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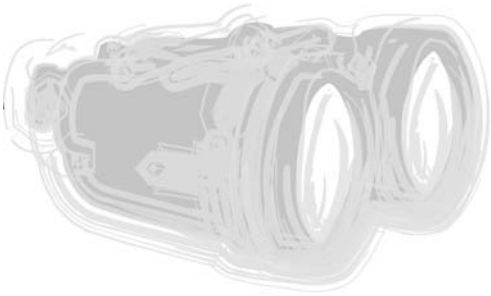

RUSSIA AND WEST

Biometry, security and human rights

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Editor's word

August 2008 will go down in history as the month in which two of the world's rising authoritarian powers, Russia and China, achieved diplomatic, military and sporting triumphs. As the brief but intense war in Georgia drew to a close many commentators were quick to pronounce, with varying degrees of enthusiasm, the resumption of the Cold War. Disagreements between Russia and the US over the proposed installation of an anti-missile shield in Central Europe do nothing to detract from this appraisal of the geo-political situation. For the WBSO Klara Bratova analyses Czech arguments for and against the placing of an anti-missile radar on the territory of the Czech Republic. An agreement, signed on the 8th of July by US Secretary of State Condoleezza Rice and Czech Foreign Minister Karel Swarzenberg, approved the installation of such a radar. In his analysis of the strategic options available to world powers in their approach to problems in the Balkans, Jim Seroka shows how the vast gap in perceptions between Brussels, Washington and Moscow hold back cooperation and prevent progress in the stabilisation of the region. Historians often claim that in order for there to be understanding in the present, there needs to be an understanding of the past. Therefore, we suggest that all those who are interested in the current state of civil-military relations in Russia read Jelena Radoman's paper on civil-military relations during the final years of the Soviet Union and during Boris Yeltsin's rule in Russia.

Many Serbian citizens will remember this summer also for all the problems they had applying for new biometric ID cards and passports. The issuing of these passports was problematic as the application forms were initially of insufficient quality and later because the first batch of passports was marred with errors. The ID card situation was little better; blighted by long queues and longer waiting lists, complicated procedures, etc. As with the new passports, many of the ID cards issued contained errors such as incorrect addresses etc. As if that were not enough, it became clear that those who were issued with ID cards with a biometric chip would not be able to use them in the majority of state institutions, banks and post offices as these had not been supplied with the relevant card-readers, known in Serbian as ČELIK (Čitač Elektronske Lične Karte, English: STEEL).

On the 3rd of March the Centre for Civil-Military Relations organised a public discussion, Biometrics, Security and Human Rights, in Belgrade's 'Media Centre'. The discussion was held due to concerns about the introduction of these new and intrusive technologies without an adequate legal framework that would protect citizens' right to privacy, without the establishment of indispensable technical conditions such as the training and equipping of the state administration and, finally, without any public debate. In these pages you will find a transcript of this debate, which caused so much controversy that it was repeated, in an almost identical format, on the RTS* discussion programme Ključ (Key), aired on the 24th of March. Also in this issue, Bogdana Koljević writes on issues connection the introduction of biometric technologies and contemporary political philosophy, particularly the works of Michel Foucault. Finally, we round-off the theme of biometrics with a summary of the fifteen key arguments from a scientific study by Oliver Subotić, the only one of its kind conducted on this topic in Serbia.

If the Olympics, war in Georgia and biometrics were the hot topics in Serbia this summer, the autumn is likely to be all about the US Presidential Elections. The main question seems to be whether US foreign policy under a Democratic president will be fundamentally different to that currently practiced by George Bush junior and, presumably, his Republican successor, John McCain. Issue No. 9 continues with Zoran Kučeković's critical analysis of the concepts of Military Intervention and Forced Democratisation, so popular in the West, particularly the US, since the end of the Cold War. He concludes that "current US policies are in need of significant adaptation and critical examination before the term 'just war' can be applied to them". The selection of one of the most vocal supporters of military intervention in the Balkans and the Middle East, Senator Joseph Biden, as the presumptive Democratic party vice-president does not, it seems, increase the chance of any kind of critical examination of US foreign policy in the near future.

Filip Ejdus - Executive Director of the Centre for Civil-Military Relations

Russia – the great winner and the potential loser in the Georgian war

Jelena Radoman

Two weeks ago anything but spontaneous and unplanned Russian military action in Georgia led to an avalanche of publicly revealed fears, hopes and protecies of far-reaching consequences of that action. The majority raised justifiable concerns regarding respect for the international law norms and the possibility of building strategic partnership with Russia. Among the rare who publicly expressed triumphalism and even euphoria concerning Russian move were particular political actors on the Serbian political scene although Russian military action against territorial integrity of internationally recognized state could not help Serbia in its diplomatic battle on Kosovo issue. Russia justified its military action by the rhetoric of humanitarian interventionism and officially recognized South Ossetian and Abkhazian independence which came as direct consequence of the military campaign. If they are still aiming at political support for Serbia regarding Kosovo, as they claim they are, then Russians are the ones who ought to explain what the difference between the Serbian and the Georgian case is.

Among the numerous issues that short Russian-Georgian war raised few seem particularly interesting. The first is by which reasons Saakasvili's decision to provoke Russian harsh reaction was driven? Couldn't he or anyone among his domestic or foreign advisors predict the scope of the Russian response? Secondly, is the Russian campaign only short-term adventure aimed at showing muscles in Russian near abroad or there is specific political and security agenda behind it? And if there is what it would be? For the second time in its modern political history Russia launched military campaign and promoted new political figure

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at the same time. Putin's public image was significantly boosted by the Second Chechen War launched only few days after he was appointed Prime Minister in 1999. Is this short victorious war meant to serve in a process of promotion of a Russian new foreign political style and/or new leadership? Whatever the case is, Russia is gambling with the possibility of staying isolated in the international arena and once again deprived of the only sort of power it never had – soft power. Georgia is facing realistic possibility of losing part of its territory; Russia is facing a threat of losing a chance for respectful and constructive position in 21st century international community.

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The installation of the radar base in the Czech Republic – Pro and Contra

Klára Bratová

UDK 327 (437,3)

Introduction

On January 19, 2007 the USA officially requested the Czech Republic to get involved in the American Missile Defence System. The Czech Republic should become a location of radar which is able to pinpoint and track a launched attacking long-range ballistic missile in its mid-course ballistic phase.[1] The second part of the system, the anti-rackets should be based in Poland. The official request has been followed by a number of consultations, experts visit and negotiations which should very soon result in signing of the final agreement with the USA.[2] If the agreement is approved the radar would be in operation from 2011. Without any doubt, the discussion about installation of a radar base on the Czech territory, represents a very tough dispute and certainly belongs among the most important decisions of Czech foreign policy since 1989. Unfortunately the discussion among politicians does not correspond to the strategic dimension of such a decision. On the contrary, possible placement of the radar on the Czech territory is misused in the domestic struggle among political parties. In my paper I would like to sum up the argumentation of the biggest political actors in the Czech Republic.[3] I will include a brief summary of the NGO activities in this regard and dedicate few words to the public opinion polls.

For the introduction it is noteworthy to characterize a bit recent government of Prime Minister M. Topolánek (ODS). The government is formed by Civic Democratic

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[1] According to the decision of the Czech State Security Council of July 2007, the radar would be located in the area of the Brdy military grounds in the Pilsen region.

[2] There will be actually two agreements – one concerning the installation of the radar base and the second one will be the bilateral SOFA agreement regulating the status of the American armed forces. There should be approximately 250 people from American staff.

[3] It is necessary to mention, that the opinions on the radar issue differ even among the members of particular party, as well as their argumentation is evolving with the time in reaction to the new facts and development. In my paper I will thus try to describe the main features of their policy towards the radar issue.

Party (ODS), Christian and Democratic Union - Czechoslovak People's Party (F-ČSL) and Green Party (SZ) and has been established after very long-lasting talks on January 9, 2007.[4] The biggest problem of this centre-right government is the fact that it has only 100 deputies in the 200-seat lower house of Parliament. Thus in the crucial votes it must rely on the support of two former Czech Social Democratic Party MPs (ČSSD) M. Melčák and M. Pohanka who actually enable its existence.[5]

Should Czechs decide themselves?

The debate about the installation of the radar base in the Czech Republic includes a huge variety of topics. From defence and foreign policy aspects to a number of technical topics ranging up to the possible radiation of the radar itself, influence on the aviation transport and possible impacts on health. Probably the liveliest discussion concerning the radar issue is regarding the way how to take the ultimate decision. ODS and KDU-ČSL argue that according to the Czech constitution such a treaty has get the approval by an absolute majority of all members of both chambers of Parliament.

On the contrary the opposition stresses the necessity to decide it by a plebiscite. The strongest opposition party Czech Social Democratic Party (ČSSD) often refers to the public opinion polls, which show in a long-run that approximately 70% of Czechs oppose the installation of the radar on the Czech territory. ČSSD refers to the fact that the radar issue was not a topic of the pre-election campaign, and thus people did not have any chance to take it into account during the elections. Last year ČSSD tried to push an act on the plebiscite trough the lower house, but they did not succeed.[6]

In their argumentation they as well mention that the decision to install the U.S. radar could worsen the relationships with our partner states from NATO, the EU, as well as with Russian Federation.[7] The leader of ČSSD J. Paroubek even stated that, if the agreement is approved

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[4] The parliamentary elections were held on June 2-3, 2006. The lower house of Parliament has 200 seats. ODS got 81 seats, KDU-ČSL 13 seats, SZ 6 seats, ČSSD 70 seats and KSČM 26 seats. There are 4 MPs who are independent.

[5] They both were expelled from ČSSD.

[6] Macková, M. "Czech Parliament blocks the referendum on US radar" *Aktuelne, Oktobar* 26, 2007 http://aktualne.centrum.cz/czechnews/clanek.phtml?id=512178 . (25. 6. 2008).

[7] Press release of ČSSD from 17.7.2007. In http://www.cssd.cz/s14983/tiskove-zpravy/a12054.html.

just thanks to the support of two former Social Democratic MPs (ČSSD)[8], his party will consider revision of this agreement and its possible annulment.[9] Speaking about ČSSD it is noteworthy to mention, that it was the previous government formed by ČSSD who started the discussion about the radar with the USA without any notice to the Czech public.[10]

Why do we need the radar?

Civic Democratic Party (ODS), the strongest coalition party, belongs to the biggest proponent of the American radar base in the Czech Republic. Their argumentation is based mainly on the strategic importance of the radar base for our defence. As Czech Prime Minister and leader of ODS M. Topolánek stated, there are numerous new threats we have to face and which we should not underestimate. He referrers mainly to the fight against terrorism and emphasizes the real probability of threat from the rogue states. He warned that his government has enough intelligence information about these threats, which due to their secret nature can not be made public.[11] Thus ODS states that the installation of the radar base is a reaction to possible threats, its purpose is defensive and its installation in the Czech Republic is a part of the global responsibility the country has towards its allies.[12] As another argument in favour of the radar ODS uses possible deterioration in relations with the USA in case the American offer is refused. Member of European Parliament (ODS), J. Zahradil said that the radar was a major policy priority for his party and a vote against would have a serious impact on the relations with the USA.[13]

In the argumentation, ODS often points out the economic aspect of the installation of the radar base in the Czech Republic for the Czech companies. During the negotiation with the USA, Czech government succeeded in establishing cooperation in the sphere of the scientific research between American and Czech scientists. The issue of lifting the visa regime for Czechs travelling to the USA

[8] There is actually new case of another MP from ČSSD P. Wolf, who has parted from the Political group of the ČSSD. He is already fourth member of ČSSD to loose his membership in ČSSD. Beside Melčák and Pohanka it was E. Snítilý for his support of V. Klaus in the presidential election.

[9] Press release of ČSSD from 21.6.2008. In http://www.cssd.cz/s14983/tiskove-zpravy/a19012.html.

[10] The first preliminary bilateral consultations concerning the anti-missile defence issue took place in the Ministry of Defence of the Czech Republic in July 2002. In http://www.proti-raketovaobrana.cz/obrana.asp?y=obrana/eng_6_chronology.htm&param=6.

[11] Speech of M.Topolánek on the occasion of meeting NATO Secretary General Jaap de Hoop Scheffer on 5.5.2008 in Prague. In http://www.vlada.cz/scripts/detail.php?id=34755. (25. 6. 2008).

[12] Topolánek, M.: Radar a víza spolu nesouvisejí, Lidové noviny, 04.06.2007. In http://zpravy.ods.cz/prispevek.php?ID=5095. (25. 6. 2008).

[13] Czech govt coalition divided over US radar, Lisbon treaty votes, In: http://www.eubusiness.com/news-eu/1212324421.36 (25. 6.2008).

is also on the agenda. Even though the government severely stated that these two issues are not related, most of the public perceives it as being a trade-off. Concerning the coalition partners, similar attitudes to ODS is shared by KDU-ČSL, whose member V. Parkanová serves as the Minister of Defence of the Czech Republic. V. Parkanová herself is an author of a song welcoming the installation of the radar base in the Czech Republic. It was meant as a gift to a president of the USA G. Bush during his visit to the Czech Republic in June 2007.

The government trouble maker

The biggest "trouble maker" among the coalition government is Green Party (SZ). Even though its leader M. Bursík has so far backed the negotiations and even succeeded in significant deepening of the environmental part of the agreement with the USA, SZ still seems not to back the agreement in the Parliament. Their strongest argument against the installation of the radar base in the Czech Republic is based on the fact that the radar will not be involved in the structures of NATO.[14] They argue that Czech foreign and defence policy is based on two pillars – NATO and CFSP of the EU, and thus they are willing to support the agreement with the USA only under the condition that the radar is an integral part of the NATO structures. Even though at the last NATO summit in Bucharest Alliance representatives initiated the discussion about possible involvement of missile shield project into the NATO structures, for SZ this is still not enough. According to the agreement draft the radar base will be under the American command, which dissatisfies several MPs from SZ. They as well disagree with the statement that the radar should increase our security and consider it to be dubious. According to the member of foreign section of SZ J. Čáslavka, the placement of the radar will change the balance of power and will lead to an increase of tensions in international relations which can result in new arms races.[15] SZ is generally against the increase of armament,

[14] Čáslavka, J. "Radar podstatně zhorší naši bezpečnost" *Lidové noviny*, Maj 30, 2008. http://www.zeleni.cz/9397/clanek/radar-podstatne-zhorsi-nasi-bezpecnost/. (25. 6. 2008).

[15] Ibid.

as they argue that "strengthening the international security can be achieved only by multilateral cooperation of international community"[16]. "The main political instruments include conflict prevention through effective diplomacy, consistency of human rights, development aid and gradual disarmament."[17] Beside these arguments SZ belongs as well to the proponents of the plebiscite. Finally they as well suggested waiting with the final decision for the new American administration.

What are the stances of the opposition?

We have already summed up the stances of ČSSD, but we shouldn't forget on the opinion of Communist Party of Bohemia and Moravia (KSČM). Similarly to ČSSD, Czech communists are strong proponents of the plebiscite. Their argumentation is generally based on strong anti-Americanism. They very sharply criticize the role and the deeds of the Bush administration, arguing that the US foreign policy is not a stabilizing factor and referring to the situation in Afghanistan and Iraq.[18] They as well ascribe to the radar possible negative impacts on health and environment generally and moreover to the security of the Czech Republic - as they argue that the radar base will make the Czech territory more vulnerable to any possible attack in the future.[19] They perceive the radar to be rather offensive than a defensive system. In the discussion KSČM sometimes argues that they don't want any foreign soldiers on the Czech territory, and thus allude to the 23 years long presence of Russian soldiers in the Czech Republic which still quite resonates among the Czech public.

Civic Society - NGO movements

The controversy of the radar issue among the Czech public is very well demonstrated in a huge wave of public protests. In the following paragraph I will briefly summarize their activities.

[16] See official position of SZ towards American offer to place radar base on the Czech territory, approved on 17. 2. 2007 at the party congress. In http://pisek.zeleni.cz/5437/clanek/stanovisko-sz-k-nabidce-vlady-usa-zridit-radar-na-uzemi-cr/.

[17] Ibid.

[18] Růžička, K "Správné otázky", *Halo Noviny*, June 2, 2008, In http://www.kscm.cz/article.asp?thema=3513&item=38515 (25. 6. 2008).

[19] Remek, V. "Deklaruje se zvýšení bezpečnosti, ale nejde vlastně o zvýšení bezpečnostních rizik?" January 31, 2008, http://www.kscm.cz/article.asp?thema=3513&item=37282 (25. 6. 2008).

One of the most active civic movements is called "No to Bases" movement.[20] This initiative was formed in June 2006. Their argumentation includes a mixture of opinions already mentioned. Similarly to SZ the members of "No to Bases" movement think that the installation of the radar base will increase the tensions in the international arena and can thus lead to arms races. Similarly to KSČM their other arguments are based on strong anti-Americanism. Representatives of "No to Bases" movement argue that it is not possible to fight against terrorism by rockets and that the radar will threaten security of the Czech Republic. They as well refer to the possible impact of the radar on health and environment.[21] In May 2008, two of their activists J. Tamáš and J. Bednář began a hunger strike, demanding the initiation of a proper national discussion on the topic. The strike lasted for three weeks and was criticized by the government as an illegitimate way of blackmailing. The only one who met with the protesters was the Minister of Foreign Affairs, K. Schwarzenberg. Recently the hunger strike has a form of 24 hour chain hunger strike and anyone who disagrees with the installation of the radar can take a part. The strike has been joined by intellectuals and people from cultural life and paradoxically by Czech politicians too. The main aim of the whole initiative is to decide the radar issue in the plebiscite.

Beside the movement "No to Bases" there are several other organizations associating the opponents of the radar. These include for example the environmental movement Greenpeace, which has launched a petition addressed to the Congress of the USA.[22] They as well initiated a happening called "My target is not to be a target". Their argumentation is very similar to the movement "No to Bases", the only difference is in the accent of the environmental issues. Another initiative was established by the city mayors of the Pilsen region, where the radar base should be installed.[23] They mainly criticize Czech government for very bad communication, and ignorance of local referenda, which showed that the majority of the citizens from

[20] More information can be found at www.NeZakladnam.cz.

[21] See list of arguments against the radar in http://www.nenasili.cz/cs/575_10x-proc-ne-radaru.

[22] In http://www.greenpeace.org/czech/cyber-kce/stante-se-on-line-aktivistou/vyzva-kongresu1.

[23] In http://www.starostoveproti-radaru.eu/.

this region are against it. Their opinion has not changed even after the promise of high subsidies for the region in connection with the radar base.[24] Interestingly the civic society movements include as well the proponents of the radar base. The initiative is called "Initiative in Favour"[25]. Its members strongly support the installation of the radar base in the Czech Republic and they even call for the placement of the anti-rockets on the Czech territory too. They base their approach especially on the imminent threat of an attack. In the reaction to the hunger strike, they have organized a public feast in favour of the installation of the radar base.

Ambivalent results of public opinion polls

Judging according to the ambiguity and controversy of the issue among the political elite, we might raise a question what is the stance of Czech public? As we have already mentioned, the Czech politicians often refer to the public opinion polls, and cite the fact that 70% of Czechs are against the radar.[26] Since December 2006 several public opinion polls have been conducted,[27] the last comes from April 2008[28] and their results vary.

As a specialist on public opinion polls J. Hartl argues the results of such polls depend mostly on the question asked. He proves his argument by comparison of two recent public opinion polls.[29] The first one, proudly presented by Prime Minister M. Topolánek, was conducted by SC&C and showed that 29% of Czechs are in favour of the installation of the radar whereas 53% are against it. On the other hand Czech Television few days later published the results of Median agency poll, according to which only 18% of Czech is in favour of the radar and 65%, is against. In the first poll respondents were asked several leading questions first, for example if the Czech Republic is able to shield its territory against ballistic missiles attack, whereas the second poll did not use such a prelude.

The biggest problem is probably very low awareness of Czech public about the issue. Even though Czech government launched an information campaign the majority of

[24] In http://www.ceskenoviny.cz/news/index_view.php?id=321446. (25. 6. 2008).

[25] More information can be found at www.radaryrakety.cz or www.prozakladnu.cz.

[26] In http://www.mzv.cz/wwwo/mzv/default.asp?id=53176&ido=1&idj=1&amb=1.

[27] Results of this public opinion polls can be found in: http://www.protiraketovaobrana.cz/obrana.asp?y=obrana/zapojeni_vyzkumy.htm&param=2.

[28] Holub, P. "Výzkumy říkají radar nechceme, ale smíříme se" Maj 12, 2008. In http://aktualne.centrum.cz/domaci/spolecnost/clanek.phtml?id=605086. (25. 6. 2008).

Czech citizens (74%) argues that they don't have enough information.[30] The fact that the radar discussion is mainly a war of emotions has been proven in the last poll - 75% of the respondents said that their approach towards the radar issue is based on emotions, only 25% decided on a basis of rational arguments.[31] From that point of view it would be very problematic to solve the whole issue by plebiscite.

Conclusion

The agreement on the installation of the radar base between the Czech Republic and the USA is scheduled to be signed in the first half of July 2008.[32] As we have already mentioned, the agreement has to pass through both chambers of Parliament. Whereas the biggest coalition party ODS is a strong proponent of the installation of the radar base in the Czech Republic and base its argumentation mainly on the necessity to cooperate with our allies and protect ourselves from the erratic activities of the rogue states, part of the coalition SZ argues that it is willing to support the radar only if it is a part of the NATO structures. The opposition calls for plebiscite, and Communist Party (KSČM) strictly oppose the radar referring to dangerous American foreign policy and warning that the radar will deteriorate our security. Politicians very often rely on the results of the public opinions polls, which, as we have shown, can be manipulated. Taking into account the whole debate as well as the weak position of the current government it is a question whether the agreement on the installation of the radar base in the Czech Republic will be accepted.

[29] Holub, P.: Výzkumy říkají radar nechceme, ale smíříme se, 12.5.2008. In http://aktualne.centrum.cz/domaci/spolecnost/clanek.phtml?id=605086. (25. 6. 2008).

[30] Results of public opinion poll conducted in October 2006. In http://data.idnes.cz/soubory/obrana/A070821_M02_2006_10_30-IVANGABAL.PDF.

[31] Vývoj situace kolem amerického radaru u nás, In http://www.stem.cz/clanek/1540.

The Wrong Lessons Learned and Future Strategic Choices in the Western Balkans

Jim Seroka

UDK 327.56::351.88 (497)

Abstract

The United States, European Union, and Russia have not been on the same page regarding events, developments, and policies for security in the Western Balkans.The different perspectives and "lessons learned" by the US, EU, and Russia following the Bosnian and Kosovan crises impede progress today. Much of the Western Balkan region is not truly secure, and although the region has stabilized, it is unlikely to be integrated within Europe in the near future. Russia feels itself marginalized, excluded, and threatened; and it is reluctant to cooperate or passively accept a policy in which it has no significant role. The US has turned its attention elsewhere, and it has also rejected forming a joint strategic cooperative understanding with Russia or providing carte blanche support for the EU's integration and nation-building efforts. The EU, in turn, has discovered that it lacks the capacity and the public support to resolve the problems with its own resources. The challenges for the international guarantors in the region involve: establishing a jointly accepted and appropriate level of legitimacy and involvement for Russia in the region; constructing a cooperative, rather than hierarchical, relationship between the US and EU for maintaining security in the region; and helping the international guarantors develop a flexible and workable process for reconstruction of civil institutions and expansion of regional integration in the region.

Key Words: *Western Balkans Regional Security, Kosovo, Bosnia*

The author is a Professor of Political Science at Auburn University and Visiting Professor of International Security Studies at the US Air War College, Alabama USA. The views expressed are the author's alone and do not reflect the official policy or position of the US Air War College, US Department of Defense or any US government agency.

Introduction

During the eight years since the Kosovan campaign and the twelve years since the signing of the Dayton Accords, much has changed in the region. The European Union (EU) has grown from 15 to 27 members, and with the inclusion of Bulgaria and Romania in 2007, the EU member states now completely surround the non-member states of the Western Balkans. From a security perspective in the Western Balkans, the EU has taken primary responsibility for stabilization efforts in Bosnia, and it has become the principal external player in Kosovo. Every Western Balkan nation, including Serbia, is now in the Partnership for Peace (PfP) program; and Albania, and Croatia have received invitations to join NATO in Bucharest in April 2008.

Much in the Western Balkans has also remained the same. Kosovo's international status is unresolved. The Albanian, Macedonian and Serbian economies have not fully recovered, and the Kosovan economy remains dependent upon international handouts and remittances. Politically, Bosnia's entities have not coalesced to form a real federation or confederation, and the country remains an international trusteeship. Overall, the US, EU, and Russia are not on the same page regarding events, developments, and the perceptions of reality in the region. Also, as long as the major security actors in the region continue to pursue autonomous goals and objectives and remain wedded to incompatible perceptions of reality, the region cannot coalesce and will remain a latent security threat for the foreseeable future.

International Actions in the Western Balkans: Varying Perceptions

To understand the varying perceptions of security issues in the Western Balkans held by the US, EU, and Russia, it is necessary to examine what each of the guarantors experienced and learned from the execution and administration of the Dayton Peace Accords and Kosovo campaign and protectorate. Fundamentally, the US, EU and Russia have come

away with different "lessons" from their experiences in the region, and it is these different "lessons" which define the security environment today.

Consociation in Bosnia-Herzegovina

In 1995, there was strong reluctance on the part of the Europeans, United States and Russia to become involved in the Bosnian civil war, but there was widespread acknowledgement that concerted action was necessary. International intervention in 1995 was motivated primarily at resolving the enormous humanitarian crisis in the region and precipitated by the inability of the United Nations (UNPROFOR) and European security forces under UN command to guarantee the security of civilians in the area.[1]

Unfortunately, each of the international guarantors came away with different lessons from the Bosnian-Dayton experience. For example, the *United States* "learned:" (1) the need to coordinate military, informational, financial and diplomatic pressures; (2) the utility of consulting multilaterally, but acting unilaterally; (3) the efficacy of airpower as an effective coercive instrument of power; and (4) the desirability of multilateral forces to maximize security and minimize the application of US troops on the ground.[2]

The *European Union*'s "lessons learned" represented a significant paradigm shift. They "learned" that European military force structures needed considerable modernization; that they could not conduct complex military operations as separate regional European forces; and that their common security and foreign policy framework and procedures were inadequate to the realities in the region.

As the immediate military threat diminished in the post-1995 implementation period, US interest and physical presence in Bosnia also declined and Bosnia was no longer perceived as a security priority for the United States.[3] From the EU perspective, the US was seen to be eager to abandon its responsibilities in the theatre and declare Bosnia "a European problem." The EU also found it could not rely on the US for long-term continuous assistance in stabilization and reconstruction efforts and that electoral changes in US

[1] Richard Holbrooke, "America, a European Power", *Foreign Affairs*, Volume 74, no. 2 (March/April 1995): 40.

[2] See, Steven Burg and Paul Shoup, *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention*, (Armonk, NY: M.E. Sharpe, 1999).

[3] To illustrate this point, the 2002 National Security Strategy of the United States of America makes virtually no reference to Bosnia, or even the Balkans. The 2006 document repeats the omission.

leadership led to pivotal changes in policy philosophy and execution.

Initially, *Russia*'s involvement with the events leading up to the Dayton agreement was supportive of the need to quell the violence and re-establish order in the area. Reportedly, Russia put considerable pressure upon Yugoslavia's Slobodan Milosevic to withdraw Yugoslavia's support from the ethnically Serbian rump republic and to induce the Bosnian Serbs to come to the negotiating table.[4] In addition, Russia provided substantial military contributions in Bosnia in support of IFOR and later SFOR.

Over time, however, many in the government felt that Russia was taken for granted and not given the consideration, consultative role, and deference due a great power.[5] This feeling of abandonment was underscored further when the US strongly backed NATO expansion to include Lithuania, Latvia and Estonia, despite Russia's perceptions of prior assurances from the US to the contrary.[6] Among the Russian "lessons learned" from the post-Dayton experience was that Russia could expect cavalier treatment by the West; that cooperation with NATO yielded little of value to Russia's national interests; and, that the intentions of the US and NATO were expansionist and threatening.

Kosovo 1999 – Reluctant Allies and Bitter Former Partners

In the 1999 Kosovan air campaign, the *United States* reapplied the "lessons learned" from the pre-Dayton coercive diplomacy exercise. Fundamentally, the US perceived the Kosovan Air war to be a continuation of the regional conflict and not as a separate and distinct security issue. Prior to the attack, Yugoslavia's regime was thoroughly isolated from the world community, its borders were sealed, and its financial resources frozen. Although the campaign was officially a NATO exercise, the United States dominated all military aspects of the campaign and was responsible for nearly all the air missions. At the conclusion of the eleven weeks of operations, Yugoslavia lost administrative and political control over Kosovo, and the US, France, Italy, Germany and UK military forces occupied the province.[7]

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[4] Mike Bowker, "The Wars in Yugoslavia: Russia and the International Community", *Europea-Asia Studies*, Volume 50, no. 7 (1998): 1245-1261.

[5] Paul Kubicek, "Russian Foreign Policy and the West", *Political Science Quarterly*, Volume 114, no. 4 (199-2000): 547-568.

[6] James Goldgeier, "NATO Expansion: The Anatomy of a Decision", *The Washington Quarterly*, Volume 21, no. 1 (Winter 1998): 85-102.

[7] Michael Ignatieff, *Virtual War: Kosovo and Beyond*, (NY: Metropolitan Books, 2000).

In general, after Kosovo the United States did not repudiate any of the "lessons learned" from the Bosnian crisis. Airpower again proved to be a decisive and sufficient condition for successful military action; the NATO allies still lacked the armament and airpower to make a substantial contribution to the effort; and commitments from partners and allies were necessary to carry out the occupation and restore civil order.[8] Kosovo also introduced some additional "lessons learned". In contrast to the Bosnian intervention, the Kosovo air war was dominated by the United States, with no attempt to recruit Russia as a partner or broker in the conflict. During the conflict, the US did not seek trans-global legitimacy for its actions; and the UN exercised, at best, a marginal role in how the war was conducted. Perhaps, the most significant "lesson learned" for the US from Kosovo was represented by the *Clinton Doctrine* – a policy stating that the US had an obligation to stop genocide wherever it occurs in the world, and intervene, if necessary, without authorization from the United Nations.[9]

From the *European Union* perspective, much of what was "learned" after Dayton re-occurred in Kosovo. The EU again learned that it did not have a robust military capacity that could be easily forwarded to conflict situations. Its weapons and equipment were inferior to those deployed by the US; its logistics and communications were comparatively primitive; and it had only limited ability to function as a unified command.[10] In addition, Europeans were not as enthusiastic about military action as the Americans, and during the campaign substantial segments of the public in Greece, Slovakia, Spain and the Czech Republic were opposed to these actions.[11] As occurred in Bosnia, US interest and commitment to Kosovo declined over time. Within five years, many of the regular US troops were replaced by reservists and US National Guard units.[12] Also, as in Bosnia, the US did not become seriously engaged in or committed to reconstruction and civil administration programs and left those activities to the Europeans.

While the US and EU enjoyed a level of broad agreement on the strategic level regarding Kosovo, *Russia's* perspective diverged even from that broad principle. The Kosovan Air War was conducted despite strong Russian opposition, and for many in Russia, Kosovo was strong evidence of the

[8] Ivo H. Daalder and Michael E. O'Hanlon, "Unlearning the Lessons of Kosovo", *Foreign Policy*, Issue 116 (Fall, 1999): 128-140.

[9] Michael Mandelbaum, "A Perfect Failure", *Foreign Affairs*, Volume 78, no. 5 (September/October 1999): 2-8.

[10] Jolyon Howorth, *Security and Defence Policy in the European Union,* (NY: Palgrave Macmillan, 2007).

[11] Surveys conducted by the Angus Reid and Louis Harris polls (April 1999) cited in J. O'Loughlin and V. Kolossov, "Still not worth the bones of a single Pomeranian grenadier: the Geopolitics of the Kosovo War 1999", *Political Geography*, Volume 21, no. 4 (2002): 572-599.

[12] In 1999, there were 7,000 US troops in Kosovo out of a total of 50,000. In 2007, there are 1,733 US troops assigned to KFOR out of a 16,500 total troop contingent.

West's intentions to isolate and weaken Russia.[13] Russia's military and government reacted strongly to these events. For Russia, Kosovo forced a reversal of the trends towards partnership, joint conflict management and comprehensive arms control and disarmament with the West.[14] It also induced a fundamental shift in Russian military doctrine in 2000 which listed "interference in the Russian Federation's internal affairs" and "attempts to ignore (infringe) the Russian Federation's interest in resolving international security problems" as the top threats to Russia's military security.[15]

Lessons Learned and Future Choices

The different perspectives and "lessons learned" by the US, EU, and Russia following the prior Bosnian and Kosovan crises are relevant today, particularly in the resolution of Kosovo's status and in the creation of a true Bosnian community. Broadly stated, the challenges for the international guarantors in the region involve: (1) Establishing a jointly accepted and appropriate level of legitimacy and involvement for Russia in the region; (2) Constructing a cooperative, rather than hierarchical relationship, between the US and EU for maintaining security in the region; and (3) Helping the EU to develop an inclusive and flexible, rather than exclusionary and pre-deterministic, process of reconstruction of civil institutions and expansion of regional integration. Underpinning these concerns is the need for all three actors to articulate a willingness to work together, to develop a common vision, and to construct a strategic and proactive regional approach.

Kosovo 2008

Kosovo provides the most immediate challenge to security in the region. In March 2007, the United Nations report on the future status of Kosovo recommended independence supervised by the international community as the only viable option to the future status of Kosovo.[16] By early 2008, Albanian Kosovars declared independence, and received recognition soon after by the most of the EU states

[13] Oksana Antonenko, "Russia, NATO and European Security After Kosovo", *Survival*, volume 41, no. 4 (Winter 1999-2000): 124-144.

[14] Alexei G. Arbatov, "The Transformation of Russian Military Doctrine: Lessons Learned from Kosovo and Chechnya", *Marshall Center Papers,* Number 2 (2002).

[15] *Russian Federation Military Doctrine*, approved by Russian Federation Presidential Decree of 21 April 2000.

[16] United Nations Security Council, *Comprehensive Proposal for the Kosovo Status Settlement*, S/2007/168 (March 26, 2007).

as well as the US. Serb communities in Kosovo and the Serbian government, however, remain adamantly against independence for Kosovo, while Russia continues to announce its intention to resist full international recognition.

By the end of 2007, negotiations to resolve the issue failed. The US and the European Contact Group members strongly back the report's recommendations, but Serbia, with strong backing from Russia continues to propose autonomy in place of independence. Some EU members, such as Cyprus, Romania, Spain and Greece are reportedly guarded and concerned about the precedent that may be set regarding recognizing independence movements without approval by the UN Security Council. Finally, there is concern by some in Europe that violence will be inevitable should Kosovo's independence be widely recognized.[17]

Unfortunately, past experiences, policies, and "lessons learned" have colored the situation and made resolution of the crisis much more difficult. Among the Serb public, Kosovo is still an important issue, and in the summer of 2007, nearly half (48%) of the Serbs polled expressed the opinion that retaining Kosovo was more important that working with the EU.[18]

Russia has been adamant that it will not be steamrolled again or cross the "red line" over Kosovo, and that "it will never be party to any new Holy Alliance against anyone."[19] For Russia, the Kosovo negotiations are viewed through the lens of great power geopolitics, and are linked together with NATO's prior expansion and the proposed construction of the US missile defense facilities in Poland and the Czech Republic. From Russia's perspective, the failure of the US and NATO to acknowledge Russia's strategic role greatly enhances the level of instability in the region.

A second important security issue is the need to involve the guarantors in the prevention of a failed state in Kosovo, reconstruction of civic institutions, the development of a viable economy, and resolution of ethnic divisions and conflict. To date, the EU and OSCE have achieved considerable progress in creating a reasonably stable civil and security infrastructure in Kosovo, and the EU has committed to carry even more of the burden in a post independence period.[20] The problem is that the US has little interest in nation-

[17] The US has not publicly threatened nor intimated that it would recognize Kosovo's independence outside the UN structure, but some European observers believe that to be a real option. See: Milica Delević, *Regional Cooperation in the Western Balkans*, ***Chaillot Paper***, Number 104, EU Institute for Security Studies: Paris (July 2007): 82.

[18] See Centar za slobodne izbore i demokratiju, *Research of Public Opinion in Serbia, Early Summer 2007*, Belgrade (June 2007)

[19] Statement of Russian Foreign Minister Sergei Lavrov on September 3, 2007 reported in Radio Free Europe/Radio Liberty. www.rferl.org/featuresarticle/2007/9/7c49b3d7-9117-4a89-aaaf-032bf48a0ad4.html

[20] EU Council Secretariat, *European Security and Defence Policy: The Civilian Aspects of Crisis Management,* (May 2007) www.consilium.europea.eu/Newsroom and *The EU is preparing for important responsibilities in support of Kosovo,* ***European Security and Defence Policy***, Issue 4 (July 2007): 12-13.

building in the area, and has shifted its attention and resources to Iraq and elsewhere. Meanwhile, the EU lacks both the will and the capacity to provide security, revitalize the economy, and to rebuild alone Kosovo's civic infrastructure.[21]

Thus, Kosovo may achieve independence, and the EU may commit to maintain troops in the area to keep the peace. However, the broader international commitment to provide the resources and guidance to uplift the economy, build civic institutions, and encourage the development of a democratic society in line with European value expectations may not be forthcoming.[22] Under such circumstances, the EU's stabilization and integration policy will be neutralized,[23] and one likely result may be the ghettoization of Kosovo in Europe.[24]

When examining the Kosovo situation, the inability of the US, EU, and Russia to work together to develop a common perspective and desirable end-state for the area may scuttle attempts to achieve lasting regional security. In addition, the failure of the US and EU to cooperate on a common approach to security in the area that goes beyond peacemaking and military force engagement weakens the capacity to achieve progress beyond simple stabilization. Finally, the reluctance of the US to make long term commitments to nation-building in Kosovo and to work with the European partners to reconstruct civil institutions and civil society portends a long period in which the troubles of Kosovo will continually come to the fore.

Bosnia and Herzegovina 2008

Bosnia's regional security situation has effectively been frozen in place during much of the last decade. While the threat of organized violence has receded, there has been little progress in creating a truly functioning and unified state. The Serbian entity has not fully cooperated with the ICTY; there has not been integration of currencies, budgets, or public services across the entity borders; no truth and reconciliation process has been implemented; and Bosnians of all ethnicities have not made much progress in integrating among themselves.

[21] James Pettifer agrees that the EU lacks the capacity to carry the security burden alone, but is committed to the exclusion of Russia from the process, and perceives that the US has the capacity, but lacks the will to take the initiative. "Kosovo- Third Time Lucky?" *Advanced Research and Assessment Group,* Balkan Series 07/27, Defence Academy of the United Kingdom (Septembar 2007. god).

[22] The Stability Pact for South Eastern Europe outlined six core objectives: Parliamentary Cooperation, Local Democracy and Cross-Border Cooperation, Energy and other Regional Infrastructure, Trade Investment and Employment, Fighting Organized Crime and Corruption, and Managing and Stabilising Population Movements. See www.stabilitypact.org/about/Core%20Objectives%202006%20-%20final%20(web).pdf

[23] Frank Schimmelfennig, "European Regional Organizations, Political Conditionality, and Democratic Transformation in Eastern Europe", *East European Politics and Societies*, Volume 21, no. 1 (Winter 2007): 126-141.

[24] Christian Pippan, "The Rocky Road to Europe: The EU's Stabilisation and Association Process for the Western Balkans and the Principle of Contitionality", *European Foreign Affairs Review*, Volume 9, no. 2 (2004): 219-245.

Unlike Kosovo, Russia is included in the Bosnian policy-making process. Russia approves and supports the EU and High Representative's activities in the area; it has a strong commercial presence; and it is a key member of the Peace Implementation Council Steering Board (PIC). Also, unlike Kosovo, the US has ceded military security issues to the EU and its EUFOR, so that Russia continues to participate in the security framework.[25]

Just as in Kosovo, the EU is metaphorically "flying solo" with nation-building and civic institution building activities in Bosnia. Also, as in Kosovo, the EU is uncomfortable with these arrangements.[26]

Replicating the situation in Kosovo, the international guarantors face a festering security problem. Lacking serious commitments from the Bosnian entities, without a realistic chance for membership in the EU, and with only benign support from the US and Russia, the prospects for progress beyond stabilization appear dim.[27] The choices for Bosnia are between pursuit of a EU integration policy in a decidedly hostile and improbable environment, or eventual ghettoization in Europe.[28]

Again paralleling the Kosovo situation, the inability of the US, EU, and Russia to work together in Bosnia to develop a joint regionally-based strategy may impede attempts to achieve lasting regional security. The reluctance of the US to engage in long-term nation-building and to cooperate with the European partners in reconstruction of civil institutions and society suggests that the Bosnian security environment may not permanently improve in the reasonably foreseeable future.

Final Observations

In conclusion, much of the Western Balkan region is not truly secure. Although the region has stabilized, it is not yet integrated with Europe. Russia feels itself marginalized, excluded, and threatened. The US has turned its attention elsewhere, and it has also rejected forming a joint strategic cooperative understanding with Russia or providing carte blanche support for the EU's integration and nation-building efforts. The EU, in turn, has discovered that it lacks the

[25] Julie Kim, CRS Report to Congress RS21774, *Bosnia and the European Union Military Force (EUFOR): Post-NATO Peacekeeping,* (December 5, 2006).

[26] David Chandler, "EU Statebuilding: Securing the Liberal Peace through EU Enlargement", *Global Society*, volume 21, no. 4 (October 2007): 593-607.

[27] Mustafa Turkes and Goksu Gokgoz, "The European Union's Strategy towards the Western Balkans: Exclusion or Integration?" *East European Politics and Societies*, Volume 20, no. 4 (Fall, 2006): 659-690.

[28] Maurizio Massari, "Do all Roads Lead to Brussels? Analysis of the Different Trajectories of Croatia, Serbia-Montenegro and Bosnia-Herzegovina", *Cambridge Review of International Affairs*, volume 18, no. 2 (July 2005): 259-273.

capacity and the public support to resolve the problem with its own resources. It has also learned that the promise of membership in Europe carries weight only if the promise is likely to be realized – an unlikely outcome in the less stable parts of the Western Balkans.

In the short term, it is likely that none of the guarantors, including Russia, will wish to see any large scale civil violence erupt. In the short term, it is also likely that the security forces in place, both military and police, will be sufficient to secure the peace and minimize widespread disorder. Finally, absent a change in the security environment in which the US, EU, and Russia cooperate on a common and long-term security strategy, it is likely that the interests and capabilities of the guarantors will be best served by collectively keeping a lid on the situation, keeping the conflicts frozen, and strengthening walls around the impacted parts of the region.

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What were perspectives and challenges for civil-military relations during El'tsin's first presidential term?

Jelena Radoman

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Abstract

As an important feature of one political regime, the pattern of civil-military relations could serve as an assessment tool in research of regime's democratic or undemocratic nature. In this article civil-military relations during El'tsin's first presidential term were analysed on the basis of political and military establishments' attitudes towards the norm of the military non-involvement in domestic politics. This norm was particularly challenged in 1991-1995 period in Russia during three crucial events: August 1991 coup, October 1993 Parliament bombing and the launching of the First Chechen War in 1994.

Key words: *civil-military relations, civilian supremacy, El'tsin, August coup, October 1993, First Chechen War.*

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Examining civil-military relations is inevitable in an attempt to understand and evaluate the nature of any political regime. Since the armed forces are prerogative of state authority and part of state apparatus, if we are to understand one political regime we have to study the manner in which state authorities are using that apparatus, for what purpose and with which consequences. Our aim is to examine the prospects of civil-military relations after the dissolution of Soviet Union and main challenges that threatened stability and democratic nature of those relations, in order to evaluate relations between political and military author-

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ities in the Russian Federation (RF) during El'tsin's first term in the office. There are two crucial questions that serve as guidance: whether Russian army was under efficient civilian control during that time, and if it was, what type of the control prevailed: subjective or objective. According to Huntington, subjective control means subordination of military to particular civilian group (part of government, class…), with the denial of independent military sphere. Consequence of this model of control is situation in which military serves as a tool of particular group or groups in achieving their (political) interests. Opposite to that, essence of objective control is recognition of military autonomy within its professional sphere, while military recognizes supreme civilian authority.[1] Insight into nature of civil-military relations will enable us to gain deeper insight into the nature of El'tsin regime and circumstances that shaped Russian politics from 1991 till 1995.

Relations between civil and military authorities in Russian Federation in 1991-1995 period can not be fully understood and studied without taking into consideration legacies of Soviet Union history, its practice in civil-military relations and consequences of its dissolution. Soviet Union's status as a great power was largely built on the fact of its huge military potentials. Discussing Soviet legacies in relation with civil-military relations in RF is necessary if we take into consideration that Russia in fact inherited the vast majority of Soviet military forces, ˝thus incorporated the best as well as the worst of the old traditions˝.[2] Literature on civil-military relations in the Soviet Union is mainly unique in conclusion that Soviet armed forces were effectually subordinated to civil authorities (Communist Party), but not uniform in conclusion whether they were politicised or not. Barylski argues that ˝Soviet tradition rejected the idea that the armed forces should be outside of politics˝, because military leaders were expected to be loyal politically, and consequently have been dragged into politics one way or another.[3] Taylor argues that the attachment to a norm of civilian supremacy was very strong among military personnel, but also was their commitment to an apolitical organizational culture.[4] What is perceived to be in common in these two views is the observation of affiliation to a norm of civilian supremacy exercised by both civilian and military

[1] Samuel P. Huntington, *The soldier and the state: the theory and politics of civil-military relations*, Cambridge: Belknap Press of Harvard University Press 1957, pp. 80-85.

[2] Richard Sakwa, *Russian politics and society*, Third edition, London: Routledge 2002, p. 397.

[3] Robert V. Barylski, *The soldier in Russian politics: duty, dictatorship, and democracy under Gorbachev and El'tsin,* New Brunswick, New Jersey: Transaction Publishers 1998 (hereafter, Barylski, *Soldier*), p. 50.

[4] Brian D. Taylor, *Politics and the Russian army: civil-military relations, 1689-2000,* Cambridge: Cambridge University Press 2003 (hereafter, Taylor, *Politics)*, p. 231.

authorities, and a military belief that it should not play a role in domestic politics.

Civil-military relations in 1991-1995 period were built in environment set by Mikhail Gorbachev's reform policies and consequent dissolution of the Soviet Union. *Perestroika* and *Glasnost* had an impact on military forces, in both political and economic terms. In political terms, the reforms attempted to increase professionalism and discipline in the armed forces, take anti-corruption measures and bring younger cadre in higher posts in military, what was perceived as acceptable by military personnel. But, at the same time, reforms were perceived as misconduct and threatening for state stability.[5] Very important political consequence of attempted reforms was the fact that, in accordance with the logic of *Glasnost* in other segments of Russian politics, military personnel were not just allowed but actually encouraged to discuss political matters and express their attitudes towards political matters, even if that led to criticism of their civil commanders.[6] Moreover, military officials were also eligible to run for parliamentary elections, which led to the situation where 82 deputies in the Soviet Congress elected in 1989 had ties to the military. [7] From a perspective of western democracies, situation in which military officers criticize their Commander in Chief would be described as aberration of 'normal' civil-military relations. Besides *Glasnost*, another attempt of reform in Soviet Union had huge impact on military and its corporate interests. Defence sector and military industry had large share in the Soviet Union economy; even to the extent that Gorbachev spoke about military economy as ˝Molokh˝ (The Monster) which ˝devoured the fruits of hand mercilessly exploited the industrial plant…˝[8] In 1988 began the process of decreasing the military budget in the circumstances of overall economy decline in the Soviet Union. Also, in November 1988 Gorbachev ordered Ministry of Defence to prepare plan for force reductions. The logic of Glasnost had further impact on the civil-military relations. The 1989 defence budget was made public, as well as the quantitative details of the USSR's strategic and conventional stocks of weapons,[9] what was unimaginable just a few years before 1988. The trend of decreasing defence budget continued even after collapse of USSR, in newly created Armed Forces of the Russian

[5] Barylski, *Soldier,* p. 43.

[6] Barylski*, Soldier,* p. 45.

[7] Taylor, *Politics,* p. 228.

[8] M. Gorbachev, *Memoirs*, according to Julian Cooper, 'Society-military relations in Russia: the economic dimension' (hereafter, Cooper, 'Society-military relations') in Webber and Mathers, eds, *Military and society in post-Soviet Russia,* Manchester: Manchester University Press 2006, pp. 131-159 (p.131).

[9] Cooper,' Society-military relations', p. 137.

Federation, this time following the Egor Gaidar's policy of 'shock therapy'. It was Gaidar who, backed by El'tsin, in early 1992 decided to reduce by two-thirds the spending on weapons procurement for the armed forces.[10] Therefore, financial resources for military decreased significantly due to the general economy crisis, while the USSR dissolution imposed the necessity of deciding how large armed forces RF needs.[11] Continued trend of decrease in both financial resources and the size of the armed forces in 1990s were accompanied by the poor conditions of military personnel housing, manpower, social support, training and supplies.[12] What further complicated the military position was withdrawal of all Soviet troops from Germany, Eastern Europe and Mongolia (about 750,000 soldiers), which imposed the problem of their housing and careers. These factors are implications of general unprivileged position of armed forces of RF during first years of its existence.

Not only military corporative interests were highly jeopardized at the beginning of 1990s. What came even under greater challenge was the norm of non-involvement of Soviet Armed Forces in internal disputes, the norm to which Soviet Army, as well as Russian, have been strongly attached to. What posed the challenge to this norm was involvement of military forces into dissolution of USSR and in failed August 1991 coup. Armed forces were (internally) used in Tbilisi in April 1989, in Baku in January 1990 and in Vilnius in January 1991. In all these three cases USSR's Armed Forces were used against Soviet citizens, according to the decision of civilian authorities. Soldiers obeyed instructions given by legitimate state authorities, and afterwards faced severe criticism for using force against civilians. What emerged as the most significant outcome of these three events, regarding civil-military relations, was labelled as 'Tbilisi syndrome'.[13]

What imposed even greater challenge for civil-military relations in USSR and for a military belief that their mission is not to be used in internal politics was the failed August coup in Moscow in 1991. The plotters of failed August coup attempted to preserve the USSR and to stop what they perceived as trend of disastrous policy personalized in Gorbachev himself. An attempt of the coup could also be regarded as a manifestation of extreme state weakness which challenges the military attachment to the norm of civilian

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[10] Cooper,' Society-military relations', p. 132.

[11] Russia inherited 2.7 million men armed forces, of which 2.1 were on its territory, while the speculations how large armed forces Russia needs shifted from 1.5 million to 2.2 million men. Pavel K. Baev, *The Russian Army in a time of troubles*, London: Sage, 1996 (hereafter, Baev, *Russian Army*), pp. 72 -73.

[12] Taylor, *Politics,* p. 308.

[13] "Military officers used the term *Tbilisi syndrome* to express military resentment towards civilian politicians for the way they treated the officers and soldiers who carried out their orders and applied lethal force against civilians." Barylski, *Soldier*, p. 63.

supremacy and creates a possibility of military intervention. Gorbachev reform policies threatened the stability of the state, while the military interests were strongly connected with the stability and durability of the state. Thus, according to logic of military corporative interests, military involvement could be understood as an attempt to defend their own interests. Still, there is an evidence that the Minister of Defence, Dmitriy Yazov, as one of the main plotters, actually had not been backed by the majority of the officers' corps regarding his involvement in the coup. From today's point of view it is hard to speculate what would be the reaction of the officers if they had a direct order to act against citizens or to storm White house, but the fact is that the 316 military personnel was dismissed afterwards on the ground of the charges for involvement in the coup.[14] The members of the military forces had been led into situation either to disobey their legal commander (Minister of Defence) or to obey him and act in opposition of the norm of military non involvement in domestic politics. What appeared to be the decisive moment that determined general military attitude towards the coup was El'tsin's decree by which he demanded military loyalty to Gorbachev as supreme commander in chief, at the same time declaring all Yazov's orders illegitimate because of his involvement in the coup. Thus, the military had two sets of orders. ˝One set from a regime whose legitimacy was in doubt. Another set from a democratically elected leader who claimed new political authority.˝[15] Main implication from this event for civil-military relations was that the military had been driven into situation of necessity to make a choice – between two political elites, both claiming legitimacy and asking armed forces for support. This event demonstrated El'tsin's ability to make military an ally of him, to gain their support and to promote himself as decisive, authoritarian leader, skilful politician at the same time, who will provide state stability and a firm guidance for the military. He gave military a legal background to pull out of the attempted coup. Unfortunately, abilities he promoted during August coup would afterwards serve him to manipulate military in order to provide their support for settling accounts with his political rivals.

Dissolution of USSR and its armed forces and creation of the Armed Forces of newly established RF had not changed

[14] Among them were nine deputy ministers, ten military districts and fleet commanders and other high-rank officers. Taylor, *Politics*, p. 234.

[15] Barylski, *Soldier*, pp. 212-213.

the attitudes of civilian authorities towards them. Military was expected to obey civilian authorities who were aware of significance of possessing institutional powers to control armed forces and maintaining good personal relationship with military personnel. The procedure prior to adopting key legislation on the armed forces in the RF proved this claim. The control of the armed forces was one of the issues addressed during the President's and Parliament struggle for institutional power in the RF. Struggle developed before adopting the Law on Defence, the final version of which was signed by the President on 24 September 1992. According to its stipulations, the legislator (Parliament) was supposed to oversight the key decisions regarding defence and security policy. Parliament got an authority to approve legislation on defence issues, military policy and doctrine, defence budget, appointments of general officers, decisions to use the armed forces outside of Russia, declaration of war, peace, and martial law, which were the most important aspects of security policy.[16] But presidential decree of December 21, 1993 cancelled legislative authority introduced by the Law on Defence. The new Constitution adopted at the referendum in December 1993 gave the President the authority to appoint and dismiss top military leaders without Parliament's approval. It was a key moment that decided that the President of the RF would be the highest, and what is more significant a single authority concerning armed forces, what permitted a categorization of the RF armed forces as 'presidential forces'. Moreover, key legislation on defence matters made a choice of the military top ranking officials dependant on El'tsin's personal attitudes. This enabled personal relationship between civilian and military leaders to become highly significant in conduct of state affairs, while military leaders, consequently, became highly interested in politics. Once again, the norm of civilian supremacy in the military affairs was affirmed, but the meaning of civilian control was reduced to Presidential (El'tsin's) control. The meaning of civil-military relations was narrowed to the Minister's personal loyalty to El'tsin. While there was the struggle for the control of the armed forces, their size and military spending were decreasing sharply.[17] Military professional matters remained the matter of military personnel, although Law on Defence opened a possibility for civilian to occupy the post of the min-

[16] Alexander A. Belkin, James H. Brusstar, 'A Military in Charge of Itself: Civilian Control is a Russian Myth', *Strategic Forum*, 50, October 1995.

[17] Taylor, *Politics*, p. 267.

ister of defence, or a deputy minister. El'tsin himself did not prove to be willing to reform armed forces. As far as he could rely on their loyalty, there was no need to challenge that loyalty imposing the demands for reform. In that sense, we can judge the role of Minister of Defence, Pavel Grachev appointed by El'tsin. He was supposed to ˝restore the controllability of the Army and secure its loyalty, but not to reform it˝.[18]

In the post-Soviet Russia, dominant norm in military culture remained to be the one of non involvement into internal affairs of the state. But, as in the USSR, civilian authorities had entirely adopted an opposite view – military had to obey civilian leaders, even if it leads to the military involvement into domestic issues. The existence of these different attitudes towards military role in domestic politics was evident during October 1993 crisis. Military leadership again was driven into situation to choose a side between opposing civilian authorities, from whom both claimed legitimacy and asked for military support. El'tsin was not the only political figure that asked for military help in internal political dispute. Parliament forces represented in general Aleksandr Rutskoi, Afghan war hero, also claimed military support. Therefore, in a short period of time a danger of split in armed forces occurred. Once again, El'tsin offered military leaders a legal account for acting on his side. Minister of Defence insisted and eventually was given a presidential decree by which El'tsin has authorized and taken full responsibility for the military involvement in the internal conflict.[19] Military eventually did act as final arbiter in the political struggle, but reluctantly, with hesitation and only because of being forced to.

During the El'tsin's first term in the office another problem appeared in the civil-military relations. The Chechen war broke out in November 1994, where the Russian Armed Forces were used against the citizens of one of the Russian republics. The official cause for the war was secessionist intentions of Chechen 'bandits', while the more critical approach regarded the war in close connection with the October 1993 putsch and December 1993 Constitution. ˝They were part of El'tsin's overall effort to restore integrity and efficiency to the Russian political system˝.[20] More critical analysts connected launching of the war campaign with new presidential elections in June 1996. Whatever

[18] Baev, *Russian Army,* p. 67.
[19] Taylor, *Politics*, p. 293.
[20] Barylski, *Soldier*, p. 300.

were the motives behind the decision to start a war, Russian Military Doctrine could provide the justification for the war,[21] while Russian President was Commander in Chief of the Armed Forces. Still, El'tsin avoided Duma to approve use of force, and used Security Council to legitimize his decision, although Constitution authorized Duma to issue approval. While El'tsin has not shown strong commitment to the Constitutional norms, military leaders followed the decisions of the Supreme Commander. But they were not completely consistent in obedience. Military leaders criticized the war campaign launched by Kremlin, while the Defence Minister insisted for more time to raise combat readiness of units. According to October 1993 experience, Pavel Grachev insisted on written orders issued by El'tsin. As a result of non agreement with military campaign in Chechnya, three deputy ministers moved aside. Still, military opposition to the war,[22] although significant and clearly expressed, remained mild and has not lead to military disobedience. The defeat and a degree of humiliation that Russian army suffered during First Chechen war left the Army's morale damaged, while strengthen a perception of Army as 'presidential institution'.

In the post-Soviet Russia dilemma between ˝political control of the military or military control of politics˝[23] was convincingly solved in favour of the first solution. Although there were expectations[24] and the fear that the military could abuse the situation of extreme state weakness and impose a military rule in few occasions, Russian military forces have never stepped out from the frames of civilian supremacy. On the other side, civilian authorities have not shown respect for the military attachment to the norm of non involvement in domestic issues and used armed forces as valuable resource in the political struggle. The problem of effective control of the armed forces was actually dependant on the result of political power of competing political actors (President vs. Duma). Thus, the whole issue of civilian supremacy was reduced to the expectation of the military's uncontested loyalty to the civilian authority, no matter for which purposes it could serve. That led to characterization of the armed forces as presidential institution, what hardly could be regarded as a feature of democratic political system.

[21] ?The main internal sources of military threats which the Russian Federation Armed Forces and other troops may be used to counter are regarded in the document as: illegal activity by nationalist, separatist, or other organizations which is aimed at destabilizing the situation in the Russian Federation or violating its territorial integrity and which is carried out using armed violence; attempts to overthrow the constitutional system by force or to disrupt the functioning of organs of state power and administration…˝ Military Doctrine of the Russian Federation, 2 November 1993, 2.1 http://www.fas.org/nuke/guide/russia/doctrine/russia-mil-doc.html [accessed 20 December 2007].

[22] Richard Wolf, 'Grachev, Grozny and the Moscow Snipers', *Jane's Defence Weekly*, 21 January 1995, p. 20 according to: Baev, *Russian Army*, p. 52.

[23] Baev, *Russian Army*, p. 52.

[24] Taylor, *Politics*.

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Biometrics, Security and Human Rights

I have the pleasure of presenting you with an edited version of the public debate on biometrics, security and human rights, organised by the Centre for Civil-Military Relations and held at Belgrade's Media Centre on the 3rd of March 2008. Representatives of state institutions, the NGO sector, the private security sector and Serbian Orthodox Church were all present, making this a unique opportunity for representatives of all stakeholders to exchange opinions about the introduction of biometric technology in Serbia.

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FILIP EJDUS: This public discussion on biometrics, security and human rights is part of the Increasing Citizen Participation in Security Policy project, which the Centre for Civil-Military Relations is running with help from USAID's Institute for Sustainable Communities. As well as this discussion, we have organised ten municipal fora and also one other public debate held at the Media Centre, this time on the Defence Law and the Law on the Serbian Army. One of the aims of this project, maybe

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Ninoslav Janjić is Director of WLS Electronic

Bojana Panić is Manager of DNA Laboratory at the Ministry of Internal Affairs, Serbia

Ratimir Drakulić is Lecturer at the Faculty of Organizational Sciences, University of Belgrade

Saša Janković is Serbian Ombudsman

Rodoljub Šabić is Commissioner for Information of Public Importance

Oliver Subotić is Deacon and Director of Centre for Research and Application of Modern Technologies at the Serbian Orthodox Church

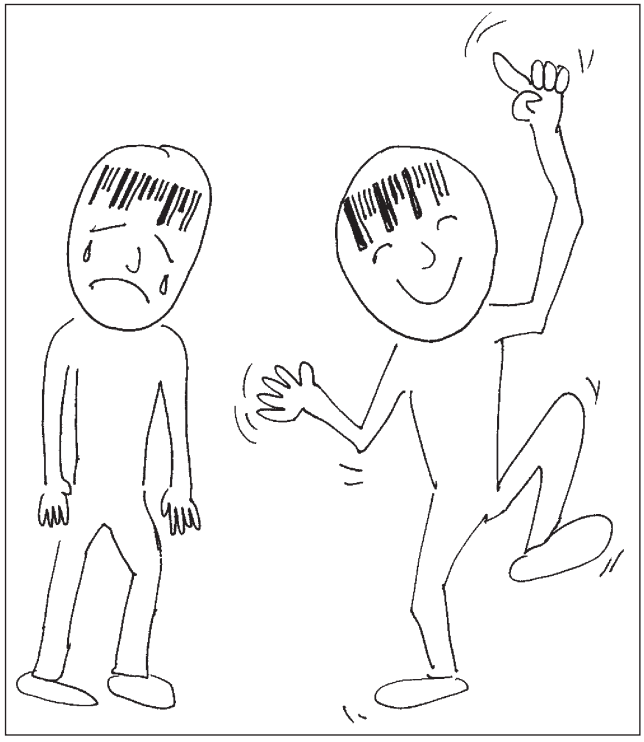
Aleksandar Pavić is founder of citizens inititiative „For life without Branding"

even its central aim, is to promote the concept of human security according to which the protection of human rights ought to be at the heart of security policy. Now I would like to explain why I believe today's public discussion is so significant. First of all, it should be mentioned that biometric technologies have been around for quite some time. However, in the last few years, and especially since the 11th of September 2001, biometric technologies have flourished in both the private and public security sectors. Furthermore, while these technologies can be extremely useful in the fight against terrorism and organised crime, they also pose new questions and create new controversy over possible misuse, human rights abuses and, above all, intrusions into the right to privacy and personal data protection.

This topic has been covered in detail outside of Serbia, particularly in the West. Perhaps you have had the opportunity to hear about the debate that has raged in the UK regarding the possible introduction of electronic ID cards. What is important for us here today is that the introduction of electronic ID cards with biometric information has, here in Serbia, been carried out quietly, through the back door, without much public debate. You may be aware that the Law on ID Cards provides for biometric ID cards and the Law on Travel Documents for biometric passports. However, here in Serbia, the public debate has somehow been left out of the equation. It might, in fact, be better to say that there was some public debate but that it was almost completely carried out under the auspices of the Serbian Orthodox Church, which had, after all, its own reasons for fostering debate. At the Centre for Civil-Military Relations, as representatives of the non-governmental sector, we wanted to get the debate going because we think it is important both in terms of our understanding of the concept of security and in terms of human rights, particularly the right to privacy. Before I hand things over to Mr Janjić, I would like to remind everyone that in this country this process was carried out, essentially, in the reverse order. Instead of first passing a law on personal data protection, then passing a law on electronic ID cards and, only then, acquiring the equipment necessary for the production of such ID cards, the Serbian authorities did things in completely wrong order. The equipment was procured, then the Law on ID Cards was passed, this was later amended with the information that an ID card could carry. This meant that the government had ruled that the installation of a data chip into the ID cards would be voluntary. We are now, still awaiting the passing

of a law on the protection of information about individuals, as well as other laws that would indirectly regulate this field. These would be, for example, the Law on Physical-Technical Security and the Law on the Classification of Data.

This public debate will be structured as follows. We will have three panels. The first will hold a discussion on the security implications of biometric technology in terms of both the public and private security sectors. The main question this panel will discuss is: Can biometric technologies contribute to the creation of security? The second panel, entitled Biometrics and Human Rights, will discuss concerns that biometric technologies could impinge



upon the human rights of the public. The third panel will discuss the following topic; Biometrics and Society. This third panel will examine whether the social implications of introducing surveillance technologies such as biometric data chips will lead us to an Orwellian, Kafkanian, totalitarian future in which society is closely monitored and all those concerns, about which so much has been written, come to life. Now I would like to hand things over

to Mr Ninoslav Janjić, CEO of WLS Electronic, a company that imports these technologies. He will explain how he sees the introduction of biometric technologies in the private security sector.

NINOSLAV JANJIĆ: As well as being the owner and CEO of WLS Electronic, a company that provides technical security, I am also the vice-president of the Select Committee of the Physical and Technical Security Association of the Serbian Chamber of Commerce. As professor Hadžić mentioned at the beginning of this discussion, one of the major problems this country faces is the inadequate regulation of the field of physical and technical security. A field that is, to all intents and purposes, left to its own devices – both in terms of the companies that are active in this field and the private individuals who need to use the services provided. The field of physical and technical security invades the privacy of ordinary citizens in a number of ways, not only through biometric technology but also through the use of security cameras which, in some people's opinion, encroach upon or restrict the privacy of the public. This is one of the problems we have worked to solve in the draft proposal of a law that was written two and a half years ago, and which was passed to the government in the hope of resolving this issue. I will, however, go back to today's topic of biometrics. The major problem providers of technical security faced was how to protect their systems from unauthorised access.

One of the first solutions applied to try and solve this were passwords and codes. However, the problem with passwords and codes is, in my experience, that the user will try to use a code that is as easy to remember as possible. This means that people frequently use the same kind of codes, i.e. birthdays, children's birthdays etc. These are the kinds of codes that are most easily broken. One of the ways to avoid this danger, and to make the system easier to use, is the application of biometric technology. As I put it earlier; that we ourselves become the password. Why would we use codes and passwords when in ourselves we contain information that can be used to activate or deactivate certain security systems or that can be used to gain access through security doors. Fingerprints have been used as a reliable identification method so why should they not be used for identification in an electronic system. Biometrics are an identification method based on the physiological characteristics of an individual, such as, for example, the face, fingerprints, palm geometry, retina and iris characteristics

and voice recognition. As the need for ever greater levels of protection increases, so biometric identification systems become smaller, more precise, more reliable and quicker to use. In turn they become more widespread and are applied in any situation in which an individual needs to be identified beyond doubt.

The human factor remains the major cause of security breaches, in other words, security breaches are most often caused by unimaginative passwords such as birthdays or a partner's name, passwords hidden under keyboards or even stuck to the monitor, PIN numbers kept in wallets and so on. The need to remember many passwords and codes drives us to re-use passwords or to use codes that are easy to remember. This is because we use passwords and codes at home, at the office, in our cars, personal computers, mobile phones etc. As a result people frequently use the same passwords or codes for all these applications, which means that if the password or code is broken it can be misused on a number of systems. Biometrics eliminate the need to commit to memory such a large number of passwords and codes, as has been mentioned, one password is enough as we ourselves become the password. What was once an image in science-fiction films is now a routinely seen in the foyers of large corporate buildings, state institutions and in airport security checks in the technologically advanced West, and recently in Serbia too. As Mr Ejdus mentioned, the demand for biometric security systems has risen since the events of the 11th of September 2001 in the United States.

The first thing most people think of when biometric technology is mentioned is the electronic fingerprint scan. I was not sure how many of you here today would be familiar with this technology so I've brought a biometric fingerprint scanner with me. Fingerprinting is a method that has been used to identify individuals since the very earliest civilisations; it has been used by Assyrians, Babylonians, the Chinese and the Japanese. Since 1897 it has been used to identify criminals, and today we still maintain large databases of fingerprints. This method of identification is internationally widespread and accepted. Every individual has a unique fingerprint made up of grooves and ridges. There are essentially two approaches to fingerprint analysis. The first analyses only the intersections and the ends of the curves of a print, the second looks at the direction of each line. I won't go into any greater detail about fingerprint techniques. However, there is another problem encountered with the use of fingerprinting, depending on which type of scanner is used. In short, this is the

problem of so-called moist fingers or dirty fingers. Also, as there has to be contact between the scanner and the finger, the fingerprint may remain on the glass, or on the chip itself. In which case it could be copied and misused. Another method of biometric identification that has not become popular here in Serbia is face recognition. This includes iris recognition and retina scans. Until recently law enforcement officers used human face recognition in their work by physically holding a photograph of the suspect. Soon this will be carried out with ordinary security cameras and the relevant software. The advantage of this identification method over earlier methods is that it is unobtrusive, efficient and difficult to fool. The human face varies from one individual to the next and is the main way we recognise each other but we often see the face as a whole. When face recognition is carried out by software the face is separated into approximately 80 different characteristics such as, for example, the distance between the eyes, the breadth and length of the nose, cheekbones, chin and jaw lines etc. In the beginning easily recognisable faces were used. The camera had a database of possible users and it was necessary to stand directly in front of the camera, with one's face at a particular angle, in order for the face recognition to be successful.

As technology has developed, however, it is now possible to rely on three-dimensional information, so it is possible for the user to be in motion as the elements analysed are the distance between the eyes, the nose and, let's say, the shape of the skull. This is how we have used these methods when providing physical security. We trained our employees, future security guards, not to get involved in the event of an armed robbery but instead to concentrate on remembering as much as possible about the assailants. This is now the task of the security cameras, which are often placed near the entrance and which analyse the face of everybody who enters. If the camera recognises a face, according to its database, this information can then be used to trigger an event, such as the opening of the door to the vault, or to automatically allow access to a secured room. There is no need for a guard to sit there. As has been the case until recently, a guard would sit at a window and analyse each face according to a database and would decide if the person was authorised to enter or not. In Serbia a slightly lower level of face recognition is often employed. For example, the systems my company employs to keep track of employee working hours requires the user to show an ID card to the camera which then stores this image in order to prevent mis-

use of the ID card system. As you know, here in Serbia, and, I believe, elsewhere in the world, people are inclined to commit petty scams. For example, they might give their card to a colleague so that when the system tries to track their comings and goings they can show both their own card and somebody else's. There are many different types of ID card. The oldest types of cards are those which have a magnetic strip then proximity cards, so-called non-contact cards came out. These have a code imprinted on them which can be programmed into the system. The third kind of card is one with a smart chip, a chip which can contain various amounts of information. I've brought a smart card with me to show you. This card is used in e-banking. This card can also be used to track employee working hours and it can be used for other purposes also. As well as information stored on the chip the card can also carry a photograph of the user, their name and surname etc. All the information you could want to put on it. Unfortunately, here in Serbia, apart from the laws I mentioned earlier, there is as yet no legislation regulating digital signatures. So we have the possibility of electronic banking but we are unable to use it properly as we cannot use receipts that have not been printed in the bank and, needlessly, authenticated with a stamp.

From this the conclusion I draw, the same conclusion many of my colleagues would also draw, is that biometric technology is more useful than harmful. There is no ideal system, just as there is no ideal level of security. Every system can be misused. There is always a way to carry out a robbery, falsification and misuse. The use of biometric information reduces these risks as all you need to have with you is a living password, as I have already mentioned. Just for example, it is well known that the retina of the eye disintegrates quickly after death. It cannot be used again. It is impossible to use a dead man's retina, as seen in Hollywood films, in order to fool a retina scan.

So, from the point of view of the companies which provide security services, we are in favour of using biometric systems. All of the positive things biometric technology enables us to do outweigh its negative effects. Also, there is a wide variety of systems, as I have already mentioned, there are many ways in which they can be used. Each system can be used alone or in conjunction with other systems. Of course, the more systems employed the more secure the overall system will be. So, in any one place you can use a password, a fingerprint scanner, face recognition, a palm scanner.

As we all know, just as there are fingerprints, there are also palm-prints. The information contained on the palm, life lines and the network of blood-vessels, is unique to each person. Each one of a person's two hands is unique; each one has a unique print. This alone raises the level of security. Improvements in technology these days are bringing us so-called three-dimensional recognition, i.e. recognition of the skull, the face etc. I could have brought those other systems for you to see but I didn't want to appear to be advertising them so I only brought the systems that are being used in Serbia at the moment. In this regard we are lagging behind the rest of the world, which is not the case with anti-burglary systems, CCTV and the like; where we are more or less level with EU countries and even with the US. In some regards we are ahead.

I'd also like to take this opportunity to let you know that the private sector is working to repair the current situation; that the private sector does not want to operate on the wrong side of the law. So, as well as the initiative to amend current legislation, in the last year and a half we have also worked to establish standards that will regulate the physical and technical security industry – these standards will very soon be in place. This is a pioneering initiative, in cooperation with the Institute for Standardisation; we are the first to be creating national standards that will regulate the physical and technical security industry. We are even planning to offer our services in the EU and further abroad. We can do this because global standards for risk planning and risk management are planned to be instituted in May of this year. As far as we can tell, national standards such as these exist nowhere else. Nobody else has undertaken such a task. Because we have no legislation regulating this sector, because we lack so many other things, we had decided to apply for state regulation through these national standards. In this way, the insurance companies will be able to control not only the private security companies but also the users of the system. This fact alone will reduce the possibility of misuse. Unfortunately, as the saying goes "in every family there is one black sheep", and so in our industry there are corrupt companies and dishonest people who do things they shouldn't. I hope they are in a minority and that their numbers are being reduced so that soon they will be minimal. I do not believe that illegal activities can be stamped out all together. Therefore, the private security sector supports the induction of

biometric technologies as they can only help us. Certainly they help more than they hinder.

> **FILIP EJDUS:** We've now heard the arguments for the introduction of biometric technologies into the private security sector as well as about some of the challenges related to their use. Now we will hear from Dr Bojana Panić, a representative of the Ministry of Internal Affairs (*MUP*) and the National Criminological Centre. Bojana will tell us about the legal perspective on introducing biometric technologies and how these technologies will be used by the MUP.

Dr BOJANA PANIĆ: As Mr Ejdus just said, I work for the MUP and I am head of a DNA analysis laboratory. So, I would like to demystify some of the issues surrounding DNA analysis. First I'd like to agree with the previous speaker and say that biometrics are much more useful than harmful. As far as the MUP is concerned, I would also agree that the real problem comes from inadequate legislation. In my work I analyse DNA. We do not currently have a law that regulates who we can take a DNA sample from, how long we can store the sample and many other questions relevant to this field. The police have at their disposal certain databases, the largest of which is the fingerprint database. There is one thing I would like to clear up regarding this database, considering the number of times I've been asked about this by people from outside the law enforcement profession. The fingerprint that is taken when a member of the public is issued a new ID card is not part of this police database and the finger prints of ordinary members of the public are not searched when the police are working on a case. So, the police fingerprint database contains fingerprints and palm-prints of people who are registered in this database in compliance with the Law on the Police and the Law on Criminal Activities, both of which clearly define who the police is authorised to fingerprint and how they can store and cross-check these prints.

What is not clearly defined are the regulations regarding DNA databases. At the moment a sample of DNA can only be taken if this is authorised a court-issued warrant. This means that the police cannot take a DNA sample from anyone unless this is first authorised by the courts. I've brought along a DNA profile to show you, my DNA profile. It is really nothing special. People

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think that who-knows-what goes into a DNA profile. The DNA profile we get from this kind of classical DNA analysis really does not contain anything special. However, both DNA profiles and fingerprints are enormously useful as they enable the identification of an individual. The police need biometric information, on the basis of this; they can identify an individual who may be the perpetrator of a crime. It is important that these biometric characteristics be universal, unique, and permanent and that their processing is relatively simple. And of course, they must be both acceptable to the public and fool-proof.

So, as I have said, the police have at their disposal fingerprints, palm-prints, photographs and DNA profiles. Fingerprinting and palm-printing are well regulated, whilst DNA profiling is not, yet. The police do not store biometric information in databases because they have nothing better to do; they do it because these databases can help them to catch the perpetrators of crimes. Article 76 of the Law on the Police clearly defines what information the police can store in databases. The DNA molecule we all carry inside us is extraordinarily large. It contains $6\hat{I}10^9$ constituent parts – nucleotides. But when we are analysing a DNA profile we do not look at the whole DNA molecule, instead we just look at certain regions of the molecule that, actually, say nothing about us. This is, for example, my DNA profile. It is represented as a series of numbers and letters. There is nothing here that would enable you to find out anything about me except from this last part. You can see that here I have two 'Xs', which means that I am female, something I hope you could see anyway. The rest is just a series of letters and numbers that is characteristic for all of us. When we look at somebody's DNA profile we are not encroaching on their privacy in any way. Certainly not in the sense that we could find out something more about that person, like whether they are black or white, whether they are suffering from an illness or what colour eyes they have.

So we can see that this method, which is used in all forensic laboratories, and not only in Serbia, does not enable us to discover anything more about a person. A DNA profile is universal, unique and permanent. Though, processing it is not easy. One must do an awful lot of work in the lab to obtain somebody's DNA profile. As to whether the method is acceptable, well, that's a matter that is open to debate - whether somebody would object to making his DNA profile accessible. The possibility of abusing this method is small. We all have a unique DNA that does not

change. From the moment we're born to the moment we die our DNA molecule, our DNA profile, remains the same. And, what is important to me and my colleagues, each part of the body carries the same DNA. It is much easier for criminals to try to avoid leaving a fingerprint at a crime scene than it is for them to try to avoid leaving biological clue – they do this the moment they touch something. They might touch a surface from which we cannot take a fingerprint but it could still yield enough cells for a DNA profile to be possible.

Also, we have the classical biological clues; blood and, in rape cases, semen. So anything biological in nature, anything that is a part of us, can be used to complete a DNA profile. The real value of a DNA profile comes when we can have a systematic database of DNA profiles for which we know who they belong to and that can be cross-referenced with a database of DNA profiles found at crime scenes. However, the existence of such databases is not legally regulated. During the solving of a case you might come across the DNA profile not only of the suspect but also of the victim. In most countries it is illegal for this DNA to be stored once the case has been solved. It simply cannot be stored or used after that.

In principle, the DNA profile found at the scene of a crime can immediately be checked against all the reference DNA profiles kept on file. This enables us to connect together different crimes and, eventually, to solve the case and catch the perpetrator. The reference DNA profiles can be used to check somebody's identity. However, every good thing has its downside. So the key questions that are still unanswered are: whose DNA can we keep on file? Can DNA profiles be deleted from the database and under what circumstances can this be done? And, most importantly for me at least, how should the biological material from which the DNA sample was taken be disposed of? Unlike the DNA profile which, as I said earlier, does not contain any important information other than the person's gender, the biological material which was the source of the DNA sample contains all of the person's genetic information. So this material can be used, for example, for research into hereditary diseases. These questions must definitely be legislated for. This is an example from abroad that illustrates how important DNA profiling is to the police and how important it is for a country to have its own DNA database.

All countries are changing the principles behind the legislation that regulates DNA profiles, the trend being to liberalise attitudes

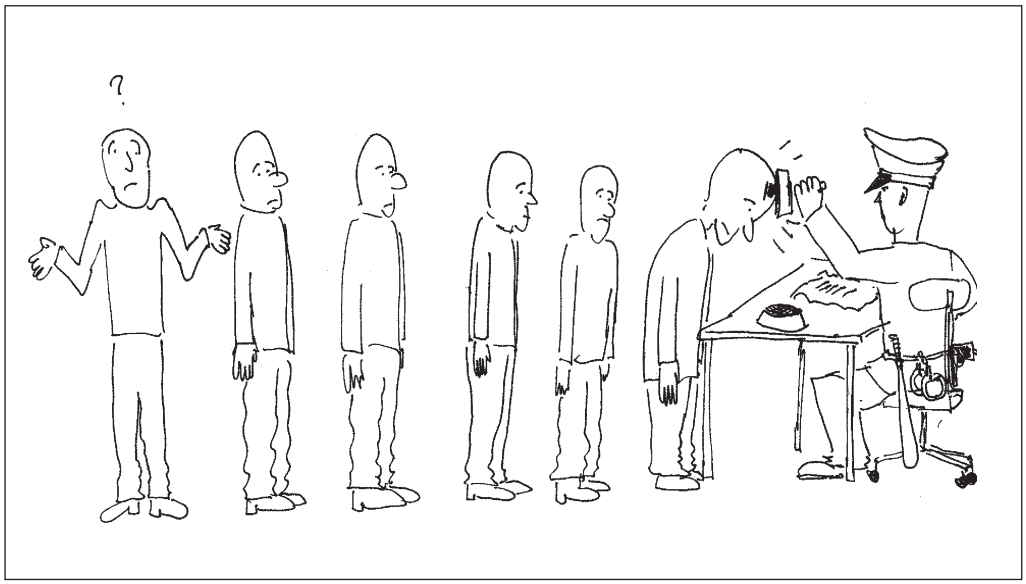
relating to whose DNA can be kept in a database. Simply put, the larger the DNA database the greater the chance of finding a match to the perpetrator's DNA. Scandinavian countries are, essentially, the most conservative but even they are modifying their laws and it is really helping them in solving criminal cases. As you mentioned the UK at the start, citing the heated debate over electronic ID cards there, I would like to mention that the UK is the country with the largest DNA database – of over four million people. In my opinion this is a false dilemma; should we have ID cards or not? The UK already has a decent percentage of its population's DNA on file – the rest it monitors with security cameras.

FILIP EJDUS: Many thanks to Mrs. Panić from who we heard arguments for the use of biometric technology, as well as some substantial information on the analysis of DNA profiles. Now I would like to invite Mr Ratimir Drakulić MSc to speak.

RATIMIR DRAKULIĆ MSc: I would like to talk more about the right to privacy than about biometric information – so as to avoid repetition. I work with Mirjana Drakulić, a lawyer; I myself am a computer scientist. Please allow me just to remind you of a couple of facts. The right to privacy is a right that emerged during the 19th century, principally in the United States. It was the ruling of two judges, Warren and Brandeis, which declared that an individual has the right to be 'left alone'. In other words, not to be bothered. This combines with the theory of circles of privacy, i.e. concentric circles that delineate at what distance it is acceptable to remain whilst communicating with somebody. This is why, unlike us, Americans don't like to hug. A third judge, also in the 19th century, ruled that privacy is "something that can be infringed upon and relates only to an individual".

How attached are we to our privacy? I think that we, as a nation, know little about privacy. In other words, we have only just begun to think about what is private and what isn't. I will give you a couple of examples from the recent past: One is a sad situation, a couple are getting divorced and it is not clear who should get the children. What to do? Well, go round the neighbourhood and ask how close each parent is to each child of course. It's a little strange isn't it? Not to mention the procedure for being employed in certain government services. The relevant authorities

make a decision on whether somebody should be employed or not once they have checked out the opinions of his neighbours. And not to mention the "Denounce Your Neighbour" campaign, which was essentially a call to spy on your neighbours. How can we then talk about a right to privacy? Then we have the ten points decided upon by the International Committee of Lawyers in the 1950s which constitute breaches of privacy: interfering in a person's private home life, i.e. family life; interfering with a person's physical and psychiatric integrity, moral and intellectual life; attacks on a persons honour and decency; presenting a person in a false light; publicly disclosing private facts about a person; unau-



thorised use of a person's name, identity or image; spying, prying, monitoring and harassing a person; publicising information obtained through professional functions and misuse of private correspondence. All this has already been considered an attack on a person's privacy for fifty years.

Information technology has created a real revolution in the way we see privacy, bringing the situation to the point of absurdity. As a result we have a new concept, THE RIGHT TO INFORMATION PRIVACY. I might be the first person in Serbia to have campaigned for the introduction of electronic ID cards in the health sector. While I was suggesting this I was suffering from some health problems which were enough to cause a mild amnesia dur-

ing each visit to the doctor. I thought it might be more convenient to store each doctor's opinions on a smart card which each 'new' doctor would then be able to access and could, therefore, devote more time to the patient than to paperwork. The development of information technology was, at that time, based on dispersed databases. In order for databases that are geographically separate to be interconnected they would require some sort of unified identifier.

In this country for the interconnection of databases containing information about individuals we use the 'Unique Citizen Number'. And that's where the problem lies. This number is written on our ID cards and is, therefore, accessible by others, enabling easy identification of an individual even by a layman. With this thing called the internet things get even more interesting. But, let's turn our attention to information privacy. The right of the individual to control how, where and when his personal information is made available to others. Just remember the population census that required citizens to declare what real estate they owned and where it was located. Is that a basis according to which an individual should be classed? There were other questions too. A population census ought to be anonymous. The data should be processed by computer, and that's that. The right to information privacy is in essence a complex right that encapsulates five rights, which should be legally safeguarded. However, in this country this right does not exist, or rather the Law on Personal Data Protection did not respect it. At the time the criteria and standards for the protection of the individual and his/her right to information security were already established and defined as the right of every individual to be informed for what purpose his personal information will be used. This is not to say that it should be published in the pages of a newspaper such as "Politika" but that it should be published in some official publication such as the "Službeni List", or similar.

As far as private companies are concerned, they would have to somehow inform their employees about the forms of control present at their work place. The employee would then have to acquiesce by signing some form of waver. I'm talking about paper. We have all applied for some form of loan or another in these last few years. In order for the bank to approve the loan we must allow the bank to check our credit rating with the Credit Bureau. Is this information about our credit rating really ours? Are these private details about me, as a person with either a good or bad credit rating. Well, this is already turning into something else. But I've allowed the bank to check my credit rating. The moment we give

our permission, it's over. The person or organisation that collected data about us must use that data responsibly. If this data is used for some other purpose, this is illegal and whoever carries out such an act is breaking the law.

Everyone who allows access to some personal data has the right to know for what this information is being used. Let us go back to the neighbourhood that gave the authorities information about us, which ended up being stored somewhere. It would be normal for us to have the right to access this information – to see what is written about us. But not so that we could find out who said what in order to ambush them somewhere in the dark. Instead it would be so that we can see what's what; so that we might be able to shape the contents. I myself cannot go to the person who is keeping information about me on file and say, "listen here, let me see my files". There has to be a specific, ordered procedure to realise this right. In England this right is realised by a special court issued warrant. As far as the right to amend the contents of such files is concerned, the process is the same; i.e. the request to amend the documents must be made in the correct manner. If this request is denied or is not made in the correct manner, there should be a right to appeal.

Now I will mention the EU directive on what information is considered personal. According to the EU directive this is information that relates to a positively identifiable individual and which can, on the basis of this information, be identified. Therefore, we have this federal law that "talks" of personal information, but not of information about a person. The problem is that our legislators do not make a difference between personal information and information about a person. Personal information is information that belongs to a person, which is owned by that person, as, for example, this book is owned by me. If somebody, the state even, collects information about me, this is not my personal information, instead it is information about my person. We have a law from three previous states, from 1988, that relates only to personal information. In other words, we have to help educate our legislators a little so that they can differentiate these things. I won't go into how this law came about, it's a long story.

We will very soon be surrounded by EU countries on all sides, if we are not already, and so if we want to make contacts or travel outside our country we will have to adapt the legislative branch of our government to our new surroundings. And especially as part of the EU directive is devoted to so-called "third countries",

i.e. countries which are not member states of the EU, and the exchange of information with these countries. I personally hope that we will become a member state of the EU, which means that we have to begin harmonising our laws, including in the field of protection of the individual and the information about him/her. What is the actual goal of using biometric information? An increase in the productivity and efficiency of administration. Well that is what we are after. We want e-government, i.e. electronic management, which will enable us to obtain all the necessary information in one place. Really, we must all be sick of having to show a birth certificate no older than six months when applying for any new document – even if you're sixty or seventy years old! It's as though the fact that you have been born can change every six months. It reminds me of some film in which policeman asks members of the public whether they have licenses for their licenses.

The main problem is the taxes, and that can be solved, especially considering that everything is paid to the same user, using the "same number". Therefore, everything can be added up and shared out appropriately. We all complain that the bureaucracy is inefficient, and we want to speed it up and reduce the number of people working there. There is something, of course, that we can call national security or state security. All states have police forces from the moment they were formed, that is, from when states came into being. It's all a system of repression. Whether we agree with it or not we accept a certain level of repression. Whether the easier surveillance of a certain segment of the population, or of the whole population, will come about, depends on the system in which it is introduced. For example, we all talk about 9/11 as the day the global war on terror began. However, immediately after this day an act was passed suspending the right to privacy, or which, at least, looked on privacy in a different light. Information and communication technologies can only make this process easier. Will we have, like in the USSR, one policeman for every ordinary citizen, who will follow him around everywhere he goes? Or will we have something that makes this kind of monitoring easier, so that every one of us carries this "thing" around with us, reducing the number of police and, therefore cutting costs. This is a question of what we want and how we want it. The police will always have their "role".

Please allow me one small digression to an issue that arises in my field. You will remember, of course, the PC processors called "486". This is the processor that lasted the least, as at that time

something called the "clipper chip" emerged. The clipper chip was, based on your processor and mother-board serial numbers, supposed to control everything you do on the internet. It was at that time that this thing called the "internet" was coming out. The clipper chip idea was shelved because the US Congress said "no", we don't want that, that is a form of control. Instead the Pentium chip was released. Do we know what is inside the chip's twelve levels and million transistors? Is there a clipper chip inside? All new software, when registered online, and all software is registered, sends some information about you and your computer to the producer. This can also be done, and is done, for all the information on your computer, every time you connect to the internet. Allow me to repeat myself; this is primarily done on the basis of your processor's serial number. Every processor has its own number and every mother-board has its own number. Therefore, control already exists. Whether we will find it acceptable or not, well that's another matter all together.

The situation is the same with digital and mobile telephones. Is it known which sector station and which location you are calling from? It is much easier than with old-fashioned telephones. This means we should try to revert to analogue telephones and to avoid using digital connections so that we become more difficult to control. There's more. We all want to protect our cars, so some people have installed chips that act like tracking devices. Does that mean that every sector station can track your movements? The question is whether we did this knowingly or whether it was forced upon us. We reassess, both as a society and as individuals, what it is we want and what we don't want. Mrs Panić said that the fingerprints we all have to give actually serve no purpose other than to make our fingers dirty. I don't believe that to be true, but I will agree with you, this information is probably seldom used.

In 2005 the EU produced a document referring to the "citizens' electronic smart card", i.e. an electronic ID card. The French headed the project as they hold the patent for the smart chip. This is a portable device the purpose of which is to identify the user and enables him/her to access the public electronic services or e-government. Each chip contains the "private key" of the user. This device could help solve the problems of the electronic market place, which, in this country, is farcically underdeveloped. As well as a private key the smart card also contains a photograph of the user and allows for a handwritten electronic signature (which our ID cards do not contain, regardless of how they look), as well as,

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bizarrely, on the insistence of the French, the user's marital status. A working group, called Working Group TC 224, was formed and tasked with creating such a smart card for all member states of the EU. This will be a unique European ID card. All 27 member states of the EU agreed to adopt this ID card. And we cannot even agree what and how we want in our own country. So what does this multi-functional electronic ID card offer us? Imagine for a moment, if you will, that we do not have our silly medical cards, which have now been changed to carry a barcode. If these medical cards contained a chip things would be much easier. Many years ago - I don't know how many times the introduction of a chipped ID card has been suggested - there was a suggestion to combine the medical card and the ID card. Had either ministry had any sense we would now have a proposal for a multi-functional ID card. What a difference that would make in terms of cost-cutting in both systems. Our systems and bureaucracy are extremely expensive. A personal key enables online transactions and I hope that an electronic ID card will enable one to receive proofs of payment and documents at one's home address, on one's own printer - access to processes that are currently inaccessible - a unification of services and better coordination at all levels of the administration, from access to the building itself and beyond. Just one other thing. Buildings in which the entry and exit are electronically monitored must have a sign stating that the building is being monitored through CCTV. Many buildings in Serbia do not have such a sign. This is also true of monitoring employees' telephone conversations and their activities online and on local networks. Thank you very much for your attention.

FILIP EJDUS: I think that with this presentation we have moved on to our second panel, which will deal with biometrics and human rights. The members of this panel are two representatives of public administration: Ombudsman, Mr. Saša Janković, the Commissioner for Information of Public Importance, Mr. Rodoljub Šabić and Mr Dejan Milenković from the Yugoslav Lawyers Committee for Human Rights (YUCOM). I will now hand things over to Mr Janković.

SAŠA JANKOVIĆ: Let me start by pointing out one error; an error which is quite understandable considering that the office of Public Ombudsman is not familiar to everyone. The office of Ombudsman is not part of the apparatus of state, rather it is a

body whose role is to execute external oversight of the state's activities. Neither is the office Commissioner for Information of Public Importance. In any case it is not a typical government body, it is an independent body that has some elements similar to a government body, in other words, it has some administrative powers, but is certainly not a government body. In any case, thank you for allowing me to clear that up.

It is imperative that the subject of biometrics, security and human rights is discussed before any laws are passed. By this I do not mean to criticise the Centre for organising this convention, but rather to criticise those who passed the Law on ID Cards and the ordinance that amended it. The amendment of this law by decree is also a contentious issue, things like this ought not to happen. In any case, the issue we're discussing today – do biometrics make our lives easier or do they threaten the concepts of human rights and civil society – is exceptionally important.

The question of whether biometrics contribute to security or insecurity is a significant one for the concept of human rights because the Constitution makes provision for the right to security. We should all, myself included, question whether, and how much, biometrics contribute to the rights of ordinary citizens or not. In other words, do they, and by what margin, make our society more or less free?

Let us start from the fact that a democratic society is one in which the people are free (and when we set aside the idea of society we are left with only the citizen, the individual, the free man). Every restriction of his or her freedom must be based on the acceptance of this restriction once the arguments for it have been clearly laid out. Whether a person's behaviour is dictated by human, holy or natural rights is a question addressed by various theories, but I believe that our common starting position is the freedom of man. When the state introduces any measure that calls into question the realisation of that freedom, the realisation of complete freedom, it must do so in such a way that its reasoning is very clear. It must show that what it is doing is justified and necessary. The freedom of each of us is, however, inevitably restricted by the freedom of others.

My talk at this convention will cover the topic of biometric identification documents in the context of a possible threat to the right to privacy, and also the role the Ombudsman with regards to this issue. The questions I must ask myself, and put to the rel-

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evant authorities, regarding the Law on ID Cards, which provides for the use of biometrics in ID cards, are: has this issue been comprehensively analysed before the decision was made? Was this analysis preceded by all that is necessary? Even our colleague from the Ministry of Internal Affairs asserted that one of the conditions necessary for these changes is acceptability. Has anyone attempted to assess whether our society considers this change to be acceptable. Have any security related evaluations been conducted? How effectively will our current system be able to make use of the benefits biometrics offer us and how vulnerable is it to possible abuses? Are we aware of all the consequences, has the public been made aware of which details they will be required to provide and under what circumstances this information can be used?

The Constitution forbids, and envisages punishment of, the use of information on individuals for purposes other than those for which it was gathered. However, the last part of the statute is significant: "except for the purposes of executing a criminal investigation or in defence of the security of the Republic of Serbia". Therefore, it is not correct that information can be used (only?) in the way that was intended when it was gathered. On the contrary, it is frequently used for other purposes. Of course, from the point of view of the security apparatus, this information is gathered and processed not in order to infringe upon people's human rights, but instead to protect them from those who intend to threaten them. A moment ago, a journalist asked me whether I was for or against. I said, "I don't know". I do not know whether I am for or against because the legislators and the government that proposed this law did not carry out everything they ought to have done before making the final decision. And if they did, they did not inform the public.

I am glad that at today's convention we have had the opportunity to hear standpoints, which contradict the prejudice that those who oppose biometrics do not understand information technology, that they are backward and oppose progress. Indeed the opposite is the case. The strongest arguments I heard today came from those who understand the field of information technology. To put it another way, the whole biometrics equation has too many unknown variables and too many shortcomings – conspicuous shortcomings of which the authorities are aware. This discussion, for which I would like once more to thank the Centre for Civil-Military Relations, will be of practical use to the insti-

tutional evaluation of this issue and the recommendations to be made by the Ombudsman, and also, should it prove necessary, for the proposals for fresh legislation. I hope that this discussion will provide an opportunity for legislators to realise that laws must be well prepared, that they do not appear from thin air.

Mr Filip Ejdus mentioned in his introductory text, which was handed out to us, the significant fact that the necessary equipment was procured before the Law on ID Cards was passed. This fact, if correct, tells us an awful lot. When the decision on including biometric chips in the new ID cards was made, was the most important matter raised: are we contributing to the rights of the public or are we embarking upon this uncertain venture simply to lighten the bureaucratic load? Certainly a person with a chip in his/her ID card will have, in certain situations, an easier time. However, is there a possibility that this chip will also cause him/her much greater harm? This is a question none of us here today can answer.

I will conclude with an example. The Public Ombudsman has initiated proceedings against the Ministry of Internal Affairs with regards to the procedure for issuing new travel documents, i.e. passports. The heart of the matter is that the process of application for a new passport requires the applicant to relinquish his/her old passport and leaves them, therefore, without a travel document for the duration of the process – some 15 days - with no legal basis for relieving a citizen of their travel document. When we asked why it was not possible to simply photocopy the old passport and deactivate it once a new one has been issued we were told that the "software" used for this procedure does not support this! Of course, the Ombudsman's office confirmed that this procedure is not consistent with the law and demanded a change of software – to which the Ministry of Internal Affairs acquiesced. However, this begs the question; considering the fact that this sort of attitude – which allows the requirements of software to come before constitutionally guaranteed rights - is prevalent in a branch of government, are we ready, as a society, to take this technological step forward when our legs are buckling where we stand?

DEJAN MILENKOVIĆ: First of all I would like to explain what the right to privacy actually is. It is one of the basic human rights and, as such, is enshrined in all of the most significant international, universal and regional documents, including, amongst

others, the European Convention for the Protection of Human Rights and Fundamental Freedoms. However, as you can see from Article 8, sub-section 2 of the Convention, is not an absolute human right, as is the case with a few other human rights, such as the right to life, or the prohibition of torture, slavery or forced labour. The right to privacy can in certain instances be curtailed, such restrictions may be in compliance with the Convention. These restrictions are, if carried out so that they comply with the law, are in fact essential for a democratic society, for instance: for the protection of public security, national security and the economic interests of the state; in the prevention of criminality and disorder and in the protection of the wellbeing or morale, i.e. the human rights, of others. Also, there exists a series of highly significant international documents which regulate a particular segment of the right to privacy, the protection of information on private individuals. The protection of information on private individuals is only one segment of the right to privacy.

The international documents, I am referring to, which regulate the right to privacy are principally documents issued by the Council of Europe. One of the most important documents in this field was published by this organisation, in the form of a binding Convention, as early as 1981. Documents that regulate the protection of information on private individuals have been adopted even by the European Union itself. The most significant EU document relating to this field is the 1995 Directive No. 46, which outlines basic standards for the protection of information on private individuals for all of the Union's member states.

Now I will return to our legal system. The 2006 Constitution does not recognise the right to private and family life, in other words, the right to privacy. Elements of this right can be found in Articles 40, 41 and 42 of the Constitution of the Republic of Serbia. These deal with the right to inviolability of the home, the secrecy of written and other correspondence and the protection of information on individuals. As you can see, the right to the protection of information on individuals becomes one of the basic rights guaranteed by the new Serbian Constitution. The gathering, storing and processing of information on individuals is regulated by law. Please pay attention. The gathering, storing and processing of information on individuals is regulated by *law*. However, it was only in 1988 that the Federal Republic of Yugoslavia passed a law on the protection of information on

individuals, and that law has never been properly implemented. This law contains only rudimentary standards from the seventies and early eighties. Later we find ourselves in a situation where laws on ID cards and passports, passed two years ago, provide for the inclusion of biometric information in these personal documents – all the while Serbia is still without a legal framework that would protect the very element of the right to privacy that relates to the protection of information on private individuals! This is why we must take a step back and once more review the question of biometrics and biometric information.

The question of biometrics and biometric information is already with us and will very soon open up new and unknown problems, including the methods used to control and protect this information. Don't forget that something that once took 100 years, these days only takes 10. Did anyone anticipate how quickly the mobile phone industry would develop? When the Law on the Protection of Information on Individuals was passed in 1998, almost no one had a mobile phone. What about today? Unfortunately, the Serbian legal system lacks any provision for the use and processing of information on individuals, including biometric information. Also, the law that was passed in 1998 was obsolete the moment it was drafted, so from the beginning it was not worth the paper it was written on. It was never enforced. It is for this reason that adoption of a law on the protection of information on individuals should be a priority. This is a law that Serbia must urgently adopt as part of the process of integration with the European Union.

A new bill on the protection of information on individuals was raised in parliament in January 2008. This proposed law is good in that, in line with comparative legal study, it combines the right of access to information to the protection of information on individuals. Therefore, according to the bill, an independent body regulating freedom of access to information would also be responsible for the protection of information on the individual. However, it is a well known fact that, according to an act on the internal organisation and systemisation of the workplace, the Commission for Information of Public Importance ought to employ 21 people just for the access to information department, but that, in reality, it only employs six. When the Bill for the Protection of Information on Individuals is passed as a law, this office will have to have upwards of 50 employees. Will we have to wait three more years for the Office of the Commissioner to

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have a capacity adequate enough for it to cope with its duties of oversight? Mr Saša Janković, our Public Ombudsman, can be said to be in much the same position. His vice-Ombudsmen have yet to be selected. This is a problem with the Serbian Parliament. When will this happen? When will this body be able to function at full capacity? Once more, this ultimately depends upon the state. Unfortunately, our independent bodies are left to their own devices, or rather, to the mercy of the state and the personal motivation of the people who work in them. This is a fundamental problem.

Now we can move onto the topic of biometrics. Earlier we heard from Mrs Bojana Panić of the Ministry for Internal Affairs. Her talk was interesting and, in my opinion, instructive for all of us. However, don't forget that some, purported, centres of power close to the MUP and certain services have, in the past, publicised information about some individuals. Think back to the article in the "Politika" newspaper, from a couple of years ago, that revealed information from details from the medical chart of Danica Drašković, at that time an unofficial candidate for the post of Director of the Security Institute. Even before she became an official candidate! So, even before she became an official candidate, everybody could read about her medical chart in the "Politika" newspaper. During this symposium people have talked about the fact that information is privileged during an investigation. Is it, however, in the interests of an investigation to release, in a daily newspaper, photographs of a ravaged youth who had fallen into the bear enclosure at Belgrade Zoo?

And then, finally, we come to the question of biometric information, and the inclusion of such information in our ID cards and travel documents. A great debate is being waged in Europe, these days, on the inclusion of biometric information, not only in travel documents, but also in many other documents. Soon, maybe even next year, we will not be able to board a plane that is headed for an EU country because our passports, and maybe even airline tickets, do not contain biometric information. Certainly Serbia must catch up with current trends. I do not support the idea that we should go backwards by avoiding this topic. This is a burning issue. However, Serbia must first ensure a suitable framework that will regulate the oversight over governmental and non-governmental bodies which gather, process and store information on individuals. How many times have I been able to obtain information from a tourist agency that tells

me who uses that agency, how they travel, who they travel with and who exactly those people are, be they university professors, ministers or some other people… We must first educate both governmental and non-governmental officials, i.e. employees in private companies, to respect information on individuals and not to allow it to become the talk of the town. It is for this reason that we need the Law on the Protection of Information on Individuals. In the beginning at least, this is the only way to obtain an institutional form of control over the processing of information on individuals. Biometric information, in this sense, is a new challenge as well as a new tool. Without an adequately regulated system of control over biometric information, we must face the serious possibility of its misuse.

RODOLJUB ŠABIĆ: I will attempt to contribute to today's, undoubtedly useful and up-to-date, discussion of a contemporary issue. This phenomenon of new, so-called smart, biometric ID cards – which last year was one of the more interesting topics in our social discourse – definitely warrants the level of attention it has attracted. How can I phrase this? Both phenomenologically and in terms of its own specific significance, this issue has provoked reactions that are, in the very least, unconventional. It has shown that there are questions in which people from quite different walks of life - in Serbia's already very colourful political and social spectrum - can find their own interest, i.e. personal freedom. I have judged it to be good and so, by accident of circumstance, I have had the satisfaction of being in a position to try to prevent this law having any of negative implications it looked like having. Thusly, I was able to make a modest contribution both as a government functionary and as a citizen of this country. I am pleased that, at least as part of this session, I am last to speak. This way I do not have to talk about the pragmatic and practical aspects which were covered during the first session by people who, in any case, know more than I. So, I would like to take this opportunity to highlight the fact that biometrics is a phenomenon that is likely to be a lasting topic of debate in the society in which we live. The society we live in, and the world we live in, is, in an historical sense, an information society. Therefore, even though power and coercion and money still have enormous influence in creating and realising various political and social concepts, it has become more or less clear that information itself has become one of the greatest forces acting on the

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society we live in. In fact the control of information, the ability to process large volumes of it, the possibility to distribute it, reject it, manipulate it, if you will, this is the greatest force that exists today. It is normal for this to be enduringly interesting. For me, as a man who, in the function I am currently executing, deals with information on a professional level, it is a very interesting phenomenon, which is relative to the subject you are discussing today.

I believe the state has an obligation – it is my firm belief that this is the case in a democratic society - to the public, society and to every individual, to provide various kinds of information. Everything that collects dust, figuratively or literally, in our archives or on the hard-drives of government computers is worthless if it exists for its own sake only. Information that is produced by a state institution or government body during its operation ought to be a public good. It is something that has, in advance, been purchased with the money of the citizens of this country, tax-payers' money, and it should be as accessible as possible. In this way somebody, perhaps not the state bureaucracy, but some businessman, economist, journalist, philosopher or scientist will be able to turn this information into something useful, to actualise the potential.

At the same time, the state has, of course, the responsibility to recognise a certain kind of information from within that enormous – and constantly increasing - wealth of information at the state's disposal, which cannot be distributed freely, in the way we are proposing. Therefore, almost everything the state possesses ought, by definition, to be available to the public; the exception being a narrow segment of information, which certainly does cover information on individuals, as well as biometric information. Of course, we currently have a very specific phenomenon, which is precisely quantifiable, that a government body is very reluctant to give us, that is you, information that it really should make accessible. Therefore, how the state has awarded a contract for the construction of a motorway, or for what sum it sold a state-owned company, or under what circumstances it is possible to access a public resource, or how much a public official is paid is, in Serbia, information that is, as a rule, problematic to obtain.

It is indicative that a state, which is reluctant to give out this kind of information, is otherwise very willing to collect all kinds of information on individual citizens. That alone is a very inter-

esting phenomenon. I won't immediately adopt a confrontational stance, it is debatable why the state needs such information, we can start from the fact that gathering this information is frequently justifiable. From that point of view, the idea of a biometric ID card equipped with an electronic chip, is, for me, an interesting illustration of the confused times we live in.

Let me be clear, there are always forces that determine the behaviour of any given subject, and which do not depend, or else depend very little, on the subject's will. Our nation, our country, our society, like all other societies on earth, is not completely free – it cannot behave as it thinks is best. The idea of biometric documents is not, in general, the same as the idea of biometric ID cards. From the moment the world's greatest power, the USA, passed a law called the Enhanced Border Security and Visa Entry Reform Act and, two years later, the EU blindly followed with the Council of Europe directive on common security criteria and the introduction of biometric passports. Since then it looks as though the idea of biometric passports is essentially irreversible. It is difficult to oppose this current; it would require cutting one's self off from the world. That is, in all likelihood, the end of the story. However, the claims that somebody has asked us to introduce biometric ID cards are not correct – nobody has ever asked this of us. There is, ladies and gentlemen, an enormous difference between a passport and an ID card. One carries a passport when one needs to. An ID card, one is required to carry at all times, risking state sanction if one does not do so, and carrying with it all the possible repercussions of use and misuse. Therefore, from this point of view, this phenomenon has become very interesting. Now I will return to a topic touched upon by my colleagues Mr Milenković and Mr Janković, because there was yet another paradox there.

So, since the former regime, since 1998, Serbia has not seen any intervention into the sphere of protection of information on individuals. Back when this law was passed it was, let's say, in line with the relevant standards of the day but it was, nonetheless, still-born. In other words, it was passed for cosmetic reasons, for the state never engineered a mechanism for its enforcement. A whole decade has passed since 1998, standards have, of course, changed. Even if we look at it abstractly, as a text, as an essay and not as something that should have material consequences, even then it is completely obsolete. And still we have no law for the protection of individuals. I really find it very interest-

ing that we are the first, or one of the first, European countries that has biometric ID cards, but one of the last to have an up-to-date law protecting information on individuals. It seems to me at least, nonsensical.

In this context, then, I would like to share the opinions expressed by the previous speakers and to express my conviction that it is very difficult to fight against the application of technology in any domain, that being one of the conditions for mankind's progress. However, without detracting from that fact, we have to, every society has to, remain well aware of the possibility of serious misuse of these new technologies. These technologies cannot be an end unto themselves and their use cannot be justified merely by the fact that they are new. They must be supported by a clear, unshakeable and recognisable function with the aim of realising some worthy cause or opposing some evil. While we're on the subject of worthy causes, I would like to add one thing. That year, when public opinion became so tumultuous, I had the opportunity of speaking with a great many people with all kinds of religious, philosophical and other orientations; people from all walks of life. I must tell you, they all expressed an opinion that was, to me as a warden of a very narrow segment of human rights, very pleasing. They all spoke about freedom. Whatever kind of society we may want, if it wants to be democratic, if it wants to build one form of interaction, that we can deduce to be the best from what we have seen, it must value freedom above all else. Freedom is the greatest value we can hold. It is this according to both God's and human law. This must never be called into question, it is final measure, it is the line we must not cross.

Therefore, in the absence of any kind of law - because we cannot consider Milošević's law, that is still formally part of our legal codex, as being able to protect anything - to talk about or actively work on the implementation of biometric technology would be pretty irresponsible. I'm not saying it won't happen, it will of course, life demands it, imposes it, pushes with all its might – which is why we must work all the harder to build a functioning mechanism that will stop this evident evil. I would like to recall a dated example, most of you probably already know it, but there is no harm in repeating it. About six or seven years ago an American magazine that deals with social issues chose, in my opinion, a really splendid and humorous way to highlight the importance of this topic. The magazine, which goes

out to 40,000 subscribers, was devoted to the very same topic we are discussing here today, biometrics. The originality of the idea comes from the fact that each subscriber received a completely individualised edition of the magazine. On the cover there was a picture of their city, their building in fact, with their apartment or house circled in red – we know where you live – and on the back cover there was a custom-made advertisement. So Mr Subotić, for example, received an offer for the latest reproduction of Miroslav's Gospels, I received a commentary on some law and an economist or an electrician would receive an offer appropriate to their profession. It was all done in cooperation with a company that distributes satellite films and, back then, it looked fantastic, but today it would be possible even in Serbia. It was done to alert the readers to the possibility of misuse even the most modest database that is formed when during the subscription process; name and surname, address, profession etc.

We all know, especially those of us who work in security related fields, that there are people, experts, who by designing six or seven different databases, that at first glance appear benign, can discover a frightening amount, if not everything, about us. Even about our sexual preferences or religious convictions, everything. Of course, I'm not saying that this is happening here, right now, I am simply saying that in the absence of a functioning mechanism that can prevent this kind of thing, it cannot be ruled out. And of course, we must do everything in our power to rule it out. Mr Milenković mentioned that we have, in the works, a draft of a suitable law. And truly the government urgently sent this bill on the protection of information on individuals for ratification in parliament. This is, on the surface of it, a very good thing but I maintain that we must discuss this law and its contents in a wide-ranging and responsible way, just as Mr Janković suggested. In other words, not to adopt it as we adopted the Law on ID Cards. Because the bill contains, along with a series of decent solutions - amongst which the entrusting of the protection of human rights to the Commissioner is not the best in my opinion - solutions which, I am afraid, leave too much room for the safeguards to be merely fluid and decorative, and not functional.

I will finish by saying this; we do not pay enough attention to this. That we are inclined to forget that a law is not just a text, not only a piece of paper, that a law should have tangible consequences and that it must be supported by the full force of the

state. This is especially true when it comes to human rights, or rather new institutions and new laws that help us to safeguard them. In any event, the questions my colleague Mr Janković answered with, "I don't know", I will, for now, answer that I am opposed. In other words, the idea of biometrics without the safeguards that will protect human rights is, in my opinion, too much of a risk. A responsible society ought to solve those problems simultaneously. I am not generally opposed to the introduction of various identification methods, like those used in the fight against organised crime, in the fight against various evils. But only on the condition that they do not represent a serious risk of human rights being violated. Thank you.

FILIP EJDUS: We have heard three different perspectives, three very clear points of view and, if I may say so, two major issues have been raised. One is the relationship between the human right to security and the right to freedom, and a societies desire to balance these two principles. On the other hand, the issue of legal regulation of a field, which has been experiencing rapid technological development, has been raised. Instead of turning the clock back, we need to always be seeking out new legislative solutions, without which technological innovations could be turned on the very citizens they are designed to protect. Now I would like to open the third panel discussion: Biometrics and Society. The basic question we will cover is; what are the wider social implications of the introduction of biometric technology in Serbia. The first speaker will be Deacon Oliver Subotić, author of a technical publication that deals with biometric technology and biometric identification systems in Serbia. The second speaker will be Mr Aleksandar Pavić, co-founder of the citizens' project, "Za život bez žiga" ("Life Without Branding").

DEACON OLIVER SUBOTIĆ: Even during the first panel it was obvious that this issue was controversial. We have, before us, diametrically opposed opinions. The natural question is: why is this so? Diametrically opposed opinions, on the issue of biometrics, is not a phenomenon unique to Serbia, the situation is the same around the world. How have we arrived at this situation? Is there some abstract reason or can everything simply be

reduced to such a formulation in order for it to be understood more easily?

I would like to briefly return to one very superficial argument of neo-Luddism, an argument I once answered when a political scientist claimed that a new kind of Luddism had emerged in the 21st century and that this is the explanation for everything. I asked him why hundreds of professors and expert associates of the London School of Economics were opposed to the project. Why were many, lets say prestigious computer scientists principally (note, not just practically but principally) opposed to biometric identification systems. I have frequently had the opportunity to mention Professor Roger Clark from the Australian National University, also Bruce Schneider the world's greatest cryptography expert, and many others; people who are without a doubt pre-eminent authorities in the field of information technology. My personal opinion is that the deep divisions within this field are a result of the different methodological approaches used to study it. First of all, therefore, if we return to the differing methodological matrix, it seems to me the problem is the altogether too frequent reversion to reductionism. Namely, that the issue of introducing biometric identification systems and their study is most often reduced to the technical problems of their application, and also, perhaps, on their compliance with existing legal norms. The issue is not viewed as part of a wider context and there are too few inter-disciplinary studies that could examine the various aspects of this problem. Filip mentioned my study, which I endeavoured to conduct utilising this kind of methodological approach. I hope to have succeeded, at least in part. You will find this study before you today and it was unveiled to the public a year ago. It came out in the publication of the Belgrade Institute for Political Studies.

The second precondition that must be fulfilled, if this question is to be comprehensively covered, is a high level of detachment and objectivity. In other words, I do not believe that all opinions ought to be given the same weight. One cannot, after all, compare the opinions of leading biometrics corporations, which are trying to sell their equipment and which are ruled by profit alone, and the aforementioned London School of Economics study. Above all because reputable academic institutions are keen to maintain the highest levels of detachment and objectivity. In the same way we cannot be guided by attitudes that can be found in the tabloid press. They are likely to release

sensational news stories about who knows what kind of systems simply to sell more papers. Therefore, in the study of this issue, and that is another aspect of the whole story, we must always, and without exception, start from academic circles. That is my personal opinion and I hope that you will allow me it.

And third aspect I would like to say a few words about is the fact that biometric identification systems should primarily be scrutinised in the context of their social implications. Though problems of a technical nature do exist, we heard about a few of these during the first panel, they are not the most significant. The problem of social implications should be divided into the immediate and current social implications and those that may arise in the near or distant future. Immediate social implications are already evident in the Anglo-Saxon world. I'd like to remind you that, until recently, in the English-speaking world, biometric information of the sort we are discussing here today could only be taken from criminals. You are aware, I'm sure, that the FBI has the world's largest biometric database that is made up of, I believe, around 60 million fingerprints. I believe that is the largest biometric database in the world. Only recently has biometric information been taken from ordinary people. That is already sending a particular kind of message. First of all, it smacks of distrust between the state and its citizens. The state has little faith in its citizens and that *de facto* affects, at least indirectly, the principle of innocence until proven guilty; a fundamental right in any free society. The mistrust, therefore, becomes reciprocal. Because when the state does not have faith in its citizens it creates an uneasy feeling amongst the population, not so much mistrust, more a sense of unease. Because of the fact that the public is aware that the state is gathering enormous amounts of information about them, we enter into a kind of vicious cycle. This suspicion of the population is, to a certain degree, compounded by a form of insecurity. You have probably followed the cases of massive information theft, especially in the UK, over the last few years. This leads to a feeling of insecurity amongst the public, raising the question of what will happen to their information once the databases become centralised.

A minute ago I mentioned that biometric information is alarmingly sensitive information. Why? Well, if it is compromised or stolen, it cannot be replaced by different information. Simply put, biometrics remain the same throughout an individual's entire life and so their theft is permanent. These are some of

the imminent social implications. I personally belong to the camp that believes that this project is not problematical because it has social implications now, but because of the implications it might have in the future.

This is what professor Clark is talking about when he says that this is the thin end of the wedge that will open up space for totalitarian projects further down the line. In other words, the greater the volume of information, on members of the public, that is in the hands of any regime, the greater the risk. This is particularly the case as we move towards centralised databases and the use of unified identifiers for various transactions. For example, here in Serbia the unified identifier is, as you know, the JMBG (Unified Citizens' Number). This JMBG should be the topic of another discussion considering the new Law on ID Cards suggests, as far as I know, that this number be combined with that of the user and one of his parents. A move that allows for direct cross-referencing of databases. But this is a separate issue, which I won't delve into.

What is the basic problem with these systems? The fact that biometric identification systems uniquely designate the provider of the biometric information will, in the near future, be a viable form of identification for financial transactions. In the West, there are pilot projects, which are slowly becoming more widely accepted, for bio-pay systems with which a user can make payments, exclusively on the basis of his biometric characteristics with no need to carry even a credit card. The basis for these kinds of systems is a pre-existing, centralised, biometric database through which the user can be identified. What is also very interesting is that prices for these kinds of payments are significantly lower making this, in many ways, an unfair way to introduce biometric identification systems. If in the near, or not-so-near, future things move towards the integration of ID documents and if biometric identification systems or some similar concept is used to completely abolish any anonymous money transfer (perhaps in the event of another security scare) we would have an information controlled society. If all monetary transactions, of every individual, can be controlled, the individual will undoubtedly become an opportunist. Allow me to give you an example. Imagine, if you will, a man who for years purchases an opposition publication but does not want this to be publicly known, for whatever reason, perhaps he doesn't have the strength of his convictions. At the moment, his purchase of this publication can go

completely unnoticed; he'll go to a newsstand, pay for the magazine with cash and go on voting for the party he supports. In the event that all payments are automatic, as they naturally would be if we are uncritical of this phenomenon, if we say, let it develop the way it wants to, self-regulating. Then tomorrow we will find ourselves in the situation that that individual will not only avoid buying his opposition publication, because he will assume that somebody somewhere is tracking his purchases and is worried that he might lose his right to a stipend or that he will not be respected in society. We will find ourselves in the situation that this individual will take every moment he can to behave like an opportunist. I am sorry that Ms Koljević could not make it here today, I expected her to talk a little more about so-called panoptic surveillance, as I am not as familiar with the philosophies of Michel Foucault. I assumed that she will talk in a little more detail about that because that is at the crux of the issue.

All intellectuals concerned by this issue point to something called the information controlled society as the end product if we continue to think about this kind of panoptic system uncritically. Panopticum is what Foucault called it. Ejdus has also written on the subject, which is why the text is so important. This is especially problematic for the bio-chip solutions, which is why philosophers must actively engage in the debate. I'll just say one more thing. You are all probably interested to know why it was the Church in Serbia that was amongst the first to react to what had happened. How come the Church suddenly has something to do with biometrics? The reason is very simple. In the beginning groups of church-goers took the initiative to ask their bishops whether these new biometric identification systems were some sort of technological gambit similar to the technological super-system described in the Book of Revelation. In the Book one, and I'll only mention this without going into dogmatic details, one world power uses a specific system to mark people and control absolutely everything, all transactions, and those who refuse to accept such a system are marginalised. The bishops next move was, in my opinion, the best possible. They didn't try to resolve the problems of biometric identification systems on their own, they aren't engineers but theologians. Instead they called in the experts, computer scientists, lawyers, philosophers, sociologists, political scientists, and so on, and they organised several symposia. The Eparhija Žička took the lead on this and, in the end, the Synod asked the Church to produce a study for

its own uses, so the Church could, as precisely as possible, determine its attitude towards this new technology. The Synod then ordered me, as the Officer of the ID Centre at the Belgrade Seminary, to compile an expert analysis, which then enabled me to conduct a study five times larger. On the basis of the conclusions drawn from symposia and conventions, the Church made its decision, that the project must be reviewed, that there should be a public debate, that the government should suggest a moratorium on the whole system until it has been re-examined and, finally, that the law be retracted as it is poorly written. This decision was supported by various non-governmental organisations. Mr Pavić is the president of one of these. A little while ago Mr Šabić was mentioned, he also supported this critical stance. Independent intellectuals also supported the cause and wrote papers on the topic. It all seemed to start rather spontaneously and in the end, thank God, it bore fruit. Some amendment was issued, which, in itself, is not a good solution but it is better than nothing. Even so, there is plenty of room for more changes.

Now I will begin to conclude my talk. When biometric identification systems are in question, a critical approach and proactive examination of the whole issue are imperative. Every opportunistic or reactive stance, every attempt to hide behind a culture of security without any personal opinions whatsoever is, I believe, leading us towards a totalitarian society either in the near or distant future. I personally believe that the lion's share of the responsibility for this issue rests on the shoulders of the academic institutions and the representatives of authentic public initiatives, such as the one made possible today by the Centre for Civil-Military Relations. Thank you.

ALEKSANDAR PAVIĆ: Just like there has been a need for a public discussion such as this one for the last two years, judging by Mr Šabić and Mr Janković's talks, many more conventions will need to take place. Mr Janjić, in his talk, got to the very heart of biometrics, and that is the fact that we ourselves are the password. From the very beginning, therefore, we can go straight to the heart of a problem that is not yet properly defined, from fact will depend how we approach the issue. Deacon Oliver mentioned the Julian Ashburn study; he chairs the board of directors of the International Biometrics Foundation. Anyway, he is a distinguished expert in this field. We translated a good part of his study and posted it on our site, "Za život bez žiga". He has

pointed out one key thing, actually a couple of things, which I would like to underscore. First, he himself has said that the haste with which globalisation, and the introduction of biometric technologies, is taking place is almost incomprehensible and that this fact alone should give rise to some suspicion. In his paper he gives a series of recommendations for how, in an ideal world, this process would be approached. One of his proposals was a moratorium on the way biometric identification technologies are being introduced, first and foremost in the US and the EU. Secondly, Ashburn suggests that the owner of biometric information must be ascertained and that it is this that must be the basis for everything else. If we ourselves are the best password, do we also own our own biometric information? I.e. are we the owners or not? Everything depends upon the answer to that question. If it is determined that we do not own our biometric information, this represents the start of a global, totalitarian, neo-feudal society. If we do, indeed, own our biometric information, that means that it cannot in under any circumstances, be used without our express permission.

Why, in my opinion, is the fight for the right to privacy becoming ever fiercer as the introduction of technology increases? I think that the principal reason, religious and cultural reasons aside, must be the absolute lack of faith in the government bodies, institutions and systems that are imposing these new responsibilities. You are much less concerned about questions of privacy in your own neighbourhood than when your privacy is being threatened by anonymous people or organisations, which you, essentially, don't trust. Your trust must be based on some ideological convictions you hold, on cultural factors or on the fact that you never actually see those people. On a global level, I believe that it is a combination of these factors at work, just as there is some invisible force, as Ashburn talks about, that is increasing the tempo according to which global surveillance systems are introduced.

We are constantly tracking the latest developments around the world. Bojana Panić from the Ministry of Internal Affairs is no longer here today, but I took the opportunity of speaking with her before she left. I would like to share with you what we talked about. It is clear that there exists some form of mania for gathering information on individuals, even where there is no need to do so. Here, the Americans are setting the tempo for the rest of the world. Especially since the 9/11 - you are right to say that it

started before that – but the 11th of September was the most visible justification for speeding up the whole process. The latest controversy between the US and the EU is that the Americans are asking for 19 details and the filling out of a separate form for citizens of the EU, who don't need visas, trying to enter the states. So they first have to ask permission, electronically, to enter the US and, if they get it, they must then hand over their details. At the moment the Americans are asking for 19 different pieces of information. That's for those who are travelling to the US directly. However, the Americans are now asking for two more things, details on those who are simply flying over the US, not even touching US soil, and anybody who might be escorting them for whatever reason. If the passenger is an old, infirm or a child who needs to be escorted to the tunnel leading to the plane, the American authorities want the information of the person escorting them. Of course, this kick-started a controversy inside the EU.

As far as the gathering of DNA in the UK is concerned, we have arrived at the situation that if you litter in a public place and a policeman stops you, he has the right to take a DNA sample from you. Some time ago, as was reported in a British newspaper, a man waiting at a bus stop took out his MP3 player to listen to some music over his headphones. What happened next? Some woman saw this, thought he had a gun. She called the police and the police rushed to the scene. What did they do? They arrested the man and took a sample of his DNA and, of course, ascertained that it was an MP3 player that he took out and not a gun. They subsequently released him but they flatly refused to delete his DNA from the database, in which it is recorded that he was taken in for questioning under suspicion of possessing an unlicensed firearm. These things are happening, but these are just anecdotes.

The motives for globalisation, in the way that it's happening, are a mystery to the overwhelming majority. Why is more surveillance of people being requested? Obviously people instinctively want to protect their privacy because they know why somebody would want to invade it. This whole process leads us to a discussion about values. If you do not own your own biometric information, your own password made up of your own body, and if your body and its characteristics are merely something to be traded on the international market for information or

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capital, then we can immediately answer the question of what kind of society this model of globalisation is creating.

On a local level, in Serbia, the answer is the same. If the procuring the equipment comes first, then the law is passed – and without any public debate – people instinctively, those who are even aware of it, want to protect themselves and their possessions, because they don't know what the intentions are. As long as the state acts in this way, the reaction will remain the same. On the horizon I can see a new reaction to the way this Law for the Protection of Information on Individuals is being passed. This is what we must establish here from the very beginning. This basic value – everything else can develop from this starting point. People showed us two years ago that, if they are their own keepers, there are some things about which they will not compromise. They were people like those mentioned by Deacon Oliver, many were church-goers, some were not, some were merely the custodians of that culture, Western culture, which is slowly disappearing. They all agreed that the dignity of their own individuality comes first. This is what the social implications are. So, from the very beginning from this appreciation of the dignity of individuality springs everything else. This leaves space enough even for biometrics and the use of biometric information, just as Ashburn said. If one can control one's own information, then the use of biometrics presents no problems, but if one cannot control one's own information the problems become colossal. As I have already mentioned, we no longer have control of this information and if it is lost or stolen you can not be compensated for their loss.

Biopower and government techniques

Bogdana Koljević

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Biometric control and surveillance systems are doubtlessly a moot issue in the ongoing debates of the academic, as well as more general public. In that sense it hardly needs stressing the importance of a public *debate* addressing one of the most challenging topics in numerous western societies and certainly in Serbia, which is yet another in a series of facts proving that the so-called global and local problems can not be artificially separated and are most often mutually interlinked.

Full understanding of the issue of biometry, security and human rights certainly necessitates consideration of the various aspects of this phenomenon - legal, sociological, philosophical, economic and, in the first place, the most directly *political* wherein all these diverse dimensions are in a specific way intertwined in the spheres of political theory, political philosophy and actual political practices. That is why any talk as to how the issue of biometry is reflected in the context of *modern political philosophy* simultaneously affirms the importance of interdisciplinary approach to this phenomenon, and conversely reveals the extent of philosophy's actual reflection in practice. In that way, this talk (always-already) testifies to the fundamental engagement of philosophy (critical, emancipatory or apologetic), and *vice versa* – recalls the fact that *concrete political practices are in the real world actually conditioned and not infrequently entirely guided by the acceptance of specific philosophical-theoretical patterns*. In more general terms, that is precisely the central topic of the discourse on biometry.

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Instrumentalization of life and depoliticization of politics – Michel Foucault

The concept of biopolitics (or biopower)[1] was for the first time used in a philosophical context in a series of lectures entitled *The Birth of Biopolitics* given by Michel Foucault at the College de France in 1978-79.[2] It therefore has to do with a thinker who is considered to be among the main proponents of the post-Marxist left, especially with the later part of his work that has recently gained increased importance primarily in the writings of Giorgio Agamben, Antonio Negri, Jacques Ranciere and Roberto Esposito. Moreover, the matter of biopolitics, whether indirectly or directly, appears in theoretical works of almost all modern philosophers of leftist inclination, thus becoming one of the most highly relevant topics. Michel Foucault laid the foundations for this debate and simultaneously formulated the most comprehensive and systematic discourse on biopolitics, and his "genealogy of modernity", i.e. the question of biopolitical practices manifested in our times, still remains a challenge no one has fully responded to as yet. In that context, Foucault's opus often appears to be more modern and diagnostically precise compared with numerous present day efforts to grasp the phenomenon of biopolitics.

From Foucault's point of view the issue of *biometry* as "*life measuring*" and automatic individual identification is the most direct consequence and outcome of the *biopolitical discourse* as a wider context and the way of carrying out the *depoliticization of the political sphere* going back to the 18th century. Namely, until that time the question of power was primarily linked with that of sovereignty and in that paradigm life *as such,* i.e. the category of life, actually did not figure at all. Foucault scrutinizes the gradual penetration of life into history, i.e. into *law* and *politics*, starting from the 18th and onwards through the 19th and 20th centuries. Foucault refers to this process - corresponding to the development of *liberalism* – as *biopolitics*. Biopolitics, therefore, is not a term denoting just any discipline, but a rather specific tendency, a conceived technique used to start regulating the life of the *populace* in its entirety: modi vivendi of entire populations accompanied by the understanding that they are susceptible to management and that control over life is an exceptional instrument of power become the subject of political government.

[1] Foucault generally uses these terms interchangeably, although there have been some recent attempts to separate their meaning, e.g. the still unfinished project of Maurizio Lazaretto.

[2] Foucault's idea of biopolitics could be glimpsed in his shorter articles (especially *Political Techniques of Individuals)*, as well as in the last chapter of *The History of* Sexuality, but it was actually fully developed in his lectures on the *Birth of* Biopolitics and those he delivered the next year under the title *Security, Territory, Population*.

The phenomenon where almost everything is done "in the name of life" and where life is apparently "the largest value", thus in a kind of a specific humanitarian rhetoric, simultaneously indicates an almost reverse occurrence in reality, i.e. that factors such as the population's health, migrations, conditions of life, birth and death rates, are regulated and directed in a thus far unprecedented manner. No one has offered so convincing and substantiated arguments as Foucault to prove that this process corresponds to the *development of the theory and practice of liberalism through history*[3] and that the main purpose of this effort is precisely the depoliticization of the *public* sphere, i.e. the public as the key locus of *the political.*

Namely, where biopolitical techniques of government enter the scene, life comes to the foreground and its *politicization* – the most representative example of which in the modern context are biometric techniques – directly leads to the *depoliticization* of politics as a public sphere. Foucault's basic idea is that *multiple instrumentalizaiton of life* representing a paradigm of biopolitical practice implies another concept of *power* – entirely different from that of the traditional sovereign power, i.e. suggest that the issue at hand is the one of power relations that are not centered in classical political categories of e.g. territory or state.

Foucault calls this *capillary power* and points out that his own research aims at *microphysics* or *microstrategy of power* which is essentially desubstantiated and precisely as such appears as power with a *totalitarian potential*. Its objects may be individuals and groups and people, or all these together and at the same time. One of the best examples of this power's functioning is Foucault's model of panopticon in his *Discipline and Punish*[4]. Borrowing Bentham's idea of panopticon (a system of prison surveillance and observation), Foucault takes this model metaphorically, presenting it as a paradigm of something he calls development of *disciplinary* i.e. *government techniques* whereby the entire society, the whole populace, is placed in an invisible prison and under observation where everybody is always potentially guilty.

To that extent prison for Foucault exists independently and differently from an actual prison in an institutional form – it exists through the construction and implementation of diverse *techniques of government* (spatial distribution, classification, use of energy and time, body drilling procedures,

[3] Foucault carefully analyzes the history of German and American liberalisms, as well as the different forms and characteristics of development including neoliberalism. For more see Foucault's *The Birth of Biopolitics.*

[4] All the key works Foucault wrote in his early and later period actually have a substantial internal connection, despite (or rather, precisely because of) the fact that the former deal with the "history of science", while the latter focus on the "history of power". More precisely, Foucault is invariably concerned with specific *regimes of truth, practice of truth* and its implementation at various levels: from institutions such as prisons and hospitals, to phenomena like madness, sexuality and market. All these phenomena are the regime of truth of liberalism.

codification of behaviour, maximization of economy). These techniques are characteristically invisible and perfectly visible at the same time. In fact, what we have here are the mechanisms of power, mechanisms used to subdue the body as well as the psyche and consciousness of individuals and the entire society. That is the idea of a completely transparent total control and development of disciplinary techniques. In his works such as *The History of Madness* and *Discipline and Punish* Foucault demonstrated how this ideal of government directly influenced different forms of concrete practices, reaching all the way to sciences such as the history of psychiatry. Disciplinary techniques are then developed as the idea of biopower that organizes the entire population not only for the purpose of its control, but also with a view to increasing its productivity.

"Policy of security" vs. "policy of freedom"?

In that context, the things Michel Foucault spoke about have certainly continued in the American and now already European "security policy". There is no doubt that Foucault's diagnosis and criticism of biopolitics fairly matches what we today call *"global expansion of the security policy"* and penetration of *antiterrorist discourse* into all spheres of life. More precisely, the discourse the ideological matrix of which has been formulated and shaped by the US government has actually occupied not exactly life, but the entire *field of the political*, which has thus been depoliticized. That has been prominently manifested after September 11, and especially developed in the Bush administration's policy,[5] starting a surge of similar antiterrorist fever to spread all over Europe.

However, when Europe is concerned the point seems to be somewhat different, bearing in mind that it is not the acceptance of a Bush like vision of conservatism as the ruling trend that matters so much as the fact that *Europe still does not exist as an autonomous and independent political subject,* as repeatedly confirmed in recent years.[6] The EU Council's uncritical compliance with the US government's request for introduction of biometric travel documents for the purpose of retaining a (no-)visa regime (followed consequently by the same EU request to Serbia), is but one in a series of examples

[5] In his analysis of (anti)terrorist discourse Simon Critchely strongly argues that this discourse simulates the last variant of *"cripto-Schmidtianism"* and essentially rests on the understanding of the political in line with the main elements of Karl Schmidt's theory. For more see, Critchely, S. *Infinitely Demanding*, Verso, London-New York, 2007.

[6] The most recent example of European political immaturity and impossibility to shed the US tutelage is Europe's violation of its own fundamental principles (EU and EC founding treaties), revealed in the illegal and illegitimate recognition of independence of the southern Serbian province by the leading EU members.

that Europe has quite a few problems in formulating its own political strategy and ideology.

However, while the moves of political elites certainly rise justified concern over a more or less absolute submission to the "security policy", some of the leading European intellectuals like Giorgio Agamben with their work and personal example offer resistance to biometric identification systems,[7] pointing to a deep *problem of the legal political status of citizens precisely in the so-called most developed democracies*.

Agamben's analysis shows that over the past decade the US demonstrated how an exception can become a rule and that we are today faced with a situation of a s*tate of emergency as a rule*, in a process where control procedures, previously considered exceptional, turn out to become dominant forms of governance. While sharply criticizing the US Agamben insists that the paradigm of the modern West is actually a "concentration camp" where all are subject to "biopolitical tattooing" and "mankind itself became a suspect class". In this way, the space we once called politics is reduced still further and the *entire society* is suspected.

The issue here is whether the direct antipode to this policy, i.e. absence of policy embodied in biopolitics at the base of development of all biometric technologies, is contained in the idea of human rights, i.e. human rights and civil liberties and/or how so?[8] In other words, if it is clear what the so called security policy stands for, is it just as clear what the *"policy of freedom"* is and how it is attained?

In numerous concrete examples the answer is quite simple and plausible - it is a politics opposing the idea of an all out "chipization", a policy against biometric measures and identification systems, and at that level the idea comes across fairly clearly. Far less clear however is whether the policy of freedom today should or could at all be defined only as *negative* freedom, "freedom from", i.e. as an eminently neoliberal or even libertarian concept of liberty? In the same vein, is the idea of a minimal state at the background of this "policy of freedom". The limitation of the negative freedom theory is, in a sense, structural. That is also the reason why one of the leading issues of modern debates is how to attain *positive freedom*, thus not only (negative) freedom of individuals, but the freedom of society as a whole. This is the case of theories formulated in a wide theoretical span from Habermas' idea

[7] Giorgio Agamben cancelled his lectures at a university course in New York, not wishing to be fingerprinted on entry of the USA. He pointed out that he thereby protested the practice and called upon other European intellectuals to do likewise, since the procedure concerned had long been used for criminals and political suspects See: Agamben, Đ. "Biopolitička tetovaža" [Biopolitical tatooing], www.nspm.org.yu/Debate/debb_agamben_tetovaza.htm

[8] This same problem is, in political philosophy, present as the dilemma involving the opposing pairs of *"totalitarianism"* and *"democracy"* or *"terrorism"* and *"democracy"* in a more modern context. Actually it is the question of whether there is something like "democratic terrorism" or "terrorism of democracy". Highly instructive in this respect is the most recent work of Alan Badiou, where he points out that simplified forms of these and similar oppositions are multiply problematic and often denied by reality itself. For more on this issue see Badiou, A. *Polemics*, Verso, London-New York, 2006.

about the key role of the informal public sphere to radical theories of Antonio Negri's total systemic change.

That is because *the opposite of biopolitics are not human or civil rights*, the right and liberty of an individual - *the opposite of biopolitics is politics as public activity*, activity within the p*olis*, i.e. community. Crucial for biopolitics is the fact that *oikos* (the private sphere) enters the *polis* (the public realm). The process where life is politicized and politics depoliticized in its *retreat before life* and in the name of life is what Foucault calls biopolitics. It is also what Foucault implied by referring to the *progressive animalization of man through the most sophisticated techniques.*

In that sense, the answer as to what Foucault would say today remains outstanding. But, Foucault himself would now be the first to ask what the real dilemma is, namely *whether it is a dilemma between "human rights" (anarchism, liberal, libertarian, "left") and "security" (state).* More precisely, Foucault would ask *how* this dilemma is created at all - how it is *produced* and which government techniques are at its basis.

In *The Birth of Biopolitics* Foucault actually insists on the question of whether the *state* is the *invariable monster, "the cold monster" which is the leading culprit for the reduction of human rights, control and surveillance.* One of his essential arguments is that *state is overrated* in that respect and is not the main proponent of these processes, anymore than it is a fact or given thing. State cannot be assigned substantiality in that sense. Furthermore Foucault has repeatedly pointed out that state itself *is not an autonomous source of power.* It is still less the case today in the era of globalization when the traditional concept of state is no more. For Foucault, the proponent of biopolitical processes is *governmentality* – a concept that relates to government techniques, and one which Foucault directly opposes to the state. *Governmentality* is primarily the *manner of production of citizens who by themselves contribute to the implementation of biopolitical techniques of government,* since their self government is carried out in line with these techniques, i.e. becomes its component part. In the case of biometric measures that is seen as compliance with these procedures, moreover, an understanding that they add to "security" and even insistence on their increase and strengthening for security purposes. This simultaneously explains the examples of modern countries with high eco-

nomic standard and allegedly high degree of "civil consciousness" where systems of biometric identification are used *on a voluntary basis*. That is why the *dilemma between "security policy" and "policy of freedom" is not only or primarily the dilemma between (totalitarian) state and individual (freedom)*.

In that sense the issue of biometry is one of a wider context of *liberal* i.e. *neoliberal* techniques of government (Foucault finds neoliberalism a successful rationalization of a government practice that observes the internal rule of maximum economy). In fact, all states still individually decide on the application of certain measures, although there is also something called a global trend, generally understood to imply that which is "*modern*", "*contemporary*" and thereby also desirable. That is but one of the ways of biopolitical practice's workings (construction of the myth on modernity), although it is certainly momentous in the case of Serbia and its uncritical acceptance of everything labeled as modern and coming from the West. In Foucault's conception the *individual* appears more as a result than substance. An individual is not an elementary particle or a stable entity of any kind. Control which is primarily at stake is that of a community – *control of the entire society.*

On the example of an entirely different philosophy, the political thought of Jean Jacques Rousseau, this same dilemma appears as follows: will Rousseau and his political philosophy be interpreted as the beginning of the *policy of human rights* or *the policy of popular sovereignty.* Surely these two are not mutually exclusive. But the difference is large and important. On the one hand, there is *liberal individualism* and, on the other, *the community* and *joint political activity in a modern polis*.

It is a problem of whether the dilemma between the "security policy" and "policy of freedom" should be understood as an internal debate between a specific kind of *conservatism* and a specific kind of *libertarianism*, thus a debate about the meaning of *liberalism,* or whether this dilemma should be addressed in order to understand that *the issue of freedom may be posited in an entirely different manner. What is the policy of freedom,* what is the purpose of *freedom as anonymity and freedom as preservation of the right to privacy*, and what is the purpose of *free society, realized as the society of freedom*?

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Biometric Identification Systems

A synopsis of the arguments presented in: *Biometric Identification Systems: A Critical Study*

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1. Biometric identification systems should, primarily, be approached from the context of the implications they have for society, and not through questions about their practicality or applicability. This approach would, of course, have to be of an inter-disciplinary nature, encompassing the fields of ethics, information technology, law and sociology. Any attempt to reduce the question of biometric identification systems to just one of the aforementioned fields will lead astray the results of any study, leading to misplaced conclusions the consequences of which can be far-reaching.

2. The implementation of biometric identification systems on the basis of political volunteerism, and without critical appraisal and extra-academic debate, is unacceptable. Political institutions are frequently poorly informed about this field and mostly rely on information provided by corporations which produce biometric identification equipment, causing a conflict of interest. No free society can allow questions of identification management to be resolved by political/interested parties, instead the initiative must come from expert panels and scientific institutions working in the relevant fields. As well as expert, scientific recommendations it is necessary to take into account the opinion of the public on these matters. For, should there be a lack of widespread public support for biometric identification systems, they should not be adopted.

3. The sensationalist and superficial approach of the press when dealing with this subject makes even more difficult the

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task of experts and scientists to provide sufficient information that could enable them to conduct adequate studies of public opinion. Therefore, public expert panels, round table discussions and debate on the topic, are vital for this issue. These must be conducted before any broad-spectrum implementation of biometric identification systems. In the event that a debate on the issue does not take place before the implementation of such systems, any further discussion loses its significance and becomes nothing more than a formal cover for uncritical, politically motivated solutions.

4. The automatic processing of biometric information is a key aspect of modern biometric identification systems. Rudimentary biometric identification is an historical predecessor of such systems but cannot truly be compared with them precisely because they lack the capability to automatically process data. No comparison can be made between electronic and non-electronic biometric information systems due to differences in function, processing speed, speed of access and the ability to directly amalgamate information. Though modern systems are widely believed to be infallible, both theory and practice show that they are still decidedly in the early stages of development.

5. The possibility of anonymity must not be revoked where it can be maintained. In cases where biometric information is surplus to requirements, for example the implementation of e-government, it should not be incorporated into the system, as this would be a disingenuous way to introduce the technologies into everyday use. The technology to implement biometric identification system must not be an end in itself; instead it must remain a tool, balanced by widely accepted ethical principles. In the event that the technological solutions and the legal norms do not correspond, the latter should always prevail. This principle ought to be applied to biometric identification systems.

6. A moratorium, suggested by experts, on the further application of biometric identification systems until the legal mechanisms for their use can be comprehensively examined is both realistic and practical. However, it would first be necessary to conduct a thorough study into whether biometric identification systems truly change the nature of political interaction in society; do they affect the relationship between the individual and the state, and would their ultimate imple-

mentation open the possibilities for a totalitarian future? Approaches which deal primarily with issues relating to the technical feasibility of such systems, without emphasising the basic ideals society is built around, can lead to a progressive erosion of legal norms and the principles they are founded on.

7. The problems that arise as a result of uncritical implementation of biometric identification systems cannot be solved by self-regulating measures. The ethical, legal and security issues that arise must be critically and thoroughly scrutinised and must be resolved prior to the definite implementation of such systems. The principle of *convalidation* must not be applied to cases of demonstrable illegality of the project.

8. Solutions that are based on voluntary use should always be given precedence as much as this is possible. In this case, the timely prevention of any potential discrimination is vital. It is clear that political actors generally favour the widespread use of biometric identification systems in an invasive manner. The justification for this approach is most usually the need to combat terrorism and organised crime, or simply the modernisation of government. These arguments, however frequently employed, are not supported by reality and cannot withstand thorough critical examination.

9. Any private sector implementation of biometric identification systems must be in compliance with legal norms regarding data protection and the protection of individual identity. In the event that such norms have not been established in a given society, the private sector should be prohibited from employing systems of this kind until their use can be precisely regulated by appropriate legislation. Likewise, data protection and identity protection laws must be correctly standardised, especially relating to sections intended to specify new categories of criminal activity and their prevention.

10. The concept of a central database for biometric, and associated, information has the potential to realise an information-controlled society. Even though the perception of ordinary members of the public is that the actual device storing an individual's biometric information (for example, a smart I.D. card) is the problem, from an ethical, legal and information technology point of view the main bone of contention would be a centralised database. The fear is that, over

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time, if combined with other databases, a biometric database would have the potential to become an all-seeing substratum. The inter-linking of compatible databases can be accomplished in a number of different ways, however, in practice it is reduced to the use of one universal alphanumeric identifier. The increase in the concentration of political power, the internal/external vulnerabilities of such databases and the potential for the creation of an information-controlled society are all factors that make the implementation of a central biometric database, which can inter-link with other relevant databases, an affront to the idea of liberal society and should be prevented by law.

11. Future incarnations of uncritical implementation of biometric identification systems suggest the creation of total surveillance and control over all transactions. The current generation of technology, i.e. single-role smart cards, is not the problem. It is the rise of future, multi-role technologies possibly involving a biochip (electronic implant), which is completely unacceptable to the majority of people today. The idea of a biochip is particularly troublesome in societies with a Christian cultural background as it could evoke St. John's prophesies and also due to the fact that disagreement over this issue could be manipulated by interest groups to create division and strife amongst dissidents.

12. The political pressures for an uncritical acceptance of biometric identification systems have, in liberal countries, traditionally been resisted by academic institutions, expert groupings, the thinking public and NGOs dealing with the protection of the right to privacy. In countries with a majority Orthodox Christian population, active resistance has come predominantly from the Church. The greatest resistance has been gauged in countries with a common law tradition, and the least in countries in the Middle and Far East. There are cases of countries overturning the uncritical implementation of such systems through judicial or parliamentary intervention, public pressure or even where such concepts were compromised through security lapses. There are also, economically well-developed, countries with a highly liberty-conscious public where such systems are in use on a voluntary basis.

13. In order to take a balanced view of the implementation of biometric identification systems it is necessary to understand their historical background and the sociological milieu

they are introduced into so that conclusions can be drawn on a case-by-case basis. Also, it is necessary to be aware of the differences between various forms of implementation, the type of identification documentation, the existence (or not) of central databases, the inter-operability and extent of biometric information on file. It is absolutely unacceptable to draw generalised conclusions on the basis of different forms of implementation.

14. In 2003 the Serbian state unveiled its own biometric identification system project for the republic's citizens. Legislation passed in 2006, which legalises the government's efforts in this field, is a classic case of adopted volunteerism in identification management; an instance in which the equipment is purchased - in a manner that is in breach of certain laws but which will be legalised after the fact – and installed before any kind of public or parliamentary debate can take place. Serbia has, in this way, become the very epitome of an uncritical approach to the introduction of biometric identification systems and is enacting policies which clash with every single conclusion this study makes. On the other hand, the antinomy of Serbia's case is reflected in the resistance offered by the public, with the assistance of reputable institutions, which managed to force a re-evaluation of the project and the implementation of biometric identification systems on a partly voluntary basis. This seems to place Serbia firmly in the very small group of liberal countries which have had similar experiences, however, there is one thing holding Serbia back; the authorities still intend to introduce a unified (now separated) identifier and a central biometric database.

15. In cases like that of Serbia and the rest of the free world, the principled defence of the freedoms contemporary society is founded on is of vital significance. This defence must include active involvement, in a constructive discourse, of the relevant technical and scientific institutions which will then be in a position to determine the guidelines necessary for critical implementation of a biometric identification system. Approaches based on political volunteerism and uncritical modernism inevitably lead to a less than bright statist future.

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A Contemplation of Justifications for the use of Force and just war in Nation-building

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Abstract

The end of the Cold War and the subsequent changes in the global security environment ushered in a period of absolute dominance by the Euro-Atlantic community, led by the US. These changes brought with them a unique opportunity to create a truly global order. On the back of the tidal-wave that brought the communist and undemocratic regimes of Eastern Europe crashing down, the victorious West continued to promote its own values as superior, in other words, as the highest form of civilisation. This appraisal of Western values became relevant, in terms of security, when it became a justification for military intervention and forced regime-change. Without any pretensions to claim that there are no cases in which forced democratisation is justified, the aim of this paper is to conduct a deeper critical analysis of this concept and its continued development. The purpose of this approach being the avoidance of the abuses and pitfalls this concept is, by its very nature, exposed to on a practical level.

Key Words: *Just War Theory, Democratic Peace Theory, Nation Building, State Building, Military Intervention*

Introduction

As stated in the 2002 US National Security Strategy document, the last decade of the twentieth century saw the emergence of a threat to US national security from a number of "failed" states. Though the specific characteristics of each

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state were given due consideration these states nonetheless have much in common: human rights abuses against their own population, plundering of domestic resources for personal gain, breaches of international law and international treaties, posing a threat to neighbouring states, support for international terrorism, et cetera. As these states are in no position to attack the United States in a conventional manner – they would certainly be swiftly defeated were they to attempt such an attack[1] – they are forced to rely on asymmetric and unconventional tactics. As the damage caused by such attacks can be great, the United States can, therefore, no longer rely on a reactive defensive posture as simply waiting for such an attack to occur before responding is no longer a viable strategy. The report concludes, therefore, that the United States has the right to pre-emptive strikes against its enemies in order to prevent threats to its national security[2].

In most cases, however, it is not enough to simply militarily defeat the regime of a failed state and remove its proponents from power as the vacuum will most likely soon be filled by others and the regime will remain undemocratic in character. Hence, US security policy has adopted the concept of "nation building"[3], based on the theory of democratic peace – i.e. the premise that democratic states do not go to war with one another[4]. As a result, the concepts of military intervention and democratisation often go hand-in-hand in US foreign policy discourse. In other words, if it is not possible to transform an undemocratic failed state through peaceful means, the end result will be military intervention and forced democratisation, the principal aims of which are the destruction of the state's potential for aggression that purportedly stem from the regime's undemocratic character. Theoretically, the presumption that makes this approach viable is the acceptance that there exists an actual chance that it is possible to transform an undemocratic, aggressive state into a peace-loving democratic one through the application of military force.

This paper seeks to examine the concept of forced democratisation through the application of the theory of 'just war'. Rather than examine in detail every rule and principle, this paper will examine only the most problematic arguments put forward by advocates of forced democratisation, particularly where they relate to the justifications for intervention, the

[1] US General Anthony Zini illustrated this assumption by stating that „actually, the only reason Desert Storm was a success was that we were fighting the only idiot on the planet stupid enough to oppose us symetrically", cited from: Barthelemy Courmont and Darko Ribnikar, *Asimetrični ratovi: sukobi juče i danas, terorizam i nove pretnje*, NIC Vojska, Beograd, 2003, page 71

[2] *The National Security Strategy of the United States of America*, The White House, 2002

[3] This term is used here even though, as Karin von Hippel states, the term „nation" is used instead of the more correct „state". State building would more appropriately describe this concept. See: Karin von Hippel, *Democracy by Force: A Renewed Commitment to Nation Building*, Washington Quarterly, 23:1, Winter 2000, page 95-112. Similarly see the term „peace enforcement" as defined by Doyle and Sambanis in: Michael W. Doyle i Nicholas Sambanis, *Making war and Building Peace*, Princeton University Press, 2006, page 15. It is possible that this term came to be accepted due to the fact that, in the case of the United States, the state and the nation developed simultaneously.

[4] In this respect, the opinions of Michael W. Doyle had significant influence on the Clinton administration.

likelihood of legally acceptable action before, during and after the intervention, as well as the practical presentation of its end goals. This paper will attempt, therefore, to claim that, though there are examples that prove that intervention can lead to the successful transformation of a failed state, the current US policies are in need of significant adaptation and critical examination before the term just war can be applied to them and before they can achieve the pacification that they seek to provide.

Just Cause, Aims and the Execution of Intervention

The just war theory, though heavily criticised by some more recent academics[5], nonetheless remains a stable basis for the evaluation of forced democratisation, in large part thanks to its long history and overall significance[6]. The basic questions that this theory deals with are the justification for resort to war (jus ad bellum), the correctness of conduct during combat (jus in bello) and the even-handedness of peace treaties at the end of the hostilities (jus post bellum)[7]. For each of these points there exist a number of norms and principles that must be satisfied in order for the military action to be considered morally acceptable.

First, however, it is necessary to examine a point that initially seems to be an essential contradiction in the concept of forced democratisation; the rationalisation, in terms of democratic principles, of forcing a particular political system on a sovereign state. In other words, is it possible to go to war for peace or to impose democracy by force? It should be noted that in international relations force is thought to have order creating function in that it can affect elements of a system. However, the absence of a legal, central authority that has a monopoly on force, the method of its application is subject to the goodwill of the members of the international community and the balance of power between them. In this sense the use of force or the threat of force can contribute to peace and prevent the escalation of conflicts. Force can even contribute to the achievement of agreements and peace treaties between warring sides but, as can be seen from the above principles, the correctness of such agreements can be questionable[8]. Similarly, the capabilities for intervention modern

[5] See: David Speetzen, *Just War and Forcible Democratization*, Center for New Institutional Social Sciences, Washington University in St. Louis, 2006

[6] Some of the scholars behind this theory include: St. Augustine, St. Thomas Aquinas, Marcus Tullius Cicero, Francisco de Vitoria, Francisco Suárez, Alberico Gentili, Hugo Grotius, and their contemporary counterparts, James Turner Johnson, Paul Ramsey and Michael Walzer. The theory of just war is probably the most significant ethics theory relating to military conduct, sharing the title, perhaps, with pacifism and realism. See also: Dragana Dulić and Branko Romčević (Ed.), *Etika: hrestomatija*, Fakultet civilne odbrane, Beograd, 2002, p. 232

[7] *Ibid.*

[8] Contrast with: Arkadiusz Domagala, *Humanitarian Intervention: The Utopia of Just War? The NATO intervention in Kosovo and the restraints of Humanitarian Intervention*, SEI Working Paper No 76, Sussex European Institute, p.7

states possess call into question John Stuart Mill's assertion that a people can never be truly liberated by foreigners; that they must achieve liberty independently - indeed the conditions within dictatorial regimes can create a populace "ready" for democracy though they themselves may be powerless to establish it alone[9]. This shows that it could be possible for a populace to desire and need foreign assistance for regime change; though it would be important for this intervention to be perceived as liberation. However, it is worth noting that liberation implies the granting of liberty, including the freedom to choose future governments. Problems could arise if this freedom was withheld, that is if a foreign social and political model were forced upon the population by their liberators. This is especially true when the population of the liberated country is asked to accept, in advance, all future terms and conditions. In this case, the initial euphoric reaction to being liberated can evaporate and be replaced by frustration and a sense of betrayal. The imposition of conditions upon assistance changes its nature to something more akin to manipulation. Even so, as the experience of post-war transformations in Japan and Germany show, it would not be prudent to completely reject the effectiveness of forced regime change in some cases, prompting Waltzer's question, would it be acceptable to go as far with regime change in other cases as with, for example, Nazi Germany[10]?

Jus ad bellum

The principle issue of jus ad bellum in assessing the correctness of military intervention is the question of determining whether the initial motivation is just. Two main arguments exist that support the moral impetus for forced democratisation. The first claims that democratic states are more reluctant to resort to war and that they are, therefore, a basis for lasting peace. The second is that undemocratic states frequently threaten the human rights of their own populations, or of those of neighbouring states, hence there is a moral duty to intervene to prevent human rights abuses[11]. The purpose of this paper is not to completely refute these two lines of argument; rather, it is to highlight some of the conceptual problems proponents of the democratic peace theory face

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[9] David Speetzen, *Just War and Forcible Democratization*, Center for New Institutional Social Sciences, Washington University in St. Louis, 2006, p. 2

[10] Michael Waltzer, *Just and Unjust Wars*, 3rd ed., Basic Books, 1977, u David Speetzen, Just War and Forcible Democratization

[11] For more on the fundamental duty to intervene and critiques of it see: International Commision on Intervention and State Sovereignty, *The Responsibility to Protect*, commision report, December 2001, and Mark Paul Busser, *Critical Versus Problem - Solving Approaches to Security and The Responsibility to Protect*, PhD dissertation, McMaster University, Ontario, Canada, 2007; as taken from: www.cpsa-acsp.ca/papers-2007/Busser.pdf (accessed on 7 May 2008)

when using it to justify forced democratisation of sovereign states.

Liberal ideas, which gave rise to the democratic peace theory, are prone to the definition of societies as civilised or uncivilised but without a unified stance on whether intervention into the affairs of the latter is justifiable. Consequently, Kant talks of the existence of "primitive peoples" whose societies breach the cosmopolitan laws on freedom of action (for example, the Bedouin societies or pirates from the North African coast) and are therefore out of step with "natural law" but he refuses to go one step further and support "imperial intervention". Meanwhile, Mill claims that "savage nations" do not have the same rights as civilised ones and supports the forced "imperial education" of these peoples[12]. This highlights the first danger of an approach based on old colonial attitudes to the necessity of intervention, which grant democratic states a moral supremacy and fundamental duty to educate and "civilise" others. By forcing their own values on uncivilised nations, democratic states are in danger of transforming legitimate efforts to secure their own stability into some kind of crusade to civilise others[13].

The first of the aforementioned arguments put forward by supporters of forced democratisation centres around the idea that democratic societies are reluctant to go to war because their governments are answerable to the people, who are likely to hesitate to consent to a sacrifice of their own interests – a sacrifice war certainly signifies[14]. Undemocratic countries, therefore, resort to war more easily as their rulers can make such decisions without consulting their people; in other words, without a general consensus or public debate about the consequences of conflict. However, the fact that the democratic peace theory does not automatically mean that undemocratic states are necessarily aggressive and that war between democracies is not impossible it seems to have been forgotten in current US foreign policy discourse. Also largely ignored is the fierce debate currently being waged in academic circles between the supporters of the theory and its detractors[15]. David Spreetzen's questions whether such simplification of the issues might not lead to the conclusion that, if democratic states never go to war against one another, the only thing that stands in the way of lasting peace is the existence of undemocratic states. Is this line of argument, present-

[12] Michael W. Doyle, *Kant, Liberal Legacies, and Foreign Affairs*, Philosophy and Public Affairs, Vol. 12, No. 3, 1983, p. 205-235

[13] In feminist literature a similar relationship is termed "patenalist"

[14] Contrast with: Michael W. Doyle, *Kant, Liberal Legacies, and Foreign Affairs*, p. 229

[15] Contrast with: David Speetzen, *Just War and Forcible Democratization*. The theory of democratic peace has its own significant critics, see: John Baylis and Steve Smith (Eds.), *The Globalization of World Politics: an introduction to International Relations*, 3rd ed., Oxford University Press, 2004, p. 200

ed in this way, not justification enough for forced democratisation? Can, therefore, an attack on an undemocratic state by a democratic one be thought of as self-defence[16]? It is clear that an attack on a sovereign state purely motivated by the fact that its government is undemocratic would be an unacceptable and incorrect interpretation of the concept of preventive military action. However, the actions of the Bush administration during the 2003 invasion of Iraq ominously confirm Spreetzen's claims about the vulgar over-simplifications of the democratic peace theory in US foreign policy discourse. Being that there was a conspicuous absence of any concrete evidence for the existence of weapons of mass destruction that might support the case for a pre-emptive strike, it seems that the prime motivation for military action was the nature of Saddam Hussein's regime and not fact-based concerns about a direct threat to the United States or her allies.

The second argument offered by the supporters of forced democratisation is that undemocratic states often fail to respect the human rights of their own populations. A fact that can be used to justify intervention in the event that human rights abuses reach "massive"[17] proportions or are carried out in such a way as to "shock people's moral awareness"[18]. The problem, however, lies in the fact that the concepts of democracy and human rights are so often intertwined into a rhetorical whole that they can seem inseparable. This is primarily problematic when the question of whether democracy is a human right, or whether it is a precondition for the respect of human rights, is raised. Assuming democracy is a human right further raises the question of its ranking in relation to other human rights; i.e. is it a basic human right, and if so how does it relate to other basic human rights? In the event that democracy is considered a precondition for the respect of human rights the problem is in how necessary the model of democracy, promoted by states with a liberal-democratic tradition, makes the prevention of a neglect of human rights. Is democracy, when it comes down to it, important enough for people to risk lives for – bearing in mind that military action implicitly means the loss of life, of both soldiers and civilians? Take, for example, the following scenario: a woman in an Islamic country does not have the right to work, which, in the eyes of Western Europeans automatically means

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[16] David Speetzen, *Just War and Forcible Democracy*, p. 6

[17] Ibid.

[18] Ibid. Of course there is no doubt that there exists a moral duty to intervene in cases where genocide is being, for example in Rwanda where it is arguably possible to accuse the international community of inaction.

her basic human rights are infringed upon. However, if we were to ask this woman what she thinks of her situations she might surprise us with the answer that it leaves her free to nurture her children - her primary duty – while men are responsible for the material well-being of the family. Two points are of significance here. The first is that individual assessments of liberty and rights, as well as a sense of neglect of these rights, is a culturally dictated, subjective perception. The second is that the line between intervention in defence of liberal values and cultural imperialism is very thin indeed, partly because "liberalism has a long history of embracing imperialism"[19]. It is, therefore, necessary to approach the interpretation of foreign cultures as they are and not as they seem through a prism of the cultural values of the interpreter. This is, perhaps, the principal reason why US soldiers struggle to understand how a nation to whose aid they came has suddenly turned on their helpers with rockets and gunfire.

Jus in bello

The principle of the correct execution of military action relates to the methods employed to achieve intervention in cases where forced democratisation is presented as the only remedy to the suffering of the citizens of an undemocratic country[20]. Portrayed in this way intervention becomes more than an aim, it becomes also the most effective mechanism for achieving the changes presented as justification for involvement. Also, it is worth bearing in mind the moral imperative of not taking action if intervening would cause more damage than is being done in the *status quo*. Closely related to this is the imperative to apply force prudently. One of the most significant barriers to proper conduct on the battlefield is the, public opinion backed, zero-tolerance approach to friendly casualties that has become a leading characteristic of US humanitarian interventions. As Karin von Hippel puts it, after the Somalia experience (Operation "Return Hope", 1992-1993), US soldiers are no longer "allowed to get killed", at least as far as humanitarian intervention is concerned[21]. This has lead to the absurd situation that, as von Hippel puts it; an American life is worth more abroad than in the United States. The unequal valuing of American soldiers'

[19] John Baylis and Steve Smith (Eds.), *The Globalization of World Politics: an introduction to International Relations*, p. 197

[20] During which it is, of course, necessary to bear in mind the conditions that relate to the resort to force.

[21] Karin von Hippel, *Democracy by force: A Renewed Commitment to Nation Building*, The Washington Quarterly, Winter 2000, p. 102

lives as compared with those of other participants in the conflict is a cause for concern when the practical implications are taken into account. Apart from anything else, it is the primary cause for the fascination with long range strikes and the development of technologies that will replace human soldiers on the battlefield. By reducing losses the pressure from domestic public opinion, which appears to be a more potent driving force behind US foreign policy than international law, is also reduced. Even so, the great destructive power of smart bombs and similar war-from-afar tactics gives rise to the question of the collateral damage that these methods cause. Especially interesting, in this respect, is the NATO air campaign against Yugoslavia, which will be covered later in the text.

Even though the motivation for the intervention was the alleged ethnic cleansing being carried out by Serbian forces in Kosovo, NATO elected to act principally by employing air power, meaning that they were powerless to prevent troops on the ground expelling Albanian civilians. The reverse was in fact achieved, the air raids actually created the conditions that allowed Serbian troops, unable to strike back at NATO, to vent their aggression on the Albanians on the ground. On the other hand, NATO was able to keep its own losses to a minimum. In spite of daily attack sorties, the activities of the Yugoslav army were more-or-less unhindered, but the number of innocent victims increased continuously as the target package was switched from purely military targets to the infrastructure. These attacks caused lasting damage through the use of Depleted Uranium and left all emergency and public services without power by hitting power stations with graphite bombs. This disproportionate use of force is considered by Domagala to be a consequence of the "asymmetric valuing of the lives of NATO soldiers as opposed to civilians, which is, without a doubt, unjust and represents one of the problems which the supporters of forced democratisation have to face." [22]

Jus post bellum

Even though just war theory mostly focuses on two key points – the justification for war and its just execution, the question of a just peace settlement once hostilities are brought to an end, what Bass calls "post-war justice"[23], is no

[22] Arkadiusz Domagala, *Humanitarian Intervention: The Utopia of Just War? The NATO intervention in Kosovo and the restraints of Humanitarian Intervention*, p. 23

[23] Gary j. Bass, *Jus Post Bellum*, Philosophy and Public Affairs, Vol. 32, No. 4, 2004, p. 384

less important. Bass also highlights the importance of an imperative for just post-conflict reconstruction, according to which the intervening states must not profit economically, politically or militarily from the intervention. This contradicts the current US approach in Iraq, best illustrated by President Bush's speech in which he explains that France, Russia and Germany will not be allowed to participate in the profitable enterprise of reconstructing Iraq as they did not participate in the conflict, "the people who pay us their taxes understand why it makes no sense for countries who didn't fight in the war take part in the reconstruction contracts. It's very simple. Our people are risking their lives. Our coalition partners are also risking their lives. The reconstruction contracts will reflect these facts." As a result, Bass correctly concludes, what was initially portrayed as a just war became a profit-making opportunity for US and coalition corporations.

It is possible also, to pose the question, what kind of message is the Euro-Atlantic community, through its acceptance of the concept of forced democratisation, sending to other countries? Namely, the increasingly aggressive enforcement of the position, "you're either with us, or against us", leaves little room for manoeuvre. What is more, it leads to a certain security dilemma where undemocratic states become even more repressive internally, simultaneously perceiving the West to be the dominant threat to their very existence, thusly giving Western countries even greater impetus to intervene in their affairs. This vicious circle is likely to be increasingly stained with the blood of the citizens of countries targeted for intervention. Considering the fact that these countries are by and large economically under-developed, the question of how much further their development will be set back by intervention, becomes a rather sensitive one. It would be difficult to defend the claim that a war, waged for the protection of human rights, is justly concluded if it adds to the economic hardship of the state it is trying to liberate to the point where the people are unable to sustain themselves. Additionally, in these fragile societies sudden liberalisation of the economy can have grave consequences in the short term, a phenomenon for which there is considerable empirical evidence[24]. It is for this reason that it is vital that these societies are helped to develop their economies and strengthen their institutional base instead of having puppet governments forced upon

[24] Owen Godfrey, *The Concept of Jus Post Bellum in Humanitarian War: A Case Study of the Aftermath of the NATO Intervention in Kosovo*, BISA Annual Conference, University of Cork, Ireland, 2006, p. 6

them, their natural resources plundered or their post-conflict reconstruction creating profit for others - as has been the case in Iraq. As Waltzer puts it, a just occupation costs, it does not create profit[25].

Of particular importance for the *jus post bellum* concept is the question of prosecuting war criminals. On the one hand, the prospect of such trials reminds political leaders of their responsibility to uphold the principles of just war. On the other, they represent an essential precondition for the establishment of lasting peace. However, considering the fact that international intervention is often necessary in cases of internal conflict within a country, the waters can be further muddied if the trial procedure favours any of the warring sides. Examples, such as Kosovo, show that intervention can result in a simple transference of power from the majority to the minority - in the case of Kosovo, taking the power for aggression from the Serbs and handing it to the Albanians[26]. Yet, for the peace to be sustainable it must be enforced according to a maxim that dates back to Plato – only if the law grants superiority to neither the victor nor the vanquished, and if it applies equally to all, can the evil that threatens a divided state be avoided[27]. Of course, those responsible for any war crimes committed must not be allowed to go free – including the servicemen of the intervening power. However, the efforts of the United States to protect its soldiers from prosecution, embodied in the 2002 American Service-Members' Protection Act and shored up by Bilateral Immunity Agreements, add weight to the argument that "in a world in which one state dictates the definition of international justice, the meaning of the word 'justice' could be lost forever."[28]

Finally, it is also worth briefly examining the stability of the changes brought about through forced democratisation. Considering the fact that these changes are essentially transition in a war-torn state, the stability of democratic institutions will depend largely on the degree of damage the country and its economy sustained during hostilities. As has already been mentioned, adherents to the forced democratisation theory cite the cases of transformation in Imperial Japan and Nazi Germany in the aftermath of World War II. This is why it is necessary to scrutinize a few of the facts that sepa-

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[25] Michael Walzer, *Arguing About War*, Yale University Press, New Heaven, 2004, u: Owen Godfrey, *The Concept of Jus Post Bellum in Humanitarian War: A Case Study of the Aftermath of the NATO Intervention in Kosovo*, p 12

[26] Owen Godfrey, *The Concept of Jus Post Bellum in Humanitarian War: A Case Study of the Aftermath of the NATO Intervention in Kosovo*, p. 2

[27] See: Jovan Aranđelović, *O životnom značaju filozofije, a ne njenih stvaralaca*, Sedma filozofska škola "Felix Romuliana", zbornik izlaganja, Zaječar, 2006, p. 232

[28] Hrvoje Oštrić, *O promicanju međunarodne pravde: SAD i Međunarodni kazneni sud*, Diskrepancija, svezak VI, broj 10, rujan 2005, p. 50

rate these two cases from the majority of similar interventions.

There are, according to Speetzen, a number of factors that made it relatively easy for the US to transform Japan and Germany into functioning democracies: both were well educated societies with high levels of literacy, both were economically developed and, at least in the case of Germany, had already experienced democratic government on which new institutions could be based. However, Speetzen recognises that none of these factors is compulsory for the establishment of democracy, but that other attempts at post-conflict democratisation show that under-development does further complicate the process of political reconstruction[29]. Therefore, the military component of intervention must consist of carefully and justly[30] selected targets. And finally, the fact that the democratisation of a post-conflict society is a just aim only if it reflects the will of the people, must not be forgotten[31]. If this fact is disregarded any attempt to develop a culture and value system that will support and uphold democratic institutions could be perceived as an attack on the collective identity of the nation, causing lasting instability in the society.

Conclusion

This paper has, thus far, criticised the dogmatisation of the democratic peace theory, embodied in the concept of nation-building and the advocacy of the forced democratisation of failed states. The aim was to offer an alternative analysis of some of the key arguments advanced by the advocates of this approach, as well as to highlight some of the practical difficulties, in terms of the just war theory, faced in its implementation. Considering the fact that this country was, in the past, subject to such an attempt at social engineering, there is a danger of approaching this issue subjectively, which is why the sources cited are overwhelmingly Western. Nonetheless, this is not infalible remedy for subjectivity. This danger ought not, however, to automatically invalidate the arguments and ideas expressed in this paper, as the case of intervention against Yugoslavia is only touched upon. Furthermore, there are numerous issues, relevant to this subject matter, which were omitted due to the constraints of time and space.

[29] David Speetzen, *Just War and Forcible Democratization*, p. 2

[30] Guided by the *jus ad bello* principles of proportionality and good judgement, for more see: Dragana Dulić i Branko Romčević (Eds.), *Etika: hrestomatija*, p. 235

[31] Ibid, p. 15

Finally, rather than offering a definitive conclusion, the intention here is to initiate further questions and reflection on these concepts. Of interest for this purpose might be Bass' claim that the socio-political transformation of the enemy must not become the primary motive for intervention, especially if the said intervention is carried out unilaterally or with the help of a 'coalition of the willing' and not through the auspices of international fora such as the UN. In the event that this does occur, we are in danger of entering an era of violent interventionism, as this kind of transformation is generally impossible without a military destruction of the original regime[32]. Also, bearing in mind the difficulty of establishing checks and balances on military interventions in a unipolar world, the crucial question becomes; who can protect democracy from the "protector of democracy"[33]?

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[32] Gary J. Bass, *Jus Post Bellum*, p. 392

[33] "Quis custodiet ipsos custodes? (Who will guard the guards?)" - Juvenal, *Satire*, VI, Line 347; as found in: Bogoljub Milosavljević, *Nauka o policiji*, Policijska akademija, Beograd, 1997, p. 299

Review of a New Publication by the Centre for Civil-Military Relations

"Private Security Companies in Serbia – Friend or Foe?"

Predrag Petrović

The sharp rise in the number and significance of private companies that provide military or physical-technical security has, at the start of the 21st century, become a global phenomenon. States, corporations, international institutions and non-governmental organisations, as well as individuals and communities are increasingly entrusting their security to the private sector. As a result, private security companies have become indispensable actors in terms of national, regional and global security.

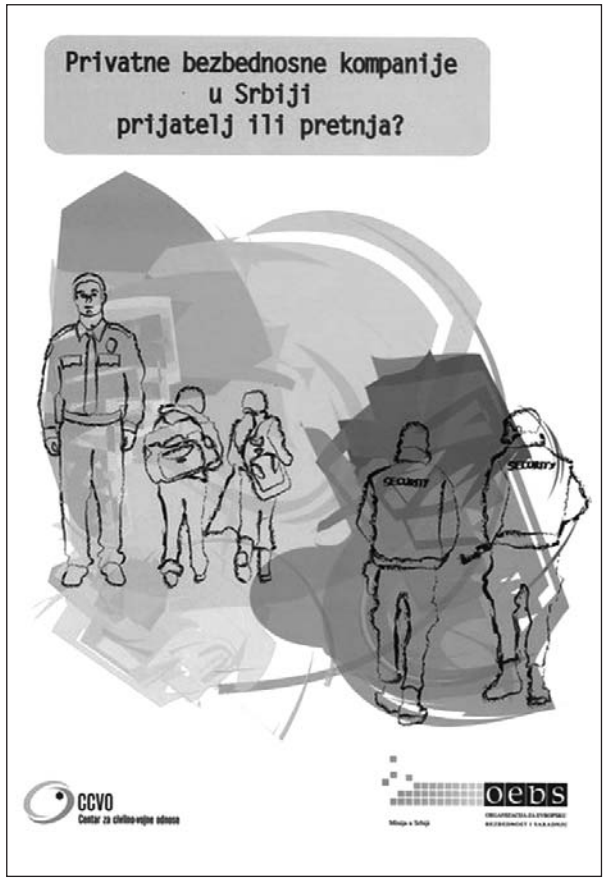
Just like almost everywhere in the world, the process of privatisation of parts of the security sector is underway in Serbia, as well as in other countries in South-Eastern Europe. Estimates put the number of private security companies in Serbia somewhere around 3,000 and the number of people employed in this sector is thought to be between 30,000 and 40,000 (most of who are entitled to carry fire-arms). Even so, legislators in Serbia have yet to pass a law that would regulate this sector in a clear, systematic and comprehensive manner. In effect, the Serbian private security sector is still in a legislative grey-area – it is still regulated by ten or so obsolete laws that cannot provide the adequate legal and regulatory solutions.

It is for this reason that the Centre for Civil-Military Relations, with the support of the OSCE mission in Serbia, has carried out field work as part of a research project entitled, "Private Security Companies in Serbia – Friend or Foe?"

The Author is a Research Fellow at the Belgrade School of Security Studies

[1] Miroslav Hadžić and Predrag Petrović, *Private Security Companies in Serbia: a Friend or Foe*, (Belgrade: Centre for Civil-Military Relations, 2008).

The project is the first of its kind conducted in Serbia. The Centre's research team conducted interviews with private security sector workers, representatives of private security firms and representatives of the other influential actors in this sector; banks and insurance companies. Interviews were also conducted with the representatives of the Parliamentary Security Committee and of the Anti-Corruption Council. The main focus of the study was the way in which these various



actors interrelate to form a hierarchy of influence within the sector.

The second part of the research project centred around a comparative study of four models for a possible new law that would regulate this sector in Serbia. It also compared similar legislative solutions adopted by countries in the region and in the EU. Finally, a regulatory solution for the sector is pro-

posed on the basis of the results of the study. This proposal endeavours to consolidate the need for greater efficiency in regulating the sector and the fact that private security companies are market-based actors, meaning that measures that are overly stringent would infringe upon their right to free enterprise.

All of the results of this research project are published under the title "Private Security Companies in Serbia – Friend or Foe?"

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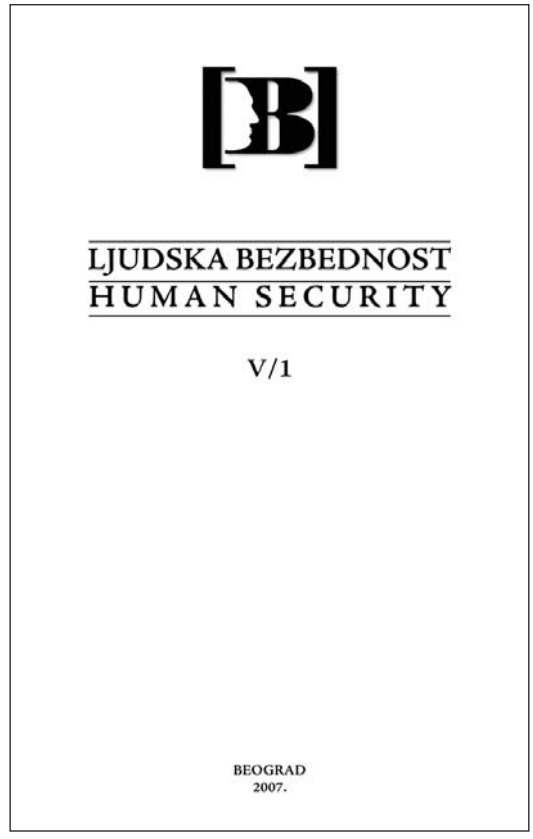

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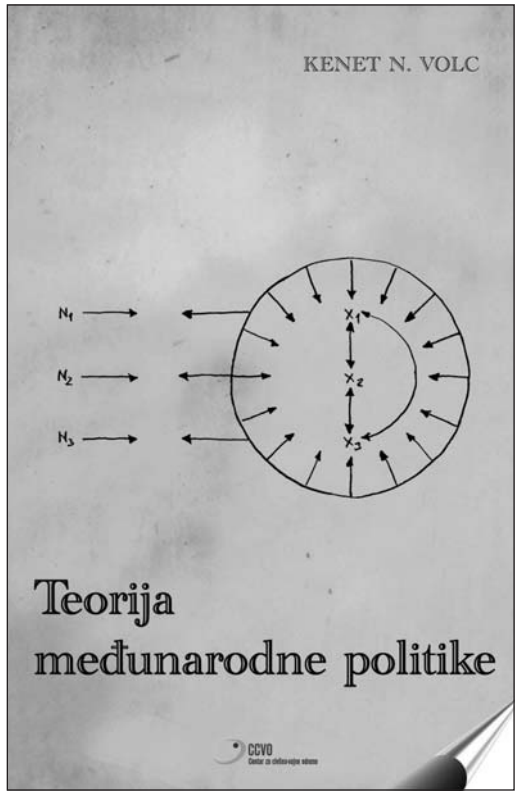

This summer, Center for Civil-Military Relations and Alexandria Press publishing house launched new edition entitled „Belgrade Security Studies“, with translation of Kenneth Waltz's „Theory of International Politics“. This book, financially supported by the US Embassy in Belgrade, is a first translation of Waltz's classical work into Serbian language since its original publishing in 1979. This book changed the academic discourse and was certainly quoted more than any other book in the field of international relations. In this book, Waltz has laid down the foundations of Neorealism, which will during the 1990s become the

favorite target for critics coming from both liberal institutionalist, or social constructivist and postmodernist corner. However, in the last few years, with the multi-polar world emerging, neorealism seems to get in well shape again and „strike back".

The translation is accompanied by the Internet presentation www.teorijamedjunarodnepolitike.info. The website contains a foreword written specially by Waltz for Serbian translation, his impressive biography, fragment from the book, review by Žaklina Novičić as well as instructions on where and how the book can be obtained.

The general idea of the Center for Civil-Military Relations is to publish, within the edition "Belgrade Security Studies", side by side with the classics from the field of IR and security studies, works of the young authors from the region. In this way the publishers – Center for Civil-Military Relations and Alexandria Press from Belgrade – are helping the development of security studies in Serbia and the region of Western Balkans.

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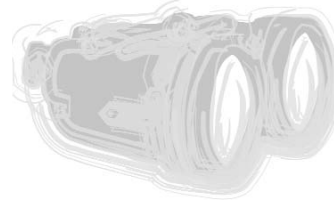

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