations by military and civilian personnel with a view to a specific EU military operation, when medical treatment cannot be provided in the area of the operation. (Ibid).

III. Operational common costs relative to the active phase of operations:

1. Costs that are always borne by Athena mechanism.(Ibid)
 - Incremental costs for headquarters (deployable or fixed) for EU-led operations, such as: the headquarters that include the command and support elements approved in the operational plan (OPLAN); operation headquarters that is static and out-of-area of operation commander and which is responsible for building up, launching, sustaining and recovering an EU force; the headquarters of an EU force deployed to the area of operations; the headquarters of an EU component commander deployed for the operation, such as air, land, maritime and other special forces commanders whom it could be deemed necessary to designate depending on the nature of the operation; mission headquarters deployed to the area of operations, replacing some or all of the functions of the operation headquarters and the headquarters of the forces. These costs relate to: transport; official journeys and accommodation; equipment for offices and accommodation; contractual services and utilities; maintenance costs of the headquarters buildings; costs for civilian personnel employed at headquarters (including any overtime compensation payments); costs for communications and IT equipment; costs for acquisition, rental or refurbishing of required facilities; costs for information campaigns and media reporting; etc.
 - Incremental costs for providing support to the force as a whole: infrastructure, identification, medical services and facilities, acquisition of information and more.
 - Incremental costs incurred by Union recourse to NATO common assets and capabilities made available for an EU-led operation.
 - Costs incurred by the Union for goods, services or works included in the list of common costs made available in an EU-led operation by a Member State, an Union institution, a third State or an international organization.
2. Operational common costs borne by “Athena” when the Council so decides and relating to the transport to and from the area of operations to deploy, support and recover the forces necessary for the operation, as well as the multinational headquarters of Union task forces deployed in the area of the operation.(Council Decision (CFSP) 2015)

3. Operational common costs borne by Athena when requested by the operation commander and approved by the Special Committee, such as: barracks and lodging for the forces deployed for the operation; essential additional equipment for the execution of the operation; medical services and facilities; acquisition of information and other critical capabilities in the area of operation, such as demining, chemical, biological, radiological and nuclear protection. (Council Decision (CFSP) 2015)

IV. Operational common costs borne by Athena mechanism relative to the winding-up of the operation. These costs are incurred for finding the final destination for the equipment and infrastructure commonly funded for the operation, as well as for drawing up the accounts for the operation. (Council Decision (CFSP) 2015/)

The Athena mechanism is contributed by the Member States of the Union, with the exception of Denmark, which does not participate in the military affairs of the CSDP. Third countries can also contribute to the financing certain military operations.

The initiative for a TPFC may come from an EU Member State or third country (not necessarily a TCN), or any other contributor or group of contributors. The third country can offer contributions as a follow-up to previous discussions regarding bankrolling certain project or eventually a need not suitable for financing under Athena rules. Also, a new project can be financed that is aimed at supporting the tasks of the operation. In any event, such potential contribution must be approved by the Political and Security Committee and the Special Committee of the Athena has to agree to manage the contribution. With this aim, the Athena administrator may negotiate and sign an administrative arrangement (AA) with the contributing state. (Council of EU, Athena Manual, 2017)

The contribution of the EU Member States depends on their Gross National Income (GNI), irrespective of whether the Member State participates in the operation or not. This contribution in 2012 varied from less than 0.5% to more than 20% per Member State. (Rehrl, J. and Weissert, H. 2012) The largest contributors to the “Athena” mechanism are Germany, France and Italy.

All revenues and expenditures pertaining to the “Athena” mechanism are contained in the budget of the mechanism, which refers to each financial year and is expressed in euros. If necessary, the rebalance of the budget of Athena mechanism can be made. Cost control is carried out through a quarterly statement of revenue and expenditure, which

the administrator submits to the Special Committee, as well as through internal and external audit.

There are three phases of making the budget of an operation: 1) the preparatory phase, the 2) active phase and 3) the winding-up of the operation. The first phase begins with the approval of the Concept of Operation by the Council. From this moment on, certain financial resources are available. Via the early financing facility an operation can be initiated or purchase equipment within a few days. The active phase begins with the Council decision launching the operation. The third phase concerns the winding up of the operation. After the completion of the operation, there is an obligation for the administrator of Athena, the accounting officer and the operation commander, to submit the accounts to a Special Committee of the Athena within four months from the date when the operation was over. (Terpan, F),

The funds established within the “Athena” mechanism, and in accordance with the list of common costs for which they can be used, cover about 15-20% of the total cost of military operations. For example, the operational costs for the military operation EUFOR Tchad (2008) amounted around 1 billion euros, of which only 120 million euros were covered from the Athena mechanism fund. (Grevi, G., Helly, D. and Keohane, D. 2009)

The remaining costs were borne by the contributing States in the operation. This type of funding incites Member States to be very careful when engaging in EU military operations. For instance, from the current 35 EU peacekeeping missions only 11 are military operations and two more are civil-military missions/operations.

Major reform for the financing of the CSDP operations was the introduction of the possibility for anticipated financing Art.41(3) TEU (Lisbon), in order to ensure prompt reaction to certain international crisis:

The Council shall adopt a decision establishing the specific procedures for guaranteeing rapid access to appropriations in the Union budget for urgent financing of initiatives in the framework of the common

foreign and security policy, and in particular for preparatory activities for the tasks referred to in Article

42(1) and Article 43. It shall act after consulting the European Parliament. Preparatory activities for the tasks referred to in Article 42(1) and Article 43 which are not charged to

the Union budget shall be financed by a start-up fund made up of Member States' contributions.

The Council shall adopt by a qualified majority, on a proposal from the High Representative of the Union

for Foreign Affairs and Security Policy, decisions establishing:

(a) the procedures for setting up and financing the start-up fund, in particular the amounts allocated

to the fund;

(b) the procedures for administering the start-up fund;

(c) the financial control procedures.

When the task planned in accordance with Article 42(1) and Article 43 cannot be charged to the Union budget, the Council shall authorise the High Representative to use the fund. The High Representative shall report to the Council on the implementation of this remit.

Usually, those States who decide to pay contributions to Athena in advance of some operation can do so immediately or within five days following the Council decision to launch the mission. In such event, the Special Committee of Athena composed of one representative for each anticipating states establishes provisional appropriations in a specific title of the budget.

Currently there are six active CSDP military missions and operations financed by the Athena Mechanism: three EUTMs to the CAR, Mali and Somalia, EUFOR Althea to Bosnia and Herzegovina, EUNAVFOR Atalanta to the Horn of Africa and EUNAVFOR MED Operation Sophia in the central Mediterranean. Also, there is a renewed revision of the Athena Decision under way. The 2017 Athena budget was approximately €61 million in commitments compared with approximately €70 million in commitments in 2016. (EUISS, *Yearbook of European Security*, "Financing the CSDP", Paris, 2018)

In March 2016, the Special Committee adopted the Financial Rules for the Athena mechanism concerning issues like: competences of the officers involved in the financial management of Athena Assets, internal control procedures, audit, payments, transfers of appropriations, management of bank accounts, revenue operations, imprest, accounts, third party contributions, accounting, rules on procurement, financial rules applicable to the expenditure financed through Athena in EU military operations where headquarters are provided by EU Member States, etc. (<http://www.consilium.europa.eu/media/21515/athena-financial-rules-2016.pdf>).

The Status of Forces Agreements (SOFAs) usually do not allow competence of the national courts of the host country for settlement of claims arising from acts by EU personnel or the EU force itself. But, on the other hand they usually contain procedures for such instances with the host state's authorities. Such indemnity claims can be made by EU Member States, third states participating in the operation, the United Nations, etc. Moreover, in the concrete operation the OPLAN may contain rules on internal procedures to settle such claims. Damage caused by an HQ financed in common are covered through Athena as common costs.

But the damages caused by certain soldiers have to be borne by the Member State who provided them. Situations in which compensation may be claimed back from HQ personnel who cause damage should be examined on a case-by-case basis. Moreover, Athena, can re-examine on a case-by-case-basis situations in which compensation may be sought back. If it established that the damage has been caused by gross negligence or willful misconduct, it will seek back the costs related to it from the Member State whose national is the responsible person.

However, before any court procedures are instigated, firstly a try for an amicable settlement must be made between the claimant and the responsible person in accordance with the SOFA and the OPLAN. Also, in such procedures an effort must be made to maintain the good relations between the EU force and the local population, including the possibility for prompt compensation by the Athena or the Member State whose national is the responsible person for the sustained damage. Also, local customs should be taken into account. The HQ can propose to the Special Committee that compensation in such cases to be borne by the responsible Member State (i.e. paid by the FHQ and reimbursed by the state concerned).(Council of EU, Athena Operating Manual, Brussels, 2017)

Interestingly enough, although the Brexit talks are ongoing, Britain will be obliged to make contributions to the Athena mechanism during any transitional period.(Duke, S. 2018)

As part of the incoming reform of the Athena mechanism, the European Council agreed that in future the deployment of the EU Battlegroups should represent a common cost for the Athena mechanism on a permanent basis. (European Council, Conclusions, 23 June 2017), Even more, without the UK veto, it will be possible to make move towards the establishment of the permanent structured military headquarters.(Çoban, F., 2017)

There have been efforts to tackle financial obstacles. These included attempts to reform the ATHENA mechanism, an extra-budgetary instrument covering the common costs of EU military operations. However, such attempts failed to significantly broaden the scope of common costs, which typically ranges between 5–15% of the total costs.(Koenig, N),.

However, even German Chancellor in a recent interview for *Frankfurter Allgemeine Sonntagszeitung* (3 June 2018) indicated that Germany is not willing to commit additional resources to European defence initiatives beyond what has already been agreed in the EU framework. (Guttenberg, L. 2018)

In 2017, the European Council already called the Foreign Affairs Council to adopt a recommendation on a new dedicated instrument for CBSD activities after 2020 by the spring of 2018. At a high-level conference dedicated on the EU security and defence policy held in December 2017, HR Mogherini called for a creation of a ‘European Peace Facility’ (EPF). This new instrument

should bypass the activities funded by African Peace Facility (APF) and the Instrument contributing to Stability and Peace (IcSP). Also, it will enable EU to finance peacekeeping and peacebuilding wherever it is needed in future.

On the FAC meeting in June 2018, the HR announced that the EPF net funds will be €10.5bn for the period 2021–27. Mogherini said that the EPF would make it easier to help stabilise restive countries like Mali, Somalia and the Central African Republic:

“The world is living in difficult times and this calls for a European Union responsibility and role on the global scene,”... and “...both Europeans and our partners in the world expect the EU to be more and more a security provider in our region and beyond.”(Euractiv, 2018)

The EPF will supersede and replace the existing ATHENA mechanism and the African Peace Facility. The main purposes will be: 1. funding the common costs of military operations under the Common Security and Defence Policy (currently covered by the Athena mechanism); contributing to the financing of military peace support operations led by other international actors (currently covered by, for example, the African Peace Facility); and providing support to third states’ armed forces to prevent conflicts, build peace and strengthen international security. Recent experience shows that EU-led Military Training Missions can not provide EU partner countries with sufficient benefit, due to lack of basic equipment or facilities. Now, the EPF will allow the EU to ensure elimination of such deficiencies providing integrated packages (training, equipment and other means of support). In this manner, EU partner countries will become able to address autonomously crises and security challenges.

This new instrument will be used only for operations that are not suitable for funding under the Union’s budget because of the military or defence implications of the operation. After the adoption of the proposed Council Decision EU will be able to do more comprehensive role and to act more swiftly to eventual international crisis. Actions funded by the Facility will be decided by the Council and Member States’ control ensured through a Management Committee.(Ibid.)

The Facility shall have legal capacity, in particular: 1) to hold bank accounts; 2) acquire, hold or dispose of assets, supplies and services; 3) employ staff; 4) enter into contracts, agreements and administrative arrangements; 6) discharge its liabilities and 7) be a party to legal proceedings.(Council of EU,2018)

The objectives of the EPF will be realized through: a) administering the funding of the common costs of operations, b) funding assistance measures (which may be covered by multiannual Action Programmes or consist in *ad hoc* assistance measures) c) finance other operational actions where so decided by the Council.(Proposal of the HR..., Art.6).

According to the proposed Council Decision, the Facility would raise the share of operations' common costs to a maximum of 35–45%.(Ibid).

The Facility's operational and financial management structure will be consisted of the Facility Committee, the administrator; the operation commanders and the accounting officer of the Facility. Also, there is an obligation for the Union institutions, bodies and agencies, and Member States to make their staff available to the Facility as required, upon a request from the administrator.(Ibid. Art.11).

The main reason for establishing the EPF is to finally overcome the existing hurdles for financing missions that will provide predictable, long-term support to EU partners' in conducting peacebuilding and crisis management operations. EPF will lead to de-coupling of the funding for upgrading the military capacity and military operations from the financing of the civilian missions. *In ultima linea*, this new development will help balance the EU's approach to the security-development nexus.(Furness, M., Bergmann, J).

Regarding the operational common costs listed in Annex III the Facility will finance them during the preparatory phase (from the approval of the crisis management concept for the operation until the appointment of the operation commander). After a consultation with the Political and Security Committee, the Committee may extend this period after the said point. Following the formal launching of the operation (from the date on which the operation commander is appointed to the day on which the operation headquarters ceases its activity), the Facility shall bear as operational common costs: a) those listed in Part A of Annex IV (Incremental costs for (deployable or fixed) headquarters for Union-led operations; Incremental costs incurred for providing support to the force as a whole; Additional incremental costs specific for the EU Battlegroup; Incremental costs incurred by Union recourse to NATO common assets and capabilities made available for a Union-led operation; Incremental costs incurred by the Union for goods, services or works (Art.11); b) those listed in Part B of Annex IV (barracks and lodging/infrastructure; essential additional equipment; medical services and facilities; acquisition of information; other critical theatre-level capabilities; running costs of an executive operation deployment to the theatre of operations; Deployment readiness package of an executive operation). Here are also included the costs necessary to wind up the operation, as listed in Annex V. The Union operation is wound up when the equipment and infrastructure commonly funded for the operation have found their final destination and the accounts for the operation have been approved. On the other hand, no expenditure incurred with a view to cover costs undertaken by one or more contributing States, a Union institution or an international organisation, independently of the organisation of a Union operation, can not be regarded as common

cost. By way of exception, the Committee may decide if there are particular circumstances, that certain incremental costs other than those listed in Part B of Annex IV can be eligible for funding by the Facility. (Proposal of the High Representative ...Art.38).

Regarding the Union's exercises the common costs will be financed via the Facility following the rules and procedures similar to those for operations to which all participating Member States contribute. Here are included incremental costs for deployable or fixed headquarters and incremental costs when a recourse to NATO common assets and capabilities is made. But these costs will not be covered by the facility: capital acquisitions, including those related to buildings, infrastructure and equipment; the planning and preparatory phase of exercises, unless approved by the Committee; transport, barracks and lodging for forces. (Art.40)

The Committee can decide that the administrative management of certain expenditure in relation to an operation ('nation borne costs'), although will remain the responsibility of the Member State which it concerns, to be entrusted to the Facility. For that purpose, it can allow the Operation commander to conclude contracts on behalf of the Member States participating in an operation and, where appropriate, third parties, for the acquisition of the services and supplies to be financed as nation borne costs. In such cases, the Facility shall keep accounts of these costs entrusted to it and incurred by each Member State and, where applicable, third parties. Consequently, the administrator has an obligation to send a statement of the expenditure each Member State and, eventually, participating third parties, and shall call for the necessary funds to be paid for this expenditure. These funds should be paid within 30 days following despatch of the call for funds. (Art.43).

CONCLUSION

Financing the EU CFSP missions and operations, especially the ESDP/ CSDP operations have passed through many stumble blocks over the years. The establishment of ATHENA mechanism was a major breakthrough at the time, but the instrument served its purpose with more or less success over the time. UK opposition until recently has been a major hurdle to the advancement of the legal regime and overcoming the existing legal and technical barriers for financing the operations having military and defence implications. But with the advent of Brexit talks, the climate for deepening the cooperation in the field of the CSDP has improved firstly with the establishment of the Military Conduct and Planning Capability (MPPC) in 2017 and now with the ambition to set a the European Peace Facility (EPF) as an instrument that should overcome the long standing

problems of the EU financial framework for financing peacebuilding and conflict prevention missions. The EPF should provide stable financing for wide range of EU operations and ensure coherence of EU external activities. In this way, EU dedication to maintaining the peace throughout the world will be reaffirmed. The establishment of EPF arises from the need to finance Union actions which in view of their military or defence implications may not be funded from the Union budget. EPF will replace the ATHENA mechanism and the APF, and will represent a permanent fund for financing the ongoing and future CSDP operations. The main feature will be its flexibility- full fungibility of funds in the Facility between actions carried out by the EU will be possible. The EPF will provide conditions for direct financing of peace support operations led by third States as well as to international organisations on a global basis, not restricted to any given region. If the decision will be adopted, then the building activities in support of third countries' armed forces in pursuit of CFSP objectives will also be possible. If adopted in the proposed or not significantly altered form, the new Decision for establishing a EPF will be a strong impetus for stronger EU presence worldwide in peace operations, asserting itself as a truly global security actor.

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IMPORTANCE OF MINERAL OILS EXCISE DUTIES FOR CLIMATE POLICY: A COMPARATIVE APPROACH OF THE MACEDONIAN AND EU REGULATION FOR EXCISE DUTIES ON MINERAL OILS

*Biljana Gjozinska, *Adrijana Bulevska Zarijk, page 81-90

ABSTRACT

This paper focuses on mineral oils excise duties as an important tool of influencing climate policy, and in this context analyze of the Macedonian and EU regulation on mineral oils excise duties. Fossil fuels, which are the base for extraction of mineral oils, comprise over 90% of global energy sources in usage. However, due to their impact on the environment, and with more and more recent studies, on climate change, the regulation of their use, cost and pricing are a significant part of climate policy. The creation of higher excise tax rates on mineral oils implicates a reduced usage of the same in the long run.

In Macedonia, as well as in the other countries the most important function of the mineral oils excise duties is regulating the extent of usage of motor oils, in the context of climate policy. However, despite the imposing of excise duties on mineral oils, this tax is still one of the lowest in the region, and far lower than prescribed by EU climate policy.

The European Union regulates the usage of all energy sources via the Directive 2003/96, by which the lowest excise duty rates are prescribed for EU member states. The prescribed minimal rates are far above the current excise tax rate on various mineral oils in Macedonia, leading to the conclusion that in the case of EU accession the regulation of excise tax on mineral oils in Macedonia will significantly change.

Keywords: mineral oils, climate policy, excise duty



* Assist. Prof. Biljana
GJOZINSKA PhD

*Researcher, Integrated Business
Institute, Skopje*

e-mail: biljana.gjozinska@fbe.edu.mk

* Assist. Prof. Adrijana
BULEVSKA ZARIK, PhD

Researcher, ECPD, Belgrade

e-mail: adrijana_sk@yahoo.co.uksk

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1. INTRODUCTION

Excise duties are a specific, special and selective group of consumer taxes, with which specific sets of products or groups of products are targeted. Excise duties target selective groups of products for which elasticity demand is low. There are various reasons for employing excise duties on specific products, from creating a stable income for a country's budget, through taxation of luxury goods, to decreasing demand of specific goods and products with the sole purpose of achieving a specific target in health, environmental, ecological and other socially justifiable causes. In global context tobacco, alcohol and fuel are seen as most common excise duty products.

Fossil fuels, which are the base for extraction of mineral oils, comprise over 90% of global energy sources in usage. In this group oil derivatives such as gasoline, diesel oil, liquid gas, kerosene, are included. These are mineral oils products which are massively used worldwide for various uses, but first and foremost for fueling transportation vehicles. However, due to their impact on the environment, and with more and more recent studies, on climate change, the regulation of their use, cost and pricing are a significant part of climate policy. The creation of higher excise duties on mineral oils implicates a reduced usage of the same in the long run.

Excise duties as a category are an added fiscal expense. As such, excise duties on mineral oils are created mostly to drive the cost of using said oils up, and in this sense encourage the use of renewable energy sources instead. The price of mineral oils on one market is increased by imposing excise duties, which reassigns the production process, export, growth and completion of different industries in the market and globally. However, governments trying to avoid such added fiscal expense in order to make their companies more competitive on the global market, are faced with the proposition of negative environmental effects and an impediment on actual sustainable growth, as opposed to economic growth.

In the following sections, this paper will analyze the significance of excise duties on mineral oils in climate policy. The paper will separately analyze the regulation of the excise duties on mineral oils in Republic of Macedonia, comparing with the regulation in European Union.

Meaning and purpose of excise duties

Excise duties are a selective and specific form of indirect taxes, charged onto actions related to production, consumption or trade of accurately and specifically determined goods or services. In economic literature, authors regularly term excise duties goods “specific goods”, because of their specific characteristics, limited number and high tax rates, whereas excise duties are termed “specific consumer taxes” (Atanasovski, 2004).

Excisable products typically cause some negative impacts, for example, on health or the environment. The excise duty imposed on the product can be compared to a sort of “repair cost” for the incidental damages it causes to health, the environment or other social value. Anyway, despite any logical reason for imposing an excise duty, should be find a reasonable balance between the additional cost that the duty represents, and its impact on that industry as a whole. Often the only measurable effective result, especially in a short term may be an increase public revenue.

Apart from the obvious primary purpose of excise duties, securing financial means to meet a country’s fiscal demand, they have an additional purpose of realizing a number of non-fiscal goals of economic, social and political character. Namely, the percentage of excise duties in budgetary income in EU member states is between 7% and 20%, and the average percentage in OECD members is 12.5% of total budgetary income. Moreover, in some countries, such as Ireland or Portugal for example, excise duty income is almost leveled with income form value added tax (Pendovska et al., 2010).

On the other hand, modern countries use the income collected from excise duties on some goods to cover expenses from potential damages and adverse effects from consumption of said goods. Therefore, the imposing

of excise duties should have influence on consumer behavior in terms of reducing the use of excise goods or their substitution with less harmful similar goods.

The significance of fiscal tax goals at expense of their non-fiscal goals is lower in countries where societal development is on a higher level.

Importance of excise duties on mineral oils in climate policy

The introduction of excise duties on mineral oils, worldwide, has been connected to the shift in consumer rates in specific mineral oils, which are a deplorable source of energy. In order to rationalize the consumption of all types of fossil fuels, given their reduction in supply in recent years, and the effect their mining as well as consumption have on climate change, governments try to reduce their use in different market-based and government-based solutions and mechanisms. The most prominent modern form of reduction of mineral oils use is the employment of excise duties on mineral oils, which shift the price of their use higher, and thus, theoretically, would lead to their lower consumption. One of the most prominent causes for such governmental policies is the adverse effect the use of mineral oils has on the environment, and subsequently on climate change in the past decades. By trying to reduce mineral oils consumption/use, governments try to reduce the emission of adverse substances into the environment.

One of the most important significance of excise duties is to create market incentive for a certain action of society. As such, excise duties on mineral oils play a vital role in the creation and putting into motion of climate policy in a country. In the past, “environmental” instead of “climate” policies have been dominated by so-called “command and control” regulations, which have been more specifically targeted and more prescriptive, rather than imposing regulations. Such regulations have included measures of limitation of the use of particular harmful substances, limitation and

imposing of certain environmentally friendly technologies to industries where harmful impact is possible and similar. However, in practice this approach has not been over-successful in implementing and promoting climate policy in the past. Therefore, in recent decades, governments have turned to market-based instruments for enforcing climate policy, including excise duties, tradable emission permits and similar incentives (OECD, 2011). Without government intervention, households and citizens are easily exempt from obeying climate policies. This is why excise duties on mineral oils have become a valuable tool in accounting for environmental damage and regulating it. All other mechanisms, without excise duties as a mechanism for enforcing climate policy, have been proven to have a vast impact over households, firms and general public, with a small direct cost to the polluter. Because of this, ever since 2011 the OECD promotes excise duties as a mechanism for general collective government-led action that helps protect the environment and enforce environmental and climate policy in a country. Several sub-mechanisms exist within the enforcement of excise duties on mineral oils, which help promote their cause, such as: pricing in environmental costs to the broad public and optioning in the least costly way for firms and households to reduce environmental damage. According to Williams (2016) mineral oils excise duties are accounting for over 90% of environmental tax revenue in the United States, and are similarly as important in other developed countries as well. Mineral oils excise duty is the most blunt and easiest to use mechanism in regulating environmental externalities, while it is ready-to-implement in any given situation. For comparison, tools regulating motor vehicle use and its impact on climate policy are more difficult to implement if they are cause-specific, such as toll charges varying depending on traffic during the day, for example. Additionally, the increase in excise duties on mineral oils in the US has led to the decrease of use of said oils, especially in the case of gasoline, which is in favor of the current climate policy.

Regulation of the use and taxation of mineral oils in the Republic of Macedonia comparing with the European Union

The European Union regulates the usage of all energy sources via the Directive 2003/96/EC, Energy taxation directive 2003 by which the lowest excise duty rates are prescribed for EU member states.

Although taxation is member states' issue and EU doesn't have a direct role in raising taxes and setting tax rates, for some taxes including VAT and excise duties member states have agreed to align their rules and minimum rates, with the main purpose to ensure the Single Market and the fair competition in businesses. Also, the Energy Directive is in compliance with EU commitments to integrate environmental politics into the energy taxation area.

It should be underlined that for example in 2015 environmental taxes, represented 6.3% of the tax revenue of the EU, and that percentage is rising. The impact of excise duty including their impact on producing, distributing and selling all the underlying goods that are subject to tax – is as significant as the challenges that these products present.

In Macedonia, excise duty goods are numbered in the Law for excise duties (Official Gazette of the Republic of Macedonia, 32/2001): mineral oils, alcohol and alcoholic beverages, tobacco goods and motorized vehicles. The spectrum of excise duty goods encompasses products which in global context undergo excise duty taxation.

In Macedonia, as well as in the other countries the most important function of the mineral oils excise duties is regulating the extent of usage of motor oils, in the context of climate policy. However, despite the imposing of excise duties on mineral oils, this tax is still one of the lowest in the region, and far lower than prescribed by EU climate policy.

Macedonia's EU accession will open up new additional questions, including the question for harmonization, or increase of excise duty rates, and their impact on economic development of the country's fiscal policy, on the one

hand, and citizens' standard on the other hand. In this context, the price of diesel fuels has been previously increased in Macedonia, and the current government announces new reforms including future excise duties levied on electric energy and natural gas.

CONCLUSION

The significance of excise duties on mineral oils is multiple in today's society and environmental changes. The possibility of creating an additional budgetary income, coupled with relatively low administrative and enforcement costs are an important reason for the employment of excise duty on mineral oils. However the non-fiscal significance of excise duty on mineral oils is even more important in the face of today's impact of climate change on everyday aspects of life. Excise duty on mineral oils is a major asset in the fight for reducing over-use of mineral oils which are justifiably one of the major pollutants of the environment and a major cause of climate change. By employing a higher excise duty on mineral oils, governments indirectly protect people's environment and health and contribute towards the diminishment of climate change. Moreover, mineral oils' excise duty leads to rational and effective use of said goods, or at least some specific forms of said goods.

The policy for taxation of mineral oils via excise duty or tax should be focused on promotion and application of alternative and renewable energy sources. By creating such policies, the focus will shift from using fossil fuels, which are known pollutants, to new and alternative, ecological fuels. However, a government's strive must be to accomplish balance between the level of excise duty imposed on mineral oils and the level of their implications within the economy, since mineral oils still have a massive impact on individuals and entire economies. The reduction or increase of mineral oils excise duties is directly impacting standard of living, consumption and economic growth. Additionally, end users – consumers feel the end-line of the impact in increase of excise duty, since they are the main financiers of this tax.

However, the fact that the impact of mineral oils on climate change and environmental pollution is so high, it can be expected that worldwide excise duties on mineral oils will be on the rise. The prescribed minimal rates in the EU Energy Directive are far above the current excise tax rate on various mineral oils in Macedonia, leading to the conclusion that in the case of EU accession the regulation of excise tax on mineral oils in Macedonia will significantly change. The system for taxation of mineral oils via excise duty will be subjected to the biggest changes, because it will need to enlarge as to include other taxable sources of energy which are subjected to excise duty in the EU, such as excise duty on natural gas, coal, cox and electric energy, in order to harmonize criteria for taxation of specific products. On the other hand, because the excise goods in question have other taxable aspects, such as environmental and health aspects, it can be expected that minimal excise duty rates will increase in the future, since it is an issue of important income sources in the future with a simple mechanism for payment.

Regardless of the first-hand effects on consumers, Macedonian excise duties will be increasing as well, especially as a part of harmonizing Macedonian with EU legislation during the accession process. However, the issues at hand include the improvement of people's health and environment, and for the improvement of the real long-term standard of living and quality of life, it is imminent that excise duty on mineral oils must increase.

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MARKETING - KEY FACTOR FOR PRODUCTIVITY OF THE ENTERPRISES IN THE MARKET ECONOMY

*Erkan Alili, page 91-105

ABSTRACT

Marketing is one of the most important sectors on which all companies focus, regardless of their size or the activity they carry out. As a predisposition, marketing plays a major role in the business world and can be considered as a key element of the enterprises in planning for achieving maximum organizational productivity.

The development of the production forces has led to an increase in the level of productivity, while trade liberalization contributes to the increase of the competition on the market. From the marketing point of view, the market is classified as a component of marketing. The relationship between supply and demand is one of the key information essential to all companies and their success in the performance.

Entrants participating in the market have different behaviors depending on their role as purchaser or seller. All of these characteristics influence in determining the direction of movement towards the development of the market, which have a huge impact on the behavior of consumers.

For more specific and more thorough planning, the Marketing Information System is of great importance. The decision-making process in the enterprises is a dynamic process based on the accumulated knowledge, the experience of the entities and the information gathered during the research. Being aware of the needs of the consumers creates space for designing superior products with an affordable price that will have quick realization.

Key words:

Marketing, Consumers, Market Research, Planning, Effectiveness, Productivity, Realization.



*Erkan Alili, MS.c

e-mail:

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INTRODUCTION

The word “marketing” etymologically comes from the north-French word “market” - to which the suffix “ing” is added. “Market” has a very broad interpretation in the economic literature, because of which the definition of marketing is determined to some extent.

The suffix ING indicates: a) an action or process; b) product or result of an action or process; c) something that is used in an action or process; d) an action or process associated with any specific occurrence; e) something connected or used in the production of an item; f) something that relates to a specific concept, etc.

On the other hand, in every modern country in which it exists, the local self-government is a category of the political system. Local self-government covers the political structure of local units (the municipality, the district, the county), i.e. the way in which local authorities, bodies and other factors participate in decision-making at the local level, as well as the fundamentals of the policy they lead (in the field of urban planning, infrastructure development, education, social protection, etc.).

Local self-government is an important segment of the overall political power in a state. It is complementary with the state power in the management of social affairs, which can be perceived by the fact that they have divided competences in many social areas. It is a subject or a party in the vertical division of power in which the state or central government is superior.

Hence the very wide treatment of marketing in economic theory arises, which in fact also applies to other economic terms. The problem here is not only in the number of definitions, that is, the existence of a specific definition by almost every author, but it is more because there are a number of arguments that still they increasingly complicate the understanding of marketing, often not sufficiently knowing its true content and meaning. In addition, there are unequal definitions from many authors in marketing in a certain period of time, which arise from the development of marketing worldwide and in our country.

In the literature in the area of marketing, there is usually a microeconomic approach in understanding marketing issues. It is understood that such an approach is not accidental and starts from the fact that most of the activities are in the domain of enterprises and they should incorporate the concept of marketing through their own instruments, and afterwards to be organized and applied in practice (Jakovski, 1984: 159). There are different approaches in explaining the essence of marketing, which largely arise from the way that the essence of the marketing concept is explained. Here we will briefly dwell on some of them.

Marketing is often defined as the **function of an enterprise**. Thus, the scope and importance of this function is unequally emphasized. Some authors consider that marketing is a **compulsory function** of the enterprise.

Other authors point out that marketing is not just a mandatory function of the company, but rather a “**directing and overseeing function, that is, a management function.**” With this function of managing the enterprise and market economy, the strategic directions of operation and development are determined in a shorter and longer period. It can be defined as “the realization of the market, like the production of buyers, as the only programming of the production of the enterprise from the consumer’s point of view”.

In addition to this way of defining marketing, that is, its identification as a function of the company, which must be represented, the opinion that marketing as a function encompasses management and directing, some authors consider that marketing appears as a **control function** (Czinkota, 2002:89).

A larger group of authors define marketing as a targeted activity of the enterprise in undertaking such business actions in which the producer-consumer relationship takes on a priority role, not just classical sales (producer-trade).

Such definition of marketing as an activity of the enterprise in bringing the goods and services from the producer to the consumer or user, in a certain plan, expands the distribution as one element of the marketing conception. It is therefore noted that the marketing covers completely all the activities necessary to put certain goods in the hands of the final consumers and the industrial user, excluding only those activities which in some way can alter the form of goods. This will also determine the right place of distribution in the physical transfer of products.

The activities that are performed in such defined marketing are often treated only from the aspect of the commercial effect, but their scope is much higher, which can be seen in the following classification of the order of those marketing activities:

- Determining the wishes and needs of consumers
- Competition assessment (bid)
- Choosing and designing the product, as well as deciding on the quality and shape of the product

- Determination of the size of the series, optimal cycle of adoption of new products, optimal stock, packaging and mode of transport
- Policy and level of prices and services
- Sales channels, or sales network
- Communicating with consumers and servicing products.

Starting from the fact that the company's business policy includes: "deciding on determining the goals of the operation, decisions on principles and assets, marketing as a specific philosophy" on which the business policy of the company is being built requires production to be produced for the needs of consumer. This means that marketing becomes a significant organizational activity, whose fundamental function consists in examining market phenomena using scientific methods. The results of these examinations serve to conduct business policy and for long-term development planning. It ensures more stable production, a greater degree of social and economic security of the person as a producer and greater satisfaction of modern human needs as a consumer. The business policy of the enterprise, as a decision-making process in the market economy, must be based on market opportunities and the needs of the consumer, and hence the engagement of the enterprise, through its staff, should enable the adjustment of those needs from a new angle.

The analysis of marketing from the microeconomic point of view has recently been encountered by a large number of criticisms that highlight the question of whether the company is sufficiently successful, applying the marketing concept in its work, achieving only its goals by satisfying its customers and by making a profit. Namely, the question arises as to the role of marketing in conditions of a more polluted human environment, a lack of certain raw materials, a rapid increase in the population, inflationary movements, etc.

Such a way of considering marketing largely leads to its re-examination and redefinition and introduction of new aspects that emphasize the social character of marketing. It requires the firms to take into account the following requirements in the harmonization of marketing policy and strategy:

1. Making profit of the enterprise on a longer-term basis
2. Satisfying the needs of consumers and
3. Social interests

Such an approach undoubtedly extends the understanding of marketing as an element that is closely related only to the interests of the operations of enterprises and thus it provides the necessary social dimension to the concept of marketing (Czinkota, 2002:89). On the other hand, this emphasizes the connection between the conditions for business, economic development and marketing in enterprises as an appropriate system that has common goals and interests.

In recent days, with the advancement of science and marketing theory, there is an opinion that marketing should be discussed as a science discipline in the area of the company's economy, which includes all business activities that link production with consumption.

For marketing, as a science discipline from the company's economics, it is stated that it entails "...an analysis of all the activities that arise in the relationship between production and consumption, in the process of sales and the purchase of various goods and services".

In addition to this understanding of marketing as a science in the field of entrepreneurial economy, there are often dilemmas in determining the closer activity of the engaged staff in marketing services as well as their professional qualities. From that aspect, marketing is also treated as a working style, that is, the skill of the manager, through which his creative marketing activity is expressed, in the area where scientific progress and the knowledge of scientific methods for basic research are very important in the management of the processes in the enterprise.

Essentially, marketing is mainly aimed at satisfying the needs, wishes and demands of the consumers, so it is clear that it is about establishing different relationships within the work of all market participants. Therefore, one should always bear in mind that the emergence of the concept of marketing does not arise from a particular desire of business entities, but from objective conditions of operation, from competition, and from the growing role and meaning of consumers in the process of purchasing (Czinkota, 2002:146).

Set in such objective conditions, both economic and non-economic entities have no different source for establishing other ratios, which means that the realization of the profit primarily depends on the degree of satisfaction of the needs, wishes and demands of the buyers. Indeed, this is the essence of marketing. That is the reason for the increasing role and significance of marketing as well, which is further emphasized, with the following:

- 1) Marketing, in its essence, is in accordance with the individual needs of the consumers and the organizational approach of the economic and non-economic activities

2) It is in accordance with the activities of individuals and entities (economic and non-economic) in achieving individual goals.

3) Marketing is actually, as a concept, an executor of individual and organized activities.

4) Marketing, in addition, facilitates the changes that occur and the relationships that are established in a certain way, taking into account the events in the environment.

From such a role and importance arises the need for acquiring greater knowledge of marketing, which is emphasized by the following facts:

a) Marketing activities are applied in a large number of economic and non-economic entities, and involvement in their activities requires previous solid knowledge for certain aspects of marketing.

b) Marketing activities are incorporated in the business and the economy, regardless of under what name they appear. Hence, in addition to the total knowledge of these areas marketing, knowledge is necessary.

c) Marketing knowledge greatly enhances the capabilities of consumers, because the marketing philosophy derives exactly from these settings.

d) Marketing promotions are relatively smaller than the profit that can be achieved by applying this concept in the operation.

THE ROLE OF RESEARCH AND MONITORING OF THE MARKET

Each company considers its product to be better, more useful than others on the market, which sometimes leads to making subjective decisions that will unfortunately be seen even on the market itself (when it is already too late), and will reflect on the final financial result. Often times the intuition and conviction lead us to a wrong path, and it is far more important to look at the market than to have a good intuition.

Market research is the basic form of activity that helps the enterprise to acquire information about consumers, competition and distribution channels, which serve as a basis for perceiving the needs and possibilities of market sales, for identifying work problems and controlling the work. The main goal is to reduce uncertainty and unpredictability in workflow decision-making.

Market research is a standardized procedure based on the principles of a scientific method that collects, analyzes and interprets data in order to obtain information needed to decide and solve problems in the area of market activity.

- ❖ **Standardized procedure** means collecting data in a uniform way and by means of the same research tool
- ❖ **Scientific method** - means the application of constituent procedures that analyze the empirical findings, in an unbiased endeavor to confirm or reject the previous beliefs.
- ❖ **The objective of the examination** is to obtain information on the basis of which the work is decided. The information is obtained from the collected and analyzed data.

Data is a word, fact or number that marks an event, and the information is obtained by linking the data into one sentence or statement.

The **information** is the result of a specific dataprocessing and analysis procedure presented in a form suitable for decision-making.

Market research in the narrow sense is carried out due to a specific situation or a particular problem. It is based on the principles of the scientific method, *defining the problem, setting the hypotheses and goals, developing methods and techniques, and finally writing a report.*

Market monitoring - can be considered as a permanent, continuous collection of data used to perceive one's own position and general developments on the market. In developed countries, continuous data collection takes place through the MIS (Marketing Information System) where the research is an integral part. The activities of continuous monitoring are intertwined with one-time researches.

A **one-time research** is conducted once and is usually aimed at solving one problem.

Continuous researches are usually carried out at certain time intervals using the same pattern where several products or phenomena are followed.

Differences between research and monitoring are small and often these two terms are associated (battery or candle). These two concepts need not be separated in any way because the implementation of one and the other provides a wealth of information (Ristevska, 2001).

THE ROLE AND THE MEANING OF MARKET RESEARCH IN BUSINESS DEVELOPMENT

Market research helps marketers in the market operation based on the concept of marketing. It is a business philosophy that emphasizes consumer orientation, long-term profit generation, and suggests the need to link marketing functions to other functions of the enterprise. The marketing concept is the focal point of market activity.

Three basic conditions for achieving the concept of marketing are:

1. **Orientation towards the consumer** - refers to the orientation of the production, the sales and the order towards the consumer and for him. It is important to satisfy the wishes of the consumers and their needs. This is to reach the level of the consumer and with full communication the real effects will be achieved. After all, the consumer is the one who decides what to buy. We are here to take care of his wishes and needs, because if we do not want it the competition will for sure.
2. **Long-term income generation** - long-term income generation takes care of meeting the needs of consumers by selling the product at affordable prices, striving to increase the number of consumers and to reduce production and sales costs. It can not be achieved long-term income generation with high prices in the short term. The most important thing today is to find a way to reduce the costs of production and sales.
3. **Integrated Marketing** - Integrated marketing means the joint, coordinated efforts of all parts of the enterprise in the realization of the concept of marketing. This means that if the enterprise wants to succeed then all its parts will have to be co-ordinated and interconnected.

THE VALUE OF THE MARKET RESEARCH FOR STRATEGIC DECISION

Market research is the basis for implementing the concept of marketing. A satisfied consumer is the main and basic goal of the conception. The basic value of market research in business decision making is that reducing the uncertainty of actions collects information that facilitates business decision-making in strategy and tactics of marketing in achieving the set goals (Ristevska, 2001).

In order to better understand the application of market research in the overall strategy, it is divided into four parts, and in all of these the research helps to formulate the strategy:

Discovery of market opportunities

Before defining the marketing strategy, the enterprise must decide *where it goes and how to get there?* Market research can help it by examining existing opportunities and identifying possible areas of action that would be attractive to the enterprise. The assessment of the market potentials and the predictions of future steps will help determine the size of the market segments and objectives to which the activities of the enterprise are directed. The issues in which the market research can respond in this area are numerous: “What are the trends in society and in other countries? How will these movements reflect on the market for our product? What changes can be expected in consumer behavior? Will they reflect the change in purchasing power, improving education, changing taste...? What are the chances of opening new markets? “

Discovery of market segments and selection of the ultimate group

Choosing the ultimate group is a very important step in the development of the marketing strategy. Only when the manufacturer receives information about the various segments of the market, than he can decide which of them will be the ultimate goal of the market.

Planning and conducting marketing

Based on the information gathered in the previous stages, marketing planning and implementation is facilitated. However, it is sometimes necessary to conduct market research for each item separately.

- **Examination of needs for the product** - it is implemented due to modification of the given product or expansion of the product range for comparison with the competition, and checking the packaging. The questions may refer to the quality of our product compared to others, its design, specific properties of the product, its color, the color of the packaging...
- **Examination of the area of the promotion** - refers to the content of messages, the manner of communication, the choice of the media... The survey can lead to studies of consumer motivation to create a message, which is one of the most important parts of the propaganda. Here are the questions considered: how to highlight, what is the specificity of the product, what is the amount of the promotion costs...
- **Examination of needs (prices) and selection of distribution channels** - helps in discovering customer's preferences and thus discovering new distribution channels. In the field of examination of distribution channels are also researched for the needs of the location of retail stores, the locations of the warehouses, the distribution centers ...

- **Forecast of the quantity of the product** - it is one of the most important areas in the market research. There are several questions asked: sales conditions, types of intermediaries, need for additional incentives for intermediaries, product transport, quantity of inventory, existence of efficient distribution channels, sales forecast ...

- **Examination of price fixing** - most of the companies compare their prices to the price of competition. Several questions arise: What price should be determined for the new product - lower or higher? Price variations in one line of the product? Will the retail price of the product be reduced if the cost of the product is reduced?

Analysis and evaluation of the achieved results

Market research can be carried out in order to obtain feedback that is used to control and evaluate the conducted marketing. The comparison of the results with the marketing objectives starts from the assumption that at the beginning goals are set. Typically these goals are set in some measurable values such as quantity of sales, market share and profits such as profitability and productivity (Jakovski, 1984: 159).

Often, marketing has descriptive goals - knowledge of the brand on the market, attitudes and opinions. The following questions are asked: Carrying out sales, share of our products in the whole market, selling by territory, covering individual markets according to needs, acceptance of the product as well conditions and possibilities of placing on the market in other countries?

THE NEED FOR THE EXAMINATION OF THE MARKET IN DECISION MAKING

In a situation where there are several directions of action there is a dilemma to conduct research? The final decision depends on several factors:

1. **Available time** - shortening time is often an obstacle to market research. Decisions are then made without new additional information or on the basis of prior general market knowledge.

2. **Data availability** - if the company has a good overview of the occurrence of the market, which means, a good information system and a developed analysis of the operation, it will not have to conduct additional market research.

3. **Characteristics of the decisions** - if there is one more important for a less important tactical decision, the market research will not be necessary and vice versa. The decision characteristic is closely related to the research costs, and the inevitable question arises: Which research should be used dependently of the costs?

4. The values of the information that the research gives in comparison to the costs it requires - it is important to answer the question: “what will this research bring us, whether the results of the research will affect the improvement of the work?, will it prevent the loss to which would otherwise have come...

DECISION MAKING IN DIFFERENT CONDITIONS

Decision making differs according to the conditions in which it takes place and we therefore distinguish three types of conditions:

- 1. Decision making in conditions of security** - refers to such business decisions in which the results of individual decisions are known. If the number of opportunities is large, the optimum decision is made by a mathematical lineup.
- 2. Decision making in conditions of insecurity** - this is more difficult because we do not know for sure what kind of results each of the selected (given) decisions will give us. The outcome of the final decision will be affected by a random participant.
- 3. Decision making in conditions of conflict** - we also do not know about the chosen action, but here we compete against one or more opponents or competitors. The outcome of the selected action depends on the other participants on the market. It solves with the procedure of setting up the theory of the game.

Before deciding anything to conduct an examination procedure, the business management service usually encounters the following questions:

- Should an examination be carried out, or is it possible without it?
- If we are conducting examination which areas of safety we want to emphasize?
- How much do we want to invest in the research? (Petkovski, 1987)
- If there are more research projects, which ones to choose from?

The answers to these questions are not simple and often require help with certain methods.

CONCLUSION

By the mid-1980s, the use of computers in commerce was about the use of computerized scanners, electronic payments, electronic data interchange, etc. However, the development of computers and technology enabled the opening of a new institution in the commerce, e-commerce. In comparison with the growth of the quality of electronic transactions, the quality of software used on web sites and the promotion of electronic forms of payment also the importance of e-commerce grows from year to year. In terms of customers this primarily refers to the comfort of e-commerce, shopping from home around the world 24 hours a day.

E-commerce companies pay special attention to their customers, how to refer individually to each of them and build relationships of trust and loyalty. It requires knowledge and monitoring of the behavior, the habit and the need of Internet customers, trends in sales, but also factors that influence the volume of on-line trade (more product information, better presentation, simplicity in ordering, adequate prices, etc.). The best way to get acquainted with customers and their needs and habits is the participation in discussion groups as well as the creation of own discussion groups through which contacts with buyers are established, the market is being researched and is buying or selling.

Companies that want to deal with e-commerce can apply different e-market strategies. Depending on the circumstances the companies can use several strategies. So, those who are faced with rapid change can use an innovative strategy or strategic goal, companies operating in a stable market would opt for strategic planning, while companies that want to expand their work and on-line business would use an interventional strategy.

On the other hand, the entry of the electronic market can be realized through four basic strategies:

- **a click strategy** (it implies that the company is a pioneer on the Internet and based on that there are advantages over others)
- **a mixed click-and-brick strategy** (refers to alliances, the joint appearance of many companies on the e-market)
- **a strategy of faster followers** (used by traditional vendors who want to follow the leaders on the Internet); and
- **a mixed click-and-brick strategy** (brand extension, used by traditional companies that want to continue their work on-line)

In order to keep the growth of the base of its customers and build loyalty with them, companies use Internet marketing that includes **several activities**:

- **Market research** (refers to the detection of the potential of the market of goods for the purpose of further development)
- **Promotional activities** (covering various techniques of mass or personalized advertising of URL companies on the Internet, some of which are: banners, e-mail, viral marketing, partnership between companies, splash display)
- **building a brand**, it can also be personalized and is designated as a rational branding.
- **building customer relationships**, as the most important part of marketing, encompasses studying the buyers by gaining knowledge about them and based on that their differentiation
- **Marketing adjustment** (products and services, communication, distribution channels, price)
- **activities to understand the behavior** of consumers on the Internet.

Companies that want to understand consumer's behavior on the Internet must take into account all the factors that affect it, information about their desires and needs, and through buying to get into direct marketing and specifically to address each buyer.

After getting to know the potential buyers and after the development of an on-line market strategy, companies must pay particular attention to the strategy of attracting and retaining buyers on the site. For successful Internet operation companies must be competitive in three key areas, which means they must have: a good product, a good web site that sells and uses various techniques for on-line promotion and attracting as many buyers as possible. This last applies to many baits (amusement parks, archives, exclusive sponsorship etc.) and the marketing strategy of the baits (search engines, advertisements flags, bulletin boards, discussion groups, etc.) that companies can use to increase the attendance and buying of their web sites.

Consequently, thanks to Internet and Web technology, the commerce worldwide has got a new dimension - **e-commerce**. The development of technology (hardware and software) and the development of society are in favor of electronic commerce. The increase of Internet users, increased security and confidence, the occurrence of virtual communities, increasing the number and type of products that can be purchased on the Internet are just some of the factors that point to the bright future of electronic commerce. In our environment electronic commerce has not been sufficiently developed due to a lack of preconditions in the technical, cultural and business environment. However, here and in the rest of the countries of Eastern Europe, in the last few years there has been an increase

in the number of Internet users and connections as well as an increase in Internet consumption. In addition, young generations are growing up with the Internet and are likely to have a completely different view of on-line shopping as well as traditional shopping, giving e- shopping advantage as a convenient and modern way of shopping.

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ABSTRACT

Crime is a dynamic and evolutionary phenomenon that uses the scientific and technological achievements to achieve the set goals. A criminal-legal reaction, especially the criminal law as a substantive part, ie., a set of norms that define socially harmful behavior with a threat of sanction, is also in constant evolution, in order to meet the challenges of today.

Modern society is facing various forms of criminal activities. It is possible that the categorization is done according to various criteria, but what is specifically the subject of interest are the forms of punishable behavior that are a hallmark of the achieved level of civilization development, the behaviors that have a universal detrimental effect, and, of course, what steps are taken in the criminal law in response to new challenges.

In the paper focus is on the cybercrime as one of the most recent forms of punishable behavior, but with enormous growth, harmful consequences expressed in billions, great mystery, and serious difficulties in providing evidence.

The paper puts emphasis on cybercrimes that more often occur in practice, international regulations, as well as national strategies of some countries.

Key words: cybercrime, internet, criminal law, criminal offenses,



Gjorgi Slamkov PhD

e-mail: gj.slamkov@yahoo.com

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INRODUCTION

The one of the fastest-growing areas of technical infrastructure development is Internet. Today, information and communication technologies are omnipresent and the trend towards digitization is growing. The demand for Internet and computer connectivity has led to the integration of computer technology into products that have usually functioned without it. Electricity supply, transportation infrastructure, military services and logistics – virtually all modern services depend on the use of information and communication technologies.

The influence of new technologies on society goes far beyond establishing basic information infrastructure. The availability of new technologies is a foundation for development in the creation, availability and use of network-based services. So, e-mails have displaced traditional letters, online web representation is nowadays more important for businesses than printed publicity materials.

However, the growth of the information society is accompanied by new and serious threats. Attacks against information infrastructure and Internet services now have the potential to harm society in new and critical ways. As a result of the massive use of cyberspace to carry out everyday activities, then, doing business operations, etc., the space of action of cybercriminals increases. Namely, in 2015 cybercrime costs the world \$ 3 trillion. It is estimated that in 2021 the amount of damage will be \$ 6 trillion (<https://cybersecurityventures.com/2015-wp/wp-content/uploads/2017/10/2017-Cybercrime-Report.pdf>).

The fight against cybercrime requires a serious approach, for this purpose several countries have drafted strategic documents. Generally, in them, the focus is placed on several strategic goals, such as: legal measures, technical and procedural measures, organizational structures, capacity building and international cooperation.

The technical measures alone cannot prevent any crime, it is critical that law-enforcement agencies are allowed to investigate and prosecute cybercrime effectively.

Cybercrime has an international character and therefore raises the need for state cooperation in efforts to prevent it. On the normative field, one of the most important legal documents to combat cybercrime is the Council of Europe's Convention on Cybercrime.

1. Rise of cybercrime

Although there is no single universal definition of cybercrime, however, two basic types of internet-related criminal offenses can be found in theory (<https://www.interpol.int/Crime-areas/Cybercrime/Cybercrime>):

- High-level computer crime - sophisticated attacks on computer hardware and software and

- Criminal offenses provided through the Internet - traditional offenses that take a different form when committed online, for example crimes against finances, then acts against children, etc.

Generally speaking, cyber crimes are any crimes that involve a computer and a network. In some cases, the computer may have been used in order to commit the crime, and in other cases, the computer may have been the target of the crime.

The question arises of the difference between cybercrime and traditional criminal activity. It is a fact that the digital computer alone can not commit crimes, but it is also known that even before the prefix “cyber” criminals committed crimes such as fraud, privacy violation, identity theft. In this sense, cybercrime, especially online involvement, is a continuation of existing criminal behavior along with some new illegal activities, but in a sophisticated way with high speed in the the commission of the crime and much more difficulty in documenting and proving it.

Basically, cybercrime is an attack on information for individuals, corporations or governments. Although attacks do not occur on a physical body, they take place on the personal or corporate virtual body, which is a set of informational attributes that define people and institutions on the Internet. In other words, in the digital age, our virtual identities are essential elements of everyday life: we are a package of numbers and identifiers in multiple computer databases owned by governments and corporations.

Cybercrime has a universal character, it is impossible to present in a local or national character. The global network that creates a world without borders and allowing people to gain benefits that were previously difficult to access at the same time be abused by criminals to cause harmful consequence for an entity. Perhaps there are more difficulties in providing evidence for crimes committed through cybercrime, but traces remain for these crimes and for effective and efficient fight against them requires appropriate international cooperation, that is, often they are crimes of supranational character.

1.1. *Crimes in the area of cybercrime*

Cybercrime covers a range of punishable behaviors, namely, on one side there are crimes involving fundamental privacy violations, such as attacks on the integrity of information stored in digital deposits and the use of illegally obtained digital information on blackmail of a firm or individual. Also, this includes crime of identity theft. Next are crimes based on transactions, such as fraud, trafficking in child pornography, money laundering and counterfeiting. Another part of this type of crime involves individuals within corporate or government bureaucracies who deliberately change data on profits or political goals. On the other hand are those crimes involving attempts to disrupt the actual operation of the Internet. These range from spamming, hacking, denial of service, attacks on certain sites, to cyberterrorism.

Cybercrime most often occurs in the following types:

a) Hacking

Hacking in simple terms means an illegal intrusion into a computer system and/or network. A hacker is someone who seeks to breach defenses and exploit weaknesses in a computer system or network. The offence described as –hacking, refers to unlawful access to a computer system, one of oldest computer-related crimes. Following the development of computer networks, this crime has become a mass phenomenon. Famous targets of hacking attacks include the US National Aeronautics and Space Administration (NASA), the US Air Force, the Pentagon, Yahoo, Google, eBay, the German Government. (www.hackerwatch.org). Hackers may be motivated by a multitude of reasons, such as profit, protest, information gathering, challenge, recreation.

b) Denial of service attacks

In computing, a denial-of-service attack (DoS attack) is a cyber-attack where the perpetrator seeks to make a machine or network resource unavailable to its intended users by temporarily or indefinitely disrupting services of a host connected to the Internet. DoS attacks target specific computer systems. Denial of service is typically accomplished by flooding the targeted machine or resource with superfluous requests in an attempt to overload systems and prevent some or all legitimate requests from being fulfilled. A DoS attack makes computer resources unavailable to their intended users. By targeting a computer system with more requests than the computer system can handle, offenders can prevent users from accessing the computer system, checking e-mails, reading the news, booking a flight or downloading files.

c) **Virus dissemination**

A computer virus is a type of malicious software program (“malware”) that, when executed, replicates itself by modifying other computer programs and inserting its own code. Computer viruses currently cause billions of dollars’ worth of economic damage each year, due to causing system failure, wasting computer resources, corrupting data, increasing maintenance costs, etc. The term “virus” is also commonly used to refer to other types of malware. “Malware” encompasses computer viruses along with many other forms of malicious software, such as computer “worms”, ransomware, spyware, adware, trojan horses, keyloggers, rootkits, and other malicious software.

d) **Cyber terrorism**

Cyberterrorism means that terrorists could cause massive loss of life, worldwide economic chaos and environmental damage by hacking into critical infrastructure systems (https://link.springer.com/chapter/10.1007/978-1-4939-0962-9_1). The nature of cyberterrorism is conducts involving computer or Internet technology that: is motivated by a political, religious or ideological cause; is intended to intimidate a government or a section of the public to varying degrees, or seriously interferes with infrastructure.

NATO defines cyberterrorism as “a cyberattack using or exploiting computer or communication networks to cause sufficient destruction or disruption to generate fear or to intimidate a society into an ideological goal” (<http://searchsecurity.techtarget.com/definition/cyberterrorism>). The FBI defines it as, “premeditated, politically motivated attack against information, computer systems, computer programs, and data which results in violence against non-combatant targets by subnational groups or clandestine agents” (<https://leb.fbi.gov/articles/featured-articles/cyber-terror>).

e) **Software piracy**

That is theft of software through the illegal copying of genuine programs or the counterfeiting and distribution of products intended to pass for the original. Software piracy is the stealing of legally protected software. Under copyright law, software piracy occurs when copyright protected software is copied, distributed, modified or sold. Software piracy is considered direct copyright infringement when it denies copyright holders due compensation for use of their creative works.

The majority of software today is purchased as a one-site license, meaning that only one computer may have that software installed on it at

one time. Copying that software to multiple computers or sharing it with your friend without multiple licenses is considered software piracy, which is illegal.

It is a phenomenon on a large scale, namely, over half of the world's computer users- 57%- admit they pirate software. The steadily developing world drove the commercial value of software theft to \$63.4 billion (<https://sites.google.com/site/softwarepiracywiki12/software-piracy>).

f) Tax-refund fraud

Fraud for collecting a tax on identity theft occurs when someone uses someone else's identifying information, such as name, social security number or other identification information, without permission, in order to commit fraud or other crimes. The scam usually occurs when "an identity thief uses a legitimate taxpayer's identity to file a fraudulent tax return and claim a refund. Generally, the identity thief will use a stolen SSN to file a forged tax return and attempt to get a fraudulent refund early in the filing season". By filing the fraudulent tax return early, of course, the identity thief usually receives the refund before the victim sends his or her tax return, and the IRS processes it.

An essential requirement for committing this crime is the theft of information about the person filing a tax return. The most sensitive point are the databases of taxpayers, namely, through the unauthorized entry into them a huge material is collected and it is the basis for the fraud. In any case, here we have the subsequent execution of several cybercrimes.

This crime is particularly prevalent in the United States, namely, for the tax return processing year of 2011 (after tax year 2010 tax returns), the IRS reported 938,664 cases of identity theft fraud, with about 6.5 billion in fraud tax returns issued. (<http://www.fraud-magazine.com/article.aspx?id=4294982014>).

g) Identity theft

Identity theft, also known as identity fraud, is a crime in which an imposter obtains key pieces of personally identifiable information in order to impersonate someone else.

Identity theft is categorized two ways: true name and account takeover. True-name identity theft means the thief uses personal information to open new accounts. Account-takeover identity theft means the imposter uses personal information to gain access to the person's existing accounts. Typically, the thief will change the mailing address on an account and run up a huge bill before the person whose identity has been stolen realizes there is a problem. The internet has made it easier for an identity thief

to use the information they've stolen, because transactions can be made without any personal interaction.

The type of data the perpetrators target varies, the most relevant data are social security and passport numbers, date of birth, address and phone numbers, and passwords. Social security number used, for example, in the United States is a classic example of a single identity-related data item that perpetrators target. The perpetrators can use the social security number and passport information to open financial accounts, to take over existing financial accounts, to obtain credit.

Date of birth, address and phone numbers can, in general, be used to commit identity theft if they are combined with other pieces of information. Having access to additional information like date of birth and address can help the perpetrator to circumvent verification processes. One of the greatest dangers related to that information is the fact that it is currently available on a large scale on the Internet – either published voluntarily in one of the various identity-related for or based on legal requirements as imprint on websites.

The damage from identity theft is expressed in millions of dollars. But they also cause damage to the reputation of the victim. That is why some Identity theft is not reported, which means that damage from them is much higher, ie it has a “dark number”.

h) Theft of sensitive data

Data theft is the act of stealing digital information stored on computers, servers, or electronic devices of an unknown victim with the intent to compromise privacy or obtain confidential information. Information can include anything from financial information, like credit card numbers or bank accounts, to personal information, like social security numbers, drivers license numbers, and health records. Once only the problem of large businesses and organizations, data theft is a growing problem for everyday computer users (<http://safety.lovetoknow.com/personal-safety-protection/what-is-data-theft>).

i) Computer-related forgery

Computer-related forgery describes the manipulation of digital documents. The offence can, for example, be committed by creating a document that appears to originate from a reliable institution, manipulating electronic images or altering text documents.

Often, offenders send out e-mails that look like communications from legitimate financial institutions used by the target. The e-mails are designed in a way that it is difficult for targets to identify them as fake e-mails. The e-mail asks recipient to disclose and/or verify certain sensitive information. Many victims follow the advice and disclose information enabling offenders to make online transfers etc.

In the past, prosecutions involving computer-related forgery were rare, because most legal documents were tangible documents. Digital documents play an ever more important role and are used more often. The substitution of classic documents by digital documents is supported by legal means for their use, e.g. by legislation recognizing digital signatures. Criminals have always tried to manipulate documents. With digital forgeries, digital documents can now be copied without loss of quality and are easily manipulated.

1.2. *Harmful consequences of cybercrime*

In today's world, it's difficult to get through the day without interaction of a cell phone, computer, or other electronic devices connected to the internet. Technology, today, is simply all around us in everything we do, from work to our leisure time. We use technology to perform our jobs every day, leaving us vulnerable to cyber attacks whenever we get online. Cyber criminals have become the world's most dangerous criminals simply because they can act covertly and from anywhere in the world.

One of the main consequences of cybercrime on a company is a loss of revenue/income. This loss may be caused by an outside person who acquires sensitive financial information, using it to extract funds from an organization. It can also come about when a business's e-commerce site becomes compromised--while terminal, expensive income is lost when consumers are unable to utilize the site. Another major consequence of cybercrime is the time that is wasted when Information Technology personnel must dedicate maximum part of their day handling such incidences. Rather than working on productive and creative measures for an organization, many Information Technology staff members spend a great percentage of their time handling security breaches and other problems related with cybercrime.

In situations where customer records are compromised by a security contravene associated with cybercrime, a company's reputation can take a major batter. Customers whose credit cards or other monetary data become grabbed by hackers or other infiltrators drop assurance in an organization and often begin taking their business elsewhere. Besides that, due to the safety measures that many companies must implement to neutralize cybercrime, there is often a pessimistic effect on employees' efficiency, it means reducing productivity.

Currently, companies in the United States experience an annual loss of more than hundreds of millions US dollars due to cybercrime with the majority of these losses stemming from malicious code and denial of service attacks. The statistic shows the amount of damages caused by cybercrime reported to the Internet Crime Complaint Center - IC3 (<https://www.ic3.gov/default.aspx>) from 2001 to 2016. In the 2016, the annual loss of complaints referred to the IC3 amounted to 1.33 billion U.S. dollars, up from 781.84 million U.S. dollars in 2013. The most costly cyber attack consequences for global companies in 2016 were losses suffered through business disruption and information loss. That year, the majority of data breach incidents were related to identity theft, followed by financial and account access (<https://www.statista.com/statistics/267132/total-damage-caused-by-by-cyber-crime-in-the-us/>).

Data breaches and their consequences have also had profound effects on consumers with personal information and credit details being stolen. The biggest online data breach compromised more than 3 billion user accounts (<https://www.nytimes.com/2017/10/03/technology/yahoo-hack-3-billion-users.html>). Online brands with the highest chance of being targeted by phishing attacks include online payment provider Paypal and online auction house eBay, as well as numerous online service providers that require personal identification as well as payment information (<https://www.statista.com/statistics/290525/cyber-crime-biggest-online-data-breaches-worldwide>).

There are predictions that by 2021, cybercrime losses are expected to cost the world \$ 6 trillion (<https://www.csoonline.com>). While there are numerous contributors to the rise in cybercrime -- which is expected to cost the world more than \$6 trillion by 2021, up from \$3 trillion in 2015 -- the most obvious predictor is a massive expansion of the global attack surface which hackers target. The cybercrime cost prediction includes damage and destruction of data, stolen money, lost productivity, theft of intellectual property, theft of personal and financial data, fraud, post-attack disruption to the normal course of business, forensic investigation, restoration and deletion of hacked data and systems, and reputational harm. Cyber threats have evolved from targeting and harming computers, networks, and smartphones — to humans, cars, railways, planes, power grids and anything with a heartbeat or an electronic pulse. As the planet morphs into a digital global society of interconnected people, places, and things, there's a whole cyberspace that needs to be defended.

2. Cybersecurity Strategies

Taking into account the serious negative consequences that result from cybercrime, many countries have adopted strategies to deal with this socially harmful behavior. They include the strategic goals that are generally repeated, however, certain countries place the emphasis on the national segment, while others set goals of a global character, so:

- Australia – Cyber Security Strategy, 2009 (<https://www.ag.gov.au/RightsAndProtections/CyberSecurity/Documents/AG%20Cyber%20Security%20Strategy%20-%20for%20website.pdf>),

the objectives of the Australian government's cyber security policy are:

1. All Australians are aware of cyber risks, secure their computers and take steps to protect their identities, privacy and finances online.
 2. Australian businesses operate secure and resilient information and communications technologies to protect the integrity of their own operations and the identity and privacy of their customers
 3. The Australian Government ensures its information and communications technologies are secure and resilient.
- Canada - Canada's Cyber security Strategy, 2010 (<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/cbr-scrt-strtg/cbr-scrt-strtg-eng.pdf>),

Canada's Cyber Security Strategy is built on three pillars:

1. Securing Government systems;
 2. Partnering to secure vital cyber systems outside the federal Government;
 3. Helping Canadians to be secure online.
- France – Défense et sécurité des systèmes d'information – Stratégie de la France, 2011
(https://www.ssi.gouv.fr/uploads/IMG/pdf/2011-02-15_Defense_et_securite_des_systemes_d_information_strategie_de_la_France.pdf),
1. To be a global cyber defense power;
 2. Guarantee France's freedom of decision by protecting the information of sovereignty;
 3. Strengthen cybersecurity of national vital infrastructures;
 4. Ensuring security in cyberspace.

- Germany –Cyber Security Strategy for Germany, 2011 (https://www.cio.bund.de/SharedDocs/Publikationen/DE/Strategische-Themen/css_engl_download.pdf?__blob=publication-File),

The Federal Government has specifically focus on this strategic areas:

1. Protection of critical information infrastructures;
 2. Secure IT systems in Germany;
 3. Strengthening IT security in the public administration;
 4. Effective crime control also in cyberspace;
 5. Effective coordinated action to ensure cyber security in Europe and worldwide.
- United Kingdom - The UK Cyber Security Strategy, 2011 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/60961/uk-cyber-security-strategy-final.pdf),

the objectives of the UK cyber security policy are:

1. The UK to tackle cybercrime and be one of the most secure places in the world to do business in cyberspace;
 2. The UK to be more resilient to cyber attacks and better able to protect our interests in cyberspace;
 3. The UK to have helped shape an open, stable and vibrant cyberspace which the UK public can use safely and that supports open societies;
 4. The UK to have the cross-cutting knowledge, skills and capability it needs to underpin all our cyber security objectives.
- USA – Cyber Strategy,2015
(https://www.defense.gov/Portals/1/features/2015/0415_cyber-strategy/Final_2015_DoD_CYBER_STRATEGY_for_web.pdf).

Ministry of Defense or DoD sets five strategic goals for its cyberspace missions:

1. Build and maintain ready forces and capabilities to conduct cyberspace operations;
2. Defend the DoD information network, secure DoD data, and mitigate risks to DoD missions;
3. Be prepared to defend the U.S. homeland and U.S. vital interests from disruptive or destructive cyberattacks of significant consequence;
4. Build and maintain viable cyber options and plan to use those options to control conflict escalation and to shape the conflict environment at all stages;
5. Build and maintain robust international alliances and partnerships to deter shared threats and increase international security and stability.

Cybersecurity strategies are setting policy goals, measures and institutional responsibilities in a fairly succinct manner. Generally, the primary concern is to ensure the confidentiality, integrity and availability of computer data and systems and to protect against or prevent intentional and non-intentional incidents and attacks. The approach to cybercrime in a specific country is influenced by many factors, including the nature of the threat, the state of the criminal justice system, the level of respect for human rights and the rule of law.

The Strategies provided measures to combat cybercrime in several directions, such as:

a) *Cybercrime reporting and intelligence* - gathering information or cybercrime intelligence is an essential step in fighting it, as this creates conditions for preventing cybercrime or reducing harmful consequences.

b) *Prevention* - preventive measures are defense mechanisms that prevent the creation of conditions for the commission of cybercrime. Through their active implementation the possibility of cybercrime has been reduced.

c) *Legislation* - normative solutions in which will be incorporated international standards for determining the criminal offense, for conducting the criminal procedure, as well as standards for protection of human rights. That is, they are the basic solutions for the efficiency of the procedure and for the

protection of human rights.

d) *Strengthening the institutional capacities* - the fight against cybercrime requires specially educated and trained staff. In addition, the training should cover how the problems that have been revealed so far in practice, and those that would arise in the future, that is, ie. to be in step with cybercriminals.

e) *International cooperation* - cybercrime is transnational crime involving multiple jurisdictions. Efficient international police and judicial cooperation is required to preserve volatile electronic evidence. This includes direct cooperation between high-tech crime units and between prosecutors of different countries.

3. International legal documents on the fight against cybercrimes

3.1. Council of Europe Convention on Cybercrime

The Convention on Cybercrime, also known as the Budapest Convention on Cybercrime (www.coe.int/cybercrime), is the first international treaty seeking to address Internet and computer crime by harmonizing national laws, improving investigative techniques, and increasing cooperation among nations. It was drawn up by the Council of Europe in Strasbourg, France, with the active participation of the Council of Europe's observer states Canada, Japan, Philippines, South Africa and the United States.

The Convention and its Explanatory Report was adopted by the Committee of Ministers of the Council of Europe in November 2001. It was opened for signature in Budapest, on 23 November 2001 and it entered into force on 1 July 2004. As of April 2018, 57 states have ratified the Convention. On 1 March 2006, the Additional Protocol to the Convention on Cybercrime came into force. Those States that have ratified the additional protocol are required to criminalize the dissemination of racist and xenophobic material through computer systems, as well as threats and insults motivated by racism or xenophobia.

The Convention structurally covers three parts: substantive criminal law, procedural criminal law, and international criminal assistance.

The Convention aims principally at:

- Harmonising the domestic criminal substantive law elements of offences and connected provisions in the area of cyber-crime,
- Providing for domestic criminal procedural law powers necessary for the investigation and prosecution of such offences

as well as other offences committed by means of a computer system or evidence in relation to which is in electronic form,

- Setting up a fast and effective regime of international cooperation.

In the first part of the Convention are given more norms that define cybercrimes. The Convention defines the following offences: illegal access, illegal interception, data interference, system interference, misuse of devices, computer-related forgery, computer-related fraud, offences related to child pornography, and offences related to copyright. These are norms that indicate to the states what behavior should be sanctioned. In addition, here are the norms for responsibility of a legal entity, ancillary liability and sanctions.

Convention sets out such procedural law issues as expedited preservation of stored data, expedited preservation and partial disclosure of traffic data, production order, search and seizure of computer data, real-time collection of traffic data, and interception of content data. Regarding jurisdiction, the following principles are provided: territorial principle, flag principle, principle of registration and universal principle.

The special attention is placed on international cooperation and assistance in the criminal field, including extradition. The Convention contains a provision of transborder access to stored computer data which does not require mutual assistance and provides for the setting up of a 24/7 network for ensuring speedy assistance among the states (http://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/7_conv_budapest_/7_conv_budapest_en.pdf).

3.2. *United Nations Convention against Transnational Organized Crime*

The main international instrument for judicial cooperation in criminal matters is the United Nations Convention against Transnational Organized Crime (UNTOC) adopted by the United Nations General Assembly on November 15, 2000, and is appointed to serve as the most significant mechanism for fighting Transnational Organized Crime (https://en.wikipedia.org/wiki/United_Nations_Convention_against_Transnational_Organized_Crime).

This convention contains important instruments for international cooperation, but was not specifically designed to address cybercrime-

related issues. Nor does it provide specific provisions dealing with urgent requests to preserve data.

The convention is only applicable in cybercrime cases if the offence involves an organized crime group. According to UNTOC organized crime group is a structured group of three or more people.

But the structure of the cybercrime groups is not necessarily comparable to that of traditional organized crime groups. Cybercrime groups tend to have a looser and more flexible structure. In addition, groups are often much smaller compared to traditional organized crime groups. The Internet enables close cooperation with others and coordination of activities without ever having met face-to-face. This makes it feasible for offenders to work together in fluid ad hoc groups.

However, in the part of international cooperation, there are several general norms that create space for cooperation between states in the fight against cybercrime. But these norms do not have the same application for different cybercrimes, starting from the essence of the crime and the manner of execution.

CONCLUSION

In less than two decades, the Internet has grown from a curiosity to an essential element of modern life for millions. The Internet has transformed the way people live and do business. It also bridges the communication divide between people in a cost-effective way. With the erosion of national borders brought about by the Internet, making new friends with people from other countries is much easier.

As with other aspects of globalization, its rapid expansion has far exceeded regulatory capacity, and this absence of authority has left space for many abuses.

Cybercrime has been used to describe a wide range of offences, including offences against computer data and systems, computer-related forgery and fraud, content offences, and copyright offences.

Cybercrime denotes abuse of science and technology achievements. Appears in different types that have financial consequences as well as a privacy breach. Cybercrime is characterized by creating an enormous number of victims, damages in billions of dollars/euros, offenses performed at vast distances, with great difficulty in documenting them.

Criminals, like everyone else with access, make use of the Internet for communication and information gathering, and this has facilitated a number of traditional organized crime activities. But the growing importance of the Internet and our collective dependence on it has also created a number of new criminal opportunities.

International cooperation in the fight against cybercrime is necessary, as the state borders do not interfere with the performance of these offenses. The cooperation involves the adoption of supranational legislation, determination of the offenses, prescribing the procedure, creation of special bodies / agencies for combating cybercrime, as well as the adequate financial support.

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