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Carl Schmitt and Copenhagen School of Security Studies

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Editor's Word

The essence of politics is the distinction between friends and enemies. At least that is what Carl Schmitt claimed, the controversial German jurist who was ignored by the academic community for a long time because of his connections to the Third Reich. However, interest in his political theory has recently experienced a great revival, especially in science of international relations and in security studies. Somewhat paradoxically, Schmitt was not brought back to the "academic life" by the conservatives and realists, but by the representatives of critical theory. The Global War on Terrorism, started by the Bush Administration after 9/11, served them as a special inspiration. The New World (Dis)Order from the period after the Cold War was replaced by the global state of emergency, and the American president began overwhelmingly to resemble a Schmittian sovereign, who joins the friends of civilisation together against its barbaric enemies. It remains to be seen how Obama's policy of détente will influence the currentness of Schmitt's ideas.

In this issue we address the relation between the political theory of Carl Schmitt and the Copenhagen School of Security Studies. Schmitt's basic ideas about the term "political", the controversies that they started and the reasons for their revival are presented in Predrag Petrović's paper. That paper is followed by papers written by Marko Žilović and the editor of this issue, who are trying to unwrap the dangerous connections between the Copenhagen School of Security Studies, on one side, and the Schmittian heritage, on the other. The connection, that many critics of the Copenhagen School point out, does not necessarily have to be dangerous, especially if the Copenhagen School would devote itself more to the theorisation of the very term "political" and take a clearer and better articulated normative stand in relation to the dichotomy political-security. Furthermore, Branka Panić presents in her paper a different concept that stems from the Copenhagen School, and that is societal security. With that concept, in whose centre lies the relationship between security and collective identity, the Copenhagen School opened a completely new area of study, but it also attracted a great amount of criticism.

In this issue we also present the readers with a number of other papers which do not fall under the main subject of this issue. Those papers are, first of all, Adel Abusara's paper on the Conditionality Policy of the EU, as well as Jörg Artmann's paper on the secret service scandal in Kosovo and Metohija in which the German BND was involved. Finally, in this issue you can read the review of Robert Kagan's latest book *The Return of History and the End of Dreams*, written by Slavica Mijatović. Kagan's book is the best reminder of how the foreign policy of the USA would, probably, look like if John McCain, whose advisor is Robert Kagan, won the presidential elections.

Filip Ejdus

Translated from Serbian to English by Teodora Borić

Enemy as the Essence of the Political

Predrag Petrović

The author is a researcher in the Belgrade School for Security Studies

Category: Review Article

<u>UDK: 141.7 Шмит К.</u>

Abstract

Violence and enmity are constant companions of human history and society. But, the concept of the enemy remained outside the focus of political philosophy and was subject to only sporadic consideration. That is until Carl Schmitt, a German theoretician of law and politics in his 1927 work The concept of the Political not only thematized the concept of the enemy but actually placed it at the very centre of the political. The following text offers a review of Schmitt's daring understanding of politics in terms of friend-enemy categories, which gave rise to a series of still ongoing controversies.

Key words: friend-enemy, politics, the political, order, enmity, war, persecution of enemy, political philosophy.

* * *

This text will present an unorthodox definition of the concept of politics which has been the cause of a series of disputes in academic circles. It is an understanding of politics expressed in terms of friend-enemy categories by a German legal and political scholar Carl Schmitt in his 1927 work published under the title *The Concept of the Political*. Carl Schmitt was one of the most important theoreticians of the 20th century whose ideas on politics and law attracted the attention of many great authors such as Jürgen Habermas, Leo Strauss, Walter Benjamin, Hannah Arendt, Slavoj Zizek, Georgio Agamben, Jacques Derrida and others. That notwithstanding, his intellectual work remained overshadowed by his political engagement. Namely, Schmitt became a member of the National Socialist Party in 1933, and was soon after appointed chairman of the Union of National-Socialist Jurists. He is believed to have been one of the most important ideologues of



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¹ Carl Schmitt was critical of National Socialism before the Nazis assent to power and was in 1936 and 1937 investigated by the SS who questioned his genuine sympathies for the Nazi movement and considered him an opportunist.

² Schmitt's most important ideas are found in the following works: On Dictatorship (Die Diktatur), Political Theology (Politische Theologie), The Concept of the Political (Der Begriff des Politischen), Theory of the Partisan and Nomos of the Earth.

³ Thus many encyclopaedias of political ideas and theory do not include Schmitt's ideas (e.g. Blackwell Encyclopaedia of Political Thought, 1987). Nazi Germany who found justification for the Nazi dictatorship and 'Führer state' in legal theory.¹ Schmitt's written works reveal highly intriguing and bold ideas on sovereignty, order, free will, state of emergency, terrorism and politics as well as sharp criticism of liberalism.² Still, in view of his political engagement his ideas long remained *terra incognita* to wider circles of the academia.³ However, the modern social and political dynamics which brought the problems of weak states (orders) to the fore along with an abrupt increase in political violence heightened the interest for Schmitt's ideas. Thus, over the past few years, many publishers started printing both Schmitt's original texts and the related treatises. One of his most important works is no doubt *The Concept of the* Political, and the following pages seek to present his ideas contained therein.

* * *

Carl Schmitt deliberates on politics from the point of view of its essence, with the distinction between friends and enemies at its centre. Schmitt's approach to the concept of politics avoids its precise definition and contents, and in the first place establishes the criterion for establishing the manifest autonomy and specific nature of politics compared with other fields of life. Namely, each of the spheres of life is characterized by some opposites that actually distinguish them from one another. "Let us assume that in the realm of morality the final distinctions are between good and evil; in aesthetics beautiful and ugly; in economics profitable and unprofitable... The specific political distinction to which political actions and motives can be reduced is that between friend and enemy" (Schmitt, 2001). These criteria must not be mixed or confounded since "the political enemy need not be morally evil or aesthetically ugly; he need not appear as an economic competitor, and it may even be advantageous to engage with him in business transactions" (Schmitt, 2001: 19). This mutual non-reducibility of these criteria in effect reflects the autonomy of each individual sphere.

The purpose of the distinction between friend and enemy is to denote the final degree of intensity of grouping and dividing. It does not mark its own sphere of reality, but only the degree of intensity of people's association or disassociation motivated by religious, national, economic or another consideration, which at

different times produce different ties. Thus, there may be a religious, economic or moral opposite which is not simultaneously political, but necessarily does become political that as soon as this opposite grows sufficiently strong to effectively group people as friends or enemies. What matters most is neither the motivation. nor the sphere wherein the opposition unfolds, but only the grouping which actually distinguishes friends from enemies. "And 'class' in the Marxian sense ceases to be something purely economic and becomes a political factor when it reaches this decisive point, i.e. when Marxist approach the class 'struggle' seriously and treat the class adversary as a real enemy and fights him either in the form of state against state or a civil war within a state. The real battle is then of necessity no longer fought according to economic laws, but has its political necessities" (Schmitt, 2001: 26). This statement could be subsumed under the well known formulation that politics is not everything, but everything is about politics. Every phenomenon is the more political to the extent that it gets closer to the friend-enemy poles.

Who is, in fact, the enemy? The enemy is neither aesthetically ugly nor morally bad, since the criteria cannot be subsumed one under the other, but one existence is existentially opposed to another, "so that in extreme case conflicts with him are possible. These can neither be decided by a previously determined general norm nor by the judgment of a disinterested and therefore neutral third party" (Schmitt, 2001: 19). He "exists only when, at least potentially, one fighting collectivity of people confronts a similar collectivity. The enemy is solely the *public* enemy. A private person has no political enemies.

The concept of struggle and enemy cannot be understood in abstract, as symbols stripped of concrete reality, and are given a real sense by the fact that they have and retain a relation especially towards the real possibility of physical killing. War comes from enmity, since it is merely the ultimate realization of enmity. It, as the most extreme political means, reveals the possibility of distinguishing between friends and enemies.

This, however, does not mean that war is an everyday thing and that people wage constant mutual wars. Crucially important in this respect is the existence of a *real possibility* for the outbreak of war conflicts which actually determines human opinion and behaviour. The political does not reside in the battling itself, but in the mode of behaviour which is determined by this possibility, by clearly evaluating the concrete situation and thereby being able

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to correctly perceive the real friend and the real enemy" (Schmitt, 2001: 25).

The absence of a possibility of armed struggle would mark the end of politics. Should that happen we would be left with a view of the world stripped of politics, a culture, civilization, economy, ethics, law, art, entertainment, etc., but politics and state would no longer exist. Schmitt does not know whether or when this state of affairs will appear on Earth, but he is sure that, for the time being, it does not exist. That is why the assumption of this state as existing would be pure fiction. Schmitt, however, does not make the opposite inference necessarily deriving from his understanding of politics. Namely, he disregards the other pole of grouping, association and friends, and does not conclude that politics would not exist if grouping into friendly associations disappeared. He has thereby actually reduced entire politics to the level of adversarial grouping and expectation of war conflicts.

Politics is human destiny, and every individual and nation would be seriously deluded to think that formal declarations of peace and disarmament could transport them into the world of pure morality, economy and legality - a world free of politics. A disarmed, pacified nation does not automatically become a nation without enemies. It only becomes the victim of others who will, in its stead, undertake to make the decision in the crucial matter, the one of friends and enemies. "When a people no longer has the strength or the will to hold itself to the realm of the political, the political does not thereby disappear from the world. It is only a weak people that perishes" (Schmitt, 2001: 36).

The state as the competent political entity has the right to define the enemy, i.e. it has the *jus belli*. This right implies the possibility to demand from the members of the community readiness to die and be killed, and to kill people of the other, enemy side. Each state has the obligation to ensure peace and security within its borders, i.e. to create a normal situation as a wherein legal norms will be valid. Precisely this necessity to provide "normal-cy" gives rise to the right of the state in critical situation "to decide upon the domestic enemy itself, for as long as the state is a political entity" (Schmitt, 2001: 38). That Schmitt argues, implies a "stronger or weaker - *ipso facto* impending or based on special laws, judicially efficient, overt or concealed in general descriptions - types of persecution, restraint, proscription or outlawing" (Schmitt, 2001: 31). Bearing in mind that in situations of this kind the political entity of the state turns problematic, consti-



tutional and legal norms cannot be applied, since they are the expression of that entity, and the only thing that remains is resolution of conflicts by means of war. Precisely this point reveals the specific nature of Schmitt's understanding of politics, wherein grouping into friends and enemies and the use of war as appropriate means is considered normal not only in foreign policy relations, but also in the internal political process.

* * *

Schmitt's understanding of politics as a distinction between friends and enemies and his preoccupation with the state unity which may be attained by identifying and persecuting the enemy, is a direct attack on liberal ideology. Inspired by Habermas' premise of "a war of all against all" Schmitt actually sought to dispute the liberal negation of politics as a matter of "life and death". He wanted to point to the delusion of liberal ideology's suggestion of a third way between left and right, and contend that moralization of political discourse is no advance of democracy. Schmitt resolutely reminds that the essence of politics is the struggle and that no one can cancel out the distinction between friends and enemies.

This definition of politics prompted a series of critical reaction in academic circles. In line with the distinction Schmitt placed at the centre of the political, his readers group into his "friends or enemies" which is sufficiently telling of the controversy of his ideas. The experiences of modern totalitarian dictatorships (Nazism and Stalinism) driven by identification and persecution of enemies, as well as Schmitt's political engagement in the Nazi regime, account for the prevalence of enemies to his ideas that has for many years kept his works known to a small circle of political philosophers. But the modern social and political dynamics has shown that the existence of the "other", i.e. the enemy, is not characteristic only of authoritarian orders and that liberal democracies are not immune to it. The global anti-terrorist struggle, the search for and persecution of terrorists as mortal enemies of liberal democratic societies, started by the US-led western states in the aftermath of September 11, made many authors take a different reading of Schmitt's works and wonder if he may have been right.

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Dangerous Liaisons: Securitization Theory and Schmittian Legacy

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Category: Scientific Review

<u>UDK: 321.01:141.7 ; 327.56::351.86]:141.7 ; 141.7 Шмит К.</u>

Abstract

Securitization theory, developed within the Copenhagen School of Security Studies, on several occasions was compared to the political theory set out by Carl Schmitt. His conceptualization of the political as a domain of exception is similar to understanding of security in Securitization theory as a domain that breaks with established rules of the game through obtaining legitimacy for extraordinary measures. The aim of this work is to thoroughly compare the two theoretical arguments and establish their common as well as diverging points. It's main argument is that although Securitization Theory shares certain tematic and narrative similarities with Carl Schmit's theory, its concept is wider, epistemology different and it reach opposite normative conclusions.

Key words: political, security, securitization, realism, socialconstructivism, Carl Schmitt

* * *

"The ability to get to the verge without getting into war is the necessary art. If you cannot master it [...] if you are scared to go the brink, you are lost". This is how John Foster Dulles defined the art of politics and its role in a dreadful game of ensuring collective survival. The controversial German jurist and political scientist Carl Schmitt went event further than that. According to him, this horrifying limit that divides self from other along the Carl Schmitt and Copenhagen School Of Security Studies

¹ On this discussion see: William E. Scheuerman, *Carl Schmitt* (New York: Rowan and Littlefield, 1999); Charles Jones, *E. H. Carr and International Relations: a Duty to Lie* (Cambridge: Cambridge University Press, 1998); Jan Willem Honig, "Totalitarianism and Realism: Hans Morgenthau German Years," in *Roots of Realism*, ed. Benjamin Frankel. (London: Frank Cass, 1996), 283-313. ² CoS couvers three major

² CoS covers three major areas: Securitization Theory which was largely developed by Ole Waever and Security Sectors and Regional Security Complex Theory which mostly results from Buzan's work. The following paper is going to address the first two. Confused by what the three different areas are, and who they belong to !!! On ST see: Ronnie D. Lipschutz, ed., On Security (New York: Columbia University Press, 1995). On SoS see Buzan Barry, Waever Ole and Jap de Wilde, Security: A New Framework For Analysis (London: Lynne Rienner, 1998). On Schmitt's influence on CoS see: Jef Huysmans, "The Question of Limit: Desecuritization and the Aesthetics of Horror in Political Realism," Millenium: Journal of International Studies, 27 (3) (1998): 569-589. and Michael Williams. "Words, Images, Enemies: Securitization and Interna-tional Politics," International Studies Quarterly, 47 (2003): 511-531.

³ For further reading: Waever, O. (1988) '*The Speech Act*.' In *Security.* Unpublished manuscript.

⁴ For further reading: Waever, O. *Tidsskriftet Politik*. Available from: http://www.tidsskriftetpolitik.dk/index.php?id=125_[Accessed 18 Novembar 2005] friend/foe axis, is the realm where the essence of the political is constituted.

During the interwar period Carl Schmitt was one of the most prominent scholars in Europe. As a staunch conservative, anti-Semite and fervent critic of liberal democracy he joined the National Socialist Party in 1933. After the War, academic interest in Schmitt's political theory was for a long time disallowed by the ideological burden that his work carried. Over time, as the distance between the contemporary world and that of the Third Reich has grown, the Nazi stain has faded and attention to Schmitt's work has reawakened. In International Relations, his work is usually associated with the school of classical realism. After a long period of silence, the influence of his thinking on the postwar realism of Hans Morgenthau and Edward Carr has only recently been acknowledged.¹ In addition to this, his work has also started to be affiliated with the social constructivist Securitization Theory (ST) developed by the Copenhagen School of Security Studies (CoS).²

The aim of the following paper is to discuss this 'dangerous liaison' between the two theories. My central argument is that although ST shares thematic and narrative similarities with Carl Schmitt's theory, its concept is broader, its epistemology is different and conclusions are opposite. The paper therefore proceeds in three steps. Firstly, the main tenets of the two theories will be defined. Secondly, their common points will be analyzed. Thirdly and finally, the paper will highlight the conceptual and epistemological differences, as well as the opposite normative conclusions between ST and Schmitt's political theory.

Basic Concepts: Security and the Political

According to its instigator, Ole Waever, when ST was first formulated in 1988 it wasn't directly inspired by Carl Schmitt.³ Moreover, although the author had been acquainted with Schmitt's general ideas, Waever only read his works in detail after the speech act theory of security had already been formulated. Nevertheless, Waever admitted that he noticed certain points in which the two theories resembled one another but also aspects in which they departed from each other.⁴

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The aim of this paper is to cast light on both the common and diverging points between the two theorists. Michael Williams argues that "in the Copenhagen School the concept of security plays a role almost identical to that which Schmitt defined as his concept of the political" (Williams, 2003: 515). In order to test this argument we shall first outline the basic premises of the two concepts.

Schmitt developed his concept of the political in two seminal works *Political Theology* (1922) and *The Concept of the Political* (1932). There, he makes a stark difference between *party politics* (politics in further text) and the *political*. While the former is the reflex of antagonisms of domestic parties, the latter is the reflex of antagonism with another state. *Politics* and the *political* exist in a relation of negative correlation. The more internal antagonisms are intensified, the weaker is the common identity of the state vis-ŕ-vis another state (Schmitt, 1996: 32). Schmitt's basic assumption about interstate relations is clearly a realist one. War is a real and ever-present possibility between states and derives from the everlasting pattern of human relations of friend and enemy.

War is neither the aim nor the purpose nor even the very content of the political. But as an ever-present possibility it is the leading presupposition that determines in a characteristic way human action and thinking, and thereby creates specifically *political* behavior (Schmitt, 1996: 34). This human condition creates the necessity for a singular, absolute, arbitrary and final decision that breaks with the existing order, identifies self and other along the friend/enemy axis and creates new political order *ex nihilo*. The moment when the enemy is identified in concrete clarity is therefore the highest and the most creative moment of pure life and is therefore comparable to a miracle in theology.

On the other side, ST was first conceived by Ole Waever in 1988 and was later developed by the CoS. It constituted a radical break from Traditional Security Studies by departing from the materialist assumption that security exists prior to words and that its aim is to prevent threats from being materialized. While the traditional studies' central concern is 'how we become more secure', ST asks instead 'how an issue becomes a security issue'. Inspired by the works of Wendt, Austin and Searle, ST is developed on the social-constructivist assumption that language exists prior to security and not *vice versa*.

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CARL SCHMITT AND COPENHAGEN SCHOOL OF SECURITY STUDIES Security is conceptualized as a speech act that takes an emergency issue beyond normal politics into an area of security thus justifying exceptional measures that wouldn't otherwise be acceptable. ST also introduces the reverse concept of desecuritization or unmaking of security. What then is security? With the help of language theory, we can regard 'security' as a speech act. In this sense, security is not of interest as a sign that refers to something more real; the utterance *itself* is the act. By saying it, something is done (Waever, 1995: 55).

Now that we have laid out the main tenets of the two approaches, we can proceed with the analysis of their similarities and differences.

Common Points

In order to read Securitization Theory through Schmittian lenses we first have to concede that Schmitt's distinction between (party) *politics* and the *political* corresponds to the ST distinction between *politics* and *security*. While the former pair in dichotomy (i.e. *politics* and *politics*) is in both cases a realm of regular rules of the game, the latter (i.e. *political* and *security*) is the realm of uncertainty, exception and voluntarism. In that respect Williams' claim is acceptable and can be developed with two additional points.

Firstly, both theories' constitutive concepts are devoid of any ontology: they are regarded as performative acts. In the work of Schmitt it is an act of decision on amity/enmity, while in Waever's theory it is a speech act that identifies threats, proclaims emergency action and demands exceptional measures. As Waever puts it: "In this approach, the meaning of the concept lies in its usage and is not something we can define according to what would be analytically or philosophically the best." (Buzan, Waever and de Wilde, 1998: 24). Similar is Schmitt's definition: "The political [...] does not describe its own substance but only the intensity of an association or dissociation of human beings." (Schmitt, 1996: 38). The second common idea is their inescapably similar narrative. It starts with an actor that identifies the threat and therefore gains the right to break the rules. In Schmitt's theory, the actor is a sovereign, the threat is a foreign enemy and the act of its identification is the exceptional decision that breaks the rule and creates a new *political* order. In ST, the actor is a securitizing actor, the identification of threat is a securitizing move that calls for emergency action and the outcome is a justification for breaking the rules. Without any doubt ST tends to retain traditional realist themes of security studies such as survival, existential threats, situation of maximum danger, potentially unlimited conflict, state power claiming extraordinary rights, etc. It packs them into a narrative that is almost identical to Schmitt's.

The conceptual similarity and narrative overlapping undeniably exist between the two theories. However, their basic epistemological premises and their conclusions are opposite.

Differences: epistemology, concepts and conclusions

Schmitt's basic premise is objectivistic and a realist one. Inspired by Hobbes, he states that war between nation states is an ever-present possibility. The *political* world is therefore a pluriverse not a universe (Schmitt, 1996: 53). He argues that if a people lose the energy to maintain itself in the sphere of the political, it will not vanish from the world, 'only the weakest people will disappear (Schmitt, 1996: 53). This human condition derives from amity/enmity which are neither metaphor nor symbol, but concrete and existential concepts (Schmitt, 1996: 27). In opposition, Waever is a social constructivist. His basic premise is that language shapes the reality and that ideas matter. Thus, security is no more an objective necessity for existence and survival of the self but is regarded as speech and an argument about the survival of the self.

The most illustrative example of this difference is a case of securitization in the environmental sector whose referent object is environment directly and human civilization indirectly. This generates the possibility of a security universe that is constituted by the existence of a global threat, such as global warming for example, and not by otherness, let alone enmity. Such a speech construction overcomes the Schmittian inevitability of a security pluriverse of political communities and actually represents an absolute contradiction of his friend/enemy concept. From a constructivist point of view Carl Schmitt and Copenhagen School Of Security Studies

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CARL SCHMITT AND COPENHAGEN SCHOOL OF SECURITY STUDIES similar arguments could be made for all other security sectors (Wendt, 2003).

An important conceptual difference concerns the relation of *politics* vis- \hat{r} -vis the *political/security*. As stressed above, Carl Schmitt makes a clear-cut qualitative distinction between the *political* and the rest of *politics*. *Politics* is identified with the liberal democratic and pluralist procedures of internal political negotiation and calculation. It is a nihilist realm that neutralizes the *political* domain which is a sphere of creation, existence, and meaning. Once the *political* is created it radically breaks with *politics*. On the other side, although it acknowledges the difference between the two, especially sharpened at the international level, ST argues that securitization is only a more extreme version of politicization.⁵

Another diverging point between the two theories concerns the question about who can securitize. For Schmitt the 'sovereign is he who decides upon the exception' (Schmitt, 1985: 5).

In contrast, Waever identifies a series of conditions for that. In order to succeed, a speech act has to follow the grammar of security, be spelled out by someone who holds the position of authority and has to refer to an existential threat that is generally held by the audience to be threatening (Buzan,, Waever and de Wilde, 1998: 23). ST introduces an audience as an active negotiator of security while in Schmitt's analysis it is a completely passive receiver of the exceptional sovereign decision.

Finally Schmitt and Waever come to diametrically opposite conclusions. For Schmitt since the world of politics is dangerous one in which "*homo homini lupus est*" the more *political* the better. The *political* is superior to *politics* and the exception is superior to the rule. It is a higher sphere of existence where political collectivities exit liberal automaticity, neutralization and nihilism and enter into the realm of real existence and political creativity.⁶ On the other side, in Waever's work security is completely de-mystified and de-aesthetized. From such a perspective since it implies necessity, exceptionality and voluntarism security gets to be perceived as anti-democratic. As a result, by introducing the communicative action and discursive ethics Waever considers security as a negative phenomenon and a failure to tackle an issue by choice, public debate

⁵ "Any public issue can be placed on the spectrum ranging from non-politicized [...] through politicized [...] to securitized..." (Buzan, Waever and de Wilde, 23.)

⁶ For discussion on the roots of Schmitt's anti-liberal political philosophy see: Wolin, R. and Scmitt, C. (1992) 'Conservative Revolutionary Habitus and Aesthetics of Horror' *Political theory*, 20 (3), pp. 424–447.

and negotiation (Williams, 2003: 523). Waever therefore proposes de-securitization, or the unmaking of security as an optimal long term option. Waever's ideal of *a-security* is actually what Schmitt repudiates the most - victory of order over exception, reason over will and *politics* over the *political*.

Conclusion

Reading Securitization Theory through the Manichean lenses of Carl Schmitt's political theory is only justified to a certain extent. The two theories do share similar themes and narratives but they nonetheless substantially diverge in terms of critical, conceptual and epistemological junctures, and in their opposite normative conclusions.

The distinction between friend and enemy, which is essential for Schmitt, is a possible but not an unavoidable dimension of security as a speech act. Threats do often but not always emerge from enemies. Inspired by Hobbes, Schmitt makes an objectivistic assumption about the intrinsic enmity of the political world. Securitization theory is clearly rooted in a radically opposite nominalist and social constructivist epistemology which assumes that social realities are constructed by language. Finally, the normative conclusions of the two theories are opposite. While for Schmitt the *political* is a realm of life and vitality, for ST it as a "failure to deal with issues as normal politics" (Buzan, Waever and de Wilde, 1998: 29). Taking into consideration everything said, it is difficult to agree with the assertion that ST is located at the intersection of Schmittian Realism and Social Constructivism. However, it can still be a link that will "foster an engaged dialogue and debate across analytic traditions" (Williams, 2003: 528).

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The concept of political and future of the Copenhagen School of Security Studies

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Abstract

The debate about the relationship between the Copenhagen School's securitisation theory and Carl Schmitt's theory of political reveals that there is an insatiable need for the question about the concept of political to be answered and for widely accepted judgment criteria to be in place in this fragmented society of modern times. Through a short overview of most important stages in the development of the concept of political, it demonstrates the justifiability, but also the dangers, of Schmitt's criticism of liberalism, and contributes to better understanding of the theoretical situation faced by the theoreticians of the Copenhagen School. Perceiving security as an intersubjective process creates, in the securitisation theory, a chance to understand the entire concept of political in a different light. However, for this chance to be brought to fruition, securitisation theory must eschew the dangers of profligate postmodernism, considering that, due to its undermining all the parameters, there is no justification for normative preference of the desecuritisation process over any securitisation process.

Key words: securitisation theory, the concept of political, Aristotle, Hobbes, liberalism, Schmitt, decisionism, intersubjectivity, topica

* * *

All political action aims at either preservation or change. When desiring to preserve, we wish to prevent a change to the worse; when desiring to change, we wish to bring about some-

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¹ Ole Waever, "The Ten Works," *Tidsskriftet Politik*, Vol.7:4 (2004), citiran u Rita Taureck, *Securitisation Theory- The Story So Far (Part one): Theoretical inheritance and what it means to be a post-structural realist*, Paper presented at the annual meeting of the International Studies Association, Town & Country Resort and Convention Center, San Diego, California, USA, Mar 22, 2006, 13. thing better. All political action is then guided by some thought of better and worse. But thought of better or worse implies thought of good (Strauss, 1998: 10).

Securitisation theory is what most obviously sets apart the Copenhagen School of Security from other theoretical approaches in this discipline. One of the theoretically most demanding among numerous debates provoked by the securitisation theory is debate about the relationship between this theory and Carl Schmitt's theory of political. The topic was started by Michael Williams Williams, 2003: 511-531) who maintained that, through understanding similarities and differences between these two theories, wholesome answers can be offered to some of the criticisms put forward against the securitisation theory and the Copenhagen School in general. Although he reported that he was not very familiar with Schmitt's work at the time when he formulated the securitisation theory, i.e. when he was a postgraduate student, Ole Waever himself admitted that the two theories obviously overlap¹. Accordingly, although the relationship between the two theories is being discussed when the impacts on securitisation theory is addressed (Taureck, 2006: 13-17), science is not consistent with regard to whether the links that were observed are relevant for understanding either of the theories and whether those similarities are fortuitous and external to both Schmitt's and Waever's train of thought.

In this paper I will stay away from the question about the existence of direct correlation between Schmitt's and Waever's theory. between the thematic pairs: politics/political and politics/security. I will try to preserve the meaningfulness and productivity of comparing them by starting from the presumption that there exists a general meaning of the concept of political and a general meaning of the concept of security to which all theories about politics and, in point of fact, all political actions, relate, whether in full awareness or not. This text is essentialist, as it would be called pejoratively today, considering that it starts from the presumption that there exists the truth of the very political matter, against which political opinions are weighed up, even though, due to human finality, it might happen that neither of them arrives at that truth. "If we are not able to tell which of the two mountain peaks hidden in the clouds is higher, can't we at least tell that the mountain is higher than the molehill?" (Strauss, 1988: 23)



The scope of the theme started in this way means that the text below will only be a sketch of a more exhaustive paper that the theme demands. In the first part I will very briefly describe the development of the concept of political that Karl Schmitt encountered at the time of writing his most influential works, between two World Wars. In the second part I will show well-foundedness of Schmitt's criticism of liberalism, but also the dangers of his decisionism. Finally, in the third part, I will show how the framework demarcated by the debates about the concept of political offers signposts to further development of the securitisation theory.

Classic concept of political and its change

We can understand a text only when we have understood the question to which it is an answer.² In his two most influential texts, Schmitt announced these questions with the clarity so typical for him – in "The Concept of the Political" he asked what is political, and in "Political Theory" he asked who is sovereign.

Classic answer to the question about the concept of political was given by Aristotle when he said: ...if all communities aim at some good, the state or political community, which is the highest of all, and which embraces all the rest, aims at good in a greater degree than any other, and at the highest good" (Aristotel, 2003: 1252a). A man is by nature a state-creating being considering that man is the only animal whom she has endowed with the gift of speech. ... the power of speech is intended to set forth the expedient and inexpedient, and therefore likewise the just and the unjust. And it is a characteristic of man that he alone has any sense of good and evil, of just and unjust (Aristotel, 2003: 1253). That is why a man is the only human being whose purpose, the specific good of human way of life, is not instinctively preordained; rather, he must find it himself, through co-operation with his equals in the polis. Judicious manner of this co-operation is the debate at Agora.

The debate at Agora gives rise to political philosophy in such a way that it dialectically adds to the opinions expressed at Agora. Dialectic conclusions are formally equal to apodictic conclusions that are related to absolutely certain things. However, considering that dialectic conclusions relate to the practice that ,,may be different" (Aristotel, 1970: 1138a), they need topica, which is a skill

² This approach was explained by Collingwood and Gadamer, with significant differences. See in Kolingvud, R. (2003) *Ideja istorije*. Beograd: Službeni list SCG i Gadamer, H. G. (1978) *Istina i Metoda*. Sarajevo: Veselin Masleša.

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that is used to find suitable hypotheses for making a conclusion. Suitable hypotheses for dialectic conclusion making are here deemed to be the viewpoints that seem truthful to all people, or most of them, or wise ones, and among the latter, to most of them or to those most widely known or reputed. Topica consists of topoi-catalogues which list general and well-established viewpoints among which a political philosopher needs to know how to choose the right one to start valid conclusion-making. He also needs to reassure his interlocutor about the justifiability of his choice. In this way, political philosophy can reach the truth of all polises and the truth of each polis, but at the same time it always remains connected with the political practice from which it starts and to which it constantly dialogically returns.

This understanding of political was founded on strong substantive unity of the Greek polis. This substantive unity was far from uniformity and homogeneity, but the gods were doubtlessly shared. This was what the most famous trial of the times of Ancient Greece taught us – the trial of Socrates³.

When, within a political community, there appeared irreconcilable disputes among the followers of different gods, or, more precisely, different religions, Thomas Hobbes announced that the Aristotle's concept of political had drawn to an end. Fully aware what was the matter he intended to sort out, Hobbes wrote:

"For it is evident to the meanest capacity, that mens actions are derived from the opinions they have of the Good, or Evill, which from those actions redound unto themselves; and consequently, men that are once possessed of an opinion, that their obedience to the Soveraign Power, will bee more hurtfull to them, than their disobedience, will disobey the Laws, and thereby overthrow the Common-wealth, and introduce confusion, and Civill war; for the avoiding whereof, all Civill Government was ordained" ⁴

In order to avoid the restitution of the state of nature which is war of all against all, it is necessary that people once and irrevocably give up their natural right to judge good and evil. "To enjoy a naive freedom" is possible only if the exclusive right of making decisions on this matter is entrusted to a sovereign, whether one man or an assembly of men. *Autoritas non veritas facit legem*,

³ More about role of religion in Ancient Greece se in Kulanž, F. (1956) Antička država. Beograd: Prosveta.

⁴ Thomas Hobbes, "Leviathan or the Matter, Form, and Power of a Common-wealth Ecclesiastical and Civil, Chapter XLII, Online Edition," <u>http://www. gutenberg.org/dirs/etext02/lvthn</u> <u>10.txt [accessed 28 Junuary</u> 2009].



since the sovereign's decision is no longer founded on dialectic truthfulness of political practice, but rather on the rational conclusion of isolated individuals that such order is better than anarchy. Now political philosophy is no more here to learn the truth of political, the truth about good; rather, it is here to explain the conditions for conclusion of the original contract.

According to the terms of this contract, the sovereign is under obligation to protect the lives of contractual parties at all times. Should this require that the sovereign kills a citizen, or that a citizen sacrifices his life for the sovereign, such citizen would be fully entitled to renounce his loyalty to the contract and to go up against the sovereign.⁵ Natural right of the individual remains forever ontologically prior to the sovereign's power. With this, Hobbes became the originator of modern liberal state. He established the division on the sphere of sovereignty in which it is decided about good, i.e. legal order, and on the sphere free from sovereignty, in which individuals enjoy their autonomy (Nojman, 2002: 23). The entire subsequent development of liberal thought will be devoted to the extension of the scope of this autonomy and designing of different obstacles to the expansion of the sphere of sovereignty in the circumstances of relatively durable order that is now increasingly taken for granted.

This trend continues with liberal writers through the theory of division of power among three branches and the idea of the rule of law. In Schmitt's time, liberal way of thinking was most apparently manifest in the legal positivism of Hans Kelsen who detached the rule of law from its metaphysical base in natural law and developed the theory of unique order of legal norms as the only "sovereign" that should still exist (Kelsen, 2001: 255-296). Hobbes' Leviathan, the God on earth who holds a sword in one hand and sceptre in the other should now be deemed to be a face-less constitution.

Schmitt's theory of sovereignty and political

Schmitt, with his questions about the sovereign and the concept of political, rose against such developments . In the instability of Weimar Republic that was torn by the rebellions of communists and right extremists, Schmitt recognised the consequences of liberal "undecisiable" (*Entschlussunfähigkeit*). "All agree that, when disagreements appear in a state, each party nat-

⁵ Cf. Hobbes, T. "Chapter XXI Of The Liberty of Subjects." Online Edition.

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urally wants only that which is generally the best– that is what *bellum omnium contra omnes* is all about – but that sovereignty, and therefore the state, is about determining on such dispute..." (Schmitt, 2001: 93), liberalism is being suppressed by the theory of immanence of general and neutral legal norms. Schmitt disperses the attempt to plant law in the place of politics by theoret-ically postulating a state of emergency in which it becomes clear that, between legal order and chaos, there can be only the order that is established by the decision. This order is not legal in terms of norms, but it is the order considering that it differs from anarchy (Schmitt, 2001: 94).

Liberalism attempted to norm the state of emergency by the regulations that govern when and what members of the constitution may be suspended, who can suspend them, to what period, and upon whose approval. With all this ,, can set sovereignty issue a significant step back " (Schmitt, 2001: 94) wrote Schmitt, but it cannot eliminate the moment of sovereign decision. When administering the law, a judge can never directly sum up legal norms for an individual case; he must rather hermeneutically make associations interpreting both the case in question and the meaning of legal norm. Likewise, legal order can never successfully predict all the particulars of the situation in which the need for its suspension will appear. Legal order cannot suspend itself, unless we are to believe baron Munchausen that he managed to get out of a swamp, while on horseback, by pulling himself up by his own hair (Đinđić, 1988). That is why a genuinely emergency situation, which needs to be clearly distinguished from some individual ordinance out of necessity, involves the "authorisation which is principally unlimited, i.e. suspension of the overall existing order" (Schmitt, 2001: 94), and this implies that there exists a sovereign. The norm is founded on the decision, the legal is founded on the political.

Political means making a distinction between a friend and a foe, since making this distinction implies valid decision (Schmitt, 2001: 19). And this decision is necessary because a man is not a naive being and, therefore, he is a being who needs to be ruled. In order to avoid chaos in which everybody, on his own or in a fortuitous group, judges good, there appears a sovereignty sphere which is exclusively entitled to judge good, to judge valid public order. Why, then, did Schmitt so fiercely insist on detachment of political from the morals, when the significance of political is to

offer a publicly valid answer to an eminently moral question – the question about good?

Schmitt insisted on this because it seemed to him that the maxim: veritas non autoritas facit legem is exclusively liberal. As Karl Levitt wrote, he overlooked ...that there existed a type of political speech and counter-speech other than so-called debate; namely, in the public political community of Greek polis and in the Plato's dialogue" (Levit, 2001: 130). Writing against "neutralisation and depolitisation" (Schmitt, 2001: 58-67) of modern era, Schmitt tacitly accepted the first modern neutralisation which, in the field of political, was made by Hobbes. Schmitt acknowledged that good cannot be known and that, therefore, animosity can be the only outcome of human intention to distinguish between good and evil. It is exactly because of this that liberal concept of political became neutral and it is exactly because of this that Schmitt's distinguishing between a friend and a foe must remain free from any ethical stronghold and, consequently, remain merely existential. Neither of these cases allows the possibility, known by the classic concept of political, for a man, thanks to its ethical qualities, to discover a judicious political community, the one that is established on the true insight into good and just.

If people cannot reach agreement about these issues, then the sovereign's decision is detached from ethics and every "abstraction" and, as such, "is literally absolute" (Schmitt, 2001: 94). Once again, *autoritas non veritas facit legem*. Let's use Schmitt's example, if asked the question: Christ or Varava, liberalism can only demand more time and establishment of an investigation commission (Schmitt, 2001: 120). Schmitt's theory will decisively choose, but it will not be able to state any reasons for choosing the Son of God, or the villain (Schmitt, 2001: 31). Quite to the contrary, if people are given opportunity to reach agreement about general good, then Schmitt is right again, this time in respect of the fact that this agreement implies a decision and not a neutral legal norm, but it makes a mistake of not realising that this decision is really a dialectical judgment based on the better reason (Henis, 1983: 126).

It is not a mere chance that Schmitt did not see the possibility of establishing a judicious political community and that he entirely detached decision from ethical, since it is like that that he assumed the deepest misconception of modern era – the misconception about the non-judiciousness of practice.

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In contemporary times, this misconception is being radicalised anew. Acknowledging that we live in a post-modern condition, Jean-François Lyotard (Liotar, 1988) accepted modern scepticism over practical wisdom, but he still rejected both the truthfulness of natural-scientific knowledge and the natural-scientific method oriented knowledge about human matters on which moderna, mistakenly, hoped to build a judicious joint life of men.

The question is whether Lyotard's world, in which there exist only micro-narratives and nothing that would interconnect them and make them mutually measurable, is only a sociological description or is it philosophic truth? If the former is the case, the task of philosophy is to find a theory of truth that can apply solely to the contemporariness and remove postmodern condition. If the latter is the case, then we live in the world which the judiciousness has completely abandoned and, indeed, only absolute, connected to nothing, decisions can be made about good, the ones that, in principal, can imply both human rights and Nazism.

Securitisation, intersubjectivity, and the concept of political

Securitisation theory begins its research with issues of a much lesser scope. How to acknowledge the reality that security can be threatened by non-military threats too, and still retain a criterion for distinguishing between security and non-security issues?⁶ By intersubjectively reading security as a linguistic act, securitisation theory goes beyond the framework of this ineffective debate between the traditionalists and expansionists, as well as that between subjective and objective definition of security.

"Security results from the move that takes the politics out of the established rules of the game and treats an issue as an issue of a specific type of politics or as an issue which is outside normal politics" (Buzan, Waever and de Wilde, 1998: 23). The Copenhagen School theoreticians call the move by which this is attempted the securitisation move. It consists of the discourse about threats, survival and emergency measures. Securitisation process is successful if the audience accepts such discourse and approves the introduction of emergency measures. To that extent, the concept of security continues the tradition of the *raison d'etat* theory which in the contemporariness is no longer politically convincing (Waever, 2003: 10).

⁶ Compare with Waever, O. (2003) "Securitisation: Taking stock of a research programme in Security Studies", unpublished draft, 8; i Barry Buzan, Ole Waever and Jap de Wilde (1998) *Security: a New Framework for Analysis.* Boulder, Colorado: Lynne Rienner, 1–45.



Normative viewpoint of the Copenhagen School theoreticians is contrary to the opinion of most security theoreticians – traditional and alternative-criticising – which assume that security is something that is positive and desirable. Securitisation theory believes that, through securitisation discourse, security "threat" leads to the failure of normal politics and that for that reason successful securitisation should be deemed negative. That is why Buzan, Waever and their associates recommend a reverse process, desecuritisation, as a road to a-security, i.e. the condition in which any threats can be dealt with through regular politics.

It was in the debate about moral-political result of the theoretical contemplation of societal sector securitisation that it became particularly clear that in the Copenhagen School they do not see their theory as a politically neutral analytical tool that is unattached to the discursive processes of securitisation. Quite to the contrary, the role of theory is to help the desecuritisation processes, whenever possible, by deconstructing the securitisation discourses. Being a constructive theory, it cannot be desecuritised by talking about genuine and false security, but it can ask whether it is "a good idea to make an issue a security issue - to put it on agenda of panic politics - and can an issue be better resolved through normal politics" (Buzan, Waever and de Wilde, 1998: 34). Antiesentialist Derridian⁷ epistemology that is used by the Copenhagen School, though, cannot remain attached solely to the security field: it also eliminates any criterion for making a choice between two kinds of politics and, therefore, sets equal value on security and insecurity and a-security.

If normative viewpoint of theoreticians is to be anything but a private, unbinding opinion, the Copenhagen School must put the essential question about the character of *normal politics* in which all issues should stay. We have seen that issues returning to the politics defined by neutral liberal legal order inevitably result in the paradox that Schmitt elucidated. That's why the Copenhagen School must elaborate its own answer to the question about the concept of political. Although aware of sharp debatability of the answers offered to this radical question, the authors of the Copenhagen School explicitly refuse to give an answer to that question and to devote to it the systematic significance it requires. Instead, it is only when considering the political sector that they write that, with regard to the question about what is politics, they strive to ,,establish a compromise or consensual view which will CARL SCHMITT AND COPENHAGEN SCHOOL OF SECURITY STUDIES

⁷ Waever cites Derrida's thought as being among those that have influenced him most in intellectual terms; An exhaustive list of authors who, in Waever's selfunderstanding, have influenced him. See in Waever, O. "The Ten Works," here quoted in Taureck, "Securitisation Theory- The Story So Far (Part one): Theoretical inheritance and what it means to be a post-structural realist." 4.

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correspond to that which is generally taken as the meaning of the term" (Buzan, Waever and de Wilde, 1998: 162).

Waever defined a politicised issue as an issue that is "a part of public politics, requiring the Government's decision and allocation of resources, or some other kind of joint governance" (Buzan, Waever and de Wilde, 1998: 23). It seems that some of the wording suggest that *normal politics* actually means liberal concept of politics as a legally regulated activity: "Ideally, politics should unroll according to routine procedures" (Buzan, Waever and de Wilde, 1998: 29).

Then again, it is obvious that Waever saw politics – as well as security – intersubjectively, considering that only in a political sphere an issue can gain the status of a security issue (Buzan, Waever and de Wilde, 1998: 30). If politics ,,is ultimately neither with object nor subjects, but rather *between* subjects" (Buzan, Waever and de Wilde, 1998: 31), as the authors of the Copenhagen School paraphrased Hannah Arendt, it is then clear that politics cannot be understood only as a competition for division of power between subjects; rather, it must also include the establishment of subjects in the process of mutual communication.

This can still mean two different things: that politics is a classically perceived practice of free and equal citizens, with the criteria for establishing consensus about general good, or that politics is postmodern battle for discursive meanings fixing, in which nothing can any longer purport to acquire the status of general truth.

Whether they define normal politics liberally, as regulated by general norms, or see it as a struggle to fix the constantly eluding meanings in the wake of Derrida's philosophy, the theoreticians of securitisation must in the end acquiesce to Schmitt's decisionism. Inability to take the required decisions leaves a vacuum which is then filled with Schmittian decisionism, regardless whether liberals admit this or not. Antiessentialism undermines all the criteria and, the same as Schmitt, leaves the decision to fortuity. The difference is that in Schmitt's case this decision is made by a personalised sovereign, and, in the case of antieesentialists, it is the subject matter of fortuitous power relations in a society.

If, however, politics is seen as practice in the traditional meaning of that word, then, in the context of the need for general revitalisation of practical philosophy, securitisation studies are well on the way to making a significant breakthrough and systematic

significance of securitisation studies is to show the possibility of modern topica of one of the fields of human issues, namely – the field of security. *New Framework for Analysis* and case studies that were prepared on the basis thereof should then be understood as a topoi-catalogue of security issues which could help the political community dialogic practice make more judicious conclusions about whether it is desirable to see something as an existential matter or not.

Similarly, Williams too noted that potential of the Copenhagen School was not clearly developed. He wrote: "understanding of securitisation as a linguistic act places this act within the framework of communicative action and legitimacy that are connected with the ethics of a discourse that is attempting to avoid the dangers of decisionist understanding of security" (Williams, 2003: 522). Ole Waever thought it interesting that Williams suggested that securitisation theory should be further developed in the wake of Habermas's philosophy which searches for the groundwork to overcome the sociologically understood "postmodern condition" in generally accepted requirements of the validity of language (Waever, 2003: 25).

The same as liberal neutral politics does not necessarily result in the nonsense of consumerism, Schmitt's free-floating decisionism does not necessarily result in totalitarism. However, just the same as liberalism does not offer a single systematic reason not to turn joint life of men into production and consumption, empty decisionism too does not offer a single systematic reason not to decide on totalitarism. If, when judging security, we want to avoid the dangers of both the indecisiveness and empty decisiveness, then we must have in place generally applicable criteria of judgment in a fragmented contemporary society, as well as a suitable concept of political. Further development of securitisation theory in the direction of the tradition of Neo-Aristotelian practical philosophy, or in the direction of Habermas's conception of deliberative democracy, maintains hope that these tasks are achievable.

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CARL SCHMITT AND COPENHAGEN SCHOOL

OF SECURITY STUDIES

Societal security – security and identity

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Category: Review Article

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Abstract

This paper presents the concept of societal security as perceived in the approach of the Copenhagen School of Security Studies, as well as the main criticism of the concept. Contrary to the traditional approach, the approach advocated by members of the Copenhagen School does not only focus on military threat; here the account is taken of a wider concept of security (military, political, economic, environmental, and societal sector). Societal security is an important element of this concept and collective identity appears as a reference object within it. The identity of community, rather than the sovereignty of state, is the value that is protected in this case. Identity is often interpreted as a source of conflicts, or their outcome. The theoreticians of the Copenhagen School are developing an analytical framework for understanding this interrelation between identity and security.

Key words: Copenhagen school, securitisation, societal security, identity

1. Introduction

When we talk about security we often assume that we very well know what security is. We use it as a word whose meaning is generally known and we do not think twice before entering a debate about it. Many theoreticians of international studies and security studies attempted to define the main meaning of the term "security".¹ Globalisation has in itself opened a very important debate among the theoreticians of international relations about whether security studies should focus on military threats to the security of states, or are they to broaden the very concept of security. In this paper I will try to show how the essential meaning of

¹ It is very difficult to reliably and accurately determine the meaning of the concept of security. No meaning of the word has been generally accepted and no definition is in place. For different theoreticians' definitions of security, see: Simić, D. (2002) Nauka o bezbednosti-savremeni pristupi bezbednosti . Beograd: Službeni list SRJ.

security changes depending on the reference object to which it relates, i.e. depending on whose security and what values are being protected.

The goal of this paper is to point out a new perception of security, and to study and present the societal sector as one of the five main sectors addressed by the theoreticians of the Copenhagen School (military, political, economic, environmental, and societal sector). My goal is to give my contribution to the debate that has been ongoing ever since the 1990s and to portray the significance of identity in the societal sector of security as it is addressed by the representatives of this School, but also to put forward main criticisms they receive. The paper consists of three parts: the first part deals with new perception of security and the concept of security broadening and deepening; the second part presents the perception of national identity as one of the societal sector reference objects; and the third part is an overview of the main arguments put forward against Copenhagen school and its approach to societal sector.

2. Theoretical framework

2.1. New perception of security in the approach of Copenhagen School

In the 1990s, a group of theoreticians that were gathered around the Copenhagen Peace Research Institute (COPRI), through the theory of securitisation, the concept of security sectors, and the regional security complex theory, revealed a new direction in security studies. The concept of security sectors meant that the concept of security is broadened to include not only military, but also political, economic, societal, and environmental aspects. The end of the Cold War and the end of conflict between two superpowers had left behind a vacuum which was then filled with previously neglected and marginalized issues, which led to a new approach in the security studies. As opposed to the traditional approach, which mostly focus on military threats originating from other states, the new approach involves a broader concept of security.

To make it easier to recognise the actors and reference objects of security, the levels of analysis as the analysis objects are being introduced. The five main levels of analysis that are most often mentioned are: international system, international subsystem, unit, subunit, and the individual (Buzan, Waever and de Wilde, 1998: 6). The sectors denoting specific logic and the type of interaction between the units are used as the main analytical instrument. For these purposes, military sector relates to power relations, political sector to authority relations, and economic sector to economic relations, environmental to the relation between man and nature, and societal to the relations between social groups. Surely, all these sectors overlap and affect each other. Considering that in real life most security issues involve a combination of several security sectors, they are strictly separated only for analytical purposes.

2.2. Societal security and national identity as reference object

Security is no longer perceived only as military security of the state. Different reference objects, economy, environmental protection, or military relations, can become subjects to the securitisation process in which socially and politically effective linguistic act of denoting an issue as security moves such issue away from the area of daily politics and identifies it as an existential threat that requires and justifies special measures (Buzan, Waever and de Wilde, 1998). Societal security is maybe the most extensively discussed segment of this new concept. In this case, reference object of security is not the state as a government or a territorial entity, but rather as a collective identity. In this sense, security of a society may be compromised by anything that compromises our identity.

"Societal security relates to the capability of a society to preserve its essential characteristics in the face of variable circumstances and despite the potential or actual threats" (Hough, 2004: 106). This security is compromised when a community perceives a threat as a threat to its identity. Identity is defined as a set of ideas and practices that identifies particular individuals as members of a social group. Nations are abstract, imaginary communities, and national identity is the most important reference object of the societal security (Anderson, 1991).

What do we actually mean when we say 'national identity'? National identity involves some sense of political community, common institutions and a single code of rights and duties for all members of the community. It also suggests a definite social space

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and demarcated and bounded territory, with which the members of the community identify, i.e. feel that they belong to it. Anthony Smith defines nation as a community of people obeying the same rules and institutions within a given territory (Smith, 1991: 9). He mentions two conceptions of the nation: the ethnic one and the Western, or civic model of nation, which is predominantly spatial or territorial conception. According to the Western view, nations must possess compact, well-defined territories. But the territory in question cannot be just anywhere; it must be the 'historic' land, the 'homeland', the 'cradle of our people. This 'cradle' is a repository of historic memories and associations, the place where 'our' sages and heroes lived and fought. It is unique and as such it is an essential element of our collective identity. The historic territory, legal-political community, legal-political equality of the members of community and common civic culture and ideology - all these are the components of classical Western model of nation and important building blocks of national identity. Smith lists the main characteristics of national identity that unify and consolidate it: historic land, i.e. homeland, common myths and historic memories, common culture, common rights and duties for all members of the community, and common economy with territorial mobility for all members (Smith, 1991: 9).

2.3. Kinds of threats to national identity

This multitude of interconnected and interweaved elements suggests exceptional complexity of the national identity as such and, consequently, complexity of possible threats to the identity. These threats can be horizontal competition, such as migrations, or vertical competitions, such as integrations and secessions.

Threats to national identity are differently perceived in the Western and in the Eastern Europe. Due to European integrations, a major part of state power has now been shifted to the level of the European Union. This made nations even more vulnerable. If a national group feels threatened because of immigrations, foreign ideas or products, it might demand that the state helps and do something. In some measure, this situation is nowadays more complicated. Today, the state is not able to respond to many demands from the national groups since it no longer has control over these issues. In the Eastern Europe, many conflicts are associated with the borders or minorities related issues. After the fall of the Berlin Wall and appearance of new security problems in the East, Western Europe decided to speed up the integration process to ensure that Europe maintains its unity. However, many peoples at the West started to reconsider the very idea of the integration project, justifying it by protection of national identity. They began to perceive the integrations as a threat to their national identity, and protection of that identity they now see as the central security issue, as a matter of survival. That is when it gains priority over other issues.

While the state and the nation are separated in the West, in the East of Europe they are a predominant ethnic concept of the nation, within which there exists interconnection between the nation and the state. In this concept, the ideal is that every nation possesses its own state and every state is occupied by a single nation.² This traditionally causes conflicts and problems with secessionism – they arise as a consequence of proclaimed rights to the same territory, or for conflicts related to borders or minority issues.

The importance of the concept of societal security and identity as a reference object is also apparent on the specific example of the Kosovo issue securitisation. Declaration of the independence of Kosovo and Metohija and acquiring of internationally recognised sovereignty was perceived by the Serbian elite as the greatest security of Serbia. At issue here is the societal security, and the actual reference object within it is the identity of Serbia as a political community. In his address at the emergency session of the UN Security Council that was held after the southern Serbian province declared independence, President Tadić reminded that it was in Kosovo that Serbian state was incepted and that Kosovo constitutes the crux of Serbian identity. Unilateral act of declaring independence is seen as violent seizure of the identity, tradition, and history.³ Moreover, main reference objects are no longer only the sovereignty and territorial integrity of Serbia as the state, but also the identity of Serbian community.

Societal insecurity exists when communities of any kind identify a threat to their survival as a community (Waever, 2008: 582). Although in the today's Europe these groups are prevailingly national, in other regions the religious or racial groups are equally relevant (Waever, 2008: 583). In this direction, Waever highlights the candidates for additional sectors, such as gender or reliCARL SCHMITT AND COPENHAGEN SCHOOL OF SECURITY STUDIES

² Barry Buzan puts special emphasis on the difference between the state-nation and the nation-state. The former means that the state was created before the nation which was, in a certain sense, constructed by the state. Contrary to such perception is the perception of classic national states, in which the creation of nation precedes the creation of state.

³ Republic of Serbia Ministry of Foreign Affairs, President Tadić's address at the UN Security Council emergency session, http://www.mfa.gov.yu/Srpski/sp opol/Prioriteti/KIM/tadic180208 s.html [accessed 25 May 2009].



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gion (Waever, 2008: 587). Gender and religion have particularly accentuated and specific characteristics, and distinctive dynamics; they can therefore be defined as separate sectors. On the other hand, gender and religion can be seen as the factors giving special dynamics to the societal sector; that is why Waever mentions them as proto-sectors of societal sector (Waever, 2008: 587).

Religious communities, as self-sufficient groups, can be referent objects of societal security. It is important to distinguish between the religious security as the defence of faith and as the defence of religious community. Taking of security measures for religious purposes suggests that there exists a threat, not for the community but rather for the religion as such.⁴ In the same way, the securitisation is used not only of the community and its identity, but of the defence of the religion as such. Waever maintains that studying of the societal sector's dynamics would reduce religion to a religious community, which would exclude its essential transcendental element. Special dynamics are associated with the religion; that is what makes it a proto-sector and probably the strongest candidate for additional sector. Nevertheless, in the event of religious conflicts, religious security is predominantly societal security; this is the reason why religion is still usually seen as a part of societal sector.

Gender is the second example of a community that is in a special relationship with the societal sector with which it is connected in a special and indirect way. The securitisation of gender issues usually appears when traditional perception of sexuality is replaced by the acceptance of other forms of sexuality. In the conventional societal sense, gender becomes a reference object when a gender group feels threatened, such as in the case of feminists who perceive men as a collective threat (Waever, 2008: 589). In the case of homosexuality, securitisation unrolls in both directions. The society sees homosexuals and homosexuality as a threat, but homosexuals too feel threatened as a group.⁵

3. Criticism of the concept of societal security

Views expressed by the Copenhagen School theoreticians provoked a sharp response from Bill McSweeney, and the argument quickly grew into a fruitful debate (Mc Sweeney, 1996: 81-83). These theoreticians raised a number of important questions about the future of the security studies as such. The very debate takes

⁴ An example of such security action were suicide bombings.

⁵ Homosexual marriages are ussually securitizated as a treat to the family, and feminism as a treat to traditional lifestile and traditional values.

place between the constructivist and non-constructivist position, considering that both parties maintain that they take a constructivist view (Buzan and Waever, 1997: 241-50). The debate is conducted about different views on identity construction and on how to define the reference objects of societal security.

The core of McSweeney's criticism is the reading of identity which, in his opinion, is too objectivist, i.e. is not sufficiently constructivist in the case of the Copenhagen School theoreticians. Moreover, he criticised Buzan's analyses presented in the book *People, States and Fear*, as well as this approach.

Identity, as opposed to state, does not have empirical base to lean on in the construction process. It can be seen as an act or a structure, depending on the requirements of the analysis. As an act, identity relates to the ability of individuals to uphold the narrative about them as a 'collective self'. As a structure, identity relates to the story from which the individuals attempt to build the identity (McSweeney, 1998: 137). Identity is always a narration, an active process taken by some individuals that can be understood only as a *process* and by no way as an *object*. It is more or less variable, it is a resource through which the actors identify. McSweeney believes that national identity cannot be taken as an objective fact and thus studied its implications to conflicts or security.

On one hand, McSweeney maintains that views taken by the Copenhagen School are not sufficiently constructivist and accept an objectivist reading of identity and dynamics of the societal security per se. On the other hand, he also argues that the concept of societal security is overly subjectivist and opposes the adoption of this concept in favour of objective position of the traditional concept of security. The expansion of security threats per se, in this opinion, threatens to pull out the security agenda into a politically dangerous direction. It is precisely because of the particular security of particular population, e.g. migrants, that he advocates the idea that these issues should remain outside the security agenda. Attempts to expand the security can be politically dangerous. From the perspective of traditional security, the state would intervene and promote objective security for the society.⁶

Ole Waever and Beri Buzan, on the other hand, respond to this criticism and argue that that they theory is exceptionally constructivist. They have noted that the issues such as nationalism, ethnic conflicts, or migrations are not represented in the classic



⁶ The paradox is that it was Bill McSweeney, the sharpest critic of the Copenhagen School, who gave this School the name by which it became globally known.

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CARL SCHMITT AND COPENHAGEN SCHOOL OF SECURITY STUDIES theory of security since they could not have been presented in the classic state-centric theory. Instead of to merge the identity and the nationalism, or treat the nation as a state, they have reviewed the classic concept of security in such a way that they have retained some old postulates and introduced some new ones. They have attempted to demonstrate that social communities defined in terms of identity can become a reference object in some events of securitisation in which the value that is being protected is not the sovereignty of state but rather the identity of community.

Major significance of McSweeney's criticism is that he has highlighted a strictly objectivist view of identity. In his opinion, there are some constructs, such as identity, and there are actual objects, such as the state or security. Identity is especially variable and cannot be treated as an object. Buzan and Waever defended themselves saving that their overall approach to the society is constructivist, but they also maintain that identity, the same as other social constructs, can become relatively constant elements. They actually believe that the entire security was constructed. The problems are not inherently the security problems but they become such as a result of political processes. McSweeney believes that the identity is not a factual situation of a society; it is rather a process of negation between people and interest groups. He sees identity as being inconstant and unstable, while Buzan and Waever agree that identity is a social construct, but they maintain that, for the most part, it is quite solid.

4. Conclusion

After the Cold War there appeared a new, more complex, model of security of states, nations, environment, and individuals. This approach considerably diverges from the traditionalist narrow concept considering that, besides putting stress on non-military issues, it maintains that something can become security issue even if it is no threat for the state. We can deduce that the state is no longer the only and exclusive reference object of security. Security can no longer be traditionally identified with military security or the use of force. Different non-traditional phenomena, such as migrations or challenges to cultural identity, can contribute to the securitisation of identity. Particularly interesting is



the concept of societal security whose reference object is the identity of a social group.

This new approach to security issues started an extensive debate in which a special accent was placed on societal security and identity issues. Fundamental criticism of the concept of societal security was put forward by Bill McSweeney who challenged the Copenhagen School's theoreticians with regard to their perception of identity as a social fact. He maintained that any identity, national identity included, is only a construct and not a real, solid fact. That is exactly where he finds fault with the Copenhagen school theoreticians who give the identity, as an important reference object of security, the central position in the societal sector.

Regardless whether we deem identity to be objective or constructed, there doubtlessly exists a specific type of security which is neither social security nor a body of threats within a society. Social security is something that concerns individuals and its nature is prevailingly economic, whilst societal security relates to the collectivities, their identities, and actions taken with the aim to protect such identities. We can also note that identity is often interpreted as a source of conflicts, or their outcome. Although identity is not the only source of conflicts, it is surely an analytical category that is very useful for understanding some of them. If it is a known fact that migrations, secessions, or integrations are repeatedly mentioned as the threats to security, then we need a suitable analytical instrument to understand these problems. And it was in the societal sector and the identity as reference object that theoreticians of the Copenhagen School discovered this instrument for us.

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Understanding transnational organized crime as a Security threat and Security Theories

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Abstract

Transnational organized crime can be explained as a phenomenon that jeopardizes a country's identity, which includes its form of government, its policies and the way it is perceived by other states in the sphere of international relations. After the end of the Cold War and under the influence of new social trends, transnational organized crime has more than ever come to present a serious security threat. It is in this period that the concept of "security" emerges in security studies. No longer understood solely in the "manner" of realism, security is understood at a different, one could say higher level. In addition to the state, society is also perceived as a reference object of security. This is what gives rise to the discussion of the notion of transnational organized crime as a security threat to a state. This work will discuss the perception of transnational crime, as well as the securitization of the abovementioned phenomenon. When defining transnational organized crime, we will use the United Nations Convention against Organized Crime.

Key words: transnational organized crime, security threat, realism, social constructivism, securitization

Introduction

"Theories are indispensable tools we use to organize facts" (Nye, 1997: 9) "We need theories to make sense of the blizzard of information that bombards us daily" (Walt, 1998: 29)

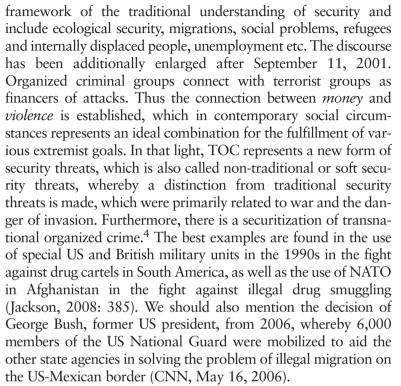
> ¹ For more information on organized crime in the United States of America at the end of the 19th and the beginning of the 20th centuries see: Critchley, D. (2009) The Origin of Organized Crime in America: The New York City Mafia, 1891-1931. New York. London: Routledge. For more information on the Sicilian mafia see: Dickie, J. (2004) Cosa Nostra: A History of the Sicilian Mafia, New York, Hampshire: Palgrave Macmillan.

² In support of the thesis that organized crime at the end of the Cold War presents a more serious threat than ever see: Allum, F. and Sieer, R. (ed.) (2003) Organized Crime and the Challenge to Democracy, London, New York: Routledge; Gleni, M. (2008) Mekmafija: Kriminal bez granica, Beograd: Samizdat B92; Findlay, M. (2004) The Globalisation of Crime, Cambridge: Cambride University Press; Cockayne J. (2007) Transnational Organized Crime: Multilateral Responses to a Rising Threat, New York: International Peace Academy.

³ The Presidential decision is available at: <u>http://ftp.fas.</u> org/irp/offdocs/pdd42.htm. The way in which organized criminal groups operate has always attracted great attention of the social sciences, the media as well as in audio-visual products. The story particularly gains momentum the 1920s when scientific researches discuss the work, goals and structures of the mafia and journalists discuss the brutal killings and corruption affairs.¹ We can recall the movies of Howard Hawks *Scarface* from 1932, *Little Caesar* from 1930 or later *The Godfather* by *Francis Ford Copolla* from 1972. There is a renewed interest in organized crime again in the 1990s. Under the influence of contemporary social movements and globalization, there is a new understanding of organized crime, which more than ever today has come to presents a serious security threat.

Many reasons are cited in support of the abovementioned position, from new and faster modes of merchandise transportation and human mobility to the constant development of communication and information systems and the consequences of world trade. The cited reasons have helped organized criminal groups to work more efficiently, acquire a larger profit and thus impact internal and international security. One of the reasons for the increase in criminal activities, which is frequently mentioned in various works, is the end of the Cold War, or rather the disintegration of the Soviet Union and Yugoslavia, when "...countless states found themselves cast into the purgatory that became known as 'transition', a territory with ever- shifting borders. In these badlands, economic survival frequently involved grabbing a gun and snatching what you could to survive." (Glenny, 2008: 10).² The view that transnational organized crime (TOC) presents a security threat was supported by the administration of former US president, Bill Clinton. In a presidential decision of October 1995, it was emphasized that forces of TOC "jeopardize the global trend toward peace and freedom, undermine fragile democracies, sap the strength from developing countries, (and) threaten our efforts to build a safer, more prosperous world." (PDD 42, 1995). In addition, the presidential decision mentions that transnational organized crime presents a threat to the national interests of the USA.³

The understanding of TOC as a security threat is a concept that appears in security studies after the end of the Cold War (Fukumi, 2008: 21). In addition to the abovementioned problem, the discourse of security studies also includes topics which are unrelated to conventional threats, or rather they exceed the



Traditionally, military interventions were how states solved their security challenges, risks and threats. Today, the situation has changed and answers to security threats are different, and the use of military measures often produce the opposite of the desired effects. It should be mentioned that organized crime does not represent a threat which has occurred as a result of globalization. It came into existence at the moment of establishing borders. In Japan, for four centuries, criminal activities have been controlled by the Yakuza clans.⁵ The only difference is that the world is in flux, and that organized crime adapts to current social trends (Potter, 2007: 1294). In the era of globalization, TOC has increased in significance (the consequences are more dangerous) and for that reason it is important to determine whether, in what way and how it represents a threat to national and international security. In addition, it should be mentioned why TOC presents a different type of security threat to a state, society and its citizens from conventional threats, such as war, or the danger of invasion. Namely, TOC should be considered from a different angle, which is one of the reasons of making the distinction between "hard" and "soft" security threats. The main theories in security studies

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⁴ In the Glossary of Security Culture the concept od securtization is defined as a "language act" used to define a specific political issue as particularly perinent to the survival of a community and thus is removed outside of the area in which certain established rules of behavior apply. In the case that the result of such a language act (or the securitizing attempt) "special measures" are adopted, which otherwise would not be acceptable in a democratic society, we become witnesses of a successful securitization." (Glossary of Security Culture, 2009: 120).

⁵ For an interactive presentation on the Jakuza clans see: <u>http://www1.stratfor.com/images</u> / interactive/ Yakuza Gangs. <u>htm.</u> For more informaton on Jakuza see the following study: Hill, P. (2003) *The Japanese Mafia: Yakuza, Law, and the State*, Oxford: Oxford University Press.

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differ precisely in the answer to the problem of transnational organized crime as a security threat to a state.

The goal of this work is to show the ways in which major theories in security studies identify the phenomenon of TOC and answer the questions on whether they present a security threat and how they jeopardizes the security of a state and its citizens. We will first define TOC, applying the United Nations Convention against Transnational Organized Crime.

Defining Transnational Organized Crime

Transnational organized criminal groups work similarly to multinational companies on the world market, by noting advantages for the acquisition of larger profits and have the same strategic priorities (Potter, 2007: 1296). On the one hand, they employ cheap labor in underdeveloped countries where for instance poppy is processed. On the other hand, the market is bigger and more open and transportation of merchandise is done in a faster and cheaper way. It is very easy nowadays to find Latin American, Afghan or Zambian products on the US or EU markets. As a consequence, prices of, for instance, illegal drugs are much lower, which increases the number of consumers. Transnational organized criminal groups, as well as multinational companies operate rationally, in accordance with their strategic goals. States offer different responses: the reduction of demand (characteristic of European countries) or the reduction of supply (characteristic for the US). The response depends on the approach to the fight against drug trade (Fukumi, 2008:3).

The attribute "transnational" was added in order to emphasize the international element, or rather to define the organized criminal groups as ones which work outside the borders of a single nation-state, interconnecting and creating a criminal network. It was used for the first time at the Fifth Congress of the United Nations for the Prevention of Crime and Treatment of Offenders in 1975 during the course of a discussion which dealt with the issue of the dimensions of criminality, both transnational and national. The attribute was used primarily with the goal of explaining transnational organized crime in criminology, and not in legal matters, in a discussion of the interlacing connections between organized



crime, "white collar" crime and corruption. The main assertion was that there were certain criminal groups whose goals were the same or similar to those of other international actors (we have already mentioned multinational companies): to maximize their freedom of action or impact and minimize the effects of national and international control between the borders, or to minimize risks and maximize profits and create new markets (Massari, 2003: 52).

Noticing the ever-increasing danger of transnational organized crime and the dilemmas regarding it, the international community adopted a common definition of transnational organized crime. In December 2000, symbolically, in the Italian city of Palermo, where the Sicilian mafia originated from, the United Nations Convention against Transnational Crime was adopted.⁶ As per the Convention, the criminal acts is of 'transnational' character when: 1) It is committed in more than one State: 2) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State; 3) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or 4) It is committed in one State but has substantial effects in another State (Massari, 2003: 52). The Convention also includes an adopted broad definition of organized criminal group: "Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit" (United Nations Convention against Transnational Organized Crime and its Protocols, 2001).

Understanding Transnational Organized Crime from the Perspective of Realism and Social Constructivism

The conceptualization of TOC as a non-traditional or soft security threat warrants an analysis at three levels: international, national and individual (Picarelli, 2008: 462). The analysis of TOC is different from the analysis of traditional or hard security threats because it does not directly jeopardize the territory and sovereignty of a state. TOC as a non-tradiCARL SCHMITT AND COPENHAGEN SCHOOL OF SECURITY STUDIES

⁶ United Nations Convention for the fight against Transnational Organized Crime can be accessed via this link: <u>http://</u> www.tuzilastvorz.org.rs/html trz/ PROPISI KONVENCIJE/konvencija un protiv org krim lat.pdf.

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tional security threat can be explained as a phenomenon which jeopardizes the identity of a state, which includes its form of government, policies and the way this state is perceived by other states in the sphere of international relations (Fukumi, 2008: 31). At the international level, TOC undermines norms and institutions on which the international system is founded and functions. At the national level, TOC can jeopardize the internal stability of a state through the influence on key political actors because of their incapability to effectively confront organized crime, or because of their involvement in various criminal activities. This leads to public distrust on the part of civil society. In the end, TOC jeopardizes human security whereby a sense of insecurity is created (Picarelli, 2008: 462). TOC does not represent a security threat only for weak states such as Columbia, Bolivia, Afghanistan or Kazakhstan, but also for more stable and/or developing countries such as the USA, Germany, France or Mexico. For instance, in 2006 Felipe Calderon, president of the Republic of Mexico deployed 45,000 troops in the fight against the trade in illegal drugs. Since then, around 10,000 people in Mexico have lost their lives, of that 6,238 since last year in violence related to the abovementioned form of criminal activities (The Economist, March 7th-13th 2009: 25).

In security theories and their perception of transnational organized crime, a special difference is noted in understanding TOC as a security threat to a state. We will dedicate particular attention to understanding TOC from the perspective of realism and social constructivism. In understanding TOC as a security threat we will use deduction as the logic method, or rather we will begin from the major generally accepted aspects in security theories, in order to reach a concluding decision about the nature of TOC as a security threat.

Regardless of the criticism which is often directed at the realist theory in security studies, it is undeniable that the theory of realism is one of great importance. In the framework of realism, we can identify six main approaches to security studies. These are classical realism, neorelism and four contemporary approaches, the rise and all of realism, neoclassical realism, offensive and defensive structural realism (Elman, 2008: 16).

The main and only subjects in international relations, as per classical realism are states, which work exclusively in accordance with their national interests and with the goal of surviving in an anarchic world. The core of any national interest lies in national security which is reflected in maintaining and controlling the territory of a state and the protection of its sovereignty. Security is identified in the military sense and solving security challenges, risks and threats necessitates primarily military measures. The main threats to national security are *war and danger of invasion* or rather national security is jeopardized in the event that another state wishes to increase its power by conquering territory in order to use new resources. With the goal of survival, states form *alliances* with states with which they have common interests or share the same or similar values. Alliances are formed with the aim of maintaining the current state, or the "balance or powers" in international relations.

In classical realism, the global perspective is pessimistic, and the main threats are war, and security. The main and only goal of a state is the increase of national power. According to Hans Morgenthau, one of the founders of classical realism, this goal comes from the fact that politics, society and international relations are guided by objective laws whose roots can be found in human nature. Human nature, Morgenthau claims has not changed since the classical philosophers in China, India, Greece, who established objective laws (Morgenthau, 1985: 4). By nature, human beings strive for power.

The referential object of security in classical realism is the state. Although every state individually emphasizes different values (democratic, confessional or some others), there are two which are basic: territorial integrity and sovereignty. In the event that a state is unable to maintain its basic values, it feels insecure.⁷ Based on the mentioned main determinant of classical realism, transnational organized crime does not present a security threat to the state because it does not directly jeopardize the territory and sovereignty of a state, in the way that war or the danger of an invasion do.

However, Andrew Hurrell's position that soft security measures occur due to "state weakness and the absence of political legitimacy; from the failure of a states to provide minimal conditions for public order within their borders; from the way in which domestic instability and internal violence can spill into the international arena; and from the incapacity of weak states to form viable building blocks of a stable regional order and to contribute towards the resolution of broader common purposes" is also interesting (Hurrell, 1998: 541). Nº 13 · APRIL-IUNE 2009

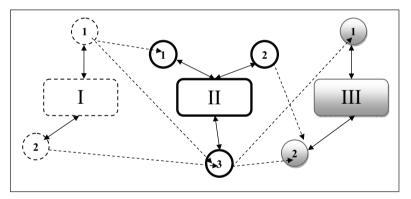
⁷ Example: Israel and Palestine, India and Pakistan, Serbia and the Autonomous Province of Kosovo Georgia and South Osetia.

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According to this view, it is possible to understanding TOC as a soft security threat that does not represent a direct threat to a state, but rather jeopardizes its basic values indirectly, which leads to internal instability. Hurrell claims that the sources of soft security threats are present in the state itself. Thus we conclude that internal weakness, or the instability of the political system of a state consequentially impacts the formation of various criminal groups which further leads to a state of internal instability. Impacted by the advantages that contemporary social movements offer, and which lead to the formation of criminal networks, internal security challenges spill over to regional ones, and then the international level (see Graph 1).8 Security challenges thus become international and require an international response in the form of military, police or judicial cooperation. One of the major obstacles to this cooperation is precisely the maintenance of sovereignty.



Graph 1: Spillover and the Creation of Transnational Organized Crime

In the late 1980s and the beginning of the 1990s, security and referential object in security studies are reinterpreted and the agenda is broadened. The theory which came into being in security studies in that period came to be known as the theory *of social constructivism*. Although there are doubts regarding the name of the theory, for the purpose of this text, we will not enter into that debate as they exceed the scope of this work. Social constructivism includes the following theories: soft and hard social constructivism, postmodernism, critical theory and the Copenhagen school.

8 Graph 1 represents the spillover of security challenges, risks, and threats from the internal to the regional and international levels and the creation of TOC. Three different states are represented (I, II, III) and within each one two or three organized criminal groups are at work. Following the position that globalization impacted the creation of criminal networks (marked with a red line) we can conclude that there are two criminal networks (I1-I2-II1 i II2-II3-III1-III2; indirectly, a connection can be made between I2-II3-III2) whereby internal security threats spill over from the internal to the regional, and then the international level (in the graph we remain at the regional). Thus security threats become not only an internal problem, but also a regional, and international. When defining TOC we used the definition of the United Nations Convention against Transnational Organized Crime.



In defining the concept of "security" in the theory of social constructivism the main focus of security is shifted from the state to society. Society refers to the individual as well as the international level. Thus, another referential object, that of society, enters the discourse of security studies. Ole Waever in his text "Securitization and Desecuritization" claims that security of the individual can be jeopardized in innumerable ways: economically, culturally, politically in the sense of protection of human rights etc. However, it is impossible to include all elements in security discourse, because it would make it impossible to determine the character and the limits of security the studies (Waever, 1998).

In thinking up the new concept of security, the starting point of analysis is at three levels, and the structure of realism is employed. The first level of analysis is the concept of national security, threat and sovereignty. Waever claims that security can be considered only from the angle of national security, precisely in order to determine the character and limits of security studies. Taking into account the classical concept of security based on the abovementioned elements, it is necessary to decide in which way the three basic elements acquire new forms under the impact of social circumstances. The logic of classical realism and its 'concern' with military threats should be used in order to move on to new sectors: ecological, economic, social and political.⁹ Thus, Waever concludes, we cross from one referential frame to another, or rather from the state to society. When formulating a new and broader concept of security, which is clearly limited within the frames of national security, we get a broader context which includes not only military threats, but others as well, which differ depending on which sector is in question. Thus, in critical theory, TOC represents a security threat. Berry Buzan also includes three levels of analysis: individual, state and the international system. Still, Waever concludes that in Buzan's theory the state system (national security) is privileged as compared to the others. National security, according to Buzan depends on the dynamics of international relations (especially regional ones), but a parallel should not be made between national and international security. Buzan concludes (Waever, 1998).

⁹ For more information see: Buzan, B., Waever, O. and de Wilde, Jaap (1998) *Security: A New Framework for Analysis*, London: Lynne Rienner Publishers.

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CARL SCHMITT AND COPENHAGEN SCHOOL OF SECURITY STUDIES In the concept of societal security, the most prominent opinion is that TOC represents a security threat to a state. This concept was especially discussed in Europe at the end of the Cold War. Waever is of the opinion that the security of a society is closely related to the concept of political security. Political security includes institutional stability and the political systems of a state as well as the leading ideology of a state. *Individuals*, as members of social groups and their *identity* play a key role in society. Members of society locate they place in a particular social community though identity. "Society", Waever claims should be understood in a broader sense, as a community (*Gemeinschaft*) and as society (*Gesellshaft*). Waever, together with Buzan and others based on this thesis, comes to the conclusion that there is a duality between state and societal security.

National sovereignty is the main concept in national security, while in societal security it is identity. Societal security is, according to Buzan, key for society. A threat to the concept of societal security is that which threatens the moral values and culture of a society, and creates mistrust between members of society or a community. Societal insecurity is a situation in which "significant social groups feel threatened, their identity is endangered by immigration, integration or cultural imperialism and they try to defend themselves" (Waever, 1998). In accordance with the concept of societal security, soft threats present a threat to society, destroying it by underestimating moral values (Fukumi, 2008:25). Comparing the position on the spillover of security treats from the state to the regional, and then to the international level, with the concept of societal security, we can accept Fukumi's argument that international security is "the globalization of national security issues, and societal and individual societal issues could be micro elements of national security" (Fukumi, 2008:26).

In the United Nations, the concept of human security is mentioned for the first time in which TOC is seen as a security threat. In 1994, the United Nations Development Programme (UNDP) came up with basic references of a new paradigm with the explanation that due to the consequences of new social trends it is important to find and offer a new



concept of security for individuals and states. According to the Commission on Human Security, there are two reasons for introducing the concept of human security. The first is the impossibility of a state to ensure security for its citizens, and the second relates to the opinion that the state presents a threat to its citizens. Furthermore, the concept of human security is in accordance with the concept of national security, as well as with human rights. This can be seen in the definition which is offered in the report whereby human security presents "safety from such chronic threats such as hunger, disease and repression, as well as the protection from sudden and harmful disruption in the patterns of daily life" (UNDP, 1994:23).

As support to the opinion that TOC presents a threat to a state, we can use the analysis of the consequences of TOC to the four basic state dimensions: economic, political, internal security in the sense of maintaining public order, as well as the dimension of foreign policies (Fukumi 2008, 31-48). There are a few basic forms of TOC which are interconnected, and it is rare that one organized criminal group is involved with only one form of criminal activity.¹⁰

Money laundering	Deceit and abuse
Trade in illegal drugs	Smuggling of prohibited merchandise
Human trafficking	Corruption
Firearms trafficking	Piracy
High Technology Crime	Ecological Crime
Theft of Artwork	

Table 1: Main forms of transnational organized crime

All forms of TOC have particular consequences for the economic and political system of a state, and they also jeopardize the internal security and influence foreign policy. Money laundering impacts the economic dimension. Corruption, as well as assassinations or assassination attempts of key political figures can lead to political instability or the insecurity of a state. The use of violence of an organized criminal group jeopardizes the security of citizens, and thus impacts public order. Cooperation at a regional and international level between countries is necessary in order to fight transnational organized crime. To that end, various interCarl Schmitt and Copenhagen School Of Security Studies

¹⁰ Fr more information see *Tabel 1*.

national organizations, bodies and initiatives have been founded, with the goal of a more efficient fight to suppress all types of criminality, corruption etc¹¹.

Main Global Actors	UN Office for Drugs and Crime, UNODC
	INTERPOL (International Police Organization)
	Financial Action Task Force (FATF)
Main Regional Actors	International organization for Migration (IOM)
	Organization of American States (OAS)
	European Police Office (EUROPOL)
	Association of Southeast Asian Nations (ASEAN)
Main Initiatives in Southeastern Europe	Regional Cooperation Council (RCC)
	Southeast Europe Police Chiefs Association
	(SEPCA)
	Southeast Europe Cooperation Initiative (SECI)
	Adriatic-Ionian Initiative (AII)
	Regional Anti-Corruption Initiative (RAI)
	Migration, Asylum, Refugees Return Initiative
	(MARRI)
	Secretariat for Implementation of Police
	Cooperation Convention for Southeast Europe
	(Secretariat for PCC SEE)

Table 2: Actors in suppressing transnational organized crime

Conclusion

We are of the opinion that transnational organized crime presents a security threat for the state as well as for the individual. In order to solve soft security threats in contemporary society cooperation between states and other actors in international relations is necessary, and the suppression of TOC is of intrinsic importance for international security. The triangle which is comprised of the trade of illegal drugs, human and firearm trafficking, coupled with corruption, the use of violence and the finances acquired in criminal activities are one of the main handicaps of contemporary society and states. In the fight against these ills cooperation at two levels is necessary: between citizens and the state and between states. Organized crime no longer remains within the borders of a single state; therefore the answer and the suppression of this threat is a more demanding task, which

¹¹ *Table 2* lists the main actors in the fight against organized crime, as well as the relevant regional initiatives in Southeastern Europe which are active in the judicial sphere and internal affairs



requires a more complex solution and the inclusion of all actors. The consequences of transnational organized crime are devastating.

Let's recall the assassination of Zoran Đinđić, prime minister of the Republic of Serbia; Serbia is no longer merely a transit country for human trafficking, but also a country of its origin and destination; let's recall the unresolved assassinations of Slavko Ćuruvija, Milan Pantić, Dada Vujasinović. Comparing data of drug use from one year to the next; let's recall the problem of heritage and legacy from the last century.

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"Fighting the beast": Theory and History of Conditionality Policy of the EU

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Abstract

As countries of the region of Western Balkans are slowly approaching towards the full fledged membership in the European Union, the issue of conditionality becomes very interesting and important topic in the countries, who try to find their way out of the "labyrinth" which is ahead of them. Still, this concept is somewhat mis-interpreted by citizens, mis-used by domestic politicians as a sort of scapegoat and by politicians from EU countries for national purposes. Having this in mind, the aim of this paper will be to shed new light on the theoretical basis of the concept of conditionality on one hand, and on its history (up to the establishment of Copenhagen criteria) on the other. Better knowledge of "how-it-all-started" should equip us with tools, or even better, should be the precondition to understand the conditions that Western Balkans countries have to fulfill.

Key words: Conditionality Policy, Western Balkans, European Union

Theoretical framework

There is voluminous literature on the issue the theory of conditionality and the idea is not to make a summary of it or to enumerate it in this chapter. Instead, we would here like to put the "theoretical skeleton" on the "body" of this paper and to present the model which can use as basis for understanding how EU (un)successfully (?) uses this phenomenon.



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In broadest of terms, conditionality might be defined as "the exercise of policy instruments by one party to secure compliance and shape the actions of another party" (Barnes and Randerson, 2006: 352). This implies that conditionality has to involve (at least!) two partners. Since they are usually government(s) of one (or more) country (countries) on one side and international organization/institution on the other, we can narrow down our definition: "Conditionality is mutual arrangement by which a government takes, or promises to take, certain policy actions in support of which an international institution will provide amounts of assistance - usually financial or technical" (Checkel, 2000: 1). Finally, "conditionality entails the linking, by a state or international organization of benefits desired by another state to the fulfillment of certain conditions" (Smith, 2003: 108). Partners or better to say *subject* and *object* of conditionality participate in an unequal relationship, they are the *actor* and the *recipient*: "the first elaborates particular conditions whilst the second is charged with meeting them" (Zalewski, 2004: 3).

Referring to Checkel's idea, there are at least three different aspects, or "modalities" of conditionality defined as we did: preconditions, trigger actions and policy provisions. Their main difference is about the moment when some policy action has to be undertaken by the conditionality recipient in order to gain benefits from the actor: pre-conditions are determined during the negotiation period and have to be done before the benefits can apply, trigger actions ("performance criteria or legal requirements") have to occur in order for recipient to proceed to next stage of conditionality process and lastly, policy provisions are additional commitments contained in the overall agreement, but the least binding (Checkel, 2000: 2).

There are different classifications of the model of conditionality on the basis of different criteria. We have already pointed out that conditionality creates *unequal* relationship, where the actor sets the conditions but also solely reacts to their fulfillment or non-fulfillment. Therefore, if the actor promises benefits to be distributed when the recipient meets the conditions, we are speaking about *positive* conditionality. "Conversely, negative conditionality [...] involves the reduction or suspension of [already existing] benefits should the recipient not comply with stated conditions" (Zalewski, 2004: 3). Not surprisingly, these two types of conditionality represent the way two players on the world arena perceive their positions and capabilities. Namely, controversial, dan-



gerous, punitive, reactive type with highly doubtful results – negative conditionality (as sanctions towards different countries) is very often (ab)used by United States (which shows the perception by its leadership of their country's position of "hyper power"¹)². On the other hand, the EU, aware of its (in)abilities, uses the "magnetism" of economic benefits or membership possibility to persuade states to comply with different conditions.

If the criteria is *when* the conditions should be fulfilled we can determine two types: *ex ante* and *ex post* conditionality. Commonly used, *ex post* conditionality refers to the situation where "conditions appear once the parties have concluded a treaty, agreement or any other contractual relationship" (Zalewski, 2004: 3) (human rights clause in different trade agreements of EU with third countries). More important for this study is *ex ante* conditionality, which includes all the conditions that need to be fulfilled *before* any agreement is signed (e.g. EU membership conditionality). Combining two different typologies, we can state that EU conditionality (that is of our concern in this paper) is positive and *ex ante*.

Among the most authoritative analyses of "conditions of conditionality" is the one given by Frank Schimmelfennig in its numerous papers.³ He starts his analyses claiming that conditionality model is a rationalist bargaining model. "The actors involved are assumed to be strategic utility-maximizers interested in the maximization of their own power and welfare" (Schimmelfennig and Sedelmeir, 2004: 671). When applying international conditionality, actor uses the mechanism of reinforcement (Schimmelfennig and Sedelmeir, 2004: 3). in three strategic ways in order to change the behaviour of the *recipient* if he fails to comply with the conditions: while when using reinforcement by punishment or reinforcement by support the actor (usually international organization) either imposes punishment on the recipient (the state) in order to increase the cost of noncompliance or gives extra support trying to decrease the cost of compliance, reinforcement by reward means that international organization withholds the reward but doesn't intervene beyond that. The actor is actually waiting for the recipients' "domestic costs of compliance [to] decrease below the benefits of the reward" (Schimmelfennig and Sedelmeir, 2004: 4). The last explained strategy is actually the one used by the EU - it uses either technical and economic assistance or institutional ties as a reward. Important assistance programs are PHARE, TACIS,

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¹ The term has been used for the first time by French Foreign Minister Hubert Vedrine in 1999, distinguishing from the "Cold War term of superpower". Article available at: <u>http://www.iht. com/articles/1999/02/05/france.t</u> _0.php_

² Still, the United States are not the only one using different kind of sanctions to impose conditions to "rogue states". United Nations, representing international community as a whole imposed sanctions 15 times in the last decade of 20th century

³ For instance, see: Frank Schimmelfennig, S. Engert and H. Knobel, "Costs, Commitments and Compliance: The Impact of EU Democratic Conditionality on European Non-Member States", EUI Working Paper RSC No. 2002/09, Florence. 2002.

CARDS etc. and they aim at stabilizing countries that are going through painful transition processes.

In order to be able to make the evaluation of the success (or to find the reasons for potential failure) of EU conditionality policy. we need to set up the criteria according to which we are going to build up our case. Again, the criteria were put as hypotheses, examined and approved in different Schimmelfennig's papers. Firstly, compliance will depend on recipient country government's political costs of fulfilling EU conditions: "a state adopts EU rules if the benefits of EU rewards exceed the domestic adoption costs" (Schimmelfennig and Sedelmeir, 2004: 672). In other words, the recipient government is trying to maximize its political benefits, and is doing so by balancing between EU, domestic and international pressure. Secondly, rules need to be clear, have a form - they need to be *determinant*: "the effectiveness of rule transfer increases if rules are set as conditions for rewards and the more determinant they are" (Schimmelfennig and Sedelmeir, 2004: 672). Thus, the clearer the conditions are, the more credible they become. Similarly, the clearer they are, the more informative for the target country they become. Some authors argue though that vagueness of the conditions might have advantages for both sides - they create broader domestic bargaining space (for the target country), but also give the EU room for manoeuvre: "The more broadly defined the conditions are, the greater the EU's flexibility in justifying its concrete decisions without undermining the credibility of its conditionality policy and by avoiding criticism for applying double standards" (Noutcheva, 2006: 14-15). Thirdly, importance of the credibility of promises and threats is undisputable: "The likelihood of rule adoption increases with the credibility of conditional threats and promises" (Schimmelfennig and Sedelmeir, 2004: 674). This was (is?) one of the big problems the EU is faced with when dealing with the whole region of the Western Balkans, but specially with Serbia and Croatia.⁴ Lastly, the stronger the identification of the target government with the EU international community, the higher the economic exchange between the EU and a target country and the stronger the self-identification of the target country's society as "European" and "Western", the more likely conditionality will be effective (Schimmelfennig, Engert and Knobel, 2002: 9-12).

⁴ The problem was that for a long time, the EU itself was not sure what is the <u>aim</u>, the final goal of its conditionality policy towards the region (apart from the short-term idea of stabilization and reconstruction)



History of (the EU) conditionality

Although very familiar with the principle of conditionality (especially because of the enlargement process), EU is far from being the creator of it. Actually, paradox lies in the fact that the EU itself (actually its predecessors) was created in the first place with help of aid conditionality - the Marshall Plan. "The Marshall Plan [...] was provided under explicit political and economic conditions aimed at containing the spread of communism and assuring the political-economic hegemony of the United States vis-ŕ-vis Soviet Union. Aid was in fact openly used to influence governments in opting for or against communism" (Frerks, 2006). Threatening with punishment or offering rewards in case of (non)compliance with some conditions was common way of informal behaviour in international relations before the Second World War. Still, it was the Breton Woods institutions that "formalized, designed and redesigned [this tool] over the last decades" (EU Conditionality in the Balkans, 2002: 1). Economic conditionality of the early post war period was a "controversial feature of the World Bank and IMF structural adjustment programs, [...] programs which link the receipt of aid to the pursuit of neo-liberal economic policies and the creation of open markets" (Barnes and Randerson, 2006: 353). Its functionality was half a century later severely opposed by Joseph Stiglitz, the former long-term World Bank's chief economist, who claimed that it is not the most suitable way to handle economic problems of the third-world countries any more (if it was in the first place). He resigned in November 1999, partly because of disagreement over "the Bank's continuing use of conditionality. When asked whether International Institutions conditionality was an effective way of changing national policies, Stiglitz's reply was unambiguous: 'There is increasing evidence that it was not. Good policies cannot be bought" (Checkel, 2000: 4). This point of view becomes widely accepted: "[...] both the World Bank and IMF - as institutions - are beginning to rethink the role of conditionality. There is now talk of less numerous conditionality requirements and, perhaps more important, an emphasis on 'the role of consultations with all national stakeholders', in a participatory approach. Similarly, new IMF head Horst Koehler argues that 'less is more' when it comes to conditionality" (Checkel, 2000: 4).

Having all this in mind it can be surprising that with more and more international institutions moving away from reliance on

conditionality, only the European Commission appeared to be moving the other way. Indeed, almost dramatic growth of political conditionality is connected primarily with the EU (although NATO and Council of Europe are also imposing different condition for acquiring membership). "Perhaps nowhere is this more evident than in the post-Cold War Europe, with organizations such as North Atlantic Treaty Organization (NATO), European Union (EU) and Council of Europe (CE) offering membership to various countries in East Europe and the former Soviet Union. The conditions they impose upon applicants – restructuring of civil-military relations, establishment of the rule of law, creation of new human-rights agencies – go far beyond the standard IMF conditionality package and, instead intrude into the core sociopolitical attributes of the states" (Checkel, 2000: 2).

EU has exercised two main types of conditionality: first is related to its efforts to help the developing world (actually former colonies of its member states in the framework of the Lomé convention, which now links the Union with 70 African, Caribbean, and Pacific, or ACP countries) and is basically development aid consisted of non - political trade agreements (although the last, 3rd Lomé agreement refers to the of respect of human rights). Apart from the aid conditionality, EU (the European Communities as it was called before the Treaty of Maastricht) has from the very beginning established and used the other, much more important and interesting for our work - membership conditionality. The roots of it can be found even in the Rome Treaty (1957) and its article 2375, stating explicitly that only European countries can become member states (although today's "hot" issue is where the boundaries of Europe are and which countries can be considered as European (see footnote 2)) and implicitly that they need to be democratic. The first enlargement (to Britain, Ireland and Denmark) wasn't based on any conditionality.⁶ During the first decades of the Cold War, membership eligibility was not a matter of concern, because it was unimaginable to accept the countries behind the Iron Curtain. Other West European countries were either not interested or undemocratic and thus, implicitly not eligible. First open statement about democracy as political condition came from European Parliament's 1962 Birkelbach report. This report, directed at Franco's regime in Spain, declared that the membership was contingent on respect of human rights and the maintenance of democracy. Early (political and later economic) conditionality is

⁵ Today article 49 of the Treaty on the European Union

⁶ Although Britain's suitability for EC membership was an issue, due to different legal system

connected with a need of the EU (then European Economic Community) to define its position in relation to wish of certain Southern European countries⁷ and Turkey to establish closer relations that could end with membership. It became an issue when these countries started the transition towards democratic societies. Despite the importance of the respect for democracy though, European Commission became much more concerned for applicants' administrative and economic capabilities, thus making them an implicit membership condition. Also, the case of Greece brought a new "proto-condition": "In the case of Greece, an early version of the 'good-neighbourliness' condition appeared, although it was less a condition and more an assertion of good intent. The Commission and Council declared that Greece's accession should not adversely affect the Community's relations with Turkey; Greece announced that it would not impede the strengthening of ties with Turkey" (Smith, 2003).

The surprising events of 1989 and for many unexpected collapse of Soviet Union and communism in Eastern Europe were genuine watershed for the EU as well as for its enlargement and conditionality policy. A number of countries stood in a row, queuing to become members. Although it wasn't difficult to enlarge to EFTA countries, bad experience considering the bargains, derogations and opt-outs of the Maastricht Treaty led the officials of the Commission to impose new conditionality – applicant states had to agree to accept the *entire acquis*. The key difficulty was the implementation of the Maastricht provision on the common foreign and security policy (CFSP), and especially the development of the common defense policy. Still, without a lot of problems, the three EFTA countries joined the EU on 1st January 1995. The enlargement to Central and Eastern Europe though was by far the most controversial by now.

After the end of the Cold War strong optimism was evident in the Western world. In the US president George W.H. Bush was speaking about the "New World Order"⁸ that was emerging, thus bringing the end-of-all-wars utopia once again on the table. In Europe, the idea of finally united sub-continent was the dominant one. "Eurocrates" found themselves under the huge dilemma – how to answer to strong proponents of "re-unification" of Europe on one hand, and the skeptics that just didn't believe in compatibility of Central and East European countries (CEECs) with the European Economic Area (EEA) on the other? The problems that they started to face with were grave: "In economic



⁷ Namely Greece, Spain and Portugal

⁸ "After every major, systemic war, there is hope that this will be the war to end all wars", George Friedman, "The Real World Order", <u>http://www.stratfor.com/</u> weekly/real_world_order

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terms, the EC+SEE [Eastern Central and South Eastern European countries] has historically belonged to the semi-periphery of European development" (Inotai, 2003: 81). To make things even worse, the international organizations (along with the EU) aimed to help in a same way that they did to countries of Latin America. But, "they did not comprehend that the respective European region was not underdeveloped in the same way as other parts of the world were underdeveloped. It was mis-developed, mis-structured, and mis-functioning" (Inotai, 2003: 81). On the other hand, after easy EFTAn enlargement, some member states thought that further deepening of the EU is not just more important, but a precondition for widening and embracing former Soviet satellites. The answer to worries on both issues was enhanced and institutionalized conditionality. By imposing economic and political conditionality, the Union hoped to encourage necessary and painful reforms, perceiving the transformation in Central and Eastern Europe as long-term key to stability in Europe. Also, tougher membership conditions reassured member states that deepening would not be endangered. Therefore, in June 1993, the Copenhagen European Council opened the way for enlargement to Central and Eastern Europe and endorsed the Commission's stance on membership conditions and set them out as legal instruments. These conditions are now infamous Copenhagen criteria: "Membership requires that a candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of the minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union" (European Council, 1997). It was very important for the member states to "minimize the risk of new entrants becoming politically unstable and economically burdensome to the existing EU" (Grabbe, 2006: 10), but also to give some sort of guidance of "things-to-be-done" to CEE countries. Apart from these four requirements (one political, two economic and one legal - institutional), there was also the fifth one, not dependent on applicant's capabilities to embrace the values and know-how of the Union but on EU's ability to admit new-comers: "The Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries" (Grabbe, 2006: 10). This final condition became known as "absorption capacity" (this name is widely



used specially in EU's relations with the Western Balkans), and was left as strictly internal matter of the Union, never evaluated along with applicant's fulfillment of other conditions. EU member states were thus, by prolonging the politically unstoppable process of 'Eastern' enlargement buying some additional time for their own necessary adjustment. Importance of Copenhagen criteria was further strengthened in 1997 Luxembourg Council by statement that their fulfillment is not only prerequisite for membership, but also for the opening of any accession negotiations (European Council , 1997). Conditionality criteria became firmly embedded in legal architecture of the Union.

With intriguing and controversial Copenhagen criteria we are going to end this paper. It doesn't mean that history of the EU conditionality is ending here, on the contrary (!), but special conditions that were imposed to two members of the "Big bang enlargement group" from the Balkans, Bulgaria and Romania are much more similar to new, enhanced "rules of the game" that the Western Balkans has to apply. We can say that conditionality (as used by EU) simply means that political and economic integration and future membership of the countries in Europe depend on the fulfillment of a serious of conditions and criteria set out by the European Commission as mandated by member states. It is a norm, way of behaviour, evolutionary approach somewhat limited in time and space, but very powerful. It has become best European foreign policy tool, up to the moment when it started to deal with the Balkans. Has this "success story" crashed on the Balkan rocks? And has the boat sunk completely after all, or the future of region is determined – embraced by and within the EU? These questions are open. But we can't and shouldn't give even an educated guess if we don't know what the EU conditionality really is, and how it all started, and evolved. To fight the beast, you need to know its nature.

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With friends like these: German intelligence activities in Kosovo

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Abstract

The article examines the media coverage of the scandal involving German secret service personnel in the attack on EULEX headquarters in Kosovo in November 2008 and the subsequent tensions between the Republic of Kosovo and the Federal Republic of Germany. German media reporting on the scandal focused on a domestic explanation of the incident. Most of the analysts agree on the importance of domestic factors, and notably the discontent of the Kosovo government over its unsettled international status, in order to explain the BND incident. Expert interviews on radio and television painted a more nuanced picture, drawing particular attention to the role of the EU and the slow progress regarding the legal situation of Kosovo.

Key words: German intelligence services, Bundesnachrichtendienst (BND), Kosovo, EULEX, media analysis

1. Introduction

With currently 2.600 soldiers, the German armed forces constitute the largest share of troops within KFOR. The German participation in the NATO operations against Serbia in 1999 and the subsequent invasion of Kosovo were highly controversial at the time. The Federal Republic nowadays considers itself as the strongest supporter of a free, democratic Kosovo. Within the framework of the European Union Stabilization Pact for South-Eastern Europe, Germany has spent 1.57 billion over the period 2000 - 2008.¹ CARL SCHMITT AND COPENHAGEN SCHOOL OF SECURITY STUDIES

¹ Auswärtiges Amt (German Ministry of Foreign Affairs), "Stabilitätspakt für Südosteuropa und Regionaler Kooperationsrat", available at <u>http://</u> www.auswaertiges-amt.de/ diplo/de/Aussenpolitik/Regional eSchwerpunkte/Suedosteuropa/Stabilitaetspakt.html

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CARL SCHMITT AND COPENHAGEN SCHOOL OF SECURITY STUDIES Diplomatic relations with the Republic of Kosovo, which was officially recognized by Germany on 20th February 2008, are managed by what used to be the German liaison office in Kosovo and is now the embassy.

Against this backdrop, one event caught the attention of the German public in November 2008. The Kosovo authorities arrested three persons suspected of participating in an attack with explosives on the headquarters of the EULEX Mission. The German intelligence services *Bundesnachrichtendienst* (BND) were suspected of being involved. Three alleged agents were arrested a week after the attack. Their arrest was publicly covered on television.

This article presents the German media coverage of the incident and attempts to shed light on the possible motives of the actors involved. The sources for this article are publicly accessible information from important German newspapers, TV and radio stations, as well as publicly available official documents.

The first section of this article deals with the media coverage of the incident. It will aim to reconstruct the chain of events as they are known to the German public. In the following section, the possible motives of each of the actors involved will be discussed, followed by a concluding overview of current Kosovo-German relations.

2. Media coverage

2.1. Early coverage from Spiegel Online

The German "leitmedium" on the internet, SPIEGEL ONLINE, was the first to break the news about the arrest of three German nationals in Kosovo.² The headline stated clearly that three BND agents (without the qualifying adjective of "alleged") were arrested following an attack on the EU representation in Kosovo.

One of the Germans had been seen entering an empty building in the immediate vicinity of the EU representation and taking photographs of the offices damaged in the attack. The building had probably been used as a base from which to throw the explosive device at the EULEX headquarters. While the Kosovo authorities suspected the men to have played a part in the attack, the men themselves insisted they were innocent and claimed to

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² "Nach Anschlag auf EU Vertretung: Drei BND Agenten im Kosovo festgenommen", *Spiegel* [online], 22nd of November, <u>http://www. spiegel.de/politik/aus-</u> land/0.1518,592063,00.html.



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have been investigating the crime scene. The Spiegel further related that - contrary to official policy - the three agents had not been registered with the Kosovar authorities and did not qualify for diplomatic immunity.

Other important news-websites such as the 24h news-channel NTV followed this line of reporting.³ They also pointed to the official silence of the Federal Government over the issue. The government spokesman Thomas Steg was quoted as denying any involvement of the German intelligence services. The Parliamentary Oversight Committee of the Intelligence Services would in any case have been informed should the status of the Germans have changed. The Ministry of Foreign Affairs (Auswärtiges Amt) confirmed the arrest of three German nationals in Pristina and that they had links with diplomatic staff. For reasons of personal protection, no further information would be divulged.

2.2. In depth coverage and analysis

The special nature of the incident soon received more in-depth attention. The well-respected evening news broadcast "ZDF Heute Journal" dedicated an approximately three minute-long report on the incident, which was supplemented by interviews. Hans Peter Uhl, member of the Parliamentary Oversight Committee of the Intelligence Services, declared in his statement that he believed there was a domestic explanation of the incident. The BND personnel were arrested to distract from internal rivalries within the Kosovo government.⁴ An expert from the think tank DGAP (German Society for Foreign Policy), Cornelius Adebahr, concurred. The public nature of the arrest seemed to be the clearest sign that the vet incomplete independence of Kosovo and the presence of the international community exerted greater pressure on the Kosovo government than had been previously thought. However, the Kosovo government could not have had an interest in the deterioration of its relations with Germany. On the same day (November 24th, 2008) the nationwide daily Sueddeutsche Zeitung had run a story detailing the evidence behind the arrest of the three Germans.⁵ The Kosovo government apparently had video-taped evidence of one of the agents throwing the explosive device against the building of the EULEX mis-

³ "Anschlag im Kosovo: BND Agenten arrestiert", NTV Nachrichten, 22nd of November, http://www.n-tv.de/1057528.html ⁴ ZDF Heute Journal, edition of 24th of November, available at http://www.zdf.de/ZDFmediathek/content/638498?inPopup=true

⁵ Kosovo: Wir haben Beweise gegen den BND, Sueddeutsche Zeitung [online] 24th of November 2009 , available at http://www.sueddeutsche.de/pol itik/287/449018/text/

⁶ Bernard Bode: "PKG entlastet BND-Agenten" in Das Parlament. Nr. 49. 2008.

⁷ Verhaftete BND Agenten: Kosovo entschuldigt sich ein bisschen, Welt am Sonntag, December 8th 2008, available at http://www.welt.de/welt_print/arti cle2842983/Verhaftete-BND-Agenten-Kosovo-entschuldigtsich-ein-bisschen.html

⁸ BND Agenten wieder frei; Noch offene Fragen in Pristina Tagesschau online edition of November 29th, available at http://www.tagesschau.de/ausland/kosov0344.html

⁹ Quoted in Welt am Sonntag article of December 8, 2008, op. cit.

¹⁰ Lammert: BND-Festnahme war »unglücklicher Vorfall« in Das Parlament, 3-4, 12. Januar 2009

sion. The Kosovo state attorney Feti Tunuzliu was quoted as saving that further evidence had been found in the residence of the three Germans, which had also been wiretapped for a prolonged period. The SZ added that the three Germans seemed to be former army soldiers who were now working for the BND. The article continued with a statement of Prime Minister Thaci, and former UCK commander, emphasising Kosovo's excellent relations with the Federal Republic and his confidence that the Kosovo courts would settle the dispute in due course. However, the journalists at the Sueddeutsche Zeitung also referred to an article in the Kosovo daily "Express", which had reported a German attempt to fly the three agents out of Kosovo. Sources in Pristina considered the arrest to be a belated revenge by former UCK officials against the German intelligence services which had repeatedly produced reports linking the UCK - including Thaci - to organized crime in the Balkans.

2.3. Denouement of the incident

The three German agents were released from custody on November 28th, about two weeks after the incident. The German Parliamentary Oversight Committee of the Intelligence Services (PKG) had found no evidence of the involvement of the three Germans in the attack and had called for their release, just a day earlier, on November 27th. ⁶

It is only on December 8th that the Kosovo government expressed its regret at the arrest of the three Germans without apologizing explicitly.⁷ A hitherto unknown Kosovo terrorist organization had claimed responsibility for the attack just a day before the release of the three Germans. ⁸ The foreign minister of Kosovo Çitaku did not want to exclude the possibility of "other players in the region" being interested in disrupting the good Kosovo-German relations. He said: "Neither the bomb nor the unfortunate developments following it, were in our interest."⁹ Following a meeting with the Kosovo president Fatmir Sejdiu on January 7th, the German President of the Parliament Norbert Lammert declared in a press conference that both sides had agreed that the arrest was an unfortunate event that should not have happened. ¹⁰

3. Cui bono?

For the average German observer of world affairs, the information presented on the major newspapers (both print and online) already provided several hints as to what had motivated the Kosovo government and the German security services respectively to provoke this scandal. It is necessary however to consult specialist sources to gain a deeper understanding of the motives.

For specialists of the German BND, such as the journalist (and himself victim of BND espionage for a long period) Schmidt-Eenboom, the involvement of the BND is obvious. The BND according to Schmidt Eenboom¹¹ - was, and still is, on good terms with the Kosovo intelligence services and could have acquired any information deemed necessary to investigate the attack. The three agents were indeed involved in the attack on the headquarters and were not merely investigating its consequences. The BND had wanted to "turn up the heat" in Kosovo in order to disrupt the current standstill in the recognition process of Kosovo (at the time of the interview it had only been recognized by 28 States). By creating a climate of tension, the international community should have been convinced that the Kosovo population was fighting for an independence that the international community was not willing to grant. Further evidence of the implication of the BND stems from the fact that human casualties had been avoided, which would not have been the strategy of a terrorist organisation.

According to Schmidt-Eenboom, the actions of the BND can only be explained by a misjudgement of the domestic situation in Kosovo. The Kosovar judiciary was supposed to cover up the incident and protect the three agents. However with the backing of the CIA, which wanted to show the limits of the BND's influence in Kosovo, the whole incident was blown out of proportions.

Other well-respected analysts such as Dusan Relijc from the Stiftung fuer Wissenschaft und Politik (Foundation for Science and Policy)¹² did not comment in-depth on the alleged involvement of the BND. Analysts were instead surprised by the offensive stance taken by the Kosovo government towards one of its most important donors. Relijc described the current domestic situation in Kosovo as one of internal strife between the old veterans' movement and a younger protest movement, where regional and family clans are rivaling for power. The latest progress report

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¹¹ "Der BND war an dem Anschlag beteiligt", interview with intelligence expert and BND critic Schmidt-Eenboom in the "Netz-Zeitung" of November 24th, 2008, available at <u>http://</u> www.netzeitung.de/politik/deuts chland/1219038.html; in another interview on German public radio, Schmidt-Eenboom reiterates these statements; available at <u>http://www.dradio.de/dlf/</u> sendungen/interview_dlf/88267 <u>6/</u>(November 27th, 2008)

¹² Interview with Dusan Relijc on Deutschlandfunk, <u>http://www.</u> <u>dradio.de/dlf/sendungen/interview_dlf/881338/</u> November 25th 2008

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of the EU points to irregularities in the Kosovo budget: each ministry has between half a million and five million Euros unaccounted for. Surprisingly, the other regional players (Tirana, Belgrade, Skopje) seem not to have interfered in the events at all. A deteriorating situation in Kosovo therefore does not seem to be in their interest.

Relijc points to the plans for the deployment of the EULEX mission within Kosovo (including amongst Serbian communities in Kosovo) as the source of the tensions that had led to the incident. The plan – which in the meantime has been adapted – was considered by some as a serious question mark on Kosovo's sovereignty. It is in this light that the Kosovo government decided to make of the bomb attack an international incident. This point of view was also supported by the former special envoy of the EU for the Stability Pact in South-Eastern Europe, Erhard Busek.¹³ He identified a feeling of insecurity and frustration on the part of the Kosovo government not least because of the "unfinished" business left by the Ahtisaari plan, which was never accepted by either Serbia or Russia. In this situation of constitutional limbo, the public disclosure of the BND incident was an attempt to keep the European Union at a certain distance.

4. Consequences for Kosovo-German relations?

All analysts quoted in the preceding section agree on the importance of domestic factors, and notably the discontent of the Kosovo government over its unsettled international status, in order to explain the BND incident. It is therefore not overly surprising that - at the time of writing this article in spring 2009 - no signs of any long-lasting effects of the incident on Kosovo-German relations are visible. Although the German daily "Die Welt" had reported government plans on cutting aid to Kosovo¹⁴, none of this seems to have materialised.

In addition, German domestic factors should not be underestimated in the quick settlement of the BND incident. The German intelligence services' reputation has been tarnished by a series of rather recent scandals. In May 2006 it emerged that the BND had systematically ignored journalists inside Germany whom it suspected of receiving classified information from within the BND. In the context of the Iraq war, its role under the Schroeder administration – which was officially against the war – also appears to

¹⁴ Kosovo droht nach BND-Affäre Kürzung deutscher Hilfe, Die Welt, November 30th, 2008, available at <u>http://www.welt.de/</u> wams_print/article2804891/Kos ovo-droht-nach-BND-Affaere-Kuerzung-deutscher-Hilfe.html

¹³ Busek: Kosovaren fürchten um Souveränität, Balkan-Experte fordert geschlossenes Auftreten von der EU, interview on Deutschland Radio Kultur, November 26th 2008, available at <u>http://www.dradio.de/dkultur/</u> sendungen/interview/881749/

have been far greater than had previously been admitted. Furthermore, the BND is also suspected of tolerating the involvement of its former employees in the training of Libyan intelligence officers. Against this backdrop, it seems rather peculiar that the German Parliamentary Oversight Committee of the Intelligence Services (PKG) has not found any evidence linking the BND to the attack on the EULEX mission.

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The Return of History and the End of Dreams

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The author is a student of the Institute for Political Science of the University of Munster in Germany. She wrote the review of Roberta Kagan's book as a intern in the Centre for Civil-Military Relations in August 2009

Kagan, R. (2009) *The Return of History and the End of Dreams*. Belgrade: Center for Civil-Military Relations and Alexandria Press.

Book Review

Fukuyama's thesis that international relations have entered a new period of development since the end of the Cold War where autocratic regimes are no longer an alternative to political systems was proven wrong only a few years after the "victory of democracy". According to Robert Kagan, old and new challenges to the democratic rule are the rise of nationalism, new autocratic regimes and radical Islam. In the book *The Return of History and the End of Dreams* he speaks of "the shattering of hope", of a new era in the politics of security, a new world order, the relations between old and new allies who are in fact competitors as well as renewed conflicts.

Kagan starts by describing the developments of the world order and "old" as well as "new" security challenges, before going on to a more detailed analysis of "new superpowers", above all Russia, China, Japan, India and Iran.

After the fall of the Soviet Union, Kagan continues, there was hope that a liberalization of communist countries would ensue and that democracy would be the only possible form of government in the future. This sequence of events would represent the precondition to establishing a "prefect international system" (p. 4), which would function on the basis of the rule of law, whereby countries would accept their allotted shared responsibility for liberty and justice.



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However, the author continues, liberal democracy was unable to "constrain the natural human instincts for aggression and violence" (p. 6). Economic development, which was supposed to lead to the strengthening of liberal democracies, instead lead to the fortification of self-confidence of certain countries, or rather the intensification of old and the development of new conflicts. This is why Kagan speaks of the "return of great power nationalism" (p. 10). Instead of the creation of a new world order, an overlap or rather a conflict of interest of these countries is formed. In this way, we have returned to the historical development of events, or in the words of the author, "the world has become normal again" (p. 1).

Two major characteristics primarily influence the politics of the countries that Kagan analyses in his book. They are economic development and nationalism. The fusion of nationalism and military power, which increases thanks to investment into the military sector, "are a deadly combination that should be relegated to the past" is the author's opinion (p. 29). All countries, of course with the exception of the USA, attempt to regain their influence in world politics through military power and thus they increase investment into this sector. These investments have become possible thanks to economic development. On the other hand, although in some countries, the process of social liberalization has begun (Russia), it does not present a challenge to autocratic regimes, as long as there is economic security (Russia, China, Iran). All further attempt of social liberalization is met with skepticism and every effort is made to impede it. Any criticism that comes from abroad is perceived as interference with the sovereignty of a country and leads to the worsening of relations with Western democracies. Kagen does not criticize the political systems of India and Japan, probably because they are not characterized as autocratic, even though it is well known that India is not such an ideal democracy as it is sometimes depicted.

It remains unclear what criteria were used to select the analyzed countries, first of all because it is not clear whether they were selected because they represent "superpowers", a threat to the world order or potential rivals to the USA. It is a pleasant surprise that the author admits that "American hegemony existed" (p. 61) and that the USA has made mistakes in the past. The author offers a justification to interventionism in the sentence that the USA was motivated by "noble generosity of spirit and the perception of enlightening self-interest". (p. 84). This still remains an important role of the USA.

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Even if radical Islam in the last few years has been the focus of security policies for the USA, Kagan contends that its fight against globalization and above all against modernization does not present such a big problem for the international system (p. 79), because social modernization is unavoidable. This sequence of events he understands to be logical (p. 80). There are no individual trends which would be capable of significantly impacting the development of global events, and the possibility of their unification is very slight, the author contends (p. 81). The only problem is the fact that the fight against Islamic terrorism "establishes illusory allies and collaboration with other superpowers with whom a true alliance is in fact impossible" (p. 82) such as, for instance, the collaboration in the area of extra judicial interrogation of terrorists.

In a world where countries have disparate understandings of rights and sovereignties, Kagan claims that: "on the large strategic questions such as whether to intervene or to impose sanction or attempt to isolate nations diplomatically, there is no longer an international community to be summoned" (p. 74). Since it has become obvious that the United Nations can no longer solve these problems and that the creation of a new alliance in which great powers jointly come to solutions is at the present moment impossible, Kagan supports the unification of democracies into a single organization which would in the beginning be informal (p. 96). A counter-balance to autocratic states, this alliance would, however, not wage crusades (p. 96). The principle role of this alliance would be devoted to establishing democracies in parts of the world affected by crisis.

The Return of History and the End of Dreams is primarily dedicated to security challenges which the USA faces today, or will be faced with in the future. In it, all other actors of international politics are of secondary importance. The European Union is not mentioned as an actor, but only as an alliance of certain Western European democracies. Although a slight self-criticism is gleaned, the hegemony of the USA in world politics is not questioned, and the USA takes over the responsibility to shape future politics. Frequently cynically, Kagan poses the question of whether there is anyone else who can live up to the challenge. **BOOK REVIEWS**



INSTRUCTIONS FOR THE AUTHORS

Instructions for the authors

Western Balkans Security Observer is a magazine established by the academic community of the Belgrade School of Security Studies. The papers that we publish in this magazine deal with regional security issues, but they also focus on national and global security problems. The editors especially encourage papers which question the security transformations from an interdisciplinary perspective and which combine different theoretical starting points. A special column is dedicated to reviews of the newest sources from the fields of security studies, political sciences, international relations and other related scientific disciplines.

When writing the papers, the following criteria must be observed:

- Desirable text length: from 1.500 to 3.000 words
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