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International Entrepreneurial Perspectives and Innovative Outcomes

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MILITARY ACTIVITIES IN THE EXCLUSIVE ECONOMIC ZONE. A CONTENTIOUS ISSUE OF THE INTERNATIONAL LAW OF THE SEA

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Abstract. This article analyses military activities in the Exclusive Economic Zone (EEZ) from a legal point of view. It starts from the discussion of the principles of Mare Liberum and Mare Clausum, which are at the basis of the United Nations Convention of the Law of the Sea (UNCLOS). This latter is the main instrument regulating the relations among states at sea. The tension between the two principles reflects the tension between coastal State control and maritime State that dominates the whole discussion on which this article is written. The analysis is supported by a recent example, namely the NordBalt case that clearly shows both the uncertainty of the issue and the relevance of the topic in the relations between states.

Keywords: military activities, Exclusive Economic Zone, UNCLOS, NordBalt cable


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1. Introduction

This article provides an analysis of military activities in the Exclusive Economic Zone (EEZ), which has become a relevant issue in the relations among states over the last decades. Since 1982, when the United Nations Convention on the Law of the Sea (UNCLOS) was concluded and the EEZ concept was introduced, several contentious cases concerning military activities in the EEZ of another state have been discussed and debated. Scholars have accomplished several studies on the topic analysing the issue from a legal perspective on the basis of the related UNCLOS articles while often focusing on a specific case study. This latter often concerns the East Asia or the United States (US).

This article tries to enrich the debate on the topic. In order to do so, it starts with the analysis of the main principles that are at the basis of UNCLOS of 1982 and continues with the discussion of the Exclusive Economic Zone (EEZ) and of military activities in the EEZ. Additionally, the case of the NordBalt cable is used to give the reader a good example of how contentious the issue of military activities in the EEZ is while contributing to the field by focusing on the Baltic Sea region. This latter is defined as including Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Russia, and Sweden. This case essentially consists in the Russian interference in the construction of the NordBalt cable through military activities in the EEZ. It well illustrates not only the uncertainty of some international law issues such as military activities in the EEZ but...
also the fact that they have become a hot topic for states especially during the last decades. The choice of this case lies on the fact that it is one of the most recent cases occurred as well as on the fact that it involves Russia whose aggressive behaviour in its neighbourhood in the last years is a big concern internationally.

Given this background, the main elements that this article takes into consideration are essentially three. The first one are the principles that are the foundations of UNCLOS and that are important in order to better understand the case study, namely Mare Liberum and Mare Clausum. The second element is the EEZ as defined by UNCLOS. The third element are military activities in the EEZ with a focus on the NordBalt cable as an example.

These elements correspond to the four sections in which this article is divided. The first one discusses UNCLOS with a focus on the contrast between the principles of Mare Liberum and Mare Clausum. The second section discusses the EEZ that is one of the main concepts of the international law of the sea and that is at the basis of the analysis. The third section focuses on military activities in the EEZ showing how uncertain they are in the international law. Finally, the fourth section provides a legal interpretation of the NordBalt case, which is a good example of the uncertainty of military activities in the EEZ.

2. The United Nations Convention on the Law of the Sea of 1982: Mare Liberum versus Mare Clausum

UNCLOS, which creates a comprehensive regime regulating the rights and the duties of states with respect to the world’s seas, is the result of a long historical and political process begun in the seventeenth century. It was in fact in 1609 that a Dutch jurist, Hugo Grotius, published the first book on international law and the law of the sea under the title ‘Mare Liberum’ or ‘The Free Sea’ (Anand, 1983). Grotius ‘was the first to proclaim the freedom of the seas by elaborate argument’, which later became an unchallenged doctrine of international law, of which he is considered to be the father (Anand, 1983). The concept of the freedom of the seas together with the nations’ control of the sea adjacent to their coasts was the foundation of the law of the sea for centuries (Bean, 2015). Therefore, the oceans were separated into ‘territorial waters’, which was a narrow band where coastal states possessed rights similar to the rights they exercised over their land territory, and ‘high seas’, which were a vast area where all states enjoyed the freedom to use those waters and natural resources (Ebbin, Hoel, Sydnes, 2005). However, it is worth noting that the ‘Mare Liberum’ concept has been challenged until nowadays by the emergence of another one in the same period, namely ‘Mare Clausum’, which was developed by English scholar John Selden in the seventeenth century. The issue at stake was whether the sea is international territory and all nations are free to use it or whether it can be claimed by individual states. The tension between these two concepts is still apparent in the present structure of the law of the sea (World Ocean Review, 2017).

While for centuries the law of the sea was essentially customary and international agreements involved a small number of states or covered a particular region, it was only in the second half of the twentieth century that the necessity of developing a treaty-based regime for ocean governance emerged. It was in fact in this period that the sea became increasingly important for coastal states as a source of natural resources such as oil and gas. Therefore, many of them tried to extend their national jurisdiction over large areas of the sea and the seabed (Bean, 2015). For this reason, immediately after the Second World War, the international community requested that the United Nations International Law Commission codified the existing laws relating to the oceans. (GRID Arendal, 2014). This latter prepared four conventions and an optional protocol that were adopted in 1958 by the First United Nations Conference on the Law of the Sea (UNCLOS I), which was attended by 86 states. However, the conventions failed to solve the fundamental issue of the breadth of the territorial sea while just stressing the need of solving the issue concerning the limits of coastal states jurisdiction over the continental shelf (GRID Arendal, 2014; Oxman, 1996). Additionally, the Conference did not succeed in ensuring the unity of the law of the sea as it did not keep the provisions in one instrument only. As Judge of the Tribunal of the Law of the Sea Tulio Treves puts it, “the adoption of four conventions and a protocol in lieu of one all-encompassing convention may be seen, and was conceived, as a device to attract the acceptance by a broad number of States of at least some of the Conventions, in this way avoiding very radical reservations, or the decision by certain States not to accept an all-encompassing convention because of opposition to one or more
of its main component parts” (Treves, 2017). At the same time, multilateralism was a fundamental point of the Convention. The effort to involve as many states as possible aimed at demonstrating that their basic interests could be accommodated through global multilateral negotiation on the basis of consensus. Also, it laid the foundation for a globally ratified Convention under which multilateral negotiation could be conducted as a basis for future development and refinement of the law of the sea (Oxman, 1996).

Nevertheless, UNCLOS I left fundamental issues unsolved, which were the question concerning the breadth of the territorial sea and the delimitation of a fisheries zone (Brilmayer, 2001; Anand, 1983). These issues were the main object of UNCLOS II held in Geneva in 1960 that, however, did not succeed in solving them. Additionally, differently from UNCLOS I, UNCLOS II did not even provide any Convention.

It was only in 1982 that the International Law of the Sea became a coherent body of provisions forming an integral package called ‘Constitution for the Oceans’ as a result of UNCLOS III. This conference was organized as a response to the request of Malta’s permanent representative to the United Nations Arvid Pardo to the General Assembly to consider the formulation of an international treaty and the establishment of an international agency to regulate activities on the deep seabed by establishing it as the common heritage of mankind. Pardo’s request stemmed from its concern that there was no well-defined legal framework that could ensure a fair exploitation of natural resources by all states. In fact, the high seas were subject to the laissez faire laissez passer attitude of Grotius’ ‘Mare Liberum’ concept (Buttigieg, 2016). The Convention of Geneva on the Law of the Sea of 1958 was indeed an attempt to keep the high seas free for navigation and fair trading. It declared that the coastal states had the sovereign right to explore and exploit the natural resources of the continental shelf as long as these resources were to be found in depths of 200 metres and as long as the depth of the overlying waters allowed the exploitation of the natural resources of the seabed and subsoil of the submarine areas. Additionally, the Geneva Convention allowed a coastal state to divide its resources with another coastal state on the opposite side of the sea. This meant that technologically developed states would have exclusive rights to exploit natural resources as they had the capabilities to do so (Neves Coelho, 2013; Buttigieg, 2016). This concern was at the basis of the confrontation between the developed states seeking to maximize their benefits from the sea and the developing states aiming at changing the old international law of the sea in order to develop new equitable law for the exploitation of the seabed resources (Anand, 1978). The ideological differences between developed and developing states, which led to different interpretations of the common heritage of mankind principle, have never been overcome. Therefore, there has been no juridical consideration of the principle and, consequently, no legal requirements to define it (Guntrip, 2003).

UNCLOS III began in 1973 and lasted nine years until 1982. It was divided into three sessions. The first one was held in New York and was devoted to organizational issues and to the preparation of draft rules for procedures. The second and the third sessions, which were the most substantive sessions, were held in 1974 in Caracas where the draft texts were prepared and in 1975 in Geneva where the work of the three Main Committees formed during the sessions in Caracas consisted of the review of the draft texts. The Geneva session represents an advance over the Caracas session in two ways. Firstly, it confirmed the universal support for the 12 nautical mile territorial sea and of 200 nautical mile economic zone. Secondly, the Geneva session produced a single negotiating text while the Caracas drafts included alternative provisions. The Geneva text constituted a step forward towards the ‘Constitution for the Oceans’ or UNCLOS III that was approved in 1982 (Milic, 1976). It took some time for the final text to be accepted because most industrialized states rejected it at first as it contained several contentious provisions on deep sea mining. It was finally accepted when the provisions were changed in such a way that they were accepted by the developed states. It entered into force in 1994 (World Ocean Review, 2017) in accordance with its article 308. Today, “UNCLOS III is the globally recognized regime dealing with all matters relating to the law of the sea” (Division for Ocean Affairs and the Law of the Sea, 2017). There are currently 168 States Parties to the United Nations Convention on the Law of the Sea (International Tribunal for the Law of the Sea, 2017), which is constituted of 17 parts, 320 articles and 9 annexes.

Additionally, it is worth mentioning here that unlike most other treaties, a unique feature of UNCLOS III is that it contains mandatory provisions on the settlement of disputes, regulated in Part XV. In particular, article
279 states that “States Parties shall settle any dispute between them concerning the interpretation or application of this Convention by peaceful means in accordance with Article 2, paragraph 3, of the Charter of the United Nations and, to this end, shall seek a solution by the means indicated in Article 33, paragraph 1, of the Charter” (United Nations, 1982). Additionally, in its Annex VI, UNCLOS established the International Tribunal for the Law of the Sea (ITLOS) ‘to adjudicate disputes arising out of the interpretation and application of the Convention’ (International Tribunal for the Law of the Sea, 2017). However, ITLOS is not the only judicial institution in charge of safeguarding compliance with UNCLOS. Indeed, according to art.287, “a State shall be free to choose, by means of a written declaration, one or more of the following means for the settlement of disputes concerning the interpretation or application of this Convention: a) the International Tribunal for the Law of the Sea (…); b) the International Court of Justice; c) an arbitral tribunal constituted in accordance with Annex VIII for one or more of the categories of disputes specified therein” (United Nations, 1982).

Therefore, although UNCLOS clearly regulates the duties and rights of states at sea, its provisions show the unresolved tension between the principles of Mare Liberum and Mare Clausum.

3. The Exclusive Economic Zone

The Exclusive Economic Zone (EEZ) is one of the major achievements of UNCLOS III. It was the result of the negotiations between the coastal states and the major maritime powers. In particular, the underlying purpose for creating the EEZ regime was to give coastal states increased rights over the living and non-living resources off their coasts in order to promote the development of economically weak countries (Milic, 1976). In this context, two elements can be considered as the driving forces behind the creation of EEZs. The first one is the desire of coastal states to control the fish harvest in adjacent waters as a result of the growth of fishing in the 1950s and in the 1960s. The second element is the heightened concern over control of offshore oil reserves due to the oil embargo and to the skyrocketing of prices as a consequence of the Arab-Israeli war in 1973 (United Nations, 1998). At the same time, the creation of the EEZ regime aimed at limiting the trend of national claims to broader territorial seas and at preserving as many high seas freedoms as possible (Beckman, Davenport, 2012; Roach, A., Smith, R., 1994).

Although the EEZ concept was legally defined in the UNCLOS of 1982 for the first time, the EEZs already existed in customary law. The first relevant assertion of exclusive jurisdiction over marine resources beyond the territorial sea was made by the United States of America (USA) in the Truman Proclamation of 1945 on the continental shelf. The Proclamation states that “having concern for the urgency of conserving and prudently utilizing its natural resources, the Government of the United States regards the natural resources of the subsoil and sea-bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States as appertaining to the United States, subject to its jurisdiction and control” (Nandan, no date available). In the decades following the Second World War, several Latin American states and a few African states claimed to extend their territorial sea to 200 nautical miles essentially to obtain the exclusive right to fish and to regulate fishing in their area (Roach, Smith, 1994). The first international instrument to proclaim a 200-mile limit was the Santiago Declaration of 1952. It was signed by Chile, Ecuador and Peru and reflects the desire of those states to develop the resources of their coastal waters. It asserts that “owing to the geological and biological factors affecting the existence, conservation and development of the marine fauna and flora of the waters adjacent to the coasts of the declarant countries, the former extent of the territorial sea and contiguous zone is insufficient to permit of the conservation, development and use of those resources, to which the coastal countries are entitled”. The three states proclaimed “as a principle of their international maritime policy that each of them possesses sole sovereignty and jurisdiction over the area of sea adjacent to the coast of its own country and extending not less than 200 nautical miles from the said coast”. The Declaration also recognised the sole sovereignty and jurisdiction over the sea floor and subsoil and maintained the principle of innocent passage through the zone but not freedom of navigation. Later, in 1972, 16 African states met at a regional seminar on the Law of the Sea in Yaounde’, in Cameroon. Recommendation I of the Conclusions, which were unanimously adopted, states that the “African states have equally the right to establish beyond the territorial sea, an economic zone over which they will have exclusive jurisdiction and national exploitation of the living resources of the sea and their
conservation for the primary benefit of their people and their respective economies, and for the purpose of the prevention and control of pollution”. The Conclusions also state that “sovereignty over all the resources of the high seas adjacent to their territorial sea within an economic zone to be established, and which will include at least the continental shelf” (Nandan, no date available).

UNCLOS III gave a legal basis to the EEZ concept. The EEZ was supported by those states that considered it as ‘the pivotal feature in the law of the sea’, while it was opposed by those states that believed that it could endanger freedom of navigation and that could become a source of disputes. Consequently, when defining the concept of the economic zone it was foreseen that “the rights of the coastal states should be exercised without interfering with other states’ legitimate uses of this area with regard to freedoms of navigation, overflight, laying cables and pipelines, and scientific research” (Milic, 1976). The result of the negotiations over the EEZ was the Part V of UNCLOS from Article 55 to Article 75. Article 55 defines the EEZ as “an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention” (United Nations, 1982). It is interesting to note that by stressing that the EEZ is an area adjacent to the territorial sea that is subject to the specific legal regime established by Part V, Articles 55 makes clear that the EEZ is not a part of the territorial sea and that it is a zone sui generis with a status of its own. (United Nations, 1982; Patuzi, 2015). Article 86 concerning the High Sea in Part VII also stresses this element by specifying that it “does not entail any abridgement of the freedoms enjoyed by all States in the exclusive economic zone” (United Nations, 1982).

The breadth of the EEZ is defined in Article 57 stating that “the exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured”. Article 74 states that in case of states with opposite or adjacent coasts the delimitation of the EEZ shall be effected by agreement on the basis of international law. If the Parties can’t reach any agreement, they shall resort to the procedures provided for in Part XV. Also, article 59 affirms that “in cases where this Convention does not attribute rights or jurisdiction to the coastal State or to other States within the exclusive economic zone, and a conflict arises between the interests of the coastal State and any other State or States, the conflict should be resolved on the basis of equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole” (United Nations, 1982). EEZs have brought 20% of the oceans under the national jurisdiction of coastal states (Ebbin, Hoel, Sydnes, 2005). The countries benefiting from the EEZ concept are in order of the zone of their zone the United States (US), Australia, Indonesia, New Zealand, Canada, and Russia (Patuzi, 2015).

The rights, the jurisdiction and the duties of coastal states are addressed in Article 56, which distinguishes sovereign rights from jurisdiction. The coastal states have sovereign rights “for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds” (United Nations, 1982). Article 60 affirms that the coastal states have a jurisdiction with regard to: (a) the establishment and use of artificial islands; b) installations and structures for the purposes provided for in article 56 and other economic purposes; (c) installations and structures which may interfere with the exercise of the rights of the coastal State in the zone. Article 60 states that the coastal states must give due notice of the construction of such artificial islands, installations, and structures and they must maintain permanent means for giving warning of their presence. The coastal states are also obliged to remove any abandoned or disused installations and structures to ensure safety of navigation. In doing so, they must take into account any generally accepted international standards established in this regard by the competent international organization. Such removal shall also have due regard to fishing, the protection of the marine environment and the rights and duties of other States. The coastal states must give appropriate publicity to the depth, position and dimensions of any installations or structures not entirely removed. If necessary, the state can establish reasonable safety zones around such artificial islands, installations or structures where it should take the necessary measures to ensure safety of navigation and of such islands, installations and structures. The breadth of these zones must
be determined by the coastal states on the basis of the international standards. These zones shall not exceed a distance of 500 metres around the islands, the installations and the structures, which shall be measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones. However, UNCLOS III states that artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation. Additionally, artificial islands, installations and structures do not possess the status of islands, do not have a territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf. (United Nations, 1982).

Articles 61 and 62 regulate the conservation and the utilisation of living resources respectively. ‘Living resources’ refers to non-sedentary species found in the water column superjacent to the seabed, including marine mammals, highly migratory species, shared and straddling stocks, anadromous and catadromous species, and sedentary species of the seabed and its subsoil, as specified by articles 61-68 (United Nations, 1982). However, Article 68 clarifies that Part V does not apply to sedentary species although they should be treated as having the same status as the non-sedentary ones for the purpose of conservation and management in practice. According to Article 61, “the coastal State shall determine the allowable catch of the living resources in its exclusive economic zone”. They “shall ensure through proper conservation and management measures that the maintenance of the living resources in their exclusive economic zone is not endangered by over-exploitation” (United Nations, 1982). To this end, the coastal states shall cooperate as appropriate with competent international organisations, whether subregional, regional or global, by taking into consideration the best scientific evidence. According to article 62, “the coastal State shall promote the objective of optimum utilization of the living resources in the exclusive economic zone” and “shall determine its capacity to harvest the living resources of the exclusive economic zone (…). Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in paragraph 4 [stating that they have to comply with the conservation measures and with the other terms and conditions established in the laws and regulations of the coastal State. These laws and regulations shall be consistent with this Convention], give other States access to the surplus of the allowable catch (…) especially in relation to the developing States”. Additionally, article 69 states that “land-locked States shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States of the same subregion or region, taking into account the relevant economic and geographical circumstances of all the States concerned and in conformity with the provisions of this article and of articles 61 and 62”. The coastal states concerned shall establish the terms and modalities of such participation through bilateral, subregional or regional agreements. Additionally, “the coastal State and other States concerned shall cooperate in the establishment of equitable arrangements on a bilateral, subregional or regional basis to allow for participation of developing land-locked States of the same subregion or region in the exploitation of the living resources of the exclusive economic zones of coastal States of the subregion or region”. This should happen in case the harvesting capacity of a coastal State approaches a point which would enable it to harvest the entire allowable catch of the living resources in its exclusive economic zone. It is also worth noting that Article 69 makes an explicit reference to developed states asserting that they “shall be entitled to participate in the exploitation of living resources only in the exclusive economic zones of developed coastal States of the same subregion or region having regard to the extent to which the coastal State, in giving access to other States to the living resources of its exclusive economic zone, has taken into account the need to minimize detrimental effects on fishing communities and economic dislocation in States whose nationals have habitually fished in the zone”.

As for the rights and duties of other states in the EEZ, article 58 provides that all states enjoy “the freedoms referred to in article 87 of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this
Convention” (United Nations, 1982). Article 58 also provides that other states have two duties when exercising their rights in the EEZ. Firstly, they shall have ‘due regard’ to the rights and duties of the coastal state. They don’t need to have ‘due regard’ to the interests of the coastal states, but only to their rights and duties, which are limited to rights to the natural resources and other economic activities. Therefore, there is no obligation for other states to give due regard to the security interests of the coastal state in the EEZ (Beckman & Davenport, 2012). Secondly, other states must comply with the laws and the regulations adopted by the coastal state, but only such laws that are in accordance with the laws and regulations adopted by the coastal state in accordance with the provisions of the Convention and other rules of the international law, and only if they are compatible with the other provisions of the Convention (United Nations, 1982). Additionally, article 58 stipulates that articles 88 to 115 and other pertinent rules of international law apply to the EEZ in so far as they are not incompatible with Part V of UNCLOS on the EEZ. This implies that the high seas provisions on jurisdiction apply in the EEZ (Beckman & Davenport, 2012). In particular, it is worth mentioning articles 92 and 95. Article 92 on the exclusive jurisdiction of the flag state states that ships can sail under one flag only and, save in exceptional cases expressly provided for in international treaties or in this Convention, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry”. The same article also states that a ship sailing under the flags of two or more states can’t claim any of the nationalities in question in respect to any other state, and may be assimilated to a ship without nationality (United Nations, 1982). Article 95 on the immunity of warships on the high seas states that “warships on the high seas have complete immunity from the jurisdiction of any state other than the flag state” (United Nations, 1982). This means that the rules on jurisdiction in the EEZ are the same as those on jurisdiction on the high seas, except for the express provisions in UNCLOS giving coastal states jurisdiction over specific matters in the EEZ (Beckman & Davenport, 2012).

Given this background, it is evident that the essence of the EEZ is the balance between coastal states rights and the rights of the other states. However, this balance is being challenged by the tendency of the coastal states to adopt their national legislation enhancing their competences and jurisdiction and restricting the freedoms recognized in the EEZ of “navigation and overflight and of the laying of submarine cables and pipelines and other internationally lawful uses of the sea related to these freedoms” as stated in article 58 (United Nations, 1982). This has been defined as ‘creeping jurisdiction’ or the ‘territorialisation’ of the EEZ. Nevertheless, this UNCLOS III has put in place some mechanisms to prevent this possibility from occurring. This is evident in the cases of navigational freedoms in the EEZ and of the freedom to lay submarine cables and pipelines (Beckman & Davenport, 2012). In the case of navigational freedoms, two areas well illustrate the issue. The first one is the protection of the marine environment from ship-source pollution. According to article 211(5), “Coastal States (…) may in respect of their exclusive economic zones adopt laws and regulations for the prevention, reduction and control of pollution from vessels conforming to and giving effect to generally accepted international rules and standards established through the competent international organization [which in this case is the International Maritime Organisation] or general diplomatic conference” (United Nations, 1982). This means that coastal states are limited to adopting laws and regulations which conform to and give effect to the International Convention for the Prevention of Pollution From Ships 1973, as modified by the Protocol of 1978 (MARPOL 73/78) and its annexes. Another relevant feature is article 211(6) that allows coastal states, after appropriate consultations with the competent international organization, to adopt stricter laws and regulations in special areas of their EEZ recognized technical reasons in relation to its oceanographical and ecological conditions, as well as its utilization or the protection of its resources and the particular character of its traffic” (United Nations, 1982). This article allows the International Maritime Organisation (IMO) to designate an area in the EEZ as a particularly Sensitive Sea Area (PSSAs).

The second area of the navigational freedoms is maritime security. This issue is very much related to the enforcement of UNCLOS against crimes at sea. The general rule is that the flag State has exclusive jurisdiction over vessels in the EEZ, with some limited exceptions. For instance, article 105 stipulates that all states have the power to arrest and prosecute vessels suspected of engaging in piracy. Similarly, article 110 affirms that all states have the right to board vessels if they have reasonable grounds for suspecting that the ship is engaged in piracy, the slave trade, unauthorized broadcasting or that the ship does not have a nationality (Beckman & Davenport, 2012).
In the case of freedom to lay submarine cables and pipelines, the EEZ regime incorporates the high seas freedom referred to in the article 87 mentioned above. In this context, two elements must be considered. The first one concerns the repair of cables. It is not explicitly mentioned in UNCLOS, but it should be considered “other internationally lawful uses of the sea” related to the freedom to lay cables including those associated with the operation of submarine cables (Beckman & Davenport, 2012). The second element concerns the fact that the continental regime in Part VI governs the same geographical area of seabed as the EEZ regime. In particular, article 79 relating to submarine cables and pipelines on the continental shelf states that all states are entitled to lay submarine cables and pipelines on the seabed in accordance with the provisions of this article. It is interesting to note that although UNCLOS deals with cables and pipelines in the same article, it makes clear distinction between the rights of coastal states over pipelines and over submarine cables. With regard to cables, article 79 affirms that the coastal state can only subject the laying or maintenance of cables to ‘reasonable measures’ for the exploration of the continental shelf and for the exploitation of its natural resources. With regard to pipelines, in addition to the measures envisaged for cables, article 79 also stipulates that costal states shall take ‘reasonable measures’ for the prevention, reduction and control of pollution from pipelines. Additionally, “the delineation of the course for the laying of such pipelines on the continental shelf is subject to the consent of the coastal state”. The difference between cables and pipelines is attributable to the fact that pipelines can carry noxious substances while cables are relatively benign (Beckman & Davenport, 2012; United Nations, 1982).

Furthermore, it is necessary to stress that the EEZ can coincide with the Continental Shelf, as briefly mentioned in the previous paragraph. This latter is defined in Part VI of UNCLOS III. Article 76 defines it as comprising “the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance” (United Nations, 1982). However, the EEZ and the Continental Shelf are two distinct maritime zones that differ in some important respects. Firstly, the Continental Shelf includes only the seabed and the subsoil whereas the EEZ also includes the water column. Secondly, while the maximum extent of the EEZ is 200 nautical miles, the continental shelf may extend beyond 200 nautical miles from the coastline, depending on the depth, shape, and geophysical characteristics of the seabed and subsea floor. Therefore, the Continental Shelf is not an extension of the EEZ. Thirdly, some of the sovereign rights that a coastal State may exercise in the EEZ, especially rights to the resources of the water column (e.g., pelagic fisheries), do not apply to the Continental Shelf (US Department of State, 2017).

Furthermore, UNCLOS also established a comprehensive dispute settlement framework in Part XV also containing specific provisions concerning the EEZ. In particular, article 297(1) provides that the disputes concerning the interpretation and the application of UNCLOS in relation to the exercise by a coastal state of its sovereign rights or jurisdiction provided for in UNCLOS shall be subject to the procedures provided in section 2 in two cases. Firstly, when it is alleged that the coastal state has acted in contravention of the provisions of the Convention with regard to the freedoms and rights of navigation, overflight or the laying of submarine cables and pipelines, or in regard to other internationally lawful uses of the sea as set out in article 58. Secondly, when it is alleged that another state, when exercising its rights under article 58 has acted in contravention of the Convention or in contravention of laws and regulations adopted by a coastal state in conformity with the Contravention (United Nations, 1982; Beckman & Davenport, 2012).

Therefore, in a juridical sense, the EEZ is brackish, murky and treacherous water; it is a “band of turbulent ocean separating the territorial sea from the high seas in which competing desires for control and use meet, mix and merge. The EEZ is a zone of tension between coastal State control and maritime State use of the sea. The battle for control defines the exclusive economic zone. In the battle for control, it is a demilitarized zone, where neither coastal State nor maritime State rights prevail, yet both, in varying degrees, exist” (Galdorisi, Kaufman, 2001). In short, the EEZ is an issue that the international law of the sea should regulate better in order to eliminate all possible ambiguities. This should be done in order to precisely define the rights of the maritime states on the one hand and of the coastal states on the other one.
4. Military activities in the Exclusive Economic Zone

Military activities in the EEZ is one of the areas least addressed in UNCLOS as well as in prior customary international law although this latter historically considered military manoeuvres ‘a lawful use of the high seas associated with the operation of warships exercising freedom of navigation’ (Galdorisi, Kaufman, 2001). Before UNCLOS III, they were not an issue as the EEZ was not a fully developed regime. After UNCLOS III, military activities were not an issue because other activities in other regimes were considered more important at that time. Today, military activities in the EEZ are a hot topic on the international agenda of states because they are becoming increasingly frequent for a number of reasons such as the rise in the size and quality of the navies of many nations, the technological advances that allow navies to exploit oceanic areas, the tremendous increase in world trade and the accelerating pace of globalisation. At the same time, the contention over the scope of the rights to military activities has also increased. A small number of countries (e.g. India, Malaysia, Brazil and Iran) interpret UNCLOS to prohibit naval activities and manoeuvres in the EEZ without their prior permission, while some others (e.g. Thailand, Italy, Germany, the Netherlands, the United Kingdom, and the United States) perceive this provision as one permitting naval operations in the EEZ as an activity ‘associated with the operation of ships’ and more generally as protected within the scope of the freedom of navigation (Galdorisi, Kaufman, 2001; Geng, 2012). In general terms, it is possible to affirm that most nations agree with the position advocated by the maritime states that “military operations, exercises and activities have always been regarded as internationally lawful uses of the sea. The right to conduct such activities will continue to be enjoyed by all states in the exclusive economic zone” (Pedrozo, 2014).

This divergence in the perspective concerning the legality of foreign military activities in the EEZ is partly due to the varying interpretations of article 58 allowing maritime states to engage in “other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with other provision of the Convention”. The expression ‘other internationally lawful uses of the sea’ refers to the fact that states can ‘use’ the sea without coastal state notice or consent and include a broad range of military activities such as conventional and ballistic missile testing, belligerent rights in naval warfare (e.g., right of visit and search), strategic arms control verification, maritime security operations (e.g., counter-terrorism and counter-proliferation), and sea control.

In this context, some states have exercised their right to make declarations on military activities under article 310, which however stresses that “such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to the State” (United Nations, 1982; Geng, 2012). For instance, Brazil, Bangladesh, Cape Verde, Malaysia, India, and Pakistan have clearly expressed in their statements that they require consent before a foreign ship may conduct military activities in their EEZ. By contrast, states like Italy, Germany, the Netherlands, and the United Kingdom have protested against this interpretation stating that they are unduly restrictive on navigational freedoms that are the foundation for military activities at sea and as inconsistent with article 310 and UNCLOS (Geng, 2012). Nevertheless, although the language of UNCLOS is ambiguous, some evidence that the Convention did not intend to broadly exclude peacetime military operations in the EEZ does exist. In 1949, in fact, the Corfu Channel decision of the International Court of Justice (ICJ) refers to the freedom of navigation of warships in peacetime as a ‘general and well-recognized principle’. The findings of the ICJ were influential in the development of the law of the sea in the UNCLOS conference as it is reflected in the deliberations at UNCLOS I and III and in both the Geneva Conventions and UNCLOS. Nevertheless, the decision of the Court did not specify the scope of the rights included in the freedom of navigation of warships (Geng, 2012).

While UNCLOS does not broadly exclude peacetime military operations, it does place some restraints on military activities at sea, although they do not apply to the EEZ. These restraints, which refer to territorial seas, archipelagic waters and to the Archipelagic Sea Lanes Passage (ASLP), are not found in Part V dedicated to the EEZ and therefore do not apply to warships, military aircraft and other sovereign immune ships and aircraft operating in or over the EEZ (Pedrozo, 2014).
UNCLOS also makes clear that coastal states do not have competence to regulate military activities in the airspace above the EEZ especially when those activities do not have an impact on the water column or seabed of the EEZ. According to articles 2 and 49, the airspace above the territorial sea and archipelagic waters is national airspace, subject to coastal/archipelagic state sovereignty. The airspace above the EEZ is considered international airspace and, like the high sea, is not subject to coastal state sovereignty (Pedrozo, 2014).

Additionally, according to article 301, states “shall refrain from any threat or use of force against the territorial integrity or political independence of any State” (UNCLOS, 1982). UNCLOS makes a clear distinction between ‘threat or use of force’ and military-related activities. Indeed, article 19 prohibits states in innocent passage from engaging in “any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations” (United Nations, 2017). The other subparagraphs restrict other military activities in the territorial sea.

It is also interesting to note that article 301 repeats the language of article 2(4) of the UN Charter, which states that “all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations” (United Nations, 1945). In fact, the determination of whether an activity is ‘peaceful’ is made under this article. Most commentators that have studied the issue agree that “based on various provisions of the Convention . . . it is logical . . . to interpret the peaceful…purposes clauses as prohibiting only those activities which are not consistent with the UN Charter. It may be concluded accordingly that the peaceful purposes . . . clauses in Articles 88 and 301 do not prohibit all military activities on the high seas and in EEZs, but only those that threaten or use force in a manner inconsistent with the UN Charter” (Here it is necessary to specify that Article 88 states that “the high seas shall be reserved for peaceful purposes”. United Nations, 1982).

As Captain Pedrozo points out, accepting that all military activities are by nature inconsistent with ‘peaceful purposes’ would mean that states could not operate military vessels or aircraft both in the EEZ and in the High Seas. However, this is in contrast with the decisions of the UN Security Council indicating that “military activities consistent with the principles of international law embodied in [Article 2(4) and Article 51 of] the Charter of the United Nations . . . are not prohibited by the Convention on the Law of the Sea”. The Security Council has also determined that peacetime intelligence collection is not considered a “threat or use of force against the sovereignty, territorial integrity or political independence of the coastal state…in violation of the Charter of the United Nations” (Pedrozo, 2014). In this context, it is interesting to note that the ‘peaceful purposes’ are not defined in UNCLOS. Peace means “no war and armed conflicts. Military activities should not be seen as war-like”. Military manoeuvres and exercises have long been considered acceptable in the high seas as the military are seen as the vanguard of peace (Meng Soon, 2016).

Furthermore, UNCLOS makes it clear that also other international laws must be considered for legitimate uses in EEZs. Article 58 concerning rights and duties of other states in the EEZ states indeed that “articles 88 to 115 and other pertinent rules of international law apply to the exclusive economic zone in so far as they are not incompatible with this Part” and that “in exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State and shall comply with the laws and regulations adopted by the coastal State in accordance with the provisions of this Convention and other rules of international law in so far as they are not incompatible with this Part” (UNCLOS, 1982). Indeed, UNCLOS is not the only international maritime law. An example is the San Remo Manual on the Law of Armed Conflicts at Sea that laid down the rules for combat. It rejects the interpretation that all military activities are inconsistent with the ‘peaceful purposes’ provisions of the Convention. It also provides that armed conflicts at sea can take place not only on the high seas but also in the EEZ of a neutral state. The only limitation that the Manual imposes is that belligerents must “have due regard for the [resource] rights and duties of the coastal state” in the EEZ (Pedrozo, 2014). Additionally, as Maj Meng Soon correctly argues, if ‘peaceful purposes’ had meant no military activities, the US and the Soviet Union would have not agreed upon UNCLOS as it was negotiated during the Cold War (Meng Soon, 2016). Other
multilateral instruments recognizing that military activities at sea are the International Maritime Organisation (IMO)/International Hydrographic Organisation (IHO) World-wide Navigational Warning Service and the Chicago Convention. The former recognizes that military activities at sea like naval exercises and missile firings are lawful uses of the sea. The latter acknowledges in its Annex 15 the legitimacy of military activities in international airspace “by providing that military exercises that pose hazards to civil aviation are appropriate subjects for notices to airmen” (Pedrozo, 2014).

5. The NordBalt cable case

The NordBalt cable is an HVDC 700 MW subsea interconnection between Sweden and Lithuania. It is a joint project of Svenska Kraftnät and LitGrid (and co-financed by the EU) that was handed over to customers in 2016. It connects Klaipėda in Lithuania to Nybro in Sweden with a cable 400 km long (of which almost 350 km are under water). It incorporates special features such as active AC voltage support providing greater network stability and black-start capability providing faster grid restoration after a blackout. NordBalt has increased the trading capacity between the Baltic States and the Nordic electricity markets. It also helps to strengthen the security of the power supply in the three Baltic States (Estonia, Latvia and Lithuania) and in southern Sweden, and integrates an emerging joint Baltic electricity market with the Nordic and European markets (ABB, 2018). NordBalt contributes to make the three Baltic States less dependent on Russian-supplied electricity (RWH Advisory Group, 2015).

Russia has always used its energy leverage on the three Baltic States in order to keep them dependent on its energy supplies. Energy is a powerful geopolitical instrument used by Russia in its foreign policy strategy in order to exert its economic and political power on its neighbours. This is one of the reasons why Russia criticizes Lithuania’s efforts to disconnect from the BRELL (Belarus-Russia-Estonia-Latvia-Lithuania)
electricity network managed from Moscow in order to connect (via Poland) to the continental European electricity transmission system. Lithuanian network synchronization with Europe would block the transmission grids between Belarus and Russia, which cross the Baltic States. Additionally, the electricity produced by the Russian-Belarus Ostrovets nuclear power plant (that is being constructed approximately 18km away from Ostrovets, Grodno Oblast, Belarus), which is considered unsafe by many experts, could not enter the Baltic and European electricity market. Belarus and Russia are building the Ostrovets nuclear plant with the goal of selling power to Europe by using Lithuanian (and Baltic) infrastructure (Bankauskaite, 2018). This serves the Russian geopolitical and economic aim of exerting its energy leverage on the EU.

These reasons are also at the basis of the Russian interference with the construction of NordBalt in 2015. On April 30, 2015, Lithuania alleged that Russian warships illegally ordered a Swedish ship that was laying the NordBalt power cable to change course. Similar interventions were made by Russian naval vessels on March 29, April 10 and April 24. Russia argued that the reason of its order was that the area in which its ship was operating, which was part of the Lithuanian EEZ, had been selected for military exercises. Here it is necessary to stress that the information available for the analysis do not specify the breadth of the safety zone around the laying of the cable that Lithuania had determined according to article 60. In spite of this, it is possible to state with certainty that Russia disrupted the laying of NordBalt several times. This is the point of departure of the following discussion. As a consequence of the Russian behaviour, the Lithuanian Foreign Ministry demanded that Russia ceased “interfering with international shipping and legitimate economic activities”, which was a violation of UNCLOS (RWR Advisory Group, 2015). Sweden supported Lithuania in its request through diplomatic protests (Radio Sweden, 2015) stressing that Russian interference in the construction of NordBalt was a “growing pattern” of Russian provocations (Braw, 2015). The Lithuanian Foreign Ministry complained that the “Russian authorities have never asked Lithuanian institutions or received any prior authorization for such activities in the exclusive economic zone of Lithuania” (Euactiv, 2015). However, as explained above, the expression ‘other internationally lawful uses of the sea’ contained in article 58 refers to the fact that states can ‘use’ the sea without coastal state notice or consent and include a broad range of military activities such as conventional and ballistic missile testing, belligerent rights in naval warfare (e.g., right of visit and search), strategic arms control verification, maritime security operations (e.g., counter-terrorism and counter-proliferation), and sea control. At the same time, article 310 on declarations and statements is interpreted in different ways by states, as discussed in the previous section. Some states require consent before a foreign ship may conduct military activities in their EEZ, some others consider consent unduly restrictive on navigational freedoms that are the foundation for military activities at sea are unduly restrictive on navigational freedoms that are the foundation for military activities at sea. In the case of NordBalt, it is very probable that Lithuania interpreted article 310 in the sense that Russia should have demanded consent before conducting military activities in its EEZ.

Nevertheless, in spite of the fact that Russia may have legally conducted military activities in the Lithuanian EEZ, it has infringed article 58. Indeed, the fact that the Russian navy has disrupted the construction of NordBalt means that it has not had ‘due regard’ to the right of Lithuania to deal with economic activities, which concern the lay of a cable in this specific case. Additionally, like article 56, article 58 stipulate that coastal and maritime states shall mutually respect each other’s rights and duties in the EEZ. These articles are meant to balance the interests of various states in the EEZ. Nevertheless, ‘due regard’ is not defined in the Convention and is open to interpretation (Geng, 2012). By disrupting the construction of NordBalt, Russia has not respected Lithuanian rights. As Foreign Minister Linas Linkevicius argued, Russia’s navy has the right to conduct exercises in the Baltic Sea, but it should “make sure that its military vessels don’t create obstacles for the commercial vessels” in Lithuania’s exclusive economic zone (Braw, 2015). Consequently, Russia has not respected Lithuania’s freedom to lay submarine cables and pipelines, which should be considered part of the “other internationally lawful uses of the sea” defined in article 58. This is therefore strictly related to the Mare Liberum principle concerning the ‘freedom of the seas’. Moreover, Russia has infringed this principle also for another important reason, namely the fact that it ordered a Swedish ship that was laying the NordBalt power cable to change course. Additionally, according to the same reasoning. It is possible to affirm that Russia has also infringed the San Remo Manual on the Law of Armed Conflicts at Sea also imposing that belligerents ‘have due regard for the [resource] rights and duties of the coastal state’ in the EEZ.
Furthermore, another consideration concerns articles 88 and 301 pertaining to ‘peaceful purposes’. The main principle here is that states shall use the high seas (and therefore the EEZ) only for peaceful aims and shall not threaten or use the force against the territorial integrity or political independence of any state (article 301). The information available on the NordBalt case show that Russia has not infringed these two articles because nothing in its behavior leads to think that it aimed at attacking Lithuania and/or Sweden. Additionally, as stated above, not all military activities are inconsistent with the ‘peaceful purposes’ provisions of the Convention, as the San Remo Manual on the Law of Armed Conflicts at Sea stipulates. In the NordBalt case, there are no reasons to affirm that Russian military activities were not peaceful.

Therefore, the NordBalt case well illustrate how complex the issue of military activities in the EEZ is. In spite of the fact that some information on the case are missing, facts show that Russia has infringed UNCLOS and the Mare Liberum principle that is its foundation.

Conclusions

Military activities in the EEZ are a complex and contentious issue in the field of the international law of the sea. UNCLOS, which provides the most comprehensive regime regulating states’ rights and duties with respect to the world’s seas, regulates military activities very poorly. The reason is that military activities in the EEZ have become a relevant topics for states only during the last decades. Additionally, UNCLOS contains some restraints on military activities only referring to territorial seas, archipelagic waters and to the ASLP but not to the EEZ. This latter still remains a zone of tension between coastal State control and maritime State use of the sea.

The NordBalt cable case has demonstrated that this tension is evident in two ways. First, article 58 on the ‘lawful uses of the sea’ is a clear example of the fact that this tension is reflected in the contrast between the Mare Liberum principle and the Mare Clausum one. Second, states differently interpret article 310 on declarations and statements as shown by the NordBalt cable case. While coastal states like Lithuania interpret article 310 in such a way that it requires consent for military activities, maritime states like Russia do not. Additionally, the analysis shows that while Russia (a maritime state) supports the Mare Liberum principle, Lithuania (a coastal state) and Sweden support the Mare Clausum one. Furthermore, the NordBalt case is a good example of the uncertainty of the military activities issue as well as of the relevance that military activities in the EEZ nowadays have for states in order to reach their foreign policy goals.

Consequently, military activities in the EEZ need to be properly addressed by the international law especially since they have recently become a hot topic on the international agenda of states. As several contentious cases have occurred all around the globe, military activities in the EEZ have become a sensitive issues for states. These latter could agree to regulate military activities in the EEZ more precisely and deeply through international laws that should be contained in a legal code separately from UNCLOS while using this latter as the foundation for it. A detailed and comprehensive code could reduce the ambiguities that could lead to tensions among states.

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TOWARDS INTERNATIONALLY TUNED APPROACH TOWARDS CRITICAL INFRASTRUCTURE PROTECTION

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Abstract. Security of societies has become one of urgent issues in contemporary world. Too frequently we started encountering one or another form of malicious behavior, criminal activities or terrorism. New and complex threats highlight the need for further synergies and closer cooperation at all levels. Awareness, preparedness and resilience of societies emerge as key preconditions of further secure and sustainable economic development and general well-being. A special attention in those conditions has to be paid to development of theoretically grounded approach to protection of critical infrastructure (CIP), damage or disruption of which can be immensely harmful to unprepared and therefore vulnerable institutions and society. The aim of this paper is to lay theoretical foundations for theoretically grounded approach towards research in CIP area, in order to formulate, ultimately, an approach towards action, which, employing leadership societal stakeholders would allow to enhance awareness of society actors about the threats, i.e., to develop ability to recognize, prevent, and, in case of disaster, to resist to consequences of critical infrastructure infringement. Hence, enhanced resilience of society to critical infrastructure infringement is an ultimate goal of fostering of leadership for critical infrastructure protection.

Keywords: security; critical infrastructure protection

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1. Introduction: insights into state-of-the art

The topic is not newly emerged, alas, still extremely urgent, especially for some European countries, which appear to be at the very start of this long marathon. European Commission indicated those hazards a decade ago. Hence, in the Directive 2008/114/EC - identification and designation of European critical infrastructures and assessment of the need to improve their protection Critical infrastructure is defined as: “assets or systems essential for the maintenance of vital social functions, health, safety, security, and economic or social wellbeing of people. European critical infrastructure (ECI) is critical infrastructure in EU countries whose disruption or destruction would have a significant impact on at least 2 EU countries (e.g. electricity power plants or oil transmission pipelines)“.


The Commission has funded over 100 diverse projects under the Prevention, Preparedness and Consequence Management of Terrorism and other Security-related Risks programme (CIPS), during the 2007-2012 period. The programme is designed to protect citizens and critical infrastructures from terrorist attacks and other security incidents by fostering prevention and preparedness, namely by improving the protection of critical infrastructures and addressing crisis management. The key objective is to support CIP policy priorities by providing expert knowledge and a scientific basis for a better understanding of criticalities and interdependencies at all levels.

Despite all those efforts and activities, CIP remains urgent unsolved issue, there are a lot of known unknowns and unknown unknowns, especially when we talk about such actors of society, as universities, NGOs, small business companies, which is not directly related with CIP and therefore even more ignorant and vulnerable.

Due to the lack of understanding of origin and symptoms of the attacks, those actors can become easy targets and transmitters of hazards, e.g. related to cyber deceptions. Attacks on citizens, small companies, public companies due to lack of well-developed and well communicated strategies can cascade into consequences, which could appear to be harmful ultimately to infrastructure, which is described as “critical” by the European Commission (EC). Here we want to point out that description of critical infrastructure, provided by the EC just point attention to the most vivid examples of critical infrastructure, while in the reality the scope and spectrum of this infrastructure might appear much wider. According Ambassador Francesca Tardioli, Deputy Assistant Secretary General of NATO’s Operations Division,

“To face such wide-ranging threats and challenges, no single organisation can work in isolation,” says. “A comprehensive approach, involving a myriad of international and national organisations, public-private partnerships and academia, is required“ (NATO news).

The p aims to contribute to CIP by involving actors, which do not directly act as critical infrastructure protectors, alas, can contribute by formulating aa approach towards research and innovations in critical infrastructure protection area, which would embrace foreseeing of threats, monitoring of polymorphous changing environment, preventing the threats identified and responding in organized and efficient way to mitigate to consequences if case critical infrastructure was infringed.

Main aim is to contribute to resilience of society against threats related to attacks on critical infrastructure. A resilient society can not merely be a governmental responsibility. It can only be achieved by combining governmental capabilities with those of private partners and individuals. Main aim is to create a shared understanding of Critical Infrastructures, the consequences of disruption and how European cooperation can contribute to enhancing resilience society to Critical Infrastructures infringement. This aim can be reached through intense and innovative learning experience together with colleagues from various organizations, disciplines and countries. The activities focus on cooperation in order to bolster the protection of Critical Infrastructure by bringing together relevant stakeholders in this field.

2. Insights into critical infrastructure problematics’ roadblocks from stakeholders’ point of view

As it was provided above, there has been a lot of attention to problematics of critical infrastructure protection from side of the European Commission, NATO and some governments of some countries, which already adopted legislation in this field (e.g. Spain), and other governments (e.g. Lithuania), which make concrete efforts in order to start solving this complex issue of global character.

Alas there is still not unanimoust agreement what has to be included to this complicated network of critical infrastructure. Some authors put emphasis on public infrastructure, corecetly indicating that it is hudge investment, which has to be “reliable”. Other authos, as e.g. Brown et al. (2006) indicates that “reliability is
not the answer. We must protect collections of critical components in our infrastructure systems, rather than backing up the least-reliable components. Malicious, coordinated attacks can be more damaging than random acts of nature.” Since the authors looks at the broad issue of critical infrastructure protection from the military point of view, they make further a valuable insight by saying that „the defender must protect a huge, dispersed target set, while the attacker need only focus on a small set of targets chosen to maximize damage“.

Right here we wanted to continue the elaboration of the issue right from this correct point. It is absolutely obvious that critical infrastructure can not be protected just by increasing realibility of public sector, just by employing military forces, and adopting legislation, which would oblige certain companies to strengthen their infrastructure and to attribute some resources for protection of their infrastructure.

Let us pint out that what is being called “critical infrastructure” in contemporary world is closely connected with all infrastructure available. Once we talk about “assets or systems essential for the maintenance of vital social functions, health, safety, security, and economic or social wellbeing of people“ then we need to realize that it is not just public sector, it is private sector as well. In some cases, depending on economic policies in privatization of public functions, that might be even private sectors prevailing. That concerns any area, to be it electricity supply, banking, health care organizations, banks, or water supply companies.

Hence, it is absolutely clear that critical infrastructure embraces public sector plus private sector (organizations and private-public companies, private companies), which comprise interlinked infrastructure. Naturally, a question arrises, if infrastructure of households can be attributed to critical infrastructure. Most likely we need here to look at at the activities, into which the households are engaged. If e.g. household is socially responsible and has installed solar panenels, produces solar energy and sells the surplus of this energy in this process utilizing smart grids, then we can say, rather firmly, most likely that this household is a part of critical infrastructure. In this case attack on this particular stakeholder can, most likely, infrindge smart grid system. We can find many more examples of similar character, since householders nowadays has become an integral part of various kind of infrastructures, which, ultimately, appear to be critical. Let us try to provide a schematic interconnection of critical infrastructure areas, or to put it in a professional language, so called ‘domains” (Figure 1).

To conclude, critical infrastructure has to be understood much broadly than perception of critical infrastructure provided in definition above, i.e. at the very beginning of the paper.

Hence the first roadblock of the whole critical infrastructure protection system is to indicate the whole spectrum of critical infrastructure components and make classification of those elements, which ultimately, could transform into standards, which could adapted for more wide use of wide range of stakeholders.

After defining what contains a system of critical infrastructure, and classifying it, we could go further, by
elaborating system of defense and resilience to consequences of its infringement. That would be seen as another roadblock in the research. Military is ready to undertake defense functions, alas, it is obvious that such approach is not sufficient. Most likely, all public, public-private sector and stakeholders will need to contribute to the protection. Simplified depiction of process and factors of critical infrastructure protection is presented in Figure 2.

![Figure 2. Process and factors of critical infrastructure protection](image)

Here a lot of known unknowns and unknown unknowns will arise, e.g. who would finance critical infrastructure protection, especially when it comes to private sector and households, how to gauge the threats, and recognize damage, how to neutralize infringements, how to deal with consequences if any in organized and prudent ways. Those only questions raised, which will have to be put on the international agenda sooner or later, alas, better sooner.

In order to approach such complex problematics as critical infrastructure protection a grounded methodology, or approach has to be devised. As we already indicated above, currently description of critical infrastructure is too general, the spectrum of foreseen threats, respectively is still rather fragmented. Cybersecurity issues in rather frequently is perceived as synonymous of security of critical infrastructure (e.g. Protecting Critical Infrastructure in the EU 2010; Korauš et al. 2016; Korauš et al. 2017; Veselovská et al. 2017; Korauš, Kelemen 2018; Limba et al. 2017a; 2017b; Šišulák 2017; Limba, Šidlauskas 2018; Praise, Atari 2017). Other examples of the focus are: energy networks (Shakhovskaya et al. 2018; Banerjee et a. 2018), including electrical power grids (Weaver et al. 2018); water distribution system is being considered as critical infrastructure element, alas “assess the detection of attacks and vulnerabilities” remains an issue under discussion (Deng et al. 2017; Palletti et al. 2018). Here we need to point out, protection of that natural resources, such water (lakes, rivers), forests, infrastructure as food reservoirs, etc. are not being included into critical infrastructure perception, at least at the current moment, despite their significance for society cannot be underestimated (e.g. Tireuov et al. 2018; Arbidane, Mietule 2018; Cardoso et al. 2018; Muniz et al. 2018; Monni et al. 2018; Iorio et al. 2018).

We claim that the diverse perceptions, knowledge and experience have to be pulled, in order to come to novel approaches, insights, reveal unknown unknowns, which will facilitate developing resilient societies. Interaction of inter and multidisciplinary approaches, we believe, would foster birth of unconventional ideas and solutions, allowing to reduce fragmentation of efforts and increase of efficiency in using of resources, both public, and private (Batkovskiy et al. 2018; Žižka et al. 2018; Fomina et al. 2018; Oganisjana et al. 2017; Wang et al. 2018).

We believe that critical infrastructure protection issues, which are issues of the global scale and cause immense
threats of wide range could be tackled through capacity building of stakeholders via technology transfer, which will ultimately lead to building of one of world-leading CIP Competence Network. Though research, expertise sharing, good practices, cases, scenarios building and active community engagement, CIP Competence Network aims at increasing awareness, expertise and resilience across wide array of domains. To wrap up, capacity-building objectives are:

1. Bringing together relevant organizations, both on the national level and in the EU and beyond.
2. Strengthening awareness of:
   • The need for cooperation for protecting of critical infrastructure.
   • The need for joint exercising of academic, i.e. research and technology organizations (RTOs) and other stakeholders, such as NGOs, business companies, decision making bodies etc. for more efficient protecting of wide range of critical infrastructures.
3. Enhancing ability of international societal actors to recognize, prevent and react to infringements of Critical Infrastructure including mitigation of cross-border effects.

Here we need to point out that there were a lot of efforts at European and/or international level put already for the solving issues related to critical infrastructure protection. Besides already above mentioned documents, the following actions can be mentioned. Hence, the European Commission has developed a Critical Infrastructure Warning Information Network (CIWIN) and European Reference Network for Critical Infrastructure Protection (ERN-CIP). Those effort have to be supported by multiple emerging networks concerned about critical infrastructure protection, which ultimately would develop abily to share, discuss and generate novel approaches leading to fruiful outcomes related to critical infrastructure protection and enhancement of resilience of international community to the possible disasters.

2. Suggestions for further elaboration of critical infrastructure protection directions

Here I wanted to provide insights and suggestions, which I believe could facilitate finding new paths from blind alleys. Hence, after just three decades of massive use of the accessible Internet, which accelerated globalization process, we are forced to talk about critical infrastructure protection. Threats to the critical infrastructure, or just infrastructure, have been caused by many factors, among which is very high level of interlinking of complex systems. The task of protection of interlinked complex systems is very challenging, therefore parallel tasks of another character have to be raised, i.e. conditional autonomy and independence in terms of accessibility of certain objects of crucial importance has to be reconsidered. In the conditions of global accessibility, inaccessible islands have to be re-created, or restored, it could be put in such a way. Various innovative unconventional alternatives to contemporary style of interacting have to be through trough and implemented, ultimately. Only diversity of ways to responding to critical infrastructure protection challenges could lead to efficient and smart solutions.

Conclusions

Despite critical infrastructure protection is not a new topic in the political, scientific and practical landscape of the EU and other countries, a systematic approach towards this contemporary threat of huge scale has not yet been develop.

There are a lot of rather fragmented attempts to tackle this issue, alas majority of them concentrate to cybersecurity threats to energy supply, water distribution, transport disruptions etc. Despite those valuable efforts frequently supported by the European Commission and NATO guiding documents and funding, there is still a lot of room for further elaborations in the area of Critical Infrastructure Protection.

We claim, that leadership in this domain is crucial, since can lead to collaboration of internationally scattered stakeholders for commonly joint actions directed to development of methodology of Critical Infrastructure research and development, involvement of wide range stakeholders and creation of new critical infrastructure protection competence networks. Those attempts would allow to consolidate gradually fragmented
competences and, with active involvement of wide range of societal actors would ultimately allow to develop resilience of society to wide array of known and unknown threats (e.g. insecurity of small actors, which could transfer threats in myriad way to other e.g. servicing companies, what is probability of such risks, what is level of interdependency of societal actors, etc). Essence of such resilience would lie in the systematic research and innovations in the area of critical infrastructure protection, which would lead to novel and unconventional well thought trough strategy in this crucially important area.

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REGULATION OF AGENT AS A TOOL FOR COMBATING ORGANIZED CRIME¹

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Abstract. Security, living environment, or entrepreneurship ecosystem is determined by wide array of factor. We tackle organized crime issues, which can cause potential insolvensy. In this article, the authors deal with a set of European Court of Human Rights decisions concerning the right to a fair trial and the use of an agent in criminal proceedings. From the investigated decisions, the authors conclude that the individual Slovak regulation, agent provocateur under § 117 par. 2 second sentence of the Criminal Procedure Code, a priori, is not inconsistent with decisions of the European Court of Human Rights. This is subject to the condition that the provision in question of the Criminal Procedure Code is interpreted in accordance with the principles established in the decisions of the European Court of Human Rights.

Keywords: security; agent; agent provocateur; incitement; crime; European Court of Human Rights

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1. Introduction

Organized crime as phenomenon affect significantly security of society and is among threats to sustainable development processes (e.g. Luzgina, 2017; Kuril 2018a, 2018b; Kiseľáková et al. 2018; Čentéš et al. 2018; Jurkevičius, Pokhodun 2018; Osipov et al. 2018; Mikhaylov et al. 2018; Tvaronavičienė 2018; Ohotina et al. 2018; Finogentova et al. 2018).

The use of agents was introduced (Act No. 247/1994) into the Slovak Criminal Procedure Code (Act No. 301/2005, the Criminal Procedure Code, as amended) in connection with the need to fight organized crime (including economic crime) and related crimes – especially corruption – by having police officers or other persons cooperating with the police infiltrate amongst the perpetrators of such crimes. Balancing conflicting interests is one of the key principles of the legal system as a whole and the criminal law and the law governing criminal investigations in particular. The legal framework for the use of agents must balance, on the one hand, society’s interest in detecting and convicting the perpetrators of serious organised crime and other crimes under Section 117(1) of the Criminal Procedure Code, and on the other hand, the social interest in preserving the fundamental rights and freedoms of individuals affected by criminal investigations.

Although the use of agents and other means of criminal investigation can infringe upon several fundamental rights and freedoms, including the right to privacy, they must not infringe upon the right to a fair trial under Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter the

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“Convention”; in the Slovak Republic, the Convention for the Protection of Human Rights and Fundamental Freedoms was published as Notice of the Federal Ministry of Foreign Affairs No. 209/1992). In other words, the end cannot justify all means: detecting and convicting the perpetrators of organised crime or corruption does not legitimise the removal of guarantees of a fair trial. The legal framework established by the second sentence of Section 117(2) of the Criminal Procedure Code authorising the use of “agents provocateurs” – agents authorised to incite persons to commit a crime – in relation to corruption on the part of a public official, where there is evidence that the crime would be committed even without the agent’s incitement, could appear dubious with reference to the right to a fair trial. The following article aims to show that it is possible to interpret this provision in a way that is consistent with the judgements of the European Court of Human Rights.

2. The Agent Provocateur

The aim of the amendment (Act No. 457/2003) allowing the incitement of a public official to corruption was to increase the means available for detecting corruption by making more efficient use of the operational and investigative capacities of agents. With the introduction of the exception to the prohibition of incitement to crime stating that it is permissible to instigate a corrupt transaction with a public official if they would have committed the crime without the deployment of the agent, the law now distinguishes between two situations. The first case is the action of a passive undercover agent, also known as a “surveillance agent” (agent kontrolór) who monitors an offence and collects evidence against the offenders for their prosecution. In practical terms, this might mean that an agent responds to an offer from a distributor of narcotics or psychotropic substances and pretends to be interested in buying the goods to map their production and distribution network. The second case is the use of an active agent provocateur based on knowledge and evidence of ongoing corruption on the part of a public official that show that they would commit a crime even without the agent’s intervention, which involves the active proposal of a corrupt transaction and the acceptance of a bribe. A surveillance agent responds to an initiative, for example from a drug distributor. See for example Judgement of the Supreme Court of the Slovak Republic No. 3 Tdo 30/2015 (from the grounds for the judgement): “An agent cannot be a person who only waits passively in the environment in which they have to move. The key consideration for use of an agent is that agents must act in conformity with the purpose of the Criminal Procedure Code and their actions must be proportional to the unlawfulness of the actions they help to detect, identify or prove. The fact that an agent expresses interest in purchasing drugs, that they meet with the accused several times, ask for a certain quantity of drugs, or ascertain the sale price of the drug is not incitement to commit a crime involving unlawful and active provocation. ... In the last conversation, the agent mentioned to him (the accused) a sum that was available for the purchase of drugs and it was the accused who determined what quantity of drugs could be procured for this sum. In view of the above, the actions of the agent cannot be regarded as a police incitement but as an undercover police operation to detect offenders and gather evidence of their crime.”

An agent provocateur need not wait for a preliminary offer from a public official involving a request for a bribe. Nevertheless, the police must have prior evidence of corruption on the part of the public official. The European Court of Human Rights (ECtHR) lays down strict rules for the use of agents in its case law. These do not include the distinction between surveillance agents and agents provocateurs, which is specific to Slovakia. The consistent application of these conditions, especially the requirement that the police must have specific evidence of crime before deploying an agent, erases the difference between passive and active agents. An agent provocateur thus becomes an agent inciting evidence of offences an offender is already committing. More recent case law of the Constitutional Court of the Czech Republic has continued the search for the limits of what is permissible for passive agents: see the finding of 21 September 2016, Case No. I.ÚS 2652/16.

3. Judgements of the ECtHR

One of the oldest significant cases in which the ECtHR assessed questions of police provocation is Lüdi v. Switzerland (No. 12433/86, of 15 June 1992). In 1983 the applicant was accused of drugs crimes in Germany. The applicant was not detained and returned to Switzerland. The German police informed the police of the Canton of Berne that Mr Lüdi was planning to purchase a quantity of cocaine. The investigating judge opened
a preliminary investigation and ordered the monitoring and recording of the telephone conversations. The Police decided to deploy an officer as an agent in the role of a potential buyer of cocaine. This procedure was authorised by the cantonal police headquarters and the investigating judge was notified. The applicant met with the agent 5 times, always at his own initiative. According to the agent’s testimony, Mr Lüdi promised to sell 2 kg of cocaine worth 200,000 Swiss francs. Mr Lüdi was arrested and accused of drug trafficking.

The Lüdi case satisfies prerequisites such as fulfilment of the criterion of judicial supervision and the finding of evidence indicating that the subject of surveillance would commit a crime without the use of the agent. The court did find a violation of the right to a fair trial not because of police provocation but because of a violation of the right to cross-examine witnesses under Article 6(3)(d) of the Convention. The Swiss courts refused a request to call the agent as a witness and the applicant claimed that he had been denied the opportunity to challenge the agent and his testimony.

The best-known case related to police incitement heard before the ECtHR, which is the basis for the prohibition of police incitement, is Teixeira de Castro v. Portugal (No. 25829/94, of 09 June 1998). The Portuguese police obtained information about the applicant Teixeira from a person buying hashish for personal consumption who claimed that Teixeira was able to supply this substance. Undercover police accompanied this person to visit Teixeira at home and asked him to sell them 20 grams of heroin. The applicant did not have any heroin in stock but agreed to help obtain it from another person, to whom he went in person and who obtained the substance from another person. The applicant thus obtained three bags of heroin containing 20 grams in total and took them to the person who had first informed the police about Teixeira. During the handover of the substance at this person’s house, the police arrested the applicant and found him to be in possession of two more bags of heroin, cash and a gold chain. The court convicted Teixeira and sentenced him to 6 years in prison. According to the national courts, the police incitement was in accordance with national law, because the infringement of the applicant’s rights was balanced by an important social interest. Finally, the Portuguese court did not consider the conduct of the police decisive for Teixeira’s commission of the offence because other persons brought the police to Teixeira and requested goods from him.

In the introduction to its reasoning, the ECtHR states that the use of undercover police activities is possible and consistent with the provisions of the Convention and it admits that it may be necessary for the investigation of serious organised crime. Nevertheless, the use of such procedures by the police must be consistent with established legal rules. The assessment of the lawfulness of a procedure must be even stricter if information obtained by undercover agents is to be used as evidence in subsequent proceedings. The court sees a fundamental difference between the Teixeira and Lüdi cases, in the latter of which the agents acted under the instruction and supervision of a lawful judge and the grounds for the agent’s deployment were identified and evaluated in advance. In the Teixeira case, the police acted on their own initiative – without a ruling or even basic compliance with the principle of judicial supervision – and they did not have relevant information (let alone evidence) that the applicant engaged in criminal activity because they only became aware of Mr Teixeira through an unverified claim that he could obtain the relevant narcotic substance. He did in fact obtain the substance but only at the agents’ instigation and through another person. The law enforcement authorities had no information that Teixeira had previously committed a crime or that he might have the intention (inclination) to commit a crime (see paragraphs 38 and 39 of the relevant judgement), even though there should be impunity at this stage in accordance with the principle of cogitationis poenam nemo patitur - no one suffers punishment for intent (For more on this issue see: Kratochvíl, 2001).

The Court therefore concluded that the right to fair administration of justice had been violated because the offence had been instigated by the police. Since the ECtHR cites the Lüdi case in its judgement on Teixeira, it probably wishes to indicate that it could have reached a different conclusion if the two criteria mentioned above had been satisfied in the Teixeira case. We consider these criteria to be crucial for determining whether Slovakia’s legal framework for the use of agents is inconsistent with the guarantees laid down by the Convention and ECtHR case law based on the Teixeira case. The police’s procedure in the Teixeira case would also have violated Slovak law. This point is addressed obiter dictum in Order of the Constitutional Court of the Slovak
Republic No. III. ÚS 709/2014: “With reference to the argument that the police officers deployed as agents instigated, through their actions, the offence for which the applicant was convicted, the Constitutional Court finds that the applicant’s claims were not proven in proceedings before general courts. The Supreme Court responded to this issue in an acceptable manner when it concluded that the agreement of meetings between agents and the applicant and negotiations on the subject-matter of purchase (specific drugs) and their price could not be regarded in and of itself as incitement. It based its conclusions on specific material findings contained in the finding of facts on the case, which fully complies with the requirements for a convincing court judgement consistent with the constitution. In this matter, it is also possible to accept the Supreme Court’s conclusion on the inapplicability of the ECtHR’s judgement in Teixeira de Castro v. Portugal of 09/06/1998 because this judgement essentially related to an incitement to commit a criminal offence in which police agents ordered drugs from a person who only purchased drugs for personal consumption. Under Section 117(2) of the Criminal Procedure Code, an agent must not incite another person to commit a crime at the agent’s own initiative but may participate in an act and respond to circumstances in a reasonable manner.”

The ECtHR upheld the standards laid down in the Lüdi and Teixeira cases in its judgement on Vanyan v. Russia (No. 53203/00, of 15 December 2005). The person acting as an agent in this case contacted the applicant and claimed that they needed heroin because they were suffering from severe withdrawal symptoms. According to the applicant’s own testimony, he was afraid that this person would commit suicide and therefore agreed to obtain a certain quantity of the substance. He then met with the agent, who gave him money with which he went to another person to buy heroin. The applicant saw that the purchased quantity of the substance was insufficient even for his own needs and he told the agent that the goods were of poor quality and that he would return the money to her later. He was then arrested by the police.

In this case, the ECtHR emphasises that the requirements for a fair trial under Article 6 of the Convention mean that the public interest in the fight against drug trafficking cannot be used to justify the use of evidence obtained as a result of police incitement. On this question, the ECtHR refers to the Teixeira case. It also makes an important distinction as to when an agent’s actions are and are not consistent with the requirements of the Convention: if a police agent’s actions instigated an offence and nothing indicates that the offence would have been committed without the agent’s intervention, the action is inadmissible incitement by the police. Subsequent use of evidence obtained in this way is breach of the right to a fair trial. It is not enough for a police officer to declare that the police have information on offences committed by the applicant without a court scrutinising the information and its source (see paragraph 49 of the relevant judgement). Looking from the perspective of Slovak law and using the terminology of Section 117(2) of the Criminal Procedure Code, there were no ascertained facts indicating that an offence would have been committed without use of the agent. Once again, the police procedure in this case was inconsistent with Section 117(2) of the Criminal Procedure Code.

Another case where the ECtHR found the use of an agent provocateur to breach the right to a fair trial is Khudobin v. Russia (No. 59696/00, of 26 October 2006). A police agent called the applicant and asked him to sell her an agreed quantity of heroin. The applicant agreed to procure it and met the agent in the street accompanied by Mr M. The agent gave the applicant bank notes marked with dye that was visible under UV light. The applicant took the money and went to the house of another person, Mr G. He gave the applicant a sachet containing 0.05 grams of heroin. The applicant was then arrested in the street by the police.

In its assessment of the case, the ECtHR referred to the Lüdi case and the general admissibility of using undercover investigative methods. Although police can conduct undercover operations, they must not instigate offences – the ECtHR here referred to the Teixeira case (to paragraph 36 of Teixeira de Castro v. Portugal, in particular the last sentence of the paragraph). The ECtHR recapitulates why the Teixeira case involved a breach of the right to a fair trial and emphasises the role of an agent as a person documenting an offence, the importance of adhering to the principle of judicial supervision and the ascertaining of facts indicating previous criminal activity of the subject of surveillance. The court clearly rejects the government’s argument that it is not necessary to obtain information on previous criminal activity and that it is sufficient that the agent is deployed in accordance with national legislation. The key fact is that the evidence did not deal with the question of what...
particular information concerning the applicant’s illegal actions had been at the disposal of the police before the deployment of the agent provocateur. Such procedure would once again be inconsistent with Section 117(2) of the Criminal Procedure Code.

The ECtHR again found a violation of the right to a fair trial as a result of police incitement in Constantin and Stoian v. Romania (No. 23782/06 and 46629/06, of 29 September 2009). This case also involved police incitement in the form of an offer to purchase narcotics.

The nature of the police’s improper conduct was again the absence of a finding and proper evidence of criminal behaviour by the applicants indicating that they would commit a crime without the use of an agent. The fact that one of the applicants had previously been convicted of a drug offence is irrelevant to this question (see paragraph 55 of the relevant judgement). What is important is current relevant unlawful activity. A criminal record per se is not evidence that a crime would be committed without deployment of an agent.

The court rejected an application for a violation of the right to a fair trial in the case of Bannikova v. Russia (No. 18757/06, of 04 November 2010). The Russian Federal Security Service was monitoring telephone calls between the applicant and another person in which the applicant agreed to sell cannabis to this person for further distribution. An agent then contacted the applicant and expressed an interest in purchasing 4.4 g of cannabis. The transaction was documented using marked banknotes and the production of audio-visual recordings. The applicant was arrested. A subsequent search of her home found another 28.6 g of cannabis.

The ECtHR emphasises that it is necessary to apply a substantive test of police incitement based on an evaluation of the contacts between the agent and the subject of incitement before the offence is committed, or to put it more simply: the question is how the agent acts upon the subject of incitement and what facts of what evidence value the police have about the subject’s activities at the material time. In this case the court found that the applicant began distributing drugs several months before the deployment of the agent when she was contacted by a person interested in purchasing cannabis. The telephone conversations mentioned above took place later, a week before the deployment of the agent. For this reason, the court found that the agent had not incited the applicant’s criminal offence but only stepped in when it was already under way. For more information, see paragraph 69 of the relevant judgement.

If the substantive test is inconclusive owing to the lack of information on the case at issue, it is necessary to apply a procedural test asking whether the accused was effectively able to raise the issue of police incitement during their trial and how the court dealt with such a plea. With regard to the substantive test, there is evidence that a crime would be committed without the use of an agent in the form of the recordings of the telephone conversations between the monitored person and a third party about occasions of previous sales of narcotic drugs, the remaining unsold stock of narcotic drugs, the emergence of new customers and future transactions. The ECtHR accepted the opinion of the domestic courts that the above is evidence of an intention to commit an offence that the monitored person formed before the agent’s intervention (compare with the text of paragraph 75 of the relevant judgement). For the purposes of interpreting the second sentence of Section 117(2) of the Criminal Procedure Code, a recording of a conversation would, by analogy, count as evidence if there was mention of corrupt activity by a public official including past or future corrupt transactions or the like.

The importance of finding evidence that an offence would be committed without the use of an agent and the need for a passive approach by the agent and judicial supervision are emphasised in Veselov and others v. Russia (No. 23200/10, 24009/07 and 556/10, of 02 October 2012). An agent contacted the applicant through an intermediary with a request to purchase hashish. The applicant intermediated purchase of the drug from a third party. The agent then claimed in the main proceedings that a week before the incident he had met with the applicant, who had mentioned the possibility to sell drugs. The applicant claimed that there was no evidence that he committed drug offences and would have committed such an offence without the agent’s instigation. The other two applicants made the same claims.
The primary concern of the ECtHR was again whether the police had sufficient information justifying the use of an agent. If the information on criminal activity comes from an informant, it is essential to distinguish between an informant who is a private individual and an informant who cooperates with the police. If the informant is a person who cooperates with the police, it is necessary to investigate whether the suspect had already committed an offence before this person began to act as an agent. A further condition is that the agent must act passively. An agent cannot be deemed to act passively if they put pressure on a suspect to commit a crime, take the initiative in contacting a suspect, repeat an offer multiple times despite an initial refusal, are intransigent in such actions, stipulate an above average quantity of a substance or an above average price or appeal to the suspect’s sympathy by mentioning abstinence symptoms or the like (see paragraphs 90 to 92 of the relevant judgement). In addition to satisfying the aforementioned conditions, it is necessary to observe safeguards against the misuse of agents – specifically to comply with the principle of judicial supervision, meaning supervision by an independent body, ideally a judge. Approval of the use of agents through simple administrative orders issued by the same body that then implements the undercover operation is inadequate (see paragraph 126 of the relevant judgement).

Cases involving the use of an agent to expose corruption can be said to be rare in the case law of the ECtHR. One is the case Nosko and Nefedov v. Russia (No. 5753/09 and 11789/10, of 30 October 2014). Both applicants were accused of accepting bribes in the exercise of their medical profession: one applicant for issuing an invalid sick-leave certificate, the other for issuing false medical reports and inspection results. In both cases the police acted on confidential operational information. In both cases the agent made repeated offers of bribes. In the second case, which concerned the issuing of a false claim that a person (the agent) was not under the influence of alcohol, the agent argued to the doctor that if he was found to have been under the influence of alcohol, he would lose his driving licence and then his job, on which both he and his family depended.

The ECtHR considers the significant facts to be the following. The police obtained information on possible offences of the first applicant from a confidential source. They did not check this information or obtain other evidence of a criminal offence. Immediately on receiving the information they decided to use an agent. In the case of the second applicant, information was also received from a confidential source which the police checked over a period of five to six months and formulated into evidence of criminal offences committed by the applicant. No verification or documentation of this evidence took place, however. Another cause of doubt in the case was the decision-making process – the decision to use the agent was a simple administrative decision without sufficient safeguards against misuse. In the ECtHR’s view, the most suitable control instrument is judicial supervision. Another cause for concern was the involvement of a third party – a long-time colleague of the applicant through whom the agent had communicated her request. There are also grounds to suppose that if such a request is made by a long-time acquaintance, the suspect would be unwilling to refuse the request. Such actions on the police constitute a form of coercion. Based on these factors, the ECtHR found that the applicants’ right to a fair trial had been violated.

The ECtHR has continued to develop the principles laid down in the above cases in its more recent judgements such as Grba v. Croatia (No. 47074/12, of 23 November 2017). This case related to the use of an agent in combination with multiple illicit transactions. An agent was deployed as part of an investigation into counterfeit money. The police found that counterfeit money that had been put into circulation had come from the complainant. The first meeting of the complainant and the police agent resulted in the sale of one false banknote with a nominal value of EUR 100. The agent and the applicant then had several meetings culminating in the handover of false banknotes with a value of EUR 600,000 for a price of EUR 21,000. Only then was the applicant arrested. During criminal proceedings, the courts repeatedly questioned both police officers who had operated undercover on the circumstances in which they came into contact with the applicant. According to their testimony, the applicant had contacted them, allegedly to offer them “better money”. They were unable to recall the details of the conversation, however. In any case, the applicant was alleged to have said that if they were interested, he was able to obtain a larger quantity of similar banknotes. For his part, the applicant claimed that he had been in financial trouble, had never previously broken the law and that he had been incited to commit his offences by police officers in plain clothes who urgently contacted him about the matter again and again.
Regarding the question of evidence of previous offences, the court recalls that the offence detected by the agent must be ongoing and not a one-time occurrence and the procedure (which in the given case included illicit transactions) may be used to gain trust with an individual with the aim of establishing the scope of his or her criminal activity or to work up to a larger source of criminal enterprise, namely to disclose a larger crime circle. However, the agent must remain passive and not exert an influence such as to incite the commission of a greater offence than the one the individual was already planning to commit.

Conclusions

Based on the presented study of ECtHR judgements, the following conclusions can be drawn. The ECtHR distinguishes the substantive question of police incitement – the factors that determine whether an offence was incited by an agent – and the procedural question of the effective ability to raise the issue of incitement in the main proceedings before a national court with the prosecution bearing the burden of proving that police incitement did not take place.

The substantive issue – the indicators of police incitement – must be assessed based on the following factors. The first factor is whether the police have specific and verifiable evidence – not just indications and rumours – that the suspect is committing offences. It is not possible to invoke a domestic legal framework that does not require this (Khudobin v. Russia). Verifiable evidence includes information obtained from a recording of a telephone conversation about matters that the public official has previously arranged for a bribe or the prospect for future corrupt transactions (Bannikova v. Russia, mutatis mutandis) A criminal complaint alone, if it is not followed up to reveal further evidence of a criminal offence, is insufficient. Likewise, a criminal record in and of itself is insufficient because it is not evidence of ongoing offences (Constantin and Stoian v. Romania).

Another factor is the question of whether the agent’s deployment is permitted and supervised by an authority other than the one that implements this investigative method. Conformity with the standards laid down by the ECtHR case law could be satisfied by orders and monitoring by the prosecutor’s office. In the Slovak Republic, the principle of judicial supervision is applied, which means that a judge orders the use of an agent and then supervises the criminal investigation operation. The law in the Czech Republic is the same. In this regard, the Constitutional Court of the Czech Republic notes that in some cases the law requires a higher standard than that laid down by constitutional and international law as regards intensive interference with fundamental rights and freedoms in criminal proceedings, see order of the Constitutional Court of the Czech Republic, No. Pl.ÚS 3/09: “In accordance with the generally recognised principle that legislators can provide stronger protection for fundamental rights and freedoms in an “ordinary” law than is required by the constitution or international treaties, the Czech Criminal Procedure Code includes several cases where a court must decide on interference with fundamental rights in a preliminary investigation. Such cases include … consent for opening a letter under Section 87(1), an order for taping and recording telephone communications under Section 88(2), an order to obtain data on telephone communications under Section 88a(1), and order to observe an accused person in a health care facility under Section 116(2), permission for surveillance if it involves interference with inviolability of the dwelling, with private communications or investigation of the content of other documents or recording kept privately using technical means under Section 158d(3), and use of an agent under Section 158e(4) of the Criminal Procedure Code. As can be seen, legislators did this (going beyond constitutional requirements) on in a few cases involving exceptionally intense interference with fundamental rights and freedoms.”

The judicial supervision avoids the situations that have been criticised by the ECtHR where the use of an agent is approved by a simple administrative act of the police, which then implements the decision without the supervision of an independent body (e.g. Veselov and others v. Russia, Lüdi v. Switzerland).

The third factor is the question of whether an agent has subjected a suspect to any form of coercion to commit a criminal offence. Possible forms of coercion include repeatedly making contact with the subject of surveillance despite an initial refusal, the artificial increase of an offered bribe where the initial amount did not motivate the subject of surveillance (Veselov and others v. Russia), the involvement of a person that the subject of
surveillance knows well and whose offer the subject of surveillance will not want to reject, whether due to friendship, family ties or politeness, the evocation of pity (Nosko and Nefedov v. Russia) or the like. See also the Opinion of the Criminal Division of the Supreme Court of the Czech Republic, No. Tpjn 301/2014-I.: “...Police incitement includes police activity that supplements evidence of a criminal offence required by law, deliberately increases the scope of the offence committed by the subject of incitement, or otherwise changes the legal classification of the committed offence to the detriment of the subject of incitement, in particular as relates to circumstances resulting in the imposition of a higher penalty if the person would otherwise have been deterred from the crime in a general sense.”

Even if a police agent’s actions show signs of incitement, this need not result in a violation of the right to a fair trial if accused persons are effectively able to challenge the use of police incitement against them (the procedural aspect of the matter). The ECtHR has long preferred to investigate the fairness of criminal procedure as a whole. See for example in Schenk v. Switzerland, no. 10862/84 of 12 July 1988 par. 46, or Allan v. United Kingdom, no. 48539/99 of 05 November 2002, par. 42: “While Article 6 guarantees the right to a fair hearing, it does not lay down any rules on the admissibility of evidence as such, which is therefore primarily a matter for regulation under national law .... It is not the role of the Court to determine, as a matter of principle, whether particular types of evidence – for example, unlawfully obtained evidence – may be admissible or, indeed, whether the applicant was guilty or not. The question which must be answered is whether the proceedings as a whole, including the way in which the evidence was obtained, were fair.”

This means that it is not necessary to take note of errors in a part of proceedings or assess the validity of specific evidence whose selection and legal basis falls within the competence of national legislation, provided that the proceedings as a whole appear to be fair. The approach can be characterised as a substantive approach in contrast to the procedural approach that requires an investigation of the fairness of every part of the proceedings or evidence (for a more detailed comparison of procedural and substantive approaches in the case law of the ECtHR, mainly covering civil proceedings, see: Gregor, 2017).

An effective objection to police provocation means that the prosecutor is obliged to make a proper investigation and rebuttal of the objection. The prosecutor bears the burden of proof in rebutting the objection of incitement and it is necessary to respect the principle that both parties have the right to be heard, meaning that the defendant should have the opportunity to cross-examine the agent, other evidence of the agent’s activity and the evidence that led to the agent’s deployment. Inadequate investigation of a suspected case of police incitement, or the conviction of an offender based on information from an agent despite failure to establish beyond reasonable doubt that there had been no police incitement led to the finding of violation of the right to a fair trial under Article 6 of the Convention in Pătraşcu v. Romania (no. 7600/09, of 14 February 2017).

In our view, it is not possible to claim a priori that Section 117(2) of the Criminal Procedure Code is inconsistent with the case law of the ECtHR without detailed review of indicators of police incitement. In the case summaries reviewed above, there is no case where the court found a breach of the right to a fair trial or another right where all the conditions for use of an agent laid down by Section 117(2) of the Criminal Procedure Code were met as we interpret them. This includes the frequently cited Teixeira case, where no evidence was presented of offences of the subject of surveillance proving that they would have committed the offence without the agent’s involvement, a further problem being the absence of independent (judicial) supervision. The court indicates that the case could have been judged differently if these two elements had been present, as they were in the Lüdi case.

The provisions of Section 117(2) of the Criminal Procedure Code can be interpreted in a manner consistent with case law of the ECtHR and in a way that is inconsistent. If, however, the law enforcement authorities and courts adopt the interpretation of Section 117 of the Criminal Procedure Code set out above based on the cited judgements of ECtHR, apply this interpretation in specific cases and avoid indications of police incitement, conformity can be maintained.
In the event of indications of police incitement of an offence of misuse of public authority inconsistent with the factors laid down in the case law of the ECtHR, evidence obtained in this way cannot be used in further proceedings because the right to a fair trial cannot be violated for the sake of effectiveness.

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THE IMPORTANCE OF SUSTAINING SECURE AMBIENCE FOR CADETS OF THE MILITARY ACADEMY OF LITHUANIA VIA BALANCING EMOTIONS AND PERCEPTION IN ATTAINING ACCELERATED SECOND LANGUAGE LEARNING AND ACQUISITION

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Abstract. The article scrutinizes the importance of sustaining secure ambience for cadets of the Military Academy of Lithuania (MAL) via balancing emotions and perception in attaining accelerated second language learning and acquisition. This Confluent approach to the second language learning and acquisition was constructed by the teachers of MAL to facilitate and accelerate the second language learning and acquisition of the learners via sustaining secure ambience through balancing their emotions and cognitive features necessary for gaining best effect of second learning and acquisition. Consequently, the already constructed Confluent (holistic, emotionally and cognitively balanced) second foreign language learning and acquisition approach, will significantly sustain secure ambience for the learners which will lead to accelerated foreign language learning and acquisition. In terms of verification of this hypothesis, the research was carried out with cadets of the Military Academy of Lithuania. Experimentally achieved results are presented in the article.

Methods: group work, free conversation, monologue, free discussion, free expression, interpersonal sharing, concert, dialogue, debating; here and now teaching, student output as class content for language practice, interpersonal sharing and self-awareness.

Keywords: Gestalt theory, Confluent language learning and acquisition approach, cognitive ability, affective capacity, design, collateral learning, ambience.


JEL Codes: I2, I23, I29

1. Introduction

There has always been a considerable interest in accelerating foreign language learning and acquisition but nothing can be so far compared with the need of fast second language learning, especially, for the military forces. There has always been a considerable interest in accelerating foreign language learning and acquisition but nothing can be so far compared with the need of fast second language learning, especially, for the military. Foreign language learning and acquisition diverse theories and other forms of education and training were correspondingly considered by different scientists in different times (Dewey 1938; Brown 1971; Lozanov 1978; Le Doux 1996; Thompson 2011; Radović-Marković 2011; Mačiulis; Tvaronavičienė 2013; Dzemyda et al. 2015; Dubauskas 2016; Hurbišová, Davidová 2016; etc.; Černevičiūtė, Strazdas 2018; Saleem et al. 2018; Lincaru et al. 2018; Labanauskis et al. 2018).

Knowledge of a foreign language, while being a significant instrument of communication, must be viewed as an enabler sustaining and guaranteeing safety and security of Lithuania and NATO allies. Here in, Mark
Thompson (2011) in his article “The Pentagon’s Foreign-Language Frustrations” marks that “learning the language will not only help one learn about that culture but be able to operate more effectively once immersed in it. Improving our language skills may lead to more effective and efficient techniques for building the capacity of our current and future partners and reduce the need for deployments of robust US forces”. Leon Panetta (2011) in the same article stated that the language and cultural training is a key to U.S. global economic and security interests and that “languages are the key to understanding that world. If we are going to advance stability in some of the countries we are fighting in today, we have to be able to understand what motivates those countries, what motivates their people, and to understand their culture, beliefs, faiths, ideologies, hatreds and loves. Strong language ability is necessary to do that”. So that to achieve these goals, none of the traditional substitutes for personal proficiency (machine translation, contract interpreters, etc.) can achieve what is needed for a leading world power in military, diplomacy, intelligence, and security. Therefore, it means that a fast and accelerated language learning and acquisition and are essential for a successful career oriented contemporary NATO officer. And this is a new track to his/her success which enforces him to know as many as possible foreign languages, which require critical-thinking skills and a sense of international-mindedness from him/her.

At the moment the global world is tension-charged, fast-paced and full of demands and complexities and this way of living has become a norm for an officer in today’s challenging times. It is quite obvious that Lithuanian officers as well as civilians working for the MAL or National Defence System of Lithuania are also forced to study foreign languages almost all their life in terms of European Union’s Lifelong Learning Programme (Smith 2014). Lifelong Learning Programme is essential if anyone wants to lead shifts with challenges of the global world and sustain his/her or the county’s security and stability.

Thus, it is also salient to organize the methodology of the second foreign language learning and acquisition for MAL cadets, who are the future of the Lithuanian military leaders, by optimizing the learner’s cognitive, and physical properties at a maximum degree and leading to successful and effective result via sustaining his/her secure ambience.

The problem of the research is how to attain accelerated language learning and acquisition of a learner via balancing emotions and perception on the basis of Confluent second language learning and acquisition approach leading to sustaining secure ambience for cadets of the Military Academy of Lithuania.

The purpose of the research is to explore the effectiveness of Confluent approach on accelerating language learning and acquisition via sustaining secure ambience for cadets of the Military Academy of Lithuania by balancing emotions and perception.

The object of the research is acceleration of the second foreign language learning and acquisition via sustaining secure ambience for cadets of the Military Academy of Lithuania through balancing emotions and perception on the basis of Confluent language learning and acquisition approach.

The methodology of the article is based on Williams and Burden’s (1997) formulated Confluent approach who designed it on the Frederick “Fritz” Perls, L. Perls and P. Goodman’s Gestalt psychotherapy foundation. Creative interchange is encouraged by Gestalt therapy when those involved in the learning process are productively willing to experiment; as a consequence, the chances for optimal and effective results of second language learning and acquisition are much higher with Gestalt techniques which indicate the importance of transferring implicit knowledge of the learner to the narrative explicit one. Thus means that for Gestalt implicit knowledge is most significant in forming second language learning and acquisition. Therefore, based on Gestalt theory Confluent language learning and acquisition approach was adapted, designed and constructed by teachers of the foreign language of the MAL. Moreover, this approach likewise involved the Humanism and its holistic attitude towards a human being when all senses and perception forces are kept all-inclusive balanced. Additionally, Confluent approach was considered by the researchers as holistic, aiming to activate and engage all of the learner’s emotional and intellectual senses, endogenic and exogenic forces of a human being (Misch, Peloquin 2005). What is more, this approach is rooted in Dewey’s (1938) notion of collateral learning as a “philosophy and a process of reaching and learning in which the affective domain and the cognitive
domain flow together, like two streams merging into one river” (Brown 1971). The researchers considered Holistic methodology indispensable and pivoting slant in sustaining secure ambience for the learner learning the second foreign language once his/her body, mind, emotion and spirit of a human being are balanced and work together. Furthermore, Krashen’s (1983) “affective filter” with Worde’s (1998) language anxiety theories were scrutinized and applied in the research too. In addition, Lozanov’s Suggestopedia method of a foreign language learning and acquisition on the foundation of positively stimulated emotions, feelings and cogitation, perception of an individual was reflected and implemented into the research whilst constructing the Confluent approach of the research.

2. The effect of emotion and cognition blending in accelerating second language learning and acquisition

Positive or negative emotional experiences externalize through learning and leave strong traces in the brain of the learner when memories are formed in a variety of systems that can possibly be separated into two capacious groups: supporting conscious memory (i.e. explicit memory) and storing information unconsciously (i.e. implicit memory). Memories about emotional situations are often stored in both kinds of systems (Figure 1) accordingly forming the impact of emotion on cognitive processes. Subsequently, it means that positive or negative emotions significantly influence the learner’s explicit or implicit memory development through intensive language learning. Under these conditions, storing and recalling processes of the memory are getting limited in unsecure and uncomfortable ambience; as a result of such conditions, limitation of accelerated learning and acquisition happens; vice versa when positive and secure ambience is organized in the learning environment, implicit memory retrieval boosts by triggering accelerated language learning and acquisition. Therefore, Confluent language learning and acquisition approach is constructed on harmonizing holistic attitude to language learning of the learner when Creative interchange is encouraged by Gestalt therapy when those involved in the learning process are productively and willing experiment; as a consequence, the chances for optimal and effective results are much higher with Gestalt techniques for the implicit knowledge of the learner is transferred to the narrative explicit knowledge.

This process is best revealed by Joseph E. LeDoux (2007) who shows how Memories about emotional situations are stored in both kinds of systems (see Figure 1).

In accordance to J. E. LeDoux (2007) Figure 1, emotional events are processed in sensory systems and then transmitted to the medial temporal lobe for the formation of an explicit memory around the emotional situation and to the amygdala for the formation of an emotional memory. When a signal from the memory occurs, it gets

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**Figure 1**: Right: Emotional Memories vs. Memories about Emotions. Left: Formation of emotional memories.

processed by the sensory system leading to the recall of an explicit memory around the emotional event in the medial temporal lobe leading to the expression of emotional responses when recalled in the amygdala.

A. M. Isen (1990) asserts that “the material in mind is organized and accessible in terms of its positive affect tone, and that people spontaneously use positive affect as a way to organize their thoughts … and common positive feelings are fundamentally involved in cognitive organization and processing”. In the interim, Jensen (1998) suggests that emotions not only help us remember things that are most emotionally laden, but that emotions “give us a more activated and chemically stimulated brain: the more intense the amygdala arousal, the stronger the imprint”. He also quotes Squire to support the view that “emotions are so important that they have their own memory “pathways” and “good learning does not avoid emotions, it embraces them”.

Schumann (1994) comments that “brain stem, limbic and fronto-limbic areas, which comprise the stimulus appraisal system, emotionally modulate cognition such that, in the brain, emotion and cognition are distinguishable but inseparable”. Therefore, extensive research on the physiological relationship between emotion and cognition has been conducted by Damasio (1994). According to him, the brain releases “chemical messages” which have a major impact on the efficiency of the cognitive process. This concept is applied to second language acquisition by Schumann (1990). Schumann explains that a gland in the brain, called the amygdala, evaluates emotional stimuli and relays “chemical messages” to other emotion centers of the brain. Once these emotion centers are activated, they may influence what is perceived and learned by an individual, contributing to accelerated second language learning and acquisition. Thus positive emotion, by triggering a chemical response in the amygdala, creates a pathway for successful language acquisition.

Worde (1998) carried a research which proved that some learners, in the negatively organized learning ambience, can obtain disturbing experience. According to him (Worde 1998), one third to one half of students examined reported experiencing debilitating levels of language anxiety. He also acknowledged that too much anxiety can lead to a debilitating effect, which may lead to work avoidance or inefficient performance. Moreover, anxiety can interfere in all language acquisition stages: input, process, and output and become, according to Krashen’s (1983) postulate “affective filter” which acts before the Language Acquisition Device and impedes the learner’s desire to seek input if the learner is not motivated enough. Besides, Krashen’s (1983) “affective filter” prevents certain information from entering a learner’s cognitive processing system in the negative and insecure ambience (Sellers 2000).

What is more, anxiety can influence both speed and accuracy of learning. Anxiety arousal can also impact on the quality of communication output as the retrieval of information can be interrupted by the “freezing-up” or “knocking – out” moments that students encounter when they get anxious or nervous. Moreover, it might happen that language learning experience, under some circumstances, can imperil a traumatic experience. This kind of unpleasant involvement can deeply disturb one’s self-esteem or self-confidence as a learner.

3. Methodological constructing of Confluent approach in accelerated second language learning and acquisition

Being aware of how memories about emotional situations are stored and processed, it was important on this basis to reveal Gestalt therapy which was founded by Frederick “Fritz” Perls and colleagues Laura Perls and Paul Goodman and is the foundation of Confluent approach.

Gestalt therapy began as a revision of psychoanalysis (Perls 1992) and quickly developed as a wholly independent, integrated system (Perls et al. 1951). The therapy was based on is experiential and humanistic approach and dealt with patients’ awareness and awareness skills but not on the classic psychoanalytic dependence on the analyst’s interpretation of the unconscious. What is more, in Gestalt therapy, the therapist is actively and personally engaged with the patient, in the interim, the classic psychoanalysis, and the psychoanalyst remains neutral.

The Gestalt specialist uses active methods that develop not only learners’ awareness but also their repertoires
of awareness and behavioral instruments. The active methods and active personal engagement of Gestalt psychology are used to raise learners’ awareness, freedom, and self-direction in a secure surrounding. Moreover, the biggest advantage of Gestalt psychology to learning theory was the accent on perception and reintegration of relationships within an organized whole. Based on Confluent language learning approach, methodological activities of the research were supposed to bond the three basic elements of learning: cognitive, affective, and psychomotor so as to combine feelings and perception into one holistic learning experience.

The key to Confluent second learning and acquisition approach lies on the interactive process that takes place between the cognitive and affective fields through any provided learning experience; this interactive process becomes the “gestalt” of the learning experience. The influence of Gestalt psychology on Confluent approach is the realization of the idea of a totally emotionally and intellectually integrated person. Therefore, the purpose of the selected methods is to sustain security and freedom in the classroom, to help to facilitate and simplify the control of the learning process. Of course, the teachers have to follow the procedural controls invoking the schemata: student-centered with freewheeling, free conversation, free discussion, and free expression.

Thus, Gestalt therapy foundation was construed and implemented into the Confluent second foreign language learning and acquisition approach with its Humanistic attitude to carry out the experiment with the subject of the research: the cadets of the MAL. The experiment proceeded in unison with holistic language learning and acquisition methodologies. The object of the research was realized on Confluent second language learning and acquisition approach by implementing: self-reflection, interpersonal dialogue and skills mastery via (1) here and now teaching, (2) student output as class content for language practice, (3) interpersonal sharing and (4) self-awareness methods.

Hence, the confluence approach stimulates holistic learning, involving body, mind, emotion and spirit. As a result, Confluent second language learning and acquisition approach is supposed to be based on the learner’s interests bouncing to self-learning, interpersonal sharing and dialogue, and self-awareness. The learners learn multi-dimensionally about themselves and others at the same time they learn the traditional structures of the language.

While formulating the holistic learning construction on the subject of the research (cadets), we also relied on J. Heron’s (1996) original formulation of the holistic learning model in which he describes learning as an interaction between four distinct modes of psychological being: feeling, imagining, thinking and practicing. Through the spectrum of Confluent learning approach, Confluent language learning and acquisition is viewed primarily as a means for affective reflective communication. Consequently, Confluent language learning and acquisition approach methods are supposed to be effectively incorporated into already existing curriculum, syllabus, materials or simply methods with the purpose to serve expanding and enhancing traditional materials. The objective of Confluent language learning and acquisition methods was to integrate them effectively into interpersonal learning language process by sustaining secure second learning and acquisition ambience.

In addition, while formulating the holistic learning construction on the subject of the research (cadets), we considered the importance of implementing Suggestopedia or Desuggestopedia, the so-called “humanistic approaches” into experimental group for we needed the notion of positive suggestion which could make the learner more receptive and, in turn, stimulate second language learning and acquisition. In addition, this method of holistic approach an easily integrate and stimulate such elements as cognitive and affective capabilities able to put the learner in certain conditions known as to accelerated teaching.

G. Lozanov (1976) stated that the ability to learn diminishes if a student feels stress related to fear of making a mistake or any other failure. G. Lazanov (1976) was engaged in experimental research on emotion and feeling influence on language teaching and learning for many years. As a result, he developed the approach which was based on the power of suggestion in learning, the notion of positive suggestion which makes the learner more receptive and, in turn, stimulates the learning. In addition, the emotions are essential to success of the human learning process in corpora with a well scrutinized idea validated by cognitive science. This
learning method successfully blocks: fear, guilt, complexes and releases natural individual learning abilities. Curriculum comprehension and memory storage is ultimate in a physically and mentally relaxing atmosphere. In our research, we applied Suggestopedic classroom ambience necessary to reduce competition and stresses cooperation. Hence, cadets were not disillusioned with difficult tasks and verbal confidence for they were constantly reinforced by the teacher and his/her own progress awareness; even indifferent cadets tended to find themselves participating and enjoying language learning process. Based on the Suggestopedic classroom atmosphere, the individual feels safe to try out and make mistakes under the teacher’s guidance. Moreover, G. Lozanov states that the negative thoughts that the learner has about herself or himself in learning has to be “de-suggested” (1976). Alias, Lozanov considers learning as a “global event” involving the whole person (Stevick 1976) and thinks that the learner is “constantly responding to innumerable influences, a few of which are conscious and rational, but most of which are either nonconscious or nonconscious or both” (ibid.).

3. The results of Confluent second language learning and acquisition approach implementation in sustained secure ambience

The purpose of the research was to construct such a Confluent second language learning and acquisition approach so as to imbalance perception and emotions in sustained secure ambience. In our research, Confluent second language learning and acquisition approach with its humanistic attitude was supposed to combine the cognitive and affective processes into one effective Confluent learning and acquisition experience. The effect of this approach was scrutinized primarily as a source for affective reflective communication on the basis of personal and individual experience merging with language proficiency in the classroom. Moreover, the experimental lessons were designed and organized in a way to obtain the research goals and objectives grounded on the results of the piloting projects that were constructed by the MAL teachers of foreign (Russian, English, German and French) languages. The experimental group was organized so that it comprised the methods of Confluent second language learning and acquisition approach. Moreover, Confluent second language learning and acquisition approach was incorporated into already existing syllabus, materials and served to expand traditional materials and methods so as to balance affective and interpersonal learning of an individual. In terms of research methodology, G. Lozanov’s (1979) language learning and acquisition methods and principles were applied to experimental lessons: physical and psychical relaxation; specific learning suggestion, rhythmical breathing, changing way of speaking; repetition of material and its practical consolidation (writing, speaking, and reading in a second language). Therefore, they were integrated into the learning process, hence to intensify the affective filter, emotional freedom, relaxation and other affective features necessary to meet the research objectives and goals. Almost all the presented factors were supposed to proceed in 24-days involving nine thematic lesson plans based on the Lozanov (1979) method instructions. All the research days the learners proceeded listening to Baroque (Vivaldi’s “Four Seasons”) music in order to obtain as free as possible atmosphere of the classroom. Moreover, the chairs were organized in a semi-circle. Therefore, the lessons were being spent in holistic processing of the material when the learners spoke only then when the teacher requested in a group but seldom individually. In order to avoid tension and intimidation, the learners were taught to learn the language entirely orally for the first 3 days. The learning material was designed in a way to avoid stressful or uncomfortable situations. The following lessons were based on reinforcing and activating the previous lessons’ material (based on typical teaching program), moving from holistic processing to mixed processing and then to the final highly analytic and cognitive including lexical and grammatical reinforcement, articulator exercises and singing.

During the experiment, the Confluent approach was used to “hammer”, for example, a story read (or sung by some) out loud by the teacher or cadet and etc. Later, the research showed that this method better worked when a cadet distributed the text into the number of learners by asking them to read individually. According to the instruction a cadet had a command to concentrate on understanding the story but not on “learning” new vocabulary, grammar etc. An important principle, applied to this exercise (and all effective/affective materials), was to repeat exposure to a new material. Music was also played in the background as a means of stimulating the right brain participation.
Webb (1990) states “certain types of musical rhythm help relax the body, calm the breath, quiet the beta chatter and evoke a gentle state of relaxed awareness which is highly receptive to learning new information”. The Music Agent is able to deploy musical pieces specifically designed to enhance learning and retention.

The Confluent second language learning and acquisition approach at the MAL was applied likewise because of the idea that effective learning is suggestive in nature, not direct. In other words, learning and acquisition takes place through a combination of different types of right and left brain functions. During this process the long-term memory is semi-conscious so the teacher was to help to sidetrack the cadets with other things in order to allow them to receive information through peripheral perception.

Based on Confluent second language learning and acquisition approach, the research was organized in 2017 with to test the effectiveness of Confluent approach in accelerated language learning and acquisition. 55 3rd year cadets of the Military Academy of Lithuania participated in the research. They were distributed into two groups, control (22 learners) and experimental (23 learners). The experimental group was taught according to Confluent, holistic approach; the control group studied in accordance to traditional teaching methodology without Confluent second language learning and acquisition approach. The obtained results were evaluated in accordance to a ten point system, where 10 points equal 100%.

<table>
<thead>
<tr>
<th>Table 1. Confluent approach</th>
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<tr>
<td>Groups</td>
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<tr>
<td>Control</td>
</tr>
<tr>
<td>Experimental</td>
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In the research the obtained results demonstrated that during the Confluent language teaching cadets practiced structures that enabled them to reflect their own needs, wants, concerns, interests, values, activities, and behaviors which they shared with each other and very interactively. The table and the graphic display the average increase of the second foreign language learning and acquisition under the influence of the implementation of the Confluent second language learning and acquisition approach in the research group. Meanwhile, the control group’s knowledge did not exceed (7). 2 points were left to be acquired. This result shows that the Confluent second language learning and acquisition approach increases and magnifies the learners’ memory retention, retrieval and recall. Therefore, positive results were obtained under the influence of Confluent second language learning and acquisition approach which lead to four main factors:

1. The language practice immersed in the “here and now” reality of class interaction.
2. The linguistic content of the language, offered to cadets, was both cognitive (ideas, thoughts, facts and etc.)
and affective (feelings, personal images, values, interests and etc.).
(3) Close relationships established among class members.
(4) Self-reflection and self-disclosure were encouraged as a means to self-knowledge.

In addition, during the experiment with the integrated Confluent second language learning and acquisition approach groups, the cadets were forced to explore and discuss various aspects about themselves in the target language. For example, they were focused on naturally motivating “meaning nodes” (needs, concerns, interests, personality traits, values, attitudes, behaviors, dreams, personal imagery, and plans for the future). The target language served them as a means to attain self-awareness, self-expression, and self-affirmation necessary to stimulate and accelerate the second language learning and acquisition. Personal information, shared with the others during conversation and structure practice, leads to the subsequent ambience of warmth and openness. This secure and relaxed atmosphere stimulated cadets become bosom to themselves and to their teacher.

Recapitulating, it is necessary to endorse that some certain elements of the approach cannot be broadly realized and incorporated into conventional ambience of second foreign language learning and acquisition today. For instance, in the military teaching grounds, it is quite inadequate to exhibit such factors as décor, lighting and furniture with cushions and other relaxing attributes. But the use of music both in the background and as an accompaniment to certain activities can be easily implemented as a motivating and relaxing factor. Dialogues too have their uses. Albeit, perhaps the most significant idea, creating conditions in which learners are alert and receptive, is that it has a positive effect on intrinsic motivation. It does not matter if these conditions are best created by the use of classical music and the reading of dialogues, but there is no doubt that Confluent second language learning and acquisition approach has raised interesting questions in the areas of both learning and acquisition of the second foreign language.

Conclusions

Emotions are essential to the success of the human learning process and they establish the idea substantiated by cognitive science.

Confluent second language learning and acquisition approach helps to create an emotion-based and secure ambience integrating all of the key elements emanating from accelerated learning techniques providing the learners with the best possible and secure learning environments.

Emotional competence is the key to helping language learners acquire the skills, attitudes, values, and experiences that motivate constructive behaviours, make responsible and thoughtful decisions leading to positive and accelerating learning.

Confluent second language learning and acquisition approach fastens and stimulates freewheeling, free conversation, free discussion, and free expression. A variety of effectively designed four cognitive factors provided in the research group accelerated the second language learning and acquisition.

An understanding of language anxiety threshold will help learners and teachers to be aware of comfort and safety level of students, so as to avoid harmful feelings of anxiety and carry out interventions (e.g., coping strategies, tailored programs) whenever necessary to maximize and accelerate the learning.

The theory and findings applied in the research suggest that the capacity to experience positive emotions may be a fundamental human strength central in successful second foreign language learning.
References:


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RISK MANAGEMENT IN THE SUSTAINABLE DEVELOPMENT: ANALYSIS OF A SELECTED KEY INDUSTRY

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Abstract. Our paper focuses on the analysis of the role of risk management in sustainable hotel chain policy. We tackle the issue of risk evaluation and prevention in hotel industry as a factor of enhancing its entrepreneurial value. Our empirical value-added is based on its own novel survey based on a case study of a chosen company. We evaluate the problem areas of risk management and make suggestions for the hotel optimization procedures based on our results and findings. Furthermore, we compare the outcomes of our research with those of the studies conducted by the renowned foreign companies and focusing on payment discipline and risk management. Our results demonstrate that in order to optimize the cash flow in hotel operations, it is advisable to provide a balanced business mix and improvement of strategic internal processes. Moreover, it appears that for the optimal application of the risk management it is important that a new or updated strategic analysis is conducted annually within the business entity according to the development of both the external and internal environment. Furthermore, financial and payment risks need to be integrated into the formulation of strategic goals so as to identify which of them can put the strategy and its strategic goals at stake.

Keywords: risk management; sustainability; tourism; payment discipline; hospitality


JEL Classifications: L25; L83; G22

1. Introduction

Contemporary societies encounter wide range of threats, therefore recognizing, preventing and management of those threats have become one major preconditions of sustainable development process (Korauš et al., 2016; Fabuš, M. 2017; Korauš et al., 2017a; 2017b; Mishenin, et al. 2018; Tvaronavičienė, 2018; Veselovská et al., 2018). The presented research will tackle a case of one of key industries, specifically a hotel industry. In the hotel industry, an important role in successful sustainable entrepreneurship is played by a payment discipline of business partners and business mix. Poor payment morale can significantly affect the cash flow and, therefore, the payment capabilities of a hotel (see Abrhám and Wang, 2017). For this reason, it is desirable to include payment discipline not only in the financial management but also in the risk management (Abadi et al., 2018). These are one of the most notorious problems companies in the Central and Eastern European countries (CEEC) are often facing with an adverse effect on their performance and profitability (see Abrhám et al., 2015a; Abrhám et al., 2015b; Jiroudková et al., 2015; Ehrenberger et al., 2015; Vysylehak and Halachenko, 2016; Jelinková et al., 2017; Filipishyna et al., 2018; Mackevičius et al., 2018; Narkunienė, Ulbinaitė, 2018; Zemguliene Valukonis, 2018; Volchik et al. 2018).
The aim of this article is to analyse the role of risk management in hotel chain policy through its own empirical survey within the case study of a chosen company. On the basis of the findings gathered, the problem areas of the risk management are evaluated, and hotel optimization procedures are proposed. The results of our own research are compared with the studies by renowned foreign companies focused on payment discipline and risk management.

The theoretical groundwork of the study constitutes a clarification of the attitudes to risks and the risk management in the hotel sector as well as the observation of the payment discipline. The empirical survey focused on the payment discipline in relation to individual countries was implemented in cooperation with travel agencies, lasted one year and took place between September 2015 and September 2016. That part of the research was implemented in cooperation with travel agencies. The summary data on payment morale of the business partners of Le Hotels Group s.r.o. that were evaluated dated to the period 2016 to 2017. The information on the number of overdue invoices related to both the maturity and the country of origin of the business partners (travel agencies) was evaluated through a relative frequency, which also applies to the evaluation of the total data on the payment discipline.

2. Risk management in analysed industry: theoretical grounds

Main risks in the hotel sector include, among other things, seasonality, unreliability of business partners, fluctuations or low motivation of employees or highly competitive environment (Ambrosetti et al., 2014; Čábelková et al. 2015; Niño-Amézquita et al., 2017; Dung et al., 2018). Risk management in the hotel industry is part of strategic management, which focuses specifically on prevention and reduction or elimination of the risks through specific methods and procedures. Risk management practices in the hotel industry depend on a variety of factors, including the size of the hotel and the fact whether the hotel is part of a hotel network or operated independently (see Waikar et al., 2016). Risk management is one of the important components of the strategic management as a set of management decisions that determine the long-term performance not only of the hotel but also of any other business company (see Grasserová et al., 2012; Strielkowski et al., 2014). Each strategic plan is based on a set of assumptions that do not have to be met in the current period of globalization of the economy and the turbulence of the business environment, and indeed, the assumptions are, to certain extent, not fulfilled (see Fotr et al., 2012). The management of the hotel shall therefore be able to flexibly respond to changed conditions, which is the task of risk management and, in some cases, of the crisis management aimed, among other things, at mitigating the impacts of natural disasters. In those cases, the cooperation of hotel management with local public administration plays a key role as proved in case of the devastation of the Japanese tourist destination Tohoko affected in 2011 by the tsunami (Nguyen et al., 2017). The risk management should significantly reduce the negative impacts of unfavourable business environment developments on the results of the strategic plans of the hotel; one of the negative impacts on the chosen strategy may be the negative consequences for cash flow as a result of poor payment discipline of the business partners. The consequences of bad payment morale trigger further changes in processes and resources of hotel companies, have a longer life cycle, and thus have a retrospective effect on the strategic management (Russel-Jones, 2016).

Responsibility for risk management is spread across organizations throughout the management. The highest responsibility is naturally on the owner, the statutory body and the top management of the company (Rais, 2010; Radovic et al., 2017). In small hotels (see the division of companies by size in the subchapter payment discipline), the responsibility for risk management is concentrated at the level of the statutory body because it is not efficient to employ a specialized full-time risk manager. In medium and large hotel companies, responsibility is spread over individual managers. Large hotel companies (hotel chains) have a designated specialist (risk manager). Almost in all cases, the risk management is associated with the role of the CFO, as the impact of risks (damages) as well as the countermeasures can be expressed financially and have an impact on financial planning. This impact in the hotel industry can be also described as operational risks or operational changes. Financial performance of an enterprise influences the risk management and vice versa.
As an example, we can put the role of the risk management in the rising debt of the hotel; in this situation its financial position and the risk of creditors are deteriorating, which significantly influences the interest rate of foreign capital (Fíbriová and Šoljáková, 2005). Risk management consists of four interdependent phases: risk identification, risk assessment, risk management (or mitigation) and risk monitoring (Smejkal and Rais, 2009; Chiabai et al., 2014).

One area where the violation of ethical standards in the form of contract failures can have very fatal consequences on the cash flow (or even solvency) of a hotel company is a payment morale. The additive effect of very poor payment morale of the key business partners in a short period of time may represent a critical risk (see Table 1) and lead to crisis of the hotel. This applies in particular to small and medium-sized businesses. The crisis of an enterprise usually occurs after the break of the balance between the enterprise and its surroundings takes place (Zuzak, 2008), which is precisely the case of poor payment morale of business partners of the enterprise.

### Table 1. Share of late settlement from partners (in %)

<table>
<thead>
<tr>
<th>Country</th>
<th>More than 60 days</th>
<th>More than 90 days</th>
<th>More than 120 days</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Le Hotels</td>
<td>Bisnode</td>
<td>Atradius</td>
</tr>
<tr>
<td>Greece</td>
<td>28,0</td>
<td>4,9</td>
<td>16,9</td>
</tr>
<tr>
<td>Portugal</td>
<td>9,0</td>
<td>3,5</td>
<td>-</td>
</tr>
<tr>
<td>Italy</td>
<td>9,0</td>
<td>4,2</td>
<td>15,6</td>
</tr>
<tr>
<td>Turkey</td>
<td>6,0</td>
<td>1,9</td>
<td>10,5</td>
</tr>
<tr>
<td>Poland</td>
<td>-</td>
<td>3,3</td>
<td>4,0</td>
</tr>
<tr>
<td>Great Britain</td>
<td>8,0</td>
<td>2,6</td>
<td>2,1</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>-</td>
<td>1,1</td>
<td>1,4</td>
</tr>
</tbody>
</table>

*Source: Atradius (2016), Bisnode (2017), own research.*

Payment discipline means the timeliness of the payment of the liability by the customer. The source of the risk is therefore the insufficient cash of the hotel caused by the late payment of the partner company. The payment morale is low if the business entity holds payments and pays its liabilities only after a set deadline. From the risk management point of view, the payment discipline is a fiscal risk (Merna, Faisal, 2007). In terms of financial management, payment discipline can be measured indirectly via debt turnover ratio. That indicator shows the average maturity of receivables, i.e. the number of days until the invoice is paid (Fortr et al., 2012). This indicator helps financial managers to determine how many days will elapse during which the collection of money is retained in receivables. During this time, the hotel has to wait for the collection of payments for its already made revenues for provided products and services (Kislingerová, 2007).

### 3. Payment discipline in the international environment

Payment morale is monitored by a number of reputable international companies. The research focuses on finding out data on payment discipline in individual countries, or according to the criteria of the size or business area of the business entity. Based on that data, companies can set appropriate risk management measures. The following are the results of the international studies by Bisnode (2017) and Atradius (2016).

From the results of the Bisnode (2017) study it can be summarized that the European average of paid receivables for the provided goods or services was improving on the maturity date. In 2014, 37.6 % of the invoices were paid at the time of maturity, while two years later that figure grew up to 39.1 %. This means that, out of the total number of receivables monitored in 2016, on the maturity date was paid on average 39.1 % of receivables in the monitored countries. The mean value that divides the set into two equal halves had a value of 43.6 % in 2016. In 2014 and 2016 Denmark recorded the highest proportion of paid claims at the maturity time. Very good payment morale also showed Germany in the both years. By contrast, the northern countries such as Ireland and England, and the countries of Southern Europe like Romania and Portugal, rank among the countries with
a low maturity on the due date. If we look at bad payment morale represented by the proportion of outstanding commitments for more than 90 days after the due date, we find that the United Kingdom and Ireland improved their rating, while the Southern European countries (Romania, Greece and Portugal) also here showed poor payment morale. Besides these countries we can name Turkey and Poland among the countries with a relatively high proportion of outstanding claims with 120 days past maturity (Bisnode, 2017).

In the case of the Czech Republic, it was found that both in 2014 and in 2016 there was a better proportion of matured receivables on the due date compared to the average of the countries surveyed. By maturity, 38.2 % of the invoices were repaid in 2014, while two years later, the proportion of paid invoices grew by 6.5 % up to 44.7 %. Within thirty days after the due date, 53.5 % of invoices were paid in the Czech Republic in 2014, while in 2016 the proportion of invoices paid 30 days after the maturity fell to 49.3 %. In 2014, the companies paid 5.7 % of invoices within sixty days after the due date. In 2016, the proportion of invoices paid in this period dropped to 4.2 % of the total number of receivables tracked. The share of invoices outstanding three months after their maturity in 2014 amounted to 1.4 % and then declined to 1.1 % in 2016 (Bisnode, 2017).

Atradius divides its regular annual reports on payment discipline according to the defined world regions while for Europe the report in 2016 distinguishes between Western Europe and Eastern Europe. Western Europe includes Germany, Austria, Denmark, Great Britain, the Netherlands, Sweden, Switzerland, Ireland, Belgium, France, Greece, Spain and Italy. Eastern Europe is represented by the Czech Republic, Hungary, Poland, Slovakia and Turkey. The Atradius survey focuses on the payment discipline of the B2B (business to business) which means on the business relationships between two business partners. B2B relationships generally operate on the principle of the electronic data exchange. The Atradius International Survey focuses on a number of B2B areas (for example, the access to business credits for B2B business transactions), however from the perspective of this paper, the most important data is on the payment discipline. The data presented is divided into two main areas: 1) the average payment term - the average payment term recorded in Western Europe and Eastern Europe; and 2) the late payment - the percentage of respondents reporting late payment by B2B customers (Atradius, 2016).

From the Atradius research results, it can be seen that the difference in payment discipline between the countries of Western and Eastern Europe is not very striking, except when the invoice is paid after more than 90 days. In that period, across sectors, there is a better payment level shown for Western European countries. In the proportion of paid invoices within 30 days and within 60 days, Western and Eastern European companies doing business in the service sector are not much different. After that, however, there is a certain difference; more than 60 days after the maturity were paid 5.3 % invoices in Western Europe while in Eastern Europe it was 6.8 % of invoices (Atradius, 2016). The most significant differentiation in the payment discipline of Western European and Eastern European business entities in the service sector was reported in the payment of the invoice for more than 90 days. While in Western Europe less than 1 % of the invoices were paid after 90 days, the proportion of those invoices in Eastern Europe was 4.5 %. In Western Europe, the companies in the service business got their invoice settled on average 29 days since they were issued while in Eastern Europe those companies received the payment on average after 30 days (Atradius, 2016). The analysis also focused on a payment morale indicator according to the size of the company. In the European Union, companies are sized as micro-enterprises (less than 10 employees), small businesses (10 to 49 employees), medium-sized enterprises (less than 250 employees) and large enterprises (Buculescu, 2013). Atradius, for the purpose of analysing the payment discipline, defined the categories of “micro-enterprises”, “small and medium-sized enterprises” (SMEs) and “large enterprises”. Hotels as separate units belong to the SME while the hotel chains belong to the category of large enterprises.

The Atradius study also shows that in the both monitored transnational regions, the micro-enterprises have the best payment morale, accounting for approximately 83 % of invoices within 30 days, while approximately 72 % applies for SMEs and 68 % for large enterprises. The difference between the payment morale of Western European and Eastern European businesses, depending on the size of the firm, is reported in the invoices paid for 90 days or more from their issuance in all size categories of the businesses (Atradius, 2016).
Looking more closely at the category of SMEs, which includes most hotels operated in the Czech Republic, the invoices paid more than 90 days account 1% in Western Europe, while in case of Eastern Europe based businesses the share of those invoices made 5.4% (Atradius, 2016). The Atradius survey results are partly in line with the results of the Bisnode survey presented above. Measured by the indicator of invoice repayment of more than 90 days, Greece and Spain belong among the worst countries (Portugal is missing in the analysis) and also France had poor payment morale. On the contrary, in Austria or Germany, the unpaid invoice after 90 days was not recorded at all. In Eastern Europe, by far the worst payment morale (measured by the number of outstanding invoices within 90 days) was in Turkey, where the proportion of due invoices within 90 days exceeded 6% which was similar to Greece and Spain mentioned above. Compared to other V4 countries the Czech Republic had the highest share of invoices repaid in more than 90 days, but when measured by the average day of the invoice reimbursement (26 days) it belonged among the leaders of the Central European countries. The average pay out of 26 days ranks the Czech Republic among the best countries also within Western Europe (Atradius, 2016).

In the above text there were presented the results of the Atradius study from the point of view of payment morale measured on the days after the issuance of the invoice. Another form of the measurement is a payment after the date that had been marked as the due date on the invoice. This is the proportion of companies in the total number of the examined companies that in their business activity encountered with a failure of their business partner to pay his invoice by the due date. The survey methodology differed slightly for the countries of Western and Eastern Europe. While data for Western Europe was broken down by both the sector and size of the companies without any distinction, whether the payment was received from a domestic or foreign company, the data in the Eastern European countries also reflected the company origin. According to the study, in Western Europe, more than 90% of the companies participating in the cross-industry study reported late payment; in the service sector it was approximately 92%. In Eastern Europe there is a difference depending on whether the deal was made with a domestic or a foreign business partner. In the service sector the difference was almost 8%; in terms of a domestic business transaction, the companies recorded more than 90% of their late payment, while the share of late payments was less than 83% when trading with foreign partners.

The analysis of the overdue payment data according to the enterprise size shows that in Western Europe, the largest proportion of the invoices not paid by the due date emerged in the SME enterprises; over 95% of the businesses met with that late payment. As in the case of the overdue payment analysis according to the sectors, the difference in the late payments reported in Eastern Europe depended on whether the transaction was made with a domestic or a foreign partner. In all three size categories, the businesses had, in term of payment discipline, a better experience with foreign business partners than with domestic ones. In the SME category, approximately 87% of businesses encountered overdue payment in the domestic payments, while less than 4% of the firms have that negative experience in dealing with foreign companies.

4. A case study

As a data base for the analyses carried out within the case study, the Le-Hotels s.r.o. financial statements on the fulfilment of the specified financial and factual indicators were used. The information on the number of due or outstanding invoices according to the maturity and the country of origin of the business partners (travel agencies), were evaluated by means of a relative frequency, which is also true for the evaluation of the aggregated data on the payment discipline.

Since 2015, Le Hotels Group s.r.o. operates a total of five hotels in the capital of the Czech Republic Prague, with a total capacity of 1 150 rooms (about 352 employees); specifically these are Grandior Hotel Prague, Grand Majestic Plaza, Grandium Prague, Élite and Hotel Majestic Plaza. The revenues department of the Le Hotels Group s.r.o., which is in charge of the sale of hotel rooms, had the lead in this study. The subjects of the analysis were both the company as a whole and the Grandior Hotel Prague alone. Its capacity of 393 rooms, due to its size, is sufficient to maintain a diversified business mix; thanks to its location and the conference facilities, it can attract both leisure and corporate clients and thus allows further analysis.
From the analysis of the statistical data of Le-Hotels s.r.o company, we can see that business partners from the Czech Republic showed better payment morale than foreign companies. While within 30 days after the date of the issuance of the invoice, the hotel company received 70 % (or 80 %) of the payments from its domestic business partners out of the total domestic payments, from the foreign ones it was by 11% (10 %) less. In terms of unpaid invoices after 60 days, there was a relatively high difference between the domestic and foreign business partners (travel agencies) in 2016, but in 2017 that ratio was equivalent. These findings do not correspond to the results of the Atradius research study presented above, which, in case of Eastern European businesses (measured by the share of respondents with experience of late payment) found the worse payment morale in case of domestic payment system compared to the payment from abroad. The average day of the invoice payment from both domestic and foreign partners in 2016 was the 29th day after the invoice was issued; in 2017 the average was reduced by two days on the 27th day. Overall, the business partners of Le-Hotels s.r.o had slightly better payment morale in 2017 compared to 2016. From a comparison of the payment discipline of Le-Hotels s.r.o business partners (travel agencies) by country, it is clear that the total debt of travel agencies based in Europe amounted to 4 % and the total percentage debt of hotel accommodation customers made 4.51 % on the due date.

The payment discipline of the partners from each country was monitored individually according to the due period from the maturity date. The highest percentage of outstanding invoices within 30 days of maturity was reported by travel agents from England and Finland (8 %). French and Portuguese travel agents did not pay their liabilities after 30 days of maturity in 7 % of the cases, while Italian, Belgian, Spanish, Slovak and Czech did not pay for in 6 % of the cases. The largest proportion of debtors within 60 days of maturity recruited from the Greek travel agencies (13 %). The second largest number of the outstanding invoices for accommodation services within 60 days was reported for Turkish travel agents (11 %). A relatively high number also appeared in case domestic and English service providers (7 %). On the contrary, in case of the Nordic countries (Finland, Denmark), there is a good payment culture. The share of Greek travel agencies in the total number of the outstanding invoices within 90 days of maturity increased to 28 %. It can be seen from the data that Southern states have probably worse payment morale than Northern countries; Portuguese travel agencies reported 9 %, Turkish 6 % and Spanish 4 % share of the total number of the outstanding invoices. In the Northern countries, the surveyed company made the worst experience with English travel agencies, which showed an 8 % share of the total number of outstanding claims within 90 days after the due date. From the data analysed, it can be observed that the established trend continued also in case of 120 days within the maturity of the accommodation invoice. The largest share out of total outstanding commitments in the given period was reported again for Greek (22 %), Portuguese (12 %) and Turkish (12 %) travel agents from Southern Europe. Furthermore, in terms of 120 days after the due date, the largest debtors are Greek travel agencies. Their share makes 28 % out of the total number of unpaid claims for more than four months. Portuguese travel agencies followed with 19 %. In contrast to shorter time periods, the proportion of Polish travel agents (18 %) increased.

Looking at the overall data (Table 2), i.e. the share of all outstanding invoices for accommodation after maturity, we will get somewhat surprising data. The Danish (12 %), German (10 %) and Turkish (7 %) travel agencies reported the highest proportion of the outstanding invoices within 30 days, while a very low proportion of unpaid invoices within 30 days were reported for Portuguese (2 %), English (3 %) and Irish (3 %) travel agencies. The proportion of the unpaid invoices by Czech travel agencies made 5%. The feature of surprise of this finding stems out of the comparison with other research data. According to the Bisnode survey (for 2016), Danish and German companies showed a very high proportion of the invoices repaid at their maturity (Danish companies recorded even the highest share which was 90.3 % of the repaid invoices at maturity), while the Irish, English and Czech recorded relatively low share of paid invoices by maturity (30 days). Turkey stood at the centre of that imaginary peloton. Also, the Atradius survey shows that Denmark and Germany are among the countries with the best payment discipline in Europe, measured by invoice parameters paid within 30 days. It is thus surprising that the findings of Bisnode and Atradius differ greatly in terms of England, Ireland, the Czech Republic and other countries.
Table 2. Share of settled invoices according to payment periods (in %)

<table>
<thead>
<tr>
<th>Settlement date</th>
<th>Le Hotels</th>
<th>Atradius Southern Europe</th>
<th>Atradius Western Europe</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Service sector</td>
<td>SMEs</td>
<td>Service sector</td>
</tr>
<tr>
<td>0 - 30 days</td>
<td>64,5</td>
<td>77,4</td>
<td>70,2</td>
</tr>
<tr>
<td>31 - 60 days</td>
<td>26,2</td>
<td>15,8</td>
<td>20,1</td>
</tr>
<tr>
<td>61 - 90 days</td>
<td>4,7</td>
<td>2,3</td>
<td>4,5</td>
</tr>
<tr>
<td>More than 90 days</td>
<td>4,6</td>
<td>4,5</td>
<td>5,2</td>
</tr>
<tr>
<td>Average settlement period in 2016</td>
<td>29</td>
<td>28</td>
<td>34</td>
</tr>
</tbody>
</table>

Source: Atradius (2016), Bisnode (2017), own research

A completely different picture of the country-specific payment discipline of travel agencies with which Le-Hotels concluded contracts shows the share of the paid invoices within a period of 30 days after the due date, in other words between 30 days and 60 days after the date the invoice was issued. With some exaggeration, it can be deduced that the Danish and German travel agencies pay the invoice 31 days after the invoice was issued, the first day after the due date. The share of the unpaid invoices from the German and Danish travel agencies out of the total outstanding amounts in the period of 30-60 days after the invoice was issued made 3% in case of German travel agents and 1% of Danish travel agents. The highest share of unpaid invoices in this period was reported by English, Finnish (both 8% share of outstanding invoices), French and Portuguese travel agents (7%). The Czech travel agencies showed a 6% share of outstanding invoices within 60 days.

The results show that the most-risky countries across all timeframes are Greece and Portugal, which are among the countries with the worst payment morale in all three research surveys. Looking closer to the deadlines, Czech travel agencies must probably count on the fact that many companies in Turkey and Italy pay more than 60 days but less than 90 days, as shown by the Atradius survey. The research survey showed that the worst payment morale, measured by the „border-line“, non-reimbursement parameter for the services provided within 90 days, is reported for travel agents from Greece, Portugal, Turkey and Italy. The total number of the outstanding invoices within 90 days of the due date was the share of Greek travel agencies with 28% (respectively 22% which means that 22% of the outstanding invoices in the period of more than 90 were not received by Le-Hotels s.r.o. from the Greek travel agents), Portuguese travel agencies with 9% (12%), Italian travel agencies with 9% (9%) and Turkish travel agencies with 6% (12%). The very poor payment morale of some Polish travel agencies, measured by the invoice default parameter of more than 120 days after maturity, confirms the Bisnode survey.

At this point, we compare Le Hotels’ payment data with the results of the Atradius survey in relation to the sector and the size of the business. Le Hotels s.r.o operates in the service sector and ranks among SMEs. The investigation revealed that Le Hotels s.r.o. belongs among 91% of companies in Eastern Europe doing business in the service sector that experienced a late payment from a domestic business partner, respectively among 87% of companies that experienced a late payment from an indigenous partner. In terms of the size, Le Hotels s.r.o ranks among 87% of Eastern European SMEs that encountered with payment for their services after 99 days after the maturity when dealing with a foreign company or among 83% of SMEs, which received a late payment from a domestic business partner. Having compared the average data of the payment discipline of both the domestic and foreign partners of the Le-Hotels s.r.o. (travel agents) with the results of the Atradius study (B2B) it appears that the payment discipline of these partners to a large extent corresponded to the payment culture (in the service sector and B2B among B2B) in Eastern Europe and was worse than the payment morale of Western European companies.
5. Conclusions and implications

Based on the empirical survey of business partners’ payment discipline in the case study (of the chosen company Le Hotels s.r.o.), it can be concluded that the worst payment morale of the business partners is reported for travel agencies based in Greece and Portugal, as also confirmed by other research surveys. On the basis of the monitoring of the fulfilment of the financial indicators for the payment discipline, the Czech companies active (not only) in the hotel industry should keep certain vigilance when trading with Italian, Turkish and Polish companies. In order to optimize the cash flow in hotel operations, it is advisable to provide a balanced business mix, establish a local company (intermediary), and improve strategic internal processes.

Receiving payments on time is one of the most difficult and risky components of the hotel business. From the view of the risk management in the field of payment discipline, it is now strategically negative for the Czech companies engaged in the hotel industry to enter into business contracts with Greek, Portuguese, Italian, Turkish and Polish partners without the need for “hotel prepayments” for “provided services”. These “prepayments” must be settled between the hotel company and its business partner, at least one to two months before the accommodation is made so as to prevent the hotel company from becoming insolvent. To reduce the risk due to poor payment morale, it is recommended to introduce the obligation for these travel agencies to pay via virtual credit cards, when the hotel receives only the credit card number and the financial limit. The hotel company will ask in case of bad-paying business partners to withdraw the money for accommodation or conference events because they cannot get them physically at a given time. A measure in the form of establishing a local company is ideal when it comes to a group business, a group of tourists. It is mostly around 25 rooms and more. For safe “cash flow” at this moment we have to apply so called pre-payment taking place least one month before such a deal, that is, before the arrival of a tourist group. With this step, we can ensure a financial guarantee that the group will really come and the hotel will not be left empty and at the same time it has the funds before the event is held. Within the internal control process, regular monthly “credit meetings” can be recommended. These analyses focused on partners’ payment discipline are attended by representatives of the financial and commercial departments. Based on the output data from both departments, it is possible to assess the cash flow of hotel companies and to organize relationships with individual business partners. For the optimal application of the risk management it is important that a new or updated strategic analysis is conducted annually within the business entity according to the development of both the external and internal environment. Financial and payment risks need to be integrated into the formulation of strategic goals so as to identify which of them can put the strategy and its strategic goals at stake.

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Abstract. Recent migration and other security crisis have made the Middle East and North Africa (MENA) region one of the most problematic and challenging for Europe. The lack of effective decisions to solve it raises the question, whether EU has ever had any good strategy for the relations with this region. This article examines the path of “Euro-Mediterranean partnerships” and the recent developments within the EU’s external policy titled “Union for the Mediterranean”. Since 1995, when “Barcelona process” was established, the European Union has been developing economic and political relations with the Mediterranean countries in North Africa and Middle East (MENA) region. Within this period EU has introduced several initiatives focused on the same region including “Barcelona process”/ “Euro-Mediterranean Partnership”, “European neighborhood policy” and the newest one- the Union for the Mediterranean. Nevertheless, the results of the policies are far from satisfying the initial goals. Various institutional structures, which have been established for building the partnership, did not contribute much for settling the recent migration and asylum crisis in the EU either. This article analyzes the reasons and the main institutional frameworks paying attention on the goals’ set and comparing it with the achievements of the EU policies in MENA region. It is stated that EU stance is rather based on “low politics” issues leaving aside the “high politics” questions for many years. We argue that the EU’s external policies directed towards the Mediterranean region, namely the Union for Mediterranean (UfM), did not live up to its expectations and is more focused on low politics, topic-specific issues, rather than solving the major political challenges of the Mediterranean region.

Keywords: Euro-Med partnership; Union for Mediterranean; EU’s foreign policy; institutionalism; international partnership; external governance


JEL Codes: F01

1. Introduction

Since 2002, when Ian Manners introduced the notion, that Europe is a normative power, many studies have examined EU’s normative tools and impact on the third countries, the ones that are not members of the European Union. This interpretation of the EU, as being a normative power, also has clarified EU role in international affairs. However, the actual normative, institutional impact (whereas EU was able to change socio-political system) has not been frequent, and is in decline recently, even within EU’s enlargement policy (which is considered as the most effective EU’s external policy). This article is focuses on EU relations with MENA countries and searches for some normative impact EU has declared a desire to make.

In 1995 the first Euro-Mediterranean Conference started “a deeper and wider” co-operation processes between...
Europe and the Mediterranean region on a rather more formal level. The partnership also known as the Barcelona Process was the starting point for institutional structures creation and raised awareness as well as recognition of the importance of the relations for both regions and the sea which unites Europe, North Africa and the Middle East (IEMED, 2015).

Later, however, the Barcelona Process was changed into Union for Mediterranean in order to suit better for new challenges occurring in both regions and to comply more effectively with all the objectives the process has established. Thus, the initiative of French president Nicolas Sarkozy of launching Union for Mediterranean was pushed forward in 2008 in Paris, suggesting a new way for Euro-Mediterranean relations (Schlumberger, 2011).

Therefore, the model of the Euro-Med policies has been constantly changing since its first appearance in the field seeking to fulfill new needs of the partners and solve the arising issues as effective as possible. However, the multilateral framework of the cooperation with Mediterranean region did not seem to have been prepared to properly correspond for the turbulence of the Arab Spring that went from state to state like a wave (in 2011), nor it helps to tackle undergoing migration and refugee crisis. So, is it failing? What kind of aims and strategic approach has EU been adjusting towards MENA region during all these years since 1995?

The goal of this article is to investigate and compare the different stages of EU’s policies towards the MENA region and find out the impact of these Euro-Mediterranean partnerships’ by using the qualitative analysis and secondary quantitative data analysis method.

We argue that the EU’s external policies directed towards the Mediterranean region, namely the Union for Mediterranean, did not live up to its expectations and is more focused on low politics and topic-specific issues rather than solving the major political challenges of the Mediterranean region.

The new institutionalism theory, mainly historical institutionalism, was selected for the policy analysis and reasoning. “Path dependency”, one of the mostly used concepts by institutionalists, helped to structure the analysis of policy evolution and find the existing gap between the official policy declaration and the real impact of the policy results.

2. Methodology

The paper is based on the social research qualitative methodology that involves several methods. A comprehensive review of journal articles and other relevant literature was performed. One of the essential methods for the empirical analysis was the document analysis. This analysis includes all the main legal and other EU documents, as well as country progress reports, multilateral and bilateral meetings’ declarations and agreements between the European Union and the non-EU Mediterranean Countries, Barcelona Process documents and Union for the Mediterranean programmes, communications, press releases, annual and other kind of reports together with other relevant documents. The documents’ analysis was tremendously important for finding out EU’s aims, seeking, approaches and making comparisons of different stages of the EU’s policies towards MENA region. Furthermore, the progress reports or other EU policy review documents also highlighted the achievements and challenges of the relations.

In order to find out and compare the impact of the EU policies on different countries the secondary quantitative data analysis was performed by comparing mostly statistical data (e.g. Transparency International, Freedom House, Eurostat, The economist intelligence unit; Kiseľáková et al. 2018) of different time periods. The statistical data analysis involves the period since 1995 (although some statistical data is available just from 1998), when EU started the policy implementation of Barcelona process. As EU has attempted to make a normative or institutional change within socio-political systems of MENA countries, also to boom economic cooperation – several criteria are taken into account: Firstly, political criteria (the scores of political rights, civil liberties, human rights, also democracy and political participation) were taken from Freedom House international world-wide trusted organization, that is conducting worldwide annual surveys. It is important to look at the dynamics of these scores in MENA countries and link it to the EU’s policy goals (related to the transportation of norms
and values— democracy, rule of law, human rights). The scores of the corruption or transparency levels in MENA countries were taken from Transparency International, also worldwide organization making annual surveys around the globe. So, by doing this statistical analysis we search for the trends—weather MENA region positively developed, is there any positive trajectory (gradual positive development) concerning the political dimension (having political systems more democratic). This trend has become even more important after 2004, European neighborhood policy implementation, when EU started to require more political reforms in exchange for more financing (“more for more” strategy implementation). So, following the logic of this strategy it is expected that Euro-Med partners gradually improved the democratic governance, but did these partner countries gradually reform the political systems and have better governance and democracy outcomes actually? Secondly, economic criteria, such as—exports and imports—show the level of economic cooperation with EU. The analysis of this statistical data, mainly taken from Eurostat, is linked to economic goals’ implementation of these Euro-med partnerships. Has economic cooperation intensified? Did EU manage to reach a goal— to create a common free trade zone? The human development indexes also are analyzed as it reflects the development of the society and is closely tied to economic development aims. Thus, following the goals set in euro-med partnerships it is expected for the gradual positive human development and booming of economic relations with the EU, but did it happen in fact? The statistical data was collected about all the countries (EU partners) that participate in the Union for Mediterranean.

Finally, a semi-structured interview method was also used for the research, as additional qualitative method, supplementing the analysis. The invitations for the interview and the primary questioner were sent for officials and experts working in euro-med partnership field or having a high expertise in this field. As an outcome, the materials of 4 qualitative semi-structured interviews were conducted either in a personal meeting or via phone call. The interviews were made in Vilnius, March 2018 with representatives from Ministry of Foreign Affairs of the Republic of Lithuania and European Commission Representation in Lithuania. The other interviews via phone calls were conducted in March 2018 with representative of the Delegation of the European Parliament to the Parliamentary Assembly of the Union for the Mediterranean and a member of European Parliament, representing Lithuania. All the respondents of the interviews requested to grant discretion, thus their names will not be revealed. The selection of the respondents was mainly based on their expertise and work nature. The aim of the interviews was to investigate the respondents’ view on EU politics towards MENA region, its effectiveness, results and problems. The average time of the interviews was 40 minutes.

3. Institutionalism and “path dependency” within Mediterranean partnerships

One of the most visible development or relative achievement the Euro-Mediterranean partnerships have produced for inter-regional relations is the establishment of various co-chaired institutions, multi-level frameworks, secretariat, parliamentary assembly and civil society forums. These institutional settings, as it were hoped by the diplomats and politicians, should have brought some diplomatic and institutional change in the regions very close to Europe. This process of the international institutionalization within Euro-Med partnerships is also tied to the reproduction of institutions and mode of governance produced by the European integration.

3.1. Historical institutionalism and reasons for institutional change

The historical branch of the new institutionalism is believed to have emerged reacting to the behaviouralist ideas (Lecours, 2005). This perspective leaves actors with more space to decide upon policies more individually while still operating in between the institutional context and its constraints. Rather than focusing on utility maximization, historical institutionalists grant institutions the role of shaping individual policy choices in terms of constraints placed on individual actors (Tolvaïsia, 2012). Such features of the new institutionalism like path-dependency and critical junctures allow institutionalists to explain and analyze the effect of the institutions over time and occurrence of the institutional change. In explaining the institutional change, historical institutionalists focus on timing and sequences (Lecours, 2005).

The reasons for institutional change, as Mark Pollack provides, might be very different. The change is usually
influenced by the changes in the policy environment, or by the change of the actors or in their relative powers, also by improvement in the quality of information (Pollack, 1996). Therefore, conscious decisions about new structures, practices or rules shapes the institutional change. And the likeliness of an institutional change is mostly predictable when the interests of those who seek change are stronger than those who serve for the current arrangements in the institution (Gorges, 2001).

But the change (especially if we mind political change) is usually coming very slowly and according to Thomas Koelbe, the question of how we do explain the things people do, is the core in social sciences (Koelble, 1995). Theories of the new institutionalism are relevant to explain it. Recently institutions have become larger, more complex and resourceful and because their importance to collective life is now greater than ever before, it is essential to speak about institutional impact (March, Olsen, 1984).

One of the key concepts historical institutionalists use, when explaining institutional development, is “path dependency”. The idea of path dependency is related to the causal relevance of the preceding stages and in temporal sequence of the specific institution (Pierson, 2000). Or in other words, path dependency argues that when institution is established, it starts its own life and individually might direct political processes. Institutions then gain logic of their own what leads to the unplanned and unpredictable developments and consequences unforeseen by actors (Lecours, 2005). Therefore, the assumption of actors not being fully aware of the results of their choices at a particular time will eventually come out as their future behaviour and the future actions most probably will be constrains by the decisions made in the past which would be difficult to reverse (CIVITAS, 2015). Historical institutionalism is widely used to explain European integration and it’s outcome-institutionalism, that the integration process has produced, including the consequences and the gained power by the established institutions (Pierson, 1994) Naturally, it also could be helpful in explaining the international institutionalism promoted and established by the EU but outside the EU.

Despite the opinion that institutions are difficult to change due to their embeddedness, stability and path dependency, some historical institutionalists argue that institutions change when facing new problems and times of crises. Crisis allows the institutional change acting through giving the leaders the opportunity to set forward new plans and ideas and to plant them in the institutional framework. The historical institutionalists tend to divide the history into periods of normal and critical from which the latter one is given the possibility of a major institutional change (Gorges, 2001). Thus, the feature of the critical junctures allows the explanation of the institutional transformation.

Further following the logic of the idea of institutional change from the new institutionalism point of view, the slow and imperfect adaptation and rather change-resistant process could be also explained by the slow modernization of the Mediterranean region countries if to compare it with the processes in EU and Europe in general, thus, impeding the EMP and later the UfM to move forward. This was also revealed during an interview with a member of the European Parliament:

“In most of the cases the documents, signed agreements and other formalities might seem like a big step forward, however, in real life it is very doubtful whether anyone has enough political will to start engaging in deep cooperation and rising high requirement for, first of all, good governance and proper governmental institutions in the Mediterranean countries. And here we have a paradox that the closest neighbor for these countries is Europe with the European Union while they still continue to live by the traditions and perceptions of the 19th century.” (Interview with a Member of European Parliament, Lithuanian representative)

Historical institutionalism explains that the institutional change and transformation occur due to the exogenous shocks. Such international events like wars or international economic crises affect not only the domestic matters of a state but interrupt the cycle of institutional processes and reproduction leading to opening up for institutional transformation and change opportunities (Lecours, 2005). In the EMP case, the main shocks could be named as the conflicts in the Middle East during the first decade of the 21st century (disturbances and upheavals in countries like Palestine, Israel, Iran, Iraq, Syria, Lebanon (Al Jazeera, 2008), the rising concerns of the terrorism threats, especially after the 9/11 attacks or the global financial crises started in 2007 (Ross,
All these events had an impact on the functioning of the Barcelona Process and as it was stated by the EU, the Middle East conflicts and insufficient or even none economic growth required changes in the policies (COM 2008, 319).

3.2 Comparing Euro-Med partnerships in the context of “path dependency”

The “path” of the Euro-Med partnership, as an international institution to be established, started in 1995 and there were several causes behind this beginning. According to some analyst international factors such as the world economic crisis in 1970s that started the globalization process also had an influence. The Barcelona Process was supposed to affect the asymmetry in economic power and pursue the European hegemony in Mediterranean in order to strengthen the position of EU in the global economic competition (COM 2008, 319).

Researchers also state that EU was seeking to create a pacific, stabilized and prosperous Mediterranean region by building a dynamic economy of liberal trade, increasing interdependence and globalization process fostering (Abis, Petiot, Semerari, 2015). The reshaping of the Mediterranean policies was also seen as EU’s intention to balance the Eastern initiatives with the policies to the South as some of the Central and East European countries, from the point of view of Southern EU countries like France, Italy or Spain, was getting an exclusive attention at the expense of the South (Attina, 2004). Hence, the Mediterranean countries were expecting for more trade and aid from the EU to improve the situation in the region (Attina, 2004).

The co-operation between the EU and Mediterranean is expressed to be of a strategic importance and the general objective of the Barcelona Declaration is about making the Mediterranean into area of dialogue which could guarantee peace, stability and prosperity of the region based on a stronger democracy, deeper respect for human rights as well as sustainable economic and social development and a greater understanding between the partner countries cultures (Barcelona Declaration, 1995).

As Table 1 provides, the “path” of the EU relations with the Mediterranean could be divided into three periods. The first period - Barcelona process- started the formal cooperation on the multilateral level. However, meetings on foreign affairs ministers’ level were not frequent and annual. It shows the low level of interactions and engagements as well as commitments to strengthen regional cooperation. The second period started in 2004, when European neighborhood policy (ENP) was initiated and the first Action plans were signed by the EU and individual partners. In comparison with the first period, ENP is focused on bilateral (EU - partner) relations with a seeking to promote political and socio-economic reforms in the partner country according to the ambitions and the level of approximation with EU law the specific partner wants. Finally, the third period gave the momentum with the establishment of the Union for Mediterranean and it is associated with the ambition and leadership of N. Sarkozy, French president at the time. This new, more institutionalized and co-ownership based, Union for the Mediterranean did not distance its objectives and goals far from the Barcelona Process and are based on the ones set in 1995. The difference though is that UfM started to focus on a more specific issues and spheres, directed towards a particular problem and obstacle in the region. Thus, it was decided upon six concrete action fields that will be in the focus of the practices of the UfM and should provide a basis for the sustainable development of all the Mediterranean region.
**Table 1. EU initiatives towards MENA region**

<table>
<thead>
<tr>
<th>EU initiative</th>
<th>Barcelona process</th>
<th>European neighborhood policy</th>
<th>Union for the Mediterranean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year of establishment</td>
<td>1995</td>
<td>2004</td>
<td>2008</td>
</tr>
<tr>
<td>Mode of relationship</td>
<td>Multilateral, multilevel, regionalism</td>
<td>Bilateral, multi-level, EU-partner based relationship</td>
<td>Multilateral, multi-level, regionalism</td>
</tr>
<tr>
<td>Participating countries</td>
<td>EU members, Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Syria</td>
<td>EU members, Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Syria (not signed ENP action plan), Tunisia, Palestinian Authority, Libya (not signed ENP action plan), Eastern neighborhood countries</td>
<td>EU members, Algeria, Albania, Egypt, Israel, Jordan, Lebanon, Morocco, Syria, Tunisia, Palestinian Authority, Montenegro, Turkey</td>
</tr>
<tr>
<td>The main functioning institutions</td>
<td>Meetings of foreign affairs ministers, Euro-Med committee, working groups, parliamentary assembly, civil society forum</td>
<td>Association agreements, ENP action plans</td>
<td>Secretariat, co-presidency, Summit, foreign affairs ministers’ meetings, sectoral ministers’ meetings, permanent joint committees, senior officials meetings, Parliamentary Assembly, regional and local assembly, civil society forum.</td>
</tr>
<tr>
<td>Seekings / main areas of cooperation</td>
<td>Three dimensions: political (peace, stability, human rights; economic (free trade area), cultural cooperation</td>
<td>Social, political and economic reforms in partner countries, approximation with EU law and standards</td>
<td>Projects oriented partnerships (40), 6 main fields of cooperation (23 footnote)</td>
</tr>
</tbody>
</table>

*Source: Created by the authors based on the documents’ analysis*

However, up to now, both initiatives- ENP and Union for the Mediterranean- coexist and are functioning. It is evident some overlapping of the goals and ideas but very specific, projects - oriented cooperation, is visible either. Prioritized areas had more than 40 projects being implemented in the spheres like business, employability, public services, education and research, social and civil affairs, energy and environmental matters.

The non-political sector-specified goals and initiatives after all raised some concerns and discussions of the Euro-Mediterranean relations experiencing a shift from high to low politics. There are some divided opinions whether the shift is visible. A representative of the Delegation of the EC for the UfM does not agree that the change between high and low politics is so visible, but he admits that the new organization at some point lost its essence: “<…> now most of discussions have lifted the UfM. <…> I think, the whole process has lost its momentum” (Interview with a representative of the Delegation of the European Commission for the UfM).

Another opinion supporting the argument that the shift is visible was expressed in another interview with a representative of the Lithuanian MFA: “If we look at the very beginning of the Barcelona Process, it was highly ambitious and now, looking at the UfM, it does not seem to extend as high as before. <…> and the change from high to low politics is visible here” (Interview with a representative of the Ministry of Foreign Affairs of Republic of Lithuania).

As regarding probably most of the EU polices, the division of opinions is a usual case, however, it is evident that on a declarative level the UfM is still a continuation of the Barcelona Process in the means of the goals and objectives, but the third period of the “Euro-Med partnership” path emphasized the prioritization of area and projects - oriented cooperation based more on sectoral policies than “high politics”. The current situation appears to be a paradox between the expectations hoped at the beginning and the actual interest and institutional impact existing today.
4. Policies’ impact on the political and economic developments of the MENA countries

This part seeks to evaluate the Euro-Med partnerships’ role in the region and to find out the existing conditions in the one of the most contested and problematic regions in the EU neighborhood. Therefore, the secondary quantitative data analysis was performed focusing on political and economic criteria. Thus, following the logic, values, goals and the whole Euro-Mediterranean relations development a kind of comparison between different times and periods have to be conducted, starting from the very beginning in 1995 and ending with the latest available data from around 2017 (however, the analysis strongly relies on the data available as some of the measures and criteria used do not date back as far as 1995). The political criteria and scores reflect the political dimension of Euro-Med partnership and is linked to the facilitation of socio-political reforms in MENA countries for seeking more democratic and better governance of their political systems that should guarantee the stability in the region.

However, an important point in time (2011-2012) of the Arab Spring (when civil revolutions in MENA countries insisted for political change) should be emphasized as important focal point as changes occurring in the region were of a great importance and these changes is more tied to internal politics than the impact of EU politics.

4.1 Searching for political change

As one of the most important and desired objectives that was raised in the Barcelona Declaration and later even more expressed in the European neighborhood policy was stability and prosperity of the region built on good governance, human and political rights, democracy, the data of the Freedom House was chosen, namely the ratings of the civil liberties, political rights and the overall freedom rating. The data was collected in the period from 1998/9 up to 2017 every two years, except for the event of the Arab Spring which was about changing and reforming these fields. Therefore, the data of the year 2011 and 2012 were of a great importance.

The feature of the civil liberties rating takes into account such categories like freedom of expression and belief, associational and organizational rights, rule of law and personal and individual rights and the tendencies in the Mediterranean region regarding these criteria (Figure 1) do not set a positive background as in most of the countries the level of civil freedom is closer to the least free, for example, Algeria, Egypt, Jordan, Mauritania. The changes in Libya and Syria are rather upsetting due to the internal conflicts they were or still are experiencing. Even though some states like Israel or Montenegro seem to be on the right level of civil liberties or even regarding the evident positive changes in Lebanon, Morocco or Tunisia, the region still remains as one with the least civil liberties.

![Figure 1](image-url)
The data evaluating the situation of the political rights considers the electoral process, political pluralism and participation and functioning of the government which were also one of the goals of the desired reforms leading to stability and prosperity of the neighborhood. However, as it is evident from Figure 2, the situation in this field has not lived up to the expectations as only in a few of the countries, Lebanon and Tunisia in particular, a positive change occurred since the establishment of the Barcelona Process. In most of the rest of the countries the positive improvements that were occurring were set back to previous or even worse level of the political rights. Thus, regarding the tendencies in the Mediterranean region, it can be stated that the objectives of the Euro-Mediterranean relations frameworks not only were not reached but rather alienated even furthered from the starting point.

![Figure 2. Political Rights from year 1998 to 2017 (1 - most free, 7 - least free), made by authors based on the Freedom House data](image)

The general overview of the Mediterranean region countries from the point of freedom level (Figure 3) is still rather negative as only a few of the states actually managed to improve and steadily maintain that positive change up till these days, in particular Albania, Lebanon and Tunisia. However, the general tendency is still negative as most of the region did not improve and remain under the average level of least free rating, meaning that the political goals were not properly fulfilled.

![Figure 3. Freedom Rating from 1998 to 2017 (1 - most free, 7 - least free), made by authors based on the Freedom House data](image)

If looking again to the values and goals of the Euro-Mediterranean relations frameworks, one of the fundamental key factors was the democratic way of life which the Mediterranean region was lacking at the very beginning. To evaluate the development of the democracy establishment in the region, the Democracy Index of the Economist Intelligence Unit were taken into account. Data was collected from 2006 to 2016 every two years in order to have a closer look at the situation in the region. There seem to be a general positive change (Figure 4) in the most recent times, however, too slow and hardly evident, thus, cannot be taken as completely positive in reaching
set goals. Despite this, numerous countries seem to be experiencing a constant deterioration regarding the
democracy level in the state, such as Egypt, Lebanon, Palestine or Syria. The only stable and rather democratic
country of the region was Israel throughout all the period of collected data.

Figure 4. The Economist Intelligence Unit’s Democracy Index, made by the authors

Thus, regarding the analysis based on the data from the Freedom House and The Economist Intelligence Unit,
it could be summed up that the Mediterranean Partner Countries are in top of the least free and least democratic
countries in the world, leaving both, the Barcelona Process and the UfM frameworks in rather not a meaningful
role for over 23 years, regarding the political dimension and its objectives. Therefore, neither EU normative
goals were achieved nor created institutions had any visible impact.

Another desired goal of the Euro-Mediterranean relations was to make the Mediterranean region more
transparent, helping to eradicate huge corruption levels, thus, the data of Transparency International is of a
fundamental importance to the current analysis. The data collected from this source was taken in the period
of 1998-2017 (approx. every two years), however, it had to be separated in two parts as some measurement
methodology of the Corruption Perception Index changed after 2011. Regarding the results of the Corruption
Index, the Mediterranean region seems to be one of the least transparent from around the globe despite the
Arab Spring that contained a lot of hope for positive changes (Hattar, 2017). The situation before 2011 was
not developing positively as well since in most of the countries a rather deteriorating situation is evident with
exceptions of Albania, Morocco and Turkey, although the changes are rather modest.
As it was discussed already, the Arab Spring did not bring as much changes as it was expected, especially regarding the corruption levels. As it is visible from the Corruption Perception Index (Figure 5, Figure 6), only one country, namely Israel, is positioned above the middle line of transparency and the remaining countries of the region do not show any significant changes in this field. Some improvements can be seen only in the case of Montenegro and very minor ones in the cases of Albania, Morocco and Tunisia, but the Balkan countries (Montenegro, Albania) even if involved into Union for Mediterranean have EU membership perspective and their positive trend is impacted more by accession and Europeanisation strategies, than Euro-Med partnerships.

Thus, regarding what was discussed above, it is evident that almost all MENA countries did not reach 50% of transparency, which means that they cannot cope with the corruption levels in their countries. Also, the figures show that some institutional change occurred for some years after Arab spring (Algeria, Egypt), but the process of institutional change stopped or even got negative trend recently.
4.2 Economic and human development

To create the free trade area between EU and MENA regions has been one of the key objectives already set within the Barcelona Process and later the same idea has been part of the Union for Mediterranean. Thus, it is necessary to analyze the developments in trade cooperation. The importance of this field can be seen also in the number and frequency of the Trade ministerial meetings throughout the years (annual meetings between 2001-2010). As trade in goods is said to be of an overwhelming importance (Passerini, Biedma, 2002), the analysis of trade in this part will be focused on these criteria, however, it is important to note that the analysis conducted below is to show a rather general situation in the field of trade between the regions.

At the very beginning of the Barcelona Process, the amount of trade in goods between the EU and the Mediterranean Partner Countries (Figure 7, Figure 8) was rising and after the 1995 a higher growth rate is visible what could be explained by the establishment of the Barcelona Process and engagement in its activities.

![EU trade in goods and current account balance with MPC* (ECU/EUR bn)](chart)

**Figure 7.** EU trade in goods with the MPC.

*Source: Passerini, Biedma, 2002*

However, there seem to be no significant growth in trade of goods except of some extreme changes in some countries like Libya or Syria of which deteriorated results could be explained not because of the failed or successful activities of UfM but rather because of the internal crisis that were already discussed. Turkish case is different because in comparison to other Mediterranean countries it has privileged relations with the EU, functioning Customs Union and membership perspective (even though for now it seems a frozen case).

If looking to the data from 2008, when the UfM framework came to force, a general view would be that no significant growth was reached. These rather negative results could be seen as both, the reasons and the outcomes of why the objective of the Euro-Mediterranean Free trade area was not reached by 2010 as expected.
As the Free Trade Area appeared to be hardly achievable, even more attention was given to strengthening the South to South cooperation, as, according to the latest study of the Secretariat, only 1% of the trade flows in the region are between the Southern neighbors (UfM Roadmap for Action, 2017). The southern Mediterranean partners are still lacking regional cooperation in MENA region and the Euro-Med partnerships from the very beginning has seek to push for the multilateral cooperation. But even now after more than 20 years of multilateralism promotion towards this region it could be stated that the international institutionalism did not root in the region.

4.3 Human development

If going closer to a personal lifestyle and conditions of Mediterranean people to which a lot of attention was also given in setting the goals of the Euro-Mediterranean cooperation as it was supposed to encounter the everyday problems of every citizens what was seen as the root causes of regional instability and impediment for prosperity. Various data analysis and criteria exist to study these particular problems (e.g Radwan, 2018) but for the current study the Human Development Index which takes into consideration such dimensions like longevity and health of life, education and a descent standard of living was chosen (Human Development Report, 2015). Data was collected in the period of time between 1990 and 2015 as the annual data was not available.
Figure 9. Human Development Index (1990-2015) (0 - very low development, 1 - very high development),
made by the authors based on the UN data (Human Development Data (1995-2015))

The tendencies of human development in the Mediterranean are not as negative as it was observed analyzing other, rather political criteria. As it is evident from Figure 9, in all of the countries the situation of human development improved, however, with the exception of Syria as the country is living under the civil war conditions. Another important thing to note is that, regarding the Human Development index, most of the Mediterranean Partner countries, apart from Mauritania, remained above the average level and most of the countries position under the high human development category.

Based on the most recent UfM Road Map, adopted in the end of 2017, the activities of this framework have already reached first tangible impacts on the ground, if to be precise, 200 000 individuals are said to have received the benefits of the 26 labelled projects in the fields of human development, youth employability and women empowerment. Another 21 projects were dedicated for sustainable development and all the projects in total were labelled to be worth more than 5 billion Euros (UfM Roadmap for Action, 2017).

Focusing on the tendencies of youth unemployment in the Mediterranean region (Figure 10) a general improvement can be visible between year 2005 and 2010, however, not highly significant, contrary to the change evident from 2011. A deteriorating situation in the countries did not reach the level of youth unemployment as, for example in the year 2000, nonetheless, the growing percentage of unemployed young people suggests that the initiatives of the UfM in this regard were not as successful as it was expected. On the other hand, it should be noted that the most important projects directed towards youth employment were labeled only after year 2013 (Med4Jobs, 2016), from which a minor improvement could be seen, although this growth cannot be granted as a successful implementation of the UfM initiatives yet.
Another key feature for the UfM and the Euro-Mediterranean relations in general, is the initiatives directed towards women empowerment and gender equality in the region. It was stated that all of the UfM member countries are strongly committed to this field, however, also noted that a considerable gap remains between the legislative efforts and actual implementation (4th UfM Ministerial Conference, Progress report, 2016).

To analyze this case, the Global Gender Gap Index by World Economic Forum, was chosen as it focuses on gender gaps in such areas like economic, education, health and political criteria. This particular index considers such variables as female labour force ratio, literacy ratio, life expectancy value or number of females at the ministerial level or in parliament and other (The Global Gender Gap Report 2017).
As it is apparent from the result of the Global Gender Gap Index (Figure 11), no general tendency conclusion could be assumed as the development is very distinct in every country. This again only proves the statement of one of the interview respondents from the European Commission Representation in Lithuania that every Mediterranean country is developing by its own scenario. However, some improvements are still evident, as, for example, Albania, Algeria, Egypt, Israel or Turkey. And if to look at the point where most of these countries started improving, it would be around 2012, it could be tied to the Arab spring consequences.

Apart from the human development, the EU politics, Euro-Med initiatives have put much of efforts towards the Mediterranean environmental issues, seeking for a higher level of sustainability, environmental protection, pollution prevention and better water resource management. The UfM initiatives directed to improving these sectors were underlined as of a great importance also during some interviews: “Another thing why the UfM is of a great importance is its projects which are beneficial for everyone <…>. The cooperation and efforts put in such fields like <…> environment <…> are mutual as they more or less equally affect both the EU and the southern Mediterranean countries. The question whether it is financially beneficial is not correct as not always we can measure the gains. For example, the environment protection, I believe, is not measurable, however, everybody understands that it is beneficial for all of us” (Interview with a representative of the Ministry of Foreign Affairs of Republic of Lithuania).

Having in mind that the environmental protection is sometimes hardly measurable but at the same time the more efforts given are always understood as a positive change, the amount of climate funding for the Mediterranean region could be considered since, according to OECD, tracking the climate finance is one of the essential elements in monitoring the progress of efforts addressed to climate change (OECD, Tracking Private Climate Finance, 2014).

The Mediterranean region receives rather impressive funding for the climate change agenda. Climate finance study shows that the UfM initiatives accounts approximately 11% of worldwide funding (Climate Finance Study, 2016) for climate change, thus, holding a big share of responsibility in this area. The environmental and climate issues are a bigger threat to more of the areas that just environment as, according to the representative of the European Commission Representation in Lithuania, another big wave of migrants from the Southern region could occur precisely due to the climate change that cause poorer and poorer harvest every year and leading to more humanitarian issues or border security challenges. Therefore, any kind of efforts in this area could be evaluated rather as positive.

**Conclusions and discussion**

The secondary quantitative data analysis conducted above clearly shows that despite some minor improvements in the main areas of initiatives, all frameworks of the Euro-Mediterranean relations are far from reaching the initially set goals (especially concerning the political goals). As the UfM was an upgrade for the old Barcelona Process, it was supposed to better encounter the challenges of the partnership. Unfortunately, as it is evident in the analysis of this research, the Union for the Mediterranean does not live up to the expectations of 2008 and the areas denominated as priority do not show any significant result. There are some positive trends in very specific sectoral areas (concerning human development, women inclusion, or climate agenda) or as an outcome of projects implemented but no major institutional change (in socio-political systems) was noted.

Some respondents highlighted that existing cooperation in the context of the complex regional problems is a positive achievement per se. However, from the point of historical institutionalism one might ask why such a long “path” (over two decades) of Euro-Med partnership did not produce the desired institutional impact? The EU has applied bilateral and multilateral frameworks, multi - level cooperation including parliamentary and civil society dimensions, committees and regional forums- whole structure of institutions quite similar to the one, established within EU but this try of institutional reproduction did not root in the Mediterranean. So, the question remains what are the other ways, if any, to make institutional impact in the countries, whereas Europeanisation is not a primary desire.
References


The Economist Intelligence Unit’s Democracy Index results 2006-2017, scale 0-1 authoritarian regimes, 4-6 hybrid regimes, 6-8 flawed democracy, 8-10 full democracy, https://infographics.economist.com/2018/DemocracyIndex/


Interview with the representative of Lithuanian Ministry for foreign affairs (2018)

Interview with the representative of the European Commission (2018)

Interview with the representative of the European Parliament delegation for the Parliamentary Assembly of the Union for Mediterranean (2018)

Interview with a member of European Parliament (2018)

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TRENDS IN ECONOMIC AND SOCIAL SECURITY AT NATIONAL AND EUROPEAN LEVEL: 
INTERRELATIONSHIPS, THREATS AND OPPORTUNITIES

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Abstract. The essence of economic and social security as a national and supranational category has been substantiated. The influence 
of political, economic and social factors on the condition of national and European security has been investigated. Priorities of the 
economic component of security have been defined: energy security, foreign trade and innovation-investment security, social security.
The dialectical interrelationships of economic and social security have been established. The trends in economic and social security have
been defined.

It is shown that social problems in the state are derived from the condition of its economic and political security. The main threats and
opportunities of economic and social security at national and European level have been considered.

Keywords: European level, national, security, social and economic, trends, development.

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JEL Classifications: F15, F52, O11

1. Introduction

In scientific literature much has been written about such category as “security”, its economic and social part
and at other different levels (Stańczyk 2011; Teivāns-Treinovskis, Jefimovs 2012; Makštutis et al. 2012;
Lankauskienė, Tvaronavičienė 2012; Kriviņš 2015; Ņesterova et al. 2015; Tumalavičius 2016; Tumalavicius
2017; Trofimovs, Ivančiks 2017; Menshikov et al. 2017; Načisčionis et al. 2018; Zahars, Stivrenieks 2018
and etc.). It’s clear the national social and economic security influences international relations and business,
international security and sustainability, foreign trade and investments, international migration and European
stability significantly. It’s worth to stress some trends in the social and economic security at national and
European level. The aim of this article is to investigate the interrelations, threats and opportunities of trends
in economic and social security. Actually there are a lot of them, especially when talking about national and
European level of security and its development nowadays and in future. This article aims to identify the main
threats and opportunities of economic and social security at national and European level.

The methodology of the article is generalization of the basis conditions of the theories of national security and
security at the European market. The system analysis of the socio-economic security was performed, making
it possible to identify the reasons of danger and threats at the beginning of their development and by the place
where they arise, which is an important element of the mechanism of the state regulation.

The scientific novelty of the theoretical research lies in the substantiation of the interaction of the national and European levels of socio-economic security. The practical value of the findings of the article is related to the recommendations regarding the possibilities of modern tendencies of socio-economic security at the national and European levels.

1.1. Literature review

In the last century, different aspects of this problematic have been studied by many scholars all over the world. The influence of integration processes on European security in general is the main topic of works of such scholars G. Marks and M. R. Steenbergen (2004).

Security is one of the qualitative features of the society, the multi-faceted content of which is getting dynamically more complicated and depends on many factors that are changing in space and in time (Abramov, Moshinskij 2011; Čábelková et al. 2015; Radwan 2018; Volchik et al. 2018; Tireuov et al. 2018; Todorov et al. 2018; Kuril 2018; Limba, Šidlauskas 2018; Brožyna et al. 2018; Tvaronavičienė 2018, Fakhry et al. 2018).

Today, the scientists and specialists that study the problems of economic security of the national economy are not unanimous when it comes to determining the essence of the basic concepts and principles of its regulation. Kozlovskiyi et al. (2017) revealed the relationship between the economic stability of the national economy and economic security and investment, as well as made the corresponding forecasts based on the innovative approach, which is grounded on the economic-mathematical model of the organizational structure of management. The monograph of Dyson (2008) highlights the problems of europezation of the German political system, arguing that the political leaders have played the key role in launching the processes of the creation of the EU, and the Defense ministers used the “atlantization” and “europezation” in the interests of their national political tasks.

The category “social and economic security” is more completed. Some authors defined that social and economic security provides not only a country’s sustainable economic development, but also its sense of population protection of vitally important interests of a society, country, and citizens, as well as national values and the way of living from external and internal threats (Smirnov et al., 2018; Komarova et al., 2018).

Economic security of the state should be considered as an institutional system of representing the conditions of the stable, resistant economic dynamics. In addition to institutional inertia, the property of the national economy is cumulativeness, which is determined by the capability to accumulate and concentrate hazards and threats, influencing one and the same “weak point” of the system (Šteblianko, Doroshkevych 2017).

Hacker (2006) notes that under modern conditions, two greats foundations of economic security – a family and a working place – guarantee much less financial stability than they used to. Given the above, it is necessary to activate the action of the mechanisms of protection of medical aid, income security and pensions of the population. Bates (2017) reveals the causative relations between the powerful tension, prosperity and security. He argues that creation of the central hierarchy of the state is necessary in order to implement the tasks of the development, however, the way of using its power is also essential. The book of Kassab H. (2015) seeks to explain why weak states exist within the international system. Using the cases of Armenia, St. Kitts and Nevis, Lebanon, and Cambodia, the author argues that, if a state is weak and vulnerable, then it can practice an unexpected degree of relative autonomy unfettered by great powers.

There are different works about the issue of European energy security, because it is extremely relevant. It can be mentioned such researchers as Tvaronavičienė et.al. (2017), Prontera (2017) who study energy security, energy efficiency, and its relationship with economic development and stability in the country at European level.

Despite significant achievements of mentioned above authors, the issue of a comprehensive assessment of the
economic and social impact of the national security policy on the European security remains open. One of the purposes of this article is to design the understanding of this problematic issue.

For deeper understanding, we should remind, that globalization and world’s transformation into a single interrelated mechanism lead to the fact that the disintegration processes can be harmful not only to their neighbors and region but to the whole world. Thus, we would like to assess the economic and social security state at national and European level.

2. Political, economic and social factors of national and European security

Different political, social and economic factors influence national and European security. Priorities of the economic component of security are: energy security, foreign trade and innovation-investment security, social security.

The EU is an international system of the integrated type in the area of politics and economy and implies preservation of the state sovereignty of its member countries, but it has highly developed mechanisms of supranational regulation. They ensure vitality, reliability, effectiveness of internal and external processes, especially in the area of security and defense. The European Union, created as purely economic community, is built on the principles and values of the western civilization, is increasingly molded as a consolidated community with the features of the state organization with all appropriate attributes: common super-state structures, own currency, coordinated foreign policy, etc. Common foreign and security policy (CFSP, 2009) is one of the two inter-government “pillars” of the EU, which set the goal to form a unified defense system.

According to the European statistics (Gas in Focus, 2017) Russia and Norway are the major natural gas supplier in the EU-28, moreover the share of Russia has increased in 2017 comparing to 2013 from 27 % to 44%. In 2014 it was 27 %, in 2015 it became 29,4 % and in 2017 – 44 % (Figure 1).

![Fig. 1. Imports of natural gas in the EU-28, 2017](Source: Gas in Focus, 2017)

From energy transit, to technology transfer, to investment protection, energy and trade present interplays across various fields. Improvements can be made to the EU trading system to ensure greater energy security and more efficient energy markets (Leal-Arcas, Rios, Grasso, 2015). The international community could create single energy markets at the regional level in different regions of the world (e.g. the internal energy market in the EU) and then connect the various regions (inter-regional connection of energy agreements). This entails the
interconnection of grids and transit rules, which would provide energy security globally. Here is where the notion of energy TPNs (transnational policy networks) can play a major role moving forward, both for the EU’s own energy networks and more generally energy networks around the globe.

3. Interrelationships of economic and social security at national and European level

According to Eurostat China, The USA, Switzerland and Russia are the major trade partners of the EU (Eurostat 2017) (Table 1).

Table 1. The EU-28 Trade in Goods by partners in 2016

<table>
<thead>
<tr>
<th>Top 10 partners in import</th>
<th>Share of import, %</th>
<th>Top 10 partners in export</th>
<th>Share of export, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. China</td>
<td>20.2</td>
<td>1. USA</td>
<td>20.7</td>
</tr>
<tr>
<td>2. USA</td>
<td>14.5</td>
<td>2. China</td>
<td>9.7</td>
</tr>
<tr>
<td>3. Switzerland</td>
<td>7.1</td>
<td>3. Switzerland</td>
<td>8.2</td>
</tr>
<tr>
<td>4. Russia</td>
<td>7.0</td>
<td>4. Turkey</td>
<td>4.5</td>
</tr>
<tr>
<td>5. Turkey</td>
<td>3.9</td>
<td>5. Russia</td>
<td>4.1</td>
</tr>
<tr>
<td>7. Norway</td>
<td>3.7</td>
<td>7. Norway</td>
<td>2.8</td>
</tr>
<tr>
<td>8. South Korea</td>
<td>2.4</td>
<td>8. United Arab Emirates</td>
<td>2.6</td>
</tr>
<tr>
<td>9. India</td>
<td>2.3</td>
<td>9. South Korea</td>
<td>2.6</td>
</tr>
<tr>
<td>10. Vietnam</td>
<td>1.9</td>
<td>10. India</td>
<td>2.2</td>
</tr>
</tbody>
</table>

Source: Eurostat, 2017

It should be mentioned that EU is the main foreign trade partner for Ukraine. Nowadays more than 31 % of Ukrainian trade is with the EU while 27 % with Russia, 8 % with China and 3 % with the USA. So it is a perspective way for Ukraine to cooperate with EU in foreign activity.

European choice has influenced on Ukrainian business. Figure 2 represents the decrease of Ukrainian GDP (Gross Domestic Product) level, foreign direct investments (FDI) level and population real income level in 2014 and 2015. As suggest scientist (Collier 2007), in countries with economic decline is growing level of national security.

![Graph of Ukraine's economic indicators](image_url)

**Fig. 2.** Dynamics of Ukrainian economic indicators in 2011-2016 (per cent over the previous year, at the 2010 constant prices)

Source: State Statistics Service of Ukraine, 2016, 2017
Since 2014 changing of political course of Ukraine has caused reduction of economic indicators. It’s not surprising, that Ukraine in 2014 and 2015 was not attractive for foreign investors and business partners, because of unstable situation, the threat of losing investments (Steblianko, Doroshkevych, 2017). Only in 2016 there were positive trends, when GDP, FDI and population income growth rate were 2.3 %, 6.2 % and 0.3 %. The highest GDP and FDI growth rate in the last 6 years was in 2011 – 5.5 % and 11.8 %. Also figure 2 represents, that the FDI recovered in 2016 more than other indicator and had 6.2 % growth. The main reason of such situation is Ukrainian government attempt to pursue democratic security politics to restore investor confidence and to enhance the international image of Ukraine. The worst economic indicators over the last 2 years were the population real disposable income level. In 2015 Ukrainians real income decreased by 22.2 %. This reduction caused poverty increasing, social tension and other economic problems in the country. In 2016 income level increased only 0.3 %.

Besides the economic consequences of the change of political course of Ukraine, there are also some important social consequences. Instability has negative influence on the level of national security (Menshikov et al. 2017). And it is natural that an effective social sphere cannot exist without a strong economic base (Simakhova 2016).

Today, the economy of Ukraine is in crisis due to reorientation from markets of the Commonwealth of Independent States to European markets. Major social challenges become: problem of employment, increase of wages, pensions and other social payments in conditions of depreciation of the national currency and high rates of inflation, achievement of European living standards of the population (Stukalo, Simakhova 2018).

Threats in national economic security led to migration of Ukrainian citizens to European countries. As for specific countries of migration, the Ukrainians in 2014–2016 have chosen Portugal, Czech Republic, Poland, Malta, Liechtenstein, Spain. Thus, the Ukrainians have applied asylum mainly in the South and Eastern European countries. The main reason of this fact, in our opinion, is the similar social and economic model of these countries with Ukrainian model. These countries, mainly also have transition social economy model (Stukalo, Simakhova 2018), like Ukraine has.

In general in EU there is critical situation with migrants. Since last several years their number has been increased. According to European statistics, in 2015, the EU countries with the largest number of migrants were Germany (1,46 mln.), the UK (0,548 mln.), Spain (0,29 mln.) and Italy (0,25 mln.) (Hawkins, 2017, p. 19). The number of people acquiring the citizenship of an EU Member State in 2015 was 841,2 thousand, among them 292,54 thousand migrants from 5 countries – Syria, Eritrea, Iraq, Afghanistan, Iran (Eurostat, 2017). So, all these countries are in crisis.

The material base for socio-economic safety is national wealth, which is accumulated by withdrawing a part of socially useful benefits in the form of taxes. That is why ensuring their coming in due quantity is the economic base of the existence of the state and the development of the country. The rules and regulations of the tax system determine the institutional reference points for the development of institutions in the area of economic safety. (Ball 2014).

Member countries of the EU in the process of the European economic integration faced the problem of the negative influence on economic safety, which causes complexity and specificity of tax systems of each country. On the one hand, unequal taxing creates the barriers for doing business on the inter-state scale, on the other hand, it leads to tax competition, and, therefore, creation of more beneficial taxation conditions, that grant greater security guarantees to the states – innovators. The member countries of the EU took decisive measures to make tax regulations closer and thus protected their economies from the deficits of fiscal revenues from the loss of capital, however, the tax legislation of these countries has not become fully unified yet. The efforts of the governments of the member countries of the EU have gradually led not only to the creation of the conditions of tax competition, but also have partially protected them from the influence of criminal schemes of shadow circulation, specifically in AVT, and have allowed decreasing smuggle delivery of excisable goods.
The generalized scheme of interrelationships of economic and social security at national and European level has been represented at Figure 3.

Fig. 3. Scheme of interrelationship of economic and social security at national and European level

Source: author’s own work

4. Main threats and opportunities of economic and social security at national and European level

The main threats of economic and social security at national and European level are:
- energy dependence;
- business and trade dimensions;
- social challenges that have a number of different problematic aspects (migrants, unemployment, social instability).

International organizations or other global actors to interfere can contribute to the enhancement of the level of national economic security. Effective social and economic efforts should direct to provide conditions for increasing of international trade, foreign direct investments in national economy and also investments into human capital (Boda et al. 2013).

The strategic factors that directly influence the state of the economic safety of a state include the technological re-equipment of the national economy, saturation of it with highly productive systems of technologies and innovations, as well as with new materials that implement innovative achievements of science and technology (Kudrjavcev, Kudrjavceva 2015).

The opportunities of economic and social security at national level are providing the social economy stands that will have a positive effect on the social and economic development and growth of the country (Figure 4). It’s noticeable, that a characteristic feature of the social economy is that the social and economic relations system is determined by the variety of existing forms of ownership, freedom of economic activity, competition, but at the same time it is limited by strong state social policy. This politics is based on the principle of ensuring a high standard of living; guarantees of social protection, high level of national economy development. Except the social economy development, the opportunities of social and economic security at national level are: new energy strategy and policy, intellectual elites and middle class collaboration and non-political tools (students, culture and environment).

Of course, all mentioned above will positively affect the social and economic development of country.
**Fig. 4.** Scheme of main threats and opportunities of economic and social security at national and European level

*Source: author’s own*

**Conclusions**

Ukrainian geopolitical choice is European integration that shows solidarity with European values and principles. Ukraine confirms its willingness to move towards European integration and to become a part of European Union.

This research shows the interrelationships of economic and social security at national and European level. So, Ukrainian crisis brings not only economic problems, but also a lot of social challenges, as people’s death, international emigration, crimes growth, unemployment growth, negative impact on civil society and social development of Ukraine.

Nowadays we need to develop integrated constructive and pragmatic approach to ensure safety in Ukraine and Europe.

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GLOBALISATION AND HEALTH SECURITY: A CASE STUDY OF DISTANT INDIVIDUALS’ RISK PERCEPTIONS OF THE 2014 EBOLA OUTBREAK

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Abstract. The wider awareness and recognition of human security threats has developed over the last several decades. Spurred on by globalization, greater human mobility, global media, economic interconnectedness and technological advancements, the securitization of non-military security threats have deepened and widened security discourses. The perceived risk posed by truly global threats have resulted in new international regimes and cooperation, national governments have reevaluated their national security strategies, and grassroots movements have revealed and mobileized individuals around the world to action. Global health security threats, and in particular, pandemic diseases, are one just one of many threats currently facing the global community that has the potential to invoke fear and feelings of insecurity and panic, particularly when securitized through twenty four hour news networks and social media. The purpose of this study is to explore the securitization process of a health security threat, the 2014 Ebola outbreak, and risk perceptions of individuals living in a global city geographically distant from the outbreak. This study reports the findings from interviews with eleven individuals based in the United Arab Emirates to explore their individual risk perceptions of the outbreak of the Ebola virus, and to understand how information about the outbreak was obtained, processed and consequently construed by these individuals. The findings suggested that with the increasing securitization of diseases, individual risk perceptions of the 2014 Ebola outbreak were a reflection of a variety of discourses concerning the security issue at the national and global levels. Therefore, in light of the increasing emergence and re-emergence of pandemic diseases and transborder global threats, it is important to consider individual perceptions of the threats and the influence of government, media (traditional and social media), and individual experiences in a global and interconnected world.

Keywords: Health Security; Globalisation; Securitization; Risk Perception; Pandemic; Human Security,


JEL Classifications: F01

1. Introduction

The 21st century has seen the emergence and re-emergence of numerous threats to the security of human lives (Hough, 2018). Over the last few decades globalisation and technological innovations have spawned tremendous development and created an increasingly interconnected world. Transportation technologies, advancements of information and communication technology, global media, greater human mobility and tourism, interconnected economic markets have all transformed the world (Stojanov et al., 2011; Strielkowsk, Rausser, 2013; Mikhaylov et al., 2018; Žižka et al., 2018; Nikitina et al., 2018; Tvaronavičienė, 2018; Fakhry et al., 2018). While many of these transformations have led to greater opportunity, wealth, and well-being, the last few decades have also seen the emergence of complex interconnected global security threats. Climate change, environmental degradation, natural disasters, pandemic disease, and threats to biodiversity are true global threats that are not contained within any national border. These are existential threats to both nations and individuals.
The outbreak of communicable diseases such as Ebola (Kaner and Schack, 2016) and Zika in 2014 and 2016, respectively, have broadened the discussions about the global management of threats to human and health security (McInnes and Roemer-Mahler, 2017). Nevertheless, governments have realised that they are nearly powerless on their own to protect against the threats of pandemic outbreaks, and thus the threats are truly global in nature and require global collaboration. Additionally, given affects of globalization, individuals can be affected by both perceived and realized threats. Moreover, pandemic diseases and other health security threats, in particular, have been linked to human behaviour (Harris, 2017). Therefore it is important to ascertain people’s perceptions of particular threats.

The outbreak of Ebola virus in 2014 in West Africa was reportedly the largest outbreak of the virus in history. The outbreak resulted in over 28,600 infectious cases and 11,325 deaths in the affected countries, in comparison to approximately 23,800 reported cases in the previous 20 outbreaks from the discovery of the virus in 1967 to 2013 (Laupland and Valiquette, 2014; CDC, 2018). Liberia, Sierra Leone, and Guinea were all finally declared Ebola-Free in 2016 (Kaner and Schack, 2016). The outbreak prompted rapid national and international responses due to the perceived degree of threat the Virus posed. The international community began to reassess the impacts of diseases on human security. The United Nations Security Council (UNSC) called for an immediate response to the crisis to halt the “constituted threat to peace and security worldwide (UN, 2014)”.

Besides the evident prominent outbreak of Ebola virus in West African nations, the threat became undeniable to the global community. The scale of threat was visible by the reported Ebola cases in Europe, and eleven cases in the US (CDC, 2018).

The case of the Ebola outbreak illustrated how the challenges facing individual countries for combating global security threats. These threats cannot be addressed head-on militarily. Instead they must be understood through a wider and deeper conceptualization of security (Hough, 2018). Health-related threats of the Post-Cold war era were central to the emergence of the ‘human security’ concept. A key turning point in the discourse on ‘health security’ came on the 10th January 2000, when the US Vice President, Al Gore in a speech to the United Nations Security Council suggested that contagious diseases such as AIDS, posed an existential threat to global security, nations, and well-being of the people around the world (Jimba, 2012). This perspective has evolved during the past thirty years.

In 1983, a “theory of securitization” emerged from the Copenhagen School of Security Studies to help explain the process by which an issue is ‘securitized’ into an existential threat to security. The theory argues that the securitization process of an issue starts when a speech act, such as Al Gore’s declaration of AIDS as a threat to human security, occurs. These speech acts are also subject to the perception of risks or threats. Buzan and Waever (2009) have shown that the securitization process begins with the appearance of perceived risk and/or the fear towards a threat. In this study, we aimed to provide further insight into how global health security threats are perceived by individuals ‘at a distance’. The aim was to explore the risk perceptions of individuals of a health security threat, in this case, the 2014 Ebola Outbreak. The study explores linkages between the securitization process and risk perception theory to understand how perceptions related to the outbreak of Ebola are construed. The study employs a qualitative research design based on in-depth semi-structured interviews with individuals residing in the United Arab Emirates.

2. Globalisation and Health Security

The emergence of the concept of human security has widened and deepened the traditional conceptualization of security (Hough, 2018). The concept of Human Security can be simply understood as “people’s freedom from fear” (Gomez and Gaping, 2013). Moreover, the Commission of Human security have suggested that human security is the need to protect the vital core of all human lives in ways that enhances human freedoms and human fulfillment (OCHA, 2009).

Two prominent schools contributed to the emergence of the concept of human security: the narrow school and the development broad school. While the narrow school leaned towards a more traditional understanding
of security, the development broad school argued that human security was to be concerned with more than traditional threats to humankind such as violence (Collins, 2013, p.106). In 1984, the World Health Organisation (WHO) began to frame global health issues as global security threats. The WHO defined \textit{global public health security} as “the activities required, both proactive and reactive, to minimise vulnerability to acute public health events that endanger the collective health of populations living across geographical regions and international boundaries” (Chiu et al., 2009, p.680). The increased connectedness of the globalized world and emergence of a constant flow of information through around the clock global media and social media has resulted in “international anxiety about a host of potentially lethal ‘rogue’ viruses circulating the planet” (Collins, 2013, p.335).

In a globalised world, pandemic diseases are fast-moving, infectious and in many cases deadly. Despite the positive developments of globalisation such as technological advances, social media, and transportation systems, the negative side of globalisation is the speed and scale diseases can spread. The Ebola outbreak of 2014 resulted in global news coverage and increased concerns about the existential threat that the outbreak can have on the global community, states, and individuals. This anxiety has emerged in the face of other recent outbreaks. Outbreaks of SARS, West Nile Virus, Pandemic Influenza HIV/AIDS are some of the cases that illustrate the potential threat of pandemic disease in an age of globalization, travel and trade. The global spread (although small in relative terms) of the 2014 outbreak of the Ebola virus was to a great extent facilitated by the easy means of transportation, from one country to another.

Approximately one out of three annual deaths in the world is preventable with knowledge and resources (Chen and Narasimhan 2003). Means of communication such as news networks and social media enable the process of quickly sharing information throughout the world. This communication does not only spread the news faster but could help solve the problem faster. For example, in the early years of the 21st century, the outbreak of SARS could have been rapidly contained with the effectiveness of information-sharing. However, the poor exchange of information between Chinese government, other neighboring countries, and international organisations led to, hundreds of reported cases, the spread of SARS to other continents, and at least five deaths (Hough, 2018).

States and organizations adopt different policies according to how a threat is perceived. The control of the Ebola Virus can be attributed to these exact advancements in technology, communication, and social media. For example, the global public health surveillance adopted by the WHO in 1995, used airport surveillances to attempt to control the rapid spread of diseases. Some other countries have immediately implemented a similar prevention policy by closing their borders to tourist entry, as was the case of North Korea (McKenzie and Park, 2014), and particularly to people arriving from Ebola-infected countries, as was the case of Australia (McKirdy, 2014).

As a result of the advancement of social media, information, and knowledge of particular threats, people’s perceptions and actions are also influenced by the securitization processes. Furthermore, understanding risk perception is important to determine the precautions taken by individuals and the global community in taking the necessary actions to address the treats and minizimise impacts of the threat. Therefore, the concept of security needs to be understood from multiple perspectives including that of individuals.

The case of the 2014 Ebola outbreak illustrated the important role the media plays in transmitting knowledge about events and incidents thereby influencing individual perceptions of the world around them. As “uncertainty tends to breed anxiety” (Collins, 2013), fear over infectious diseases can lead to larger issues when not addressed or contained.

\textbf{3. Theoretical Framework for the Research}

Defining risk is difficult, and the concept reflects a range of understandings of anticipation, future, and destruction. Weinstein et al. (2007, p.146) and Douglass (cited in Joffe, 2003, p.56), for example, describe \textit{risk} as “a judgment of the probability that harm will occur if no preventative action is taken…” and “danger from
future damage.” While discussing perceptions, Rushton (2011) suggests that not all infectious diseases are necessarily perceived as threats to health security. Thus, it is arguable that threats to health security are causal effects of the public and individual perceptions towards different diseases. This further leads to understanding that health security appears to be of a greater threat when no knowledge or control over the disease exists.

Risk perception arises from communications that can awaken fear in the receivers of the messages. According to Jeffries (2012), a growing body of literature revealed that the media plays an active role in creating “climates of fear” and thus structuring the culture of fear. Jeffries (2012) noted that that “media fuelled the proliferation of irrational fears, is seen as a powerful force undermining people’s capacity to grasp the difference between imagined fears and genuine threats” (p.40). Thereby stressing the importance of individual interpretations of an existential threat in the process of securitizing an issue is crucial.

While some scholars have argued that individuals are more at risk in the current society, other scholars recognize this process is constructed. Cebulla (2007, p.129) argued that “social institutions today no longer provide the protection, support, and solidarity enjoyed in the previous, modern era; and, as a result, uncertainty has come to permeate society and our view of the future,” which further demonstrates why citizens might feel at risk. However, this explanation fails to reveal that the concept of risk is constructed.

Beck (1992) has highlighted three main observations of risk perception. First, that risk is always created and affected by social systems, such as the governmental institutions responsible for the securitising aspects that are threatening to human security. Second, as risks are created and affected by social systems, its magnitude ultimately depends on the quality of the social relations and processes in place that further securitize an issue of concern. Third, that the primary risk, in fact, is the social dependency of the society on the institutions responsible for effectively providing security measures to the public.

Sjoberg (2000, p.2), argues that risk arise for individuals in a “veritical manner” as the perceptions of people surface from indirect or direct experience. Arguably, the residual fear around the Ebola virus due to previous outbreaks and depiction in popular media, serves as indirect experience for the global community, thus increasing the level of fear towards being at risk of the virus. Recognizing that these perceptions of risk are connected to the concept of securitization is important.

An individual’s perception is the result of one’s interpretation of information and circumstance. Understanding how individual perceptions are formed is crucial to understanding the securitization process of health threats. Post-Structuralism is defined as the inquiry of meaning from different viewpoints (Besley, 2010). Therefore, examining risk perceptions and securiity threats through a post-structuralist lens can provide insights into how risk perceptions and the securitization of perceived threats are constructed and performed.

Poststructuralists, such as Foucault and Derrida, argue security discourse “involved a shift from an objective conception of security where threats could be assessed, to a practice through which subjects were constituted” (Buzan and Hansen, 2009, p.142). Thus, approaching security studies from a Post-Structuralist perspective can explain how people make sense of their perceptions and how perceptions impact practices.

Post-structuralism can be used to reveal further risk perceptions, based on the realisation that different positions lead to different perceptions and consequent performances by people. To further elucidate the Post-Structuralist view and the importance of linguistic approaches in security studies, scholars argue language can influence social power (Hook, cited in Buzan and Hansen, 2009, p.141).

Sjoberg (2000, p.1.) explains that “risk is always construed”, thus questioning the construction of fear perceptions that ultimately lead to securitization initiatives. This theory arises from the idea that an underlying structure, such as media or personal experience, is held responsible for the preconceived ideas that people obtain resulting in the perceptions of risk, and policy formulations thereafter. Understanding security from the Post-Structuralist view, therefore, provides a better basis for suggesting that there are numerous factors
to put into consideration when attempting to understand the culture of fear, and consequently its effects on securitizing matters of concern.

Securitization Theory provides an explanation of how issues are securitized at the individual level and the global level, and provides an explanation of how perceived security threats (terrorism, nuclear war, etc) can differ from actualized threats to individual safety and security (accidents, poor diet, etc) (Buzan and Waever, 2009). Therefore, as outbreaks of diseases occur, the process of securing oneself is considered to be a macro-Securitization process at the individual level, while this plays a role in the securitization at the state or international level resulting from globalisation.

Borbeau (2014, p.189) defines securitization as “the process of integrating an issue into a security framework that emphasizes policing and defense”. Securitization is the process by which a political issue evolves into a security threat due to an actor, through a “speech act”, designates the issue poses an existential threat to a referent object Taureck (2006). The process of securitization is often initiated by perceived fear towards an occurrence, or existing physical threat as conceived by a referent object, or in this case, a society (Williams, 2011, p.445).

Threats to security push institutions and individuals to the process of securitization. The outbreak of a disease encourages one to take personal precautions and pushes institutions to do the same. The case of Ebola in West Africa illustrates how individuals, governments, and the global community responded in different ways. Understanding the complexity of securitization is crucial in the context of health security. The Ebola virus was not a securitised issue on most national and international agendas in previous years and fast after the outbreak, risk perception led to a process of politicization and finally securitization in the global community.

The securitization spectrum (Collins, 2013) illustrates how an issue can evolve from a non-politicised to a politicized to a securitized issue. When an issue is non-politicized, fear perception can appear to be inherently almost non-existent. Following the spectrum, once a threat is politicized and becomes part of public policy, the issue is automatically included in the public debate, thus becoming a public discourse. Therefore, there are three phases of securitization:

a) The identification of an existential threat by an actor/ person to his/her existence,
b) The acceptance of the threat by a target audience, and
c) The reallocation of resources to combat such threats (Yuk-ping and Thomas, 2010).

Investigating how these phases of securitization play a part in health security is crucial to understand the role of fear and risk perception on the individual.

4. Methods

A qualitative interpretivist research approach (Bryman, 2012) was employed to understand how meaning is created in the social world and, in this case, how risk perceptions are constructed by individuals in the globalized world. The recent outbreak of the Ebola virus demonstrates that the process of securing the individual or the global community is driven by the forces of fear and what is perceived as a threat to human security. As Taureck (2006) has argued, security is a “social and intersubjective construction,” thus this study seeks to examine how individuals perceive threats and personal risk to gain insight how issues are securitized at the individual level.

Eleven in-depth semi-structured interviews were conducted with residents of the United Arab Emirates. The United Arab Emirates is geographically central to the majority of the world’s population. The expatriate resident population is made up of more than 200 nationalities and comprises approximately 80% of the total population. Additionally, Dubai and Abu Dhabi are leading tourism destinations. Dubai alone is set to receive more than 15 million international tourists and currently is the fourth most visited city in the world by international overnight visitors.
Additionally, the UAE is home to the busiest airport in the world for international passenger traffic (Dubai International Airport), the future busiest airport in the world in total traffic (Al Maktoum International Airport), and is one of the world’s leading shipping and logistics centers. As a global center of mobility, the UAE provides a unique context to explore the risk perceptions of the Ebola outbreak as it is both geographically distant from the outbreak of the Ebola virus in West Africa and cognitively and temporally proximate. With the numerous air connections, the UAE is one of the ‘gateways’ from West Africa to the world.

The participants (Table 1) for this study were selected purposively to include a wide range of the personal experiences and backgrounds. Some of the participants had some unique work experience that may orientate their perceived risk of the outbreak as a security threat: two participants work in the development sector, and another is a nurse, two are from Nigeria, one lived through the civil war in Yugoslavia, and several were university students. The participants are from a range of age groups and nationalities from West Africa, East Africa, Europe and the Asia Pacific.

<table>
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<th>Nationality</th>
<th>Age</th>
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<td>Nursery school teacher</td>
</tr>
<tr>
<td>2</td>
<td>Male</td>
<td>Kenyan</td>
<td>30-49</td>
<td>CEO of an NGO</td>
</tr>
<tr>
<td>3</td>
<td>Female</td>
<td>British</td>
<td>50+</td>
<td>Retired Nurse</td>
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<tr>
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<td>Male</td>
<td>Pakistan</td>
<td>18-29</td>
<td>Unemployed</td>
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<td>5</td>
<td>Female</td>
<td>Pakistan</td>
<td>18-29</td>
<td>University Student</td>
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<td>Bangladesh</td>
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<td>30-49</td>
<td>Real Estate agent</td>
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An interview guide with questions was designed to prompt discussions about risk perception, and health security was developed and used to ensure some continuity between interviews. However, to elicit more information based on the personal experiences of the participants, some questions were tailored to their professional or personal backgrounds. For example, one of the participants who is a retired nurse was asked about her opinion in regards to improvement of technology over the years and its relation to the evolving contemporary and future threats to health security. The interviews all took place in the United Arab Emirates, were face to face, and lasted between twenty minutes and one hour. All interviews were recorded and transcribed.

A multi-step abductive data analysis process was employed allowing for a theoretically informed analysis of the interview responses. An abductive approach is particularly appropriate for this case, as it allows the researcher to alternate between previous theory and empirical data (Alversoon and Skoldberg, 2017). This this cases, the analysis started with two overall pre-selected ‘categories,’ informed by the literature, Globalisation and Risk Perception. These were used to initially code passages of the transcripts. Next, the second round of coding was completed that focused on uncovering emergent themes within each of these two categories.

5. Results and data analysis

The analysis of the data resulted in five emergent themes. The following discussion examines each of these in more detail to uncover the influences on and impacts of individual’s risk perceptions to a major health security event. The discussion is organized into two main categories: Globalisation and Risk Perspectives.
6.1 Globalisation

Geographical distance:
The geographical locations of the Ebola outbreak combined with personal experiences impact the perception of the issue. Recognizing the potential health challenges of a large expatriate workforce, the United Arab Emirates requires a medical checkup, including a blood test and chest x-ray, as part of the approval process for resident visas. However, these tests only focus on several communicable diseases including HIV, tuberculosis, and Hepatitis. There is a clear perception of the UAE as a country concerned about health security (Health Authority Abu Dhabi (HAAD), (2015). However, in potential pandemic situations, these measures would not necessarily prevent the spread of a disease like Ebola. Instead, more drastic measures may be taken at points of entry reducing connectivity of transportation networks, and preparing the local health infrastructure. In the UAE, the local hospitals with containment facilities were told to be ready and on standby. At the airports, there were no mandatory screenings, as was the case in some European and American airports, but instead a careful eye for symptomatic passengers. Additionally, Emirates Airlines suspended flights to Conakry, Guinea (which were just resumed again in August 2016). The UAE’s preventative and preparedness actions seem to have reduced the perceived risk of the Ebola outbreak to individuals in the UAE. The quote below illustrates this.

**Sudanese male participant, 21 years old stated:** “I think when it was first coming out, I was a bit worried about how it would be contained because I wanted to go back to the UK. I had a good feeling that it wouldn’t come to the UAE because they are very safe in that regards...”

As an emerging global hub, the country is, in fact, vulnerable to health security threats in other parts of the world. Previous outbreaks of Ebola have resulted in cases of the disease in the USA (1989, 1996,1999), Italy (1992), England (1976), and Russia (2004), with some of the countries reporting several human cases while others reported the presence of the virus in quarantined facilities by imported monkeys (CDC, 2015). Similarly, several countries outside of West Africa had confirmed human cases during this most recent outbreak, and most of these were from people who recently traveled from West Africa. Thus, for some respondents, the perceived risk was not of Ebola coming to the UAE, but the risk of traveling.

**Pakistani male Participant, 26 years old:** “Because of the country’ s jurisdiction and government being very strict about the security status of the country I do not feel at risk... So I feel at risk to travel, and I have made a decision not to travel.”

Several of the respondents’ concerns highlighted the role of location and proximity to the disease in their perception of risk posed by the outbreak.

**Media Interaction and Formation of Perceptions:**
The importance of media in opinion formation is critical. News reported by media gains momentum depending on its relevance, its impact and the language used in the transmission of the information. The study has shown that the following descriptions of Ebola Virus given by the participants are related to descriptive words such as “deadly” and “uncontrollable,” given in various news sources they engage on. Thereby further suggesting the need to consider “language games” in the formation of perceptions as suggested by critical constructivists (Buzan and Hansen, 2009 p.199). For further demonstration, another participant also goes on to explain that “It’s a rather death sentence of a disease...”However, it could be related to prior experience or prior knowledge they had obtained as explained by a **male, Kenyan-Pakistani participant aged 30-35, working in the development sector:** “I think there are a couple of movies in the 90’s, ‘The outbreak’ is one of them, I think Ebola has always had this kind of fascination, like the most deadly virus. So I think it was already in the public consciousness it is not new. So when this outbreak happened, it’s because it’s the biggest outbreak of this deadly disease, and it’s often being misunderstood.”

Despite this negative description of what Ebola represents, the concept of fear is not formed into a particular feeling as people appear to pay more attention to other daily risks. **British female participant, 52 years:** “I am more worried about getting hit by a taxi driving in the UAE, I am more likely to die that way” as opposed to getting infected by the Ebola virus... *We know there is always a risk of it [Ebola virus], every time you get in a plane there will be a slight minimum risk of getting any disease...*”
The respondent perceives the personal threat to be small but the global threat to be larger. This interviewee does not perceive the outbreak of the virus as an existential threat to individuals’ level and is rather focused on other daily security perceived risks.

Securitization theory suggests that for an issue to be securitised, policy has to adapt to the threat. The way a country portrays its security system has an impact on the perceptions of people. For example, the perception of all participants based on their health-security in the UAE (strictly based on the outbreak of Ebola) was rather positive.

On the other hand, while most of the participants, perceived the media as “fear mongering,” a 60-65 year old, male participant, from the former Yugoslavia, identified the media of today as putting more efforts to inform people in comparison to the 60’s, in which other outbreaks occurred.

Global Advances

Despite innovations in medicine and technological advancements around the world, pandemic diseases remain one of the most serious global security threats facing individuals and states around the world. The increased global mobility of goods and people, interconnected global transportation and logistics networks, international norms, and increasing regionalization and loosening of border restrictions in some parts of the world can all exacerbate the destructive potential of pandemic diseases. This was illustrated by the recent Ebola outbreak where these advancements arguably contributed to the spread of disease (even if just a few cases) to other continents. It is these discourses, explained by the participants that show that as time and technologies advance, there is an increasing drive to understand not just the events that happen around the world but the reason why they happen. Through understanding these events, one can take personal measures towards security. Nigerian female participant, Aged 21: “Globalisation has been causing this much damage to the earth... because of this climate change we are getting a lot of these diseases that we never even had before. So a lot of people have associated the change in atmosphere to change in certain viral strains to cause diseases and sicknesses to people. So, when you say is health security being threatened, indirectly yes by globalisation.”

As illustrated by this comment, the participant’s makes a clear connection between the contemporary complexities of globalization and the potential risk associated with it, in this case framing health security (in situations like the Ebola outbreak) within broader issues of climate change and globalization. This discourse, as stated by this participant (and also appears in some of the other interview exchanges), suggests that individuals are affected by their perception of globalization, which in turn frames their perceptions of risk. Furthermore, there is a historical dimension to consider. Win the case of Ebola, there have been several outbreaks since 1967, however only two of the participants knew about these outbreaks. With global advancements in information and communication technologies, a twenty four hour global news media, social media, and increased numbers of individuals living outside of their country of citizenship, it is clear that the transmission of information is faster and can have a greater impact on how perceptions of risk are constructed, and how an issue may be securitisatized at the individual, national and global levels.

6.2. Risk Perspectives

Impacts of perception on securitization:

The portrayal of Ebola Virus as an “African disease” has impact on the response on security threats. Some participants demonstrated their surprise to the slow response from the international community towards the affected African countries. Some went as far as comparing the response given to African countries, to the response provided to the few cases in the US and Spain. Nigerian Male, Participant aged 33: “The media makes everything sound very bad. They make it sound like once you go to Africa, or once you get on a plane you could just get infected with Ebola. It was that bad... [And] it made me feel like I needed some hand sanitizer…” Australian female participant aged 32: “I think, because some government were slow to respond, so I think what it means is that people are focused on things like terrorism, and actually you could be sitting in a plane next to someone who could be very very sick, and actually, that’s just as dangerous if not more. So I think that global health security, there may be a need to pay more attention to that. Like if this is contained, maybe they...
should still keep the screening at the airport. And maybe pay closer attention to help people out.”

These quotes show that the response to a threat, to a great extent, is dependent on what actors perceive as a threat. Additionally, although existing risks can be perceived as threats, it is the level of fear towards the threat that determines the urgency of securitizing the existing threat. Similarly, Pain (2009), discusses the culture of risk in western societies, as the content in which ‘new’ threats have emerged, thus, arguably, a governmental response can be correlated to the perception of risk.

Global Politics perspectives:
The role of politics, from the transmission of diseases to how these are dealt with by different actors, is an important factor to participation. Some participants implied certain information was not provided to the public thereby implying that this outbreak could somewhat related to bioterrorism. Serbian Female participant aged 35: “HIV has been there for a very long time, and could it be that something happened to the virus? So if it is bioterrorism, the virus has been adjusted..., to spread faster and to have greater effect. If the virus is spreading in its natural way, I don’t have an explanation. Because if it was there before, and it was spreading, and it was contained, why are we not using the same tools? So if it was effective 30, 40, 20, 10 years ago, why is it that now, in 2015 with all the advancement that we have got in the meantime, we can’t contain it?”

Participants seek to understand the factors that play a role in formulating their opinions. Among the participants there appeared to be an underlying belief that this outbreak was not a global outbreak as it spread mostly across West African countries, and only a few cases were recorded in the global north. Participants also claimed that the outbreak was rather “localised” (Participant 10) or “Urbanised” (Participant 2). Nonetheless, it can well be considered a globalized issue, as events in one part of the world can significantly impact countries far away (Cohn, 2008) especially in today’s global political economy.

The table 2 below shows whether the participants identify the outbreak as a means to take personal precautions or simply as a global issue which has no direct impact on them.

<table>
<thead>
<tr>
<th>Participant</th>
<th>Threat identification</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>X</td>
<td>Changes in travelling plans to Nigeria.</td>
</tr>
<tr>
<td>2</td>
<td>X</td>
<td>Recognition of global crisis</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No personal reaction</td>
</tr>
<tr>
<td>3</td>
<td>X</td>
<td>More preoccupied with daily risks. E.g., having an accident.</td>
</tr>
<tr>
<td>4</td>
<td>X</td>
<td>Not aware of the extent of the threat posed by Ebola.</td>
</tr>
<tr>
<td>5</td>
<td>X X</td>
<td>A feeling of risk, recognition of disease transmission from one country to the other</td>
</tr>
<tr>
<td>6</td>
<td>X</td>
<td>No fears towards the disease at the individual level.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recognises the threat when considering travelling.</td>
</tr>
<tr>
<td>7</td>
<td>X X</td>
<td>Acquaintance affected with Ebola, and recognize threat at a global and personal scale.</td>
</tr>
<tr>
<td>8</td>
<td>X</td>
<td>Identifies the outbreak as a global social problem, but not as a personal threat.</td>
</tr>
<tr>
<td>9</td>
<td>X</td>
<td>Personal precautions are taken: e.g., use of Hand sanitizers</td>
</tr>
<tr>
<td>10</td>
<td>X X</td>
<td>Changes in travelling plans, and recognition of the scale of the threat to the global community</td>
</tr>
<tr>
<td>11</td>
<td>X</td>
<td>Does not have an opinion on the outbreak of the virus</td>
</tr>
</tbody>
</table>

As observed, the table above shows that only 5 out of the 11 participants are fearful of Ebola at the individual level. Few personal precautions are undertaken. On the other hand, all participants identify Ebola as a global problem and or simply do not have an opinion about the possible effects of the outbreak. In summary, the perceptions formed by the participants of this study, are influenced by the media, the policies in the country of residence, and these set of factors are components of their discourses relating to health security. Residents in the UAE, feel to a great extent secure and not- vulnerable to the global health threats of Ebola. Recognizing personal opinion formation plays a role in adaptability to securitization measures or global health-related policies is important. Perceptions, therefore, can impact individuals differently and influence various performances.
Conclusion

Individual perceptions do impact how individuals make sense of the information and circumstances of a potential health security threat. Where wars and military threats were previously the most framed as the most pressing security issues, additional threats have now commonly, and rightly so, framed as emergent threats. In the case we examined her, the potential for pandemic spread of a severe disease like Ebola is a cause for concern for individuals, states and globally. Diseases can now be tools used in wars for bioterrorist attacks (Teckman, 2013) or naturally occurring pandemics. The attention from the international community towards health security is quite new (since the widening of the concept of security in the 1990s), but the need for action and preparedness to address health security issues has been clearly and loudly articulated by government, the private sector, military, and civil society leaders. Policy implementations and preparedness simulations are difficult to put into practice if the understanding of risk perceptions of people at the individual level are not fully considered.

To understand the securitization of health in the outbreak of Ebola context, this article explored how people make sense of their security situation and how their perception of risk could influence their actions. Interviews with residents of the UAE regarding the 2014 outbreak of Ebola show that the individuals make sense of securitization processes in various ways. The results reveal how risk perceptions and discourses are formed around and to these perceptions can impact individual security agendas. This study also found that globalisation, media and mobility all work together in framing the lens through which individuals, states, and the world perceive security threats

References


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EVALUATIONS OF SECURITY MEASURES IN A LEGAL FIELD: ENSURING PUBLIC SAFETY IN THE AREA OF SEXUAL VIOLENCE

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Abstract. The concept of safety is closely related to the activities of law enforcement agencies and, above all, the police. In this regard, the individual qualities of police officers and their influence on the effectiveness of the State Police in ensuring individual safety of citizens are of great importance. One of the most pressing problems in modern society is to protect women from sexual and physical violence, which is required by the main provisions of the Istanbul Convention. The article presents the results of the research on the representations of Latvian police officers about victims of sexual violence in connection with individual representations of justice through a study of belief in a just world. The topicality of this topic is based on numerous researches of the stereotypical view on victims of sexual violence and the negative impact of these stereotypes on the further investigation of crimes and provision of assistance to victims, which leads to frequent concealment of rape cases and distrust to law enforcement agencies in the professional context of making a fair decision. The aim of this research was to determine how the belief in a just world among police officers (N = 170) affects their attitude towards women who have been sexually abused and their ability to objectively assess the situation. The research was conducted based on the results of 4 used methods: “Personal belief in a just world”; “General belief in a just world”; Attitudes toward Rape Victims Scale; Illinois Rape Myth Acceptance Scale followed by one-way analysis of variance (ANOVA) with the LSD Post Hoc test method to identify statistically significant differences between groups.

Keywords: public safety, sexual violence, stereotypes, justice, belief in justice


JEL Classifications: K38, K42

Introduction

In the modern world of scientific and technological progress, when society becomes noticeably more informed and knowledgeable, issues related to the consequences of violence and the possibilities to overcome them become more relevant (Tumalavičius et al. 2017; Šišulák 2017; Lincényi, 2017; Saleem et al. 2018; Finogentova et al. 2018; Pritvorova et al. 2018, Lietuvnikė et al. 2018).

This problem is particularly topical in connection with the least protected social groups, such as e.g. women and children. In order to determine the extent of violence directed against women in the countries of the European Union, in 2012 the European Union Agency for Fundamental Rights conducted a study entitled “Violence against women: an EU-wide survey”. During the study, 42,000 women from all 28 countries that are the members of the European Union were interviewed. In Latvia, 1513 women were interviewed. The results of the study were published in March 2014. According to the survey, 39 proc. of women from Latvia, who
participated in the survey, having reached the age of 15, experienced physical and/or sexual violence at least once in their lives. This indicator is above the average in the EU, accounting for 33 proc., placing Latvia in 7th place. 32proc of the surveyed women indicated that upon reaching the age of 15 they were victims of physical and/or sexual violence from their partner (husband or friend) at least once. This indicator is the highest in the EU. The only country with the same indicator is Denmark. 17 proc. of women in Latvia were abused by people who were not their partners. And only ¼ of the abusers were not familiar to their victims. The rest were acquaintances of the interviewed women - colleagues, schoolmates, relatives, friends and acquaintances. It should be noted that women are more likely to report physical violence, while at the same time cases of sexual violence often remain hidden from the general public. This is due to a number of different factors that are quite often the result of the influence of social stereotypes.

Victimology as a sub-branch of criminology is the doctrine of victims and describes their characteristics. In fact, questions relating to the concept and identity of victims are very problematic, often controversial, and usually call for very detailed answers. It is important to emphasize this at the beginning, because the attitude of society towards the victims and how they should be treated will probably be formed based on the assumptions that society makes about them, but which may not always be positive.

One of the starting points in the study of the identity and traits of the victims is the stereotype “ideal victim” proposed by Nils Christie (1986). Christie identified six attributes that at the level of social policy are likely to lead to the fact that the person to whom the crime was committed will no doubt be given the legal status of a victim. Below are the six attributes according to Christie:

1. The victim is weaker than the criminal. The “ideal victim” is likely to be either female, or sick, or very old, or very young (or all together).
2. Victims are generally virtuous and operate within the framework of the law and the rules.
3. The victim is innocent. She or he cannot be blamed for what happened.
4. The victim is not related to the criminal and does not know the “stranger” who committed the crime (this also implies that the criminal is a person, not an organization, and that the crime is a single incident).
5. The criminal is undoubtedly bigger than the victim, and he is bad.
6. The victim combines such qualities as power, influence or empathy, the combination of which allows one to successfully obtain victim status and to avoid reproaches in receiving compensation in large amounts.

An interesting, but still unexplored, question is whether the assumptions about the “ideal victim” according to Christie affect the restorative justice system theorists, lawyers and practitioners (Dignan 2005).

Everyone knows that rape and sexual offenses are rarely reported (Gregory, Lees 1999; Kelly 2002). Only a small number of victims go to the police themselves; and there are even fewer cases, in which criminal proceedings are initiated (Gregory, Lees 1996; Harris, Grace 1999). For a number of reasons, victims of sexual violence do not want to go to the police; one of such reasons is fear that the criminal police officers will revictimize them.

The opinion - do not believe women who report cases of rape, dominate in the society. This in turn makes it harder for victims to take a risk and go to the police or to trust them (Blair 1985; Tumalavičius et al. 2016). In recent years, much has changed, for example, police officers receive a better education (Brown, Heidensohn 2000; Tumalavičius et al. 2016). At the same time, it is not clear whether changes have occurred in the attitude of police officers towards victims of sexual violence and to what extent this affects the investigation process.

It should be noted that the positive experience of cooperation of a victim of violence with law enforcement officers, medical specialists and consultants is associated with a fast healing process (Campbell 1998). For example, victims who were treated with empathy and respect during the treatment, cooperate with law enforcement agencies with great desire, reporting the incident and participating in the investigation, and at the same time are more satisfied with the work of law enforcement agencies (Campbell 1998; Allen 2007).
Modern studies show that the police officer is often expected to be physically well trained and emotionally stable, not to be subject to role stereotypes, while investigating sexual attacks, the police officers are forced to think stereotypically (Page 2007), which significantly affects the attitude to victims of violence. Exposure to stereotypical opinions and such attitude towards sexual violence and its victims is defined as the “violence victim’s myth” (Page 2008). Studies show that myths about the violence victims are very common and it can be very difficult to overcome these stereotypes, both for law enforcement officers and for the victims themselves, and for society as a whole (Aosved, Long 2006). Studies that test susceptibility to the “violence victim’s myth” and trust in the victim show that belief in stereotypes determines the opinion on the victim’s guilt (Clarke, Stermac 2010). In his research, Cohn and his colleagues (2009) discovered that victims of violence attacked by friends or acquaintances and who were provocatively dressed were more often perceived as guilty of sexual violence. Clarke and Stermac (2010) also found that respondents’ opinion about the trust in the victim influences their view and assessment of the victim of violence. For example, those women who are rated as classically attractive and slim, are more often themselves accused of what happened. Winkel and Koppelaar (1991) discovered that of the 80 women who sought help, this assistance in law enforcement and medical institutions received those victims whose consequences of the violence were obvious and easily noticeable. Ask (2010) interviewed 401 police officers and prosecutors and found that law enforcement officers expect victims of sexual violence who claim to be attacked should look embarrassed. Police officers can use non-verbal signs that help determine the credibility of the victims of violence, but at the same time, the victim’s behaviour cannot prove or disprove the credibility of the allegations of sexual violence (Ask 2010). The increasing frequency of publications about the harassment of famous people in the distant past does not contribute to an objective perception of the victim’s statement. In a sense, this discredits the very image of the victim of sexual violence.

In cases of sexual violence, the greatest correlation is between the “rape victim’s myth” and the tendency to blame the victim, not the assailant. In a study in which 413 adults participated, Clarke and Stermac (2010) found that those who are subject to the “rape myth” often blamed the victim for the attack, rather than the attacker. In a similar study, Frese and colleagues (2004) interviewed 182 students who more often blamed the victim of violence in the current situation when the attacker was a friend or partner, and to a lesser extent this happened if the attacker was an unfamiliar, strange person. At the same time, studying 38 rape cases in the police, Norton and Grant (2004) discovered that the attacker is often accused of a situation of rape, when his motivation was to show strength and power, rather than sexual satisfaction. Such abusers are especially cruel to the victim.

Studies show that society as a whole, including law enforcement officers, in a historical review often do not trust reports of sexual assault received from the victim (Suarez, Gadalla 2010; Frese et al. 2004). Opinion of certain individuals about the crime often affects the credibility of the victims of sexual violence by society (Cohn et al. 2009).

Confidence in the credibility of the victim is especially important for those law enforcement officers who investigate cases involving complaints about rape. After interviewing 401 police officers and prosecutors, Ask (2010) showed that attitude towards statements related to rape and their investigations were often sceptical. In the study on 186 cases of sexual violence, Du Mont and colleagues (2003) found that sceptical attitude towards the victims occurred when the victim was abused by a friend, or the victim was drunk or drugged or the victim looked calm. At the same time, Campbell (1998) showed that when the police officers perceived the victim’s story as truth, the victims of violence were satisfied with the work of the law enforcement agencies. Rape as a crime is reported less often, therefore, it is necessary to check whether belief in myths about rape of law enforcement officers is connected with the decision of the victims to keep silent about the attack (Campbell 1998; Allen 2007).

The police officers are ideologically influenced by a specific subculture that shapes belief in emotional and physical strength, loyalty and strict, serious attitude to the requirements (desires) of society (Page 2007). Police culture reflects and supports the manifestations of higher masculinity, which can turn into a problem when law enforcement officers have to investigate cases of sexual violence.
Analyzing the issue of stereotypical views on victims of violence and the peculiarities of the attitude towards them by the police officers, in the discussion we can highlight another new aspect related to the representations of justice, which are important reasons for the formation of a certain level of moral and legal consciousness. Research (Golincik 2004; Gulevic 2007; Dalbert 2009; Mihailova, Ruzha 2011; Ņesterova 2013) on the representations of justice indicate that there is a connection between the perception of justice and a number of phenomena important for life. One of the directions in which individual representations of justice are explored is the study of Belief in a just world (Furnham 2003; Dalbert 2009; Hafer 2000; Skitka 2003). In its original version, this conception (Lerner 1965) was based on an idealized view that a person has a tendency to blame and humiliate a victim in order to protect his own confidence that the world is an honest and safe place in which a person is protected from undeserved failures and misfortunes. According to Lerner, one of the most fundamental and widespread needs of people is the desire to see the world in which they live to be just. People are motivated to believe in a just world in which they get what they themselves have earned (Lerner 1965). This belief makes it possible to perceive the physical and social environment as if it is orderly and stable (Lerner, Miller 1978). Therefore, belief in a just world has an important adaptive function and individuals are motivated to protect this belief (Dalbert, Filke 2007). According to the Lerner’s theory of Belief in a just world (Hafer, Begue 2005), in reality, all people, as a result of the impact of these internal motivational forces and their interaction (combination) with a conditionally stable environment, tend to organize their lives and achieve results based on the principle of deservingness. In order to maintain this connection, people need to believe in a just world, and therefore individual cases of injustice are perceived as threatening, therefore they are motivated to reduce and decrease this threat in order to preserve the illusion that the world distributes resources and trials on merit (Hafer, Begue 2005). According to Lerner, belief in a just world (BJW) is typical for most people. Later studies of the role of belief in a just world in personal dispositions (Furnham 2003; Hafer 2000) showed that this is a feature that distinguishes one person from another.

Already the first researches on BJW focused on the consequences, the phenomenon of stigmatization and the accusation of innocent victims of violence, for example, the responsibility of victims of crime or accident, increases (Lerner, Miller 1978). Modern researchers consider the situation more broadly and study the positive psychological results of the action of this belief system, taking into account the individual characteristics of belief in a just world that perform important adaptive functions (Furnham 2003). BJW becomes the driving force that motivates people to act to correct injustice or to order something in the world. Delving into the theory of BJW, it can be stated that BJW is a multidimensional formation (Lipkus et al. 1996), in which at least two categories can be distinguished:
- Individual BJW or Personal BJW.
- Belief in a just world for others (BJWO) or General belief in a just world.

The research results show that the higher assessment the respondent receives according to the scale of Personal belief in a just world, the lower are the indicators of the scales of depression and stress, and the higher are the indicators of optimism and life satisfaction and the more pronounced is the tendency to believe in higher goals in life. As a rule, these are people, who use BJW as a positive mechanism for solving their own problems.

In the case when respondents received high assessment according to the scale of General belief in a just world, high assessment were also on the scales of negative social consequences (phenomena), for example, they revealed prejudices aimed at the old, the poor and the disabled. They also showed a large tendency to use repressive punishments. People with this type of Belief in a just world are more worried about the chaos in the world and transfer an excessive amount of guilt on the victim in order to explain and justify everything that happens to the victim. Blaming the victim, they are trying to justify the negative situation in which the person got into, in a certain way getting a sense of comfort from the fact that the victim did something himself and deserves the result. By and large, such people tend to justify the brutal repression that took place in a number of totalitarian countries, including the USSR in the 40-50s of the last century. Moreover, following a certain trend, such people can justify repressions against themselves, motivating it with the opinion that was quite popular at that time - “so it was necessary”. This phenomenon is difficult to comprehend in countries with a liberal government model, but it is rather easily perceived in countries with a totalitarian past.
Studies (Dalbert 2009) show that people with a high level of intensity of Belief in a just world try not to do harm to others, to fairly interact with others, they are more inclined to help victims of accidents, perceiving them as innocent.

In recent years, interest in belief in a just world has grown as a model for socially approved behaviour (Otto, Dalbert 2005). There is also a connection between belief in a just world and social responsibility (Dalbert 2009) and the desire to be truthful (Hafer 2000; Sutton, Winnard 2007). Studies conducted (Dalbert 2001, Otto, Dalbert 2005; Dalbert, Filke 2007) showed that belief in a just world performs adaptive functions, allows, based on personal coherence and links, to behave honestly, providing an individual with the confidence that others treat him justly and that he will not become a victim of unforeseen circumstances, which also form an individual’s conceptual representation, which helps to consciously interpret the events of his own life.

It is important to pay attention to the fact that belief in a just world leads to an obligation to behave honestly, because in a just world a good future is not a gift from a benevolent world, but a prize for the behaviour and character of a person. The stronger people believe in a just world, the more they are ready to fight for justice.

Based on the aforementioned, the aim of this research was put forward: to determine how the belief in a just world among police officers affects their attitude towards women who have been sexually abused.

170 police officers, 20 to 46 years old (M = 30.71; SD = 6.89), 74 women (43.5 proc.), 98 men (56.5 proc.) with a length of service up to 27 years (M = 8.73, SD = 6.3) participated in the research.

The research was carried out in two stages. At the first stage, 170 police officers were tested using methods:

- “Personal Belief in a Just World” (PBJW, Cronbach’s α = 0.757) (PBJW, Dalbert 1999).
- “General Belief in a Just World” (GBJW, Cronbach’s α = 0.886) (GBJW, Dalbert, Montada, Schmitt 1987), defining their general belief in a just world and their personal belief in a just world. Then, using cluster analysis, the police officers were divided into groups with different types of belief in a just world. Clustering was carried out using a hierarchical alamerative cluster analysis, the average linkage within groups was used to form clusters, and the squared euclidean distance was used to determine the degree of similarity / difference of objects.

In order to determine the peculiarities of the intensity of belief in a just world in the selected groups of police officers, the one-way analysis of variance (ANOVA) with the LSD Post Hoc test method was used to identify statistically significant differences between the groups.

At the second stage, the representations (attitudes) of police officers about sexually abused women were studied. For this, two questionnaires were used:

- Attitudes toward Rape Victims Scale (Ward 1988). The questionnaire consists of 22 questions - statements that should have been assessed according to a 5-point Likert scale (1 - fully agree and 5 - completely disagree).
- Illinois Rape Myth Acceptance Scale (Payne, Lonsway, Fitzgerald 1999, McMahon, Farmer 2011). The questionnaire consists of 25 questions - statements that should have been assessed according to a 5-point Likert scale (1 - completely disagree and 5 - fully agree). The results of the questionnaire are interpreted in the form of four scales expressing the main stereotypes that make up the “rape myth”: “She provoked” (Cronbach’s α = 0.825), “He didn’t want to” (Cronbach’s α = 0.691), “In fact, it was not rape” (Cronbach’s α = 0.875) and “She lies” (Cronbach’s α = 0.848).

In order to determine the peculiarities of representations of police officers about women who were sexually abused with different types of belief in a just world, one-way analysis of variance (ANOVA) with the LSD Post Hoc test method was used to identify statistically significant differences between groups.

Analysis of the change in the agglomeration coefficient allowed us to identify 4 clusters characterized by maximum heterogeneity.
Since clusters were identified based on a comparison of indicators expressing general and personal belief in a just world among police officers, it can be assumed that police officers with the same peculiarities of belief in a just world fell into one group (cluster).

The results of analysis of variance show that the groups of police officers singled out using cluster analysis are statistically significantly different in terms of general belief in a just world ($F = 85.28$, $p < 0.001$) and in terms of personal belief in a just world ($F = 167.36$, $p < 0.001$).

Analyzing the indicators of belief in a just world in general according to the sample and comparing them with intragroup ones, 4 groups of police officers with different types of belief in a just world were identified.

“Group 1” – it includes 58 police servants with low intensity for this sample of both general ($M = 24.53$, $SD = 1.68$) and personal ($M = 27.44$, $SD = 2, 91$) belief in a just world. This group can be called “the world is sometimes just.” It includes people who rather believe in justice than do not, but doubt its universality and inevitability. In relation to others, and in relation to themselves, they believe that they do not always receive what they deserve. Sometimes both positive and negative events in life are the result of previous actions, and sometimes the result of chance, luck or bad luck.

“Group 2” – it included 12 police servants with an average intensity for this sample of both general ($M = 17.58$, $SD = 2.42$) and personal ($M = 20$, $SD = 2.69$) belief in a just world. This group can be called “the world is not just.” This group includes people who doubt the justice of the world. They believe that there is no direct connection between what you do and the result of the activity. According to their representations, people succeed or get into trouble by accident. They doubt the orderliness of the world and the existence of higher justice; they do not believe that justice ultimately triumphs over injustice. Assessing the events of their own lives, they doubt that they are being treated justly. It seems to them that there is more injustice in their lives than justice.

“Group 3” – it included 33 police servants with a low indicator for this sample of intensity of general belief in a just world ($M = 24.53$, $SD = 1.68$) and an average indicator of personal ($M = 27.44$, $SD = 2.91$) belief in a just world. Representatives of this group have a general belief in a just world expressed in the same way as for representatives of the second group who consider “the world is not just”, and personal belief in a just world is expressed as for representatives of the first group who consider “the world is sometimes just”. This group can be called “the world is not just to everyone, but sometimes it is just to me.” Like the representatives of the previous group, these people do not believe in the universal law of justice, but they admit that sometimes just things happen to them. They do not believe in justice for all people, but allow it for themselves. Some of the events of their lives they rate as deserved and some as random.

“Group 4” – it included 67 police servants with a high indicator of intensity for this sample of both general ($M = 26.26$, $SD = 3.14$) and personal ($M = 33.85$, $SD = 1, 87$) belief in a just world. This group can be called “the world is just”, people who believe in justice. They believe that there is justice for everyone in the world, and everyone gets what they deserve, including themselves. These people perceive other people as seeking to be just when making important decisions and committing actions in life. They believe that even if injustice occurred in life, it will eventually be compensated. The good and the bad in your life must be earned.

At the second stage of the research, the peculiarities of the attitude of police servants with different types of belief in a just world towards women subjected to sexual violence were studied.

Statistically significant differences in attitudes towards raped women among police officers with different types of belief in a just world were found by five indicators. Analysis of the research results on the intensity of the rape myth among police officers with different types of belief in a just world according to three scales “She provoked” ($M = 19.21$, $SD = 4.72$), “He didn’t want to” ($M = 20.56$, $SD = 4.02$), and “She lies” ($M = 15.3$, $SD = 3.56$) revealed no statistically significant differences. Moreover, according to the scales “She provoked” and
“He did not want to” the average for all police servants are at the level “I rather disagree than agree with this” which indicates the weak intensity of the “rape myth”. According to the scale “She lies”, all assessment groups were at the “I don’t know” level, indicating a difficulty in deciding on the credibility of a rape victim. On the one hand, this can be interpreted as an attempt by the police officers to be the most objective in investigating cases of rape, but on the other, as a manifestation of a certain degree of the “rape myth”.

According to the scale “In fact, this was not rape” (M = 19.29, SD = 4.5), there are statistically significant differences (F = 2.78, p < 0.05) in averages at the 5 proc. significance level. Police servants whose general belief in a just world and personal belief in a just world are moderate and above average, according to the sample, and these are the groups “the world is just” and “the world is sometimes just”, give an assessment on this scale “I rather disagree than agree with this”. Police servants who belong to the group with the type of belief in a just world – “the world is not just”, more often have an assessment “I do not know” and “I rather agree than disagree with this”, which indicates a more pronounced “rape myth”. In the group with the type of belief in a just world – “the world is not just to everyone, but sometimes it is just to me”, the average assessments are not statistically significantly different from other groups.

Based on the analysis, it can be concluded that the intensity of the “rape myth” according to the scale of “In fact, it was not rape” depends on the type of belief in a just world among the police officers. Police servants with medium and high intensity of both general and personal belief in a just world less often have doubts about the credibility of the words of the victim of rape and the situation of sexual violence they interpret as rape. Moreover, the decline in personal belief in a just world leads to a tendency of greater intensity of the “rape myth”.

Analyzing the characteristics of the attitude towards victims of sexual violence, statistically significant differences were found among police officers with different types of belief in a just world in 4, average assessments, victim behaviour or attitude to the rape situation, out of 25. In this methodology, a higher assessment means – accepting, agreement with the assessed provision, stereotype. Police servants assessed differently such representations as “any woman can be raped”, “a woman who was raped in a stranger’s car deserves it”, “a woman who is alone on the street late in the evening, increases the risk of being raped”, “many women who report rape are lying because they are angry or want revenge on the accused”.

Evaluating the statement “any woman can be raped”, the highest level of agreement with it was shown by police officers with belief in a just world - “the world is just” (M = 4.09, SD = 1.21), and the lowest – police officers with belief in a just world - “the world is not just” (M = 3.08, SD = 1.67). At the same time, statistically significant differences between the groups “the world is just” (M = 4.09, SD = 1.21) and “the world is not just to everyone, but sometimes it is just to me” (M = 3.85, SD = 1.17) were not found. The opinion of the police officers with a belief in a just world – “the world is just to everyone, but sometimes it is just to me” is between – rather agree with this statement and neutral – disagree, and not disagree. This can be interpreted, so that police servants with higher rates of general and personal belief in a just world consider the possibility of rape as an event connected with their own mistakes, and everyone can make mistakes. Police servants with lower and average rates of general belief and low personal belief in a just world consider the possibility of rape as an event connected with an accident that does not depend on the person. That is such an attitude, first of all, is determined by the decline of personal belief in a just world.

Assessing the statement “a woman who was raped in a stranger’s car deserves it,” the police officers showed more disagreement than agreement to it. The highest level of disagreement with this statement and unanimity was shown by the police officers with belief in a just world – “the world is just” (M = 1.55, SD = 0.89) and belief in a just world – “the world is not just” (M = 1.42 SD = 0.9). Police servants with a belief in a just world “the world is sometimes just” (M = 1.97, SD = 1.02) and “the world is not just to everyone, but sometimes it is just to me” (M = 2.15, SD = 1.12) express more doubt in the perception of this situation, they more often give the answer – rather disagree, than agree with this statement. The same assessment of this specific situation of rape, by representatives of different types of belief in a just world, can be explained by different interpretations.
of the situation by representatives of these groups. Police servants with belief – “the world is just”, believe that not any woman who got into such a situation provoked it, because the focus of their attention is mainly on the actions of the abuser, and the fact of rape is associated with the mistake of the victim. Police servants with belief in a just world – “the world is not just”, explain the situation of rape, in this case, with a succession of random factors independent of the woman. Manifestations of extreme variants of belief in a just world lead to a more defined, stable assessment of the situation.

Assessing the statement “a woman who is alone on the street late in the evening, increases the risk of being raped,” a higher level of agreement with it was shown by the police officers with belief in a just world – “the world is not just to everyone, but sometimes it is just to me” (M = 3.52, SD = 0.83), “the world is just” (M = 3.3, SD = 1.27) and “the world is sometimes just” (M = 3.16, SD = 1.21), and the lowest level of agreement – police officers with belief in a just world are “the world is not just” (M = 2.25, SD = 1.35). Since the situation itself compared to the previous one is more uncertain and difficult, one can be on the street in the evening for various reasons, then the police officers with moderate and higher intensity of general and personal belief in a just world, evaluate it ambiguously – disagree, and not disagree. Police servants with a low level of intensity of general and personal belief in a just world tend rather not to accept this position. That is, they reduce the responsibility of the victim for the risk in this situation. The intensive belief in a just world makes one doubt, try to approach the situation more objectively, take into account a greater number of factors, which can significantly affect the quality of investigation of a crime, improving in this case the attitude of society to the activities of law enforcement agencies.

Assessing the statement “Many women who report rape lie because they are angry or want to take revenge on the accused,” a higher level of agreement with it was shown by the police servants with belief in a just world – “the world is not just to everyone, but sometimes it is just to me” (M = 2.94, SD = 0.86) and “the world is not just” (M = 2.5, SD = 1.04). These people are very suspicious towards the report about rape, they often respond – disagree, and not disagree with this statement, i.e. the information received from the victim must be checked. A lower level of agreement with this stereotype was shown by police servants with a belief in a just world – “the world is sometimes just” (M = 2.55, SD = 0.86) and “the world is just” (M = 2.17, SD = 1, 26). They rather perceive information about rape as truth and take the side of the victim. In this case, the difference in views is associated with a change in the intensity of personal belief in a just world.

In conclusion, it is possible to describe the peculiarities of the attitude towards the victim of sexual violence among police servants with different types of belief in a just world.

For the police servants with a belief in a just world – “the world is fair”, that is, a high level of both general and personal belief in a just world, attitude can be characterized by the following stereotypes:
• they rather disagree than agree that there was no rape;
• they rather agree than disagree that any woman can be raped;
• they disagree that a woman who was raped in a stranger’s car deserves it;
• they doubt that a woman who is alone on the street late in the evening increases the risk of being raped;
• they are suspicious that many women who report rape lie because they are angry or want to take revenge on the accused.

Based on the previous analysis, it can be concluded that the attitude of police servants to victims of sexual violence, to a certain extent, depends on the intensity of their belief in a just world.

Conclusions

Overall, the results showed that the attitude of police officers who believe in a just world to the myths of sexual violence is different from the attitude of police officers with a lower belief in a just world. Police servants with a high level of both general and personal belief in a just world are more likely to believe victims of violence and less likely to stereotype accusing the victim, questioning the views that women tend to lie about rape and
are themselves guilty of a crime, which increases the possibility of an objective decision in the investigation. This, in turn, confirms that in order to achieve high efficiency of the State Police, as well as public trust in law enforcement agencies, it is necessary to pay special attention not only to professional training, but also to the moral and psychological state of police officers.

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KIDNAPPING: A SECURITY CHALLENGE IN NIGERIA

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Abstract. This article presents a relatively new dimension of kidnapping, known as ritual kidnapping, which has been battling security and polity in Nigeria. The concepts of ritual and ransom kidnapping are explored and analysed within this text through the adoption of a theoretical framework on security with qualitative methods to explain the causes of kidnapping and ritual kidnapping, an overview of security in Nigeria, and a discussion surrounding the challenges regarding implementation of security within Nigeria. Drawing from results acquired during this study, it can be argued that while the concept of security is yet to be agreed on internationally to suit the needs of different states, Nigeria should adopt a hybrid security in addressing issues such as ritual kidnapping and other crimes in the country.

Keywords: kidnapping; security; ritual; youths; Nigeria


JEL Classifications: F01

1. Introduction

There is a need for alertness, call to order and an overhaul of security institutions in a country where crime precedes security (Zeman et al. 2018; Teivāns-Treinovskis et al. 2018; Kuril 2018).

This is especially true of Nigeria; there are frequent incidences of particular crimes, such as sectarian violence, ethno-religious conflict, political assassination, ransom kidnapping, campus cultism and electoral thuggery to human rights violations. Thus, insecurity is rife. Oarhe and Aghedo (2010) emphasize this by claiming Nigerian security agencies have largely been ineffective, which has led to a colossal amount of insecurity and violence in the country. Nigerian police avow that as an institution, it has arrested over a thousand kidnapping and armed robbery suspects in 2017. (Akinloye, 2017) Kidnapping as a security discourse is not new in Nigeria and its prevalence alongside the strain on security it brings needs to be investigated thoroughly (Ngwama 2014; Ebohon and Ifeadi, 2012). To an extent, these assertions hold weight. However, it must be noted that the effectiveness of security in the state is a causal effect of the political order. Politicians are not exempt from the ills they have created through kidnapping. The ineffectiveness of Nigerian security leading to the prevalence of crimes such as kidnapping has multi-causal connotations; among these causal variables, corruption is salient in the reasons and explanation of ineffective security. (Oarhe, and Aghedo 2010)

There are many types of kidnapping and reasons behind them, such as being politically or financially motivated – the latter can be referred to as ‘express kidnapping’ – or incidences where animals or brides are taken. Any of these kidnappings can also take place virtually, in that scam artists convince a victim to believe a kidnapping has already happened over the phone, (Threatrate 2017). However, as previously mentioned, ransom kidnapping
and ritual kidnapping will be central to this article; and for this study ritual kidnapping can be understood as kidnapping of human beings for the practice of ritual sacrifice with the belief that the sacrifices provide or generate money for the perpetrators.

According to Abdulkabir (2017) kidnapping rates have ‘geometrically increased’, in that between 2014 – 2017, it was reported that over 2000 people including young Chibok girls, government officials, politicians and kings were subjected to kidnap. Briggs indicates that kidnapping is now a big business motivated by profit rather than principle (Briggs 2001). This is likened to the challenges of the Nigerian security agencies; because when money is used as a motivation for kidnapping the principle behind the process accounts for little or nothing for those instrumental to the act. In order for security agencies in Nigeria to be efficient, there is a need to overhaul the security agencies and institutions, as previously mentioned; not in the sense of repackaging and ‘cosmetic painting’ of a troubled system, but a total overhaul with international standards trainings for staffs, implementation and priority given to all forms of crime in Nigeria. The imbalances of security focus should be addressed because the disjuncture can pose massive threats to national security.

For this reason, this article seeks to address the central questions generated for this study in asking what is the polity opinion on ritual and ransom kidnappings?; are youths willing to engage in ritual and ransom kidnapping when they are deprived of basic features, such as employment for their survival in the country?; will young people be willing to carry out ritual practices in the name of tradition and religion and how is the government tackling the issue of kidnapping in Nigeria?

It has been observed that most articles on the subject of kidnapping lack empirical research and are generally anecdotal and descriptive (Yun 2007). For some, the issue of ritual kidnapping is a myth and the best method to engage with this myth is the qualitative method as it engages with the respondent of the study with discussion in order to retrieve the information needed for the study and eliminating rumors or innuendos while presenting the facts gathered. Therefore, for this study, qualitative methodology that involves 25 in-depth interviews with respondents documented texts and mass-media reports will be used in order to divulge trends and what is likely to be reported. The choice of qualitative methodology helps in engagement with respondent through interviews and discussion. Thereafter, the analysis stage will feature narrative and phenomenological qualitative analysis; issues will be engaged analytically through qualitative discourse of kidnapping by professionals in security studies both in the academics and the local security in Nigeria. The justification for utilizing qualitative methods is to engage personally with the respondents, as the issue concerning rituals and human sacrifice in kidnapping and kidnapping in general in Nigeria needs one-on-one engagement and discussions rather than quantitative and statistical/structured proof which does not give room for dialogue and discussion.

2. Security overview in Nigeria

Security is a composite of a state. Del Rosso Jr., avows that security has been intimately associated with the state for over four centuries (Del Rosso Jr.1995). It is an important and compulsory service, and the state must provide these rights for its citizens. It could be argued that an insecure state loses its legitimacy to its people and in the eyes of international communities. The absence of security in a state leads to concepts such as failed states, failing states and collapsed states in international relations. Security in its entirety is a vast concept which has many dimensions: national security, international security and human security to mention a few. This prompted scholars such as Del Rosso Jr.(1995), Joseph and Sean (1991) to redefine security, noting security is more than just studying threats and control of militia.

In the midst of the argument of what security is, who it should be for, and how it should be used, Baldwin, took another level in disentangling the concept from the normative and empirical concerns. He asserted that not all dimensions and specifications are used every time one considers the concept of security, because the degree of specificity required varies with the research task at hand. Nonetheless, the dimensions of security can be broadly specified but the utility of the concept does not necessarily increase when this is done (Baldwin 1997). In other words, security should be defined as a policy objective distinguishable from others. Thus, the value
of security can be measured when the prime value approach, the core value approach and the marginal value approach is considered. (Baldwin 1997, 01).

The point of departure after the brief conceptualization of security is the plausible argument of Buzan, who claims that security at the individual level is related to security at the level of the state and the international system (Buzan 2007). It is on this premise that the personal security as it conflicts with kidnapping in Nigeria is *sine qua non* to the analysis and provision of state security. As noted by Forest (2012, 01), kidnapping is a global trend with variations by region and country. The perpetuation of kidnapping in Nigeria is carried out on local citizens and non-citizens, mostly expatriates working at upper-class industries such as oil companies Shell, Total and Chevron among others (Donovan 2018). To some, kidnapping is not seen as a capital security issue in the state, but acknowledging that kidnapping is part of terrorist attack which attributes to threats on individuals and to the state should not be dealt in a frivolous manner.

Security is the *summun bonum* of human life in Nigeria. However, since democracy returned in 1999, security in Nigeria has been concerning. Dambazau, outlines other problems Nigeria faces in addition to internal security difficulties, such as ‘the Boko Haram insurgency, the Niger Delta militancy and piracy in the south-south geopolitical zone, comprising Bayelsa, Delta and Rivers; ethno-religious conflicts, resource-based conflicts, trans-border criminal activities and election induced violence’ (Dambazau 2014,01). The security threat scares Nigerian citizens outside the shores of the country because the premonition of those who perpetuate this act is based on the fact that Nigerians outside of the country are rich and wealthy. Therefore, upon their arrival they are targeted for ransom kidnapping, even at the expense of distancing themselves away from their communities and families. Family members within the community are targeted and abducted so that they will be bailed out by their sons or daughters living outside of the country. A prime example is the kidnapping of Mikel Obi’s father, the popular Chelsea club star in England. This pattern also goes for expatriates kidnapped and rescued by ransom payment from their companies. These kinds of kidnappings are attributed to the high net of the individual, as mentioned earlier. The assertion that the security system of Nigeria needs a major overhauling is predicated on the fact that a threat to the security of an individual should be a threat and concern of the state; just as it is upheld in advanced countries where they acknowledge and uphold that a threat to their citizen as a threat to the country. Unfortunately, the security system in Nigeria under the purview of its democratic practices eludes the polity. This does not mean that the Nigerian government is not trying and doing what they can, but trying is not enough, and of course, acknowledging the fact that there is a difference in the way security is implemented effectively by advanced countries calls for the overhaul and provision of better security in a state that is not at war.

3. Security challenges in Nigeria

Kidnapping is a global phenomenon, which can be argued to have been in existence since humans created a coordinated society that provides a coordinated attack on fellow humans. Handrahan (2004) and Menon (2003) point out that the Kyrgyzstan kidnappings were carried out to solidify masculinity and strong ethnic identity. Bridal kidnappings in India are used to reduce women’s social status and the bride’s negotiation power. Moreover, the motive behind kidnapping is based on the culture of different societies. However, there is a clear-cut difference between ritual kidnapping and ransom kidnapping, which this study brings to light.

Kidnapping in Nigeria goes beyond the conventional typology of kidnapping in terms of global trends. Ritual kidnapping is an unconventional type of kidnapping is yet to be fully recognized, but it is persistent within the country. It could be argued that most of the kidnapping in Nigeria stems from the nexus of corruption and unemployment among the youths. This idea is shared by Dambazau, (2014), who inclined with his opinion that lack of decent leadership accompanied with meager governance heavily feature when attempting to outline the problem.

Though Nigeria is ethnically and religiously divided, the approach for kidnapping defies ethnocentric methods. It has no ethnic ties; the success of kidnapping in Nigeria is based on information and methods employed. Nevertheless, most kidnapping cases are ethnically situated. The rise of kidnapping in Nigeria between 2005 and
2006, shows that the main causes of kidnapping are ‘politicians, poverty, terrorism, lack of stiffer punishment by government, negligence on the part of the well –to-do in families and quick money... thus, kidnapping is a national social problem that must be solved nationally. (Dodo 2010). Dodo, pointed out some of the causes and remedies of kidnapping, but was not elaborate enough in terms of elucidating the link between ritual kidnapping and ransom kidnapping, (Dodo 2010, 01) in that the former is a precursor to the latter. Ritual kidnapping as a precursor to ransom kidnapping is ancient in Nigeria; the idea of kidnapping humans and using them for rituals to obtain wealth and power has evolved to ransom kidnapping. Thus, in the absence of ritual kidnapping, people need to be kidnapped and sold or traded for money or wealth.

Recorded incidents of the risk of kidnapping (geographically based) between 2014-2016 show that Bayelsa, Rivers, Yobe, Borno, Koggi, Delta, and Lagos have the highest record of kidnapping (Control Risk). Cases of ritual kidnapping have been reported mostly by the media and with little attention in academia (Akure 2017). Thom-Otuya also discusses this concept; her work touches on kidnapper’s motivation, government effort and its effect on Nigeria National Security, focusing more on the Niger Delta region and the kidnapping of oil workers and expatriates. (Thom-Otuya 2010) In contrast to Dodo (2010), Thom-Otuya does not mention cultural and traditional norms associated with kidnapping, but does recommend increasing military and defense budgets. (Thom-Otuya 2010, 14) However, military security does not automatically resolve the issues being discussed here; despite higher military spending over the years (which includes security), ritual and ransom kidnapping has not decreased. To add, ‘security’ is a contested concept that has been debated by realists and neo-realists; it can be compared to an octopus with different tentacles. Baldwin, described the concept of security as a confused or inadequately explicated concept than as a contested one (Baldwin 1997). Perhaps grappling with its definition has pitted the handling of security issues in a holistic view.

Even some religious centers are involved and implicated in ritual kidnapping; money is earned as humans kidnapped and sacrificed generate more income by attracting people to come seeking for solution in such centers. In turn, they are duped directly and indirectly through prophecies and requesting for money in other to solve people’s problems. Edem (2017), supports this by emphasizing the urges that have been made to federal government to find solutions through policies to stop the activities of pastors and churches. Kidnapping within the Niger Delta region has been discussed by authors such as Akpan (2010), Badiora (2015), Jordan (2001) and Gray and Adeakin (2015), concentrated on the Bokoharam kidnappings. Jordan (2001, 02) is among the few who situates and explains that ritual killing is associated with issues of wealth, power and inequality.

Furthermore, the issue concerning kidnapping is articulated by Igwe who reported that: “In Nigeria, the belief in ritual money is very strong and widespread. The belief is entertained both by the educated and the non-educated, by people of all faiths, and by those who indulge in ritual killing and sacrifice of human beings and those who do not. Modern education in science and logic has not succeeded in eradicating the belief. The existence of relevant laws has not stopped people from carrying out money-making rituals. The belief in ritual money, often seen as self-evident has driven people across the country to kidnap, murder and mutilate other human beings including their family members” (Igwe 2013).

Oyewole, was efficient in showcasing a diagram depicting the motivation for ritual kidnapping focused on faith and materialism, which is shown below (Figure 1):
This study presents an alternate explanation on the variable of faith as a factor and also focuses on materialism based on the ritual kidnapping model above. Superstitions anchor on materialism, for if there is a belief on killing to become wealthy, materialism becomes the focus, with faith just behind. In regard to religion, if the focus is not on wealth but redemption or protection from the ‘unknown’, then it falls under the category of materialism. For within the concepts of redemption, protection and success, it stands out that there is an acknowledgement of self-saliency and above others in terms of fame, favour, protection, success and wealth, which are all under materialism.

Although individuals’ aspirations and values vary from person to person, it must be acknowledged that –to a greater extent – the aspiration of the Nigerian polity is skewed towards a materialistic lifestyle. Most people wish to be rich which is not inherently a negative thing. The aspiration and struggle which leads to kidnapping plays out in two narratives. Firstly, the aim of kidnapping is not directly focused on being wealthy, but as means to obtain financial liberation where little and very tight opportunity for financial freedom is available for the polity. Secondly, the influence and affluence in society pushes some people aspiring for the social status to engage in devious acts such as ransom and ritual kidnapping. This would be a fast way for people to obtain money required to ascend the social status that they clamor for. At this juncture, it can be deduced that ransom and ritual kidnapping stems from materialism which becomes a security challenge to the state. This is not to say materialism itself is the problem, but it becomes a problem due to the degree of its pursuit by those who employ its usage for their means.

From the political side, Yun, reveals that ‘since mid-1990s, hostage-taking and kidnapping increased as preferred tactics of political terrorist’ (Yun 2007, 01). Apart from the political kidnapping which politicians use as a means to make their opponent give in to their demands, the politicians in Nigeria are highly involved in ritual kidnapping for sacrifice. Usman (2017), claims that a few government officials and politicians have been previously accused of utilizing humans for rituals with the goal of maintaining their affluence and remain in power. Investigations have also revealed that whenever elections are near, people have been known to disappear in addition to ritual killings taking place. Unfortunately, the media rarely cover or publish stories concerning the involvement of politicians in ritual kidnapping and sacrifice due to the fear of being shut down. It can be argued that if media does not publish cases that involve kidnapping and human sacrifice by politicians, then they become party to the crime as well. Nonetheless, understanding the role of the media not taking sides and rarely publishing kidnapping news is another issue based on media ownership. Only few are handled by private owners and it is a very hard venture going against those who influence and control information dissemination for the public. This is expressed by Ali, who notes that many African countries struggle with government controlling broadcast and print media, providing no opportunities for discussing opinions or public debates (Ali 2015). Also, the influence of media ownership has more governmental interference in Africa, especially when compared to countries such as the USA or UK (McQuail 2010). Even so, when such information is
made available to the public, little or nothing is done regarding issues concerning cases of ritual and sacrifice kidnapping when politicians are involved.

Another aspect that exacerbates kidnapping in the country is the issue of resource control and allocation within the country. Yun, claims that ‘a globally-integrated capitalism has produced more numbers of people who are alienated and disenfranchised from the prosperity of a globalized economy.’ (Yun 2017,01), Therefore, the likelihood and numbers of hostage-takers and predators has increased. Nigeria can be considered a global hotspot for kidnapping. This could be because of the unequal distribution of wealth and pollution produced by the oil industry. Thievery, corruption and channeling of state resources for the ‘elite’ causes distrust within the various constituents in the Nigerian state (Ebohon and Ifeadi 2012).

4. A broad approach to security

This section draws from Ken Booth’s Theory of World Security (Mutimer 2007), with focus on emancipation as the only means to produce true security. Although Booth does not give us a ‘systematic way to think about the state of the world as much as series of ideas than animate a progressive politics’ (Mutimer 2007,01) his work is remarkably and important in the analysis of security challenges. Kidnapping is a global phenomenon with varying scales and gradation at which it is executed, and the notion of underdevelopment as a security concern is central in the explanation of ritual kidnapping in Nigeria. In regard to emancipation as it relates to security, Roy noted that countries are extremely attached to the opinions, customs, and even habits which they have been used to (Roy 2000). Thus, the need for a different world-view in the wake of global war is needed when rituals involving human life (such as ritual kidnapping) are part of people’s customs and habits in Nigeria. Booth, goes on to assert that internal security needs to be addressed, as external world security is debated, contentious and dependent on the graduation of internal security; because ‘it is in the condition of insecurity where the politics of the meaning of security begins.’ (Booth 2007, 101)

Borrowing from the notion ‘seeing but not seeing’ from Booth on convergence of traditional ideas among other factors, which dominate politics, economics and society globally on the way security is being thought of (Booth 2007, 12), Booth was right in terms of traditional ideas. The issue of ritual kidnapping is implemented in some traditions and cultures but does not only take place in Nigeria. It is on this premise that ritual kidnapping and ransom kidnapping are difficult to be hamstrunged. In the fight against ritual kidnapping - which poses a security threat on the populace - traditional practices of ritual kidnapping continuing to be upheld by members of society becomes problematic. Those in pretense adopt Christianity and Islam as their religion, thus fusing traditions together, and are found wanton with ritual sacrifices of humans beneath their worship centers and edifices. Therefore, there are cases of religion in Nigeria, mostly in some parts of Sub-Saharan Africa becoming a hybrid religious system.

Security is a concept that has drawn lots of academic attention in terms of trying to find a resolute place in the political realm. Over the years, it has undergone modification each time it is analyzed. This brings about the question, what if the framed security that is being practiced by states is actually something else other than security itself. In attempting to right the wrongs of the framed concept of security which is practiced by states, Connolly (1992) noted that we cannot escape onto-political assumptions. Such assumptions possess ontological and epistemological roots. Coleman and Rosenow, (2016) and Bonditti et. al, (2015) noted that security as a concept is a radical heterogeneous assemblage of knowledge and practices. Therefore, when trying to understand and practice security, it should be decentered and analysed with different perspectives and new approaches.

Decentering security will aid in unlearning what we thought we knew and changing questions we wanted to ask (Coleman 2015a). By doing so, the array of factors enmeshed within security will be understood differently. For example, security can be understood from the state and individual or group approach. The approach to security should not be limited to problems and challenges created by the polity which grants the state the right on the provision of security. For the polity, achieving security sometimes plays out through the struggle over resources
such as jobs; thus, struggle is expressed through a conduct of actions towards a goal which may involve protest when needed and necessary. This kind of struggle aligns with the freedom of want and fear (United Nations 2017).

Security as a good that is provided by the state for the polity should be dealt by identifying the obscurities of individual and group struggle for security. In the height of the challenges battling with the security institutions and structures in Nigeria, the state needs to see security from a different prism, one that involves the analysis of power relations with other competing variables, such as development in the state. Attempting to attune and understand the framework of security in the pre-4th republic of Nigeria would be pointless, as it does not meet with the contemporary trends and challenges on security in Nigeria. Not until recent years, kidnapping posed a minimal security challenge in Nigeria.

In Nigeria, situating security at the state level while acknowledging traditions and customs at the same time will go a long way in addressing insecurity. The Nigerian security operatives and officers are subject to training and upgrading themselves with international practices towards security, yet little is being achieved due to the focus on security as a military or a policing conduct as against other factors, such as development contesting against other variables that makes up security. Again, this leads back to what was mentioned earlier regarding decentralization of security. Decentralization in this context does not imply the typical framework which involves the military and paramilitary (the police and Secret Services), but the recognition of other factors that has not been acknowledged as important variables or factors in addressing insecurity in Nigeria.

In a public lecture on the topic of strategic solutions to emerging security challenges, Etannibi Alemika stated that ‘the effectiveness of police and other security and criminal justice systems will not provide lasting solutions if attention is not paid to the transformation of the political, economic, social and ethno-religious structures and relations that breed crime and criminals in the country’, Akinloye (2017), therefore, reinforcing the notion that other factors apart from brute force need to be implemented to tackle security and thus, kidnapping.

Implementation of security in a state can be divided into two main categories applicable to the security institution: military or paramilitary and human security. The focus on security in African states is centered on the former; human security is yet to garner a lot of attention. The lack of concentration on human security may be a problem on a broader scale. Utilizing police in the provision of security in Nigeria is a herculean task; the capacity of the police in terms of securing society is low, and being outnumbered plays a role in that. For instance, according to Akinloye, (2017), Lagos has a population of over 22 million with roughly 30,000 police officers but a large number of them are allocated to politicians and citizens who can afford to spend more on security. This is supported by former Inspector General of Police, Ogbonna Onovo, who drew attention to the large amount of (illegal) deployments of police officers and other security personnel to upper-class individuals, most motivated by money (Ebohon and Ifeadi 2012). The police have also been indicted on different occasions due to extortion and corruption which impedes and worsens the fight against kidnapping. So, there is absolutely a need to move from a paradigm that is state-centric to one that focuses on human security (Ebohon and Ifeadi 2012).

As previously mentioned, kidnapping is a product of leadership styles that created anomalies within the structures of the society. These anomalies such as unemployment, unequal distribution of resources within the state, cultures, traditions and religions are variables that are situated and needs to be addressed. Put differently, the use of traditional security on issues such as kidnapping without addressing the root cause of kidnapping is futile.

5. Results and discussion

This study engaged respondents by random selection on geographical locations and purposeful selection of educated youths, comprising of undergraduate, graduate, postgraduate level as well as lesser-educated youths, in order to gather thorough information regarding the kidnapping issues in general. Interviews were conducted on the key respondents are the religious clergies, an African native priest more commonly known as herbalists
(wanting anonymity), academics and scholars in security studies in Nigeria, a major stake holder respondent from the Nigerian Police Force and younger respondents.

The information gathered from the clergies revealed that some ‘men of God’ engage in ritual human sacrifice in order to attract many members to attend their churches. This leads to the generation of lots of money and proceeds during offerings and tithes from their members. Moreover, the process of the human ritual sacrifice is done through abducting or kidnapping the unwary. A respondent avowed that to stop such barbarous and ungodly act, there is the need to build a strong synergy with the security institutions while they keep preaching the good ways for people to change and unlearn what has been learned.

The key respondent from the Nigerian Police Force (NPF) revealed that ritual kidnapping in Nigeria is primordial and keeps occurring mainly for money rituals; it is done either to start the money ritual or as a requirement to appease the gods or deities providing money or to the ritual process. However, he stated that there are consequences associated with such rituals and cited an example of a case of a man who partook in money rituals in Benin City, Nigeria. Using his wife for this purpose, he became wealthy and had lots of properties in the country, but ultimately was subjected to retaliation when the spirit of the wife haunted him and lead to his suicide (Sogbade 2017). On asking the respondent if rituals conducted can be scientifically proven, he noted that it cannot be because it is akin to black magic; he suggested that the only way to strengthen security towards crimes such as kidnapping and ritual kidnapping is by deploying more scientific and contemporary techniques to fight and detect crime. He also mentioned provision of employment opportunities for the youths for who engage and indulge in ritual killings and kidnappings.

Nwolise, a professor of Political Science in Nigeria aids in analysing the general opinion concerning the prevalence of ritual kidnapping in Nigeria from an academic perspective. He claimed that kidnapping in contemporary Nigeria is usually for reasons such as ransom, producing human meat by criminal deviants, harvesting organs for hospital transplants in Asia and Europe as well as for rituals, slave labour and controlled prostitution abroad (Nwolise 2017).

When asked if rituals can be proved scientifically, Nwolise emphatically stated that if science was humble, it would explain it in more depth; it is too proud and pompous over this type of issue and not developed to the point of understanding spiritual force evoked into jujucraft.

The causes of kidnapping that emerged from interviewing younger respondents were: poverty, unemployment greediness, peer influence, irresponsibility, vengeful justice, sheer evil, laziness, desperation for riches, religion and illiteracy. All respondents stated they will have nothing to do with kidnapping, and on their perspective on security it was noted that the security agencies are not effective in crime related issues. Moreover, these agencies are also involved in crimes due to the fact that they are also after money; their greediness will not allow them to be effective, and are only effective when an influential person is involved, tally with Akinloye’s (2017) assertion. Being on the pay roll of the corrupt influential people and kidnapper kingpins who are supposed to bring to law was also discussed, as well as lack of patriotism. On the understanding of ritual kidnapping, the youth interviewed avowed that ritual kidnapping is the “kidnapping or people who are killed for the purpose of ritual sacrifices for money purposes” (personal communications, September 18, 2017) 15 respondents made references to many ritual sacrifice cases but most of them cited the relative recent Soka kidnapping ritualist den that happened in Ibadan Oyo state, 2014(Punch 2018), and another ritualist den in Lagos state (Afeez 2017) busted by security operatives where humans are kidnapped and kept for ritual purposes, and the respondents noted that:

“lots of ‘mad’ people are on the loose with the pretense of being mad to conduct ritual kidnapping business in selling human parts”. Correlating to the aforementioned, a police officer in Ibadan, Oyo state, avowed “that many cases relating to fake mad people who indulge in kidnapping and selling human parts have been arrested, but before prosecution, the people in high positions in the government intervene and case is silent and perpetrators release from police custody and they practically have no power to challenge them as these top
people in the government calls the shot” a respondent (personal communication, September 14, 2017); while some respondents mentioned the popular Otokoto kidnapping ritualist case in Owerri the eastern part of Nigeria which was also reported by (Falayi 2018). Both the educated and non-educated younger respondent noted that “the issue of kidnapping is worrisome as no one knows who is out there to kidnap them and this affect the social relations among people that has been existing for a long time” (Respondents personal communication, September 04, 2017). On ritual sacrifices, respondents from the security operatives and also the young people revealed that there are so many cases of “people desecrating the dead graves in search of human parts for ritual purposes” which has been reported by newspapers such as. (Usman 2010 and Nwachukwu 2017). The younger respondents recommended that the best way to tackle kidnapping is provision of good jobs for the youths, good employee remuneration to avoid desperation in search of alternative means for money, and people need to be educated with appropriate justice meted on those found guilty. Additionally, religions encouraging kidnapping should be abolished.

6. Socio-political, economic clarifications and new determinants of kidnapping

The determinant of kidnapping activities carried out by youths is mostly economical and not political. Unlike the kidnapping classification system of control risk groups, India National Crime Records Bureau and other classification and statistical typologies available in different states (Mohamed 2008) Nigeria does not have a special classification of kidnapping system apart from the unclear police reports. As a matter of fact, private organizations and firms working on crime, violence and security such as the IFRA-Nigeria Watch Project on Fatality Trends takes it upon themselves to document issues relating to crime and violence, while a central coordinated information from the federation is elusive. This gesture by the private sectors is welcomed and gives insight on issues concerning security in the country. It undermines accuracy and validity because there are many organizations involved in such gestures, and it begs the question of authenticity when there are variations of database in the country without a central body evaluating documentation process.

To disentangle the blurred line as to where ritual kidnapping can be classified based on motivation or causal variables. It is worthy to note that, ritual kidnapping can be classified under economic, political and religious typology depending on the motive or the needs of the perpetrator. However, the economic and the political is mostly connected for they complement each other in terms of finances and political power. This is buttressed by Turner (1998), who noted that the boundaries between the economic and political causes are irresolute. From another perspective, Tzanzelli, noted the sociological aspect of kidnapping by putting forth that if we see structural problem to the causes of kidnapping in contemporary polities and economies then they we should recast our thought that kidnapping can emulate existing social codes that make socio-economic life function the way it does…he then argues that “the logic of kidnapping is the illegitimate counterpart of a legitimate exploitation system that has been around for centuries: that of capitalist exchange.” Tzanzelli (2006:935)

By implication, kidnapping is situated and common in ‘countries with high levels of crime and corruption, poorly resourced or trained police personnel, a weak judiciary and/ a history of political or social instability’ (Pharaoh 2005, 23). This study agrees with Pharaoh (2005) conditions for kidnapping because these conditions are all present in the Nigerian state.

Regarding ritual kidnapping which often leads to human sacrifice (mainly for money), there are shared beliefs by people in Africa (Zimbabweans), their shared processes and meanings based on culture and nation have important implications on meaning, shaping behaviours and for theoretical understanding of a phenomenon. Rödlach, (2006) study informs us that understanding of disease produced by a search for meaning does not necessarily match biomedical explanations, so it is with the same logic that applies to those who use humans kidnapped for rituals or money sacrifices. In the academia, reasons which involves the notion behind kidnapping and ritual kidnapping can be debated while stalling in methods and solutions that needs to be adopted. For instance, Twolise (2017) presented and urged for the necessity of structures and concepts such as magic and spiritual healing, Strategic Spiritual Intelligence, the involvement of African divinities, and magic and spiritual healing. Spiritual security can be utilized to enhance physical security; there is a need to engage with them
on the “back-stage” behaviour against the “front-stage” behaviour, which is hidden away from public eyes as similarly expressed by Erving (1959), in order to understand the notion associated to issues relating to security vis-a-vis humans kidnapped for rituals or money sacrifices.

The African native priest, also a member of the Ogboni Confraternity, was asked, ‘why do native doctors that assist ritual kidnappers not make themselves rich, but assist the ritual kidnappers who venture into it?’ Firstly, the native priest explained that it is not every native doctor that engages in such acts; human ritual sacrifices for riches actually works, but there is always a repercussion; that is why he does not enrich himself with the proceeds of human sacrifice. In his words, ‘nothing is free in these types of transactions’ and in most cases, people seek for the negative side of mysticism which is harmful and easily accessible in the country, (African traditional native priest 2018). In terms of curbing the ritual kidnapping and providing security in the country, the native priest stated that kidnapping in general cannot be stopped due to security operatives and some occult groups abetting the crime through different ways. However, there are several ways to reduce insecurity through traditional methods, but he alleged that the government would not allow it. Moreover, the priest explained that only a few people are enlightened and that he knows the success of traditional religious application to security within government institutions. For example, some security personnel who equip themselves with traditional religions, offer support in the fight against crime.

7. Theoretical connections with empirics

The qualitative empiric of this study presented herein in line with Ken’s Booth Theory of world security with a focus on emancipation of security, disentangles the approach on the conventional (world view on security, even when it is debated on) and approached the issue of kidnapping on a regional/state level on how issue concerning kidnapping security issues can be addressed. Based on the findings, beliefs and suggested ways of addressing the challenges of kidnapping from respondents, it shows that, when the International world view of security on traditional/military security does not cover a lot of security issues which has already been argued by human security advocates and scholars; then for Nigerian state, the politics of meaning and security adopted will be fruitful when the political leaders think about security alternatively coupled with the traditions supportive to addressing security in state are consulted and probably with fusion for the best result. Thus, the recommendation presented by the respondent of this study through interview should not be seen as clouded recommendation based on customs, or religions even when majority of the respondent are educated and important persons in the society but should be seen as a means and alternative pathway to address security issues when the military type of security fails.

Issues such as ritual kidnapping and kidnapping in general or rituals ‘may’ have cease to exist in so many part of the developed world, while it undoubtedly present in some undeveloped part of the world remains a challenge in the 21st century coupled with conventional world view of security, then there is need to address kidnapping through collaborative effort.

Arguably, the Nigerian government and it citizens going back to pre-colonial period see and knows how to address situations of kidnapping but probably may not want to bring traditional practices in place due to ‘democracy’ practiced in Nigeria and will cause religious quagmire among its citizens, but even so, an agreement can be reached if the government really want to make curb and the issues of insecurity such as kidnapping and human sacrifice kidnapping. Therefore, for Booths emancipation of security, it fails to point out that there will be issues conforming to an alternative security at the beginning and might even be frowned at internationally unless this emancipation is effective and provides positive results.

Conclusion

The way money is generated through human sacrifice is yet to be ascertained by science. It can be deduced that there is no evidence linking human sacrifices in making anyone rich. Yet, this belief is primordial, and people still engage in such acts, as outlined by respondents in the interviews conducted in this study. Nevertheless,
discrediting this belief and notion which justifies the engagement of people in such acts is what needs to be concentrated on. Kidnappings are situated in tradition and religion, which only continues to be reinforced – despite government interference - due to people occupying government offices that fail to detach themselves from their traditions that encourage ritual or sacrificial killings.

Teachings within Christianity and Islam in Nigeria (and Africa in general) advocate eradicating ritual killing through evangelism and have been doing so since its introduction by missionaries and colonialists. However, religious hybridity still festers within. This is not to say traditional religion is problematic, but there is a need to revisit, transform and drop the involvement of human ritual sacrifices which involve kidnapping and voluntary submission of oneself for ritual purposes, especially after they have been brainwashed for a course through traditional doctrines and dogma.

Until individuals start abandoning traditions and customs involving human sacrifices leading to kidnapping, Nigerian security will continue to struggle. Therefore, one of the best methods that will help security challenges among other factors leading to ransom kidnapping is education. There is the need for people to unlearn what they have learnt and hold dear in regard to ritual killings, sacrifices, and generic harmful spiritual beliefs. This is why more recognition is needed; the truth about kidnapping should be spread as far and wide as possible – starting in academia, progressing to media - in order to reach Nigerian society.

Another entry point in addressing kidnapping that stems from the struggle for financial liberation is diversification in economy generation. In other words, the government in Nigeria should start planning and diversifying in other sectors of the country’s natural resources to generate finances needed to govern the country. This is especially relevant in this era that has a large focus on clamoring for alternative or green energy and reduction of oil dependency.

Science has not yet sufficiently explained human sacrifice through ritual kidnapping. However, dissociating spiritual beliefs or traditions does not prove that it does not happen, after all, science has not uncovered or resolved everything in this world; it keeps discovering and that is what science should strive to do, especially with regards to solving issues presented in this study. In the absence of a concrete conceptualization of security that serves as a rudder for security implementation, this study recommends a holistic and hybrid security in other words, the fusion of all forms of useful security avenues - interventions suited for Nigeria and its kidnapping epidemic.

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ECONOMIC GROWTH AND IMPACT OF INSTITUTIONS ON QUALITY OF HUMAN CAPITAL: A CASE STUDY

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Abstract. The article presents the basic principles of access to health care from the perspective of economics. Accessibility to health care implies adequate health expenditures and is based on the principle of equity. Based on a statistical analysis of international survey data, the article provides a comparative assessment of the accessibility to health care in Latvia, offers realistic solutions to one of the most pressing problems to improve the quality of life of the population. The results of the original studies carried out by research teams from Lithuania and other countries are widely used. The accessibility to health care is determined by two areas of a positive development of a country – economic growth and institutional maturity synthesized by social justice. In other words, the population’s greater access to health care-related services can and should be achieved not only by increasing the labour productivity of the employed through the introduction of new technologies and other components of economic growth, but also by adjusting higher-quality state and non-state institutions, their effective interaction in order to achieve economic growth and quality of life of the population.

Keywords: economic growth, health care; out-of-pocket payments; catastrophic health expenditures


JEL Classification: I15, O43, D63

1. Introduction

One of the major driving forces of economic growth is human capital. Quality of human capital is affected by wide range of factors, e.g. such as living (Omelchuk 2018) and working conditions (Lincaru et al. 2018; Kaźmierczyk, Chinalska 2018; Mamedov et al. 2018), education quality (Labanauskis et al. 2018), accessability to health care (Panfiluk, Szymańska) etc. This paper will tackle, specifically, accessibility to health care in Latvia with the aim to reveal the role of the institutional maturity of the system.

According to Eurobarometer 2018, the Latvians consider health care and social security system one of the most pressing issues in their country – 37 pct. (Euro Commission 2018). The topicality of the given issue is evidenced by numerous articles that regularly appear in the Latvian media; they are devoted to the existing problems with human resources in the health care, insufficient funding of the sectoral activities and the depressing consequences of the limited access to health care-related services among the population. The underestimation of the severity of health care problems leads to serious consequences in the field of national security (Menshikov et al. 2017).

Access is a generic term used to refer to a wide range of issues focused on the extent to which individuals and groups can receive necessary services provided by a health care system. In scientific literature, there are various approaches to the formulation and operationalization of this concept. In the 1970s, David S. Salkever (1976)}
classified access to health care as physical and financial accessibility. More than 30 years ago, Penchansky and Thomas (1981) identified five main dimensions to categorize access to health care-related services: availability, accessibility, accommodation, affordability, and acceptability. Later, numerous studies used various modifications of this concept (Frost et al. 2016). Researchers added such dimensions as reachability, coverage, outcomes and impacts, appropriateness, adequacy, quality, and many others (Levesque et al. 2013).

Unmet health care needs, defined as a difference between the services deemed necessary to adequately deal with health problems and the ones actually received, are treated just as tools to control the access and the degree of inequity in the use of health care (Allin, Masseria 2009). To study the accessibility to health care, Eurostat uses data provided by two surveys: “EU Statistics on Income and Living Conditions” (EU-SILC) that is conducted annually, as well as “European Health Interview Survey – second wave” (EHIS), which was carried out between 2013 and 2015. For the second wave (EHIS2) the baseline year is 2014, and for EU-SILC statistics the reference year is 2016. The results of EU-SILC are calculated over the entire population of the European Union aged 16 and over. While EHIS covers the population aged 15 years and over that were in need of health care in the previous 12 months prior to the survey (Eurostat 2018).

Eurostat data identifies three main reasons for the unmet needs of the population for specific health care-related services: cost of services (too expensive), distance or transportation problems (too far to travel) and timeliness (long waiting lists). According to EHIS, in 2014, a total of 26.5 pct. of the EU-28 population aged 15 and over in need of health care reported to have unmet needs for health care because of the reasons of financial barriers, distance or transportation problems and/or long waiting lists (Figure 1). In this rating, Latvia is at the 1st position among all the EU states – 41.8 pct. If to consider only financial reason for unmet needs, then Latvia is again among the “leaders” in the ranking – the 2nd position after Ireland among the EU states, with an indicator of 34.2 pct. (Eurostat 2018).

![Figure 1. Share of persons aged 15 and over that report unmet needs for health care by various reasons, 2014, %](image)

*Source: compiled by the authors from Eurostat data*

Countries with a low level of financial protection of the population often report a high level of unmet need for health care-related services. Economic accessibility to health care implies adequate health expenditures and is based on the principle of equity. Ability to pay for health care-related services is a widely used concept in the field of health economics (Levesque et al. 2013); it is determined by such indicators as prices for services, direct costs, indirect costs, etc.

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To measure economic accessibility two methods are traditionally used: “catastrophic payment method”, based upon the ratio of the payment for a specific commodity to a household’s total resources, and “impoverishment method”, which considers household’s residual income after paying for the needed goods or services. These practical methods are also considered essential when measuring financial protection of health care (Niëns 2014). The catastrophic expenditures method measures the proportion of population, whose resources will be drastically reduced after paying for health care-related services and goods. Catastrophic health care expenditures occur, when a household’s out-of-pocket health spending exceeds a defined threshold of the household’s expenditures; as a result, the household may face difficulties meeting other basic needs (WHO, Regional Office for Europe 2018). The impoverishment method estimates the proportion of population that will be pushed below the poverty line after health expenditures. The international poverty line is used to calculate the indicators of impoverishment – $ 1.25 per person per day. The established methods used to measure the level of financial protection and the underlying assumptions and limitations are described in detail in the works by A. Wagstaff (2008) and O. O’Donnell et al. (2008).

Catastrophic expenditures and out-of-pocket payments for health care with their impoverishing effect have become the key indicators in assessing the financial protection of health care, which has been actively investigated by the WHO Regional Office for Europe in recent years. In 2018, WHO released a series of publications entitled “Are people able to pay for health care-related services?” and devoted to financial protection in various countries, including Latvia (Taube et al. 2018), as well as a comparative analysis of the financial protection of health care in Latvia, Estonia and the Czech Republic that are high-income countries, but with different levels of financial constraints (Thomson et al. 2018). Catastrophic health care expenditures are heavily concentrated among the poorest households in all the three countries and among retirees in Estonia and Latvia, but not in the Czech Republic. In these countries, the degree of financial constraints, caused by catastrophic expenditures, varies. On average, Estonian and Latvian households with catastrophic out-of-pocket payments spend a much larger share of their budget on health care-related services rather than the ones in the Czech Republic. The analysis has showed that the differences in financial constraints are partly due to the differences in health expenditures in all the three countries, especially with regard to changes in the priority of health care in the allocation of public spending.

WHO experts recognize state health insurance policy as a no less important factor. For example, the system of state co-payment for pharmaceutical expenditures, when a patient pays a certain percentage for health-related prescriptions or services, is recognized as weak and ineffective, because out-of-pocket payments increase as drug prices rise. In Latvia and Estonia, a significant part of cost-sharing falls on the shoulders of that part of the population that cannot afford it – the poor, people with chronic diseases, retirees. In its turn, the Czech Republic is one of the few EU countries, where a limit on all types of co-payments has been introduced, as a result, catastrophic expenditures are very low, outpatient medicines are affordable, and retirees do not experience excessive financial constrains (Thomson et al. 2018).

Co-payment is an official payment imposed on users (money that people need to pay when they receive health care-related services), which is paid by a third party, for example, by government, health insurance fund or private insurance company. Annual per-person limitation on all types of co-payment (exemption of people from co-payment) plays an important role, as it either ensures that the respective target groups do not have to pay anything at their own expense or limits the amount of the sum that must be paid out of pocket, giving a protective effect to the poorly protected segments of the population. Limits can be applied to the payment for a commodity or a service or to the amount of per person or household’s expenditures for a certain period of time. If they cover the amount of the expenditures of one person, they can be set as a fixed amount or as a certain share of one’s income. The limits on the amount of expenditures for a certain period of time provide a higher level of protection than the limits on payment for a certain commodity or a service. The application of limits set in relation to one’s income provides greater social equity by ensuring that a larger part of financial burden, associated with direct payments, will be placed on more affluent households (WHO, Regional Office for Europe 2018).
As the WHO study shows, Estonia has already taken steps to simplify and improve its co-payment policy – it sets a threshold for direct payments for certain prescription products; if the set threshold amount is reached, the co-payment amount charged as a percentage of the cost decreases (Võrk, Habicht 2018). Data on the positive consequences of the exemption of poor citizens from co-payment also come from Latvia. By taking measures in response to the economic crisis, in 2009, Latvia exempted the very poor from making co-payments for services; in 2010, it extended this norm to other poor groups of the population; and then, in 2012, Latvia repealed this norm for all persons, except for the representatives of the poorest households (Taube et al. 2018). These changes in co-payment policy coincide with a reduction of the prevalence of catastrophic direct payments in the quintile of the poorest consumers (WHO, Regional Office for Europe 2018).

Empirical evidence demonstrates that one of the main indicators of the financial protection of health care (personal payments / out-of-pocket payments) reflects the risk of financial catastrophe and impoverishment. When patient personal payments do not exceed 15-20 pct of the total health care costs, the risk of experiencing catastrophic expenditures and impoverishment is minimal (Evans et al. 2010). Experts often define personal payments as catastrophic ones, if a household’s financial contribution to the health care system exceeds 40 pct. of its income. Not only consumers’ out-of-pocket payments can cause financial stress and rejection of health care-related services, but they also cause inefficiency and inequity in the use of resources. The use of this form of payment leads to excessive consumption of health care-related services by those, who can pay for them, and to under-use of the health services by those, who are not able to pay for them (Evans et al. 2010).

OECD statistics show that of the three countries mentioned above, in 2016, the smallest proportion of out-of-pocket payments was observed in the Czech Republic – 15 percent, in Estonia – 22 pct. and the most depressing situation was found in Latvia – 45 pct.

In one of her interviews, Anda Čakša, Minister for Health of the Republic of Latvia, emphasized that in our country patient out-of-pocket expenditures are high, since the accessibility to state-paid services had been low for a long time, which made patients pay for health care-related services themselves (LETA 11.10.2017). It means that it is possible to reduce the volume of direct payments, first of all, by improving the accessibility to state-paid services.

In the Global Competitiveness Index, all the three countries (Latvia, Estonia, and the Czech Republic) have the highest scores for the indicator “Health and Primary Education”, but they differ among themselves in the following parameters: Estonia – 6.51; the Czech Republic - 6.35; Latvia - 6.16. Latvia is behind Estonia and the Czech Republic in the specific indicators of public health: life expectancy (years) – Estonia –77.2; the Czech Republic – 78.3; Latvia – 74.2, child mortality (per 1000 live births) – Estonia – 2.3; the Czech Republic – 5.5; Latvia – 6.9; tuberculosis incidence (per 100.000 population) – the Czech Republic – 4.6; Estonia – 20.0; Latvia – 49.0 (Schwab 2016).

Let us consider the accessibility to health care in the aspect of the most important indicators of a country’s economic development – GDP and living standards. According to OECD statistics, in 2016, Latvia’s GDP was equal to $ 25.589 per person. If we illustrate the share of direct payments from the total health care expenditures in countries with approximately the same level of GDP ($ 20.000 – $ 35.000 per person), we will see that Latvia has the highest share of direct payments among these countries (Figure 2):
To measure the standard of living in a country, indicators related to income, expenditure and consumption are traditionally used. One of the main indicators is equivalised disposable income (Eurostat 2016). Real adjusted income is based on money income for a given time period less mandatory payments and taxes adjusted for the consumer price index.

Thus, if to consider the share of direct payments for health care-related services and disposable incomes of residents in accordance with OECD statistics (Figure 3), we will see that in most of the countries the level of disposable income is above the average, and the share of out-of-pocket payments is below the average. However, Latvia is in the group of the countries with the lowest level of disposable income, while it has the largest percentage of direct payments.
How is it possible that in the countries of approximately the same size of economy as well as the level of disposable income of households the out-of-pocket expenditures of the population for health care-related services differ so significantly?

It turns out that these are not solely the economic parameters of a country that determine the accessibility to health care. Experts of a large-scale study carried out by The Economist Intelligence Unit (analytical division of the British magazine The Economist) proved a direct link between accessibility to health care and the Human Development Index (HDI). In this case, accessibility to health care was measured by the Global Access to Healthcare Index, which analyses how health care systems in 60 countries work to meet the population demand for the most urgent health care needs. The analysis of the index suggests that at all income levels many countries have made more progress in distributing basic primary health care among their citizens rather than in building sustainable health care systems. Public trust in civil society and good governance are the key components for a successful increase of access to health care. This was confirmed by a strong correlation between the Global Access to Healthcare Index and the Corruption Perception Index. Experts emphasize the particular importance of confidence in a state as a basis of a politically sustainable system. Taking into account the role of a state in regulating health care, it seems that political leadership and commitment are also crucially important. In the reports of the research, it is indicated that state institutions often lack sufficient capacity to manage or ensure their quality (The Economist Intelligence Unit, 2017). It can be stated that, in this context, we can consider the quality of institutions.

New institutional economics with particular attention examines the processes and consequences of the institutional regulation of economy and the quality of institutions. The quality of institutions or institutional environment includes the existing system of public and private organizations, as well as the existing rules and business practices that define the relationship of economic entities in the country. In particular, the quality of institutions is one of the 12 control components that determine national competitiveness (The Global Competitiveness
Index) and is measured by several dozen indicators using expert assessments (Schwab 2016). The data in Figure 4 show that Estonia, in contrast to Latvia, is very similar to the Czech Republic in terms of economic indicators (GDP, disposable household income), but in terms of the quality of institutions it significantly outperforms not only Latvia, but the Czech Republic as well. Another global index, the Institutional Quality Index (IQI), also shows that the quality of Estonian institutions is higher than the one in the Czech Republic and Latvia, which is demonstrated by the indicators: in accordance with the IQI, in 2017, in the world ranking Estonia was on the 15th place, the Czech Republic – on the 25th, and Latvia – on the 31st place (Krause 2017).

Among the indicators of the Global Competitiveness Index, as was to be expected, the indicator “Quality of Institutions” attracts attention: it is noticeably and positively distinguished in Estonia (the 23rd place in the ranking with 5.11 points), the Czech Republic ranks 54th with 4.16 points, Latvia is in the 64th place with 4.00 points. Taking into account the fact that it is not possible to quickly and significantly positively improve the lowest indicators of competitiveness (such as “Innovation Potential” and especially “Size of Domestic Markets”) for all the three countries surveyed, it seems realistic to strive for achieving faster and more significant positive changes in their institutional development. Analysis of statistical data (Figure 5) shows that a relatively low quality of Latvian institutions is determined by wastefulness of government spending (3.0 points), low level of efficiency of legal regulation in complex issues of public administration and business (3.0 points), low efficiency in solving controversial issues (2.9 points) and a particularly low level of public trust in politicians (only 2.5 points).
Thus, the economic accessibility to health care for the population of Estonia is determined by two areas of positive development of the country – economic growth and institutional maturity that are synthesized by social justice. In other words, greater accessibility to health care-related services for the population can and should be achieved not only by increasing the labour productivity of the employed, introducing new technologies and other components of economic growth, but also by adjusting higher-quality state and non-state institutions, their effective interaction for achieving economic growth and higher quality of life.

On the basis of the proposed methodology, Lithuanian researchers tested the hypothesis that institutional maturity of a country is extremely important for the process of sustainable development (Tvaronavičiene et al. 2009). Scientists claim that institutions have to be perceived as a coherent part of sustainable development: from the one point, it reflects level of development, and, from the other one, it serves as a driving force pushing towards quantitative and qualitative prosperity of a country. It has been convincingly proven that the dominance of Estonia can be primarily explained not only and not so much by the country’s more substantial economic indicators, but also by the indisputable advantages of its institutional maturity. In our opinion, this is largely determined by at least three historical circumstances: the fact that some of the Estonian towns, Revel (Tallinn) and Dorpat (Tartu), belong to the Hanseatic Union, the cultural factor – deeply rooted Protestantism, as well as the experience of the democratic and market development of Estonia in the 1920s-1930s.

Solving the problems of improving the quality of institutions will require not as much additional financial resources as a raise of the level of legal culture, the quality of law-making and law enforcement. The sphere of health care in Latvia is a field of all new scandals rooted in the low quality of institutions formed to achieve high levels in the health sector and to ensure access to health care-related services in Latvia: frequent changes of responsible officials (almost an annual rotation of the state secretaries of the Ministry of Health), poor quality of public procurement held in the industry, inefficient use of financial resources allocated to e-health system, irresponsibility of the government in the implementation of the law on increasing salaries of doctors.
Conclusions

It is quite obvious and has been repeatedly proved in various world studies that such indicators of the financial protection of health care as public health expenditures, the share of out-of-pocket payments and catastrophic household expenditures are interrelated. In particular, for Latvia, low access to health care is largely determined by relatively modest indicators of economic growth, therefore, by the size of the state budget.

However, our data of the statistical analysis indicate a possibility for Latvia (with its approximately identical economic development indicators) to achieve a significant increase in the level and quality of life of the population by both increasing the accessibility to health care and improving the quality of institutions. In this regard, without delay the Latvian society should make full use of the experience of its neighbours, especially the one of Estonia. Unfortunately, so far, in the academic environment of Latvia, little attention has been paid to the promising direction of theoretical thought – institutional economics.

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MUNICIPAL WASTE, AS CRITICAL INFRASTRUCTURE, MANAGEMENT:
CASE OF LITHUANIA

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Abstract. With the changing global security situation, increase in external threats or emergence of new ones (cyberattacks, on-conventional warfare models, etc.), countries must feel concern regarding consolidation of their security (e.g. Novikovas et al. 2017; Šišulák 2017). The fight against terrorism and the mitigation of climate change are key challenges facing global social changing. The issue of climate change is in synergy with the concepts of ecological, economic and energy security. Global development increasing demand of energy, triggered by increasing population and respective increase of economic activities, and consequent environmental degradation (Tvaronavičienė, 2016). Climate change and increasing human activities posing a serious threat to the ecological security in different fields (Li et al. 2017). Terrorist attacks in the USA, floods in 2002, shaped new attention EU Institution to Critical Infrastructure (CI) concept, as an element of security. Critical infrastructure, as a phenomenon (for example energy), has become an argument in making political decisions (Tvaronavičienė, 2012). One of the ecological security elements is municipal waste management, which, as a business sector, is characterized as a complex phenomenon, which includes: infrastructure-engineering, administrative-functional, political and technological aspects. The aim of the topic is to analyze the municipal waste management sector as a phenomenon of national security. The topic reveals theoretical insights of the municipal waste management sector, identified it as a critical infrastructure object, in the context of Lithuanian national security. The object - peculiarities of legal regulation of critical infrastructure in EU and Lithuanian legal acts. The authors applied scientific methods such as document analysis, teleological, critical-analysis, comparative and generalization.

Keywords: municipal waste management; critical infrastructure; national security; ecological security; environmental protection; economic security


JEL Classifications: F01

1. Introduction

The issue of climate change is closely related with issues of ecological, economic and energy security. Those are key elements, influencing sustainable development and security widely discussed in scientific literature (e.g. Lankauskienė, Tvaronavičienė, 2012; Tumalavičius, 2016; Tvaronavičienė, 2016) and law regulation. According to Communication from the Commission Europe 2020, „Climate and resource challenges require drastic action. Strong dependence on fossil fuels such as oil and inefficient use of raw materials expose our consumers and businesses to harmful and costly price shocks, threatening our economic security and contributing to climate change”, COM (2010) 2020. According to The Treaty on the functioning of the European Union: „Environmental protection requirements must be integrated into the definition and implementation of the Union’s policies and activities, in particular with a view to promoting sustainable development “ (2012/C 326/01). The Constitution of the Republic of Lithuania rules: „The State shall take care of the protection of the natural environment, wildlife and plants, individual objects of nature, and areas of particular value, and shall
supervise the sustainable use of natural resources, as well as their restoration and increase. The destruction of land and subsurface, the pollution of water and air, radioactive impact on the environment, as well as the depletion of wildlife and plants, shall be prohibited by law “ (Official gazette. No. 33-1014, 1992).

The municipal waste management sector is one of the constituent elements in the environmental protection system. It is a public service, that involves the collection, transport, use, disposal, the organization of these activities, monitoring, and subsequent disposal of municipal waste (Republic of Lithuania Law on Waste Management). This sector is characterized by the specifics of legal regulation, institutional framework, competitiveness and technological development. The abundance of legal disputes and conflicts, the diversity of cases, the opinion of the Anticorruption Commission of the Seimas, that the Ministry of the Environment does not ensure control of the waste management sector, presuppose discussion to analyze interaction between municipal waste management sector and critical infrastructure in the context of the national security.

Authors discussed, that the critical infrastructure system has a dynamic, evolutionary character in the context of social change, which implies the need for continuous debate on identifying the economy, administration sector or service systems as part of the critical infrastructure system. As an example, we can propose US initiatives to identify the national electoral system as a critical part of the infrastructure: Department of Homeland Security has designated elections systems as part of our nation’s critical infrastructure.

2. The concept of critical infrastructure and its meaning in the EU and Lithuania law regulation.

Infrastructure means the basic systems and services, such as transport and power supplies, that a country or organization uses in order to work effectively (Dictionary. Cambridge). In modern society, infrastructure system and its components do not exist in isolation and the functional or physical relationships between them are dynamic and complex. Due to interdependences inside the infrastructure or among infrastructures, the failure in any part of system will affect other parts or even spread and cause disturbances to other infrastructures through functional or physical connectivity (Coroiu, 2015). According to mentioned, the concept of critical infrastructure revealed through systematic, holistic analyze, providing a classification of these phenomenon. Main question, which must be answered - what makes infrastructure critical or what are the main criteria, conditions of this phenomenon? Authors would like to mention for comparative analysis the definition of CI according to legal regulation of USA, because this country dedicates a lot of attention to the analysis of this phenomenon, especially after the terrorist attacks in New York. Critical infrastructure- systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters (§1016(e) of the USA Patriot Act of 2001 (42 U.S.C. §5195c(e))

Legal regulation of EU first time uses term CI in 2004. According to Communication from the Commission to the Council and the European Parliament (COM (2004) 702): critical infrastructures consist of those physical and information technology facilities, networks, services and assets which, if disrupted or destroyed, would have a serious impact on the health, safety, security or economic well-being of citizens or the effective functioning of governments in the Member States. First mentioned definition are more explicit, highlighting „systems and assets “, and its more adaptable for social changing and the dynamic nature of hazards.

Council Directive 2008/114/EC reveal definition of critical infrastructure more precise and explicitly. According to this document, it’s possible to identify first classification of CI phenomena. The definition of critical infrastructure is distinguished in two sectors:
(a) Critical infrastructure’ means an asset, system or part thereof located in Member States which is essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption or destruction of which would have;
(b) ‘European critical infrastructure’ or ‘ECI’ means critical infrastructure located in Member States the disruption or destruction of which would have a significant impact on at least two Member States. The significance of the impact shall be assessed in terms of cross-cutting criteria. This includes effects resulting
Those definitions disclose geographical (territorial) and sectorial interdependencies of the CI (for example pipelines stretch across continents, electric power, information network systems). Such geographic dislocation is determined by technological, functional, historical features. Especially are mentioned post- Soviet countries, whose economic development was based on the planned economy and the defense strategy of the USSR.

European Programme for Critical Infrastructure Protection develop these classification establishing „external dimension“. This provision primarily focusses on the EU’s neighbors. The interconnected and interdependent nature of today’s economy and society means that even a disruption outside of the EU’s borders may have a serious impact on the Community and its Member States. Disruption or destruction of a critical infrastructure within the EU may have a detrimental effect on the EU’s partners and its Member States (COM(2006) 786).

Dimensions:
1. External
2. Internal
   2.1. Members state
   2.2. EU

The same classification of CI is provided by Lithuanian legal acts. According to Republic of Lithuania civil security law (Official Gazette, No. 159-7207, 2009), object of national significance - state institution, enterprise, economy, energy, transport, telecommunications or other infrastructure, irrespective of its form of ownership, the control or functioning of which would disturb or threaten to cause significant damage to national security, would disturb state administration, economic systems, state-owned enterprises the functioning of the branch or infrastructure, or which may be selected as a target in the event of war, attacks or acts of terrorism and, as a result, become the focus of an emergency. The Resolution of the Government of the Republic of Lithuania No 943 rules: European Critical Infrastructure is an object of national significance in the Member States of the European Union the destruction or disruption of which would have a significant impact on at least two Member States (Official gazette. No. 105-4950, 2011).

To be mentioned, Lithuania does not establish a unified national strategy, which explicitly reveal the CI conception: state - institutional tasks and objectives, political-strategic approach. Many European countries already have quite advanced initiatives and real measures in this area. For example, The National Strategy for Critical Infrastructure Protection of Germany is the starting point for consolidating the achieved results so far and for further developing them in the face of new challenges. It is noteworthy, Lithuanian law regulation reveals the definition of CI in different hierarchy of law acts. It can be formulated as a systemic weakness of the law.

Second classification of CI phenomena is based on type of security;
1) Economic security; 2) cyber security; 3) public security; 4) energy security; 5) ecological security; 6) health security 7) cultural- moral security.

Law on the Basics of National Security (Official Gazette, No. 2-16, 1997) mentioned, that Lithuanian national security policy shall consist of the provisions of the state foreign, defense, economic, public security, social, culture, health, environmental, educational and scientific as well as other state policy provisions aimed at ensuring national security. The first priorities of national security, which ensure the sustainability of state development, are economic, energy, environmental, information, cybernetics, and social security.

The third classification can be grouped according to the functional sector:
- Energy installations and networks (e.g. electrical power, oil and gas production, storage facilities and refineries, transmission and distribution system).
- Communications and Information Technology (e.g. telecommunications, broadcasting systems, software, hardware and networks including the Internet)
- Finance (e.g. banking, securities and investment)
- Health Care (e.g. hospitals, health care and blood supply facilities, laboratories and pharmaceuticals, search
and rescue, emergency services)
- Food (e.g. safety, production means, wholesale distribution and food industry)
- Water (e.g. dams, storage, treatment and networks)
- Transport (e.g. airports, ports, intermodal facilities, railway and mass transit networks, traffic control systems)
- Production, storage and transport of dangerous goods (e.g. chemical, biological, radiological and nuclear materials)
- Government (e.g. critical services, facilities, information networks, assets and key national sites and monuments) (According to COM (2004) 702).

Law on the Protecting Important Objects for National Security (Official gazette, No. IX-1132, 2002) reveals strategically important economic sectors for ensuring national security: 1) energy; 2) transportation; 3) information technology and telecommunications, other high-tech; 4) finance and credit; 5) military equipment. The fourth classification is based on analyzing criteria, which determining the factors, that make infrastructure as critical.

- casualties criterion (assessed in terms of the potential number of fatalities or injuries);
- economic effects criterion (assessed in terms of the significance of economic loss and/or degradation of products or services; including potential environmental effects);
- public effects criterion (assessed in terms of the impact on public confidence, physical suffering and disruption of daily life; including the loss of essential services).

The disruption or destruction of a particular critical infrastructure will be rated by the extent of the geographic area which could be affected by its loss or unavailability (scope). Evaluating severity, the consequences of the disruption or destruction of a particular infrastructure will be assessed on the basis of:
- Public effect (number of population affected);
- Economic effect (significance of economic loss and/or degradation of products or services);
- Environmental effect;
- Political effects;
- Psychological effects;
- Public health consequences.

Additionally, one more criterion is to be mentioned is effects of time. This criterion ascertains at what point the loss of an element could have a serious impact (i.e. immediate, 24-48 hours, one week, other). (COM (2004) 702).

Another type (the fifth) of classification is possible by type of capital, which take part in business activity: a) private/public b) internal/external c) mixed.

3. Municipal waste management and critical infrastructure

The municipal waste management system is not directly identified as critical infrastructure in the EU legal framework.

Resolution No. 113 of the Republic of Lithuania Government “Procedures of establishment and recognition of the state importance objects of waste management” (Official gazette, No. 12-302, 2000), disclosure criteria, according to which state importance objects of waste manage sector are identified. Based on these criteria, two groups of state-owned waste management areas can be identified:
- State importance objects of waste management sector. These are objects: manages more than one municipals waste management area; implementing waste reduction tasks in landfills (based on the State Waste Management Plan); ensures the uninterrupted handling of these waste streams. (For example UAB „Fortum Klaipėda“)
2) Waste management objects, which use for energy production (cogeneration) after sorting municipal waste, with energy value. These are objects: manages more than one municipals waste management area; and 51 percent or more of the shares and the voting rights attached to such shares are owned by the State of Lithuania or the state-owned company; and after sorting remaining and unsuitable for recycling municipal waste with energy value is used for cogeneration; and implements the National Energy Independence Strategy approved by the Seimas of the Republic of Lithuania (Official gazette, No. XI-2133, 2012).

3) Attention is, however, to be focused on the fact, that according to new amendment of law on the Protecting Important Objects for National Security (Official gazette, No. IX-1132, new amendment from 01/03/2018), waste manage sector are not identified as critical infrastructure object. This document not completely emphasize ecological security concept, because not establish waste manage sector as strategically important sector of the economy. It determines legal uncertainty. The purpose of this document is to ensure that the assets and territory located in the protection zones of enterprises, installations and property important for ensuring national security (objects, assets and economic sectors), which are important for the security of the state, are protected from all risks which may pose a threat to national security interests factors and to eliminate the causes and conditions of the occurrence of such factors. On the one hand, municipal waste sector is defined as critical infrastructure, on the other, according to higher power act- not. It presupposes a discussion about the disposal of these objects (systems), the status of investors and other issues, affecting the public interest. Accentuate, law regulation of Lithuania obligated to establish provisions of National Progress Program 2014-2020: “In order to ensure the quality of utilities, it is necessary to reconcile the interests of the environment, economic and social development. These factors contribute to improving the quality of life and business competitiveness.” (Official gazette, No. 144-7430, 2012).

Detecting the interaction between the waste management system and the critical infrastructure phenomenon, authors reveal the potential relation between these phenomena and identify possible systemic aspects. For example, the quality of the environment and economic development are the main blocks of sustainable development, the protection of which is of primary interest to the national security of the Republic of Lithuania. Also mentioned, that municipal waste sector has dual nature: in one hand is part of ecological security; and other - part of business. The aforementioned provisions presuppose the direction of research through the dimensions of ecological and economic security.

4. Ecological security

Ecosystem services have become one of the core elements of ecosystem management and evaluation. As a key area of ecosystem services and for maintaining national ecological security, ecosystem changes and implementation effect evaluation are important in national key ecological function zones, for promoting the main function zone strategy and for improving the construction of an ecological civilization (Zhai et al., 2018). As already mentioned, environmental protection is one of the main tasks enshrined in both EU and Lithuanian legislation. Directive 2004/35/CE of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage, established: ‘environmental damage’ means: damage to protected species and natural habitats, which is any damage that has significant adverse effects on reaching or maintaining the favorable conservation status of such habitats or species. One of the activities is waste management: waste management operations, including the collection, transport, recovery and disposal of waste and hazardous waste, including the supervision of such operations and after-care of disposal sites, subject to permit or registration. Also mentioned, that waste management sector, as business sector includes transboundary shipment of waste within, into or out of the European Union, requiring an authorization or prohibited. The regional waste management system in Lithuania operates on the basis of the merger and cooperation of the counties (local municipalities). The purpose of this cooperation is to manage waste together and to avoid the negative impact of waste on public health and the environment. Mentioned, that municipal waste manage system consist of various elements of business activity such collection, transport, use, disposal, the organization of these activities, monitoring, and subsequent disposal of municipal waste. Mentioned each parts of the system must ensure prevention of the ecological event.
On this basis, exist implementation of the waste management engineering system. Its disclosure interdependences of waste manage system: *internal* and *external* nature. Internal means, that all types of waste that are involved in waste management have a systemic nature. For example, hazardous or medical waste can penetrate into the flow of municipal waste, or definition what is municipal waste is actual object of discussion among lawyers and politicians. For example, wide or narrow definition of municipal waste content, affects the lifetime of objects (goods), the presence them in civil circulation and obliges authorities to ensure technological and engineering challenges in implementing the functioning of the waste management system. External nature reveals a holistic approach to systemic links between functional sectors. Disruption or destruction in waste manage system can determinate negative aspects in other sectors: *water, health, government*. Mentioned, waste management sector interacting with *energy security*: municipal waste is used for generating heat and electric power. *Cybersecurity* or *electricity* sectors influents waste management. Waste management sector must ensure adequate prevention of possible risks of internal or external factors, mentioned above, in the context of ecological safety. Its notable, that according to resolution No. 742 of the Republic of Lithuania Government (*Register*, No. 20862, 2016) “On the approval of the critical information infrastructure identification methodology”, the significance of infrastructure object is assessed on the basis of these criteria for potential damage caused by destruction, damage to the infrastructure or malfunctioning of its infrastructure. One of these criteria- environmental damage. Determining interdependencies and cascading failure modes in critical infrastructures is a complex problem that is exacerbated further by the diverging characteristics of the interconnected infrastructure types (Svendsen et al., 2007). Inter-dependence is a major challenge for risk management in critical infrastructure. This is because economies and societies rely on interdependent and interconnected infrastructure systems. This gives rise inter alia to a phenomenon known as “cascading events” – that is, once one disruption occurs, others are likely to follow within systems and processes that are connected to the infrastructure affected by the initial disruption (OECD 2008).

5. Economic security

Rapid economic development has led to increasing threats to the environmental security and regional sustainable development (Wang Delu 2017). Economies of countries are not homogeneous, they are characterized by different economic structures and different their transformation patterns (Tvaronavičienė, 2014). Effective functioning of social economy affects the provision of economic security (Menshikov et al., 2017). Economic security could be considered as a preparation state of the economy for ensuring decent conditions for living and developing the personality, the social-economic stability and the political military capability of the society and the country in order to eliminate internal and external threats (Huber et al., 2010, Filipishyna et al., 2018; Mishenin et al, 2018; Volchik et al., 2018). It is a systematic phenomenon that is influenced by many factors. *Firstly*, bureaucracy, overregulation, non-transparent, non-integrity lobbying activity presupposes monopoly and unfair competitive threats (Stankevičius, Lukšaite, 2016; Finogentova et al., 2018). *Secondly*, competitive activity can result threats to economic security, which is an important component of the country’s security (Stankevičius et al. 2015; Kuril, 2018). *Thirdly*, the shadow economy has an impact on all economic phenomena and processes of the society: formation and distribution of income, and, of course, economic growth and sustainable development in general (Tvaronavičienė, 2014; Caurkubule, Rubanovskis, 2014; Luzgina, 2017). The Constitutional Court of the Republic of Lithuania, analyzing competition law regulation issues in the sphere of waste management services, ruled: under the Constitution, municipalities, while acting freely and independently within their competence defined by the laws regulating economic activity (inter alia, waste management), are bound by the principles forming the constitutional basis of the economy of this country, as well as by other constitutional imperatives. This means that, in the area of waste management, municipalities must pay heed to the requirement, as implied by the constitutional imperative of fair competition, that waste managers must be selected by means of a tender according to their capability to provide uninterrupted, good quality, and accessible services (Case No. 44/2011). Competition Council of the Republic of Lithuania declared the violations of competitiveness in the field of municipal waste management in many Lithuanian municipalities, some of them, for example, Kaunas municipality, do not ensure the implementation of the principle of competitiveness from 2002 to the present (Resolution No. 2S-27). Competitiveness phenomena are
interacting with another’s negative elements, like shadow economy, corruption. Attention is, however, to be focused on the fact, that these elements are objects of another type of security: public security. Public security is part of national security that includes the protection of the legitimate interests of the human being, the society and the state from criminal acts and other violations of law, natural or man-made disasters (Public Security Program 2015-2025, 2015).

In the context of globalization, the identification of critical infrastructure objects requires the use of an integrated (holistic) approach that includes geographic, systemic economic, ecological, energy, cybernetic aspects. These must ensure protection, safety and security of critical infrastructures.

6. Conclusions

Visualization of classification makes it possible to identify objects, systems as critical infrastructure. Based on this classification, the municipal waste sector is identified as a critical infrastructure, especially in area of ecological security, public and economic security. Ecological and economic security are basic elements, which reveals objects as a critical infrastructure, highlighting their dynamic nature in the context of globalization.

It is also to be mentioned, that the interaction between ecological and economic security is the key blocks of sustainable development, which form the provisions of the Lithuanian strategic programs (For example, National Progress Program of Lithuania (Resolution No. 1482 of the Republic of Lithuania Government “On the approval of the national progres program for the 2014-2020”). Mentioned, that municipal waste managing sector may have interdependencies manifestations with another kind of critical infrastructure objects and others sectors: cyber security, energy security; water, health, government.

The municipal waste management sector as a critical infrastructure element in the legal regulation of the Republic of Lithuania is ambiguous. The authors identify the contradictions of the systemic nature of legal acts, the inaccuracies of definitions and the demand to embed national strategy for critical infrastructure protection. Authors argue, that the subject of these areas should be analyzed in further triangular investigations.

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Lietuvos Respublikos strateginę reikšmę nacionaliniam saugumui turinčių įmonių ir įrenginių bei kitų nacionaliniam saugumui užtikrinti svarbių įmonių įstatymas (suvestinė redakcija nuo 2018-03-01) [ Act of the Republic of Lithuania strategic value for national security companies and equipment and other national security for important companies (consolidated version since 01-03-2018)]. Official gazette. 2002, No. 103-4603.


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DIPLOMATIC MISSIONS’ ORDER VERSUS SECURITY AND SUSTAINABILITY

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Abstract. The paper attempts to highlight of the security crisis measures of internal and external of diplomatic mission before or after exposure of risk. Diplomatic missions represent their country, as an authority and an entity, concerning their diplomatic obligations towards the receiving State. The mission may be exposed to natural events such as earthquakes and floods or manmade events such as breaking thru a location for causing terrorism and electronic espionage. The employees, on their various levels and job positions, devotion to work and loyalty to their country, are the secret of their success in achieving the mission security. Security comes from the inside before being achieved from the outside. Working within a one-team-spirit increases the preparations for facing risk plus the incessant coordination with the receiving State governmental departments for reporting to them about any potential emergency that may occur. This increases the mutual trust between the mission of the guest country and the receiving State in crisis management. The evaluation of maintaining security success is a reflection to the receiving State power, the velocity and wisdom of the procedures taken by the mission of the guest country.

Keywords: Diplomatic mission; Gathering Information; Technology; Analysis; Risk; Internal preventive; External preventive; Strategies; Decision; Control; Crisis; Evaluate; Time management


JEL Classifications: K10, K33

Additional disciplines: political sciences; sociology

1. Introduction

The Ministry of Foreign Affairs, at any country, prepares their employees to accurately bear their duties performance missions, especially when they are assigned to represent their country at other countries to protect their country interests abroad, from one side and protect their citizens therein, from the other. In order to perform their various responsibilities of the diplomatic mission employees, they have to optimally secure their safety and the mission safety against any risk that may arise by the most extreme terrorists who work independently or within unknown connections. Moreover, the mission employee must have the ability to expect the potential risk against the mission, the thing that may cause a crisis in the form of aggressive demonstrations near the mission location or against their properties, such as the attempt of a demonstrator to enter the mission building forcibly for attacking their employees, throwing bulletins therein, conflicting harms against them or taking pictures for the employees reactions for insulting this mission.
On the other hand, the receiving State undertakes to protect the building and the mission employees through various diplomatic immunities under the provisions of the 1961 Vienna Convention. However, the mission employees must inform the receiving State all details when they feel risk so that the receiving State can gain the time factor in providing the required safety procedures.

Herein, the mission employees must perform several procedures for avoiding the potential security crisis and making the required communication for providing the good climate and the positive dealing with their results. In addition, the wiser the mission head is, in the procedure of orienting his cadre towards their obligations before the host country laws and norms on one side, and adhering to good behaviour among themselves inside the mission and towards the mission visitors for receiving services at a human manner while reflecting the mission positive image, the lesser the mistake that may afflict the mission and their employees will be.

2. Research Questions and Objectives

Having reviewed several examples of the diplomatic missions and witnessing number of forms of risks and threat and the inability of providing the necessary protection and security, we elaborated on the following research questions:

1. What are the inputs to the diplomatic mission of information that must be provided to the staff of the mission to avoid a risk, which may the mission face?
2. What are the internal and external procedural operations and policies to protect the security of the mission and the security of its employees to eliminate risks and threats?
3. What are the strategies required to contain the crisis that may a mission and its staff during be exposed?
4. What is the feedback to be applied after the implementation of security measures to protect the mission from the security crisis?

Consequently, the main objectives of our study is to explore the internal and external procedures which lay their responsibilities on the shoulders of the diplomatic mission employees to safeguard the mission against a potential security crisis and getting acquainted with this aim through the following measures:

1. Information volume to be available for the mission employees for avoiding the risk that the mission may be exposed to.
2. Internal and external preventive procedures for protecting mission security and their employees against risk.
3. The strategies of containing the security crisis, which the mission and their employees might be exposed to on the meantime.
4. Methods of evaluating these security procedures to safeguard the mission from risk after being applied and avoid mistakes repetition committed in the meantime.

Crucial importance of our research is to cast light on the stages, which security procedures pass through in avoiding risk and managing potential crisis. This will boost the mission employees skills in facing this crisis or making sure that it will not exist and their ability to protect the mission building against penetration or espionage and change the concept of the traditional diplomacy. This one depends on the international law in the frame of informative diplomacy, which makes the mission employee bear the complete responsibility of protecting himself, controlling the permanent mission security and updating the procedural methods used to be taken in the past and present.

The possible classification of the research importance are as follows:

1. Strategic importance: the strategic plans and the long-run visions of the mission employees in handling the security crisis and gaining the experience and complete readiness in being on the alert to avoid any risk that might close or reduce the number of the mission employees, is the element that affects the diplomatic work volume between the two countries.
2. Informative importance: to identify the quality means of the mission employees collecting information and analysing this information before the security crisis occurs and their legal and ethical commitment which
ascertains the dual relation between the two countries.

3. **Cognition importance:** an analytic description of all risks, which the mission employees may be exposed to, especially the diplomatic and administrative cadre at the mission approved at the receiving State where they can be benefitted from and the application of safety procedures on the diplomatic missions abroad, controlling and overcoming that potential risk.

4. **Scientific importance:** the security procedures for protecting the mission from the inside beside the international law for applying the external procedure in protecting the mission under the supervision of the mission head on the mission and his employees administrative and organizational division. This may benefit the researcher in developing the diplomatic sector field, which will open the horizons before diplomats and administrators in playing a bigger role through getting familiar with security procedures on all types of risk, in general.

3. **Information Gathering in a Diplomatic Mission**

The possibility of successfully interacting with the surrounding external environment cannot be fulfilled unless with a sound internal management in order to be able to manage the surrounding external issues. Administration of issues is the ability to understand, move, coordinate and direct all functions of strategic and political planning and all of the skills of public relations toward one goal, which is to participate in the creation of public policy that has an impact on the future and the personal and institutional destinies (Abdul Majid, 2008, p.142).

Scanning of the external environment helps to provide security for the mission to face any possible risk of hindsight, because the mind works in a survey of environments. In addition, it tries to find meaning to realize and recognize the development of future alternatives and decides what should be adopted. Taking into consideration the expectation (or the discovery) of the threat in which the diplomatic mission faces does not come out of being a framework to think about in the future (Noor al-Din, 2008, p.85).

The risk cannot be detected unless after the processes that follow the diplomatic mission to gather the information and facts surrounding the mission’s issues that could be affected by it or affects it. Interpreting and analysing it with precision and identifying it so that it can be controlled and take immediate corrective measures to address and resolve it with the measurement of severity and the size. Investigation of the information is a source of strength to deal with the external environment and control it and as so, why does the nations tend to spy on each other? Why do the professional soccer players tend to study the opponent’s plans and the method of playing? Because the information is a form of power, whenever any party acquires a greater quantity in comparison with the other, its chances of catching victory will be increased (Dawson, 2008, p.243).

It is best for a diplomatic mission to operate as an open system, working to increase the chances of survival, since the diplomatic missions that balance between the characteristics of natural systems are labelled as reliable and are able to continue re-creating itself in addressing the environmental challenges in an open system. As for the missions that operates as a closed system in isolation from the environment, it is likely to collapse due to its inability to understand the surrounding external environment and interact with it (Smith, 2007, p.15).

In order to understand the external environment, it happens through the availability of adequate information on the facts and events without restrictions that prevent random incorrect information or doubtful unreality that causes confusion, deterioration and risk to take appropriate action to combat the threat and scale it from spreading.

The knowledge construction in any way of the ways is due to what causes the activation of our nervous system by a source outside of our minds. It was defined as: a set of facts, concepts and registered knowledge that can benefit, and mean to do the work of the acts or in a decision-making, we see from the study of the above definitions that they agree that the information are no longer in that case, unless after adding a new knowledge to the insider’s awareness by being able to be certain of the fact of anything (Hmushari, 1994, p.34).
The foundations on which dealing with the sources of information must be based, in order to ensure the credibility and safety of this deal. These things will not be possible to achieve unless with the proper understanding of the information by the staff of the mission, which requires the need for the information gleaned analysis of the source through a scientific analysis that can be provided by a source directly. Moreover, if it is an established fact that the sources of information in the present time with a massive multiplicity. The possibility of maintaining the information is repeated in more than one source, which requires the knowledge of the sources available to them, and confine it strictly and accurately. Then review the information in each source that mentioned it to assure its correctness and completeness. If each source of the open source had informative criterion that includes many of the files and pages in which the information may strew with its different particles in more than one location, the employee of the mission must extend his knowledge of open source in order to cover all the contents of the source. In light of the previous presentation we can identify the most prominent public constituent of a security deal with open source as follows (Kamel, 1999, p.67):

1. Confirm the information correctness to identify the facts and correctly understands it which gives the ability to discover any security problems.
2. Ensure the proper understanding of the information through the related analysis, as so, there must be an understanding with different degrees of the information and corroboration of its sincerity and authenticity which is a great responsibility of a mission employee to scrutinize this multiple quantity of information and select what benefits him/her this information, especially what is related to the security dimension.
3. Limit an open source and comparison of the information mentioned in all of them. The limiting of the available open source information targets the information field and updates its lists by adding the developments of these sources. That is an effort that has strategic importance, which links the mission by an employee of the information revolution that we live with now.
4. Provide full access to the contents of the open source including files and pages and increase our clarification of this constituent: the security of information targeted by the security services of the open sources may be related to an information that predicts the risk that is possible to take shape due to various reasons which may lead to the occurrence of exacerbations. These may be social, economic, political or environmental reasons.
5. Precise qualitative identification of the security information gleaned from the open sources, the accuracy of data and information helps in the effectiveness of security decisions.

To conclude this chapter, we state that the integration of new information with old acquaintances describes the use of the principles of preventive policies that should be applied with a tactical manner for achieving a result and not just for showing care. This requires a kind of focus and skill because the information supplied to the diplomats with an energy to always move forward. It is possible to sense more than alarms or signals or there are signs that have not been observed, those that change the decision-making equations and affect it, then the diplomat is able to move and anticipate for risk, and avert it by the rapid response to the source of the signal even if they are small (Noor al-Din, p. 86, 93).

For the results to be more positive, we believe that the mission’s employees follow the most important methods when dealing with the following information:
- **Brevity:** the data will be summarized in the way that directly shows what is required for the president of the mission.
- **Completeness:** all of the information must be displayed in an integrated manner so that there is no room for question.
- **Display:** the presentation of the information’s method would be in writing, better than verbal, and in a way that is simple, easy and convincing. It must be documented with dates, days, hours and location.
- **Accuracy:** the information must be accurate in a way that serves the purpose for which it was collected for.
- **Timing:** providing information in a timely manner since the omission of the time element contributes in losing of its value.
- **Implications and bias:** when preparing the tools of data collection, it must be taken into account not to use the phrases that imply certain answers or be biased in a particular direction.
- **Confidentiality:** maintaining the exchange of information when sensing risk with the Head of Mission and the authorized staff to investigate the damage expected to occur and not to spread information randomly, which can
create fear among the staff of the mission.

- Archiving the information: the ability to store previous events faced by the mission, which are expected to occur, whether electronically or manually in order to connect the events in case it occurred again, and re-analyse it.

4. Types of Preventive Policy Planning

The protective security procedures against the crisis are in their nature of an innovative development, but reasonably from where to find accurate, detailed, prepared and preventive measures to counter the risk of a crisis (Paul, p.24). Since the diplomatic missions interact with the permanently developed and various environments, and in order for this interaction to be feasible, it requires from the leaders of the missions to be attentive to the information in terms of contents, density, diversity and multiplicity of sources obtained and the active focus in preparing the plan, which itself is an expensive process that needs skilled leaders and adequate time, and the necessity of availability of an enormous quantity of information and date in the preparing to choose the preventive policy when sensing a crisis.

Before starting with these procedures, the mission’s employee must have a planning art, which is an organized, and a continuous operation that is subjected to the regulations and is early codified prior to the scheduled time in the occurrence of a hazard, it targets.

The effective planning operation is contributed in prevention of the possibly occurring risk and the preparing to respond in case of its occurrence then going back to normal after its ceasing. Planning is the main basic unit for any effective management to deter risk regardless of its type, planning basis can be applied whether of any type, and there is no guarantee that the used plan for any condition will achieve a complete success, but any unplanned or extempore alternative method can complicate the crisis and leads to failure in facing it. In order to make a plan to encircle the risk of whatever type, is through: the estimation of the positions, preparation of hypotheses or different scenarios for those types and select the one that is most likely to occur, the plan is made to face it while taking the means and available tools into consideration, since early facing can ease the rapidity of dealing with it (Mahna, 2008, p. 242).

Planning through the data also includes the technical side and connects them with the procedural variables and the behavioural and environmental ones, as for the researchers defined planning as follows:

1. It is a guide or mentor for the development of industrial recommendations of its makers through the harmonization between the means and the goals and achievement.
2. It is a primary guide refers to insurance in the completion of certain fixed goals, as well as to bring along an organized change in the community.
3. It is a mean to change the behaviour and direct the work by its makers (Mahna, 2008, p. 37).

Depending on planning in the primary level, predicting any risk helps the diplomatic mission in facing the various and variable conditions and preserves its level of consistency and security. In addition, it supports forming an awareness of its receiver, and the ability to overcome the obstacles and ensure the condition of development and progress. There are three main characteristics for planning as it helps to detect the future chances, it enables to take precautions and avoid from future obstacles and it provides the various plans to face the occurring changes in the environment (Alani, Jawad, p.40).

In order to build strong teams inside the mission and properly managing it, it depends mainly on the manager of the diplomatic mission and his/her ability to distribute the roles according to the size and the importance of the event and the dimensions of its effect on the shared relations between his/her country and the receiving country. We can follow the structural characteristics of the planning processes that help to cope with the crisis that is possibly occurring through:

- Creation of flexibility and operation’s efficiency in decision-making: since the authorization of the mission’s chief is considered the most important purpose, while treating any incident that may cause a risk on the mission,
some events may require the rapidity in taken the appropriate decisions. Without waiting for the responsible person in which this decision is a part of his/her specialization, the authorization means the transfer of the right of decision-making from the president to the subordinates, giving them the required authority to perform certain tasks or solve certain problems.

- Assigning responsibility to a single individual or a certain group depending on the size of a mission (Paul, p.25): the determination of the task of each employee by the head of the mission is inevitable and necessary when predicting a damage and is one of the most important preventive policies elements through the distribution of powers on the staff of the mission, such as determining the authority of the official spokesman and especially the authority of his/her dealings with the media. Its importance stands out in unifying points of the presentations to ensure that no conflicts of information are to be published about the event in which the mission has faced (Mahna, p.244).

- Organization to achieve rapid, accurate and effective communications: coordination between the crisis repulsion team and the leadership levels helps to avoid any flaw or problem during facing it, and the communication technology is inevitably. This allows by special facilities (mobile phones, e-mails…etc.), solved multiple problems that used to impede communication between the members of the team on one hand, and the higher leadership on the other (Paul, p.27).

In conclusion of this chapter we state that preventive security policy planning is an important basic point in the diplomatic missions; it contributes the prevention of crisis, decreasing its effect, and avoiding the sudden incidents that associated with it, furthermore, it allows the working team to repulse the risk and enables it to prepare a proper and effective reaction to face it efficiently and get ready in facing the expected urgent incidents.

5. Strategic Security Procedures

This step comes after all of the protective efforts that have been depleted and the diplomatic mission becomes in a situation to face the crisis, the method of dealing from the mission’s perspective on the basis of the presence of strategies that manage the repellent communications or address the situation to deal with it, and this step shows the failure of executive officials to prevent the crisis during the previous two chapters.

The similarities between The fall of Macbeth in Shakespeare’s classic works and the tragic failure for some executives of the diplomatic mission is clear when they are confronted with a risk, their end was not as the end of the fall of Macbeth’s ambition only, but in the collapse of self-confidence that was not defeated regardless of his/her actions. Many executives believe that their administration can stay away from public criticism, but their false beliefs become obvious to them after it is too late when they provide justifications for their actions during the exposure to a hazardous event (Smith, p.29).

The embassies or the diplomatic missions must work as one team in many methods that enable them to repel the crisis and diminish its sharpness and reflections in the in the moral and personal threat, and these methods are involved under the concept of strategy which is of the concepts in all of the various humanitarian activities. This approach is used to denote the goal that is being reached by the action, and it is part of a holistic scientific dimensions successfully associated with the employees of any diplomatic mission and is widely used by researchers and thinkers in political, social, economic, military and scientific affairs .

Some considered the strategy as a plan to achieve goals based on a specific behaviour, others considered it as decisions specific for leaders to achieve a purpose base on a project that contains a group of procedures and inquiries and others considered it as an activity. Some others described it as a science and art to use the power in order to help the decision-makers, but all of them agreed that it achieves goals.

Based on the above, we may state, that the strategy in general is a scientific, artistic and holistic intellectual approach, based on information and knowledge because it is a dynamic and scalable, carried out by experts, specialists and researchers, and is the most indispensable of the planning processes, the alteration tools, the mission, culture, knowledge, and environmental managements. It is an extension and radical development of
the concepts of the strategic plan and its supplier, they represent the diagnosis and installation of the mission’s present in future perspective proceeding according to knowledge-based approach, using the resources and available forces, that contact with the internal environment to generate outputs and help the heads of mission to achieve their goals in the external environment and under different circumstances.

6. Evaluation Procedures

After dealing with the crisis in which the diplomatic mission has faced and after analysing it, determining its priorities and taking the necessary procedures, it is important to observe the progress that was achieved or the corrective actions that were added. This observation can be described as a part of the mission employee’s activities or the authorized committee to follow up the administration’s result of the risk and the resultant damages, whether on the mission or on its employees.

Many times, this committee which is usually composed of the (head of the mission, a diplomatic employee, administration or local employee based on the need and the evaluation of the head of the mission) by a regular seasonal or monthly observation based on the intensity of the crisis that occurred or is expected to occur. Consequently, to re-evaluate each risk in the reasons behind the crisis’ initiation and according to the circumstances and the new expected possibilities. Some approximate solutions can be added to the list and delete the former, the acquired information over the time might change the intensity of the crisis in a major way (Larman, 2004, p.27).

Not all the dealing with the security crisis in which the diplomatic mission has faced is the same, some security crises end by a success due to the skills, others end suddenly and die out by themselves, others lead to the shutting down of the diplomatic mission permanently or temporarily such as the shutting of the German Embassy down in Cairo (July, 2015) because its employees were threatened by explosions.

We may conclude with the statements, that the diplomat should follow methods to manage communications when evaluate his/her skills, activity and performance in the different levels of crisis management. Starting from the evaluation of the plans, protective policies, going through the evaluating of the effect’s degree on the public of the diplomatic mission externally and internally and its interaction with the media in relation to the strategic goals since it contains crisis’ fallout. Furthermore, the evaluating of the alternative plans that are needed during the confrontation process reaching to the full evaluation of risk and lessons learnt from the confrontation and the cessation of the event.

Dealing with the crisis successfully depends on many connections, like the retrieval of the mental image of the internal and external public, while measuring the time factor in the taken procedures. These should adequate to control the crisis in a way that does not affect the nature of the activities of the usual diplomatic mission and its morale’s entity and safety of its chief through the evaluation and reviewing of all steps of the threat’s fallout.

Conclusions

The achieved results from our research are considered as the answers of the research’s questions and carry the future realistic visions in order to give importance to the subject of the security procedures in the protection of the mission from the risks and threats. Crucial is the necessity of activating it inside the diplomatic mission of the receiving State and to develop its actions and affects towards safer and more secure society. The most important and significant recommendations are listed below.

1. The knowledge building for each mission’s employee is the first essential base by which they gather facts, thoughts and notes regarding the receiving State and weakness points and fortes so it can establish a full data system in a specialized program or connected to the other computer programs of his/her colleagues and updated daily. Notifying all the mission’s employee regarding the former incidents that threatened the diplomatic mission along with the continuous awareness for the important incidents in the receiving State whether by notification via a private message or through the connected computers of the mission’s employees or through a morning
daily meeting by the head of the mission, with the concealment of the information and not leaking it outside the mission, is elementary.

2. Take caution by mission’s employees to reduce the incidence of the risk, by putting plans that commensurate with the technological development, the contemporary international relations and the awareness of the mission’s employees, that s/he and the mission headquarter have diplomatic immunity and protection by the receiving State, that enables them to immediately report any risk expected to occur in addition to the guidance of the staff of the mission when they start the mission in ways to protect themselves inside and outside the Mission.

3. Methods of strategic decision making to cope with the crisis depending on the head of the mission and his/her experience and his/her handling of the situation with wisdom and precision and speed through instructing the mission staff using the latest technical means in the mission to protect it and protect themselves during a crisis, the constant anticipation surrounding the mission of any suspicious and different movement from the rest of the working days reduces the size of the crisis, in addition to the presence of warning devices in the mission and the mission staff phones along with the emergency numbers, that will potentially be called to confine the crisis and limit its impact's strength.

4. The process of monitoring and reviewing the past mistakes in which the diplomatic mission or one of its employees have faced or been threatened by it respectively, or faced some kind of risk which is one of the most important methods to update procedures to face the crisis, in addition to the renovation of those actions through a dialogue and an exchange of views by the head of the diplomatic mission with the mission’s staff or with government’s authorities of the receiving State and checking the errors in which the mission has faced when facing the risk and not to repeat those mistakes whether related to the speed of procedure taking or lack of information or weakness of expertise.

5. Diplomat should require to interact with all parts of the receiving State’s society and with all of their different sects without being biased by attending to all of the cultural, social and economic centres that the country holds, to progress, learn, and acquire knowledge and experience especially interacting with the other diplomatic mission employees, perhaps they have a clue regarding an expected incident.

6. Affirming the exchanging of information between the diplomatic mission and the government of the receiving State openly, because concealing the information in the developed technology era is considered a weakness in procedures and lack of trust in the receiving State and especially when the mission faces an expected security crisis.

7. Diplomatic mission should develop strategies that are proportional to the society’s development in different fields, and it is not just used in the security aspects, but in all circumstances to achieve success and stabilize the relations and mutual interests between countries.

8. Diplomat should reinforce his/her relations with the media institutions and centres, so that s/he can have a strong detailed base regarding the policy and orientation of each media institution so s/he can communicate with it whether in exceptional, or normal situations

9. Stick to the mission’s regular leadership that is not over reacting, which is not affected by the pressure while facing the crisis and providing the organized education and long-term vision in the selection of alternatives during the expectation of a possible security crisis, a successful behaviour can be formed in the security management of the Mission. In addition, Emphasis on harmony and contentment between the head of the mission and the mission’s employees and among the mission’s employees themselves in different job’s levels, because the power of crisis’ detection is depended mainly on working as one team.

10. Any mission’s employee should not leak information regarding the working circumstances in the mission s/he works in to any external agencies, or personal information regarding a mission’s employee because the receiver will find those as weakness points in the mission that can be exploited to sabotage the mission.

11. Emphasis on the mission’s employees regardless of his/her job degree or position in the mission when finding or feeling any defect in the mission with regards to the different techniques and electronic devices, or when hearing any incident that can form a risk on the mission and can be converted to a crisis. The instant notification to the head of the mission helps in avoiding the defect or affirming the incident, without neglecting or ignoring it, everyone should have the career diligence and a sense of responsibility in maintaining the security of the mission and his/her colleagues at work.

12. Praise the mission’s employee by the head of the mission when s/he does the right job in preserving the security of the mission whether in preserving its funds from being robbed or sabotaged or any other action
that is risky to the mission, and this will encourage the others to feel responsible in preserving the security of the mission, because the lack of encouragement and the continuous reproach by the head of the mission to the employees will increase their resentment and they will lose their feeling of responsibility toward the mission.

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THREATS TO THE SECURITY OF A COUNTRY: REVEALING NEGATIVE TRENDS IN THE DEVELOPMENT OF HUMAN CAPITAL

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Abstract: Currently, it has become generally accepted in the leading countries of the world to consider human capital as the basis of the state, society and the economy. In the modern post-industrial society of the leading states of the world, the life and creative potential, human abilities are the core of all socio-economic processes, this is especially relevant in the context of the globalization of the world economy and the free flow of any capital, including human capital, both inter- and in-country. Meanwhile, in Kazakhstan, human capital is perceived as something burdensome and unnecessary. In Kazakhstan society, it is still not customary to talk about the priority of the quality of human capital in the process of creating products. Separate studies of recent years unequivocally indicate that Kazakhstan as a whole and Kazakhstani enterprises in particular will soon face serious difficulties in the area of human resources. Managers of enterprises, both in the public and private sectors, relate to the creation of conditions for the development of the human capital of their employees as a waste of time and money. Such a position essentially reflects not only the low level of management culture, but also strategic mistakes in doing business in Kazakhstan. On this basis, for Kazakhstan, the trends in the development of human capital are of undoubted interest and have practical significance.

Keywords: Kazakhstan, Kazakhstan’s economic sectors, human capital, economy, quality, competitiveness, diversification


JEL Classification: M1, M12

1. Introduction

The key resource in the development of any society, company and family is the value of the human factor, human resource, human capital. Therefore any negative trends revealed in the development of human capital must be attributed to the wide array of the threats to the security of any country (e.g. Tvaronavičienė, 2018; Nikitina et al., 2018; Mikhaylov et al., 2018). There is an emerging strand of literature devoted specifically to negative features of human capital development and efforts to neutralize outcomes of this phenomenon. (e.g. Al-Kahtani, 2018; Plenkina, Osinovskaya, 2018; Saleem et al., 2018; Osipov et al. 2018; Lincaru et al., 2018; Kaźmierczyk, Chinalska, 2018).

The purpose of the study is to identify the main trends and risks of losing the priority of human capital development in the economy based on an analysis of the characteristics of human capital development in Kazakhstan. Methodology - in article economic-statistical methods of research, comparison, dialectic method of cognition of the phenomenon from the general to the particular are used. The authors used quantitative research methods. The list of quantitative methods used includes systematization, processing of statistical data
using the tools of correlation and regression analysis.

The relevance of the article is to analyze the basic indicators and indices of human potential development in Kazakhstan, a comparative analysis of the effectiveness of human capital across countries, identifying the possible negative impact of the regression of human capital on the economic growth of Kazakhstan. The results of the study confirm the regression of the development of human capital in Kazakhstan and the need to create the conditions and factors to change the current negative situation.

The current stage of world scientific, technical and socio-economic development is characterized by a fundamental change in the role and importance of the human factor in the economy and society. Human capital is becoming the most important factor of economic growth and determines the future of the country. The economy of the post-industrial world will be determined by the level of development of the human capital of society. These are interdependent factors. That is, the growth of production-intensive production will lead to the need for the development of human capital.

The issues of economic development have been taken into account regional peculiarities, peculiarities of formation of associations of countries and the formation of economic and political associations, have been repeatedly considered in the writings of economists and sociologists (e.g. Delmon, 2015: Meņšikovs & Ignatjeva & Stankevičs, 2014; Boronenko & Lavrinenko, 2015; Shevyakova et al., 2016; Ignatavičius et al., 2015; Strielkowski et al., 2016; Tvaronavičienė, 2018a).

International experience confirms that investment in human capital and, in particular, in education, from early childhood to adulthood, contribute to the economic growth of the country (Tvaronavičienė et al. 2018b; Senan, 2018; Bauboniene, et al. 2018).

The Organization for Economic Cooperation and Development has come to the conclusion that if the average training period is increased by a year for residents of a certain country, this increases the gross domestic product of a given state by 3-6%. An increase in education spending by 1% leads to an increase in the gross domestic product of the country by 0.35%.

As emphasized American economist B. Newman, the distinguishing feature of the modern economy is the priority of human assets in enterprises. The nature of the modern economy indicates that the success of each firm is now closely dependent on the qualitative characteristics of the human capital of its employees. At present, specialists in assessing the cost of campaigns take into account not only their financial condition, but also the potential human capital of their employees. According to experts, about 75% of the market value of campaign products “is generated by the knowledge and intelligence of campaign employees”.

According to the World Bank, based on the study of the economies of 192 countries, 55% of economic growth is determined by human capital. According to experts, in developed countries the increase in the duration of education for one year leads to an increase in gross domestic product (GDP) by 5-15%. However, it must be remembered that investment in education is a long-term investment, one cannot expect instant results from them, but they are necessary for the successful development of the state.

2. Negative trends in the development of human capital: a case study

In the theory of human capital, the productivity of human capital is considered in close dependence on the level of its volume and quality. Investments in human capital are now in the leading states of the world one of the most common business operations that bring profit. The winner of the Nobel Prize in Economics, Harry Becker, proved that investments in human capital, such as food, education, retraining, medical care, sports, bring more profit than investments in securities. For example, according to G. Becker’s calculations, the return on investment in school is on average 12-14% of annual profit. That is, in the modern economy, when calculating the efficiency of investments in human capital, the same methods are used as in assessing the return
on conventional investments. According to studies, the growth of human capital of the population leads to a general growth of the country’s economy. It was estimated that “one percent increase in human capital leads to an acceleration of the growth rate of per capita GDP by 1-3%”.

In our paper we concentrate our attention to Kazakhstan case study. Hence, in Kazakhstan, human capital is perceived as something burdensome and unnecessary. In our society, it is still not customary to talk about the priority of the quality of human capital in the process of creating products.

In recent years, there has been a deterioration in the position of Kazakhstan in international ratings in terms of indicators of human capital development. The republic is rapidly losing the position of a country with a high quality of human resources left over from Soviet times. The significance of the trends determined in the framework of international ratings is quite important for Kazakhstan, which is striving to strengthen its position on the world stage and to become one of the most developed countries. The results of various ratings make it possible to identify, classify problems and tasks, use them for effective strategic management of the state and the economy.

The main assessment of the country’s competitiveness is based on the results of the Global Competitiveness Index of the World Economic Forum (WEC GIC). The index is calculated for 140 countries which account for 94% of the total world population and 99% of world GDP. The applied assessment not only determines the key aspects of economic growth, but also determines the ability of the state and its agencies to ensure stable economic growth.

The EEF SIC is formed from 114 indicators, of which 34 are calculated on the basis of statistical data, and the rest on the basis of a survey of managers of medium and large enterprises in the country. Of the 114 indicators, 12 factors of competitiveness are determined, including those determining the level of human capital development: health and primary education, higher education and vocational training, labor market efficiency, and innovation potential.

Since 2012, Kazakhstan has been participating in the rating as a country with an economy in transition from the 2nd stage (stage based on productivity) to the 3rd stage of development (stage based on innovations), however, the results of the last year create the danger of losing the not yet consolidated leadership positions. According to the results of the 2018 rating, Kazakhstan took the 59th place, descending from position 42 in 2015. Large losses suffered indicators of human capital development.
It should be noted that negative trends in the development of human capital can also be observed in other countries of the Commonwealth of Independent States, which leads to the conclusion that insufficient attention is paid to this problem. The main indicators of the labor market in selected countries of the Commonwealth of Independent States are shown in Table 1.

Table 1. Key labor market indicators in selected CIS countries (on average per year)

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Unemployed population, thousand people

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Unemployment rate,%

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Source: composed by the authors according to the Statistics Committee of the Republic of Kazakhstan

More detailed indicators characterizing the state of the labor market in the Republic of Kazakhstan are shown in Table 2.

Table 2. The main indicators of the labor market in the Republic of Kazakhstan

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Source: composed by the authors according to the Statistics Committee of the Republic of Kazakhstan
Today, the access of the unemployed and self-employed to jobs or their own business limits the lack of education, professional and entrepreneurial skills. In 2016 in Kazakhstan, there were 445.5 thousand unemployed and 2 210.5 thousand self-employed, including 301 thousand unproductive self-employed.

At the same time, Kazakhstan has all the prerequisites for increasing the human capital of Kazakhstan’s society. The well-known American economist M. Blaug showed that in developing countries the return on investment in education is greater than in developed countries. This means that for an industrial innovation breakthrough, Kazakhstan must first of all rely on the development of a system of high-quality pre-school, school and university education. And this task is only possible by the state authorities.

The results of the international study PISA-2015 testify to the low level of the formed competences of Kazakhstani 15-year-old schoolchildren. The results of the country are significantly lower than the OECD average (up to 66 points - 2 years of study). The proportion of functionally illiterate 15-year-old students remains very high - over 30%. More than 40% of schoolchildren are not able to work with the simplest texts.

In Kazakhstan, the education sector has one of the lowest wages among all sectors of the economy - 94.5 thousand tenge, with an average of 142.9 thousand tenge (377 euros) in 2016. The teacher’s salary in the system of secondary education and elementary school in 2016 was 108 thousand tenge (285 euros) per month (35% lower than the average in the economy), and the starting price was 46 thousand tenge (121 euros). At the same time, the demographic situation requires an immediate increase in investment in the younger generation. 2.8 million children study in schools, and about 370 thousand children go to grade 1 every year. More than 2 million children will go to school over the next 5 years. Over the past 10 years, a record number of children were born in Kazakhstan, which is about 400 thousand annually.

In this regard, changing the role of the education system in the economy requires a serious increase in budget expenditures, primarily to increase the salaries of teachers.

To date, the lack of qualified labor resources remains one of the main problems of the business. The construction and manufacturing industries are most in need of professional personnel, with almost half of their needs being skilled workers. Thus, according to the Statistics Committee of the Ministry of National Economy, the need for personnel at medium and large enterprises at the beginning of 2017 amounted to more than 14 thousand people.

Consistently implementing institutional reforms and removing administrative barriers for business development, Kazakhstan radically liberalized the domestic labor market, opening it up to international standards and making it more efficient. Investments in new technologies and attracting foreign investors ensured the growth of the innovation potential, but the quality of own human capital continues to decline. According to the OECD standards, the labor productivity of one employee is about $ 46.5 per hour. To achieve this level, Kazakhstan needs to increase labor productivity by more than 2 times. Such an increase is possible, both due to the technical modernization of production, and through advanced training of labor resources. Technical modernization of production, often accompanied by the optimization of staff numbers, must be balanced by an adequate increase in labor market supply.

An additional driver in the current economic conditions is the growth of budget expenditures on education. In Kazakhstan, the annual volume of such expenses is on average 3.8% of GDP, while in OECD countries the corresponding figure is 5.1%.
Today, the lack of qualified labor resources remains one of the main problems in the development of Kazakhstan business. The construction and manufacturing industries are in the greatest need of professional personnel, with almost half of their needs being skilled workers. Thus, according to the Statistics Committee of the Ministry of National Economy, the need for personnel at medium and large enterprises at the beginning of 2017 amounted to more than 14 thousand people.

**Figure 2.** Dynamics of the rating of the factor “Education and Skills”


**Figure 3.** The structure of the need for personnel, 2017.

The results of the study show the difficulty of hiring both qualified specialists and unskilled workers for most sectors of the economy. According to the report “Business Climate” of the National Chamber of Entrepreneurs “Atameken”, the lack of technical workers is noted for 18% of the manufacturing industry and 15% of construction enterprises. Managers and specialists are required at every fourth trade enterprise and at 145 agrarian enterprises. There are not enough top-level specialists in every fifth of manufacturing enterprises, 17% of trade enterprises, 15% of sector enterprises. The deficit of human capital annually increases in agriculture by 35-40%.

Based on the data of the Business Climate report presented by the National Chamber of Entrepreneurs “Atameken”, the authors studied the patterns of growth in the annual revenue of enterprises depending on the size of the enterprise and the level of prevailing competence of its employees.

The authors of the report note that the more competent the company’s employees, the higher the annual turnover of the organization. Our calculations confirm the relationship between the growth of the competence of employees and the increase in the annual turnover of the enterprise, however, show that the nature of this dependence is different, depending on the scale of the enterprise.

Small businesses with each step in the growth of employee competence increase turnover, but the growth rate decreases with increasing degree of competence. The largest increase is achieved at the very first investment in a small business human capital. Medium-sized enterprises accumulate competencies and translate them into circulation more evenly.

![Figure 4. Basic growth in the turnover of enterprises depending on the size and level of competence of employees.](source: composed by the authors according to Business Climate 2016)
Figure 5. Chain increase in turnover of enterprises depending on its size and competence of employees.

Source: composed by the authors according to Business Climate 2016

The chain growth curve shows how the increase in turnover decreases with a further increase in competence in small and medium business and, on the contrary, continues to grow in large enterprises where there is no prevailing incompetence.

Rating indicators should not only be the subject of national pride or administrative personnel decisions, as is often the case in Kazakhstan. On the basis of critical analysis, they can become a tool in identifying problem areas, an economic strategy and develop a set of tools for productivity growth.

An increase in the number of labor resources is not expected in the near future due to the “demographic hole” of 1997–2002, the period of the lowest natural population growth in the history of modern Kazakhstan. This means that in the coming years the smallest replenishment of the economic active population over the last 10-15 years is expected.

The staff shortage is also aggravated by the annual outflow of qualified personnel from Kazakhstan. About 7-8 thousand people with higher education leave the country, and only about 3 thousand people arrive.

Every year, an average of 4,800 technical specialists leave the country, which negatively affects the rate of industrialization of the country. At the same time, the leakage of technical personnel most painfully hits the most industrially developed regions of the country: more than 50% of the outflow of technical personnel falls on the East Kazakhstan, Pavlodar and Karaganda regions, i.e. on industrial areas of Kazakhstan. The “demographic hole”, the leakage of personnel and low expenses for education are the reasons for the poor quality of personnel. At the same time, Kazakhstan has all the prerequisites for increasing the human capital of Kazakhstani society. The well-known American economist M. Blaug showed that in developing countries the return on investment in education is greater than in developed countries. This means that for an industrial innovation breakthrough, Kazakhstan must first of all rely on the development of a system of quality pre-school, school and university education. And this task is only possible by the state authorities.

Individual and social rates of return on investment in human capital are distinguished. In this regard, it is quite obvious that such a task, for example, as industrial and innovative development is the social norm of profit from investments in human capital. The social rate of return is a prerogative of efforts at the level of state power. Economists consider the costs of research and education, the health care system, the labor market, the
regulation of relations between employers and their employees as the main efforts of the state to develop social human capital. That is, to increase the potential of human capital, an integrated approach is required. Therefore, it seems necessary to develop a concept for the development of human capital in our country, in which all the appropriate questions for this would be comprehensively worked out.

Whether this necessary task will be implemented in our country, time will tell. But while on the threshold of this all of us, who are close to the levers of management and business, can make a contribution to the development of human capital on the ground. In the end, as was said, our future well-being depends on it.

Conclusions

The most important component of human capital is labor, its quality and productivity. The quality of work, in turn, is determined by the mentality of the population and the quality of life. Work in Kazakhstan, unfortunately, has always been of poor quality. The power consumption of Kazakhstan products is two to three times higher depending on the industry than in countries with efficient production. And labor productivity is several times lower than in developed countries. Low-productive and low-quality work significantly reduces the accumulated human capital of Kazakhstan, reduces its quality.

In Kazakhstan, in the short term, there seems to be a significant shortage of human capital, both qualified and unqualified, and there are not so many reserves to replenish it - the natural population growth is still very small, moreover, it has been noted only for the last few years. The only possible option is the use of relatively inexpensive and, as a rule, low-skilled labor from rural regions, as well as the influx of illegal migrants from neighboring Central Asian countries. However, such migration flows cannot be unambiguously assessed as a positive phenomenon, since they will lead to a final decline in production in rural areas, which, unlike industry, has not yet been able to “reanimate”, as for illegal migration - in its negative consequences, as for the economy, so for the social situation in the country, no doubt.

Thus, today, Kazakhstan needs a clear large-scale program for the formation of high-quality human capital of a differentiated level of qualification, both at the macro and micro levels. Such a policy should contain measures aimed at improving the quality of education, health care, developing a system of social responsibility of business, encouraging it to pursue a policy of qualitative and quantitative growth of investments in the education of employees, and macroeconomic regulation of migration flows. It should be borne in mind that the human capital formation policy should be a structural element of the country’s overall economic policy and be comprehensive.

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