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Letter from the Editor

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The 21st century seems to be a dangerous place to live. Not only that the war in Ukraine did not end, a new one broke out: the Hamas' brutal assault on Israel early this October followed by the Israeli large scale counter offensive, what all led to a vicious circle of thousands of deaths, immense suffer and unprecedented brutality.

The reality tries to impose on us an impression that war is a normal state of affairs what it by no means is. To repeat endlessly this message is a duty of the policy and analytical community as well as it is for diplomats to try to find a solution and for politicians to listen to them.

However, this journal feels the duty to continue with its mission and reflect on reality of the early 21st century. Our respected authors prepared again a full set of competitive and comprehensive reading, all having in mind a broad spectrum of topics, including an eye on the Western Balkans. Also, this time we offer another original view on African affairs.

The first paper offers a fresh view on the use of the unmanned drones in the official use of a state, stemming from the Slovene experience. The respected authors present and discuss on the relatively huge area between legal possibilities and technological progress. This span is a kind of a troublesome one, due to the ever-increasing speed of technological advancement. The EU issued some regulation regarding civil aviation, but member states are pretty much left to their initiative, where Slovene experience could be of use. *Original.*

Our second contribution dwells on the issue or perhaps better to say dilemma of human rights or Islam rights in the case of the Islamic Republic of Iran. The role of the Islamic Revolution in Iran in 1979 influenced heavily the understanding and interpretation of fundamental human rights and freedoms. It has also directly highlighted the situation of women in the country as one of the most vulnerable population groups. The regime promised to fight social and other injustices and strengthen a common Shiite identity, but practice speaks differently. *Insightful.*

The third article focuses on influence warfare in Francophone Africa and its dynamics, while analyzing external powers' strategies and impact. The region is contested by global powers like France, US, China, and Russia, partially stemming from the colonial legacies, which use diverse tactics as spreading information, economic investment and military cooperation. Influence warfare shapes the region's politics, economy, and society, particularly through information manipulation and psychological tactics, challenging Western dominance. *Detailed.*

The fourth contemplation presents a new analysis of a novel on diplomacy *The Rainbow beyond the Soul*, focusing from the diplomatic studies' point of view on the reflections of diplomat's professional and personal life. The analysis views upon the key characteristics of the profession of diplomacy and of the ambassador's personality, as an attempt to better understand and present the multilayered importance and challenges of diplomatic life. It combines privileges and challenges of the ambassador's position with his personality traits. *Valuable.*

Our first book review presents a volume with a handful of views from Poland on the Western Balkans, its current situation and the European perspective that should stay high on the stakeholders' agenda. And the second one thoroughly discusses the issue of self-determination and secession through both historical perspective and its contemporary dimensions. The current Guest View offers an essay like condensed look on the Western Balkans, showing all the absurdity of conflicts from a different perspective.

We continue with a repeat – and an upgrade of the message – what should not have happened to be a daily issue: in the early 21st century we face an outrageous development in different parts of the world, where war dominates. It's the war for Ukraine, the asymmetric war between Hamas and Izrael, but it is also the devastating conflicts in Sudan, Somalia, Yemen and so on. One should endlessly point out that war is no solution for anything. It has never been and will never be as well. See you in spring.

Ljubljana, October 2023

M. J.

War, what is it good for? Absolutely nothing!

guest view

**Tracing the Historical Echoes:
*Former Yugoslavia's Impact on
Contemporary Realities in the Western Balkans***

Sanja Trpkovska

Tracing the Historical Echoes: *Former Yugoslavia's Impact on Contemporary Realities in the Western Balkans*

Sanja Trpkovska¹

DOI: <https://doi.org/10.60073/euper.2023.10.02>

TWO FALLS AND ONE WIN

On the chilly night of November 9 in 1989, the fall of the Berlin Wall produced a seismic shift that echoed significant political changes in the history of modern Europe. It announced the arrival of freedom. East Berliners, fueled by decades of separation, rushed to a wall, and it fell. Another fall took place later, on October 5, 2000, in Belgrade. It echoed the same when a state leader fell by storming of the people into the federal parliament building. This event also created significant political change in the history of modern Europe.

On November 22, 1989, German Chancellor Helmut Kohl made a speech in the European Parliament after the fall of the Berlin Wall: "After almost three decades of separation, Germans have been able to celebrate reconciliation, a common identity, and unity." On October 6, 2000, the U.S. Secretary of State Madeleine Albright, spoke at a press conference held in Washington, D.C. after the downfall of Slobodan Milošević's regime: "The Serbian people have spoken. They want to be part of the new democratic century unfolding in Europe and around the world."

On June 28, 1989, Milošević, the President of the Socialist Republic of Serbia, also delivered a speech to 1 million people, at the Gazimestan monument in Kosovo. This is the central celebration marking the 600th anniversary of the Battle of Kosovo, where *Knez Lazar*, Prince Lazar Hrebeljanović was defeated by the Turkish Ottoman Empire army at the Kosovo field, on Saint Vitus Day: "Six centuries ago, Serbia hero-

¹ Sanja Trpkovska is a MA student at the University American College Skopje, North Macedonia.

ically defended itself in the field of Kosovo, but it also defended Europe. Serbia was at that time the bastion that defended the European culture, religion, and European society in general. Therefore, today it appears not only unjust but even unhistorical and completely absurd to talk about Serbia's belonging to Europe."²

The previous month, on May 6, 1989, the Yugoslavian pop group Riva won the Eurosong contest in Lausanne, with "Rock me baby".

BACK TO THE PAST

In 1989 territories of the Socialist Republic of Serbia and its Autonomous Province Kosovo were parts of the Socialist Federal Republic of Yugoslavia, in the land of *Bratstvo i Jedinstvo* ("Brotherhood and Unity"). If we turn back the historical clock, 600 years before, on June 28, 1389, Yugoslavia did not exist. The territories of Kosovo and Serbia did. The *SFRJ* federation state emerged in the Balkans after World War I, in a region historically dominated by foreign empires.

The Ottoman Sultan Murad I also died on Kosovo Polje ("Field of the Blackbirds") and the Turkish army gained the victory. After the battle, the rise of the Ottoman Empire pushed out the crumpled Byzantine Empire in the east and aggressively expanded into the European continent, on the west, changing the region. Defeating Serb forces at the Battle of Kosovo in 1389 led to three centuries of Serbian submission, with diverse ethnicities shaping the social and political terrain of the country. "Although it was a military loss, the Battle of Kosovo became a fundamental event in the formation of Serbian national identity."³

The Ottoman Empire expanded its control over the Balkans annexing territories such as Bosnia, Herzegovina, and Montenegro by 1499. It transformed the social milieu, particularly in Bosnia and Albania, where many converted to Islam.

As the Ottoman Empire entered into decline in the 17th century, the Austro-Hungarian Empire expanded, particularly in 19th century, paving the way for Balkan nationalism.

2 Milošević's Speech at Gazimestan in 1989.

3 War in the Balkans: An Encyclopedic History from the Fall of the Ottoman Empire to the Breakup of Yugoslavia, Richard C. Hall, Chapter: Yugoslavia.

THE BALKAN SLAVS

The Treaty of San Stefano, signed on March 3, 1878, marked the conclusion of the Russo-Turkish War of 1877–78, imposing a peace settlement on the Ottoman government. Subsequently, the Treaty of Berlin addressed concerns and adjusted territorial arrangements in the Balkans, officially recognizing Serbia and Montenegro as independent sovereign states. Bosnia and Herzegovina's administration was handed over to Austria-Hungary, with the Ottoman Sultan retaining formal sovereignty. Croatia had already been a separate nominal state within the Austro-Hungarian framework since 1867-68.

The growth of national identity among Balkan Slavs drew on history, folklore, and religious heritage. Despite nationalist ambitions, these factors fueled ethnic rivalries and territorial disputes. The Balkan Wars of 1912 and 1913 expelled the Ottoman presence, but unity collapsed. The nationalist act of Gavrilo Princip, a Bosnian Serb, assassinating Archduke Franz Ferdinand in 1914, ignited World War I. The war's end saw the downfall of the Austro-Hungarian and Ottoman empires, opening the door for Balkan nationalistic aspirations and the redrawing of national borders.

The peace negotiations at the end of World War I resulted in the Treaty of Versailles on June 28, 1919, five years after the Sarajevo assassination. The treaty imposed penalties on the Central Powers, leading to territorial changes in the Balkans and the creation of new nation-states. The collapse of the Austro-Hungarian monarchy provided an opportunity for the liberation of the Slavic population, leading to the creation of a modern multinational state of South Slavs.

The First Yugoslavia emerged after World War I, but the optimism for unity faded as the 1921 Yugoslavian constitution favored Serbian control. Non-Serbian discontent grew, leading King Alexander I (Karadjordjević) to form the Kingdom of Serbs, Croats, and Slovenes on December 1, 1918, renaming it in 1929 as the Kingdom of Yugoslavia. Tensions escalated, culminating in Alexander's 1934 assassination in Marseille by Vlado Chernozemski, a member of the pro-Bulgarian Internal Macedonian Revolutionary Organization, with support from the Croat Ustaše, a Croatian fascist organization. The attack claimed the life of the King and resulted in the tragic death of French Foreign Minister Louis Barthou. The ethnic, national, and religious landscape

of Yugoslavia remained complex up to 1946, comprising three main South Slavic ethnic groups—Serbs, Croats, and Slovenians, with recognition of Macedonians and Montenegrins as additional “constitutive nations,” forming a total of five.

THE STATE FROM JAJCE

The Second Yugoslavia was shaped by World War II. After Germany invaded Yugoslavia in 1941, the invasion led to the partition of Yugoslavia into smaller units controlled by Germany and its allies, as well as the creation of the Independent State of Croatia (NDH) under fascist rule, particularly targeting Serbian, Jewish, and Roma populations.

The World War II in Yugoslav territories involved the local Slavic population against Nazi Germany and its allies. The Proletarian Brigades were formed with soldiers drawn from across Yugoslavia, as a communist movement. The partisans were led by Josip Broz Tito, but at the same time there was another Serbian nationalist resistance movement, called Četniks, that had conflicts with the Partisans from the Proletarian brigades.

Eventually, the guerilla-warfare of the Partisans was transformed into the organized military force, internationally recognized by the Soviet and Western allies, led the country to freedom. In October 1943, their offensive resulted in the liberation the town of Jajce from Axis occupation, reinforcing the partizan influence in the region and laying political as well as legal foundations for the new State. It is estimated that 1.7 million Yugoslavs were killed in the war.

The foundations for the new Federal Yugoslavia were established there, in the second session of the Antifascist Council for the National Liberation of Yugoslavia (AVNOJ) in 1943, on November 19, providing the basis for the postwar Yugoslav state, with communist led government, strongly suppressing other political movements.

That meeting not only shaped the postwar Yugoslav state but also defined demarcation lines between republics. Serbs found themselves living in four different republics, and Serbia was further divided into the Autonomous Province of Vojvodina and the Autonomous Region of Kosovo-Metohija, balancing the dominance of Serbs among Yugoslav nations in the newly established Federal People’s Republic of Yugoslavia (FNRJ).

Before World War II and in the early post-war period, the Bosnian Muslim population was considered either Serbian or Croatian based on religious conversion during Ottoman rule. However, in 1968, they were recognized as a separate Muslim nation, formalized in 1971, leading to the recognition of Bosnian Muslims as a constitutive nation. This concept evolved into the later term “Bosniaks” to describe the Bosnian Muslim nationality.

YUGOSLAVIA DREAMING

Since the first constitution of the FNRJ was approved on January 31, 1946, notable for its treatment of ethnicities, it introduced a terminological distinction between “nations” and “nationalities.” The country underwent two more name changes, becoming the Socialist Federal Republic of Yugoslavia (SFRJ) in 1963, with Belgrade as the capital.

SFRJ consisted of: Slovenia, Croatia, Bosnia and Herzegovina, Montenegro, Serbia and Macedonia. In addition to the six republics, there were two autonomous regions: Vojvodina and Kosovo, autonomous provinces within the Socialist Republic of Serbia. Yugoslav economic and political system, known as “self-management socialism”, also drafted in the 1974 Constitution emphasized workers’ self-management in enterprises, approving the decentralized decision-making to the republics and autonomous provinces.

The unity attributed to Marshal Tito faced challenges from dissidents critical of Yugoslav policies. Tito, the Secretary of the Communist Party of Yugoslavia, leader of the Yugoslav Partisans, and marshal of the Yugoslav army during the war, assumed the presidency after the war until his death in 1980. Recognized as a powerful figure domestically and internationally, Tito was considered the “father” of the “brothers and sisters,” influencing political, economic, and cultural processes. This perception of Tito’s Yugoslavia as a major global leader was endorsed by influential states and leaders, highlighting Yugoslavia alongside the USA and USSR.

After the death of the powerful “father” of the “brothers and sisters” the internal tensions, economic challenges, and broader geopolitical shifts in Europe led to Yugoslavia’s eventual breakup in the early 1990s. Tito’s funeral on May 8, 1980, drew leaders from over 120 countries, reflecting his role in the Non-Aligned Movement, depicting him as a

leader of a country that maintained independence from both Eastern Bloc and the Western Bloc.

Ten years after his death the Yugoslavia as a state died too.

On May 5, 1990, in Zagreb, Toto Cutugno won the Eurovision song contest with the song “Insieme: 1992.”

10 YEARS OF RUDE AWAKENING

Yugoslavia embodied the South Slavic dream of a unified state, resting on the official doctrine of “brotherhood and unity”. All Yugoslav republics, except Slovenia, which was predominantly inhabited by Slovenians, had diverse national and religious landscapes, with three major groups—Orthodox Christians, Roman Catholics, and Muslims. The awakening of that dream was brutal.

Since the 1990s, at the end of the 20th century, people of Yugoslavia engaged in various civil conflicts using uncivil language to put out the bright flames of the union. Their powerful and unique geopolitical and diplomatic position in the world during its existence from 1945 to 1992 dismantled, putting out a portrait of boogiemens digging ditches in the press.

The civil wars in the 1990s gathered significant international attention and media coverage seeking to explain and contextualize the crisis.

Tito’s policy of an independent course for Yugoslavia that aimed to balance relations with both the Western capitalist bloc, led by the United States, and the Eastern socialist bloc, led by the Soviet Union, allowed Yugoslavia to receive economic and military aid from both sides.

The Yugoslav conflicts became central issues in U.S. and EU foreign policy, mass media, and academic discourse, especially that the break-up followed the afore-mentioned fall of the Berlin Wall in 1989, and the collapse of the Soviet Union in 1991, marking the first major conflict in Europe after World War II during a new phase of European integrations. Simultaneously, the enlargements of the European Union and NATO were underway, collectively referred to as “Euro-Atlantic” integrations.

In 10 years, the idealized post-Cold War world of long-awaited peace,

shattered in the Balkan Peninsula. The conflicts officially ended with the last one, in 2001. By then, almost all independent states emerged as zombies on the European political stage, depending on the foreign transfusion, dressed in the same expensive suits they wore in the nineties, bought in Trieste. The flames of brotherhood depicted on the crest of Yugoslavia went out in bloodshed.

THE WAR FILES: SLOVENIA, CROATIA, BOSNIA AND HERZEGOVINA, SERBIA, KOSOVO AND NORTH MACEDONIA

The conflicts in the former Yugoslav republics unfolded with the Slovenian declaration of independence in 1991, leading to a brief war with the Yugoslav People's Army (JNA), counting far less victims than those who followed. Concurrently, clashes erupted in the Krajina region between Croats and local Serbs, Bosnia and Herzegovina emerged as the third parallel conflict, marked by the Bosnian Muslim and Croat population voting for independence in a referendum on March 3rd, denounced by Bosnian Serbs. In response, UN sanctions were imposed against Serbia for supporting rebel Serbs in Croatia and Bosnia. The siege of Sarajevo and the city's market shelling by Serbian forces, leading to 68 civilian deaths, prompted NATO to use force for the first time since its creation, in 1949.

After the massacre of 8000 men in Srebrenica, the Bosnian War ended after three years, on December 14, 1995, with the signing of the Dayton peace agreement in Paris. This agreement established Bosnia and Herzegovina as a single sovereign state, consisting of two entities - the Federation of Bosnia and Herzegovina and the Republika Srpska. It also delineated territorial borders, addressed the return of refugees, and outlined a political structure with a rotating presidency representing Bosniaks, Croats, and Serbs.

Yugoslavia's disintegration culminated with the Kosovo crisis, marked by NATO's 1999 bombing of the Federal Republic of Yugoslavia, then composed of Montenegro and Serbia. Kosovo and Metohija underwent significant changes in population, experiencing ethnic tensions fueled by economic struggles, demographic shifts, and police oppression. In 1981, ethnic Albanians, with the highest birthrate in Yugoslavia and Europe, made up 77.4% of the population, up from 68.5% in 1948. Despite financial aid, as a part of the Tito's policy, this territory remained underdeveloped, contributing to high unemployment and

ethnic strife, with the Serbian minority leaving the predominantly Albanian environment, responding to the resentment and occasional violence between them.

The culmination was the 1989s visit to Gazimestan. In response to secessionist aspirations, Serbian authorities curbed the province's autonomy, fueling nationalistic sentiments. Many ethnic Albanian members of the League of Communists of Yugoslavia in Kosovo and Metohija were expelled from the party, and measures were taken against those labeled as separatists, intensifying tensions.

In the early 1990s, as response, Kosovo Albanians developed parallel non-state groups, leading to the radicalization of the diaspora and the formation of the Kosovo Liberation Army (KLA). The Kosovo Liberation Army's activities escalated in the late 1990s, as the conflict intensified in 1998, and ended in 1999 with NATO's intervention under humanitarian cause. At the withdrawal of Yugoslav forces Kosovo regained peace with the establishment of the United Nations Interim Administration Mission in Kosovo (UNMIK) in 1999.

The conflicts of the former Yugoslav republics finally ended with the last conflict in the Former Yugoslav Republic of Macedonia, now North Macedonia in 2001. It gained independence on September 8, 1991, with the peaceful breakup from Yugoslavia, marking it as "safe heaven".

Macedonia faced internal and external challenges, as it sought to build democratic foundations and establish itself as a subject of international relations. One of the country's key concerns was its relations with neighboring countries, particularly Greece and Bulgaria. The longstanding struggle for political influence over Macedonia between these nations contradicted the idea of Macedonian autonomy, especially regarding the Macedonia's state name and the Macedonian language. The relations with Serbia were on and off due to the countries support of the NATO "Determined Guarantor" operation.

The complexity and proximity of the situation in Kosovo was a significant concern for the Macedonian authorities. During the Kosovo crisis, 360,000 people, equivalent to 16 percent of the country's own population, sought refuge in Macedonia. The NATO intervention in 1999 further complicated the situation, with substantial support given

to the Kosovo Liberation Army (KLA). Some of the western parts of the country were used as logistics and training base for the “guerrilla”. On January 22, 2001 a group KLA supporters armed with hand grenades attacked local Macedonian police station, followed by a second one four days later. The NLA was told to leave the country, which it refused. The violence erupted and the state police and army responded. The Ohrid Framework Agreement, signed on August 13, 2001, officially ended the conflict, addressing inter-ethnic tensions, granting Albanian demands and establishing a framework for relations between the Macedonian and Albanian communities.

A year later, Karolina Gočeva represented Macedonia in the 2002 Eurovision Song Contest with the song “Od nas zavisi” (It depends on us).

BACK TO THE FUTURE

The inevitable break-up of Yugoslavia, once a federation of independent states under a soft dictatorship, unfolded into the emergence of independent republics and nations, accompanied by changes in names and border aspirations. The independent people kept the national identity, changed flags and anthems, presidents and rulers, gained internet connection and access, but they lost their national dignity.

The tragic toll of over 100,000 lives lost during the conflicts, fueled by nationalism and religious bigotry that spread through Yugoslavia like a pus, oozed out one country from the map and replaced it with seven, at already infected area. The brutality of the conflicts and war crimes committed by various parties contributed to a sense of national trauma across the region.

Some countries successfully transitioned to democratic governance, with Slovenia and Croatia joining the European Union in 2004 and 2013, respectively. However, the good neighboring relations between the two republics of former Yugoslavia, still have unresolved issues, such as the border disputes, which are a consequence of the fact that Yugoslavia, while having strictly defined borders with other countries, did not have precisely marked or defined borders among its constituent parts. Other former “brother” states have them too. Bosnia and Herzegovina, Montenegro, Serbia, North Macedonia, and Kosovo faced political regress marked by ethnic tensions, corruption, and delay in democratic reforms.

The Western Balkans still grapple with democratic deficits, neglecting universal values, political culture, and confidence in elected leaders. Economic struggles, high unemployment, and inequalities contribute to social unrest, still hindering stability and cooperation. Efforts for reform are underway, evident in the EU's Growth Plan⁴, aiming to double the region's economy within a decade.

The discrepancies in the Western Balkans since the downfall of Yugoslavia underscore the complexity of managing the aftermath of a multi-ethnic federation's dissolution. Political, ethnic, economic, and regional factors contribute to the challenges faced by the individual nations in the region.

The EU expressed commitment to opening accession negotiations with Albania, North Macedonia, provided they adhere to the necessary criteria. Bosnia and Herzegovina may enter negotiations upon meeting needed criteria, and there is renewed momentum for Montenegro's accession with a new government. For Kosovo and Serbia, adherence to EU Dialogue commitments is crucial. The French President Macron stated on August 28, 2023, that the EU needs to reform if it wants to integrate new nations with more than 30 member countries. "The risk is to think we can enlarge without reform. I can testify that it is hard enough for Europe to advance on sensitive topics with 27 members. With 32 or 35 members, it won't be any easier,"⁵ he said at the annual gathering of French ambassadors in Paris.

The Open Balkans initiative, challenging the EU's Berlin Process, focuses on economic cooperation among Balkan countries, as a joint effort to progress. However, the future of the region remains uncertain, marked by ongoing transitions and challenges. The rise of ethnic tensions and nationalism during Yugoslavia's breakup left lasting effects, emphasizing the importance of learning from history, and building on friendship, trust, and cooperation, rather than divisive narratives, crucial for lasting stability and progress in the region.

The events such as the fall of the Berlin Wall, and October 5, show that citizens need freedom, inclusion, and democracy, not speeches of praise, or taps either on shoulders or fingers. The regional, European and global political landscape is dynamic and subject to rapid

4 More info: News Article, 8 November 2023, Directorate-General for Neighborhood and Enlargement Negotiations (DG NEAR)

5 Statement of French President Emmanuel Macron at the annual gathering of French ambassadors in Paris on August 28, 2023

changes. Those changes can lead to both political progress or decay, leaving space for the erosion of the democratic institutions, wars, and proxy wars.

THE FINAL REFLECTION

In 1987, the Irish singer Johnny Logan won the Eurovision song contest with “Hold me now” in Brussels. Yugoslavia placed 4th with the song “Ja sam za ples” (I wanna dance), performed by Novi Fosili.

The Use of Unmanned Aircraft Systems for State Operations in the Republic of Slovenia: between Legal Confines and Technological Progress

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The Use of Unmanned Aircraft Systems for State Operations in the Republic of Slovenia: between Legal Confines and Technological Progress

Pika Mihelič, Franc Pozdrec¹

DOI: <https://doi.org/10.60073/euper.2023.10.03>

ABSTRACT

Regulation (EU) 2018/1139 on common rules in the field of civil aviation, together with delegated and implementing acts, provides the legal framework for regulating UAS at the EU level. It is important to note that mentioned acts do not apply for activities performed by the Member State, from which it follows, that new special national regulations are. Nevertheless, the Member States can still, decide that individual chapters of the regulation also apply for their performed operations. While many states of the EU have chosen to utilize this mechanism, the Republic of Slovenia has not made an official decision to do so. The circumstances described above raise a number of questions regarding the precise definition of the state operations, their delimitation and possibility of applying general regulations for operations with UAS performed by the police and other state authorities. Based on an analysis of European and national regulations, this paper presents the legal options for the use of UAS in state operations.

KEYWORDS: unmanned aircraft systems, state operations, European regulation, Slovenia, safety oversight, Regulation (EU) 2018/1139

POVZETEK

Osnovna Uredba (EU) 2018/1139 o skupnih pravilih na področju civilnega letalstva, skupaj z delegiranimi in izvedbenimi predpisi, predstavlja pravno podlago za urejanje brezpilotnih zrakoplovov na ravni Evropske unije. Navedeni akti praviloma ne veljajo za izvajanje državnih aktivnosti, iz česar izhaja, da je za njihovo delovanje praviloma potrebno sprejeti posebne nacionalne predpise. Države članice se lahko vseeno na podlagi mehanizma »opt-in« odločijo, da bodo posamezna poglavja uredbe veljala tudi za izvajanje tovrstnih aktivnosti. Medtem ko so se številne države Evropske unije odločile za uporabo omenjenega mehanizma, Republika Slovenija te odločitve zaenkrat uradno še ni sprejela. Iz navedenih okoliščin izhajajo številna vprašanja, ki se nanašajo na natančno definicijo državnih aktivnosti, njihovo razmejitev ter možnosti uporabe splošnih predpisov pri izvajanju aktivnosti s sistemi brezpilotnih zrakoplovov, ki jih opravljajo policija in drugi nosilci javnih pooblastil. V prispevku so na podlagi opravljene analize evropskih in nacionalnih predpisov sistematično predstavljene pravne možnosti za uporabo brezpilotnih zrakoplovov pri izvajanju državnih aktivnosti.

KLJUČNE BESEDE: sistemi brezpilotnih zrakoplovov, državne aktivnosti, evropska ureditev, Slovenija, letalsko-varnostni nadzor, Uredba (EU) 2018/1139

1 ABOUT THE AUTHORS:

Pika Mihelič, Master of Law at the European Faculty of Law, Nova Gorica, Slovenia. Email: pika.pikamihelic@gmail.com
Franc Pozdrec, PhD, Assistant Professor of Administrative Law, Lecturer at the New University, Ljubljana, Slovenia as well as at the Police Academy, at the Education Centre "Aktiva varovanje d. d.", and at »The Cas« - Private School for Security Education. Email: franc.pozdrec@gmail.com

INTRODUCTION

The development of unmanned aerial vehicle technology in the 21st century has expanded from a predominantly military segment to other areas as well. Technological advances in electronics, optics, computing, and energy storage, coupled with affordability and increasing battery capacity, have enabled the technology to be used in an increasingly diverse range of fields and significantly expanded the user base. As a result, the use of this technology is not only becoming more widespread in the civilian sector, but is also beginning to be used in operations under the control and responsibility of Member States. Due to the specific nature of these operations, it is essential that the conditions for the use of unmanned aircraft systems (UAS) for these purposes are well defined.

The flight of UAS is primarily a civil aviation activity and is regulated by the European Union. In 2018, with the adoption of Regulation (EU) 2018/1139, the competence for the regulation of UAS was transferred from the national to the European Union level (Regulation (EU) 2018/1139, 2018). Based on Regulation (EU) 2018/1139, Commission Delegated Regulation (EU) 2019/945 and Commission Implementing Regulation (EU) 2019/947 were adopted in 2019, which set out in more detail the requirements for UAS and the rules for their use.

As noted above, Regulation (EU) 2018/1139 provides the legal basis for the regulation of civil aviation at the level of the European Union. It also provides the demarcation between civil and state operations. This demarcation is derived from Article 2(3), which states that this Regulation shall not apply to state operations that are under the control and responsibility of the Member States. However, the Regulation gives Member States the possibility to apply any chapter of the Regulation to some or all state operations on the basis of an “opt-in” mechanism. If the country decides to use this mechanism, it must notify the European Commission and the European Civil Aviation Agency. The Republic of Slovenia so far has not made an official decision to implement European Union regulations for state operations with UAS (EASA, 2022b).

Regulation (EU) 2018/1139 (2018) contains a vague definition of state operations, and it is therefore up to the Member States to determine when certain activities of state authorities, bodies of self-governing lo-

cal communities and holders of public authority are to be considered as state operations and when they are not.

The current regulation in the Republic of Slovenia contains inconsistencies regarding the precise definition of state operations, since for some time now UAS have been used not only by entities that fall under the so-called classical state operations, such as the police and the military, but also by other legitimate entities, which need to be precisely defined and the permitted exception to civil rules need to be established.

The purpose of this paper is to systematically present the legal options for the use of UAS in the conduct of state operations, which arise from the current legal framework and the planned changes to the legislation. At the same time, the paper also addresses specific issues related to the use of unmanned aerial systems.

UNMANNED AIRCRAFT VEHICLE AND UNMANNED AIRCRAFT SYSTEMS

There are several different terms used to refer to “unmanned aircraft” both in the general public and in professional terminology. In addition to the common term “drone”, the terms unmanned aircraft and unmanned aerial vehicle are also used (Atelšek, et al., 2015). Despite the multitude of different terms, the term unmanned aircraft is used consistently in the regulations of the Slovenian Armed Forces. Therefore, the content of our paper will emphasize that usage.

To understand unmanned aircraft technology and the legal regulation of this field, it is important to make a clearer distinction between the terms “unmanned aerial vehicle” and “unmanned aircraft system”.

The basic definition of an unmanned aerial vehicle (UAV) comes from the Commission Delegated Regulation (EU) 2019/945 (2019) and means “any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board”.

Meanwhile, an unmanned aircraft system (UAS) “means an unmanned aircraft and the equipment to control it remotely” (Commission Implementing Regulation (EU) 2019/947, 2019).

From the above definition of the two terms, it is clear that the UAS is a broader concept that includes the UAV as well.

Sadraey (2020, p. 19), in his book *Design of Unmanned Aerial Systems*, makes a similar distinction between the two concepts. He states that an unmanned aerial systems “is a group of coordinated multidisciplinary elements for an aerial mission by employing various payloads in a flying vehicle”. In contrast, he defines an unmanned aerial vehicle in a narrower sense as “a remotely piloted or self-piloted aircraft unmanned aerial vehicle on which individual modules can be mounted”.

While some authors define the UAS in slightly different ways, these differences are mainly due to different scientific disciplines. What they all have in common is that they define the UAV as an integral part of the UAS (Eisenbeiss, 2004; Finn, et al., 2014; González-Jorge et al., 2017).

The UAS is composed of several modules, and although several different subdivisions appear in the literature (Finn, et al., 2014; González-Jorge et al., 2017), the main one is the division into three main components.

The first set includes a carrier, or so-called UAV. With technological developments and increased demand, the number of different types of UAVs has also increased. These can vary by type (e.g., fixed-wing UAV or UAV with different numbers of rotors) (Sandraey, 2020), degree of autonomy, size, weight, and power source. These characteristics have an impact on flight duration and payload capacity (Vergouw, et al., 2016, p. 2).

The second part is the system to control and operate the UAV. This system can operate autonomously or be remotely controlled. Autonomous operation is characterized by a flight path that is pre-planned by a computer and then executed by the UAV either unassisted or via a ground control station. The system allows the drone to react to changing weather conditions. If necessary, it can abort the flight and land safely. In the remote control mode, the operator communicates with the UAV at all times, either by controlling it in the field of view or by receiving data directly from on-board video surveillance or other sensors. To make operations safer, many newer UAVs are equipped with various safety systems designed to prevent the UAV from colliding or crashing (Police, 2016, p. 3).

The third and final component is the system designed to perform tasks. There is a wide variety of such systems, and the extent of the UAS will

depend on the system that is chosen. Three main groups can be discerned. The first group consists of weapon systems, e.g. gas weapons. The second group consists of transport and delivery systems. These systems have been used mainly by the military to deliver supplies. But more recently, these systems have gained value in civilian areas, such as large delivery companies for mail and small packages, medical delivery, and agricultural activities such as aerial fertilization of crops. The third category includes surveillance and data collection systems. These include photography, video and audio recording, and the use of thermal imaging cameras. The LiDAR (Light Detection and Ranging) sensor is also commonly used due to its wide range of applications. This sensor collects data and forms a cloud of points with accurately measured distances between objects in the coverage area (González-Jorge, et al., 2017, p. 10).

As indicated above, UAS is a versatile technology with a wide range of applications. However, it is critical to evaluate its benefits and drawbacks, which depend on factors such as the type, size, adaptation of the selected vehicle and accessories, as well as the specific application. There are numerous studies that examine the use of UAS in specific industries (Colomina, Molina, 2014; Balajee Laksham, 2019; Mihelič, 2020). Despite its variable components, this technology has some common features. This paper will only list those features that are common to a variety of applications. The main advantage of using UAS is their cost-effectiveness. For example, a DJI Phantom 4 Pro costs about two thousand euros (DJI, 2023), while an hour of helicopter flight in Slovenia is priced between eight hundred and three thousand euros (Police, 2016, p. 4). With the use of UAS technology, various tasks can be performed in a much safer and more secure manner, ensuring the safety of people whose lives could be at risk during the operation of manned aircraft. It has the advantage of quick runway setup and take-off, user-friendly aircraft management and data acquisition systems that can directly sense information from their environment. However, certain limitations need to be acknowledged, particularly the limited flying time, which is related to the capacity and number of batteries. The UAS may also crash or malfunction, and performance may be limited in adverse weather conditions, among other limitations (Colomina, Molina, 2014, p. 5).

Therefore, it is important to select the most appropriate UAV and sensor types for the intended use. The wide range and adaptability of

the UAS make it an increasingly ubiquitous tool in various economic sectors (European Commission, 2022, p. 5), including private security (Čas, Božjak, 2022, p. 78), agriculture, film production, and public health, with a particular focus on emergency medical care. They are also increasingly used to support activities that are under the control and responsibility of the Member States, such as public safety, security and rescue (European Commission, 2022, p. 5).

GENERAL LEGAL FRAMEWORK FOR USING UNMANNED AIRCRAFT SYSTEMS IN THE EUROPEAN UNION

The flight of UAS is primarily a civil aviation activity and is regulated by the European Union. In 2018, with the adoption of Regulation (EU) 2018/1139, the competence for the regulation of UAS was transferred from the national to the European Union level (Regulation (EU) 2018/1139, 2018). Based on Regulation (EU) 2018/1139, Commission Delegated Regulation (EU) 2019/945 and Commission Implementing Regulation (EU) 2019/947 were adopted in 2019. The following sections will highlight the most important provisions for the use and control of this technology by analyzing the three basic regulations, mentioned above.

REGULATION (EU) 2018/1139 ON COMMON RULES IN THE FIELD OF CIVIL AVIATION

In July 2018, the European Parliament and the Council adopted Regulation (EU) 2018/1139 on common rules in the field of civil aviation, or the new Basic Regulation, which also applies to UAS. The new Regulation replaced the so-called Basic Regulation from 2008 (Regulation (EC) 216/2008). Until the new Regulation was adopted, Member States and their national aviation authorities were responsible for regulating the remaining areas of UAS use, resulting in different approaches to regulating this area over the past decade (Lavallée, 2019, p. 2).

With the entry into force of the new Regulation, responsibility for regulating all civil UAS, regardless of their operational mass, has been transferred from the Member States to the EU level, making harmonized EU safety rules applicable in all Member States. In accordance with the principle of subsidiarity, Regulation (EU) 2018/1139 established centralized regulation in this field, with the European Commission and European Union Aviation Safety Agency (EASA) playing the main role. The primary objective of the new regulation was to estab-

lish and maintain a high uniform level of civil aviation safety and environmental protection. However, due to the transnational nature of air transport, these objectives could not be effectively achieved through national regulation. Therefore, the EU began to regulate this area at the Union level (Pagallo, Bassi, 2020, p. 5).

Regulation (EU) 2018/1139 covers, inter alia, the rules for the design, manufacture, maintenance and operation of aircraft and their parts and defines the role of EASA. It also covers the conduct of safety oversight of aircraft, the collection of data and the preparation of proposals for safety rules for the European Commission (Clare, Kourousis, 2021, p. 341).

The new Regulation provides the legal basis for the regulation of civil aviation at EU level. At the same time, it introduces a distinction between civil and state operations. This distinction is made in Article 2 (3), which states that “the Regulation shall not apply to: aircraft, and their engines, propellers, parts, non-installed equipment and equipment to control aircraft remotely, while carrying out military, customs, police, search and rescue, firefighting, border control, coastguard or similar activities or services under the control and responsibility of a Member State, undertaken in the public interest by or on behalf of a body vested with the powers of a public authority, and the personnel and organizations involved in the activities and services performed by those aircraft” (Article 2 of the Regulation (EU) 2018/1139, 2018).

Furthermore, Regulation (EU) 2018/1139 also gives Member States the possibility to apply any chapter of the Regulation to some or all state operations on the basis of an “opt-in” mechanism. This provision is also very flexible in the sense that it allows Member States to define for themselves what they consider to be activities “under the control and responsibility of a Member State, undertaken in the public interest by or on behalf of a body vested with the powers of a public authority...”. If a Member State decides to apply the rules of the Regulation to activities otherwise excluded by the above provision, it must inform the European Commission and EASA (EASA, 2022c).

The Regulation establishes a centralized framework in which the main authorities are shared between the European Commission and EASA. According to this regulation, the EASA proposes to the European Commission technical rules and standards for all sizes of UAS, while the

European Commission is empowered to adopt delegated and implementing acts to further develop the regulatory framework in this field (Bassi, Pagallo, 2022, p. 3).

Although the new Regulation in general limits the jurisdiction of the Member States and their national authorities to regulate UAS, it nevertheless allows some exceptions. These arise from Articles 56(8) and 71 of the Regulation, which allow Member States to adopt specific national rules for operating UAS, to grant exemptions from certain European requirements, or to request an amendment to a delegated or implementing act to allow the use of different means of demonstrating compliance (Bassi, Pagallo, 2022, p. 3).

In order to update or ensure the uniform implementation of an already adopted European legislative act, the European Parliament and the Council may, on the basis of the Treaty on the Functioning of the European Union, empower the European Commission to adopt delegated or implementing acts. Therefore, based on Articles 57 and 58 of Regulation (EU) 2018/1139, Implementing Regulation (EU) 2019/947 on the rules and procedures for the operations of unmanned aircraft and Commission Delegated Regulation (EU) 2019/945 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems were adopted in 2019 (Brezovar, Belič, 2021, p. 26).

COMMISSION DELEGATED REGULATION (EU) 2019/945 ON UNMANNED AIRCRAFT SYSTEMS AND THIRD-COUNTRY OPERATORS OF UNMANNED AIRCRAFT SYSTEMS

Commission Delegated Regulation (EU) 2019/945 (2019) on unmanned aircraft systems and third country operators of unmanned aircraft systems lays down requirements for the design, manufacture, maintenance and operation of UAS. Responsibility for compliance with these requirements also lies with all economic operators that place the UAS on the market. At the same time, they should also ensure compliance with the requirements for each class, regardless of whether the UAS was manufactured in the EU or outside the EU.

The requirements of the Delegated Regulation relate in particular to the establishment of technical documentation concerning the product and its appropriate marking, such as the CE marking, the EU declaration of conformity and the serial number. The EU declaration of conformity indicates that the product has been shown to comply with

the requirements set out in the Annex to this regulation (Article 14 of the Commission Delegated Regulation (EU) 2019/945, 2019), while the CE marking can be defined as “the marking by which the manufacturer indicates that the product is in conformity with the applicable requirements set out in Union harmonization legislation providing for its affixing” (Article 3 of the Commission Delegated Regulation (EU) 2019/945, 2019)).

An important innovation introduced by the delegated regulation is the division of unmanned aircraft production into classes. Each class is identified by a class identification label. The designations C0, C1, C2, C3 and C4 are associated with a specific subcategory A1, A2 and A3 in the “open” category. The classes represent the equipment requirements for each type of UAV which can then be used under the conditions derived from the individual subcategories in the “open” category (EASA, 2020, p. 30).

COMMISSION IMPLEMENTING REGULATION (EU) 2019/947 ON THE RULES AND PROCEDURES FOR THE OPERATION OF UNMANNED AIRCRAFT

Commission Implementing Regulation (EU) 2019/947 (2019) on the rules and procedures for the operation of unmanned aircraft was due to come into force in July 2020, but has entered into force six months later to the epidemiological situation. It contains provisions that further regulate the operation of UAS, rules for personnel, including remote pilots, and rules for organizations involved in operations in the EU. However, the term “operations of UAS” in this Regulation does not include operations in confined spaces (e.g., buildings, caves, silos, mines, etc.), as the likelihood of a UAS entering outside airspace is very low (Easy Access Rules for Unmanned Aircraft Systems, 2022, p. 20).

Procedures and rules for the operation of UAS should respect the principle of proportionality. Depending on the nature and risk level of the operation, operators should adapt to the operational characteristics of the individual UAS and to the characteristics of the operational area, such as population density, presence of buildings and terrain features (Commission Implementing Regulation (EU) 2019/947, 2019).

Stated above, therefore Article 3 of the Regulation provides for the classification of operations with UAS into three main categories, taking into account the level of risk:

- The “open category” is intended for low-risk operations and does

not require any prior operational authorization or operational declaration by the UAS operator.

- The “special category” is intended for medium-risk operations and requires an operational authorization by the competent national authority or operational declaration from the UAS operator.
- The “certified category” is for high-risk operations and, in addition to the requirement for system certification in accordance with Commission Delegated Regulation (EU) 2019/945, this category also requires the certification of the operator and, in some cases, the licensing of the remote pilot (Article 3 of the Commission Implementing Regulation (EU) 2019/947, 2019).

In addition to the rules and restrictions laid down in the Regulation for each category, the Regulation allows Member States to restrict or exclude UAS operations in certain areas to ensure safety, security, privacy or environmental protection. Member States may designate areas in which certain UAS operations are exempt from the open category requirements. In the Regulation these areas are referred as “UAS geographical zones” and information on the areas and restrictions must be made publicly available, together with their period of validity (Article 15 of the Commission Implementing Regulation (EU) 2019/947, 2019).

In line with Article 56(8) of the Regulation (EU) 2018/1139, Commission Implementing Regulation (EU) 2019/947 does not limit the possibility for Member States to establish national rules for operations with UAS outside the scope of the Regulation, including public security and the protection of personal data and privacy, in accordance with EU law.

LEGAL FRAMEWORK FOR USING UNMANNED AIRCRAFT SYSTEMS IN THE REPUBLIC OF SLOVENIA

Aviation in the EU is regulated by national and EU regulations. In the case of a conflict between EU law and national law, EU law generally prevails, in accordance with the principle of primacy, which has been developed by the jurisprudence of the Court of Justice of the EU. It is important to note that this principle applies only within the field of application of the national law and not within the field of validity of the national law. Finally, it is important to understand that regulations enter into force in all EU Member States once they have been adopted and published in the Official Journal of the European Union and the

standstill period has expired. Implementation procedures are generally not required for their entry into force, except where the Regulation provides otherwise. According to Article 288 of the Treaty on the Functioning of the European Union, regulations are directly applicable and effective in both vertical and horizontal relations (Brezovar, Belič, 2021, p. 26).

As mentioned above, Regulation (EU) 2018/1139, which relates to civil aviation, is the main regulatory act governing aviation in the Member States of the European Union. However, national legislation is also relevant in this field. The following sections provides a detailed overview of the legal acts regulating this field in the Republic of Slovenia.

AVIATION ACT

In the Republic of Slovenia, the basic regulatory act for aviation is the Aviation Act (2001), which divides aviation into civil aviation and military aviation.

The Aviation Act does not contain any provisions relating directly to UAS. However, certain provisions are indirectly relevant or important to the use of UAS. Due to their increase in civilian use and the lack of regulations for their safe operation, in 2016 the Civil Aviation Agency Slovenia issued a Safety Directive on unmanned aircraft (Article 2). The legal basis for adopting the Safety Directive was the Aviation Act and the Ruling on the establishment of the Civil Aviation Agency. The purpose of the directive was to draw the attention of the operators to the dangers and to contribute to the reduction of risks in the use of UAS. This document was an attempt by the Civil Aviation Agency Slovenia to temporarily regulate this area and was replaced later that year by the Decree on unmanned aircraft systems. Although the Civil Aviation Agency Slovenia strived to temporarily regulate this area with the Safety Directive on unmanned aircraft, later that year it was replaced by the Decree on unmanned aircraft systems.

The Decree on unmanned aircraft systems (2016) established the basic technical and operational standards for the safe use of this technology, as well as the conditions for persons involved in the operation of UAS with a maximum take-off mass less than 150 kilograms. The Decree primarily regulates the civil use of UAS, as Article 1 makes it clear that it does not apply to UAS intended for the performance of state opera-

tions. These include military, customs, police, search and rescue, fire-fighting, coastguard and similar activities. At the same time, however, the flight rules of the Decree must be observed in the performance of these activities, unless specific rules provide otherwise.

The Decree remained in force until the Regulation (EU) 2018/1139 and its delegated and implementing acts entered into force, although certain provisions remained applicable until the end of 2022.

Regarding state operations, the Slovenian Decree on Unmanned Aircraft Systems allowed to apply its provisions for conducting such operations under certain conditions. However, with the adoption of the new regulation in 2018, the regulation of this area has been transferred from the competence of individual Member States to the competence of the EU. And according to the Regulation (EU) 2018/1139, state operations are now in principle excluded from the scope of this Regulation.

This is one of the reasons why a new Aviation Act is in the process of adoption. The structure of the current Aviation Act will be maintained, but the content will be in line with new aviation safety guidelines, technologies, systems and procedures. At the same time compliance with international standards and the European legal framework will be ensured. The new Aviation Act will include all requirements arising from EU regulations, relevant ICAO Standards and recommended practices and the results of inspections in this area. The more detailed information on the proposal for a new Aviation Act will be presented in the following (CAA, 2021).

DECREE IMPLEMENTING THE DELEGATED REGULATION (EU) ON UNMANNED AIRCRAFT SYSTEMS AND ON THIRD-COUNTRY OPERATORS OF UNMANNED AIRCRAFT SYSTEMS

Commission Delegated Regulation (EU) 2019/945 is an act of the European Commission regulating the field of UAS at the EU level. With the adoption of the Decree implementing the Delegated Regulation (Article 2, 2022) the Republic of Slovenia has fulfilled its obligations and has designated the competent authorities in accordance with Commission Delegated Regulation (EU) 2019/945.

Republic of Slovenia has designated the Ministry of Infrastructure as the Notifying Authority. The Market Inspectorate has been designated

as the market surveillance authority and carries out all market surveillance tasks, such as monitoring the use of the CE marking and informing the European Commission and other Member States on matters within its field of activity. While the Financial Administration controls the entry of products into the EU market (Proposal of the Decree implementing the Delegated Regulation, 2022, p. 15).

Both of the above authorities cooperate and exchange information with the Civil Aviation Agency (CAA) in order to carry out their duties effectively (Proposal of the Decree implementing the Delegated Regulation, 2022, p. 15).

DECREE ON IMPLEMENTING REGULATION (EU) ON THE RULES AND PROCEDURES FOR THE OPERATION OF UNMANNED AIRCRAFT

In order to comply with the requirements of this Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft, it was necessary to adopt certain additional measures at the level of the Republic of Slovenia. These measures are set out in the Decree on implementing Regulation (EU) 2019/947 (2020, Article 1). Among other things, the national decree designates the competent authority, lists the specific requirements for model aircraft associations or clubs, and defines the geographical zones in which the flight of UAS is restricted or prohibited. It also specifies the manner in which information on the geographical zones is made available to the public. In addition, the regulation contains specifics provisions related to the regulation during the transition period.

During the first year of implementation of the decree, it became clear that certain measures defined in the national decree should be amended (Proposal of the new Decree on implementing Regulation (EU), 2022, p. 15). Therefore, a new implementing decree was proposed for inter-ministerial coordination at the end of 2022. Once adopted, it will replace the current national decree (Proposal of the new Decree on implementing Regulation (EU), 2022, p. 15).

The main changes that the new Decree will introduce, with reference to the currently available proposal, are mainly related to a more comprehensive regulation of geographical zones, in particular regarding the methods and procedures used to designation. In the following part

there is a more detailed description of the changes introduced by the new Decree and their impact on the use of UAS for activities that are under the control and responsibility of the Member States (Proposal of the new Decree on implementing Regulation (EU), 2022, p. 15).

The CAA is the competent authority for the implementation of the Decree on implementing Regulation (EU) 2019/947. It has the main responsibility for carrying out inspections, but some of the inspections are also carried out by the police and the municipal warden service. The proposed new Decree regulates supervision in a similar way. The difference is that it assigns new tasks to certain authorities. According to the proposal, they should also detect violations of regulations and restrictions on operations in geographical zones, excluding those established to ensure aviation safety. By extending the responsibilities, the proposal for a new regulation aims to follow the intention of Article 18 of Regulation (EU) 2019/947, which provides that oversight shall be performed by the competent aviation authority, but that these tasks do not include the performance of open category oversight. This is mainly because the massive use of UAS in this category makes it more sensible for such surveillance to be carried out by police or municipal warden service in the Member State, similar to the situation in road traffic (Proposal of the new Decree on implementing Regulation (EU), 2022, p. 16).

Under Article 15(1) and (2) of the Regulation, Member States have the possibility of designating specific geographical zones where activities related to UAS are prohibited or restricted for safety, security, privacy and environmental reasons (Article 5 of the Decree on implementing Regulation (EU), 2020). In order to improve the flexibility and transparency of the geographical zones, a new system for the designation of these zones is foreseen. Depending on the type of geographical zone, different designation methods are defined, as follows:

- geographical zones for aviation and general security and privacy are defined directly by the Decree;
- other geographical zones are determined by the Ministry of Infrastructure or at the request of other authorities;
- geographical zones established for the purpose of carrying out the activities of aeromodelling clubs and associations are determined by the CAA,
- the Ministry of Infrastructure shall not be responsible for the establishment of temporary geographical zones for the exercise

of police tasks, but the police shall determine and establish such zones according to their needs in the exercise of their tasks and powers (Proposal of the new Decree on implementing Regulation (EU), 2022, p. 17).

Geographical zones may be established for a limited or unlimited period of time. It is essential that they are also publicly available in a common unique digital format in order to ensure a higher level of security and transparency. In the current proposal for a Decree, certain temporary geographical areas are exempted from publication, but their publication is still advised in the case of longer-term interventions in the event of natural or other disasters, police missions, or in the case of public gatherings, as it constitutes an additional safeguard to prevent unauthorized flights from taking place within these areas (Proposal of the new Decree on implementing Regulation (EU), 2022, p. 26).

The wording of the currently published proposal for a new regulation allows for exceptions to the publication of provisional geographical zones in the publication system, which is not in line with Article 15(3) of the Commission Implementing Regulation (EU) 2019/947 (2019). It states that Member States shall ensure that information on these zones, including their period of validity, is publicly available in a common digital format, without exceptions. It is reasonable to expect that the system of publication of temporary geographical zones will be aligned with the requirements of Commission Implementing Regulation (EU) 2019/947 in the latest version of the national decree, given the inconsistency of the envisaged exemptions.

Compared to the current Decree, the proposed new Decree provides a more detailed breakdown of the types of geographic zones that can be established. In the following, only the most significant changes that will have an impact on the use of UAS in the performance of state operations will be presented.

The geographical zones for the performance of police tasks are already defined in the current national Decree. They refer to both permanent and temporary geographical zones. The proposed new Decree does not change the substance of the provisions, but differs in that the temporary geographical zones that the police may establish are regulated in a separate article (Proposal of the new Decree on implementing Regulation (EU), 2022, p. 21). This is due to the fact that the purpose and manner of the establishment of these zones are different in rela-

tion to Article 56 of the Police Tasks and Powers Act, which regulates temporary restrictions of movement (Proposal of the new Decree on implementing Regulation (EU), 2022, p. 23). The unpredictable nature of police tasks makes it difficult to estimate the duration of temporary geographical zones, making the standard system of publication unsuitable. The primary reason for the unsuitability is the previously mentioned approach for publishing geographical zones. However, it is still necessary to provide information about temporary geographical areas. The notification must be carried out in accordance with the guidelines in Article 56(6) of the Police Tasks and Powers Act (2013), which requires marking the area of temporary restricted movement using tape, fencing or similar methods (Pozdrec and Kotnik, 2023, p. 105).

An increasing number of state authorities, bodies of self-governing local communities and holders of public authority are using UAS to carry out their tasks. In the proposed new Decree, those operations are regulated in the new Chapter III. In contrast to police and military activities, these operations are usually associated with a lower level of risk. For this reason, they are generally not classified as classical state operations, in accordance with the Regulation (EU) 2018/1139. As previously mentioned, this Regulation exempts state operations from civil regulation. At the same time, Member States can decide whether operations with UAS that are carry out by state authorities, bodies of self-governing local communities and holders of public authority, fall under these regulations or whether they are subject to specific rules as classical state operations. In Republic of Slovenija it is foreseen that less complex state operations will be carried out in accordance with the civil regulations. However, in order to ensure more efficient performance of tasks, certain exceptions may be granted (Proposal of the new Decree on implementing Regulation (EU), 2022, p. 23).

Based on the above, it can be concluded that the new Decree will improve existing provisions and complement the existing way of establishing geographical zones, while also reducing the administrative burden on public authorities in some cases (Proposal of the new Decree on implementing Regulation (EU), 2022, p. 23). In response to the increasing use of UAS for state operations, more detailed regulations will be implemented. In order for regulation in this area to be effective, decision-makers need to keep abreast of technological advances and current circumstances.

NOVELTIES OF THE PROPOSED NEW AVIATION ACT

The current Aviation Act has undergone only minor changes since its enactment in 2001. The main changes have been made to comply with the obligations arising from joining the EU and to implement the European Directives. Adjustments to the current legislation have become necessary due to technological advances and the international nature of civil aviation. The implementation of the new legislation will bring the civil aviation in line with modern practices for ensuring safe aviation while facilitating timely adaptation to the European legal framework and conformance with international ICAO standards and recommendations. Among other factors, the progress of international civil aviation influenced the emergence and use of new specialized terminology, which therefore need to be updated in the new Act. Otherwise, the adoption of the relevant secondary legislation for the further regulation of the area of civil aviation in the Republic of Slovenia will be made more difficult or even prevented (CAA, 2021).

The Aviation Law proposal indicates that the forthcoming legislation will have a wider scope. Furthermore, it will provide more comprehensive regulation for military and police aviation, which currently lacks regulation. This will also provide a legal basis for the regulation of other state operations in the field of aviation that are not regulated by the present legislation. This is necessary since state aviation activities are expanding beyond the military and police use (Proposal for consideration - Proposal for the Aviation Act, 2021, p. 8).

In contrast to the current law, the upcoming legislation will include additional regulations related to UAS. Besides a general definition of the term, this new legislation will also regulate the registration process of UAS that undertake high-demanding operations. UAS for which certification is required will also need to be entered in the aircraft register. Fines for activities performed with UAS will also be partially established. Since the use of these systems is regulated in detail by EU regulations, the new law in this area is generally silent and rather modest regarding provisions on UAS, as it mostly refers to the application of EU regulations (Proposal of the new Aviation Act, 2021).

In addition to the civil regime, the upcoming Act will provide new and broader regulation of military and police aviation, including provisions directly or indirectly relevant to the use of UAS (CAA, 2021).

The general legal framework of military and police aviation is important for understanding the governance of state operations with UAS.

The new law will have a special chapter on the regulation of military aviation. It will establish rules and requirements that are not adequately regulated in the current law. With the enactment of the new aviation law, the appropriate legal basis will be in place for the competent minister to issue regulations on the flight of unmanned aircraft in the performance of military tasks (Proposal of the new Aviation Act, 2021, p. 10).

The field of police aviation is not directly regulated by the current Aviation Act, but the civil regulations are still partly applicable and used for this field (Proposal of the new Aviation Act, 2021, p. 15). Due to the nature of the work, individual flight operations may deviate from general aviation norms, but the exceptions must be clearly defined and assessed from an aviation safety perspective. With the enforcement of Regulation (EU) 216/2008, the forerunner of Regulation (EU) 2018/1139, the schedule for carrying out the European Commission's implementing rules regarding technical rules of civil aviation has been made apparent. With the implementation of the European Aviation Regulation and the fact that the Slovenian police had an outdated helicopter fleet that did not comply with EU aviation safety regulations, the Minister responsible for Transport issued the Rules on airworthiness, air operations, aviation aircrew, and certain flight rules for police and customs aircraft, which regulated an area that was not compliant with EU regulations. This allowed the CAA to conduct comprehensive aviation safety oversight of all police aviation sectors, including aircraft maintenance, airworthiness, crew training, and helicopter operations. In 2017, the Rules amending the Rules on airworthiness, air operations, aviation aircrew, and certain flight rules for police and customs aircraft were adopted. This led to the deletion of paragraphs 1, 2, 6, 7, 8, and 9 of Article 3, as well as Articles 5-14. As a result, there is currently no accessible substantive or procedural regulation governing police air operations in the Republic of Slovenia (General Police Directorate, 2023, p. 2). This also eliminated the independent oversight of part of the operations, which was provided by the CAA until January 1st, 2018, when the Regulation (EU) 2018/1139 entered into force (Proposal of the new Aviation Act, 2021, p. 234).

The new Aviation Act aims to ensure that police tasks are carried out in accordance with the aviation safety requirements of Regulation (EU)

2018/1139, by establishing administrative and aviation oversight of police aviation. Thus, in addition to overseeing the registration and airworthiness of police aircraft and certifying personnel, the CAA will be authorized to once again oversee police flying operations after 2018. The forms and modalities of high-risk air police operations and the flying of police UAS will be regulated by specific regulations to be issued by the competent minister. This will serve as the legal basis for further regulation in these two areas (Proposal of the new Aviation Act, 2021, p. 235).

LEGAL OPTIONS FOR THE USE OF UNMANNED AIRCRAFT SYSTEMS IN STATE OPERATIONS

The difference in the regulation of state operations in aviation was established by the Chicago Convention and further defined in Article 2(3) of the Regulation (EU) 2018/1139 (2018), which serves as the legal framework for civil aviation regulation in the European Union.

According to Article 2(3) of the Regulation 2018/1139 and the clarifications provided by EASA, state operations can be categorized into classical state operations and non-specific state operations (EASA, 2022a). Classical state operations generally include the activities of those authorities which, by the nature of their tasks, are usually performed under specific national rules, typically the military and the police. On the other hand, non-specific state operations include “similar activities or services under the control and responsibility of a Member State, undertaken in the public interest by or on behalf of a body vested with the powers of a public authority”. The precise interpretation of these activities rests with the Member States (Article 2, paragraph 3, Regulation 2018/1139, 2018).

Further, according to the sixth paragraph of the same Article of Regulation (EU) 2018/1139, Member States may choose to apply select chapters of the Regulation to those operations. This can be done “where it is considered that, in light of the characteristics of the activities, personnel and organizations in question and the purpose and content of the provisions concerned, those provisions can be effectively applied” (Article 2, paragraph 6, Regulation 2018/1139, 2018). However, if Member States choose to use the “opt-in” mechanism, they must notify both the European Commission and EASA (EASA, 2022c). A number of EU countries have decided to partially apply civil rules to state operations (EASA, 2022b). For example, Austria has notified

that it will apply the civil provisions of Chapter VII of the Regulation when exercising its border control, search and rescue and firefighting powers. The Netherlands has also notified the application of certain other sections of the Regulation. Similarly, in the majority of European States, police aircraft are registered in the civil aircraft register and are subject to the rules of civil aviation (EASA, 2022b). However, certain state operations may, due to the nature of these tasks, deviate from the rules of general aviation. In these cases, it is essential that these deviations are precisely defined and evaluated by an aviation safety assessment (Proposal of the new Aviation Act, 2021, p. 234).

Although the European aviation legislation prefers to use the “opt-in” mechanism in this field and some Member States have done so (Proposal of the new Aviation Act, 2021, p. 234), the Republic of Slovenia has not formally adopted this decision (EASA, 2022c).

As previously stated, the present Aviation Act does not provide detailed regulations for state operations or UAS. Nevertheless, the proposal of the new law includes more comprehensive regulations for both military and police aviation. The explanatory notes in the proposal make it clear that the civil rules will be applied to police aviation, among other areas, unless specific regulations determine otherwise. This suggests the use of an opt-in mechanism, although, as noted above, the Republic of Slovenia has not yet officially done so (Proposal of the new Aviation Act, 2021, p. 234). The reason for this is still unknown and may depend on needs and circumstances, while it is still not certain that it will actually be implemented. The precise application of civil rules and the extent to which police aviation will be regulated by specific legislation following the adoption of the new law which will partly depend on the competent Ministry.

Another important provision of the new Aviation Act is the regulation of additional state operations, which will serve as a legal basis for the adoption of rules that specifically address various types of state operations beyond those covered by the law itself. This will in fact provide a basis for regulating all those non-specific state operations, which are also referred in Article 2(3) of the Regulation (EU) 2018/1139. Due to societal changes, there is a growing inclination to use UAS by different state authorities. The newly proposed law is in line with these evolving trends. Once adopted, the law will allow the Government, upon the proposal of the competent authority, to issue regulations to regu-

late various state operations not directly regulated by law. Inter-ministerial coordination and competent aviation authority involvement will also be guaranteed, as the Government will establish detailed conditions and criteria for implementation. The proposing authority will be responsible for supervising the performance of each state activity, which will increase the administrative burden (Proposal of the new Aviation Act, 2021, p. 137).

Due to the vague definition of “state operations” in Regulation (EU) 2018/1139 and the specificities of UAS, there is uncertainty in determining which activities of state authorities, bodies of self-governing local communities and holders of public authority falls under state operations and which do not. The exact boundary has not yet been fully established, but it is essentially a matter of two concepts.

The first is the demarcation based on the purpose of the operations, as derived from the Regulation (EU) 2018/1139 (2018). The second is the demarcation based on the level of risk of the operations, which is also the underlying purpose of the Commission Implementing Regulation (EU) 2019/947 (2019).

Based on the current regulation of UAS at EU level, it may be more appropriate to apply the concept of level of risk, as this is also the concept on which civil rules and procedures for the operation of UAS are based. Therefore, if the level of risk is low enough to allow operations to be carried out in accordance with the general rules, these activities would not be classified as state operations. However, if the level of risk in the performance of certain tasks is higher and exceeds the limits of the general rules, these would be considered as state operations performed on the basis of specific rules and outside the framework of the general rules.

This concept of demarcation also makes sense in view of the diversity of tasks and powers of the various public authorities. Not all their tasks are so specific that they need to be governed by specific rules (Commission Implementing Regulation (EU) 2019/947, 2019). For example, if police officers wanted to use a UAS with a thermal imaging camera to search for a missing person in a large meadow area where no people are present, they could safely carry out the task under the civil procedure rules. However, it would be very different if police officers wanted to use a UAS with a video camera to monitor the safe execution of police procedures (e.g., apprehension of criminals) in a city center

where bystanders are present. Because of the higher level of risk, such use of UAS could be prohibited under civil law. In the exercise of the tasks and powers assigned to the police, they may be allowed to act in this way. However, these actions must be precisely defined by specific regulations.

Currently, the police have no specific regulations for this matter. Nevertheless, once the new Aviation Act comes into force, it will serve as the legal basis for regulating the flight of police UAS (Proposal of the new Aviation Act, 2021, p. 291).

The proposal for a new Decree on implementing Regulation (EU) (2020, p. 20) follows the concept of risk-based demarcation. Chapter III of this Decree provides a special regime for eligible entities, including state authorities, bodies of self-governing local communities and holders of public authority, to carry out UAS operations in accordance with general civil rules, while being granted certain exemptions from the national limitations within geographical zones. Operations will continue to comply with the provisions of Regulation (EU) 2019/947 and the limitations of national legislation. These operations tend to pose a lower level of risk than police activities and are therefore less likely to be classified as classical state operations (Proposal of the new Decree on implementing Regulation (EU), 2022, p. 23).

The process of defining and limiting state operations raises the question of whether entities categorized as classical state operations can apply the general rules in this area even if the Member State did not notify the validity of individual chapters of the regulation, on basis of an “opt-in” mechanism.

The current position resulting from the preparatory documents (Proposal of the new Decree on implementing Regulation (EU), 2022, p. 23) and expert discussions between the Ministry of Infrastructure and CAA representatives is that, as a general rule, any organization - whether it's the police, the army, or a public institution, can use civil regulations in the performance of its duties, as long as it complies with the rules and restrictions established by these regulations. However, entities that wish to exceed these restrictions must establish their own legal framework for carrying out such activities (Interview with A. M., 2023). They will only be authorized to implement such regulations once the new Aviation Act is enforced (Proposal of the new Aviation Act, 2021, p. 292).

Therefore, it is possible to classify state operations into three levels:

- Carrying out operations according to general guidelines.
- Carrying out operations in accordance with Chapter III of proposal for a new Decree on implementing Regulation (EU), which can only be carried out by eligible entities with minor predefined deviations from the general rules.
- Carrying out operations under the “classical” state operations is only applicable to entities that fall under the definition of Article 2(3) of the Regulation (EU) 2018/1139, if their operations exceed the limits set by the general rules. In such these cases, it is necessary for these entities to adopt specific rules to regulate the conduct of these operations (Interview with A.M., 2023).

The relatively vague definition of “state operations” in Regulation (EU) 2018/1139 (2018) therefore leaves Member States a wide discretion in this area, as it would be both unreasonable and impossible to foresee all circumstances or situations in individual Member States at the level of the European Union (Žaberl and Pozdrec, 2014, p. 3). Member states are free to determine the rules for the implementation of state operations with UAS on an individual basis, taking into account national needs. At the same time, the above-mentioned Regulation also allows them to decide whether certain chapters of the Regulation shall also apply to entities performing state operations. As described above, the current legislation in the Republic of Slovenia contains certain inconsistencies. These inconsistencies will be largely resolved with the adoption of the new Aviation Act and the new Decree on implementing Regulation (EU). However, the implementation of the rules and the further development of UAS technology will show in practice whether there is a need for more detailed regulation in this area at the EU level.

CONCLUSION

The Chicago Convention already regulates state operations in aviation in a distinct manner. Further clarification of the difference between civil and state operations is provided by the Regulation (EU) 2018/1139 and its delegated and implementing acts. If Member States choose not to apply certain chapters of the Regulation to these activities, they must adopt specific national provisions. A large number of Member States have chosen to partially apply civil rules to state operations for reasons of economy and efficiency. Given that the Republic of Slovenia has not yet formally decided to do so, specific rules should be adopted.

The study reveals that the comprehensive aviation regulation in Slovenia does not adequately regulate police and military aviation, particularly with regards to providing a sufficient legal framework for governing other state operations. The explanatory notes and the practical application of the proposed Aviation Act make it evident that civil regulations serve as the basis for state operations. Nevertheless, derogations are allowed, but in most areas, they are not yet precisely defined. This suggests that an opt-in mechanism is in fact being used, which causes inconsistencies and prevents a clear demarcation in this area.

As mentioned above, the Regulation (EU) 2018/1139 contains a vague definition of state operations and it is up to the Member States to determine when certain activities of state authorities, bodies of self-governing local communities and holders of public authority are to be considered as state operations and when they are not.

After analyzing the relevant factors, it has become clear that demarcation based on the level of risk of the operations, which is the main focus of Commission Implementing Regulation (EU) 2019/947, is a more suitable approach than the delimitation based on the purpose of the operations, which is derived from the Regulation (EU) 2018/1139. Moreover, this choice of delimitation concept is logical in view of the different tasks and powers of the various national authorities. According to this concept, for state operations with UAS, where the level of risk is lower, the operations are carried out in accordance with the general rules. Nevertheless, if the level of risk in the performance of certain tasks is higher and exceeds the limits of the general rules, these deviations must be specified in specific rules.

The police, as a typical representative of state operation, do not currently have these specific regulations, but the new Aviation Act will provide a legal basis for further regulation. As mentioned above, the current regulations in the Republic of Slovenia contain inconsistencies in the definition of state operations. For some time now, not only entities falling under classic state operations, such as the police and military, but also other state authorities have been using UAS. Those need to be precisely defined and permitted deviations from civilian regulations need to be predetermined. These inconsistencies will be largely resolved with the adoption of the new Aviation Act and the new Decree on implementing Regulation (EU).

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Islamic Rights or Human Rights: the Dilemma of the Islamic Republic of Iran

Nina Kos¹

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ABSTRACT

This article analyses the history of human rights in the Middle East, particularly Iran and its impact on fundamental human rights and freedoms. Islam is based on the concept of social justice and equality, which has been the factor most responsible for the religion's widespread popularity and rapid spread among the population. The main objective of this article is to determine whether Islam and human rights are compatible. Iran, which, since the 1979 Islamic Revolution, has promised its citizens and the wider Shiite community that they will fight together against social and other injustices and to strengthen a common Shiite identity, is today the main culprit in the dismantling of the systems and values of statehood. The primary research question guiding this study is: Does Sharia prevail human rights in Iran? The conclusion of this article uses a study and expert opinion to assess the prospects for the long-term survival of the Islamic Republic of Iran, highlighting the human rights issues.

KEYWORDS: Iran Islamic Revolution, Islamic and Sharia law, universal declaration of human rights and freedoms, hijab

POVZETEK

Članek analizira zgodovino razvoja človekovih pravic v državah Bližnjega vzhoda, zlasti Iranu, in vpliv na temeljne človekove pravice in svoboščine. Islam temelji na konceptu družbene pravičnosti in enakosti, ki je bil tudi najbolj zaslužen za splošno priljubljenost in hitro širitev vere med prebivalstvom. Iran, ki je vse od časa Islamske revolucije leta 1979 obljubljal svojim državljanom in širši šiitski skupnosti skupen boj proti socialnim in drugim krivicam ter krepitev skupne šiitske identitete, je danes glavni krivec za razgradnjo državnškega sistema in vrednot. Raziskovalno vprašanje se glasi: »Ali šariat prevladuje nad človekovimi pravicami v Iranu?«. V zaključnem delu s študijo in upoštevanjem mnenj analitikov ocenimo možnosti dolgoročnega obstoja Islamske republike Iran z izpostavitvijo problematike človekovih pravic v Iranu.

KLJUČNE BESEDE: Iranska islamska revolucija, islamsko in šeriatsko pravo, univerzalna deklaracija človekovih pravic in svoboščin, hijab

1 ABOUT THE AUTHOR: Nina Kos, MA, International Business School, Ljubljana, Slovenia, PhD Candidate at the New University, Ljubljana, Slovenia. Email: kos.ninci@gmail.com

INTRODUCTION

To deny people their human rights, is to challenge their very humanity.” (Pona, 2023) Nelson Mandela², 1990. We enjoy certain rights simply because we are human. These rights reflect shared values and belong to everyone, regardless of religion, race or the specific laws of a country. The United Nations Charter and the Universal Declaration of Human Rights, adopted in 1945 and 1948 respectively, describe in detail what universal human rights are. The Universal Declaration of Human Rights was adopted by the United Nations General Assembly in Paris on 10 December 1948. This day has become known as Human Rights Day. The Declaration contains a list of rights and freedoms that belong to all the people of the world, without exception (Brown, 2022).³

The article discusses the Islamic concept of law and justice and its relationship to Universal Human Rights. The main purpose is to analyse which rights have been violated under the Sharia in Iran and the problematic core of the hierarchical relationship between Sharia and the human rights. The research work requires the application of various social science research methods and the analysis of primary and secondary sources in the field of Islamic law and its correlation with human rights. In the final part of the article with the use of methods of examples and comparisons, synthesis and commentary, we evaluate the pre-established framework and provide conclusions and potential solutions for the long-term survival of the Islamic Republic of Iran.

The commitment to respect human rights, or the Universal Declaration of Human Rights, is in line with customary international law, national law, general principles and regional agreements, conventions and constitutional provisions on human rights, which together form a comprehensive system designed to promote and protect human rights. International human rights law sets out the obligations and duties that State Parties must respect.

The obligation to respect means that States must refrain from interfering with or restricting human rights. By ratifying international treaties, countries commit themselves to adopting national legislation that is

2 Nelson Rolihlahla Mandela was a South African anti-apartheid activist, politician, and statesman who served as the first president of South Africa from 1994 to 1999. He was the country's first black head of state and the first elected in a fully representative democratic election

3 The Universal Declaration of Human Rights covers all rights - civil and political rights, as well as economic, social and cultural rights

consistent with their treaty obligations and duties. The domestic legal order is meant to provide legal protection for human rights covered by international law (United Nations, 2019). Unfortunately, we too often bear witness to internationally accepted human rights standards not being respected, implemented or enforced at the level of individual countries, including in the Islamic Republic of Iran, which will be the subject of our review. This Persian power in the Middle East was one of the first signatories to the Universal Declaration of Human Rights, and is now one of its worst violators. The mere ratification of human rights conventions is not an appropriate yardstick for judging how countries have acted on them. The ratification of a number of human rights conventions in the pre-Islamic Revolution era was seen by some Iranian regimes as a symbol of progress and was used as a tool to reassure an international community concerned about the human rights situation in the Islamic Republic, states Mayer (1996, p. 271).

HUMAN RIGHTS IN THE MIDDLE EAST

The region today known as the Middle East is not only renowned as the birthplace or spiritual centre of three of the world's most important religions, Islam, Christianity and Judaism, but also as one of the world's first diplomatic societies and consequently an inexhaustible source of diplomatic knowledge. (PBS, 2002). "It is the art of diplomacy that has created the world we now live in" (Kissinger, 1994, p. 23).⁴ It is diplomats who have played a key role in the codification of human rights in the Middle East. Charles Malik, a Lebanese diplomat, is one of the architects of the Universal Declaration of Human Rights, the founding document of human rights law. Despite opposing views, human rights in the Middle East are an important part of the diplomatic, social and political fabric of the region. Popular movements for independence, women's equality and workers' protection have deep roots in the region. At the time of the creation of the Declaration of Human Rights, Middle Eastern governments made important contributions to the diplomatic efforts to shape the emerging treaties and norms addressing human rights (Duryea, 2019).

The Middle East is characterised by a historical path of dependency that coincides strongly with the legacy and collapse of the Ottoman Empire. Different and complex identities were forged during the Empire's reign, with European states actively promoting new national

4 Kissinger, former US Secretary of State

identities during the time of the Ottoman Empire (Greece), with the aim of dismantling the Empire and colonising new countries. The history of the colonisation of post-Ottoman societies, according to Mirošič (2017) shows the path to dependency, with frequent rebellions of the local population against the imperial powers. With anti-colonial aspirations and the desire for independence, human rights in the countries of the Middle East have been strengthened as an integral part of the resistance against colonialism. Despite the opposition of the former colonial powers, led by England, Article 2 of the Declaration of Human Rights nonetheless defined the rights of individuals under colonial rule. The article thus highlights the equalisation of rights regardless of the political, jurisdictional and international status of the country or territory to which a person belongs.

Although the Universal Declaration of Human Rights is a foundational document of the United Nations that enjoys broad support, it is not legally binding. The drafters of the Declaration therefore also wanted to give a legal basis to the Declaration's values by adopting the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Both treaties were based on anti-imperialist aspirations.

The countries of the Middle East were among the first signatories to both treaties. The general ratification of treaties in the region, with the exception of the Gulf States, was at least indicative of a general acceptance of the concept of human rights in the diplomatic sphere. In the 1960s and 1970s, human rights became a divisive issue in developing countries and Middle East politics as a whole. Countries that had already achieved national liberation from colonialism were focused on economic development and deliberately ignored individual freedoms that could threaten their fundamental goal – power. As the government's interest in enforcing human rights policies has waned, NGOs have become their main spokesperson. Despite the proliferation of NGOs, activists have faced many challenges and pressures in their work. Due to their close links with Western powers and institutions, which also funded the NGOs, they were criticised for representing foreign interests. As Duryea (2019) stated, over time, human rights have become synonymous with Western neo-imperialism in the region and a threat to existing autocratic regimes in the Middle East.

THE PRESENCE OF ANTI-ISLAMISM IN THE MIDDLE EAST

In a region marked by civil wars, constantly shifting geopolitical realities and competition between rival coalition forces seeking to extend their influence in the weak and fragmented countries of the Middle East, religion is becoming an overriding national imperative. For centuries, Jews, Christians and Muslims have coexisted in diversity in the countries of the Middle East. Religion was just another secondary identity and there was practically no violence. The collapse of the Ottoman Empire, in the absence of a concept of minority, led to the homogenisation of diversity and fragmentation, as suggested by Cleveland and Bunton (2016, p. 157).

To understand the seemingly intractable conflicts in the Middle East today, we need to go back to 1924, the year the last Caliphate⁵ was abolished. Since the collapse of the Ottoman Caliphate in the 13th century, the Middle East has been in the throes of a struggle to establish a legitimate political order that would also define the role of Islam in politics. The Arab Spring, the revolutionary wave of protests in the Arab world and the rise of the Islamic State are above all a reflection of the inability to address the simplest questions of what a state is and what it means to be a citizen of a country (Coulson, 2018).

Human rights defenders express scepticism about Islam as a religion that legitimises human rights violations. Many autocratic regimes in the Middle East vehemently reject the entire concept of human rights, which are supposedly based on Western values of secularism and individualism – and as such are irrelevant to the Muslim world. In this way, human rights do not symbolise a universal value shared by all the world's inhabitants, regardless of their religion. According to Petersen (2018), critics of human rights in the Muslim-majority countries of the Middle East and elsewhere in the world prefer to talk about Islamic rights based on the Quran and Islamic tradition rather than human rights. Human rights in Islam are firmly rooted in the belief that God, and God alone, is the lawgiver and source of all human rights. Because of their divine origin, no ruler, government, assembly or authority can or should in any way restrict or violate the human rights granted by Allah, nor can they be waived (Human Rights Library, 2016). The right to life, security, liberty and justice are basic Islamic rights. Many of

5 The Caliphate, as a historical-political entity defined by Islamic law and tradition, has become a symbol of the spiritual unity of the Muslim community and of universally accepted Islamic politics.

the Universal Rights enshrined in the United Nations Declaration are said to be inconsistent with Islamic teachings. While the right to education and work are perfectly acceptable from a conservative Islamic perspective, certain widely accepted rights are seen as threatening traditional family structures, gender roles and Islamic values.

While the vast majority of Muslim countries have ratified the United Nations Convention on Women, many Middle Eastern countries have invoked so-called Sharia reservations, which preserve the right to reject those parts of the Convention that they consider contrary to Islamic law. Countries thus restrict the right to freedom of expression through blasphemy laws, with the aim of protecting the religious feelings of the population. Universal human rights and Islamic rights are thus only compatible as long as the former do not contradict Islamic law (Petersen, 2018).

The Islamic religion has its own laws and is closely linked to state governance. Faith is a reflection of respect for the law, with a lack of faith being reflected in violations of Islamic law. Islamic law is often mistakenly equated with Sharia, a religious law that has negative connotations in the Western world because it is often practiced in countries that are among the worst human rights abusers. Sharia and Islamic law are different. Sharia, which means the right path in Arabic, in Islam symbolises the divine advice that Muslims follow and commit themselves to for a moral life that will bring them closer to God. It embraces all the principles and values enshrined in the Quran, follows the example of Muhammad, and includes justice, protection of life, property and vulnerable populations.

Sharia law is a broad concept that regulates the relationship of the individual not only towards the state and its institutions, as is typical of the legal systems of Western countries, but also towards God and towards one's own conscience. Ritual practices, defined as the 5 pillars of Islam (confession of faith, prayer, almsgiving, pilgrimage and fasting), are an integral part of Sharia law and the basis of legal manuals. Sharia sets ethnic standards and legal rules for what an individual is legally entitled to or obliged to do and what they are obliged to do according to their conscience in order to attain divine favour. In any case, Sharia law does not prescribe a legal sanction or reward for a particular individual's behaviour (Robinson, 2021).

Many Muslims therefore argue that Sharia upholds the values of good governance, promotes social justice and upholds human rights and fundamental freedoms. These principles are not changing; what is and should change is Islamic law or jurisprudence as humanity's interpretation of how Sharia should be implemented in practice. Davoody (2016, p. 23) states that the aim of Sharia is not, in fact, to enforce legal precepts but a corpus of moral norms. It is only Islamic law that establishes a level of legal legitimacy, which is exercised by Islamic legal specialists.

We live in a time of constantly changing social conditions. In an ideal world, Islamic law should adapt to new developments and take into account the need for new interpretations of Islamic law that are consistent with global challenges, advances in science and universal human rights. Creating a balance between respecting the past and addressing the needs of the present is a major concern of Muslim judicial professionals today. The aim of those who support reform of the Islamic legal system is to restore the original purpose of Sharia, which has always served as a source of guidance and protection for Muslims, wherever they live (Esposito, et al., 2018)

IRI – UNDERMINING FUNDAMENTAL HUMAN FREEDOMS

Iran, with its rich historical and intellectual heritage, is one of the oldest surviving civilisations in the world. The political and intellectual depth of the once mighty Persia has played a major role in shaping the Middle East region. Iranians appreciate the influence of Zoroastrianism, which became the official religion of Persia in 224, on the development of Judaism, Christianity and Islam. They are proud of their cultural identity, developed over millennia, their vast Persian empires and the establishment of the first major state in the world more than 2500 years ago, which represented an international community that respected foreign religions and cultures. In the eyes of the international community, Iran was seen as a model country for human rights in the 1960s and 1970s. During this period, the Islamic Republic took a leading role in promoting international human rights law and the United Nations' Universal Declaration (Mozaffari, 2018). In 1968, the Iranian capital of Tehran hosted the first United Nations International Conference on Human Rights.

Under the Shah, Iran ratified the International Convention on Civil and

Political Rights (ICCPR), which was not ratified by the United States of America until 1992. Fereydoun Hoveyda, Iran's envoy to the United Nations at the time, was one of the key men behind the creation of the Universal Declaration of Human Rights, states Mayer (1996, p. 271). When the Declaration was being written during the Cold War, Iran was part of the Western bloc and forged close ties with the US. Shah Reza Pahlavi hoped that by supporting the Declaration, he would win the sympathy of the international community and, under the guise of human rights diplomacy, cover up the grave human rights violations in the country. Immediately after the Human Rights Conference, Iran also formally abolished its cosmetic multi-party democracy and formally established a one-party state. Despotism regimes like Iran's consistently refuse to respect the human rights standards to which they have formally agreed. For the Islamic Republic of Iran, the adoption of the Universal Declaration was merely a symbolic gesture confirming their membership in the world community, without any sincere commitment to respect it (Mozaffari, 2018).

Iran's modernisation process under the Shah was marked by a ruthless repression of human rights. At the end of Shah Mohammad Reza Pahlavi's rule, no political party or social class remained supporting the regime. Islamists, traditionalists, modernists, liberals, democrats and Marxist-Leninists all united with the common goal of overthrowing the Shah. Ayatollah Khomeini, with the strong support of the people, began his takeover and, in what is now collectively known as the Iranian Revolution, the monarchy was abolished. As Cottam (1980, p. 122) states, this resulted in Iran becoming an Islamic Republic in 1979.

Iran's Islamic Revolution was the product of a mass movement and the coming together of various interest and political groups in the country with the common goal of overthrowing the last Shah of Iran, Mohammad Reza Pahlavi, which resulted in Ayatollah Khomeini being installed as leader in 1979. The populist revolution turned into an Islamic one thanks to the involvement and active support of Shiite clerics. Although the demands and unrest in the country that triggered the revolution were initially of a political and economic nature, the influence of the religious leaders and the institutional power of the ulama turned the populist revolution into an Islamic one (Olsen, 2019). The 1979 revolution was a revolution of the whole of society against the state. "The Iranian People's Revolution is only the beginning of the revolution of the great Islamic world." These words of Ayatollah Ruhol-

lah Khomeini, the founding father of the Islamic Republic and leader of the 1979 Iranian Revolution, marked the beginning of a so-called project that would inspire and enable the revival of Islamism in the Muslim world. Iran's leaders saw the revolution as a model and catalyst for Islamic principles throughout the Middle East region.

The Islamic Revolution has become an ideological and explanatory tool, informing the Iranian population about its rich, imperial past and guiding them on their path in life, according to Ansari and Aarabi (2019, p. 11), while at the same time becoming a symbol of a utopian vision where the end justifies any means necessary. The architects of the Islamic Revolution promised greater freedom, which was followed by a brief period of euphoria and a sense of liberation in the country after the toppling of the last Shah. This was followed by the systemic Islamisation of the country and society by its new rulers. That one dictatorship had been replaced by another even more brutal one became evident as early as the first decade of the Islamic Republic of Iran. Between 1981 and 1985, almost 8000 people were executed, compared to only 100 political prisoners in the period before the revolution (1971-1979). The Islamic Republic of Iran has become one of the most repressive systems of governance in the world, with the highest rate of executions.

“Everyone has the right to freedom of thought, conscience and religion” states Article 18 of the Universal Declaration of Human Rights. Iran remains a signatory to this Declaration. This means that despite its attempts to distance itself from these principles, the regime is required under international law to be committed not only to the protection, but also the promotion of these inalienable rights for all its citizens. However, numerous reports point to an irrefutable pattern of policy and practice in Iran, which maintains the supremacy of a specific interpretation of a single branch of Islam by a single individual, the Supreme Leader or the Velayat-e-Faqih⁶ over the rights of an entire nation. This pattern lends itself to a vague set of laws applied inconsistently that are used to suppress dissent and freedom of choice. Iran's Velayat-e-Faqih centred system leaves no room for elements of a just government including citizenship as a birthright, equal rights

6 Velayat-e Faqih or guardianship of the Islamic jurist – is system of governance that has underpinned the way Iran operates since the countr's 1979 Islamic Revolution. At its most basic, the theory of velayat-e faqih, whic is rooted in Shia Islam, justifies the rule of the clergy over the state. Velayat-e faqih is at the cruxs of Shia Islamism and is fundamental in understanding not only how the Iranian system operates but also how Tehran can influence religious and political Shia networks beyond its borders

for all genders, sexualities and ethnicities, plurality of opinion or the progress and development of minorities. Instead, evidence suggests a repetitive cycle of violent aggression against those who demand their rights, justified in the name of a specific interpretation of the Shari'a, as stated by Danesh and Hug (2010, p.4).

Modern Iran was created on foundations of nationalism, socialism and Islamism, with only the latter predominating in the post-revolution period. The political pluralism of the revolutionary movement has been suppressed and all the power is concentrated in the hands of the religious ulama, with the constituent movements of Iranian civil society facing systemic repression that has undermined their organisational capacity and completely weakened an otherwise dynamic Iranian civil society (Nejad, 2019). Akbar Ganji⁷ stated in 2011: "We strongly oppose the current laws and policies in Iran because they do not recognise freedom of thought, freedom of expression and freedom of religion. We oppose them because they still punish infidelity with death, because they imprison those who think and live differently. We also oppose them because, according to their version of Islamic law, it is permissible, by the principle of *mahdour-al* (deserving of death), to take an individual's life, the right to which is a universal human value. And above all, we oppose them because they have deprived the citizens of Iran of the right to decide their own destiny." (Flanagan, 2011, p.10)

THE HIJAB IN IRAN: FROM RELIGIOUS TO POLITICAL SYMBOL

The hijab, or head veil, has established itself in Islamic history as an important social, cultural and religious symbol, identified with by millions of Muslim women around the world, and symbolising the piety and modesty on which all the world's major religions are said to be based. The hijab, which today is associated mainly with Islam as a head-covering practice, used to be common in Jewish, Christian and Hindu communities, but it has never caused as much controversy as in Islam, where it was established as a symbol of Muslim societies by colonial rulers in the Middle East in the 19th century (Arab News, 2012). To the surprise of many, the hijab as a means of head covering does not appear in the Quran.

In the holy book of Islam, we only find the term 'covenant' or 'barrier', which is supposed to separate the wives of the Prophet Muhammad

⁷ Akbar Ganji is an Iranian journalist, writer and a former member of Islamic Revolutionary Guard Corps.

from his visitors. The term hijab is used in the Quran to describe modest behaviour, and indeed the book prescribes modesty in dress for both men and women. In the so-called “hijab verses” (24:30-31), we find the Arabic words “khimar” and “jilbab” translated variously as a head covering or headscarf, or an outer garment or cloak. This range of definitions leads to different interpretations and understandings of the need for coverage, while allowing room for the politicisation of the hijab (Piela, 2022). The use of the veil and the practice of face-covering in the Middle East and beyond have been controversial in the Western world because it raises questions about its true meaning. The veil is not only meant to symbolise modesty, but also to allow Muslim women to preserve their chastity and honour, and that of the men around them.

Western critics believe that the hijab and other forms of female veiling (niqab and burqa) symbolise social control and the stigmatisation of women, which has nothing to do with the Islamic faith. By contrast, many Muslim women in the Middle East and elsewhere in the world who wear the hijab or cover their faces see the veil as an expression of devotion to their faith, as an opportunity for self-expression and female empowerment, and describe it as a choice, not a requirement of Islam. Religious symbolism can serve as a form of bonding between people. But when it is misused for political purposes, the line between secularism and religiosity becomes blurred.

In this case, we are witnessing the so-called deprivatisation of religion, with it taking a greater and more active role in the public sphere and the political arena, Alayan and Shehadeh (2021, p.1053) stated, which we can observe today in the Islamic Republic of Iran. In the 1970s, the veil was used in the Middle East as a political symbol, a sign of national identity, a sign of rebellion against the colonial powers and a symbol of the rejection of Western countries and their values (Geneseo, 2021).

Historically, political actors who have banned or introduced partial veil bans have done so out of pragmatic interests, to demonstrate their pro-Western and secular orientation. One such leader was Shah Reza Pahlavi of Iran. The Pahlavi dynasty, which ruled Iran until the 1970s, was opposed by the majority of Iranian society for its autocratic rule and lavish lifestyle.

Iranian women wore the hijab as a symbol of civil protest and even donned the chador⁸ when confronting the Shah (Piela, 2022).

For more than a century, Iranian women have been fighting for their rights and fundamental freedoms. Under the Islamic Republic, they have been subjected to systemic repression and discrimination. Islamic law does not treat them as equal citizens in terms of individual freedoms (travel and work), criminal acts and personal status (marriage, divorce and inheritance).

Women's activist movements in the country have a long history. The social movement for women's rights in Iran was founded in 1905, at the time of the Constitutional Revolution and the rule of the Qajar dynasty, which held absolute power in the country. Five years later, the country's first women's newspaper was published. The Pahlavi dynasty (1929-1979) greatly strengthened the social position of women in the country, giving them the right to education, employment and active political participation. In 1935, the first group of women began attending Tehran University, and 30 years later, they were granted the right to vote. The subsequent Islamisation of Iran has led to the introduction of laws and Islamic traditions that have severely restricted the role of women in the country and reinforced male authority over them (Parsa, 2020). The beginning of the Islamic Revolution in 1979 marked the end of the reforms and constitutional movement for women's rights in Iran. Despite many protests, the hijab was made compulsory for all women in Iran in 1983, and for girls over the age of 9, in all public places, Muslim or not.

According to Article 638 of the Islamic Penal Code in Iran, not wearing the hijab is punishable by a fine or even imprisonment from 10 days to two months. For years, human rights defenders have warned Iran's top religious leaders that the use of repressive legislation to criminalise the exercise of freedom of expression and peaceful assembly is inconsistent with Iran's obligations under international human rights law.

Religious texts do not mention penalties for not wearing the hijab, only the Iranian Penal Code does. The hijab in Iran is not just a social

8 The chador is a type of outerwear worn by women in parts of the Middle East, particularly in Iran and Iraq. It is a semicircle, a covering that hangs from the top of the head and flows over the clothes underneath to hide the shape or curves of a woman's body. In the Farsi language, the word *chador* literally means «tent».

issue or a slogan of the Islamic Revolution and the country's religious elites. It has become a political and national symbol, and its wearing is one of the most pressing political and religious issues in the country, at the forefront of all political agendas and electoral battles. According to Al-Sajed al-Sayyad and al-Blawi (2020, pp. 4-8), the post-revolutionary period was marked by the rapid adoption of reforms writing the wearing of the hijab into law. We also saw such reforms in the period of Shah Reza Pahlavi (1878-1944), but these were adopted with the aim of removing the hijab as soon as possible.

Four decades before the establishment of the Islamic Republic of Iran, Iran's Shah Reza Pahlavi forced the country's women to remove their veils with the Compulsory Unveiling Act (1936). Pahlavi's complex modernisation system included legislative and educational reforms and the elimination of gender segregation in public life.

While the reforms gave women greater rights, opened up educational opportunities and increased protection in the event of a husband's divorce, the monarchy and the post-Islamic Revolution period have been according to Motlagh (2022), marked by repression and coercion of the female sex under the pretext of strengthening Iranian identity, disregarding the right to freely choose one's religious and cultural expression.

Religious leaders in Iran label gender equality as unacceptable in the Islamic Republic, with this being reflected in the daily lives of women in Iran. Women are not allowed to leave the country without their husbands' consent and, although they can play sports, there is still a ban on attending sporting competitions. Since the establishment of the Islamic Republic, the hijab, the headscarf that women and girls alike must wear in public life, has become a symbol of the oppression of women's rights in Iran and, at the same time, a symbol of rebellion and the struggle for freedom (Human Rights Watch, 2015).

On September 16th 2022, the Islamic Republic of Iran was shocked by the death of a young Kurdish woman, Mahsa Amini, after she was arrested by the Iranian morality police for wearing an improper headscarf and died in police custody under suspicious circumstances. Her death sparked widespread and ongoing protests across the country, joined by people from different socio-economic backgrounds.

In solidarity with the late Mahsa Amini, many women across the country are cutting their hair and burning their hijabs. These acts are not only a reflection of anger against the country's strict morality policy and the dress code imposed by the government; they have become a symbol of rebellion and broader demands for fundamental political and economic reforms.

The hijab, worn by many Muslim women around the world as a sign of respect for religious traditions, in Iran serves as a reminder to all women that they are being denied the right to self-determination, fundamental human rights and even simple pleasures such as riding a bicycle (Bazoobandi and Khorrami, 2022). The tragic death of the Kurdish woman at the hands of the morality police has spurred women in Iran to take to the streets and stand up firmly against the Islamic regime's decrees that undermine women's fundamental rights.

A deeper debate on the meaning and consequences of the Iranian women's uprisings is also necessary because it inspires women's rights movements in other Muslim countries in the Middle East, where since the Arab Spring, Muslim women, while fighting for peace in their own countries, have also struggled to express their own identity in society. The slogan of the so-called Women's Revolution in Iran, "Women, Life, Freedom", refers not only to the importance of women in the internal structure of family society, but also in positions of leadership in society.

Women in positions of power in government create a link between freedom and the progress needed for women's liberation. The transformation and enlightenment of Iranian society following the Iranian women's street campaigns has brought together many social and religious groups over the past year and has led to the support of the male part of the population in the struggle for women's rights. For more than 40 years, the Islamic government has promoted an education system that portrays women as the property of men, in order to protect them from Western modernism and imperialism. The Islamic government has used religion as a tool to infiltrate the family environment and foment war, imposing compulsory hijab rules and repressing women as a means to defend Islam, thus victimising their role in Islamic society.

The solidarity aspect of the protests in the country revealed the failure of the long-standing project of the Islamic regime to create a divide

between religious and linguistic groups in Iran, based on the division of the population, while underestimating the power of solidarity among its own population. Iranian women are celebrated by men as heroines on the battlefields and as an ideal of bravery, hinting at a period of radical change in Iran (Bazafkan, 2022). In this regard, Iranian society is approaching a tipping point. Since the Revolution, this former Persian power has seen dramatic changes in attitudes towards sex, marriage and reproduction. Changes that threaten the ideological fabric of a regime that has built its legitimacy based on gender segregation and the upholding of traditional, conservative Islamic values.

Many expert analysts and international observers are divided on whether the ongoing unrests in the country could bring about a definitive overthrow of the regime. Despite the violent crackdown, protests continue, representing one of the biggest challenges facing the Iranian authorities since 1979. The future survival of the regime will depend on its unity and cooperation with the security forces (Parsa, 2020).

THE UNCERTAIN FUTURE OF THE IRANIAN REGIME

Iran recently witnessed one of the biggest protests in its history. The Iranian security forces tried to repress the demonstrations taking place in all the major Iranian cities by any means necessary. More than 400 people have lost their lives in the protests and thousands of protesters are in detention. What is unique and worrying for the Islamic authorities in Iran is that this demonstration has united the entire population. The election of the conservative President Emrahim Raisi in 2021 has further escalated tensions in the country. For decades following the revolution, Iranians believed in the idea of reforming Islam, but all that remained were empty promises from the leaders. The message from the Iranian people is now clear: the Islamic Republic must be brought to an end. The protests in the country show that the country's ruling religious establishment has lost legitimacy among its core supporters in many traditional and holy Iranian cities such as Qom and Mashhad. Systematic human rights violations and the bloody repression of protests are also attracting increasing international attention. Iran is one of the most sanctioned countries in the world for its disregard for fundamental human rights and its strong anti-Western foreign policy.

Exports of many vital goods are blocked and the country is also shut

out of the global banking system. The Western sanctions are intended to create political pressure on Iran's elites, forcing them to change the way they are governed and to democratise to a greater degree. However, they have all proved counterproductive so far, as the economic crisis in the country has caused alarm and made the population totally dependent on the religious authorities ruling the Islamic Republic of Iran (Askew, 2022). Iran has one of the youngest populations in the world and its society has changed dramatically since the Islamic Revolution. Many expert analysts and international observers are divided on whether the ongoing unrest in the country could bring about a definitive overthrow of the regime.

Despite the violent crackdown, Parsa (2020) states that protests continue, representing one of the biggest challenges facing the Iranian authorities since 1979. Ever since the beginning of the Islamic Revolution, we have also witnessed the rapid rise of Islamic fundamentalism in Iran, where religion, under the guise of ideology or the pursuit of certain political ideas, is instrumentalised to achieve something that has nothing to do with the message of the Islamic faith. The perennial power struggles between fundamentalists and government powers in the Middle East and beyond are characterised by fundamental freedoms representing a major stumbling block. Respect for human rights, which is not just words on paper but is based on a real political and legal commitment by states, is key in the fight against fundamentalism. Islamic fundamentalism represents a major challenge to international law, a challenge that remains unaddressed or stereotypically portrayed as synonymous with the war on terror and an integral part of Muslim culture. Conscious non-discrimination in dealing with Muslim fundamentalism is necessary and in line with international norms upholding the principle of equality (Bahovec, 2015).

In Iran we are witnessing an inherent incompatibility between Iranian Islamic Law and international law. The Constitution of the Islamic Republic of Iran, as interpreted by the Iranian government, inherently violates the UN's commitment to protect freedom of religion and belief, a commitment that as a member state it has agreed to uphold. Islam is unique in the fact that the religion itself sets out a legal system as opposed to just a religious system. Shari'ah law promotes a hierarchy within society that is based on religious belief. Because God has exclusive sovereignty and the exclusive right to legislate, according to (Cohen, 2008, p. 247), all human laws are subject to the regulations

that God presented in the Qur'an, thus allowing violations of both the Iranian Constitution and international law.

If the law is seen as an immutable divine imperative-serving God, not man, and coming from God directly, those who execute the law can not be held accountable, this is what happened in Iran after 1979, the year of Iran's Islamic Revolution when the secular government of the Shah was overthrown in favor of an Islamic Republic. More than four decades after the overthrow of the monarchy and the establishment of the Islamic Republic of Iran, the world is witnessing not a failed attempt to institutionalise Shiite Islamic ideology in Iran, but a failed attempt to instate Ayatollah Khomeini's personal vision and a regime that systematically violates fundamental human rights.

The last few years we have seen reports of individual members of the government security and police forces in IRI joining protests, raising tensions between government forces and legitimate fears of the destabilisation of the regime. In early December 2022, the Iranian government bowed to the pressure and announced the withdrawal of the morality police from public life. But despite its possible dissolution, the hijab remains compulsory. The Iranian government forces want to hold on to power at all costs, but the regime has never faced a tougher test and the Iranian people have already crossed the threshold of revolution (Greenblatt, 2020).

CONCLUSION

Understanding today's role of the Islamic Republic of Iran requires an understanding of the dynamics of the relations between countries in the Middle East, taking into account the often bloody history of the region, which has led to ideological and religious divisions between countries, and the impact of colonisation by Western powers. Living under foreign rule has reinforced nationalist tendencies and resentment towards foreign, hegemonic powers, which is particularly characteristic of Iran. A careful analysis of both cultural and religious reasons is needed to formulate effective policies towards Iran.

Iran's statehood is inextricably linked to shows of respect and rejection of any potential threat. This is why "maximum pressure" strategies on Iran, in the name of greater respect for human rights, often end in disaster.

The Islamic Revolution in Iran has severely eroded individual freedoms and fundamental human rights. Freedom of speech is restricted, Iranian politicians block access to social media, and any public opposition to the Iranian regime is severely sanctioned, with perpetrators facing imprisonment or even death. The Iranian regime's bloodthirstiness has marginalised Iranian women, homosexuals and other marginalised ethnic groups and led to a general popular revolt. The relationship between Islam and human rights represents a crucial challenge for the contemporary human rights discourse. In order to better understand the complex relation between the two paradigms we have analysed the social, cultural and political context within which this interaction is taking place.

With the use of systematic methods of collecting, analyzing, and interpreting data, the article provides an answer to a previously posed scientific question, »Does Sharia prevail human rights in Iran?« It is evident from the research that the entire body of laws and regulations of the Islamic Republic in Iran must adhere to Islamic interpretation of Shari'a that prevails human rights in several areas.

Iran's human right abuses, both past and present, should receive greater attention by international policymakers. Several problematic areas of deep concern, such as religious freedom, women's human rights, gender equality and religious minorities' rights still persist, especially

in Iran and call for elaboration and interpretation of sacred texts and Sharia in relation to positive law and human rights. Women's rights activists have set many goals to improve the lives of Iranian women, but it will be challenging to find a way to change discriminatory laws within the framework of Iran's Islamic Constitution. The Islamic republic of Iran and the Muslim world need to overcome these challenges in order to foster the process of harmonization and dialogue, which is crucial for the long-term survival of the Islamic republic of Iran and to successfully address the main challenge, balancing Sharia law and the human rights.

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The Dynamics of Influence Warfare in Francophone Africa: Analyzing External Powers' Strategies and Impacts

Katica Janeva¹

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ABSTRACT

This study explores the influence warfare in Francophone Africa, analyzing strategies and impacts of external powers. Influence warfare shapes the region's politics, economy, and society through information manipulation and psychological tactics. Rooted in colonial legacies, Francophone Africa is contested by global powers like France, US, China, and Russia, using diverse tactics such as spreading information, economic investment and military cooperation. Additionally, the study shows the implications of influence warfare on governance structures, democratic processes, and socio-economic development in Francophone Africa are examined. This shows the conflicts between states and outside interference, how external actors take advantage, and how local population can resist. As geopolitics change, understanding these dynamics is crucial for addressing the complexities of Francophone Africa.

KEYWORDS: Influence Warfare, Francophone Africa, External Powers, Geopolitics, Influence Strategies, Military Coups

POVZETEK

Ta študija raziskuje vplivno vojno v frankofonski Afriki, analizira strategije in vplive zunanjih sil. Vplivna vojna oblikuje politiko, gospodarstvo in družbo regije z manipulacijo informacij in psihološkimi taktikami. Frankofonska Afrika, ki je zakoreninjena v kolonialni dediščini, nasprotuje svetovnim silam, kot so Francija, ZDA, Kitajska in Rusija, z uporabo različnih taktik, kot so širjenje informacij, gospodarske naložbe in vojaško sodelovanje. Poleg tega so v študiji preučene posledice bojevanja za vpliv na strukture upravljanja, demokratične procese in socialno-ekonomski razvoj v frankofonski Afriki. Prikazani so konflikti med državami in zunanjim vmešavanjem, kako zunanji akterji to izkoriščajo in kako se lahko lokalno prebivalstvo upre. Ker se geopolitika spreminja, je razumevanje te dinamike ključnega pomena za obravnavo zapletenosti frankofonske Afrike.

KLJUČNE BESEDE: Vplivna vojna, frankofonska Afrika, zunanje sile, geopolitika, strategije vplivanja, vojaški udari

¹ ABOUT THE AUTHOR: Katica Janeva, MSc in Management, HEC Ecole de gestion, Université de Liège, Belgium. Master's student in Political Science, University American College Skopje, North Macedonia. Head of Western Balkan Unit and Director of the European Association for Local democracy office in Skopje, North Macedonia. Email: katicajaneva@gmail.com

INTRODUCTION

The former colonial powers in Africa, including France, Britain, Portugal, Belgium, and Germany, each had a significant impact on the continent. France's colonial presence in West, Central, and North Africa left a legacy of French culture, language, and administrative systems that continue to shape many Francophone African countries. British colonialism focused on economic exploitation, Portugal's were marked by harsh labor practices and economic exploitation, Belgium's brutal colonization of the Congo resulted in political instability and ethnic tensions, while Germany's short colonial presence in East Africa left legacies of infrastructure development and social divisions.

Colonialism changed Africa forever, messing up their culture, economy, and society. Before, Africa had strong economies, especially during the empires of Ghana², Mali³, and Songhai⁴. But then, the slave trade came, changing things and putting Africa under Europe's control. After the abolition of the slave trade, Africa became a source of raw materials for European industrialization. European powers imposed policies to maximize their own economic gain, exploiting African resources and restricting local development. Colonial economic policies focused agriculture for export, delaying technological and industrial progress. Despite some infrastructure and education reforms, colonialism's long-term economic impact was negative. After independence, many African nations struggled to diversify their economies due to the legacy of colonial structures. Overall, colonialism obstructed Africa's natural progress and contributed to its current economic challenges.

Today, the presence and influence of other external powers such as the USA, China, Turkey, and Russia in Africa are significant factors influencing the continent's dynamics. Historically, the USA has been significantly involved in African affairs, particularly during the Cold War era, when it competed with the Soviet Union for influence. In recent decades, the USA's engagement has directed towards security cooperation, economic investment, and development aid. Similarly, Russia has been reaffirming its influence in Africa, focusing on diplomatic

2 The Ghana Empire was the first of the great medieval trading empires of western Africa during the 7th and 13th centuries.

3 The Mali Empire flourished in West Africa during the 13th and 17th centuries.

4 The Songhai Empire was a state located in the western part of the Sahel during the 15th and 16th centuries.

engagement, arms sales, and energy partnerships. Chinese influence in Africa has reemerged with extensive economic investments, infrastructure projects, and trade agreements, making China Africa's largest trading partner. Turkey's presence in Africa has also expanded, with Turkish companies involved in various sectors and Turkey providing development assistance while strengthening diplomatic ties. These external powers play crucial roles in making Africa's political environment, economic development, and social relations.

In Francophone Africa, different countries are trying to have more control and power. They use various methods, like historical ties, economic needs, and their beliefs, to gain influence. It's important to understand how these outside powers work and how it affects the social and political situation in the region. This article looks closely at the details of this influence struggle, exploring the past, the ideas involved, and the specific methods used by outside players.

By looking at specific examples and understanding the effects on how the region is governed, how stable it is, and its overall dynamics, this article aims to make sense of the complicated competition among outside powers in Francophone Africa. Utilizing a variety of sources including academic studies, scientific research, investigative journalism, and media broadcasts, the article aims to clear up the complicated strategies employed by external powers in the region. Through this holistic approach, the article seeks to provide a clear understanding of how historical ties, economic interests, and ideological beliefs shape the competition for influence. Specifically, this article explores the complex geopolitical landscape of Francophone Africa, focusing on the emergence of military juntas in Mali, Burkina Faso, and Niger. Since 2020, these countries have witnessed a series of military coups, challenging the established political order and redefining regional dynamics. Initially perceived as a break from colonial legacies, these coups have evolved into complex geopolitical maneuvers with global implications. Additionally, this research considers media broadcasts from the region, providing real-time insights into the tactics and narratives employed by external actors. This article looks at how outside factors, like using information strategically and considering historical connections, affect how a region is governed and how stable and dynamic it is.

THE CONCEPT OF INFLUENCE WARFARE

Influence warfare, also known as information or psychological warfare, it is generally described as a strategic method that uses information and communication to intentionally shape, manipulate, or control the thoughts, beliefs, emotions, and behaviors of individuals or groups. It focuses on the cognitive domain, aiming to impact the mental and psychological facets of the target audience.

The key objective of influence warfare is to achieve strategic goals by effectively managing information flows. This includes the dissemination of messages through various channels such as media, social media, and other communication platforms. Tactics employed in influence warfare include propaganda, disinformation, and psychological operations, all of which are designed to create a desired narrative, influence public opinion and decision-making processes.

Influence warfare taps into the ways our minds naturally work, exploiting our tendencies to see things a certain way or to react emotionally. By understanding these cognitive biases, those engaged in influence warfare can influence opinions and behaviors without people even realizing it. This approach underlines the importance of understanding human behavior and the psychological mechanisms that drive it. In essence, influence warfare represents a sophisticated application of psychological principles to achieve strategic objectives in the information age.

In the foreword of "Influence Warfare: How Terrorists and Governments Fight to Shape Perceptions in a War of Ideas," as noted by Forest (2009), understanding your enemy is a crucial prerequisite for both offense and defense. He asserts, "Simply, military tactics are doomed to failure when they are applied without a sophisticated knowledge of whom they are being applied against or an understanding of how the enemy thinks and therefore how he is likely to respond and, moreover, adapt or adjust to those tactics." Moreover, he explores how various actors, including terrorists and governments, engage in strategic communication to shape perceptions and manipulate public opinion within the domain of influence warfare. Providing insights into the tactics and strategies employed by different entities to influence narratives and influence public sentiment in their favor, Forest examines the role of propaganda, disinformation, and psychological operations

in contemporary conflicts, clarifying on the changing landscape of information warfare.

Influence warfare, including psychological warfare, has been a part of warfare throughout history. Psychological warfare, as a segment of influence warfare, has evolved alongside advancements in technology and communication, becoming increasingly sophisticated and intricate. In contemporary geopolitical landscapes, psychological warfare operates within a highly developed framework of information architecture, designed to target and manipulate public perception. This architecture serves multiple purposes, including the implementation of active measures, the exercise of reflexive control, and the strategic deployment of psychological tactics. The final goal is to achieve desired outcomes by shaping the beliefs, attitudes, and actions of target audiences in ways that benefit the interests of the entity conducting the influence operations. Despite its complexity, primarily psychological warfare relies on effective communication to influence attitudes and behaviors.

In the conclusion of his book "The Birth of Psychological Warfare," Jeffrey Whyte (2013) contextualizes the historical course of psychological warfare within the contemporary context of the "post-truth era." He concludes that psychological warfare not only changes the self but also transforms how individuals perceive others and "represents not only the mystical transformation of the self, but also the transformation of the Other as the achievement of the psychological warrior" (2013, pp.186-194). This notion illustrates the dynamic interaction between individuals or groups engaged in psychological warfare, highlighting the complex nature of influence operations in modern conflict scenarios.

It's important to note that influence warfare extends beyond military contexts and can be applied in political, economic, and social arenas. The ability to control the narrative and manipulate information has become important in our interconnected world, where information plays a central role in shaping perceptions and attitudes, thus influencing the course of events.

An interesting perspective on the influence and information warfare is presented in "Democracy Hacked: Political Turmoil and Information Warfare in the Digital Age," Martin Moore (2018) explores how social

media's rise, particularly on platforms like Facebook, Google, and Twitter, made existing problems worse. He explains how these companies used advertising to profit, relying on algorithms to maximize efficiency. Moore warns that these algorithms can't tell the difference between harmless ads and extreme content, which helps spread political propaganda. He highlights the weakening influence of traditional media on political accountability, while outlining three potential paths forward: platform democracies, surveillance democracies, and the optimistic vision of "democracy re-hacked" (2018, p. 266).

In platform democracies, digital platforms take over essential services, while surveillance democracies involve state control like in terrifying stories. "Democracy re-hacked" offers hope through new ideas like big talks with citizens participation and budgeting together. Moore says we need to think hard and have strong leaders to deal with these problems, stressing the need for smart thinking, bravery, and skills. He thinks this is a very important time for democracy as it deals with changes from technology, and he wants us to understand these problems and make sure technology helps people instead of controlling them, so we can trust democracy again.

Influence warfare represents a complex interplay of psychological manipulation, technological innovation, and socio-political dynamics. Understanding its mechanisms and implications is crucial for safeguarding democratic principles and ensuring that technology serves the interests of society rather than controlling it.

HISTORICAL OVERVIEW OF FRANCOPHONE AFRICA

Moving from talking about influence warfare in theory to looking at the history of Francophone Africa, we can see that the strategic methods we discussed earlier are actually happening in the real-world politics of this region. In recent years, Francophone Africa has emerged as a focal point for influence warfare, where external powers actively engage in strategies to establish dominance and pursue strategic interests. In the era of globalization, Africa is undergoing profound transformations, challenging traditional models and demanding innovative approaches from its international partners. France, with its historical ties to Africa, finds itself at a crossroads, struggling with the need to adapt its policies to the evolving dynamics of the continent.



*Map of Francophone Africa*⁶

Francophone Africa, including 21 countries⁵ where French is the official language or use it as one of their other official languages, has long been a geopolitical arena where external powers compete for influence. Inhabited by approximately 500 million individuals, this geographic area has witnessed a fourfold increase in its population over the past five decades. While coastal areas boast high population concentrations, landlocked countries generally exhibit lower densities. Rapid urbanization has been a prominent trend, with nearly half of the population now residing in urban centers.

According to the World Bank, around 12% of the population is under the age of 15, rendering Western and Central Africa among the regions with the most youthful demographics globally. From the mid-2000s onwards, the region underwent substantial economic expansion driven by elevated commodity prices due to its abundance of natural resources. The region's strategic importance, rich natural resources, and historical ties with former colonial powers make it a hotspot for influence warfare.

To understand the contemporary dynamics of influence warfare in Francophone Africa, one must first acknowledge the historical roots of external involvement. The origins of external involvement lie in the colonial legacies established by European powers in the past two centuries in the African continent. During the colonial era, France exerted substantial control over its African colonies, imposing its language, culture, and governance structures on local societies. This dominance facilitated economic exploitation and resource extraction, sustaining inequalities and oppression.

France, among others, claimed vast territories in West, Central, and

5 Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Comoros, Congo (Republic of the Congo), Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Gabon, Guinea, Ivory Coast, Madagascar, Mali, Niger, Rwanda, Senegal, Seychelles, Togo.

6 [afriquefrancophone.com](https://www.afriquefrancophone.com). 2020. *Map of Francophone Africa*. [image online] Available at: <https://www.afriquefrancophone.com/afrique-francophone-carte.html>

North Africa, leaving a lasting mark on the political structures and cultural identities of these nations. These territories are commonly referred to as Francophone Africa and they share a common linguistic and cultural bond, but they are diverse in terms of geography, history, and cultural traditions. The struggles for independence, marked by protests, uprisings, and political mobilization, challenged French rule, and eventually led to the decolonization of many African nations. Even after more than 60 years of gaining independence, France maintains strong ties with its former colonies. Over the past decades, France has made concerted efforts to extend its sphere of influence beyond the core ex-colonial regions. France's legacy of colonialism continued to influence socio-economic dynamics, as former colonies navigated complex relationships with their former colonizer.

In the past, France maintained control over its former colonies in Africa using a system called "la Françafrique." Through this neocolonial system, France controlled the economics and politics of these nations. They achieved this by utilizing the CFA franc, managing natural resources, and imposing one-sided commercial contracts, allowing them to benefit significantly from these countries' economic surplus. Furthermore, France set up puppet governments, often at the expense of democratic processes and the will of the people. Opposition movements were frequently suppressed, dissenting voices stifled, and puppet regimes installed to maintain French dominance and safeguard its economic interests.

Over time, resistance to French dominance in Africa has emerged, becoming more pronounced in recent years. Some West African governments are openly challenging France, and communities and influential individuals in the diaspora are increasingly expressing support for and interpreting this resistance. This growing resistance signals a shift in power dynamics and a reclamation of African nations, challenging the legacy of neocolonialism and asserting their right to chart their own destinies. As this movement grows stronger, it shows how important it is for France to rethink how it deals with its former colonies. France should aim for partnerships that are fair, equal, and truly cooperative.

The increasing interest of global powers such as China, the United States, and emerging economies in Africa underscores the continent's strategic significance. France must recognize and adapt to this changing geopolitical landscape, ensuring that its African policy remains

relevant and effective amidst growing competition for influence and resources.

EXTERNAL POWERS STRATEGIES AND IMPACTS IN FRANCOPHONE AFRICA

Due to its substantial growth potential, vast population, and strategic significance, Francophone Africa has become a focal point for numerous external actors, extending beyond former colonial powers to include players like China and Russia. In the changing global system, African countries now have more options for partnerships, indicating a withdraw from a single dominant power. The strong interdependence in the international political context means that the political objectives of different actors influence one another.

Former colonial powers maintain vested interests, global superpowers seek strategic advantages, and regional actors pursue control. Examining the motivations behind their involvement sets the stage for understanding the strategies they employ and the impacts these strategies have on the region.

The strategies employed by external powers range from soft power diplomacy to secret operations, economic influence, and media warfare. Cultural exchanges, educational programs, and public diplomacy are employed to shape perceptions, while secret operations and economic leverage serve as instruments to advance geopolitical interests. Media and information warfare, with its arsenal of propaganda and disinformation, further complicates the landscape.

Investigating the tactics employed by external powers to apply influence in Francophone Africa reveals a complex interaction of political, economic, and strategic maneuvers. Various nations and international actors engage in a range of tactics to advance their interests in the region.

External powers often seek access to the abundant natural resources in Francophone Africa. They negotiate resource extraction agreements, gaining control over minerals, oil, and other valuable commodities. This approach allows them to use economic influence while fulfilling their own resource needs.

Offering financial assistance for infrastructure projects, such as roads,

ports, and energy facilities, enables external powers to foster economic development. In return, recipient countries may become economically dependent, creating a leverage point for the influencing nation. For instance, China's economic impact in Africa mainly comes from investing in mining and oil, building infrastructure, and advancing the telecommunications industry on the continent. As Africa's top trading partner, China has significantly boosted its trade since the 1990s and established special economic zones to replicate its industrial success in Africa. French development assistance continues to rank among the most substantial. Africa is a key focus of French development policy: it receives one third of French bilateral official development assistance (ODA) (2.9 billion in 2020). At the same time, The United States is actively strengthening its economic connections with Francophone Africa. To enhance trade and economic relations with these countries, the US is utilizing existing laws like the African Growth and Opportunity Act (AGOA). Additionally, the US is advocating for a continent-wide free trade zone in Africa. This initiative will reduce France's economic influence in Francophone countries, while also providing the US with better access to resources and products from French-speaking African nations.

Russia has also expanded its economic influence in Africa playing a significant role in meeting Africa's grain requirements, by supplying nearly 30 percent of the continent's grain needs. The country exports various goods, such as wheat, coal, refined petroleum, and electronics, to African nations and, in turn, imports fruits, sugar, and vegetables. The involvement of Russia in Africa's economy is primarily driven by state-owned or partially state-owned entities like Gazprom and Rosatom. Although Russia prioritizes collaboration in its pursuit of business opportunities rather than providing aid, its economic activities in Africa are relatively modest when compared to the contributions of China, the United States, and the European Union. According to the World Investment Report 2022, Russian investment in Africa constitutes less than 1 percent of the total foreign direct investment on the continent.

Nations engage in bilateral agreements with Francophone African countries, addressing not only economic but also political and military cooperation. In recent times, France has faced challenges in maintaining regional security as it had done in the past, and Francophone nations find it difficult to fill the void left by France's role as a stabilizing

force in the region. France has had to pull back its military presence from Mali and Burkina Faso, where troops were deployed to combat terrorist groups. Additionally, France has observed the overthrow of regimes aligned with French interests through coups, with the most recent instance occurring in Niger.

In military and regional security matters, the United States has increased its presence in Africa by setting up a military base in Djibouti and establishing in 2007 the United States Africa Command. AFRICOM coordinates security activities and responses to crises in Africa.

Despite differences in various areas, US and French interests are more in sync regarding security issues. Both nations frequently support the same goals, especially in counterterrorism efforts in this region. This alignment often results in joint advocacy for similar outcomes, such as responding to the coup in Niger. However, these joint efforts have seen limited success.

Based on SIPRI's Fact sheet from March 2023 and the trends in international arms transfers in 2022, Russia emerged as the primary arms supplier to Africa. Moscow's competitive advantage lies in offering relatively inexpensive security and military services, including arms transfers, anti-insurgency training, and consultancy services and unlike the United States and its allies, it does not link the delivery of its arms to the adherence of democratic principles.

External powers actively participate in regional organizations such as the Economic Community of West African States (ECOWAS). Through this platform, they influence regional policies and decisions, furthering their own geopolitical objectives. Evidence shows that ECOWAS, as a sub-regional organization, has adopted the integration strategy of the EU, resulting in similar achievements. ECOWAS often collaborates with France to address regional security challenges especially in Francophone countries. The UN depends on this regional organization to share the burden of dealing with conflicts, viewing them as beneficial for effectively handling disputes within their specific geographic areas. Certain ECOWAS member countries might establish or enhance diplomatic relations with Russia, potentially expanding to regional engagements.

The International Organisation of the "Francophonie" brings together

French-speaking states, offering diverse cooperation programs. While its influence extends beyond France, the cultural alignment of elites in West and Central Africa remains directed towards France.

Political interference and influence in the African continent, is manifested through the organization of a distinct and high-profile events. For instance, the Africa-France Summits, formerly known as France-Africa Summits until 2010, commenced in 1973 as yearly gatherings between Francophone African and French leaders. The objective is to promote collaboration beyond the traditional colonial framework, with France partnering with independent Francophone African nations for mutual benefit. The summit serves as a means of connecting France with its former colonies.

The Russia–Africa Summit, a large scale event organized for the first time in 2019 in Souchi, with the purpose of addressing the challenges of the 21st century and to foster initiatives that enhance comprehensive and equitable cooperation between Russia and African countries across various sectors, encompassing politics, security, economic ties, science, and technology, as well as cultural and humanitarian domains.

The China-Africa Cooperation Forum (FOCAC) is a platform created by China and African nations for collective consultation and dialogue, serving as a cooperation mechanism among developing countries. The Forum is established at the ministerial level to strengthen practical cooperation through consultation and to enhance political and economic ties for mutual benefit.

Foreign powers utilize media platforms and communication channels to shape public sentiment in Francophone Africa. The manipulation of narratives and the impact on perceptions can enhance the soft power of these countries. China is intensifying its soft power efforts in Africa, seizing the opportunity as traditional powers like the European Union and the United States appear to reduce their global commitments on the continent.

Establishing educational programs and exchanges strengthens cultural connections and amplifies the influence of external powers. Through educating future leaders and professionals, these powers establish networks of individuals aligned with their ideologies. It is evident that France holds a crucial role in the education system of Francophone Af-

rica, engaging education leaders through various programs in France. Additionally, there is the example of the Patrice Lumumba Peoples' Friendship University of Russia, founded in 1960 to offer education to individuals liberated from colonial oppression, experiencing a notable increase in student numbers in recent years.

In the context of external powers' strategies and impacts in Francophone Africa, the European Union (EU) plays a significant role, particularly in economic cooperation and development initiatives. As Francophone Africa emerges as a key area of interest due to its growth potential and strategic importance, the EU has increasingly engaged with the region. Through various partnership agreements and development programs, the EU seeks to promote stability, democracy, and sustainable development in Francophone Africa. Economic cooperation between the EU and Francophone African countries encompasses trade agreements, investment initiatives, educational exchange programs and development aid aimed at fostering economic growth and reducing poverty. Additionally, the EU provides support for governance reforms, institution-building, and capacity-building efforts to strengthen democratic governance and promote human rights in the region. Furthermore, the EU actively participates in regional organizations such as the ECOWAS, where it contributes to peacekeeping missions and regional security initiatives.

Certainly, this illustrates that external powers' strategies in Francophone Africa profoundly influence and shape the region's political, economic, and social dynamics.

EVOLUTION AND CHALLENGES IN FRANCOPHONE AFRICA

External forces' strategies in Francophone Africa, discussed earlier, are evident in increased political instability marked by coups and unlawful regime changes. The interplay of global influence tactics and domestic challenges creates a complex dynamic, shaping recent developments and challenges in Francophone Africa.

The Francophone Africa region is one of Africa's most unstable, ravaged by various jihadist, separatist, and criminal armed groups, caught in a cycle of coups, corruption, and poor governance. Political instability has been on the rise in Francophone Africa, particularly due to a series of coups in West Africa. Since 1990, 78% of the 27 coups in West

Africa occurred in Francophone states, reflecting French policies, indifference to public demands, and support for corrupt leaders. Over the past three years, several countries, including Burkina Faso, Mali, Guinea, Chad, Niger, and most recently Gabon, have witnessed coups or unconstitutional regime changes.

While each event has unique triggers, common themes include dissatisfaction with existing political leaders, inability to improve economic conditions, and challenges in addressing security issues. Many African having anti-French sentiments have distanced themselves from their former colonizer through military coups. Notably, Gabon, the latest in the series of military takeovers, has not yet shown anti-French hostility.

There is a notable shift from the era of *Francafrrique*, characterized by close ties between France and its former colonies, to a populist sentiment that is anti-French, marked by resentment and a desire to eliminate any French military presence. The question arises: Why does this anti-French feeling arise and spread, potentially affecting African countries like Ivory Coast, Senegal, Gabon, Djibouti, and Chad, which still host French military forces? This leads to the inquiry of whether evacuating these military bases is necessary.

Russia has set its sights on Africa, finding fertile ground for its mercenaries where France, the former colonial power, is indecisive. The Wagner Group, led by Evgeniy Prigozhin and primarily known for its involvement in the Ukraine conflict alongside Russian forces, has made significant inroads into Mali and the Central African Republic. It has also expanded its presence into Burkina Faso and conducted some form of activity in countries like Mozambique and Madagascar. Their activities often coincide with serious human rights violations, as highlighted by institutions such as the United Nations. Russia comes with an all-in-one package: offering security services, political counsel, media campaigns, disinformation, and arms sales. In return, Wagner gains political influence and a possibility to exploit the rich natural resources of these African countries. Following his visit to several African countries, Russian Foreign Minister Sergey Lavrov stated that the West's attempts to isolate Russia had failed. Lavrov also mentioned that Russia was strengthening its relationships with countries in Africa, the Middle East, the Asia-Pacific, and elsewhere. "Today we can say that the Western attempts to isolate Russia by encircling us with a barrier of containment have failed," Lavrov informed Russian

diplomats during an event at his ministry following his return from his visit to Africa⁷.

The actions of the semi-official Russian paramilitary team Wagner often grab attention. They've been hired by various governments, including the Central African Republic, and are connected to military operations in Mali and Niger. This has led France to accuse Russia of causing instability in Africa.

THE THREE JUNTAS OF THE FRANCOPHONE AFRICA

Since 2020, a series of military coups in Francophone Africa has reshaped the political landscape, leading to the emergence of anti-French military regimes in Mali, Burkina Faso, and Niger. Initially perceived as a move to separate from their former colonial power, France, these coups have evolved into complex geopolitical dynamics with far-reaching implications.

Three former French colonies, now under military rule, surprised many by announcing their "immediate" withdrawal from the Economic Community of West African States (ECOWAS) at the end of January 2024. They accuse ECOWAS of being manipulated by France and failing to assist them against jihadists active since 2012, resulting in thousands of deaths and displacing millions. They argue that the sanctions imposed by ECOWAS on their countries were unfair because they wanted to control their own destiny, especially after several coups replaced civilian governments. However, ECOWAS's responsive measures have had little effect on bringing back civilian rule in their countries.

After years of confrontation with military coup leaders in Mali, Guinea, and Niger, ECOWAS has changed its approach. At an extraordinary summit in February 2024, it opted to remove most sanctions imposed to these countries after military overthrows of elected presidents between 2020 and 2023. These sanctions aimed to pressure the military into holding timely elections, but thus far, they've been ineffective.

Recently, the three countries united within the Alliance of Sahel States (AES)⁸, established in September 2023, are progressing towards depart-

7 Reuters. 2023. *Lavrov back from Africa, says West has failed to isolate Russia*. Available at: <https://www.reuters.com/world/europe/lavrov-back-africa-says-west-has-failed-isolate-russia-2023-02-10/>

8 The Alliance of Sahel States (ASS) is a mutual defense pact created between Mali, Niger, and Burkina Faso on 16 September 2023.

ing from the CFA franc, the shared currency of eight member nations of the West African Economic and Monetary Union (WAEMU), which is tied to the euro. Today, Bamako, Niamey, and Ouagadougou are reportedly considering the creation of their own single currency, the Sahel. This decision, more than merely marking a new break with the West African regional bloc, appears to carry significant consequences and risks for these three of the world's poorest states.

France maintains numerous strategic bases in West Africa. However, new actors are emerging in the Sahel region, notably Russia via the Wagner paramilitary group, alongside China and Turkey. This shift in diplomacy is profound and seems set to endure.

The rejection of the French presence extends beyond military implications to include political and economic aspects. Critiques directed at France include its inconsistent approach towards current regimes, concerns regarding the CFA franc and its neocolonial connotations, and a perceived paternalistic nature in its development aid policies. The region has caught Russia's attention, and Burkina Faso is now seen as an extra stronghold for the Kremlin in the west of the continent. France frequently accuses Russia of conducting disinformation campaigns aimed at discrediting it. In response, the military has initiated a counter-media offensive on the internet. There is ongoing power struggle: a contest for influence between Russia, and France, which has encountered violent opposition from the population.

Francophone Africa's shifting geopolitical dynamics, marked by the rise of military regimes and realignment of alliances, pose significant challenges to Western powers' influence. The case of Niger, Mali and Burkina Faso illustrates the challenges of forming partnerships in the region, highlighting the necessity for flexible and sophisticated foreign policies to tackle shifting geopolitical environments.

NIGER'S SHIFTING GEOPOLITICAL DYNAMICS

The break with France after the 26 July 2023 upheaval in Niger was a significant moment, characterized by the rejection of defense pacts and the complete departure of French soldiers by the end of December 2023. Anticipating a similar outcome, the United States aimed to safeguard its strategic interests, especially at the Agadez base⁹, important

9 Niger Air Base 201 is a United States drone airbase near Agadez, Niger

for anti-terrorism efforts and countering Russia's increasing course in the area. Despite distancing from France's actions, the US hesitated to brand the Nigerien upheaval as a "coup d'état" and maintained its embassy in Niamey, contrasting with the expulsion of the French envoy. Other European countries, like Germany and Italy, also tried to manage their ties with Niger independently of French influence.

However, the declaration of enhanced military collaboration between Niamey and Moscow in December 2023 escalated tensions with Washington. The rejection of the Nigerien military leadership to engage with the US Deputy Secretary of African Affairs and the subsequent ousting of American troops indicated a notable shift in alliances. Niger, previously seen as a key location for Western military operations in the area, suddenly emerged as a strategic ally of Moscow, surprising Western nations.

The response from the United States, characterized by a strategy of awaiting "clarifications" from Niamey, underscored a significant misjudgment in their assessment of the evolving dynamics in West Africa. Despite their efforts to uphold their influence, the suspension of American aid, mandated by law following a coup, proved insufficient in compelling democratic reforms within the Nigerien administration. On the contrary, Washington's insistence and warnings regarding external influences served only to worsen the already strained relationship with the military junta. The latter, in turn, seized the opportunity to criticize the United States for what they perceived as an violation upon the sovereign right of the Nigerien people to determine their own partnerships and alliances.

Additionally, the fact that Niger is getting closer to Russia and might make friends with other countries like Iran is making it harder for Washington and Brussels. They're worried about things like uranium in Niger and Iran wanting nuclear weapons. The junta's denunciation of the French and US military presence and critique of their aid programs underscored the decreasing influence of Western powers in the region. This shows that Western countries aren't as important in this area as they used to be. Even though they're trying to act like it's not a big deal, leaders from the US and Europe keep talking about how they're still fighting terrorism using bases in Europe and drones with weapons.

The situation in Niger serves as a reminder of the complex and dynamic nature of geopolitics, where unforeseen events can rapidly reshape power dynamics and alliances. Moving forward, Western powers must adapt to these changes and reassess their approaches to engagement and influence in the Sahel region and beyond.

MALI'S SHIFTING GEOPOLITICAL DYNAMICS

The political landscape of Mali has been turbulent, marked by repeated coups and ongoing challenges. In May 2021, another coup happened following one in August 2020. This was the second coup in less than a year and the third in only ten years, indicating the instability of Mali's government. Consequently, in January 2022, the Economic Community of West African States (ECOWAS) announced an embargo on Mali, except for essential goods, as a response to the military's continued hold on power.

In the same month, the military junta ruling Mali demanded the departure of the French ambassador, increasing tensions. This was followed by calls for the withdrawal of French anti-jihadist force "Barkhane". Operation Barkhane was a French-led operation spread out between Mali, Burkina Faso, Niger, and Chad that started on 1 August 2014 and formally ended on 9 November 2022. The severing of military ties with France in 2022 and the subsequent blame placed on the former colonial power for many of Mali's problems marked a significant shift in alliances. Furthermore, the United States suspended military aid to Mali, and the World Bank ceased monetary operations in the country.

With all these changes happenings, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) officially wrapped up its operations after a decade-long presence in the country in December 2023. Their departure came under pressure from the ruling authorities in Mali. This marked a significant turning point, signaling the end of an extensive engagement that began back in 2013, aimed at addressing the escalating violence that posed a threat to Mali's stability. Throughout its tenure, MINUSMA worked to promote peace and security in Mali, undertaking various tasks such as protecting civilians, supporting political processes, and facilitating humanitarian aid delivery. However, despite their efforts, the mission faced numerous challenges, including attacks by militant groups and

obstacles to implementing peace agreements. Additionally, MINUS-MA's departure has implications beyond Mali's borders, particularly for neighboring nations like Burkina Faso and Niger, which have also been struggling with similar security challenges. The mission's presence had provided a sense of stability and security in the region, and its absence may create uncertainties and potentially make worse existing security threats.

The leaders in charge of Mali, even though they were dealing with economic punishments from ECOWAS, found a way to get money by charging taxes to Western mining companies that dig for gold in Mali. This information comes from a report called *The Blood Gold Report*, made by a group of researchers from different countries. This report explains how the money from these taxes is being used to pay for Russian soldiers who are working in Mali. With political and military allegiance shifting towards Russia, demonstrated by President Putin's commitments during a Russia-Africa summit in July 2023, Mali's geopolitical landscape continues to evolve and to change.

Even with these changes, Mali continues to suffer from jihadist attacks and worsening humanitarian and political issues. While the colonels who took control in 2020 might have seen some symbolic victories, rebel factions continue to operate in the difficult and extensive central Mali region. Mali's path since 2020 has been characterized by a series of coups, changing partnerships, and an increasing dependence on Russian backing, all during persistent security and humanitarian crises.

BURKINA FASO'S SHIFTING GEOPOLITICAL DYNAMICS

The September 2022 coup d'état in Burkina Faso was a revolt that occurred eight months after the January 2022 coup d'état. Captain Ibrahim Traoré¹⁰ announced that he and a group of officers had decided to overthrow the interim president due to his inability to handle a worsening Islamist insurgency in the country. A curfew was imposed, all political and civil society activities were suspended, air and land borders were closed, and Burkina Faso's constitution was suspended. Additionally, the declaration of Traoré as the new leader of the Patriotic Movement for Safeguarding and Restoration was made. The Pa-

¹⁰ Ibrahim Traoré (born 14 March 1988) is a Burkinabè military officer who has been the interim leader of Burkina Faso since the 30 September 2022 coup d'état that ousted interim president Paul-Henri Sandaogo Damiba.

triotic Movement for Safeguard and Restoration (PMSR) has been the ruling military junta of Burkina Faso since the January 2022 Burkina Faso coup d'état.

Since Captain Ibrahim Traoré assumed power, there has been a significant deterioration in the relationship between France and Burkina Faso. This change was highlighted when a longstanding military agreement between Ouagadougou and France, dating back to 1961, was openly renounced, notably in March 2022, shortly after the orchestrated withdrawal of French forces from Burkina Faso's territory. The ascension of leadership under Captain Ibrahim Traoré was accompanied by promises of constitutional reforms, indicating a desire for internal change within the country. In December 2023, the Burkinabe government adopted a bill revising the constitution, now enshrining national languages as official languages instead of French, which is downgrading to the status of a "working language."

As the administration under Traoré strengthened, Burkina Faso actively distanced itself from France, a move of importance considering France's historical colonial influence and partnership with the nation. Instead, Burkina Faso redirected its focus towards Moscow, signaling a strategic reorientation of its foreign policy. The government of Burkina Faso has demonstrated a growing affinity with Moscow, spanning various sectors such as humanitarian assistance, energy, nuclear cooperation, and cultural exchange. Plans for the construction of a civilian nuclear power plant by a Russian agency have been unveiled to address the energy needs of the population. Collaborative efforts in healthcare to combat the dengue epidemic were also emphasized. However, it is in the military sphere that there is a perceived need for support from Moscow. This shift was not confined to diplomatic gestures alone but was substantiated by concrete actions, including the forging of closer military ties with Russia.

The establishment and expansion of the military base since December 2023, stemming from military collaboration, under the Russian newly introduced label, Africa Corps, have been openly acknowledged by the government, signaling a growing alliance. The Africa Corps represents a rebranding effort of the well-known Wagner Group, a paramilitary entity with a history marked by allegations and credible evidence of involvement in massacres, rape, torture, theft, and smuggling across the African continent. This new military presence is geared towards

conducting large-scale operations across the African continent, aiding countries in their quest for independence and sovereignty. Furthermore, in addition to cultivating closer ties with Moscow, Burkina Faso tried to strengthen relations with its neighboring countries, Mali and Niger. Both nations, like Burkina Faso, were governed by military regimes, suggesting a shared political landscape and potential for collaboration in regional security affairs.

A significant development in this realignment was Russia's commitment to constructing a nuclear power plant within Burkina Faso's borders. This commitment not only symbolized a deepening of ties between the two nations but also indicated Burkina Faso's intent to diversify its energy sources and decrease dependence on traditional allies. Additionally, Burkina Faso's turn towards Russia was reinforced by practical engagements, such as accepting humanitarian aid in the form of free Russian cereals.

Captain Traoré asserts that combating jihadists is a top priority for his administration. Despite this assertion, the regime's efforts have proven inadequate in suppressing the insurgent forces. Instead, the government has experienced setbacks, with jihadist and other militant groups gaining ground and seizing additional territory. Since 2015, Burkina Faso has been trapped in an ongoing cycle of violence caused by jihadist groups linked to Al-Qaeda and the Islamic State (IS). These groups have consistently posed a grave threat to the stability and security of the nation, maintaining a state of insecurity and fear among its citizens.

CONCLUSION

Historically tied to African nations, France maintains influence through defense pacts, economic interests, and the use of the CFA franc in seven West African Francophone countries. Even with a strong military presence to counter terrorism, French backing of puppet leaders has caused dissatisfaction. The 2020 Mali coup signaled a threat to France's lasting influence, leading to strained relations and policy changes, but diplomatic efforts may be too late, as seen in the limited outcomes of the 2021 New Africa-France Summit initiated by President Macron.

Beyond the expressions of resentment, strategic considerations come into play. Africa stands as a geopolitical crossroads coveted by various global powers, with the geoeconomic landscape shaped by globalization creating new dependencies and exploitative relationships. The crucial question emerges: Does Africa possess the means to defend itself and ensure its security? Additionally, scrutiny is directed at French diplomacy, which, from Libya to the Maghreb, appears inconsistent and unsuccessful, regardless of the presence or absence of military bases.

In 2024, the connection between France and Africa is at a turning point, shaped by economic possibilities, security concerns, geopolitical shifts, and historical connections. France and African countries must navigate these challenges through mutual respect and cooperation, fostering a balanced partnership that supports Africa's development and stability, while also securing France's position in the changing global landscape.

The growing ties of this region with Russia in the military, diplomatic, and economic spheres signal a significant realignment of alliances and interests in the region. These developments pose significant challenges to Western powers' influence in the region and underscore the need for adaptive and nuanced foreign policies. The changing geopolitical landscape in Francophone Africa necessitates a reassessment of engagement strategies to adapt to evolving alliances and confront emerging security challenges effectively.

Consequently, the risk of continued political instability remains high in many parts of the continent. Investors must be well-prepared and armed with legal tools to protect their investments in this increasingly unpredictable environment.

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The Rainbow Beyond the Soul: Reflecting the Diplomat's Profession and Personality

Viona Rashica¹

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ABSTRACT

This article is dedicated to an analysis of the novel of diplomacy, titled "The Rainbow Beyond the Soul", written by Milan Jazbec, from a diplomatic point of view. The main protagonist of the novel is a Slovenian ambassador, who, in addition to a successful career in diplomacy, turns out to be equally successful in literature, thus being author of six novels. The analysis of the novel begins with the specification of the key characteristics of the profession of diplomacy and diplomatic protocol. Secondly, the ambassador's personality is described, as an attempt to better understand the importance and challenges of working at the United Nations, the way how careful a diplomat should be in communication, but also another issue that has an impact on the diplomat's profession, which is the marital status. In the end, it is explained how the ambassador reaches the grand stages of the Nobel Prize, but not for peace, but for literature, thanks to his novel "The Face Without Mirror", whose successes had exceeded his expectations.

KEYWORDS: novel, ambassador, diplomacy, personality, literature, the Nobel Prize

POVZETEK

Članek se ukvarja z diplomatsko analizo romana o diplomaciji "Mavrica izza duše", avtorja Milana Jazbega. Glavni protagonist zgodbe je slovenski veleposlanik, ki je zraven uspešne kariere v diplomaciji dosegel enak uspeh tudi v literaturi, saj je avtor šestih romanov. Analiza obravnavanega romana se prične z analizo posebnosti oz. tipičnih značilnosti diplomacije in samega poklica diplomata kako tudi diplomatskega protokola. V nadaljevanju sledi predstavitev osebnosti veleposlanika kot poskus boljšega razumevanja pomena in izzivov, ki jih prinaša delo v Združenih narodih, ter načina, kako morajo biti diplomati previdni v komuniciranje, pa tudi drugih vplivov na diplomatski poklic, kot je zakonski stan. In na koncu sledi še predstavitev, kako je veleposlanik prišel do velikega meta, tj. do Nobelove nagrade, vendar ne za mir, temveč za literaturo, in sicer za svoj roman "Obraz brez zrcala", katerega uspeh je presegel njegova pričakovanja.

KLJUČNE BESEDE: roman, veleposlanik, diplomacija, osebnost, literatura, Nobelova nagrada

1 ABOUT THE AUTHOR: Viona Rashica is a Doctor of Political Science from South-East European University, Tetovo, North Macedonia, and an academic researcher. Email address: vionarashica@hotmail.com.

INTRODUCTION

The novel “The Rainbow Beyond the Soul” by the author Milan Jazbec, is the first novel of diplomacy, which reflects the individual, intellectual and professional aspects of the diplomat. If we take a look at the career of the author of this novel, who has excelled in the journalistic, diplomatic, academic, political, and even literature fields, it is not surprising that this novel combines brilliantly the above mentioned aspects, thus making all diplomatic representatives find themselves within the pages of the novel. In addition to the life of the Slovenian diplomat as the main protagonist, the characteristic of this novel is also the mention of the Nobel Prize. Initially, the impression can be created that it is about the Nobel Peace Prize. This would make sense because diplomats are known for their negotiation skills that can successfully contribute to the resolution of international disputes, or even to the end of any armed conflict. But no, the ambassador of this novel, in addition to his diplomatic career, is also known for his writing skills, who wrote a novel that enabled him to be among the nominees for the Nobel Literature Prize. The main purpose of this article is to present a general elaboration of this highly recommended novel to read. In addition to the abstract, introduction, conclusion and references, this article consists of three separate chapters, within which the novel is analyzed in three ways.

Since “The Rainbow Beyond the Soul” is the first novel of diplomacy, the key points of this profession must be specified. The first chapter provides basic information about diplomacy, starting from its definition, how it is divided based on the reports of the subjects of international law, as well as what are ambassadors and what are the criteria required to serve in diplomacy. The main protagonist of the novel is engaged in multilateral diplomacy, respectively he works in the United Nations (UN), so this chapter also explains what international organization it is and what institutional and functional basis it has. A basic issue in the diplomat’s profession, which may cause stress and pressure, but which must be respected, is the protocol. The basic protocol rules of diplomats are mentioned within this chapter, in order to understand and justify the behavior, attitudes and reactions of the ambassador of the novel.

In the second chapter of this article, the personality of the ambassador of the novel is analyzed. He is a career diplomat, with the main attri-

butes that a worthy representative of a country in the international arena should have. He can be considered very lucky to have had the opportunity to work in bilateral diplomacy, but also in multilateral diplomacy, where he has met various political personalities, some of whom have stuck in his head for specific reasons. Presiding the Security Council, he will face the complications of not supporting a certain resolution by a permanent member of the Council. In such situations, it is of great importance for a diplomat how he communicates, how he handles issues, how he reacts and what gestures and facial expressions he makes. However, in addition to the mentioned points, this chapter also addresses an important issue not only for the ambassador in the novel, but also for all diplomats, which is their marital status.

The third chapter of this article clarifies the value of the Nobel Prize for Literature. That diplomats are rewarded with Nobel Peace Prizes has happened in some cases thanks to their contribution to specific events throughout history. Well, the ambassador of the novel is a poet who managed to publish a melodrama, which was so successful that allowed him to enter in the list of nominees for the Nobel Literature Prize. The chapter describes the nomination procedure for this award, what is melodrama, as well as the totality of common points that poetry and diplomacy have, so as to understand how a successful diplomat can also be a successful poet.

THE KEY POINTS OF THE PROFESSION OF DIPLOMACY

Foreign policy is an activity of the state, through which it realizes its goals and interests in the international environment, while the tool for its realization is called diplomacy. There are three different ways of writing the latter, that also illustrate three different ways in which it is perceived today, as follows:

- *“**diplomacy**”, written in lower-case letters, reflects our daily experience. At home, at work, and on the street, we deal with conflicts through negotiations, engagement, and ultimately, compromise. In addition, we represent our family, our communities, and our companies. We often speak on behalf of others. This is what diplomacy is about. Most people would not use the term ‘diplomacy’ to describe these activities. Yet, these activities are at the core of diplomacy;*
- *“**Diplomacy**”, with a capital ‘D’ is a profession and a system of representation for states. This is how diplomacy is seen in the*

news. It is about negotiations and international treaties, among other elements. Traditionally, Diplomacy is performed by diplomats and international officials working in embassies, ministries of foreign affairs, and international organizations;

- *“**DIPLOMACY**”, fully written in upper-case letters, is how diplomacy is often perceived by the general public. This is the diplomacy of flags, receptions, black limousines, and protocol. Diplomacy looks glamorous and aristocratic. This perception can be traced back to the history of diplomacy, when it was a profession reserved for aristocrats (Kurbalija, 2016).*

Diplomacy, as a method for the peaceful resolution of conflicts, is as old as humanity itself. However, as a bureaucratic machine it is relatively new, created during the last five centuries. To understand diplomacy as a profession, first of all, the diplomatic functions should be known, which are like below:

- ***Presentation** of the sending state to the receiving state;*
- ***Protection** of the interests of the sending state and its citizens in the receiving state within the boundaries defined by international law;*
- ***Negotiation** with the government of the receiving state;*
- ***Observing** the reports and their development in the receiving state with all the allowed means, as well as reporting on this to the government of the sending state;*
- ***Development** of friendly relations between the sending state and the receiving state, as well as the realization of their economic, cultural and scientific relations (Jazbec, 2010, p.14).*

Diplomacy includes the regulation of relations between the bearers of rights and duties in international relations, respectively the subjects of international law, which, in addition to states, also include international governmental and non-governmental organizations, political movements with an international character, multinational corporations, religious objects and movements, various international professional organizations, nations, groups of people, but also humans in some situations (Vukadinović, 2009, p.124). The division of diplomacy into bilateral and multilateral is based on the reports of the aforementioned subjects. Bilateral diplomacy is the relationship established and maintained between two states, the sending state and the receiving state. Whereas, multilateral diplomacy is the relationship between a state and several states, which takes place in international congresses

or conferences, or in international organizations (Gruda, 2009, p.21). As part of the government of a country, the Ministry of Foreign Affairs (MFA) is directly charged with issues from the field of international relations, as long as it is led by the minister of foreign affairs, who represents the most important individual body of the state for foreign affairs. However, diplomatic representatives are also of great importance, who are sent with authorizations to represent the country abroad and are divided into three classes:

- *Ambassadors or nuncios accredited to heads of state and other heads of missions of equivalent rank;*
- *Envoys, ministers, and internuncios accredited to heads of state;*
- *Chargés d'affaires² accredited to ministers of foreign affairs* (Gruda, 2013, p.252).

The head of the mission is considered as having taken up his functions in the receiving state either when he has presented his credentials or when he has notified his arrival and a true copy of his credentials has been presented to the MFA of the receiving state, or such other ministry as may be agreed, in accordance with the practice prevailing in the receiving state which shall be applied in a uniform manner (United Nations, 2005).

Diplomacy has constantly been exposed to major changes, which have resulted from the change in the structure of the international community and its dynamics. In the postmodern period, that is from 1989 until today, there is a natural conflict between tradition and innovation. Some ceremonial aspects of diplomacy are necessary, but some of them are considered inappropriate for the current period, even useless. People who have spent more than two decades working as diplomats have preferred the traditional aspect of diplomacy and appreciated it, regardless of the benefits it offered. Many traditions in diplomacy made sense for the time when letters were delivered under a wax seal because that was how formal diplomatic communications were carried out (Sandre, 2015, pp.4-5). But, diplomacy has undergone many changes, even its pace is much faster compared to what it used to be, as a result of advances in digital technologies.

The typical example of multilateral diplomacy is the UN, based in New York, organization which was founded on October 24, 1945, as a replacement of the League of Nations that was dissolved on April 18,

2 A chargé d'affaires is a person appointed to act as head of a diplomatic mission in a foreign country while the ambassador is away.

1946 (Lamb, Robertson-Snape, 2017, p.214). The Charter of the UN is its founding document, while its main bodies are: the General Assembly; the Security Council; the Economic and Social Council; the Trusteeship Council; the International Court of Justice; and the UN Secretariat. The main principles of the UN are: the principle of sovereign equality; peaceful resolution of international disputes; prohibition of the use of force or the threat of force; prohibition of interference in the internal affairs of states; the principle of cooperation; the principle of equality and self-determination; and the principle of fulfillment of obligations (Gruda, 2013, pp.372-373). Membership in the organization, in accordance with the Charter of the UN, “is open to all peace-loving states that accept the obligations contained in the UN Charter and, in the judgment of the organization, are able to carry out these obligations”. States are admitted to membership in the UN by a decision of the General Assembly upon the recommendation of the Security Council. The UN has 193 member states, which are divided into two categories: the founding members that are 51 states; and members that joined the UN later (United Nations, n.d.).

The General Assembly is the main deliberative, policymaking and representative organ of the UN. All 193 member states of the UN are represented in the General Assembly, making it the only UN body with universal representation. The Security Council has primary responsibility, under the UN Charter, for the maintenance of international peace and security. It has 15 members (5 permanent and 10 non-permanent members). Each member has one vote and under the Charter, all member states are obligated to comply with Council decisions. The Economic and Social Council is the principal body for coordination, policy review, policy dialogue and recommendations on economic, social and environmental issues, as well as implementation of internationally agreed development goals. The Trusteeship Council was established in 1945 by the UN Charter, under Chapter XIII, to provide international supervision for 11 Trust Territories that had been placed under the administration of seven member states, and ensure that adequate steps were taken to prepare the Territories for self-government and independence. The International Court of Justice is the principal judicial organ of the UN and its seat is at the Peace Palace in the Hague (Netherlands). The Secretariat comprises the Secretary-General and tens of thousands of international UN staff members who carry out the day-to-day work of the UN as mandated by the General Assembly and the Organization’s other principal

bodies. The Secretary-General is Chief Administrative Officer of the Organization, appointed by the General Assembly on the recommendation of the Security Council for a five-year, renewable term (United Nations, n.d.).

The permanent members of the Security Council are: the United Kingdom, the United States, France, China and the Russian Federation. The 10 non-permanent members are elected by the General Assembly for two years, of which 3 seats belong to African states, 2 seats to Asian states, 2 seats to Latin American and Caribbean states, 2 seats to Western European states and 1 seat to Eastern European states. Periodic meetings of the Security Council called for in Article 28 (2)³ of the Charter shall be held twice a year, at such times as the Security Council may decide. The Security Council is constituted as a small body, made up of representatives of major countries, which makes it possible to take more effective decisions for quick action. Under the UN Charter, the functions and powers of the Security Council are:

- To maintain international peace and security in accordance with the principles and purposes of the UN;
- To investigate any dispute or situation which might lead to international friction;
- To recommend methods of adjusting such disputes or the terms of settlement;
- To formulate plans for the establishment of a system to regulate armaments;
- To determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;
- To call on members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;
- To take military action against an aggressor;
- To recommend the admission of new members;
- To exercise the trusteeship functions of the UN in "strategic areas";
- To recommend to the General Assembly the appointment of the Secretary-General and, together with the Assembly, to elect the Judges of the International Court of Justice.

Decisions in the Security Council are made by majority vote, but although each member has one representative and one vote, not all

³ Article 28 (2) of the UN Charter states: The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

members' votes are equal. Example, for procedural issues, a majority of 9 votes is sufficient. However, for other issues, such as those related to the peaceful settlement of disputes, or restrictive measures, a majority of nine votes is required, but the votes of the permanent members must be secured. The negative vote of a permanent member of the Security Council makes it impossible to take any kind of decision. It should also be emphasized that the abstention of one or more permanent members from voting does not prevent the decision being taken, so it is not taken as a negative vote (Gruda, 2013, pp.384-386).

Diplomatic protocol is defined as part of etiquette that deals exclusively with the regulation of all aspects of official and diplomatic appearance and behavior. In the composition of the protocol, the formal criteria of action and institutional organization are organically combined with individual courtesy. It is impossible to orient yourself in the state pyramid, to solve the political, diplomatic and administrative problems that arise, as well as to communicate correctly within the system, if you don't have a thorough knowledge of formal etiquette. The protocol also serves as a tool of communication through which certain messages of attitude, behavior and ways of thinking are transmitted in accordance with the requirements. It is strongly based on the legal structure of the state, from the constitution to the various codes, from which it derives its own rules for regulating official life, it relies on international legislation and conventions to draft the diplomatic protocol, it consults ethics and from there it concludes about rules of etiquette in any situation, without talking about military regulations and other specific aspects.

As an essential part of the culture, etiquette is also being globalized. At this point, wherever they are, people can get exposed to other cultures outside of their environment. The seemingly distant Etiquette culture is no longer foreign at all, gaining growing acceptance from the public. The diversification of etiquette is not contradictory to its globalization. Behind the two changes is a dynamic process marked by difference and integration, as well as by mutual respect and learning. The "differences" and "similarities" of etiquette coexist with each other. Thus, any plot to deny globalization with diversity or deny diversity with globalization has no future (Zhou, Zhang, 2022, p.76). It is today much more common to travel abroad far from our own borders to other, distinct cultures. Being a guest in a foreign country means first having respect for the manner in which guests are treated in the host

country. This of course varies between all countries and cultures, personal space and distance between people also varies between cultures. The importance of showing respect for one another's culture cannot be overstated. A lack of knowledge inhibits proper communication, which is essential when dealing with other cultures, both within our own society and outside it. Not showing interest or acknowledging cultural differences in another country can sometimes do more harm than good, causing the loss of important international agreements or orders (Froideville, Verheul, 2021, p.24).

THE PERSONALITY OF THE AMBASSADOR

The main protagonist of the novel is an ambassador of the Republic of Slovenia who, apart from a successful diplomatic career, also reveals his writing skills through his book "The Face Without a Mirror", a lyrical melodrama which enables him to be nominated for the Nobel Prize in Literature. The ambassador lacks the description of his physical appearance, but all his spiritual features are revealed. He is a person with high intellectual values and extremely accurate intuition, but at the same time he is also a very sensitive person with strong emotions. Being a diplomat even today gives you a special feeling and you can consider yourself an aristocrat, since diplomacy is still one of the most respected professions. As the ambassador says in the novel: "I have written hundreds of dispatches, read thousands of them, given countless pieces of foreign policy, as well as simply friendly, advice to ministers, prime ministers, and presidents. I went to countless receptions, cocktail parties, dinners, luncheons, played golf so many times that I do not remember, jogged with ministers, presidents, mostly because I wanted all that, I wanted it because I liked it, because I later on enjoyed it, I achieved things because I decided to achieve them, like a project, I planned it, consciously" (Jazbec, 2019, p.25). Certain age, good family origin, honesty, education, studies, knowledge of diplomatic languages, knowledge from different fields such as art, literature, etc., continue to be basic criteria for diplomatic representatives. However, the profession of a diplomat requires a lot of responsibility because he must constantly have information about global events, processes and phenomena. Diplomats often find themselves in complicated situations, in which their mastery of solving the appropriate techniques can lead to adequate solutions. Then, the diplomats are under constant pressure as they have to respect the strict protocol rules to the maximum. They are more than aware that the violation of diplomatic proto-

col not only endangers their careers, but also risks damaging the image of the state they represent.

An ambassador is the highest-ranking diplomatic officer, designated by the government as its resident representative in a foreign state or before an international organization. The primary duties of ambassadors are to maintain diplomatic relations with the receiving state and promote foreign policy strategies through international organizations (Cornell Law School, 2021). Diplomacy exists in shades and in the detection and selection thereof, in recognizing and sorting them out. Its power and purpose lie in shades, it would be impossible without them (Jazbec, 2019, p.31). When the ambassador represents his state in another state, he has maximum responsibility for the bilateral relations between the two countries, be they political, economic, cultural, etc. Then, it should be emphasized a very interesting characteristic of the embassy of the sending state in the receiving state, which is mentioned in the novel. The submarine effect, so well known in diplomatic practice, always appeared after a time, as individuals had a hard time putting up with one another. The majority of countries cannot keep up embassies with more than fifteen or twenty employees, especially diplomats, and with the exception of a few locations, that is the perfect environment for this syndrome to appear. Such a crisis lasts some time, and after that the feeling of claustrophobia and difficulty tolerating certain co-workers jumps from one employee to another. Circumstances in small embassies are sometimes similar to those on submarines when people must put up with each other because there is no way out, nowhere to go. Apart from that, there is always plenty of work, there is no lack of stressful situations and sometimes you have no idea what to do when psychosis and paranoia kick in. And that is why it is better to work in bigger teams, even though in such cases the boss needs more concentration to manage and coordinate the processes (Jazbec, 2019, p.58).

However, when an ambassador represents his country among many countries in international organizations, his responsibility is extremely high because the fate of his country's image in the global arena depends on him, and he can advance, even jeopardize the bilateral relations of his country, for which his colleagues have worked for years. Serving in multilateral diplomacy is a great privilege for a diplomat, the peak of his career, and this is also reflected by the author of the novel, who puts the key protagonist to work in the most powerful in-

ternational political organization on the planet, in the UN. Working at the latter offers the ambassador the opportunity to meet various political personalities, to recognize the professionalism of the persons who have been put in charge of major tasks, such as that of the Secretary General. To serve as Secretary-General at the UN means to be a symbol of the UN's ideals, and an advocate for all the world's peoples, especially the poor and vulnerable. The person who is put in charge of this task possesses the ability to offer solutions in difficult situations with courtesy, to show gentleness, wisdom, nobility, education, care and ethics. But, he also knows when to engage, when to act, when to withdraw, and finally when he reaches retirement age to be known for his diplomatic skills, as was the Secretary-General in the novel. The ambassador liked that the Secretary was reserved, but not introverted, humble and not divorced from reality. Humbleness is not a sign of weakness, on the contrary, it is a sign of high spirituality, intellectual strength and potential that shows itself when it is needed (Jazbec, 2019, p.31).

The presidency of the Security Council is held by each of the members in turn for one month, following the English alphabetical order of the member states names. The diplomats who chair this position serve to coordinate actions of the Council, decide policy disputes, and sometimes functions as an intermediary between conflicting groups. The main protagonist of the novel had such an honor, which gave him the opportunity to sit next to the Secretary General, based on the rules of the UN protocol. But, the ambassador who chairs the Security Council in the novel is in a very difficult position, which is faced by almost all diplomats who preside this primary body of the UN. When discussing issues related to disagreements or conflicts that occur in different parts of the world, normally the five permanent members of the Security Council will vote according to their interests. Perhaps a resolution proposed to offer strict measures to a state that with its actions may have endangered world peace or violated the rules of international law affects the bilateral agreements of any of the five permanent member states and the negative vote of that state prevents its approval. It is almost impossible to oppose the positions of diplomats from these five countries and their veto is more powerful than many efforts of all UN members. In the novel, the author gives important advice to diplomats who find themselves in these circumstances: "You must have a lot of general knowledge and additionally you must have a particular sense for detail. Yet both will not help much if you are not capable of

recognizing changes immediately and put them instantly into the right framework. Namely, to listen, to hear, to understand, and to use. Your advantage lies in how fast you understand that and use it against other participants in the discussion, by joining in the discussion and forming decisions concerning the agenda” (Jazbec, 2019, p.34).

It is interesting how many differences, as well as common ground, one can find among a large number of diplomats, who are basically trained the same way and work in more or less the same environment. And you never can tell who will come close to whom (Jazbec, 2019, p.58). Therefore, in addition to diplomatic knowledge, the way the diplomat communicates is also very important. There are several points of communication, such as eye contact, shaking hands, but also the way how certain issues are presented and addressed. A career diplomat is more than aware that his courtesy is above his intelligence, regardless of how high the latter may or may not be. Intelligence quota plus education make 15%, but the education quota and the social quota make 85%. It can be assumed that verbal communication means everything, but in reality it does not, because it comprises 45% of communication, of which 38% refers to the tone of voice and 7% to the content. The diplomat tends to hide deep within himself feelings such as anxiety, stress, sadness, worry, guilt, shame, anger and envy because they add uncertainty during his work. Well, these feelings can be revealed through non-verbal communication. Although diplomats do not prioritize this type of communication compared to the verbal one, it should be clarified that non-verbal communication, or body language, which includes facial expressions, eye contact, posture and movements, positioning in groups, the clothes worn, but also silence, represents 55% of communication. While verbal communication can be controlled, non-verbal communication is very difficult to control. What the ambassador does not want to say in words, he expresses with facial expressions and gestures.

Diplomats are people who wish to serve their country and advance its interests internationally. They are people with a sense of adventure because diplomacy is a job that requires people to move and live away from their home countries. However, the work of being a diplomat, as brave as it is, is also stressful, imposes an isolation or distance from the individual’s social circle and many personal sacrifices are required. The question arises, is the diplomat really happy with his life? Within the novel, an opinion of the ambassador is expressed about how

he perceives happiness: "Oh, happiness! Obtained through pain, yet still happiness. Fleeting, but so strong that despite its short duration it makes a permanent impression on eternal spirit and pale memory. For just a drop of happiness you need to slave, it takes a lot of pain. Happiness. Ours, our friend's, no matter whose. Happiness, in any case. And once you feel it, you can just go ahead and say, look, it does appear that I am truly happy, though it may not last, one cannot endure such happiness for long, I am sure of it. And one does not have to, what is important is that I know from my experience that happiness does exist" (Jazbec, 2019, p.64).

The novel "The Rainbow Beyond the Spirit" makes us address another issue that affects the diplomat's work anyway, the marital status. Diplomats who serve in the world can be single, in a relationship, engaged, married, divorced or widowed. Love is so inexplicable that all people, including diplomats here, need the help of science to explain it, with special emphasis that of psychologists. According to the latter, during romantic love there are many changes that both men and women experience. The first step in the process of falling in love is the initial attraction. It's the powerful moment when we meet another person and feel energized and are immediately aware of our heart pounding. Falling in love is associated with increased energy, narrowing of mental focus, light-headedness, racing heart, and a lot of positive feelings. A person newly in love sees the world through the lens of love and most everything is tolerable and everything their partner does is delightful. To have a healthy relationship, regular communication is required. These are some of the theses of psychologists regarding the feeling of falling in love (South University, 2016).

What happens if a young diplomat, on the brink of living their dream and about to embark on their first posting, falls for someone who is kicking goals in their own nascent career? How exactly does the conversation go about how the diplomat's nascent career is more important than theirs? Does the other person quit their job and follow? Could they get leave from their job? Can they work remotely from the city in which they're being posted? Does their visa allow them to work in the country they're going? If not, what do they do for several years? What if they feel that the relationship isn't to the point where they could confidently follow? Do they split up? How often will they get to see each other? Every three months? Six months? Annually? A diplomatic posting places great stress on relationships. Once the excitement of the move, saying goodbye to people at home, meeting new people at

post and moving into a new house has passed, relationships need to be strong in order to survive, much less grow. During first few weeks, the diplomat can work long hours and/or travel frequently. This can leave the accompanying spouse alone with or without children. Often times in a country in which another language is spoken. The accompanying partner may wish to work, but the terms of the diplomatic visa may or may not allow the accompanying spouse to work. If they can work, there may be language issues that make finding work difficult. Before long, resentment can build over the career that the accompanying spouse has left behind. Indeed, many accompanying spouses have left their careers behind and become financially dependent on their spouse. As a result, relationships can become so complicated that requests for divorce can also follow (The Lonely Diplomat, n.d.).

What happens when a diplomat meets and falls in love with someone while on their posting? Postings have fixed terms and present much the same artificial timelines as those couples who meet prior to the start of a posting. These imposed deadlines mean that couples are confronted with a series of questions almost from the time that things get serious. Where do the couple want to live? Does the diplomat seek leave or quit from their job and stay in their partner's country? Do they return to the diplomat's home country? If yes, how do they apply for a visa? Can they work on that visa? How long does it take to get that visa? What if the diplomat's partner wants to stay in their own country? Do they split, saying it's all too hard? For diplomats, the overlay of additional requirements and deadlines and the knowledge that loving a diplomat can mean adventure but certainly means moving internationally makes it all the more complex (The Lonely Diplomat, n.d.). Undoubtedly, the greatest love of a diplomat remains the love for the country he represents and the feelings of love for his partner, even the marital relationship, are often sacrificed to advance the interests of his country in the global arena. It can be concluded that very lucky diplomats are those with partners who have understood the challenges of the diplomatic profession and decided to support them, despite the sacrifices they had to make and the difficulties they faced.

THE VALUE OF THE NOBEL PRIZE IN LITERATURE

On November 27, 1895, Alfred Nobel signed his last will and testament, giving the largest share of his fortune to a series of prizes in physics, chemistry, physiology or medicine, literature and peace, the Nobel

Prizes. Since 1901, the Nobel Prize has been awarded in the fields of physics, chemistry, physiology or medicine, literature and peace (The Nobel Prize, n.d.). For every person, regardless the profession that may belong to the natural or social sciences, winning the Nobel Prize is a great honor. If we take a look at the Nobel Prizes, a diplomat would have the most chances to be awarded the Nobel Peace Prize, since the essence of a diplomat's work is related to ensuring peace. A nomination for the Nobel Peace Prize is considered valid if it is submitted by a person who falls within one of the following categories:

- *Members of national assemblies and national governments (cabinet members/ministers) of sovereign states as well as current heads of state;*
- *Members of The International Court of Justice in The Hague and The Permanent Court of Arbitration in The Hague;*
- *Members of l'Institut de Droit International⁴;*
- *Members of the International Board of the Women's International League for Peace and Freedom;*
- *University professors, professors emeriti and associate professors of history, social sciences, law, philosophy, theology, and religion, university rectors and university directors (or their equivalents); directors of peace research institutes and foreign policy institutes;*
- *Persons who have been awarded the Nobel Peace Prize;*
- *Members of the main board of directors or its equivalent of organizations that have been awarded the Nobel Peace Prize;*
- *Current and former members of the Norwegian Nobel Committee;*
- *Former advisers to the Norwegian Nobel Committee (The Nobel Prize, n.d.).*

Can anybody be nominated for the Nobel Prize in Literature? Theoretically anyone can be nominated, anyone who writes excellent, outstanding literature, and there is no other demand, just quality in the work. But, what criteria are required for the Nobel Literature Prize? It's all about literary quality. The winner needs to be someone who writes excellent literature, someone who you feel when you read that there's some kind of a power, a development that lasts through books, all of their books. But the world is full of very good, excellent writers, and is needed something more to be a laureate. It's very difficult to ex-

⁴ The Institute of International Law is an organization founded on September 8, 1873 in Ghent, Belgium, and devoted to the study and development of international law, whose membership comprises the world's leading public international lawyers.

plain what that is, it's something you're born with, and the romantics would call it a divine spark. A talent that gives that extra dimension to that particular writer's work. Does a person's personality influence the decision when a Nobel Prize is awarded? No, absolutely not, a person's personal life is never seen, this is completely irrelevant. What is wanted is always great literature; it is literary merit, that's the only thing that matters. How does the nomination process work? The Nobel Committee for Literature sends invitation letters to persons who are qualified to nominate for the Nobel Prize in Literature. The right to submit proposals for the award of a Nobel Literature Prize shall, by statute, be enjoyed by:

- Members of the Swedish Academy and of other academies, institutions and societies which are similar to it in construction and purpose;
- Professors of literature and of linguistics at universities and university colleges;
- Previous Nobel Prize laureates in literature;
- Presidents of those societies of authors that are representative of the literary production in their respective countries.

The candidates eligible for the literature prize are those nominated by qualified persons who have received an invitation from the Nobel Committee to submit names for consideration. Other persons who are qualified to nominate but have not received invitations may also submit nominations. No one can nominate himself or herself (The Nobel Prize, n.d.). The person who nominated the ambassador for the Nobel Literature Prize had been a professor of comparative literature and literary theory for decades, had written countless critiques for some respectable and important publications, and so had made a name for himself, he had become distinguished. Never had he suggested someone for the Nobel Prize and he had never nominated someone. The main reason the professor nominated the ambassador was simple, a book, for which he had just submitted a review to the publishing house Jamie & Jamie, had captivated him. The mere title of the novel was enticing, mysterious and seductive. He immediately felt there was something special about it, and even as a critic, he was drawn to the book (Jazbec, 2019, p.15). He stated his own arguments why precisely this particular candidate is being nominated: "The refined style of the book and unearthly message, a decisive and solid contribution to understanding man's soul in its troubled times, and his deep passion and capability for finding a way out of any sit-

uation, regardless of how impossible it is". The professor had read the book several times, he knew that the book was good, and that the author deserved the nomination. But, he had decided that he would call no one, lobby no one, simply, leave the nomination up to its fate (Jazbec, 2019, p.18).

The ambassador's novel, titled "The Face Without a Mirror", earned him a nomination for the Nobel Prize in Literature, but what was special about this novel? It was a lyrical, gentle melodrama, soft and brittle. It spoke of the relationship between two youths. This relationship came to be as relationships as a rule do: with a fleeting, coincidental meeting, when sparks fly and a particular breeze flows through the air and can only be felt by those destined to feel it. All relationships come to be like this, but each and every one has their own form, each their own moment, different, special, various, unique. And if they do begin in a basically identical way, then they develop each into countless stories, stories so numerous that a person could read and study them until the end of eternity, and still not see them all. It came to be like this, and it was promising, as again all relationships are. But, due to coincidence, due to a mood swing of fate, is that not a false characterization, can something like fate really be moody, could it really work intentionally towards some goal, even when speaking of uncomfortable, tragic, dreadful events? This one story among countless others took a very particular course, a course that hurt both of them deeply, scarred them, and definitely marked them out. They were blown elsewhere, thrown into a dreadful test, incomprehensible and unacceptable, neither wanted nor desired by either of them. After that first physical encounter, they never met, or saw one another, ever again (Jazbec, 2019, p.10).

Melodrama is a literary or dramatic genre in which standard tropes and elements are exaggerated to elicit emotional responses from audiences or readers. Usually, in melodramas, characters exhibit overly emotional behaviours, and events are extremely sensationalised, creating a kind of outlandish and unrealistic tone. Melodramas are most recognisable in theatre, and in modern times, on television and in films. However, some do appear as novels, short stories and even poems. Melodramas can be easily classified by identifying these main common elements:

- ***A simple plot:*** *Melodramas tend to be straightforward stories, relying instead on exaggerated actions and events unfolding to*

convey powerful but somewhat basic themes like good, evil, freedom, oppression and betrayal;

- **Stock characters:** *Characters in melodramas are usually stereotypical, with one-dimensional personalities that rely heavily on one magnified trait;*
- **Dramatic dialogue:** *Action tends to unfold largely through dialogue, which uses flowery language in grand proclamations and sweeping declarations. Narration is sometimes used to further embellish scenes with more exaggerated wording and pronouncements;*
- **Private settings:** *Domestic environments, like characters' homes, tend to be used to magnify personal struggles, creating an intimacy that magnifies emotional reactions from audiences (StudySmarter, n.d.).*

The novel “The Face Without a Mirror” has become a true success, three sold out Slovene editions in less than two years since publishing, two re-prints in English, as well as translations into Spanish and German. The author of this novel, who had worked as an ambassador in Berlin and had a long and successful diplomatic career, was representing Republic of Slovenia at the UN, thus being its sixth permanent representative since independence in 1991. The novel in question was not his first novel, but the sixth in a row, which also gave him the Nobel Literature Prize.

In the novel “The Rainbow Beyond the Soul”, we have a diplomat with exceptional diplomatic skills, but also admirable writing skills. The question arises, can a diplomat with a successful career really be a poet? Is it possible to write, to truly write, in such a profession? The work of diplomat is probably very dynamic, tense, exciting, and surely, at times boring. In any case, you spend a lot of time among people, in different situations, constantly in action, and that must already be quite enough encouragement for writing (Jazbec, 2019, p.20). Why was the ambassador writing? Probably, he did it to relax himself, to get away from all the papers at work, because he felt trapped and tense, because he was fleeing, he wanted to go somewhere else, even if he himself did not know why he would want to go somewhere else. And, of course, he also wrote because he was good at it. His head was always full of ideas, they lived inside him, developed and just happened, as if he were sitting in a multi-screen cinema, experiencing everything at once, and of course, when he sat down behind his desk, he wrote and

wrote and could not stop. He enjoyed doing it, enjoyed immensely, even though he always had the feeling that he was working. Slaving away, actually. But that did not diminish his pleasure of writing. And the more he wrote, the more he enjoyed himself (Jazbec, 2019, p.62).

Italian authors Stefano Baldi and Pasquale Baldocci said that “Diplomats are born with a pen in hand”, which means that the main tool of a diplomat is the written language. Then, the author Milan Jazbec also has an interesting quote: “Words are like miracles, only you must be careful with them, skillful and tender.” In fact, diplomacy and poetry are two different fields of human activity, because the first is in the service of the state, while the second is in the service of creativity. It seems as if there are no common points between them, but in fact there are. A diplomat only has words at his disposal. Nothing, but words. With words, he presents, he explains, transmits, reports, asks, apologizes, forgives, defends, with words he does everything he must, everything he can, and everything he is allowed to do. He never possesses any other tool, any other thing, he only has words. But with words, one can create miracles, you can convince the unconvinced and change the minds of those convinced of other things, which is a real skill. You can convert the convinced, you teach those who do not know, you influence the self-confident and the haughty ones, in particular, it is easy to influence the latter since they think they are the most important, you can help those in dispute and you encourage the insecure, you excite the reserved and you can calm those who are restless (Jazbec, 2019, p.142). Traditionally, diplomacy uses calculated, logical and rational words, and its language is emotionless and not always clear and easy to understand. On the other hand, poetry uses words full of emotions, excitement and desires, highlighting the human heart and soul. The author of the novel, Prof. Milan Jazbec has made an empirical study on diplomacy and poetry, where he has learned two lessons as follows:

- *Words in diplomacy, when borrowed from the world of poetry, have specific power and magic. When they come from the resident ambassador in a host country, they increase diplomatic effect;*
- *Poetry can do without diplomacy, but diplomacy cannot do without poetry, without its language, style and approach. Culture bridges differences, increases understanding and deepens friendly relations (Jazbec, 2022).*

CONCLUSION

The novel "The Rainbow Beyond the Soul" by Milan Jazbec is a novel that will attract the attention of every diplomat who reads it because he/she will find himself/herself in the pages of this novel. It brilliantly combines the privileges and challenges of the ambassador's position with his personality traits. The way how individual feelings and emotions are managed is considered as important as diplomatic and protocol knowledge and experience. The key protagonist of the novel during his life was not only at the service of his state, but also at the service of his creativity. In addition to contributing to bilateral diplomacy by representing his country in Germany, he also contributed to multilateral diplomacy, in which case he had the honor to work at the UN. Chairing the Security Council was a proper test of his diplomatic skills, as it is for any diplomat who has the privilege of serving in this position.

This novel created space to analyze another issue, which is mentioned maybe a little in the literature of diplomacy and diplomatic protocol, but which has a very big role in the life of diplomats. It has to do with the marital status of diplomats. Can or cannot diplomats manage their feelings of love, do these feelings have an impact on their diplomatic activities, are they able to sacrifice their profession for their partners and vice versa, etc., issues that should be discussed when calculating the responsibilities of the diplomatic service.

While in diplomacy, the novel's ambassador calculates his actions logically and rationally, in novels he expresses all his feelings and emotions. His sensitivity along with his writing skills sends him to Stockholm, Sweden, but not for diplomacy. His novel "The Face Without a Mirror" turns out to be so successful that it places him among the nominees for the Nobel Prize for Literature. For a diplomat to be awarded the Nobel Prize is understood to be a great honor, but for a diplomat to be awarded this prize for literature and not for peace is another special characteristic of the novel "The Rainbow Beyond the Spirit". It can be concluded that it was the spiritual side that dominated over the diplomatic tactics and marked the highest achievement in the ambassador's career. Seems like in the literature, the main protagonist of the novel was completely freed from the pressure of hiding the stress, nervousness, anxiety and uncertainty caused by the profession of diplomacy, thus revealing his strong feelings and emotions without any obstacle.

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**Balkan ambitions and Polish inspirations:
experiences, problems, and challenges**

Artur Adamczyk, Goran Ilik, Kamil Zajączkowski (Eds.)

Amella Bashoviq

**Self-determination and secession:
In Between the Law, Theory and Practice**

Natalija Shikova

Milan Jazbec

Amella Bashoviq

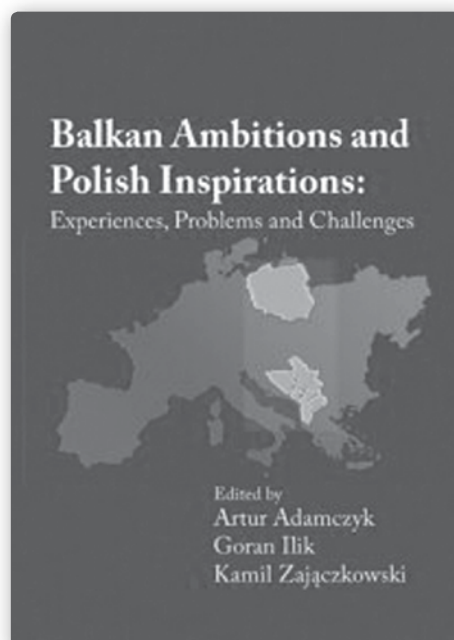
**Artur Adamczyk, Goran Ilik, Kamil Zajączkowski (Eds.)
BALKAN AMBITIONS AND POLISH INSPIRATIONS:
EXPERIENCES, PROBLEMS, AND CHALLENGES**

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Poland's strategic interest in fostering robust and amicable relations with the countries of the Western Balkans underscores its commitment to promoting stability, prosperity, and democratic governance in Southeast Europe. Western Balkans region occupies a pivotal geopolitical position at the crossroads of Europe. Poland recognizes the significance of fully incorporating the Western Balkans into Euro-Atlantic structures as a means of consolidating regional security and countering external influences that may pose threats to European stability, including Poland itself.

The integration of the Western Balkans into Euro-Atlantic structures not only offers the prospect of bringing stability to a region historically marred by conflicts but also serves to diminish the influence of external actors, particularly Russia. Poland perceives the accession of Western Balkan states to institutions such as NATO and the European Union as essential for weakening Russian influence in the region and bolstering



its own strategic position as a significant player in Central and Eastern Europe.

Poland's engagement with the Western Balkans extends beyond geopolitical considerations to encompass shared values, historical ties, and practical cooperation. Since 2015, Poland has intensified its diplomatic outreach and bilateral relations

with countries in the region, actively supporting their Euro-Atlantic aspirations through various initiatives. These efforts include Poland's membership in the informal Group of Friends of EU Enlargement and its active role within the Visegrad Group, aimed at facilitating the accession process and fostering regional cooperation.

Moreover, Poland's hosting of key summits such as the Berlin Process Summit underscores its commitment to advancing Western Balkan integration with the European Union. By sharing its own successful transformation experience and serving as a role model for aspiring EU members, Poland seeks to contribute to the consolidation of democratic governance, economic development, and regional stability in the Western Balkans.

In this context, the publication of anthology titled "Balkan ambitions and Polish inspirations: experiences, problems and challenges", featuring 17 articles by both Polish and Balkan authors, serves as a testament to Poland's dedication to supporting the Western Balkans' European integration journey.

This anthology underscores the multifaceted nature of Poland's engagement with the region and its commitment to promoting stability, prosperity, and democratic governance in Southeast Europe. Conversely, the anthology also highlights a number of challenges and issues

that are currently being faced by several Western Balkan countries. The subsequent section provides a concise examination of each article included in the anthology as well as a brief analysis of each article contained in the anthology.

1. **(Lack of) Strategy of the EU Towards the Western Balkans** authored by Kamil Zajączkowski argues that the effectiveness and reliability of a strategy that relies on conditionality and the transformative power of the EU, along with the process of Europeanisation in the region, have been demonstrated to be inadequate.
2. **Relations with the Balkans as a Part of Poland's Foreign Policy** authored by Arthur Adamczyk and Olga Barburska sheds light on Poland's highly reserved and passive approach towards the Balkans, putting forward the proposition that Polish diplomacy should extend extensive support exclusively in the areas where it has achieved notable accomplishments.
3. **Poland and NATO. Lessons for Balkans** authored by Malgorzata Bonikowska and Agnieszka Ostrowska examines Poland's experiences with NATO and draws parallels with the Western Balkans' aspirations for Euro-Atlantic integration.
4. **The Balance of Poland's Participation in the European**

- Union's Development Policy** authored by Katarzyna Kolodziejczyk highlights the interplay between Poland's participation in the EU development policy and its development cooperation policy is analyzed, shedding light on the repercussions that Poland faces as a result of engaging in the EU development policy.
5. **The Systemic Transformation in Poland – Determinants and Limitations** authored by Jacek Wojnicki – speaks about transformation in Poland following 1989, a year that is widely acknowledged as the commencement of profound changes and a turning point, which transpired through three significant stages.
 6. **Poland's Trade Relations with the European Union and Investment Flows in the Integration Process** authored by Malgorzata Dziembala – Analyzes Poland's membership in the EU which has proven to be mutually advantageous. It is undeniable that Poland has witnessed numerous positive effects as a result of this partnership. However, there is still much work to be done in order to modernize the structure of Polish exports and increase the proportion of innovative products.
 7. **Poland's Success in Attracting Foreign Direct Investment: Determinants and Prospects** authored by Aleksandra Borowicz evaluates and deliberates on Poland's status as a recipient of foreign direct investment (FDI) and ascertains the primary factors that contribute to its appeal.
 8. **The Support for Start-ups in Central and Eastern Europe and the Growing Importance of Poland's Ecosystem** authored by Anna Maslon – Oracz and Katarzyna Kacperczyk highlights Poland's sophisticated institutional and regulatory infrastructure aimed at aiding start-ups, along with its financial capability to stimulate innovation in the Western Balkans.
 9. **Poland's Experience and Influence in Shaping the Western Balkans' Future** authored by Elena Tilovska Kechedji highlights how can Poland's rich experiences and diverse range of experiences, as a valuable resource in their pursuit of peace, stability, and reconciliation can serve as a guiding compass, illuminating the path towards fostering amicable relations among neighboring nations.
 10. **The Great Power Game in the Balkans** authored by Bogdan J. Goralczyk argues that the establishment of stability in the Balkans region is intricately linked to the implementation of a resolute EU policy that prioritizes enlargement. This can be achieved through the provision of eco-

conomic aid and strategic investments in the region's economy.

11. **Between National Identity and National Culture. A View from the Balkans** authored by Marko Babic speaks about how diverse strategies are employed to examine nationalism as a dominant narrative in the region, which exerts a lasting influence on both societal groups and political culture necessary for the establishment of nations, the promotion of democracy, and, ultimately, legitimate aspirations for European Union membership.
12. **Towards Closer Balkan Cooperation: The Case of the V4 and the Challenges of the Eurointegration Process** authored by Goran Ilik concludes that the SEECP serves as a manifestation of regional cooperation, driven by a resolute ambition to secure full membership in both the EU and NATO for all its constituent nations. Nevertheless, this cooperation remains in a nascent stage, demanding significant investments in member solidarity and a robust political determination to foster collective progress. Additionally, a deeper involvement of the civil sector and the provision of sustainable and independent financial resources are imperative for the SEECP's future functioning.
13. **Challenges in Relations Between Serbia and the European Union** authored by Ivan Ilic and Dimitrije Andrejic speaks about various challenges that the Republic of Serbia encounters throughout its European integration process, with a particular emphasis on the issue of aligning the foreign policy of Serbia with that of the European Union in the face of sanctions imposed on the Russian Federation. In addition, it addresses the task of fulfilling the requirements and ultimately concluding the Chapter 35 negotiations, which entail the normalization of relations between Serbia and Kosovo as stipulated in the European Union's Negotiating Framework for accession talks with Serbia and it also highlights the growing Euroscepticism in the Republic of Serbia, while underscoring the significance of European integration.
14. **Reform in the Public Administration System in North Macedonia** authored by Mladen Karadjoski and Sasho Dodovski argues that the EU accession process faces a significant challenge in the form of reforming the Macedonian public administration and the judicial system. This article aims to identify the most effective approach to reforming the Macedonian public administration, considering past

experiences, the current state of affairs, and future development expectations, predictions, and recommendations.

15. **Risk Factors for Religious Radicalism and Violent Religious Extremism – the Case of the Republic of North Macedonia** authored by Ice Ilievski, Angelina Stanojoska and Kire Babanoski aims to shed light on the predicament societies confront in recognizing the risk factors associated with religious radicalization. These risk factors play a pivotal role in fostering violent religious extremism and terrorism. Moreover, the article examines the integration of these risk factors into national strategies devised to counter extremism and terrorism.
16. **Election Regulations: How Can Citizen Involvement Be Increased? The Macedonian Case** authored by Bojana Naumovska endeavours to present a novel framework that is expected to enhance the participation of North Macedonia's populace

in the electoral procedure in the forthcoming years.

17. **The Effectiveness and Perspectives of the Macedonian Regional Development Policy: Lessons from Poland** authored by Milka Dimitrovska emphasizes why a thorough analysis of the Polish and EU elements, in conjunction with additional comparative research, would yield significant advantages for the enhancement of the Macedonian regional policy, which is expected to entail a lengthy and intricate process.

“Balkan Ambitions and Polish Involvements” emerges as a substantial scholarly contribution that illuminates Poland's involvement with the Western Balkans and its wider implications for European integration. Through its diverse range of insights and perspectives, it serves as a valuable resource for scholars, policymakers, and practitioners of regional cooperation and peace, stability, and prosperity in Western Balkans, Southeast Europe and beyond.

Natalija Shikova
SELF-DETERMINATION AND SECESSION:
In Between the Law, Theory and Practice

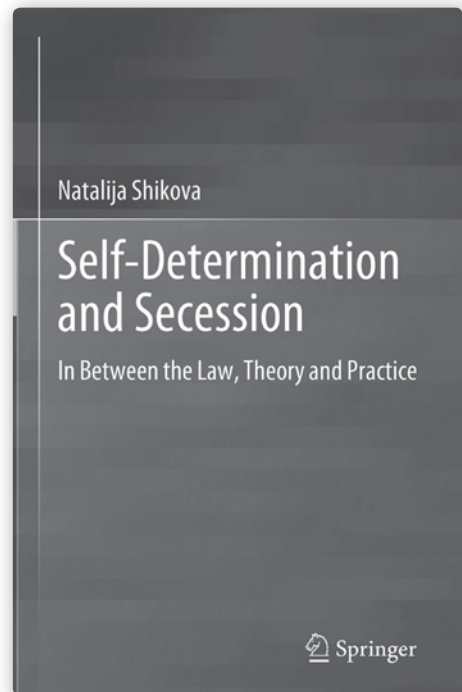
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It seems that the 21st century political reality brings to a point some of the issues that one might have thought they have been discussed, viewed upon and even forgotten long ago. But it is the fact that unpredictability is one of the most common rules of the international relations, no matter in which historical period we live.

Consequently, such situations offer to current authors plenty of possibilities to dwell on and research those seemingly everlasting issues from new point of view and within the new historical context. Hence, Dr. Natalija Shikova, associate professor of international law at the International Balkan University, Skopje, North Macedonia, took this opportunity and challenge with an aim to produce a highly up-to-date, thorough and systematic volume on the issue that was an outstanding one during the midst of the previous century, primarily related to the period of decolonization.

This monograph, titled **Self-Determination and Secession: *In Between the Law, Theory and***



Practice is the respected author's so far academic peak. The book is structured in four extensive parts. They cover self-determination and secession respectively as well as focus on internal self-determination, followed with the concluding part. And not to get lost in the immense number of discussions on this topic, the proclaimed author defines her

research frame with three key words from the book's subtitle: law, theory and practice. Law, as a matter of fact, international law is her fundamental *modus operandi*. Stemming from it, she also touches occasionally upon related issues, like diplomacy, human rights and similar. Within this legal embrace, the prominent author henceforth does her theorizing and its clear empirical backing. She is sovereign with both aspects: her indepth, thorough and systematic theoretical knowledge is supported with numerous case studies and examples of the discussed topic.

The book's first part is titled *Self-Determination and the Peoples*, structured in four subchapters on almost 90 pages. They discuss phases and developments of the right to self-determination of the peoples; next the right holders of self-determination, then focus on practicing the (external) right to self-determination, moving finally to the issue of statehood and recognition of states.

The second part is titled briefly *Secession*, while being structured in five subchapters on almost one hundred pages. They discuss the phenomenon of secession; then its dynamics, followed by focusing on the right to secession and then discussing the emergence of a secession entity, closing with the view on the legitimacy of secession claims.

The third part is titled *Internal Self-Determination* and organized within four subchapters on a little

more than 70 pages. They discuss first the internal aspect of the right to self-determination, then the social basis for the realization of internal self-determination, focusing next on tools and forms for the realization of internal self-determination according to the system of power sharing, and closing with tools and forms for the realization of internal self-determination, referring to access and integration.

The fourth part, the *Conclusion*, wraps up in one chapter (*Self-Determination Revisited*) in a form of an *Afterword* the main messages of the monograph, while adding, i.e. listing criteria and circumstances, primarily for the secession case.

The well-developed book's structure entails a very useful combination of theorizing, supported by empirical examples of both self-determination as well as secession. This shows the author's broad understanding and familiarity with practically each such case in the contemporary international community, discussed from historical point of view, placing it within the 21st century reality and firm theoretical frame.

Starting with the historical overview of the self-determination, the respected author dwells on the evolution from the principle to the right of self-determination, discussing it both within the UN system and with the focus on the legal basis for this right to materialize. Here, i.a., the cases of *Katanga vs. Zaire* as well as

Israel and Palestine (the Opinion of the ICJ about the Wall of the Occupied Palestinian Territory) are thoroughly discoursed (Part One, Chapter One). The cases of the Western Sahara and Gibraltar illustrate how difficult it is to define holders of the right to self-determination (Chapter Two). Next, the cases of the Aaland Islands and Puerto Rico support discussion on the internal self-determination (Chapter Three).

The discussion of the secession covers its theories, causes of secession and secession movements as well as the dynamics of secession, pointing out cases like Kosovo and Montenegro (Part Two, Chapters Five and Six). Following is the contemplation on the so called right to secession, referring to the cases of Eritrea (an example of the exercised right to secession) and the Canada - Quebec case (reviewing secession demands within the constitutional framework) (Chapter Seven). The emergence of a secessionist entity is illustrated by the cases of Katanga and Biafra (Chapter Eight) and the legitimacy of secession claims by cases of Bangladesh and South Sudan (Chapter Nine).

The discussion on internal self-determination points out cases of Iraqi Kurdistan and Sámi parliament (Part Three, Chapter Ten), to focusing later on social basis (national identity, clash of identities and multiculturalism) and thereafter on tools and forms of realization of internal self-determination (like autonomy,

decentralization and subsidiarity as well as political participation and educational rights).

This part ends with an indepth presentation and discussion on the Ohrid Framework Agreement that was signed in August 2001, thus ending the internal conflict between the majority population and ethnonational minorities in the then Republic of Macedonia. The solution, which followed the example of the Good Friday Agreement, was reached with the support of the EU and other international actors. The Agreement relies on the concept of multiculturalism and tends to build a multicultural society as a model, having in mind that along with the Macedonians also Albanians, Turks, Vlachs, Serb, Roma, Bosniak and several other people live in Nort Macedonia. As an unwritten rule says, multicultural and multiethnic societies are very rich in substance, but at the same time also very sensitive and vulnerable. Such richness must be preserved in any case.

In addition to a broad and indepth discussion, Prof. Shikova also offers her view on definitions of both phenomena she is researching. Contrary to what might be seen at the first glance, self-determination and secession are not easy topics to define. There are too many theoretical views and practical examples, along with political interests and state views, what all influences broader agreement on definitions.

Hence, self-determination would be a need to govern according to the will of the governed. As such it is a part of the UN system, recognized and guaranteed to all peoples, but it is at the same time complex structure, being materialized in several ways. It is a collective human right, related not only to colonial or post-colonial foreign occupation or simply to domination over people and / or peoples, but also tribes, nations. A list of open aspects and dilemmas is a long one and all influence possibly more concrete definition. It is set out in the most important human rights documents; however, the principle of territorial integrity is still superior to the right to self-determination.

Defining secession is basically clear, but at the same time there isn't a generally accepted definition: a separation of a territorial part of an existing state to create a new independent state. It is more than clear that states strongly oppose it in defense of their unity and integrity.

To round out the review, one has to point out some of the outstanding qualifications of this volume. The book is written in a very detailed as well as in an in-depth manner. It is de facto theorizing rules and principles of both self-determination and secession. Additionally, it offers a thorough presentation of numerous

cases from the discussed field. The style and the language of the monograph stand out for their academic and eloquent approach, which is primarily scientifically strict, but inviting. It is by no means an easy endeavour to reach such a fruitful combination of academic discourse. These facts are persuasively supported by the respected author's systematic and focused approach: she lists over 300 references, used in preparation of the book, presents over 800 footnotes, altogether on 277 pages in small print though. Additionally, the author lists cases and attempts of secession before and after the formation of the United Nations (pages 129-130).

As a wrap up this reviewer could clearly state how this volume is highly useful, recommendable and enriching. It additionally presents the respected author's academic evolution, research development and scientific progress, what is to be congratulated in any case. Last but not least, this edition presents, for its composition, style and approach, also a kind of an academic promise that its author, the distinguished and internationally reknown professor and researcher, will continue to produce similar research contribution to the broader field of her interest and for the benefit of a broader scientific community.

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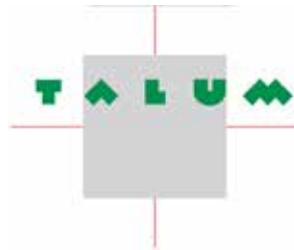
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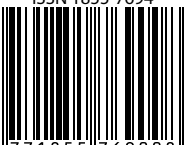
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