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It is with deepest regret that we announce the death of Professor Wiesław Kozub-Ciembroniewicz, one of the members of *Security Dimensions' Scientific Board* and valuable Author, who passed away on 13 February 2015.

Professor was an authority in the field of legal sciences. We will also remember him as an unquestionable authority in numerous life matters. He had always been an inspiration for others and pointed interesting directions of researches. He was given an exceptional gift of explaining difficult matters in an intelligible manner.

He held the position of the Chairman of Scientific Board of Center for Holocaust Studies at Jagiellonian University in Krakow.

Professor will always remain in our memory – wise, kind and strong.

Editor in chief and Editorial Board

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STATE SECURITY

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PROTECTION OF THE REPRESENTATIVES OF THE CONSTITUTIONAL ORGANS – GOVERNMENT PROTECTION BUREAU

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ABSTRACT

Government Protection Bureau as a uniform and armed organization was created on the basis of the act from 16 March 2001 on Government Protection Bureau. The organization deals with the issues within the public administration competence. It fulfils the duties contained in the catalogue of government administration ventures such as ensuring public safety and order and state security. Government Protection Bureau is a qualified formation realizing duties within the field of the security of constitutional organs and facilities crucial for state security. The tasks of the organization are defined in Article 2 of the above mentioned act on the Government Protection Bureau. Implementation of the statutory tasks concerning personal protection and protection of the facilities, taking into consideration dynamically changing threats to the safety, requires legal instruments and adequate preparation of the bodies cooperating during particular projects.

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Government Protection Bureau, personal protection, security of the facilities serving the President of the Republic of Poland, of the Prime Minister, of the Minister of the Interior, of the Minister of Foreign Affairs, protection of diplomatic missions, consular offices, security of installations, forms of protection.

Security, as a need of every human being, as well as the subjects of state security system responsible for maintenance of this crucial value, have been and will be in the future the objects of numerous publications. This situation is justifiable. First, it is the correlation between state of security itself and the subjects that – within their tasks – care to preserve it. Secondly, it is an interesting complexity of the matter of safety set among the dynamically changing threats. It is a matter of security, modern threats and the organizations responsible for ensuring safety to the persons and facilities that the author's publications have dealt and will deal with in the future. The reason for it is the fact that the subject is inspirational and additionally – impossible to exhaust because of its variability[1].

Security undoubtedly was and will be the most important among human needs despite the times, political, military and economic conditions. It is provided when there exists a system that introduces and maintains it[2]. This situation is described as a state without threats, state of tranquility, secure[3], freedom from danger,

1 B. Wiśniewski, *System bezpieczeństwa państwa. Konteksty teoretyczne i praktyczne,* Szczytno 2013, p. 18.

2 J. Piwowarski, *Fenomen bezpieczeństwa. Pomiędzy zagrożeniem a kulturą bezpieczeństwa.* Kraków 2014, p. 64

3 Słownik języka polskiego, PWN, Warszawa 1978, t. I, p. 147, cyt. za J. Stańczyk, *Współczesne pojmowanie bezpieczeństwa,* Warszawa 1996.

fear or attack[4]. Generally, the term "security" comes from Latin "sine cura securitas" meaning state of tranquility, safety and protection from threats[5]. Most of the researchers claim that security belongs to the anthropocentric category[6]. It is described as a state that guarantees the sense of security. The state that is characterized by the lack of risk of loss of crucial values for an individual as well as for the nation and international community[7]. In the literature it is often mentioned that the term "security", as many other theoretical categories, does not have one coherent definition. Colloquial meaning, as well as the scientific one, presents its general and special features[8]. Only after subjective and objective complementation it turns into a notion. The analysis of the above brings to the conclusion that security in objective meaning states for the desired condition in every field of state's activity. Thus, state's security structure is more or less the same as in case of the structure of the systems responsible for those functioning in the country[9].

In the subjective meaning, security is understood as a condition of a country, representing its own goods, striving for their development and survival. Such vast description of the security contains also the definition of national security. It appeared at the beginning of the 80. in the 20th century and was presented in UN Secretary – General's report from 1985 as *a summary and result of the security of every single and all of the member countries of the international society*[10]. Particular attention needs to be paid to the interpretation of the above mentioned definition presented by J. Stańczyk, who claims that *the primary purpose of the state and nation is to ensure safety to themselves*[11]. Taking it into consideration, national security is primarily to protect the social stability and constitutional order. In addition, national security is not only the protection of our nation and territory against physical assault, but also protection by various means, the vital economic and political interests, which loss would threaten the viability and the fundamental values of the state[12], it has to be treated as a process. In the same way national security is defined by W. Kitler who describes it as a process containing: a variety of treatments in the field of international relations and internal and protective and defensive (in the broad sense) projects, aimed at creating favorable conditions for the functioning of the state in the international and internal field, as well as the opposition to the challenges and threats to national security[13].

If we assume that national security is the highest existential value as well as the need of the nation and a priority objective of the state organization, it seems obvious that the wisdom[14] and experience should be found an important and valuable part of creating a coherent strategy for action to ensure the security of the state[15]. Undoubtedly the Republic of Poland should use the experience and wisdom gained during the rich history of previous centu-

4 According to classic decsription of Ch. Mauning, The Elements of Collective Security, [in:] W. Bourquin (red.) Collective Security, Paris, p. 134, cyt. za Z. Stefanowicz, *Anatomia polityki międzynarodowej,* Toruń 1999, p. 187.

5 R. Zięba, *Kategoria bezpieczeństwa w nauce o stosunkach międzynarodowych,* Toruń 2005, p. 33.

6 J. Kukułka, *Bezpieczeństwo a współpraca europejska: współzależności i sprzeczności interesów,* „Sprawy międzynarodowe" 1982, z. 7, p. 29.

7 J. Stańczyk, *Współczesne pojmowanie bezpieczeństwa,* Warszawa 1996, p. 4.

8 M. Brzeziński, *Kategoria bezpieczeństwa,* [in:] S. Sulowski, M. Brzeziński (red.), *Bezpieczeństwo wewnętrzne państwa. Wybrane zagadnienia,* Warszawa 2009, p. 30.

9 Por. S. Koziej, Teoria i historia bezpieczeństwa, skrypt internetowy: www.koziej.pl, Warszawa 2006.

10 Leksykon politologii, Wrocław 1997, p. 35.

11 J. Stańczyk, *Współczesne pojmowanie bezpieczeństwa*, Warszawa 1996, p. 23.

12 Ibidem, p. 21.

13 W. Kitler, *Obrona narodowa III RP. Pojęcie. Organizacja. System, „Zeszyty Naukowe AON" (suplement),* Warszawa 2002, p. 44.

14 „Wisdom" – knowledge gained from the science or experience, ability to use it, understanding world and people, knowledge about them…" Słownik języka polskiego, PWN, Warszawa 1978, t. I, p. 129.

15 R. Jakubczak, *Podstawy bezpieczeństwa narodowego Polski w erze globalizacji,* Warszawa 2008, p. 14.

ry. Therefore, a complex issue, which is widely understood security, also requires a reference to the origins and structure of selected national security threats. Especially that the structure of today's threats is multi – dimensional and multi – leveled and is the proportion of ongoing changes in the areas of politics, the military and economics around the world. The process of increasing globalization follows the changes, which from a security perspective leads to the spread of the phenomena that are advantageous and disadvantageous as well. Creating conditions for countering some threats make at the same time other threats appear[16].

In order to make the origin of modern threats more clear it is crucial to refer to the historical events. For the purpose of this article, the author adopted dividing line starting from the 80. of the 20th century. This choice was determined by the important facts that significantly affected the character of modern threats as well as the shape of the structure of the present state security system.

For the centuries security systems were built and improved. Their aim was to ensure military balance between Eastern and Western world. Bipolar world was divided into two spheres of influence. One of them consisted of the richest countries with democratic societies, with USA ahead[17]. The other one – the countries of Eastern bloc among which there were poorer communistic societies, gathered around the Soviet Union that was a leader[18]. The end of the Cold War, the disintegration of the USSR and the Warsaw Pact[19] led to the destruction of bipolar world with the powers guarding the world order so far.

The progressive evolution of the powers has opened a new chapter in the history of humanity, starting the era of globalization. The era of civilization fear, of fundamentalism – that described character of the threats brought by the aggressive forms of the religious revival[20]. The era of globalization, defined as the age of eschatology and Messianism, made humanity all over the world face many political, economic and cultural challenges – on a scale that had not appeared during the period of the Cold War. Progressive changes in the fields of politics, economy and culture led also to many changes in the perception of threats that came out not from ideological, political or economic changes but from the cultural ones. Confirmation of this thesis can be found in the theory of global tensions proclaimed by Samuel P. Huntington. It refers to the geopolitical situation that happened after the collapse of the bipolar world. As S. P. Huntington describes it in *The Clash of Civilizations,* a tension from cultural differences described as the clash of civilizations. Phenomena related to the cultural and political tensions not appearing in the history of humanity before. Paradoxically, in reference to the above mentioned theory of S. P. Huntington, in Muslim countries it is the Soviet – Afghan conflict that was considered as a "civilization war"[21]. While US and USSR politicians and people related to the military service, as well as public opinions in both countries, considered it as a conflict between communistic Eastern world and democratic and liberal West[22].

In the mentioned publication one may read: *"Peoples and nations are trying to answer most basic questions that they face: who are we? And answer them in the most traditional way, as people always used to answer, referring to their crucial values".* The author claims also that there are no homogeneous civilizations but the ones that vary in terms of ethnic, culture,

16 S. Koziej, *Między piekłem a rajem: Szare bezpieczeństwo na progu XXI wieku,* Toruń 2006, p.27.

17 S. P. Huntington, *Zderzenie cywilizacji,* Warszawa 2004, p. 18.

18 Ibidem, p. 18.

19 J. Cymerski, *Terroryzm a bezpieczeństwo Rzeczypospolitej Polskiej,* Warszawa 2013, p. 43.

20 Por. A.K. Merchant, *Religiuos Liberty and the Third Millenium: a Baha' i View of the Turning Point for All Nations* [in:] *Fides et Libertas 2000. The*

21 J. Cymerski, *Terroryzm a bezpieczeństwo Rzeczypospolitej Polskiej,* Warszawa 2013, p. 103.

22 R. Borkowski, *Terroryzm ponowoczesny. Studium z antropologii polityki.* Toruń 2006, p. 51.

society, economics and politics. They occur in different parts of the globe and are represented as well by the Western civilization as by the Muslim ones[23]. According to S. P. Huntington, the described cultural, ethnical and social differences will cause ignitions between members of various civilizations. It is the representatives of Muslim countries that presently ask themselves questions about religion, language, history, values, customs and institutions[24], creating this way new global politics' configuration taking into account the line of division between cultures.

Modern changes caused by the dynamic development of culture and civilization are characterized by the revaluation of the challenges with which the Republic of Poland must face as well. Economic development, growth of population, the acceleration of the processes of industrialization and urbanization directly influence the increase and change in the profile of the threats[25]. As well as the other countries, we are affected by the dynamic development of the civilization, globalization, unrestricted flow of information, mobility of the citizens and objective diffusivity of social phenomena[26]. The factors that affect growth and dynamic change of threats in 21st century. It was predictable that after the Cold War and the collapse of bipolar world the time, when we had to wonder if we are threatened by another military conflict, has come to an end. For the last years Europe has been convinced that the wars were over irrevocably[27]. The events that took place in Ukraine in 2014 led to a thorough re – evaluation of awareness in this regard, especially in the Polish society, as today the risk of another war in Europe has to be seen in real, not potential, categories[28]. Furthermore, the terror attack that was taken by Cherif and Said Kouachi in Paris at the offices of satirical magazine "Charlie Hebdo"[29] still does not allow to feel safe. Therefore, concern about the stability of constitutional organs, as well as persons statutorily protected in terms of their positions in managing the state, is crucial from the point of view of national security, its existence and development.

In case of such dynamic threats to the state security, the Republic of Poland has security system that functions in national and international dimension, taking into consideration multifaceted needs in terms of preventing and defeating dangers. One of the system's tasks is providing security to the persons that take key positions in the country[30]. In order to ensure safety to them, a formation for protecting people and facilities crucial for the state security has been created. The legal regulations for the activities has been released[31]. This way the formation obtained statutory tasks and instruments such as armament and equipment that allows to fulfil protective activities.

In particular countries different solutions have been used in terms of the structure of state security with reference to protective formations. They can be divided into four groups[32]:

1. Separate protective formations (United States of America, Poland, Latvia, Japan);
2. Dedicated police units (Great Britain, Germany, Sweden);
3. Separate special forces units (Israel, Russia);
4. Separate military units (Libya, military units additionally are involved in the protection of VIPs during foreign missions).

23 J. Cymerski, *Terroryzm a bezpieczeństwo Rzeczypospolitej Polskiej,* Warszawa 2013, p. 103.

24 S. P. Huntington, *Zderzenie cywilizacji,* Warszawa 2004, p. 18.

25 Por. G. Sobolewski, *Zagrożenia kryzysowe,* Warszawa 2010, p. 7.

26 K. Jałoszyński, *Współczesny wymiar antyterroryzmu,* Warszawa 2008, p. 13.

27 P. Bogdalski, J. Cymerski, K. Jałoszyński, *Bezpieczeństwo osób podlegających ustawowo ochronie wobec zagrożeń XXI wieku,* Szczytno 2014, p. 5.

28 Ibidem, p. 5.

29 http://wiadomosci.onet.pl/swiat/terrorysci-zaatakuja-wielki-marsz-w-paryzu-cieslak-ryzyko-jest-wielkie/behd5 (11.01.2015)

30 Ibidem, p. 5.

31 Ibidem, p. 5.

32 Ibidem, p. 39.

Among important public figures from the state protection point of view one must see the President, Prime Minister, some of the ministers, chiefs of the central banks – as the representatives of constitutional bodies. They belong to high – risk group and are exposed to potential attacks. Thus it is so important to prepare the state in terms of protection against modern threats in case of people that are under protection, as well as the facilities that are used by these persons.

In the Republic of Poland it is the Government Protection Bureau that provides security against modern threats to the constitutional bodies and persons that according to Polish law are under protection. The formation has 90-years-old tradition and is a successor of the Protective Brigade that was created by the order of the Minister of Internal Affairs Zygmunt HÜBNER from 12 June 1924 that was providing protection to the President of the Republic of Poland[33].

Presently it is uniformed and armed formation that was brought to life under the Act of 16 March 2001 on the Government Protection Bureau (Dz. U. 2014, poz. 170). The existing shape of the structure of the Government Protection Bureau was introduced by Decree No. Pf-2 of the Minister of the Interior and the Administration of 25 May 2007 on the introduction of the detailed structure of the Government Protection Bureau. The above mentioned act is not public and is of secrecy[34]. The Government Protection Bureau deals with the issues within the public administration competence. It performs statutory tasks included in the catalogue of public administration activities, among which there is the provision of the security and public order. It acts within the department of internal affairs that deals, among the others, with public order and security[35]. In accordance with the statutory provisions, the formation performs tasks in the field of protection of persons, objects and devices of special importance to the security of the state. These tasks have been defined in the Article 2 of the Act of 16 March 2001 on the Government Protection Bureau (Dz. U. 2014, poz. 170).

The tasks performed by the formation contain ensuring protection to the President of the Republic of Poland, the Marshal of the Sejm and of the Senate, the Prime Minister and Vice – President of the Council of Ministers, ministers competent for internal affairs, foreign affairs and other persons designated according to the appropriate regulations of the Minister of Internal Affairs[36].

The formation provides also protection to the former Presidents of the Republic of Poland, according to the Act of 30 May 1996 on the salary of former Polish President (Dz. U. 1996 No 75, poz. 356). Under the terms of the above mentioned act, former Presidents retain the right to protection only within the territory of the Republic of Poland.

In addition, the formation was imposed with the tasks of ensuring protection to other persons for the sake of the state[37]. These are indicated by the decisions of the Minister of Internal Affairs, the decisions on these activities bear secrecy clause.

The next task concerns providing protection to the delegations of foreign countries residing in the territory of our country during the official and working visits, this duty is accomplished by the Government Protection Bureau according to the Article 2.1 pt 4 of the Act of 16 March 2001 on the Government Protection Bureau (Dz. U. 2014, poz. 170).

33 A. Misiuk, *Administracja spraw wewnętrznych w Polsce od połowy XVIII wieku do współczesności. Zarys dziejów,* Olsztyn 2005, p. 299.

34 K. Jałoszyński, J. Cymerski, *Organy administracji rządowej wobec zagrożeń terrorystycznych. Biuro Ochrony Rządu.* Bielsko-Biała 2013, p. 39.

35 Zob. Ustawa z dnia 4 września 1997 r. o działach administracji rządowej (Dz. U. z 2007r. Nr 65, poz.437 z późn.zm.)

36 art. 2 ust. 1 pkt. 1 ustawy z dnia 16 marca 2001 roku *o Biurze Ochrony Rządu* (Dz. U. z 2014 r., poz. 170)

37 art. 2 ust. 1 pkt. 2 ustawy z dnia 16 marca 2001 roku *o Biurze Ochrony Rządu* (Dz. U. z 2014 r., poz. 170)

Important – from the point of view of safety of Polish diplomatic missions – task concerns the protection of the Polish diplomatic representations and consular offices as well as the representations of international organizations located outside the territory of the Republic of Poland[38]. This task is performed in accordance with issued – pursuant to Art. 2.5 of the Act of 16 March 2001 on the Government Protection Bureau (Dz. U. 2014, poz. 170) – Regulation of the Minister of the Interior and Administration of 20 March 2003 on the terms, conditions and mode of the exercise of the Government Protection Bureau's officers in terms of protecting Polish diplomatic missions, consular offices and representations of international organizations located outside the Republic of Poland (Dz. U. No 55, poz. 491). It is worth mentioning that Government Protection Bureau's officers provide protection to Polish diplomatic missions located in the countries of high threat of terrorist attacks, social unrest and crime[39]. The definition of the tasks imposed to the Government Protection Bureau in Article 2.1 pt 8 of the Act on Government Protection Bureau (Dz. U. 2014, poz. 170) contains also the ones in the field of protection of the objects and facilities for the use of the President of the Republic of Poland, the Prime Minister, the Minister of the Internal Affairs and the Minister of Foreign Affairs[40].

On the basis of Art. 2. 1 pt. 6 of the Act of 16 March 2001 on the Government Protection Bureau (Dz. U. 2014, poz. 170), the formation performs tasks related to ensuring protection and operation of the objects and devices of particular importance. The scope of the activities in this area is determined by the decision No. 00-10 of the Minister of Internal Affairs and Administration of 26 June 2003 on ensuring the protection to the objects and devices of special interest by the Government Protection Bureau[41]. The decision is accompanied by a clause "top-secret".

The next task involving protection is the conduction of the radiological and pyrotechnical recognition within the Chancellery of the Sejm and the Senate. An important part of the implementation of this task is cooperation with the Marshal's Guard – a formation subjected to the Marshal of the Sejm[42]. According to the Article 127.2 of the Act on the Government Protection Bureau (Dz. U. 2014, poz. 170), the tasks within the safety of Sejm and Senate are performed by the Marshal's Guard – the uniformed formation. The scope of the protection of the Senate is set by the Marshal of the Senate with the Marshal of the Sejm[43]. The guards of the Marshal's Guard perform also representative tasks, especially during the welcoming and goodbye ceremonies during parliamentary visits and honor escorts[44]. The range of activities for the Government Protection Bureau in the area concerning this task is defined in Decision No. 0-28 of the Minister of Internal Affairs and Administration of 18 October 2001 on the pyrotechnical and radiological reconnaissance in the objects of the Chancellery of the Sejm of the Republic of Poland and the Senate of the Republic of Poland[45].

The Government Protection Bureau, as a formation performing protective tasks, which aim is to ensure the protection of persons, objects and devices, is equipped with the delega-

38 art. 2 ust. 1 pkt. 5 ustawy z dnia 16 marca 2001 roku *o Biurze Ochrony Rządu* (Dz. U. z 2014 r., poz. 170)

39 K. Jałoszyński, J. Cymerski, *Organy administracji rządowej wobec zagrożeń terrorystycznych. Biuro Ochrony Rządu.* Bielsko-Biała 2013, p. 39.

40 J. Cymerski, *Terroryzm a bezpieczeństwo Rzeczpospolitej Polskiej,* Warszawa 2013, p. 196.

41 K. Jałoszyński, J. Cymerski, *Organy administracji rządowej wobec zagrożeń terrorystycznych. Biuro Ochrony Rządu.* Bielsko-Biała 2013, p. 40.

42 art. 127 ust. 2 ustawy z dnia 16 marca 2001 roku *o Biurze Ochrony Rządu* (Dz. U. z 2014 r., poz. 170)

43 art. 127 ust. 4 ustawy z dnia 16 marca 2001 roku *o Biurze Ochrony Rządu* (Dz. U. z 2014 r., poz. 170)

44 art. 127 ust. 3 ustawy z dnia 16 marca 2001 roku *o Biurze Ochrony Rządu* (Dz. U. z 2014 r., poz. 170)

45 K. Jałoszyński, J. Cymerski, *Organy administracji rządowej wobec zagrożeń terrorystycznych. Biuro Ochrony Rządu.* Bielsko-Biała 2013, p. 40.

tions specifying the forms of legal action that can be used during its activities. Forms of the activity are described in the Article 11 of the Act of 16 March 2001 on the Government Protection Bureau (Dz. U. 2014, poz. 170). Planning the protection of persons, facilities and equipment is performed on the basis of the Article 11.1 of the Act of 16 March 2001 on the Government Protection Bureau (Dz. U. 2014, poz. 170). It requires defining the forces and resources' amount necessary for the optimal protection of a person, object or facility. During the planning process it is crucial to pay particular attention to those elements that may affect completion of the task regarding to the accompanying conditions[46].

Another form of the Government Protection Bureau's activity is identifying and analyzing the potential risks and preventing the threats[47]. This allows the formation to undertake preventive actions. "Prevention" is understood as the use of various measures in order to prevent accidents, damages and disasters[48]. Formation is allowed to perform preventive actions only within the scope of the subject of its protection, which are persons, objects and facilities and these activities serve widely understood prevention[49]. The preventive actions are undertaken in relation to all the persons, objects and facilities that are under the protection of the Government Protection Bureau[50]. The forms of the preventive activities are defined in the Article 16 of the Act of 16 March 2001 on the Government Protection Bureau (Dz. U. 2014, poz. 170). These regulations concern prevention from the offences within the meaning of criminal law, in which a protected person could become a victim. Furthermore, they refer to the determination and identification of all the threats to the fulfilment of the tasks described in the Article 2.1 of the Act of 16 March 2001 on the Government Protection Bureau (Dz. U. 2014, poz. 170)[51].

The formation uses the preventive methods and measures that are defined in the Article 17.1 of the Act of 16 March 2001 on the Government Protection Bureau (Dz. U. 2014, poz. 170). They concern gathering, proceeding and using the data and refer to the control of the objects and facilities that are under the Government Protection Bureau's protection in order to reveal the threats to their safety[52]. The preventive actions undertaken by the Government Protection Bureau are also used for the analysis of the threats prepared in terms of the assessment of risk of the protected persons, objects and facilities. The above mentioned analysis is prepared also on the basis of the information obtained from the organizations cooperating within the Anti – Terrorist Center of the Internal Security Agency[53]. Cooperation between the services is based on the legal delegation concerning interactions with other formations and objects within the field of support and gathering information in order to ensure security of the representatives of the constitutional organs[54]. Rules for the exchange of information between the organizations are set in the Regulation of the Prime Minister of 4 March 2008 on the scope, conditions and procedures for the transfer to the Government Protection Bureau information obtained by the Police, Internal Security Agency, Intelligence Agencies, Border Guard, Military Counter-Intelligence Service, Military Intelligence Service and Military Gendarmerie (Dz. U. No. 41, poz. 243).

46 Ibidem, p. 40.

47 art. 11 ust. 2, art. 11.ust. 3 ustawy z dnia 16 marca 2001 roku *o Biurze Ochrony Rządu* (Dz. U. z 2014 r., poz. 170)

48 Zob. Mały słownik języka polskiego, red. S. Skorupa, H. Auderska, Z. Łempicka, Warszawa 1989, p. 632.

49 Zob. J. Lipski, U. Nalaskowska, K. Zaidler, *Ustawa o Biurze Ochrony Rządu - Komentarz*, Warszawa 2008, p. 47.

50 K. Jałoszyński, J. Cymerski, *Organy administracji rządowej wobec zagrożeń terrorystycznych. Biuro Ochrony Rządu.* Bielsko-Biała 2013, p. 41.

51 Por. J. Lipski, U. Nalaskowska, K. Zaidler, *Ustawa o Biurze Ochrony Rządu - Komentarz*, Warszawa 2008, p. 47.

52 Ibidem, p. 48.

53 K. Jałoszyński, J. Cymerski, *Organy administracji rządowej wobec zagrożeń terrorystycznych. Biuro Ochrony Rządu.* Bielsko-Biała 2013, p. 42.

54 Ibidem, p. 42.

In the Article 11 pt 4, 5 and 6 of the Act of 16 March 2001 on the Government Protection Bureau (Dz. U. 2014, poz. 170) there are indicated also – among the forms of activities of the Government Protection Bureau – coordination of undertaken protective activities, performing direct protection of people, facilities and equipment. Information concerning coordination of the activities, protection of persons and objects bear confidential clause[55]. Taking into consideration the character of the tasks performed by the Government Protection Bureau as well as the dynamics of changes of the threats to the representatives of the constitutional bodies and facilities, the formation – according to the Article 11 pt 7 of the Act of 16 March 2001 on the Government Protection Bureau (Dz. U. 2014, poz. 170) – is committed to improve its working methods. This improvement is achieved by the following elements. First of them encompasses current research carried out after the completion of protective actions. The conclusions allow to make modifications and changes during the particular stages of the realization of protective tasks. Another element of the improvement of working methods is training of the officers of the Government Protection Bureau. The training process is implemented by the unit responsible for the trainings that conducts trainings in the field of physical and defense as well shooting[56]. The purpose of the training and improving process is to prepare officers theoretically and practically for fulfilling the tasks described in the Article 2 of the Act of 16 March 2001 on the Government Protection Bureau (Dz. U. 2014, poz. 170).

The Government Protection Bureau, as formation ensuring protection to the representatives of the constitutional organs, objects and facilities used for their purposes, is found among the most important organizations responsible for the state security and among the ones that continually introduce the necessary changes in order to successful accomplishment of its tasks[57]. It is partly determined by the specificity of the environment in which the Government Protection Bureau performs its tasks and partly by the characteristic and dynamics of the threats to the state security.

SUMMARY

Ensuring protection to the representatives of the constitutional organs, objects and facilities for their purposes is only a part of the tasks of Government Protection Bureau performed according to the Article 2 of the Act of 16 March 2001 on the Government Protection Bureau (Dz. U. 2014, poz. 170). These tasks contain within their scope the protection of the delegations from foreign countries during their official and working visits on the territory of the Republic of Poland. Furthermore, the protection of Polish diplomatic missions, consular offices and representations of international organizations located on the territories of the countries overwhelmed with wars or terroristic threats, belong to the tasks of the Government Protection Bureau.

The scale of the dangers to the representatives of constitutional bodies, their complexity, the dynamics of their changes undoubtedly confirm the necessity for creating the state security systems. Within these systems, the formations responsible for prevention and fighting against modern threats are brought to life. They become able to effectively ensure security thanks to legal means, armament and training they are provided with. Taking into consideration the character of the modern threats to the security, the initiative from the legislator is expected that will equip the formations with legal means ensuring fulfilment of the protective tasks. In terms of means that would enable international and local cooperation. As forms of

55 K. Jałoszyński, J. Cymerski, *Organy administracji rządowej wobec zagrożeń terrorystycznych. Biuro Ochrony Rządu.* Bielsko-Biała 2013, p. 42.

56 Ibidem, p. 44.

57 Ibidem, p. 48.

legal regulations providing the possibilities of using optimal forms and methods necessary for the protection of persons and facilities in the country and abroad as well.

A part of the above mentioned professional provision of the protective activities is cooperation with the organs of public and local administration. For this reason, coordination and managing the protective actions is necessary. This coordination is realized by the Government Protection Bureau, according to the binding legal acts and should be carried in accordance with precise legal documents describing competences of the objects and organs involved in the particular task.

It is also reasonable to build awareness of both, protected persons and people working in the structures of public and local administration of the threats to the security, as well as training for the desired behavior in case of the occurrence of the threats[58].

The Government Protection Bureau, as a formation protecting representatives of the constitutional organs, objects and facilities of the special meaning to the state security, operates in the area of risk prevention. The essence of the activities carried by the Government Protection Bureau is undertaking actions prior to the real threats. The nature of these activities is perfectly described by the words of Henry Kissinger, US politician, diplomat, Nobel Peace Prize winner: "Security is the foundation of everything we do"[59].

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ELEMENTS OF THE II PILAR OF SECURITY CULTURE. LEGAL CONSCIOUSNESS AND EFECTIVENESS OF LAW

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ABSTRACT

In this paper there are analyzed elements of the first and the second pillar of security culture with emphasis on the legal issues, which governs the social life of contemporary societies. Authors aims to prove how important for the state security is to mindfully combine morality with legal regulations, and how in fact these elements of the two pillars of security culture interpenetrate and equally impact the safety of the entire society. There are introduced three dimensions of security culture and the effectiveness and philosophy of law were investigated as well to see that state and culture are mutually connected.

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INTRODUCTION

Security culture is a phenomenon that occurs on the entire area of the vast heritage of the culture of mankind, present since the dawn of times, regardless of whether in the existing cultural and space-time context people are aware of that or they create this phenomenon intuitively. It is inevitable for harmonious and undisturbed development of each state.

In this paper analyzed were elements of the first and the second pillar of security culture with emphasis on the legal issues, which governs the social life of contemporary societies. Hence examined were differences between the natural and the positive law (mainly from the philosophical perspective) and categories significant for the functioning of law i.e. the effectiveness of law and the legal consciousness. Authors aims to prove how important for the state security is to mindfully combine morality with legal regulations, and how in fact these elements of the two pillars of security culture interpenetrate and equally impact the safety of the entire society.

Let us start with defining the key concept for security studies i.e. security culture.

Security culture is a phenomenon that enables to accomplish following objectives:

- Efficient control over possible threats to certain subject, which results in an optimal state of danger to this entity (in certain time and place);
- Restoring security of a certain subject when it was lost;
- Optimization of levels of multi-sectorally formed and examined process of develop-

ment of security subject, which aims at harmonization of sectors in the context of prioritizing goals of the entity;
- Efficient stimulation of consciousness of a higher need in both social and individual scale – the need of self-fulfillment and creation of trichotomous development – a) mental, b) social, and c) material within supporting beliefs, motivations and attitudes that cause individual and collective actions, which have influence on increase of potential of autonomic defense (self-defense) of individual and group subjects of security.

Self-defense, which was emphasized in this definition implies that behind the concept there is some actuality i.e. manifestation of potentiality of a subject of security, e.g. a person, a community or a state. Most frequently this relates to a parameter relevant for the level of security, which is often recalled in the both security studies and geopolitics, i.e. power of a state comprehended as a subject of national and international security (this parameter can be also applied to other entities e.g. individuals, social groups).

Discussing security culture one should start from the basis of functioning of individuals, social groups, communities and entire societies. This basis is the culture built by humankind over the centuries.

Culture is the sum of elements, which compose the material and non-material possessions of humankind consolidated over the centuries. Robert Scruton proclaims that "culture counts" . However so that we can proclaim toward others that "culture counts", we must first start from ourselves.

Current, western trends are often a false interpretation of freedom, which causes decrease of the level of numerous branches of culture. Mistakenly comprehended freedom frees a man from alleged "boundaries" of duties, which culture indicates, not imposes to a man. Nowadays many people eagerly and frivolously frees themselves from both duties and the burden of any responsibility.

In a situation when such infantilized version of freedom is popularized, there occurs a risk that culture of the West would be dissipated and replaced by barbarians' customs, who use advanced technique yet are morally, emotionally and intellectually crippled. This subject is exceptionally live for the West and deserves a separate elaboration, an actualized alternative for Oswald Spengler's deliberations.

Vast and conceptually capacious definition of security culture was created by Marian Cieślarczyk, the creator of the polish conception of the analyzed phenomenon. In his interpretation this phenomenon is defined in a following manner:

"Security culture is a pattern of basic assumptions, values, norms, rules, symbols and beliefs that influences the manner of perceiving challenges, chances and/or hazards, the manner of sensing and thinking of safety and the manner of acting and operating (cooperating) of entities, which are learned by these entities in different ways and articulated in processes of widely understood education, including natural processes of internal integration and external adaptation and other organizational processes, as well as in the process of strengthening widely (not only military) understood defensibility, which altogether serve moderately harmonious development of these entities and attaining by them the most widely understood security, which is beneficial for them and the surrounding".

THREE DIMENSIONS OF SECURITY CULTURE

Security culture can be analyzed in three dimensions:

1. First dimension – certain ideas, value system and spirituality of a human being,
2. Second dimension – relates to operations of organizations and to legal systems, inventiveness, innovations etc.,

3. Third dimension – includes all material aspects of human existence.

Cieślarczyk names the above components of security culture "the pillars of security culture". The researcher describes them respectively as: the mental and spiritual pillar, the organizational and legal pillar, and the material pillar. Components of these pillars partly interpenetrates, e.g. knowledge, which is a component of the first pillar, apart from values and rules respected by a man is in a rational understanding also an element of the second pillar, which is of organizational and legal character and is associated with a widely understood technical thought.

OBJECT AND SUBJECT OF LEGAL CONSCIOUSNESS

Although the problem of legal consciousness has a rich literature, or maybe it is because of that – there is no agreement concerning what exactly should be the object of legal consciousness. Distinguished can be at least four attitudes. According to the first one the object of legal consciousness is merely the positive law. The second embraces not only views on the positive law, but also on the regime (state's authorities) – hence it is a legal and social consciousness. Maria Borucka-Arctowa presents an intermediate position. She considers legal regulation, both individual and those that create legal, and political and legal institutions, as the object of legal consciousness, under the condition that they are governed by the legal norms. Moreover also both behaviors and decisions of subjects applying the law can be considered objects of legal consciousness.

Subject of the legal consciousness on the other hand are people as members of specific social groups or performing specified social roles. Speaking of the consciousness of a group or legal consciousness of the entire society, we mean not only the statistical distribution of answers but also their significance regardless of the role played by individuals or groups.

EFFECTIVENESS OF LAW

Effectiveness of law is considered as one of its most significant components, but it should not be the only evaluation criterion of law, for it may turn out that the overall evaluation of a legislative project is going to be too critical due to excessive social and organizational costs, too long waiting time for achieving intended result and disappointing durability of this result or violation of values widely accepted by the society.

Evaluating the law, we analyze not the behavior itself, which is in accordance with the norm, but rather its consequences.

Legal doctrine distinguishes numerous types of legal effectiveness and there is unquestionable, though not complete terminological agreement concerning this subject. The most developed classification was proposed by B. Wróblewski , basing on which below will be provided the distinction of the most frequently mentioned types.

1. Behavioral efficiency – when addressee of the norm behave in accordance with the pattern included in the norm and hence the direct objective of the norm is fulfilled. Within this type distinguished can be: material, procedural, and formal efficiency (called the efficiency in narrower meaning);
2. Psychological efficiency – occurs when the legal norm influences experiences of the addressee, wherein this influence can make the addressee behave in accordance with the pattern included in the norm, or merely impacts his behavior, not leading however to the behavioral efficiency.
3. Finistic efficiency – is based on achieving the intermediate purpose of law i.e. creating a state of research, which would be the consequence of behaving in accordance with the law.

There are also some conditions that precludes effectiveness of law. These can be both substantive and formal. Substantive one occurs when a given issue should not be regu-

lated by the law due to its object, even though adoption of a legal act is physically possible. Formal conditions relates to a situation when transmission of the information about the law is impossible or interfered (unknown regulations are ineffective regardless of the applicable rule: ignorantia iuris nocet).

PHILOSOPHY OF LAW

In practical considerations about the philosophical reflection of the law which digress from more complicated theories, let's start from the essence of the integrity term. It is both a key and fundamental issue.

The present times and changes which take place, are a criterion of acting in an upright manner. It refers to people and institutions from the ring of government administration or to put it widely the public safety administration. At the same time, the actual models of leading administrations in the world, start to get closer to managers concepts connected with the effectiveness of administration. It refers also the public safety system administration. It turns out that in the times of economic prim, there are still views (which got mature through ages and millenniums) that the prosperity of individuals, societies, institutions and companies is based on the "praxeological trivet" constructed out of "Three E". They are ethics, effectiveness and economy (the author's concept. The second tripod of the same kind is experience, skills and knowledge), but not economy itself without the Corporate Social Responsibility Factor.

The believe that ethics pays off is one of the key elements of "opening" the contemporary deontological and praxeological considerations referring to particular professions including that of a police officer. Benjamin Franklin one of the founders of the USA who stemmed from not a well-off family (philosopher, practitioner and inventor in the field of electricity – he has invented a lightening conductor) believed in the following rule: "Honesty is the best policy". The importance of ethical component in behavior becomes clearly visible. It gives the highest certainty of one's own safety and prosperity. Peter Drucker an expert who believes to be a guru in organization and administration (disciplines which are vital for the police force effectiveness) thinks alike. In the book The Management Practice which is believed to be a kind of "management Bible" (a book which is constantly reissued since its first publication in 1955) Drucker professes his rational believes in regard to administration. However that particular rationality contains a sort of warning from apparently "safe" mediocrity. It is a kind of virus which "trails" in institutions that serve for the organization's construction (unfortunately mostly in public administration). Drucker also known as the "Management Pope" refers to good organization spirit, to its idea which is a reflection of a mission driven by a particular organization. Without doubt the police mission is clear to everyone. Drucker who is believed to be a worldwide expert claims that organization makes a kind of energy of its own. The energy depends on the level of human effort put into the organizational structure. According to the energy maintenance law, a given device can only produce that much energy as it was previously given. The eventual increase or to be more exact its reason is situated in the spiritual and moral reserves. Drucker as kind of Zen Master pays attention to the fact that morality should not equal preaching. The organizational philosophy should harmonize the individual goals with the common good. According to Drucker, the authentic morality must therefore be succinct and not only "preaching". It all means that it is the basic action rule. It is manifested, practiced, learned and consolidated through real and at the same time ethical everyday behavioral practice. To summarize it with Drucker's words: "Morality is necessary for the creation of adequate administration spirit. It can be expressed by a great attachment to human force, the emphasis on integrity, severe justice norms and appropriate behavior".

INTEGRITY

The idea of integrity has a few characteristic equivalents. One of them is being noble. There is also quite a lot said about being flawless and honorable. For the people who work at the police station, integrity should be manifested through such character traits as justice, objectivism, responsibility, trustworthiness, loyalty, command trust, respect for higher values (ideas) system and the usage of it in one's actions, simultaneously showing understanding and empathy.

Integrity means complying with moral law. The closest to it, is the usage of nature law (ius naturale). It describes the basis of human dignity and honor. It depicts the virtue of justice without which it is difficult to talk about the individual's maturity or mature human community . "The natural law is something just out of nature. Something that belongs to a person due to its ontological dignity. Therefore the natural law and human dignity (from birth to death) are two terms that complement each other".

Dignity and honor are two values which cannot be taken away from a human being just like knowledge. A person can lose his/her honor and knowledge after all. What does it mean? It means that everything depends on the person and the choices he/she makes. It is the same with honor. Whether it will be disgraced or lost. The maintenance or the loss of one's own dignity depends on reliable or not reliable abidance by the mature of law indications. From intuitional following of the ius naturale standards. Grotius who is believed to be the creator of the modern version of the Nature laws, believes (similarly to Saint Tom) that ius naturale is a moral code that expresses invariable human nature and that the real acquaintance of that new natural code is possible only through discerning research of the social side of human nature.

Nowadays additional necessary ordering element is the positive law. It is a human formed law. In the positivistic law concepts, the existence of legal connections between the legal system and morality are acceptable. There is however one condition. The validating independence must be kept . In other words, for the positivistic lawyers the moral law evaluation goes beyond the tasks of legal studies. It means that jurisprudence may only express statements about the legality or unlawfulness of legal norms with the morally ethical ones. The positivistic attitude became the motive force for the development of specialized legal branches that refer to administration, civil law or criminal law. It is a foregone conclusion that the purely legal regulation range is much narrower than the morally ethical one. Nevertheless, as it has already been said the positive law is a significant normalization element. Especially in difficult situations. At the same time, they require transparent determination methods. The Radbruch's (German legal theoretician) formula is of real importance. The formula opposes to the eventual violation of elementary moral standards by the positive law. According to Radbruch, the law of nature is an obligatory criterion for the legal systems.

In our reflections about the role of philosophy and theory of law there is a need to keep in mind the fact that there are various kinds of legal order. Our European, continental legal system is one of them. The study of other legal systems is just as important as the necessity to get familiar with the elements of other philosophically-religious systems. As well as varied cultural rings, the part of which are their legal systems. They are characteristic for their attainments. The legal comparative refers to the cultural rings.

The continental law stems directly from the Roman Law. The Ancient Roman Empire was the cradle of the study of law. As it has already been mentioned, there are many examples that the attempt to seriously treat that kind of generalization form, which affirms the notion of lineal historical progress is a failed one. In the historic period from the 5th to 10th century AD

that excellently developed knowledge (in the Ancient Rome) has unfortunately to a large degree become forgotten. The heir of Roman legal thought recreated at the Boulogne University became the Holy Roman Empire of the German Nation . It is important to remember that the main legal sources in continental law are the legislations created by legislature. The State administration belongs to the so called executive branch (executive authority, government administration). The third authority in that division is jurisdiction.

In opposition to the continental legal system, the Anglo-Saxon precedent legal system was formed by the high judges from royal courts.

While looking at the history of law, we might say that in ancient cultures-starting from Egypt trough Israel, Greece, Rome, India, Tibet, China up to Japan the study of law was connected with religious studies. The teaching of law in isolation from the religious rules is a Roman invention. The development of law and the institutions which represent it are generated by a specific legal culture. The professionals-lawyers are its creators.

It is an important issue for the sake of our considerations that an instituted law is a practical system which fulfills particular functions. Even though the considerations in question, ought to at the moment "touch" the elements of philosophy of law, it is worth relating that philosophy to the distinguished role of law in the life of a human being. "Without the understanding and acceptance of the function of purpose in human action, family and State become specially incomprehensible and highly harmful . Therefore the functions of law are of great importance. The particular functions of law are enumerated below. They constitute its significance both in our everyday life and in the process of civilizational development.

Stabilization-regulation function through the order establishment in various disciplines such as social order, economy and politics within the State in which the system is obligatory, it ensures specific stabilized order and safety level.

Protective function deals with the protection of values believed to be important by the people who are the part of the society. At the same time it protects the welfare of citizens of that particular State.

Educational function deals with the formation of proper behavior in citizens. In accordance with the established regulations which trough preventive actions serve to increase the socially felt quality of life. Furthermore, through the usage of sanctions which are the result of regulations violation it deters from doing or repeating actions which are against the law.

Dynamic (catalytic) function in the socially legal sense it consists in the usage of legal tools to perform (in accordance with other legal functions-i.e. stabilization-regulation function) changes which are necessary in a particular situation and in specific disciplines of life. For instance the establishment of self-government administration after the change of political system in Poland. The change of political system was the outcome of the Round Table arrangements in 1989.

Distribution function is all about the division of both specific assets and commitments. They are the necessary elements for the proper and harmonious State activity.

Repressive function deals with those State tasks which concentrate on the punishment specification in case of performing actions which are forbidden by law. What is more, which qualify as offences or crimes. At the same time the function realizes preventive tasks. It is supposed to scare of or demobilize potential criminals. The inevitability of punishment for committed crimesis also a very helpful aspect.

Control function transparently describes what is in accordance with the law and what is forbidden. In other words, the legal system is a tool of social control which leads to the accurateness of human behavior.

Organizational function is the creation of organizational frames with the help of legal system. The frames are supposed to be created for the public authority organs, social organization and public and non-public administration.

Culture-forming function it is the integration of people from a particular country. It is done with the help of system of laws. It has a form of care for the historical continuity, national traditions and the development of art and culture. In cooperation with the protective function, the function in question is in favor of cultivating the values system which is crucial for the society as well as the feeling of one's identity.

Guarantee regulation function its task is to describe the boundaries between the authorities of State administration (which acts for the common good) and the individual's rights which describe its freedoms. The regulations through the legal system refer also to the possibility of compromise as a desired and effective form of ending social conflicts.

The efficiency of the legal fulfillment of the above mentioned functions and the support of that efficiency through safety system administration (especially in our considerations) is a very important and interesting issue for the philosophers. Because the sole existence of those functions is not enough. The highest effectiveness and reality in their fulfillment is what counts the most in the quality of life. The issue at hand, is being discussed by (among other things) the theory of effective (efficient) action. It is often known as praxeology.

Tadeusz Kotarbinski brought a vital contribution in the praxeology development. Therefore, we can talk about "the Polish praxeological school".

Let's return to the philosophy of law. Because the phenomenon of public safety administration is precisely characterized by actions on the basis of and within legal boundaries. When talking about philosophy which is almost an analogy of a theory notion with all its crucial functions (descriptive, explaining, application, prognostic and valuating) let's remember that we have established that practical philosophy is a synonym for "sense". Philosophy also means "the love for wisdom". In Tatariewicz's opinion philosophy is a study "which will give outlook on the world. (…) It is a study the range of which is the most extensive one (from all the other studies) and the notions are most general. If it happens however that philosophy choses a part (from its great range) and treats it in a very special way (like in the case of law and administration) it all happens due to the great importance and value of the part in question. It is the study of what is the most important and precious for people.

Here are the possible meanings of the philosophy terms:

Rational search for truth and the existence rules. Knowledge and behavior.

Each of the three domains which consist in the philosophy term. The philosophy of nature (natural), moral and metaphysical philosophy.

System or philosophical doctrine (i.e. Aristotle's philosophy).

The values system that we should use to direct us in life.

Philosophical attitude accepted for example in specific situations or difficulties.

Critical research of the basic rules and notions in a particular category of knowledge with the intention of their usage, improvement or modification.

We owe the notion of the philosophy of law to Germans (17th century) and the Enlightenment era. The philosopher Immanuel Kant used the term the "study of law" in his study entitled The Metaphysical Elements of the Study of Law. It is probable that the introduction of the termthe philosophy of law in everyday life should be subscribed to Gustav von Hugo , one of the historical founders of the jurisprudence school. Whereas Hegel – the author of the work Philosophy of Right from 1820 was responsible for its dissemination. It was the time of Hegel's objective idealism as well as legal philosophy understood as the human identity with law effect.

The proponent of that last opinion was an Italian philosopher priest Rosmini Serbati . He was an aristocrat appointed with good education. Education which was greatly permeated with spirituality. What is important is the fact that in his opinions he presented an attitude the threads of which are apparent in our considerations. He believed that negative phenomena are more the result of inappropriate formation of human mentality and the consequential manners of both acting and thinking than social systems and the eventual changes which may happen in them. Rosmini extracted information from Thomism (Saint Thom's philosophy), the thoughts of Saint Augustine and Kant and Hegel's philosophy. In spiteof eclecticism the outlook system turned out to be quite coherent. The person concept is the key to the definition of law. It was expressed in the following words: "a person is the existence of law". It refers to the Natural law and the corresponding maximalist philosophy. The philosophy at hand, deals with all kinds of problems and insistently aspires to solve them in a way that leaves no place for doubt (completely certain) or if the first one is impossible in the manner most possibly close to certainty.

After the popularity period of the maximalist philosophy, it came a time for scientism. It is based on the 18th century empiricism and 19thcentury positivism. That period was characterized by the predominant influence of a French philosopher Comte.

Positivism brought departure from metaphysics. It was based on an rational attitude supported by empiristic attitude of the surrounding reality. It was the source of minimalistic philosophy.

The maximalist philosophy has always assumed (and still does) extensive universal tasks and try to solve and systemize them in a certain and trustworthy way or at least in the closest possible way when certainty is out of the question.

The minimalistic philosophy is in a way the second philosophy pole. It takes into account those elements which are 100% sure. Rationally and empirically proved. Only in that respect it tries to resolve the given problems.

One can get the impression that the holistic usage of the achievements of both philosophies is to some extent in accordance with the message of the Far West yin yang philosophical school (it was a naturalistic yinyangija school with Zon Yan at the front. He lived within the years of 305–204BC.) which is an optimal manner of finding and using wisdom. The stubborn contradiction of supposedly antagonistic (and in reality complementing) methods leads to a dead end in the long run. Naturally, the joined usage of those methods, their sequence and the moment of usage is a separate challenge to which you have to be well prepared in order to avoid the superficial traps.

Coming back to legal positivism it has "downloaded the law to be an expression of sovereign's will. To the mandatory positive law which functions in a particular time and place".

Izdebski pays attention to at least three reasons which make the minimalistic philosophy from the second half of the 19th century worth noticing:

The possibility to clearly seethe differences and the philosophy character. From being an omnipresent study to detailed studies up to jurisprudence . According to Mill the philosophy could give scientific methodology. Insistently, as far as his outlook on administration is concerned he is the follower of "independent clerical corpus". Important but still not completely fulfilled idea of appointing posts in government administration with professionals, completely independent from any kind of influence from political fractions.

The philosophical minimalism did not take into account the direction of the Nature of law considerations (which wereof crucial importance to philosophers). It went "from philosophy to law". The professionalization of assemblies has increased. The assemblies were the researches of the law. In the jurisprudence the legal positiv-

ism has consolidated. Using the philosophical concept known as utilitarianism.

The utilitarian's aspiration to the search of effectiveness unfortunately omits an important factor in human actions-mainly intention. Naturally using the minimalistic (positivistic) method the intention component cannot be taken into account. The observation of the person who writes those words refers to psychological mechanism which needs to be recognized and controlled while doing introspection. Which accompanies our everyday existence and professional activities. The predominance of positivistic philosophy may lead to dangerous generalization. It is all about the analytical transfer of the ethical culture attitude of particular individuals and assemblies which should be treated in a complementary manner. While making important life choices it may cause the weakening of the role of certain factor. The factor at hand is the evaluation of our intensions. It is one of the most serious personality formation modifiers. It is a crucial element of both the culture and philosophy of safety. As it had been written by Bertrand Russell (the previously mentioned in our considerations Weaver's follower) "after renouncing from part of the dogmatic simplifications, philosophy does not end to be the guide and inspiration of life".

It should be pointed out that the term "legal theory" became popularized only when the philosophical minimalism was losing its meaning power due to postmodernism. At that time, a strong influence of thinkers such as Frederic Nietzsche or Edmund Husserl has started. It is at that time when the anti-positivistic breakthrough with Nietzsche's irrationalism and Husserl's phenomenology started. Thanks to Mercier the Neo-Tomism gained power and the lacking element of Saint Tom's maximalist philosophy came back to life. It became incarnated through the Catholic personalization.

Nowadays it is necessary to pay attention to at least two elements which are of huge importance for the development of the philosophy of law. The first one (close to the positivistic philosophy) is so called linguistic turn and the development and logic increase connected with it. More emphasis was also put on "ethical turn". When studying talk about the openness to values. There are huge needs in that respect. They are the result of leaving a "burned soil" after inadequately choking on the useful positivism (from the inadequate equivalence from maximalist philosophy). The needs also result from the fact that the world globalizes itself and societies have a more pluralistic character. It leads to their heterogeneity . While summarizing the "struggles" of Natural law followers versus the positivistic law, we can try to repeat Wolenski's arguments:

It does not have to be like in Cicero that the Nature law is treated as invariable. But on the other hand it does not have to be like Montesquieu's either where the law of Nature is obligatory.

It does not have to be like that that the law of Nature stems from a supernatural source.

To make the choice between the law of nature and positivistic law it does not have to be done as an alternative. It should not rule out neither the natural law concept nor the positivist law.

On the basis of law, acts the most significant disciplines for the development of modern civilization. Its task is to order the more extensive spectrum of human activity. The discipline in question, is administration and its special sphere mainly the public safety system administration. The police force works within it. It includes such notions as organization and management but also service. The activities and considerations connected with administration (that is organized thinking and action brought together in created schemes) are between the third and fourth phase of human development, described in accordance with Erickson's concept, that is already in the pre-school age.

With time every one without self-organization skills, comes across with professional administration. The person either creates or uses it. "The incredible expansion of administration

and its organizational reach (with spheres of its activity), hits into the eyes of modern generation. Administration is mainly associated with public administration. However the specification, range and the complication of tasks of modern safety administration, requires an outlook which causes a development of separate public safety administration. The research of the phenomenon requires therefore interdisciplinary attitude. As it gained the citizenship for itself not only as a distinguished component of civilization and its work – that is culture but it also carries a whole range of interdisciplinary problems and human hopes connected with them. Similarly to the idea of safety. They are shown as tendencies for complete social phenomena research which were found in a postulate. The postulate claimed that administration should be examined from different points of view and within varied spheres of science".

We should notice that this interdisciplinary attitude in effect led to the creation of the most actual concept of scientific administration research with the usage of safety systems. At present we can notice the isolation of the knowledge branch referred to as securitology –the study of security.

In Poland at the moment, the utilitarian layer of law and administration philosophy content creates the efficiency, economy and effectiveness measured with the time of danger liquidation . Of course in that case the role of praxeology (which has already been mentioned in our considerations) has its say. The praxeological theory of organization and administration as well as the administration study intend to establish task norms. It takes place with the usage of non-legal language. The effective administration of public safety and order constantly needs more and more examples of managers actions connected with the administration discipline. According to Kuta the need for integrated action is especially noticed in the new administration fields. When it is not so much about legal effects (which either way have to be gained) but mainly about the effects in the sphere of facts" . Such action and thinking refers to the police in the highest-level. No doubt to the non-legal but congruent factors belong the elements connected with the police officer's integrity.

Ethical norms evaluate (judge) human behavior whereas legal norms qualify the behavior as allowed or forbidden. Because the law demands what to do and what not to do. The ethical and legal values and evaluations are not individually chosen. An individual may reject them but they won't stop to be obligatory for that reason. As oppose to ethics, law uses formalized sanctions. Although coercion is an inseparable element of criminal law but it does not pay a dominant role in civil, financial or family law etc. So law does not only threats with sanctions but specifies the choice of particular behavior . There are establishment procedures in law. What in the present normative system is an obligatory rule. Whereas in ethics we are dealing with moral convictions. However evaluations, values and the ethical standards resulting from them not infrequently become the part of codified law. Ethical norms demand greater requirements than legal norms. Therefore, we might use the statement that law is the minimum of morality. For instance: law does not require compassion, unselfishness or philanthropy. From the point of view of ethical rules, all of the above mentioned features are the vital obligations of a moral man . The feature of law is that it does not demand things which are difficult to realize. It regulates the truly existing state. Whereas the requirements of ethical norm are more rigorous-they expect moral perfectionism.

CONCLUSION

All of the above considerations concerns the components of the pillars of security culture – both the first and the second one. The issues related to morality and law in fact interpenetrate and are equally important for the state's security, for which along with the third pillar

of security culture they are altogether inevitable. Moral rules apply to the spheres of life, in which actions taken up by one man are not neutral for the happiness, well-being and prosperity of other people. They concern the most fundamental relations between people and are the strongest expression of the human social nature, as they are of least conventional character and express some imperatives of collective life common for all. Violation of the moral rules causes strong reaction of the society e.g. in the form of stigmatization.

Law on the other hand as an axionormative subsystem distinguishes itself with the manner of regulation upheld by relevant institutions, which use the state coercion. Legal regulation covers vast range of social life, and when convergent with sense of morality of the collectivity, gains enhanced legitimacy. On the other hand when deviates from the moral norm, encounters resistance.

Thus, we see that state and culture are mutually connected – states influences the culture and conversely culture impacts the state. Law and morality may be considered the most important components of security culture, as it is ingrained in the specific culture, reflecting the concerns of the society in specific space and time, and at the same time it is a culture-producing element.

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HATE CRIMES AS MANIFESTATIONS OF POLITICAL EXTREMISM IN THE CZECH REPUBLIC

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ABSTRACT

The article deals with so-called hate crimes as specific manifestations of political extremism. The article mentions not only potential criminal sanctions, but also the legislative situation in Slovakia, international law implications of criminal sanctions for these specific crimes, and available options permitting this phenomenon to be criminally investigated. Last but not least, it touches upon judicature as a source of specific criminal investigation methods developed to examine manifestations of political extremism.

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INTRODUCTION

Political extremism is a topical phenomenon of today, which is closely watched by the public. However, extremism is a general and global problem and is not confined to the Czech Republic only. It is manifested both domestically and internationally. Consequences of extremist acts are often fatal, which fact makes the phenomenon highly socially dangerous.

Specific characteristics of the phenomenon include latency and also the fact that the perpetrators are often very young. Last but not least, specific features with respect to the collection and accumulation of information or, more specifically, its forensic documenting must be emphasized as well. The range of related issues is extremely broad. They pertain to the sharing and acceptance of fundamental democratic values, including equality of people in dignity and rights, right to life and health, freedom of belief and religion, or protection of minority rights. These issues are also about the perception of and respect to rights of ethnic and other minorities and about the right of nations to self-determination.

However, extremism is generally perceived as any ideology or activity aimed against the existing political system as such, and striving for its destruction and subsequent replacement by its own alternative. The latter is usually assumed to be non-democratic, dictatorial, and violating human rights[1]. According to Mareš, extremism is an antithesis of a legal state[2].

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2 Mareš, M. Úvod do problematiky pravicově extremistických hudebních produkcí na území ČR. *(Introduction into the topic of extreme right-wing musical productions in the terri-*

CONSTITUTIONAL AND INTERNATIONAL LAW PROVISIONS CONCERNING SANCTIONS AGAINST MANIFESTATIONS OF POLITICAL EXTREMISM

As a rule, the term "extremism" denotes pronounced ideological attitudes which deviate from legal and constitutional standards, involve elements of intolerance, and strike at fundamental democratic constitutional principles defined in the Czech constitutional order (this definition is used, for example, in the "Information on the Issue of Extremism in the Czech Republic", a document which has been prepared since 2006 and constitutes an annex to the "Report on Public Order and Internal Security in the Czech Republic"; before 2006, the "Information on the Issue of Extremism" was published as a separate document). It is interesting to note that the term was coined and used for the first time by the German government in 1972 to denote some terrorist activities of the RAF group[3].

If we were to look for international law standards offering protection against the phenomenon of extremism, we would have to mention in the first place the general and well-known institutes designed to protect human rights, in particular keynote UN documents including:Charter of the United Nations (Act No. 30/1947 Coll.),

- Universal Declaration of Human Rights,
- International Covenant on Civil and Political Rights (Act No. 120/1976 Coll.),
- International Covenant on Economic, Social and Cultural Rights (Act No. 169/1991 Coll.),
- Convention on the Prevention and Punishment of the Crime of Genocide (Act No. 32/1955 Coll.),
- International Convention on the Elimination of All Forms of Racial Discrimination (Act No. 95/1974 Coll.),
- United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Act No. 143/1988 Coll.),

as well as:

- United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

In addition, activities of the Commission for Human Rights and the Human Rights Committee may be mentioned as well. It is impossible not to mention major initiatives of the Council of Europe, which emphasizes the necessity of human rights protection. Apart from the Convention for the Protection of Human Rights and Fundamental Freedoms (Act No. 209/1992 Coll.), there is also the Framework Convention for the Protection of National Minorities (Act No. 96/1998 Coll.) and the United Nations Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (Act No. 53/1974 Coll.). Insofar as the Czech Republic, being an EU member state, is concerned, another essential document is the Council Directive 2000/43/EC of June 29, 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. When dealing with international law implications in the field of protection against manifestations of extremism, it is also possible to refer to activities of the Organization for Security and Cooperation in Europe, which established the office of the High Commissioner on National Minorities to act as a mediation and supervisory body within the organization.

As to the Czech Republic's legislation, the position of international documents is defined in Article 10 (and Article 10a) of the Constitution of the Czech Republic, according to which promulgated international agreements, the ratification of which has been approved by the Parliament and which are binding upon the Czech Republic, constitute a part of the legal order; should an international agreement contain a provision contrary to the Czech law, the

tory of the Czech Republic.) Brno: FSS (an opening study of scientific and practical information), p. 4.

3 A methodological document of the Supreme Public Prosecutor's Office on the issue of extremism, from October 2009. Please refer to further chapters of the article for the definition proper of extremism.

former prevails. Other documents that can be referred to from the viewpoint of domestic law and constitutional foundations of the legal system include the Constitution of the Czech Republic (Act No. 1/1993 Coll.) and the Charter of Fundamental Rights and Basic Freedoms (Act No. 2/1993 Coll.), which constitutes a part of the constitutional order of the Czech Republic. The first article of the Charter stipulates that all people are free, have equal dignity, and enjoy equality of rights. The Charter prohibits any discrimination based on the colour of skin, language, faith, religion, gender, race, color of skin, language, faith and religion, political or other conviction, national or social origin, membership in a national or ethnic minority, property, birth, gender or other status. It is thus based on a natural law concept of rights and equality of rights for all people. The Charter also contains provisions on rights of national and ethnic minorities. Constitutional sources or principles providing the basis for sanctions against manifestations of extremism in our legal system include, but are not limited to:

The **principle of majority and protection of minority rights**[4] consists in the adoption of decisions on the basis of a consent expressed by a majority of decision-makers, who may do so through their elected representatives. The protection of minorities guarantees their right to existence and a realistic possibility to become a majority through democratic fight. The term is not limited to language, national, ethnic, religious and social minorities, but applies to just about any minority defined by a single common characteristic feature or a common opinion about a certain issue. Even an individual with a different opinion may be viewed as a minority. At the same time, the protection of minority rights also means that no one, including the people themselves, can dispose of such rights. A majority cannot impose, even using a legal process, any restriction of rights (e.g. freedom of speech or association etc.) upon a minority, thus rendering the latter unable to persuade other people to join its side and thus become a majority. Moreover, any minority-aimed restriction of fundamental rights may be in contravention of the principle of equality of citizens.

The **principle of inherence and inalienability of fundamental rights and freedoms**[5] is based on a notion that an individual is endowed with them on the merits of his or her very existence. The state can thus guarantee, provide for and develop these rights and freedoms, but cannot repeal them. The inherence of human rights means that one cannot give them up. In addition, they cannot be assigned or transferred to someone else (inalienability). The second sentence of Article 1 of the Charter of Fundamental Rights and Basic Freedoms expressly stipulates that these rights and freedoms are inherent, inalienable, non-prescriptible, and not subject to repeal.

According to the first paragraph of Article 1 of its Constitution, the Czech Republic is a state based on respect for the rights and freedoms of man and citizen.

The background outlined above is expressed in separate legal acts and ordinances and also reflected in criminal law which is of the "ultima ratio" (last resort) nature, i.e. fulfils an auxiliary role in the society. Section 12 of the Criminal Code[6], namely its part concerning the **principle of legality and subsidiarity in criminal repression**, stipulates that:

1. Only the Criminal Code shall determine criminal acts and criminal sanctions that can be imposed for the perpetration thereof.
2. The perpetrator's criminal liability and any consequences connected therewith under the criminal law may only be applied to socially harmful acts in respect whereof the liability under other legal acts is not sufficient.

4 Article 6 of the Constitution of the Czech Republic, Act No. 1/1993 Coll.

5 Article 1 of the Constitution of the Czech Republic, Act No. 1/1993 Coll

6 Act No. 40/2009 Coll., Criminal Code, in effect from January 1st, 2010

Insofar as the sociological and criminological aspects are concerned, extremism can be defined as a sum of certain sociopathological phenomena produced by more or less organized groups of people and their sympathizers, the dominant feature of which is a rejection of essential values, standards and ways of behaviour prevailing in today's society[7]. From the viewpoint of police work, the term "extremism" usually denotes verbal, symbolical, graphic, violent and other acts of individuals and groups, which significantly deviate from generally accepted and recognized standards, with significant elements of intolerance and a negative attitude to compromises, attacking the very foundations of the state, lives, health or someone else's property. Herczeg points out that it is often very difficult to determine who is an extremist and who is a radical, i.e. a person still operating within limits of the constitutional system[8].

It is therefore possible to say that the subject of extremism-prompted or –related criminal acts is of a multidisciplinary nature and needs an interdisciplinary approach; it requires know-how and capabilities from many scientific disciplines, as only these will guarantee an objective and fair criminological evaluation of the problem. Specific evidence-gathering methods must be used in criminal investigation, and specific methodologies have to be employed to analyze the collected evidence. Needs of bodies involved in criminal proceedings and facts of the case have to be taken into account as well. Similarly, the bodies involved in criminal proceedings must formulate questions they may potentially need answered by an expert witness.

2 POSSIBLE CRIMINAL SANCTIONS AGAINST AND CRIMINOLOGICAL INVESTIGATION OF MANIFESTATIONS OF EXTREMISM IN SLOVAKIA

The absence of a legal definition of extremism was perceived as a deficiency both among the general public and among the professional community. The Constitutional and Legal Affairs Committee of the National Council of the Slovak Republic thus proposed, during the process of presenting comments on the draft of the Criminal Code (Act No. 300/2005 Coll.), to introduce legal definitions of the terms "extremism", "extremist" and "extremist group" into the Criminal Code. At the end of the day, its efforts (unfortunately) produced just a list of extremist crimes in Section 140a of the Slovak Criminal Code (the amendment was enacted by Act No. 257/2009 Coll. and took effect as of September 1, 2009.

Provisions of Section 140a, **Extremism-Related Crimes**, stipulate that: "Extremism-related crimes shall include the criminal acts of sponsoring and promotion of movements aiming at suppressing the rights and freedoms of citizens (Sections 421 and 422), production of extremist materials (Section 422a), distribution and dissemination of extremist materials (Section 422b), safekeeping of extremist materials (Section 422c), defamation of race, nation or belief (Section 423), incitement to national, ethnic or racial hatred (Section 424), incitement, defamation or threatening of people on the grounds of their race, nation, nationality, colour of skin, ethnicity or lineage (Section 424a), and special-bias crimes as defined in Section 140, Paragraphs d) and f).

Section 140 of the Slovak Criminal Code, **Special Biases**, stipulates that the term applies to criminal acts perpetrated

a) upon an order,
b) as an act of vengeance,
c) with an intention to camouflage or facilitate another crime,

7 Kuchta, J., Válková, H. a kol. *Základy kriminologie a trestní politiky (Principles of criminology and penal policy)*. Praha: C. H. Beck, 2005, p. 490.

8 Herczeg, J. Trestné činy z nenávisti (Hate crimes). Praha: ASPI, 2008, p. 14.

d) **with an intention to publicly incite violence against or hatred aimed at a group of people or an individual on the grounds of their race, nation, nationality, colour of skin, ethnicity, lineage or religious belief, if the intention is manifested by threats for the reasons set forth above,**
e) with an intention to perpetrate the criminal act of terrorism or of some forms of participating in terrorism according to Section 419,
f) **because of national, ethnic or racial hatred or hatred based on skin colour,** or
g) with a sexual motive.

The special part of the Slovak Criminal Code (Act No. 300/2005 Coll.), namely Part 1 of Chapter 12, contains (apart from other crimes and their definitions) a list of extremist criminal acts; however, there is no legal and professionally formulated definition of extremism, not to speak of one that would be generally accepted by the professional community and explicitly determine, for the purpose of criminal proceedings, what extremism amounts to. The absence of such a definition causes great difficulties in proving extremist crimes, as illustrated by the fact that, by October 2010, no person indicted for an extremist criminal act in Slovakia has actually been sentenced[9]. This holds particularly true for crimes falling under Section 422a (Production of extremist materials), Section 422b (Distribution and dissemination of extremist materials) and Section 422c (Safekeeping of extremist materials).

The non-existence of the definition referred to above, or, as a minimum, a specification of the term "extremism" in the Criminal Code of the Slovak Republic, combined with the absence of a definition of extremism generally acknowledged and accepted by the society and the non-existence or non-appointment of a forensic expert or forensic institution that would evaluate and analyze extremism-related issues, results in a relatively low level of knowledge and erudition in this field; this situation means a *de facto* non-prosecutability of such criminal acts in Slovakia and renders any criminal investigation of suspected extremism-related crimes paralyzed or impossible. The situation is also reflected in a rather general and vague declaration in the current "Draft Concept of Combating Extremism" in Slovakia[10].

3 POSSIBLE CRIMINAL SANCTIONS AGAINST AND CRIMINOLOGICAL INVESTIGATION OF MANIFESTATIONS OF POLITICAL EXTREMISM IN THE CZECH REPUBLIC

Insofar as potential criminal sanctions against and criminological investigation of manifestations of extremism in the Czech Republic are concerned, it is appropriate to mention that there is a fundamental classification system of political extremism, which comprises a criterion of primary political affiliation (right-wing as opposed to right-wing)[11] and a criterion of secondary political affiliation (religious, nationalistic, ecological). As for the former criterion, it should be noted that the description of the political spectrum is based on the traditional division of parties in the French National Assembly after the French Bourgeois Revolution (some sources even claim that it was a division of the estates during the period prior to the Revolution), the so-called right-left axis[12].

Although the division outlined above has been used in many publications and sources, there exists an objection claiming that there has

9 In mid-June 2010, the author of this habilitation thesis lectured at a training course on extremism, which was organized by the Police Presidium of the Slovak Republic; he received this information from the director of the Extremism Department of the Police Presidium of the Slovak Republic, in the presence of the Vice President of the Regional Court in Košice.

10 See Annex 2 – although the concept was put together as early as in 2006, the above statements pertain to the situation in January 2011.

11 For details on the terms "right" and "left", please refer to Charvát, J. *Současný politický extremismus a radikalismus. (Political extremism and radicalism of today.)* Praha: Portál, 2007, pp. 13-16.

12 Ibidem pp. 17, 18.

been an extensive exchange of ideas among socialists, liberals and liberal conservatives, which renders the significance of the division rather dubious. **Černý also deals with right-wing extremism (freedom, right of an individual to development, unacceptability of interventions in the economy, inviolability of ownership etc.)** and the left-wing (equality, social justice, solidarity and collective interests) perception of the world (in addition, there is a centrist political orientation)[13]. So much for the horizontal axis. The vertical axis characterizes the level of orthodoxy of entities advocating, representing and promoting a given view or opinion. The term "extremism" denotes an extreme-right or extreme-left position of an entity on a notional cross-shaped axis system, with "conservatism" at the top, "liberalism" at the bottom, "left" on the left-hand side and "right" on the right-hand side. Charvát[14] characterizes the right-wing and left-wing varieties of extremism as follows:

Right-wing extremism:

1. rejects equality,
2. unilaterally high (biased) opinion of one's own nation, ethnic group etc.,
3. targets groups that differ in some way,
4. worships violence,
5. emphasizes the role of the state – "etatism",
6. focuses itself against the democratic constitutional state,
7. uncompromisingly stands against the extreme left.

Left-wing extremism:

1. purports some degree of agreement and compliance with the democratic constitutional state, but makes radical to extremist conclusions – absolute equality,
2. declares a close connection with ideologies such as Maoism, Trockism, Stalinism, Marxism-Leninism, anarchism,
3. emphasizes errors and shortfalls of the democratic state and takes actions against it – efforts to replace the existing establishment by the dictatorship of the proletariat, or by an anarchistic concept of a loose society without any authorities or control,
4. agrees with violence,
5. emphasizes "Anti-Fascism".

The Supreme Public Prosecutor's Office issued a document known as **General Instruction No. 1/2008, on criminal proceedings**, which remained in effect till the end of 2009 and which contained, by way of reference in Article 72, a list of crimes perpetrated for malevolent reasons, including racial, ethnic, religious or other hatred [in accordance with the provisions in effect till the end of 2009 which, however, due to the provisions of Section 2, Paragraph 1, of the Criminal Code, will be applicable even after the new Criminal Code, Act No. 40/2009 Coll., takes effect]. The crimes referred to above are as follows:

- violence against a group of people or an individual (Section 196 of the Criminal Code),
- defamation of a nation, ethnic group, race or belief (Section 198 of the Criminal Code),
- incitement to hatred against a group of people or to a curtailment of their rights and freedoms (Section 198a of the Criminal Code),
- murder (Section 219, Paragraphs 1 and 2 g), of the Criminal Code),
- bodily harm (Section 221, Paragraphs 1 and 2 b), of the Criminal Code),
- bodily harm (Section 222, Paragraphs 1 and 2 b), of the Criminal Code),
- extortion (Section 235, Paragraphs 1 and 2 f), of the Criminal Code),
- damage to someone else's property (Section 257, Paragraphs 1 and 2 b), of the Criminal Code),
- sponsoring and promotion of movements aiming at suppressing rights and freedoms of

13 Černý, P. Politický extremismus a právo (Political extremism and law), Eurolex Bohemia, Praha 2005, pp. 23 et seq.

14 Charvát, J. *Současný politický extremismus a radikalismus. (Political extremism and radicalism of today.)* Praha: Portál, 2007, pp. 17-20, 63-122 [the "extreme right" and "extreme left" terms].

citizens (Section 260 of the Criminal Code),
- sponsoring and promotion of movements aiming at suppressing the rights and freedoms of citizens (Section 261 of the Criminal Code),
- sponsoring and promotion of movements aiming at suppressing the rights and freedoms of citizens (Section 261a of the Criminal Code).

Article 72 of the General Instruction referred to above also lists other criminal acts that may be committed for malevolent or hateful reasons, although the malevolent reason does not constitute a part of the crime's definition.

When the new Criminal Code[15] became effective, the Supreme Public Prosecutor's Office issued **General Instruction No. 8/2009, on criminal proceedings**; Footnote 297 to Article 73 of the document contains the following list of crimes perpetrated for malevolent reasons, including racial, ethnic, religious or other hatred:
- murder (Section 140, Paragraphs 1 or 2, and Paragraph 3 g), of the Criminal Code),
- grievous bodily harm (Section 145, Paragraphs 1 and 2 f), of the Criminal Code),
- bodily harm (Section 146, Paragraphs 1 and 2 e), of the Criminal Code),
- torture and cruel and inhuman treatment (Section 149, Paragraphs 1 and 2 b), of the Criminal Code),
- deprivation of personal freedom (Section 170, Paragraphs 1 and 2 b), of the Criminal Code),
- restraint of personal freedom (Section 171, Paragraphs 1 and 3 b) of the Criminal Code),
- abduction to a foreign country (Section 172, Paragraphs 1 or 2, and Paragraph 3 b), of the Criminal Code),
- extortion (Section 175, Paragraphs 1 and 2 f), of the Criminal Code),
- violation of secrecy of deeds and other privately kept documents (Section 183, Paragraphs 1 and 3 b), of the Criminal Code),
- damage to someone else's property (Section 228, Paragraphs 1 or 2, and Paragraph 3 b), of the Criminal Code),
- abuse of official authority (Section 329, Paragraphs 1 and 2 b), of the Criminal Code),
- violence against a group of people or an individual (Section 352, Paragraphs 2 and 3, of the Criminal Code),
- defamation of a nation, race, ethnic or other group (Section 355 of the Criminal Code),
- incitement to hatred against a group of people or to a curtailment of their rights and freedoms (Section 356 of the Criminal Code),
- insult between soldiers (Section 356, Paragraphs 1 and 2, of the Criminal Code),
- insult between soldiers by violence or a threat of violence (Section 379, Paragraphs 1 and 2 d), of the Criminal Code),
- insult of a soldier of the same rank by violence or a threat of violence (Section 380, Paragraphs 1 and 2 c), of the Criminal Code),
- violation of rights and protected interests of soldiers holding the same rank (Section 382, Paragraphs 1 and 2 c), of the Criminal Code),
- violation of rights and protected interests of subordinate soldiers or soldiers holding a lower rank (Section 383, Paragraphs 1 and 2 c) of the Criminal Code),
- genocide (Section 400 of the Criminal Code),
- attack on humanity (Section 401, Paragraph 1 e) of the Criminal Code),
- apartheid and discrimination against a group of people (Section 402 of the Criminal Code),
- establishment, sponsoring and promotion of a movement aiming at suppressing the rights and freedoms of man (Section 403 of the Criminal Code),
- manifestation of sympathies for a movement aiming at suppressing the rights and freedoms of man (Section 404 of the Criminal Code), and
- denial, questioning, approval and justification of genocide (Section 405 of the Criminal Code).

15 Act No. 40/2009 Coll., the Criminal Code

The document referred to above also stipulates that extremism-related crimes may also include crimes motivated by racial, ethnic or other social hatred.

JUDICATURE AS A SOURCE CREATING SPECIFIC CRIMINOLOGICAL METHODS EMPLOYED TO INVESTIGATE MANIFESTATIONS OF EXTREMISM

A new Criminal Code[16] has been in effect in the Czech Republic since 2010; as mentioned above, it construes factual substances of hate crimes a bit differently, both formally and with respect to their contents; due to a relatively short period of time between the effective date of the new Criminal Code and the date of completion of the present work, it was not possible to collect enough judicature reflecting the new Criminal Code. However, the judicature dating back to the time the old Criminal Code[17] was in effect, i.e. until December 31, 2009, provides enough material for orientation when crimes suspected to have an extremist undertone are investigated. It provides enough information both for bodies involved in criminal proceedings (courts, public prosecutors and police, in particular SKPV[18], and for expert witnesses and forensic institutes. The judicature can also be used to deduce the scope and focus of activities of the Czech Police in the area of gathering evidence and supporting information for criminological analyses and criminal investigation. The documents and evidence can subsequently be employed by expert witnesses and forensic institutes for the purpose of elaborating an expert opinion or expert analysis. The existing judicature can also be used as a guideline in the selection of criminological methods and methodologies employed to investigate a given phenomenon or fact.

Last but not least, it should be emphasized that the present judicature in the Czech Republic is supported by collections of findings of the Constitutional Court and by rulings and resolutions of the Supreme Court, regional courts and the Supreme Administrative Court[19].

For example, a collection of findings of the Constitutional Court of the Czech and Slovak Federative Republic on the matter of prevention of the sponsoring and promotion of movements and organizations based on ideas of racism, xenophobia or anti-Semitism states that: *"The security of the state and its citizens (public security) requires that the sponsoring and promotion of movements threatening it be prevented. A ban under the criminal law on the sponsoring and promotion of certain ideologies, whose doctrines and practices have rendered the promotion of other ideologies and political or other movements impossible, protects not only human rights and freedoms, but also democratic foundations of the state. Movements and ideologies provably aimed against the foundations of a democratic state, such as guaranteed fundamental rights and liberties for all, have to be curtailed and their legal ban is a measure necessary to guarantee fundamental rights and freedoms"*[20]. Based on a ruling of the Supreme Court and in accordance with provisions of the first paragraph of Section 260 of the Criminal Code then in effect (Act No. 140/1961 Coll.), the term "movement" is deemed to denote: *"…a group of people, which is at least partly organized, although it may not be officially registered, aiming to suppress human rights and liberties or proclaiming ethnic, racial, religious or class hatred or hatred toward another group of people. For the crime to be deemed committed, the movement must exist at the time when the perpetrator is supporting or promot-*

16 Act No. 40/2009 Coll., the Criminal Code

17 Act No. 140/1961 Coll., the Criminal Code, as amended

18 Služba kriminální policie a vyšetřování (Service of Criminal Police and Investigation)

19 … such as in the case of the order to dissolve the Workers´ Party in 2010.

20 Constitutional Court of the Czech and Slovak Federative Republic. Pl. ÚS 5/92, Sb.n.u.ÚS ČSFR, 1992

ing it; however, it may exist in a modified form (e.g. Neo-Nazi or Neo-Fascist movements)"[21].

In this respect, bodies involved in criminal proceedings may find inspiration in another segment of the ruling already quoted above, which reads as follows: *"…every form of organization contains certain structural elements of a movement, which is why it does not have to be overly emphasized, in particular with a view to the fact that a movement needs to be only partly organized to be viewed as such…."*[22].

The ruling referred to above also deals with the definition of the term "existing movement", stipulating that: *"…In this respect, the term "existing movement" is also deemed to denote a movement which succeeds, although in a modified form, a movement which no longer exists (e.g. Neo-Nazi or Neo-Fascist etc.), if it makes use of the ideology, symbols, salutations and other attributes of the extinct movement …"*[23].

The part of the above ruling, which is particularly important and inspiring for bodies involved in criminal proceedings, especially those collecting and processing evidence and supporting information for the proceedings, reads as follows: *"…The existence of such a movement, which can be identified at least roughly, at the time when the perpetrator was supporting or promoting it, must be proven in the proceedings by submitting evidence attesting to the existence or specific activities of the movement. Apart from testimonies of witnesses, such evidence may include, for example, leaflets or other documents and web pages of the movement, video- or audio-recordings of events organized by or speeches of representatives of the movement, but also reports of bodies monitoring its activities, expert opinions etc."* Here the court clearly aims to guide the criminal investigation in a way which would help the police (and also forensic experts and forensic institutions) produce outputs capable of proving the crime according to the legislation in effect.

When referring to the matter of "defamation" (Section 198 of the Criminal Code then in effect) and "incitement" (Section 198a of the Criminal Code then in effect), the same ruling stipulates that: *"A criminal act according to Section 198a, Paragraph 3 b), of the Criminal Code provides for three forms of the association of perpetrators, with an ascending level of organization – a group, an organization, and an association. The term "group" shall be deemed to denote at least three people joined by a common objective of proclaiming and promoting the ideas stipulated in Section 198a, Paragraph 3 b) of the Criminal Code. The group need not have any organizational structure or a longer duration, which is why it shall not be regarded as a movement, as defined in Section 260, Paragraph 1, of the Criminal Code."*

A ruling of the Supreme Court dating back to 2008, which deals with ways of proving anti-Semitic intentions of the perpetrator, is also very inspiring and important for the work of forensic experts and the Service of Criminal Police and Investigation of the Czech Police. It stipulates that: *„A manifestation of an anti-Semitic attitude in itself does not meet the definition of a criminal act according to Section 260, Paragraph 1, of the Criminal Code, unless the perpetrator's act is not related or linked to a group of people proclaiming or practicing anti-Semitism and representing a movement. Insofar as defamatory statements or behaviour lacking such a relation or link are concerned, it is possible to consider whether they meet the specifications of a criminal act defined in Section 198 of the Criminal Code, i.e. defamation of a nation, ethnic group, race or belief, or depending on the facts of the case at hand, specifications of another crime according to Chapter V of the Special Part of the Criminal Code"*[24]. The court thus clearly expressed that an attitude *per se* is not punisha-

21 Supreme Court, Tpjn 302/2005, R 11 / 2007

22 Ibidem.

23 Ibidem.

24 Supreme Court 7 Tdo 1472/2008

ble under the Criminal Code; the attitude has to be linked or related to a specific and current group of people proclaiming or practicing anti-Semitism. This is again a distinct appeal to bodies collecting and subsequently processing supporting information and evidence to choose an appropriate criminal investigation method in order to achieve the desired purpose – i.e. to confirm or disprove whether a criminal act has occurred or not.

Similarly, the Constitutional Court issued a ruling in the matter of proving the perpetration of the crime of "defamation of a nation, ethnic group, race or belief and incitement to national, ethnic or racial hatred", which reads as follows: *"The District Court of Prague 7 found the Complainant guilty of a criminal act of defamation of a nation, ethnic group, race or belief and incitement to national, ethnic or racial hatred, for which he was sentenced to twelve months of imprisonment suspended for a period of 2 years. At the same time, the Complainant was prohibited to be involved in activities of a publisher and editor-in-chief of nationwide, regional and district coverage dailies for a period of 5 years. The Complainant committed the criminal act referred to above by having decided, in his capacity of the publisher and editor-in-chief of the "Š." daily, to include and publish an article written by P.S., an independent journalist, and named "The Murderous Alliance" in the daily's issue of May 15th, 1999, in which the author accused Jews, Albanian Kosovars, immigrants, aliens and ethnic minorities in the territory of the Czech Republic of causing negative effects in the political and economic sphere, thus creating antipathies, intolerance, hostility and hatred aimed at the subjects listed above; the Complainant agreed with the contents of the article. In this respect, the Constitutional Court agreed with the legal conclusions drawn by the European Court of Human Rights; the latter authority emphasizes the irreplaceable "watchdog" role of media in the democratic society, but also reminds of the journalist's responsibility for maintaining and upholding ethical and moral standards of his or her profession and for any transgressions in this respect. In cases like this, there has to be a legal sanction reflecting the urgent social need to protect fundamental interests and commensurate to the legal objective being sought. The definitions of criminal acts stipulated in Sections 198 and 198a of the Criminal Code are in full compliance with international standards and international obligations of the Czech Republic in the field of protection of fundamental rights and freedoms. By way of conclusion, the Constitutional Court feels it is necessary to emphasize once again that both Article 10, Paragraph 2, of the Covenant and Article 17, Paragraph 4, of the Charter stipulate that legal limitations imposed upon such rights and freedoms are needed to protect interests of the democratic society*[25].

Another aspect which is not irrelevant with respect to the choice and application of a suitable or specific criminal investigation method to be employed to prove an extremist motive of a criminal act stems from the fact that definitions of "hate crimes" contained and still contain a large number of specific terms which, however, cover specific activities requiring specific investigation methods. From the viewpoint of a forensic expert's practice, the terms "support", "sponsoring", "promotion" and "manifestation of sympathies" seem to be particularly risky. As the "manifestation of sympathies" has been a part of crime definitions only since the new Criminal Code took effect, it is not found, contrary to the "support", and "promotion", in any judicature, although these terms are often crucial and constitute a cornerstone of evidence use to prove or disprove a potential criminal act with an extremist undertone. *"The support of a movement aiming at suppressing the rights and freedoms of citizens may be material (e.g. financial donations, donations of technical equipment etc.) or moral (e.g. recruitment of*

25 Constitutional Court of the Czech Republic. 435/01

sympathizers, arrangement of an opportunity to publish the movement's intentions or ideology etc.), and consists in acts the purpose of which is to strengthen and/or recruit additional sympathizers for the movement"[26]. *"The term "promotion" refers to making the movement or its ideology and intentions public or recommending the ideas and opinions the movement is promoting or advocating. The promotion may be overt or covert, the former consisting in publication of opinions, books, paintings or other works of art."*

Although the "manifestation of sympathies" has been a part of crime definitions only since the new Criminal Code took effect, i.e. since January 1st, 2010, earlier judicature is indicative of the opinion of courts regarding manifestations of sympathies to movements (both existing and extinct) based on ideas of racism, anti-Semitism, xenophobia etc. This is, for example, obvious from the text of a ruling of the Supreme Court in the matter of a criminal act falling under Section 261a)[27] of the Criminal Code then in effect, which stipulates that: *"…The object of the crime in question is the protection of fundamental and civil rights and freedoms, equality of all people regardless of their race, nationality, religion, social appurtenance or origin, in particular the rights and freedoms stipulated in the Charter of Fundamental Rights and Basic Freedoms. Subjectively, the crime in question requires an intention…" "If the accused is to be regarded as criminally responsible according to the definition of the criminal act in question, his or her manifestations of sympathies must be toward an extinct, non-existent movement; in this respect, only the most serious infringements of human rights (genocide, crimes against humanity) are taken into account. It is true the court did not come to a conclusion that the accused juvenile expressly supported existing right-wing extremist organizations; however, through his use of historical symbols of Nazi Germany, repetition and reproduction of ideas of racial exclusivity, intolerance and hatred, the accused had unequivocally expressed his sympathies to extinct movements and their most serious manifestations of violence. The Court of Appeal did not err in qualifying the juvenile's acts as constituting a crime of supporting and promoting a movement aiming at suppressing the rights and freedoms of people, as defined in Section 261a of the Criminal Code"*[28]*.* Thus, the above ruling even admits that, under certain circumstances, even the promotion of and manifestations of sympathies to an extinct movement or organization may constitute a criminal act of supporting and promoting a movement aiming at suppressing the rights and freedoms of people, providing that the accused promotes (violent) acts of such historical and no longer existing movements a significant feature of which was a strong denial of natural rights of people acknowledged and shared by our civilization. In the case outlined above, the accused was an activist of today's Neo-Nazi scene, who promoted and publicly sympathized with historical organizations and movements of Nazi Germany, which had actively participated in the holocaust of Jews, Romas, Slavs and political or ideological opponents.

It needs to be mentioned that all civilizations and ideological streams, including Nazi and Communist ideologies, contain some positive elements. However, these partial (and often temporary) successes and achievements were outweighed by immense suffering of millions of people. There is even a ruling of the Supreme Court, which presents detailed comments on this phenomenon, often misused especially by today's Neo-Nazi community, namely that partial successes should not be used as a pretext for the glorification of criminal regimes, ideolo-

26 Supreme Court 5 Tdo 337/2002

27 Any person who publicly denies, questions, approves of, or attempts to justify the Nazi or Communist genocide or Nazi and Communist crimes against humanity …

28 Supreme Court, 8 Tdo 980/2008"

gies or movements. Thus, for example, the Supreme Court stated the following: *"If some positive features of the movement (e.g. the temporary economic growth) were emphasized and combined with a statement to the effect they had outweighed negative aspects of the movement (e.g. the establishment of concentration camps), such facts would constitute a justification of the movement's crimes, as defined in Section 261a of the Criminal Code. On the other hand, it is obvious that stating some positive characteristics of the movement and placing them objectively in the context of dominant negative aspects (e.g. the economic development and improved standard of living of German citizens before and in the beginning of WW2, but at the expense of property Aryanization and subsequent economic exploitation of occupied countries) will not meet the definition of any criminal act"*[29].

It is unquestionably appropriate to mention another group of terms constituting a part of definitions of almost all "hate crimes" in the Criminal Code presently in effect in this subchapter dealing with criminal aspects of manifestations of right-wing extremism and specific criminological methods used to investigate them, namely the "ethnic group", "movement" and "anti-Semitism". The present judicature only concludes that: *"An ethnic group … is a historically evolved group of people joined by their common origin, specific cultural features (language), mentality and traditions. Members of an ethnic group feel they belong to the group and, at the same time, are aware of their differences from other communities; they share a common name they have coined themselves or been assigned by others. As a rule, an ethnic group forms a minority within another community (e.g. the Roma ethnic group in the Czech Republic).* (…) *The fact that the legislator did not have in mind, insofar as the characteristics stipulated in Section 221, Paragraph 2 b), of the Criminal Code*[30] *are concerned, a case in which another person has suffered bodily harm because he or she stood out in defense of a person belonging to another race, ethnic group, nationality etc. is obvious from a comparison of the definition of the criminal act in question with other provisions of the Criminal Code"*[31].

The Supreme Court's ruling also contains an exhaustive and explicit list of movements that can be deemed to belong to today's Neo-Nazi scene, including reasons why these movements have been included. The movements adjudicated by the Supreme Court as movements aiming at suppressing rights and freedoms of citizens according to Section 260 of the Criminal Code[32] thus include *"Bohemia Hammer Skins", "Blood & Honour", "Národní odpor (National Resistance)", and "Národní alliance (National Alliance)"*[33]. On the other hand, the Supreme Court has not included *"Fascism, Nazism*[34]*, historical, "dead movements", which, however, may be related to today's Neo-Nazism or Neo-Fascism",* or *"Skinheads"*[35], as *"…. the Skinheads as a whole cannot be deemed to constitute a movement …. meeting the definition stipulated in Section 260, Paragraph 1, of the Criminal Code, because only some factions and groups existing within the Skinhead community can be viewed as movements,"* or anti-Semitism. In the opinion of the Supreme Court, anti-Semitism is an attitude rather than a movement[36].

Other pieces of judicature that may be of interest include the Supreme Court's rulings No. 5 Tdo 337/2002 ("Mein Kampf I") and No. 3 Tdo 1174/2004 ("Mein Kampf II"), as well as the Supreme Administrative Court's ruling in

29 Supreme Court, Tpjn 302/2005

30 Act No. 140/1961 Coll., the Criminal Code, in the amended version in effect at that time

31 Supreme Court, 6 Tdo 1252/2007

32 Act No. 140/1961 Coll., the Criminal Code, in the amended version in effect at that time

33 Supreme Court Tpjn 302/2005, NS 5 Tdo 79/2006

34 Supreme Court Tpjn 302/2005

35 Supreme Court 5 Tdo 563/2004

36 Supreme Court 5 Tdo 337/2002

the matter of the dissolution of the Workers' Party (first motion to dissolve the party – rejected) of March 4th, 2009, No. Pst 1/2008 – 66, and another in the same matter, dated February 17th, 2010 (second motion to dissolve the party – the Workers' Party has been dissolved, but the ruling has not yet become effective and enforceable), No. Pst 1/2009 – 348; both of them offer ample information for bodies involved in criminal proceedings and can be used as guidelines for the selection of appropriate specific methods of criminal investigation and documentation of criminal acts.

CONCLUSIONS

It is possible to conclude that criminal sanctions imposed upon perpetrators of hate crimes in the Czech Republic are consistent with the opinion of that part of the Czech democratic society which rejects manifestations of extremism, such as racism, xenophobia and anti-Semitism, i.e. of right-wing political extremism, generally known as the Neo-Nazi concept. The criminal sanctions have their support in the Constitution and are in line with international principles and rules applying to criminal sanctions.

It must also be concluded that the Czech Republic's legal framework allowing manifestations of right-wing political extremism to be prosecuted and punished is at a high level and reflects experience of bodies involved in criminal proceedings and courts; its efficiency seems to be adequate for the purpose of dealing with growing manifestations of extremism. The same applies to the quality and nature of definitions of "hate crimes", as well as to the quantity and character of available rulings and other sources, including published ones, the subject of which are criminal sanctions aimed at manifestations of right-wing political extremism.

As mentioned in the above comparison, the situation in Slovakia is considerably less clear, both in legislation and in judicature. The Czech Republic has clearer and more comprehensible legislation, rich publication and scientific activities, adequate judicature and top-quality forensic experts; on the contrary, forensic experts in the field are absent, judicature is practically non-existent and publication and scientific activities are sporadic in Slovakia. The logical consequence is that Slovakia is experiencing a massive increase of crimes with extremist, xenophobic and racial motives, while the Czech Republic is witnessing a decline of activities of right-wing extremist groups (concerts, rallies, marches etc.).

Tools for a correct selection of criminological methods used to prove criminal acts with an extremist undertone, i.e. "hate crimes", include the knowledge of standard criminal investigation methods (documentation and records of crimes) and their optimized combinations, choice of specific criminological methods allowing an analysis or examination of submitted evidence by a forensic expert or forensic institution, as well as regular updates of and new additions to these methods on the basis of judicature representing a feedback from effective and enforceable court verdicts and rulings, in particular of the Constitutional Court, Supreme Court and Supreme Administrative Court. Also interesting are some rulings of lower-level courts, which are not a part of judicature, but have become effective and enforceable; they represent court opinions which are valuable for law enforcement officers investigating less serious extremism-related or –motivated crimes. An example of the rulings referred to above is the verdict of the Municipal Court in Brno, File No. 3 T 179/2008, dated November 5th, 2008, in the matter of a demonstration/rally organized by the Neo-Nazi organization "National Resistance" in Brno on May 1st, 2007.

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"EPILOGUE OF SHAMEFUL HISTORY?" – THE TRIAL AGAINST JOHN DEMJANJUK AND THE CRIMINAL PROSECUTION OF FORMER AUSCHWITZ CAPOS AFTER 1945 IN GERMANY – A FEW REMARKS

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ABSTRACT

Corruption in politics is a phenomenon commonly raised by the public. Social studies indicate this type of corrupt behavior as The article contains a critical discussion of the criminal prosecution of Nazi perpetrators from the "grey zone", whose perpetratorship was in fact mixed with victimhood. Starting from the court verdict against the alleged Sobibor Ukrainian auxiliary policeman John Demjanjuk in 2011, the criminal cases against a selected number of Auschwitz functional prisoners in the Federal Republic of Germany are discussed. The contribution aims at a critical assessment of the jurisdiction against a group of people, whose guilt is a moral, practical and legal challenge. Scholars have no doubt that the state attempt to restitute National Socialist injustice (including the prosecution of former SS and NSDAP perpetrators) has failed. But what about borderline cases like concentration camp capos?

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The question of how to adequately punish perpetrators, who were allegedly guilt of mass murder during World War II, has been a recurring issue for the last decades. Now, almost 70 years after the end of the war, real attempts of criminal persecution and punishment of perpetrators of Nazi crimes are inevitably coming to an end. Nevertheless, the discussion about guilt and punishment, moral and collective responsibility in Germany and elsewhere in the Western world has remained vital. While there is a consensus about the shortcoming of the attempt to punish clear-cut perpetrators in Germany, another aspect has so far been almost overlooked. How to deal with individuals accused of Nazi crimes, whose position as "perpetrator" is not as evident? People, who had allegedly been directly involved in torture and murder, but who became part of the oppressing system not by own, free uncoerced choice? Did and does the applicable law allow for appropriate punishment and distinction according to the level of guilt (as determined by the courts)? These questions were vividly discussed in 2009-2011, when the district court in Munich tried the case of John Demjanjuk, a stateless retiree accused of murder in thousands of cases at the German death camp in Sobibor, where he supposedly had served as a Ukrainian auxiliary policeman (so-called Trawniki man) in 1943. After

a turbulent and widely reported trial, Demjanjuk was found guilty and condemned to 5 years in prison[1]. Due to the advanced age of the convict and as a result of the filed appellation, he was released from his sentence until the final verdict of the German Federal Supreme Court. Since John Demjanuk passed away in 2012 prior to a consideration of the case by the Supreme Court, his case was never definitively settled. TV stations and newspapers from all over the world frequently referred to the trial as last great process against a Nazi perpetrator. The court's argumentation in the verdict was commonly by experts conceived as a big surprise and innovation – if it had been confirmed by the Federal Supreme Court, it would have marked an entire turnaround in the jurisdiction against Nazi criminals. The Munich court of first instance namely argued that the sole proof of Demjanjuk's presence at a mass killing site like Sobibor as a guard was sufficient to convict him guilty of participation in mass murder.

This revolutionary and groundbreaking change did not appear until 66 years after the end of the war. The German journalist Heinrich Welfing, observer of the trial and author of a book about the Demjanjuk case, called the judgment in the Munich case "at the best an epilogue of a shameful history"[2]. What kind of shame does Welfing signalize? Is it the judgment of a person at the very bottom of the perpetrator's authority hierarchy – a person, who himself to a certain degree is a victim of Hitler's terror machine – which should be called a shame? Is it at all possible to judge Soviet POW's, who agreed to collaborate, considering the fact that millions of POW's were starved to death, tortured and killed during the war? Moreover, how can the Demjanjuk judgment be understood in the context of a whole series of other trials, especially in the 1960s and 70s, against German SS-men, which ended with acquittals or very low prison sentences?

The problem of assessing the guilt of perpetrators, who were at the same time or prior to their crimes victims themselves, did not emerge for the first time in the Demjanjuk case. Already in the immediate aftermath of the war, a larger number of former functional prisoners from concentration camps were accused in German courts for their crimes committed in the camps. One of the most well-known post-war trial against Nazi perpetrators apart from the Nuremberg trial, namely the first Auschwitz trial in Frankfurt in 1963-1965, also included one former Auschwitz prisoner among the 22 defendants: Emil Bednarek from Silesia, political prisoner and block eldest at the Auschwitz I and Auschwitz II-Birkenau camp. This article wants to investigate the way, German courts have dealt with cases like Demjanjuk and Bednarek. Did the criminal law provide sufficient tools to

1 John Demjanjuk was born as Iwan Demjanjuk in March 1920 in Dobovi Makharyntsi in Soviet Ukraine. As a soldier of the Red Army, he was taken in captivity by German troops in May 1942. After the war, he emigrated to the United States and became a naturalized US citizen in 1952. Due to suspicions about him having falsified his immigration paper concerning his past, he was stripped of his US citizenship in 1981 and extradited to Israel a few years later. He was found guilty by the Israeli court and condemned to death for his service at the Treblinka extermination site in Poland. After new evidence had appeared upon the disintegration of the Soviet Union and the opening of some Soviet archives, Demjanjuk's conviction was overturned in 1993. It had turned out, that he could not have been 'Ivan the Terrible' at Treblinka – the reason why he had been convicted – as witnesses had confused him with another Ukrainian auxiliary SS guard, Ivan Marchenko. Demjanjuk returned to the United States, had his citizenship returned in 1998. As a result of further investigations alleging that he had served as a Trawniki-trained police auxiliary at Trawniki, Sobibor and Majdanek and later as a member of an SS Death's Head Battalion at the Flossenburg camp he again lost his US citizenship and was finally, after years of procedures and negotiations, transported from the US to Germany, as German prosecutors were preparing a process against him. (For more information, see the encyclopedia article on John Demjanjuk on the homepage of the United States Holocaust Memorial Museum - http://www.ushmm.org/wlc/en/article.php?ModuleId=10007956).

2 H. Wefing, *Der Fall Demjanjuk. Der letzte große NS-Prozess.* C.H. Beck, Munich 2011, p. 207. Wefing continues: "It is too late, particularly for our country. The Federal German judiciary after 1945 has almost completely failed if it comes to the persecution of Nazi perpetrators." (Ibidem).

distinguish between direct perpetrators and so-called "desktop-perpetrators"?

Some observers of the German Demjanjuk trial, especially in Poland, have uttered their concern about yet another German attempt to clear the own history and to get rid of the feeling of sole responsibility for the Holocaust and other mass crimes of World War II. They have argued that calling a non-German auxiliary police and concentration camp guard like Demjanjuk a "Nazi perpetrator" had the aim to shift the burden of guilt to others, i.e. foreigners. The last well-known and widely discussed argument for supporters of this point of view was the emission of the TV serial "Our mothers, our fathers" in spring 2013 and the following extensive public debate in Germany, which was very critically perceived abroad, for instance in Poland.

The attempt to approach questions of shame, guilt and justice related to the Holocaust and other mass crimes during World War II must not be restricted to individual examples, as they are always embedded into the local, regional and precise historical context. Agreeing with Hermann Langbein, former Auschwitz prisoner and observer of the Frankfurt trials against the Auschwitz SS-guards, one should also consider the political meaning and impact of Nazi perpetrator processes, which forced all observers and in consequence the whole society to settle up with the national socialist terror system[3]. The dissonance between attempts to escape the own guilt and widely reported processes like the Auschwitz process in the 1960s and the Demjanjuk process in 2009-2011 shows the ambivalence of this issue and the post-war political and societal atmosphere, in which the long and painful process of *Vergangenheitsbewältigung* (coming to terms with the past) took place, played an important role for the outcome.

PERPETRATORS OR VICTIMS – THE "GREY ZONE"[4]

The tragic and at least partly eery fate of Demanjuk not only offers material to fill newspapers and magazines with stories, but gives also grounds to critically assess and question the final verdict. And it provokes us once more to risk a more profound look at the criminal persecution of Nazi perpetrators in the "grey zone" between victimhood and being perpetrator in the Federal Republic of Germany after 1945. John Demjanjuk was the first former Trawniki-trained foreign national auxiliary guard to be trialed in Germany[5]. And the question, if and in how far he joined the SS out of own free will and can therefore be pledged guilty, played also a role in the Munich trial. Certain similarities in this respect can be drawn to the case of capos in concentration camps, who were prisoners, victims of the unlawful system, who then became part of the oppressive system as functional prison-

3 Langbein, writing these words in 1965, argues further: "These *[the Frankfurt Auschwitz trials – auth.]* processes and their public response will possibly become explicit indicators for the moral situation of the Nazi era in the future post-war historical works. The important political meaning of these series of processes, which was already noticeable during the actual trial sessions, consists in the fact that the public opinion gets to know about incontestable facts from a period of German history, which until then had been for too many people a black spot." - Langbein H., *Auschwitz przed sądem. Proces we Frankfurcie nad Menem 1963-1965*, Instytut Pamięci Narodowej, Państwowe Muzeum Auschwitz-Birkenau, Via Nova, Wrocław/Warszawa/Oświęcim 2011, p. 3.

4 The term „grey zone" was coined by the Auschwitz survivor Primo Levi and has gained immense popularity among scholars investigating the history of Nazi concentration camps and the sociological aspects of the victims's existence within the hierarchy of prisoners. Anna Bravo from the International research center about the works of Primo Levi (Centro Internazionale di Studi Primo Levi) has dedicated a whole article to the idea of the grey zone: On the Gray Zone, http://www.primolevi.it/Web/English/Contents/Auschwitz/090_On_the_%22Gray_Zone%22 (downloaded: 4.06.2013)

5 Processes like this however happened in the Soviet Union: one example is the case of another Ukrainian guard and former Soviet POW, Ignat Daniltschenko, who was condemned to 25 years detention in a prison camp in Siberia for having served in the death camp Sobibor and the concentration camp Flossenbürg. The files of his trial were also recalled during the Demjanjuk trial. See H. Wefing, *Der Fall Demjanjuk*…, pp.136-137.

ers and crossed the line between victimhood and being a perpetrator. What was the specific role of this group of people about?

The Italian writer and Auschwitz survivor Primo Levi stated in his last book *The Drowned and the Saved*[6] that it was impossible to distinguish clearly between perpetrators and victims among the prisoners at Auschwitz. Levi observed that all those, who were to a certain degree privileged – mainly functional prisoners, who were assigned competencies to decide about the fate (and practically about life and death) of their fellow prisoners, were part of a grey zone. Functional prisoners in concentration camps were situated higher up in the "prisoner self-administration" (*Häftlingsselbstverwaltung*), as they were assigned by the SS in order to maintain order, control daily life and work and minimize resistance among prisoners. In the cosmos of the concentration camp, which was strictly separated from the outside world with its usual social norms, the status of being a functional prisoner opened the chance to survive at the expense of others, to steal, torture and denounce or, on the other hand, to support and, at least potentially, save lives[7]. The invisible border between obeying the strict orders of the SS and taking action on own motivation, between providing help to others and "looking away", between denouncing and purposeful overlooking of small offences against the camp regulation[8], was fluid. A concentration camp prisoner, who was a victim of the Nazi terror system independently from the reason of his deportation, could become a perpetrator for different reasons: due to the situation, due to the perspective to improve his own living conditions or due to coercion from above. This complicated net of dependencies seems to make a legal judgment – without getting into moral discussions – very challenging. The same situation – according to the findings of the Munich district court – had also faced Demjanjuk, when he moved from a POW camp to the SS training camp in Trawniki and later to the extermination camp in Sobibor as a guard. This poses the question of guilt, as guilt is one of the essential prerequisites for the conviction of a perpetrator in a criminal trial in a democratic, constitutional state. Did Demjanjuk serve in Sobibor out of his own will? Was there a chance for him to escape and would the refusal to obey orders have meant death? While these questions were crucial for all post-war processes against Nazi perpetrators, they became a new, and deeper meaning in processes against defendants from the "grey zone", as we will see later. While John Demjanjuk was the first foreign auxiliary police guard trained at Trawniki, who was trialed in Germany, there were quite a number of processes against so-called functional prisoners from concentration camps accused of torturing or murder after the war. This issue will discussed later in order to see, how the German judiciary coped with processes of this kind[9].

LEGAL BASIS FOR THE CRIMINAL PERSECUTION OF NAZI PERPETRATORS IN WEST GERMANY

The initial legal basis for the prosecution of Nazi perpetrators was established already on 8 Au-

6 Levi, Primo, *The Drowned and the Saved,* Vintage, *New York 1988.*

7 Although this goes beyond the scope of this text, at least two examples of the latter option shall be mentioned at this point: Otto Küsel and Werner Krumme. Küsel is mentioned in a great number of survivor's accounts from the Auschwitz main camp (Stammlager) as an example of a functional prisoner, who used his power to help others. Krumme on the other hand was awarded the title Righteous among the Nations in 1964 for his support of Jews before and during his imprisonment at Auschwitz. More on Werner Krumme can be found in the article by B. Distel and W. Krumme *"Das System an sich konnte ich nicht ändern. Ich konnte es nur rim Rahmen meiner Möglichkeiten an einigen Stellen unterhöhlen."*, „Dachauer Hefte" no. 7 1991, pp. 119-128.

8 This was important, as already small offences were punished with beatings and other tortures.

9 The question, in which situations a victim can be called a perpetrator and tried like that has already been raised:

gust 1945: the *Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis*[10] was signed by the governments of the UK, the USA, France and the Soviet Union. According to this document, the defendants were to be tried in the countries, where they had committed their crimes. Those, whose crimes were not restricted to one geographic area, were to be tried by the International Military Tribunal. The Charter of the International Military Tribunal specified four types of crimes as subject to jurisdiction of the Tribunal. These were: crimes against peace, war crimes, crimes against humanity and the planning, initiating and waging of wars of aggression[11]. On the basis of these regulations, the Nuremberg Trials were held. Law no. 4 of the Allied Control Council from 30 October 1945 decided that the International Military Tribunal in Nuremberg and the military courts in the occupation zones were mainly to deal with crimes committed by German perpetrators against persons belonging to one of the allied nations. The re-established German courts however were to try crimes committed by Germans against other German citizens or stateless persons[12]. Law no. 10 of the Allied Control Council from 20 December 1945 ("Punishments of Persons Guilty of War Crimes, Crimes against Peace and Crimes against Humanity") took over the statement of facts from the Charter and decided that the further trials against war criminals were to be carried out by the military courts in the respective occupation zones.[13] In the following years, the American military courts tried an overall number of 1021 former guards of the concentration camps Dachau, Buchenwald, Mauthausen, Mittelbau-Dora and Flossenbürg (in a series of lawsuits 885 individuals were sentenced and 136 acquitted)[14]. Also in other German occupation zones and abroad, there were processes in the first post-war years. From 1950, German courts were entitled to also try Nazi crimes committed against citizens of the allied countries, but on the basis of the German Criminal Code (and not Law no. 10 of the Allied Control Council). In the following years, the statutory limitation of less severe crimes became subsequently a serious issue. Limitation for murder was lifted by the West German parliament just in 1979 and after more than 10 years of political debates[15]. According to a database collected by scholars of the Institute for Contemporary History in Munich concerning the West German lawsuits against Nazi perpetrators, 70 % of all convictions were announced in the years 1945-1949[16]. In the years 1945-2005, West German and Federal prosecuting authorities initiated an overall number of 36 393 criminal proceedings[17] against 172 294 suspects[18]. Throughout the decades, 14 693 persons were tried and 6 656 sentenced to prison – only 1 147 due to homicide[19]. The majority of convictions included rather short

René Wolf used the concept of Levi's grey zone during his analysis of the Third Auschwitz Capo Trial in Frankfurt in 1967/68, which will be mentioned later on in this text.

10 The text of the agreement is available under http://avalon.law.yale.edu/imt/imtchart.asp - accessed on 26 May 2014.

11 The text of the agreement is available under http://avalon.law.yale.edu/imt/imtconst.asp - accessed on 26 May 2014.

12 For a summary about the prosecution of Nazi perpetrators by German courts during the occupation period (1945-1949), please see: E. Raim, *NS-Prozesse und Öffentlichkeit. Die Strafverfolgung von NS-Verbrechen durch die deutsche Justiz in den westlichen Besatzungszonen 1945-1945*, in: Osterloh, J./Vollnhals, Clemens, NS-Prozesse und deutsche Öffentlichkeit. Besatzungszeit, frühe Bundesrepublik und DDR, Vandenhoek & Ruprecht, Göttingen 2011, pp. 33-51.

13 The legal basis for the prosecution of Nazi perpetrators is outlined in Rueckerl, A. *Ściganie karne zbrodni hitlerowskich 1945-1978*, Główna Komisja Badania Zbrodni Hitlerowskich w Polsce, Warszawa 1980.

14 A. Rueckerl,Ściganie karne..., p. 21.

15 In 1969, the West German parliament had extended the limitation period for murder from 20 to 30 years, but just 10 years later it was lifted completely.

16 See E. Raim, *NS-Prozesse…,* p. 42, and A. Eichmüller, *Die Strafverfolgung von NS-Verbrechen seit 1945. Eine Zahlenbilanz,* in: Vierteljahreshefte für Zeitgeschichte, 56 (2008), pp. 635.

17 A. Eichmüller, *Die Strafverfolgung…,* p. 624. These include only proceedings, who had been registered in the official register of criminal proceedings (so called Js register).

18 Ibidem, p. 625.

19 Ibidem, p. 631/632 and p. 634.

prison terms, only 9% concerned prison terms of more than 5 years[20].

Until the announcement of the verdict against John Demjanjuk in May 2011, jurisdiction of German courts against Nazi perpetrators had clearly based on the assumption that a conviction of a defendant in cases of homicide, manslaughter or assistance in one of the aforementioned could be only possible, if evidence for a specific, concrete crime could be found during the proceedings. With the exemption of cases, where the respective allied authorities had temporarily authorized German courts to act on the basis of Law no. 10 of the Allied Control Council, German judiciary functioned on the basis of a criminal code, which originated from the 19th century. The purpose of the act was to punish individuals for individual crimes, therefore a conviction was only possible, if the guilt of the defendant could be proven. Hence, it was necessary to provide evidence regarding time, place, circumstances and identity of the victim. Without going into details, it is obvious that the dimensions of the Nazi crimes and the time distance between crime and criminal process rendered the provision of evidence for individual offences extremely difficult, if not impossible. Still back in the 1970's, Adalbert Rückerl, then head of the Central Office of the State Justice Administrations for the Investigation of National Socialist Crimes in Ludwigsburg/Germany, expressed the conviction that "within penal law, there is no room for the assumption that the sole membership in a department or unit which was involved in a crime, is sufficient as a prima facie evidence for a criminal offence"[21]. In many cases, it proved simply impossible to find reliable witnesses, who could testify about a crime and provide a detailed description of the place, time and physical appearance of perpetrator and victim. The more years passed after the war, the harder it was for witnesses, to give precise testimonies - especially in cases, where the defendants were so-called desk-perpetrators, whose identity and appearance was usually not known to the victims. While the Rückerl 40 years ago was convinced that the post-war legal system in the Federal Republic demands all citizen rights for defendants even in cases of "concern that in consequence some of them [defendants] would remain unpunished"[22], the Munich district court in 2011 introduced a radical change and announced a diametrically different verdict, claiming that the sole proof of Demjanjuk's presence at a Nazi death camp in the function of a guard is sufficient to prove his guilt. The entire operation of such camps, argued the court, had only one goal – namely to kill as many people as possible in a minimum amount of time. Therefore every person serving on the side of the SS perpetrators must have been guilty and it is not necessary to find witnesses or other concrete evidence.

PUNISHMENT OF PERPETRATORS FROM THE "GREY ZONE" IN THE FEDERAL REPUBLIC OF GERMANY

Although many critical voices have been raised about the criminal persecution of Nazi perpetrators in the Federal Republic after 1945, the issue of processes against former concentration camp capos or other foreign "helpers" during the Holocaust has remained at the margins for many decades. The widely criticized, often astonishingly low prison judgments against former SS-men or NSDAP functionaries involved in mass crimes during World War II were usually justified by the courts with so-called putative necessity (*Putativ-Notstand*). According to this concept, a defendant cannot be convicted for having obeyed unlawful orders from his superiors, if he had been in a subordinated function and if his superiors had intentionally let him believe, that in case of refusal to carry out the order, his life or health will be at stake[23]. This

20 Ibidem, p. 635.

21 A. Rueckerl, Ściganie..., p. 21.

22 Ibidem, p. 65.

23 Ibidem, p. 65.

issue had to be answered also in the Demjanjuk process, where the court discussed if and how he should have tried to escape or refuse to work at Sobibor. In contrast to the process against parts of the SS staff of the Sobibor death camp in 1965-66 before the district court in Hagen, where among 12 defendants 5 were finally acquitted due to putative necessity[24], the court in Munich maintained in 2011 that Demjanjuk was obliged to make an escape attempt. Only then would it be possible to claim that he was free of guilt and had tried to resist against the unlawful orders of the SS.

Leaving the above mentioned shortcomings aside: how did the above mentioned legal prerequisites influence the prosecution of other perpetrators, who were at least partially also victims of the unlawful and cruel system of the Third Reich and had then become murderers under the circumstances they were thrown into? Was the treatment of these sort of defendants really not any different from the majority of trials against Nazi perpetrators, as René Wolf suggests with regards to the Third Auschwitz trial 1968 against to former camp capos[25]? Or wasn't it rather true that the same legal system was applied to their cases, but that the specific situation caused an unequal outcome? Taking into account the fact that concentration camp survivors in many cases even years after the liberation reminded themselves of the physical appearance of functional prisons they had interacted with, but usually had difficulties in naming the majority of the SS guards, the picture looks more differentiated. To establish the guilt of the person, who tortured somebody with his own hands in front of a number of witnesses is at least potentially without a doubt easier than in the case of a high-rank officer, whose tasks were limited to signing orders or taking strategic decisions far away from the site of massacre. The examples shown below concern former functional prisoners – men and women – in the camps belonging to the Auschwitz concentration camp complex. They seem to be suitable to show similarities to the Demjanjuk case as far as the question of guilt of perpetrators from the "grey zone" is concerned, and they mirror the development of the West German jurisdiction. Already in 1950, the jury court at the district court in Bochum convicted, among others, the former camp elder Paul S., the block elder Fritz R. and the capo Karl M. to prison sentences of a maximum of 2,5 years[26]. The legal basis of the trial was Law No. 10 of the Allied Control Council, therefore the offence for which the defendants were tried, was crimes against humanity in connection with grievous bodily harm (not murder). All three defendants were accused for their behavior in the Auschwitz subcamp Jawischowice in Upper Silesia in the years 1942-1945. The court found that they had tortured their fellow prisoners in a more cruel way, as they were ordered to by the SS and were thus to be found guilty. In the course of the trial, several witnesses reported numerous cases of grievous bodily harm committed by S., R. and M.

The defendants S., R. and M. had initially arrived at the camp as victims and did have no connections to the national socialist movement. However, in the course of the devilish Nazi order to make appropriate prisoners supervisors of their fellows in misery, they willingly allowed themselves to be integrated in the system, which the SS had considered to be appropriate. They allowed the perpetrators to use them as slaves and have therefore become the

24 Verdict of the district court Hagen – LG Hagen, 20.12.1966, 11 Ks 1/64. Only one of the defendants, the former commander of camp I in Sobibor, was sentenced to life-long prison as murderer. Five other defendants were sentenced to 4-8 years in prison for complicity in murdering several thousands of people, another defendant committed suicide prior to the pronouncement of judgment.

25 R. Wolf *Judgment in the Grey Zone: The Third Auschwitz (Kapo) Trial in Frankfurt 1968,* "Journal of Genocide Research" 9 (2007), vol. 4, p. 620.

26 Institute for Contemporary History Munich, Gb 08.14/1 – judgment of the District Court Bochum 2 Ks 1/50 of 20 April 1950.

scapegoat of a terror regime, with which they initially did not have anything in common. As they have proved to be obedient tools, the injustice committed by them can be traced back to the national socialist dictatorship, because the authorization and the opportunity for such a behavior as such was given to the defendants solely thanks to the sadism of the SS regime[27].

For the decision about the length of the prison term, the court took into account the difficult situation of the defendants regarding the SS in the camp. The court tended i.e. to believe the former camp elder S. that "he had been frequently punished, whenever the SS camp leader was dissatisfied with a situation and that he had always been in danger to be held accountable in a highly unpleasant manner"[28]. In the courts opinion, defendant Fritz R. was a "sadistic and brutal rowdy", who was "hated and feared as 'Jew baiter'"[29] in the camp. Due to his hard fate after the war, his serious war damage and the tragic death of his wife, the court considered 2 years and 6 months to be an appropriate and sufficient sentence.

Another interesting case in this respect is the trial against Margarete Ries, a former female capo in Auschwitz, which took place in 1949. Remarkable is that the trial was handled by a civil denazification tribunal and not by a regular court, although the accusations were severe (5 cases of murder). Ries had been arrested in January 1948 after being recognized by a Jewish survivor at the railway station in Bremen/Germany. Despite the detailed description of several incidents given by the Jewish woman Mrs. Berkmann, where Ries allegedly caused the death of five other women, among them Berkmann's sister, Ries was not accused of murder. Due to the lack of sources it was not discovered yet, why this was the case[30]. The public plaintiff finally applied to qualify Ries as a major offender[31], i.e. a person, who had committed crimes against victims or opponents of the national socialist ideology for political reasons. With verdict from 5 July 1949, the civil tribunal proclaimed that Ries was not affected by the denazification law and therefore to be acquitted. In the period between her capture in January 1948 and the trial in summer 1949, several important prosecution witnesses had emigrated or were otherwise no longer available and the court argued that it was not entitled to consider testimonies in written form without interrogating their authors in person, as the statements were based on perceptions of the witnesses only[32]. Furthermore, Ries did not act out of political beliefs or with the aim to support the Nazi regime: "The motivation for her crimes was not of a political nature (…), she has rather been forced to these deeds excluding her free expression of will.[33]" During the investigation, Ries had admitted regular brutal beatings but did not confess the murders she was accused of. This early trial – one of the rare known processes against female former Auschwitz prisoners[34] – shows not only the difficulties with the application of the denazification law, but also poses the unambiguous question about the legal treatment of victims and perpetrators in one

27 Ibidem, p. 41.

28 Ibidem, p. 46.

29 Ibidem, p. 48.

30 A description of the case of Margarete Ries including excerpts from interrogations, application to the court and the verdict has been published in German language in 2012 as the result of a project. See: E. Schöck-Quinteros/S. Dauks, *"Im Lager hat man auch mich zum Verbrecher gemacht." Margarete Ries – vom "asozialen" Häftling in Ravensbrück zum Kapo in Auschwitz*, Universität Bremen, Bremen 2012.

31 Text of the petition printed in E. Schöck-Quinteros/S. Dauks, *"Im Lager…",* p.77.

32 According to par. 250 of the German Code of Criminal Procedure, such witnesses had to be interrogated in person by the court, otherwise their testimonies could not be used. The text of the petition was published in E. Schöck-Quinteros/S. Dauks "Im Lager…", p. 83-88.

33 Ibidem, p. 87.

34 E. Raim furthermore reports the case of Philomena M., another female functional prisoner from Auschwitz-Birkenau, who had been sentenced to four years in prison for several cases of grievous bodily harm by a court in Munich. See E. Raim, *NS-Prozesse und Öffentlichkeit…,* p. 45.

person and the thin line between victimhood, own initiative and guilt.

In 1956, the jury court at the district court in Berlin sentenced former capo Otto Locke to life imprisonment, holding him guilty for seven murders committed at Auschwitz, where he had been imprisoned between 1940 and 1944 as a "professional criminal"[35], before joining the SS division of Oskar Dirlewanger (known as *SS-Sturmbrigade Dirlewanger*)[36]. At Auschwitz, he had worked in several work details; the incidents he was accused of had taken place between late 1943 and summer 1944, when he had served as capo of the tailor and shoemaker workshops at the camp Auschwitz II-Birkenau. The court was convinced that

in all seven cases, the defendant acted at least with conditional intent *["bedingt vorsätzlich"].* He was aware that his maltreatment would cause such severe injuries, that the tortured prisoners possibly could die as a consequence. As the actual findings show, he furthermore consciously approved the possible death of the prisoners as a consequence of his beating and carried out the maltreatment anyway[37].

The court found no justification to diminish or exclude Locke's responsibility for the committed cases of homicide, but on the contrary described him as a person "abusing the power"[38] he had got in the camp as a functional prisoners. Several witnesses were independently from each other able to describe not only the defendant, but also the incidents in question in a very reliable and detailed manner, so that the court finally was persuaded of the arguments. The judgment closed with the statement that "taking into account his enormously powerful position, it would have been easy for him to render the life of his fellow prisoners easier; this is at least, what several other capos have done without risking their privileges"[39].

In the 1st Auschwitz trial in Frankfurt in the years 1963-65, which was widely reported about and discussed in West German society, the former functional prisoner Emil Bednarek was the only non-SS member among the defendants. The prosecutor accused him of tortures and several murders committed during his period in the camp. Unlike many indicted former SS men (and especially the higher-ranking among them), Bednarek had had daily contact with prisoners and was known to them by his name and physical appearance. During the hearing of evidence, a large number of former prisoners of Auschwitz were able to describe Bednarek's behavior in the camp, including concrete situations, where the block elder Bednarek had beaten, humiliated and killed fellow prisoners[40]. In line with the then applicable jurisdiction, the court in Frankfurt acknowledged the testimonies and was convinced of the defendant's guilt. Emil Bednarek was finally sentenced to life-

35 So-called *Berufsverbrecher*, prisoners marked with green triangles – people taken into protective custody for having committed series of crimes (mainly thefts, robberies, bodily assaults, murders, etc.).

36 In the text of the judgment, the court informs about Locke's voluntary joining of the Dirlewanger unit – overall, several hundreds of male prisoners (first persons imprisoned as 'professional criminals', later also political prisoners) from different concentration camps were recruited to serve in the SS-Sturmbrigade under the commando of Oscar Dirlewanger, which was involved in a huge number of war crimes (i.a. in Belarus and during the Warsaw Uprising) and functiones mainly as a penal division of the SS.

37 Judgment against Otto Locke, 2 PKs 1/56, in: Justiz und NS-Verbrechen. Sammlung deutscher Strafurteile wegen NS-Tötungsverbrechen 1945-1966, vol. XIV, Amsterdam, 1976, p. 332.

38 Ibidem, p. 333.

39 Ibidem, p. 333-334.

40 One example stems from the testimony of the witness and fomer Auschwitz prisoner Karol Doering, who testified at court: "It happened in summer 1944 (…). I heared loud screaming. Bednarek, who then was block elder at the punishment company, pushed one of the prisoners inside the building (…) He hit him with a stick. Later I heard that the beaten prisoner had tried to supply a friend from the penal company with some food. I hid myself and observed, how this man fell on the floor and Bednarek put a stick on his throat. Then he stepped on that stick with both feet and choked the prisoner on the floor" (quotation from: H. Langbein, *Auschwitz przed sądem. Proces we Frankfurcie nad Menem 1963-1965*, Instytut Pamięci Narodowej, Państwowe Muzeum Auschwitz-Birkenau, Via Nova, Wrocław/Warszawa/Oświęcim, 2011, p.585.

term in prison and life-long deprivation of civil rights for 14 cases of murder. The trial observer and former political prisoner of Auschwitz Hermann Langbein commented the judgment as following: "It leaves a bitter aftertaste, if a banal murderer gets the hardest sentence and another person, who had performed his tasks in the headquarters of the murder machine, ends up much better"[41]. This assessment can hardly by denied, especially when taking into account that the main defendant Robert Mulka, the former adjutant of camp commander Rudolf Höss, was sentenced to 14 years imprisonment for complicity in the murder of 750 persons each on at least four separate occasions. The court was convinced of Mulka's responsibility for incoming transports to Auschwitz during his period in office at the camp. Even more questionable from this point of view sounds the verdict against Klaus Dylewski, an SS-man and former member of the camp Gestapo, who was sentenced to 5 years imprisonment. The testimonies given during the trials concerning his cruel torturing methods were not deemed sufficient – the court stated during the announcement of judgment that "in none of the cases it was possible to provide evidence against the defendant, showing that one of his victims died because of his tortures"[42].

During the 3rd Auschwitz trial in Frankfurt in 1967/68, which was hardly discussed and covered by the West German press, two more former functional prisoners were accused of homicide and sentenced to life-imprisonment – the German "criminal" capos at the Auschwitz III Monowice camp Heinrich Bernhard Bonitz and Josef Joachim Windeck. In an article in the Polish journal *Przegląd Lekarski* from 1973, he is described as brutal and malicious, a multiple murderer who killed his victims either by drowning or with a hand stroke in the neck[43]. Windeck on the other hand was known as a pitiless master over life and death, whose identification sign used to be a whip, which he always carried and used to discipline other prisoners[44]. Both of them were sentenced to life imprisonment for murder. Analogically as in Bednarek's case, the court was convinced of their guilt and did not admit any mitigating circumstances in favor of the defendants. In the final verdict, the court stated that

> "No special standards can be applied to the circumstances in national socialist concentration camps (…). Although the state and its 'responsible' representatives had carried out the murder for political, racial and anti-religious reasons (…). For the defendants, murder had become a part of their daily routine. But this one-sided change of value standards cannot be accepted as justification (…).[45]"

The verdict is in line with the general assumption of the necessity to prove every single incident in order to sentence a defendant, which turned out to be easier in the case of low-ranked, "direct" perpetrators like the accused functional prisoners. The justification of the verdict indicates clearly the will of the court to judge homicide in the concentration camp according to the same criteria than murder committed in the free, civilized post-war environment in West Germany of the 1960's. Evidently, the specific circumstances of a functional prisoner in a Nazi concentration camp which created a setting far from any sphere of law and order, a distinct "anti-civilization", where not taken into account.

41 Ibidem, p. 649.

42 Ibidem, p. 638. The reason, why none of the witnesses could see, if a victim had died from the tortures or not was simply, that the torturing happened behind closed doors. If functional prisoners hit and tortured, this mainly happened in front of the eyes of other prisoners.

43 Kłodziński, S., *Rola kryminalistów niemieckich w początkach obozu oświęcimskiego*, „Przegląd Lekarski 1973 31" vol. 1, pp. 113-126.

44 More information on Bonitz and Windeck can be found, apart from the cited court decision, in Bernd C. Wagner's book *IG Auschwitz. Zwangsarbeit und Vernichtung von Häftlingen des Lagers Monowitz 1941-1945. Darstellungen und Quellen zur Geschichte von Auschwitz,* vol. 3, K.H. Saur, Munich 2000.

45 Judgment against Bernhard Bonitz and Josef Windeck – LG Frankfurt/M. vom 14.6.1968, 5 Ks 1/67, in: Justiz und NS-Verbrechen. Sammlung deutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen 1945-1999. Bd. XXIX, Amsterdam-München 2009, pp. 423-526.

CLOSING REMARKS – PERPETRATORS, VICTIM BYSTANDERS OR ALL IN ONE?

After the study of the examples above, the classical division of the European societies and individuals during the Holocaust in perpetrators, victims and bystanders coined by the famous Jewish American Holocaust scholar Raul Hilberg seems to be not capable to encompass people like Bednarek, Demjanjuk, Bonitz or Locke. They were people thrown from somewhere into a murderous system, who under the extreme circumstances of war, oppression, POW camp, jail or concentration camp accepted offered privileges in the hope to save their own lives on the cost of becoming part of the genocide system. A man torturing his fellow prisoners as a concentration camp capo is without any doubts a perpetrator, just the same applies to an auxiliary police guard at a death camp. However, how meaningful are origins of their presence in these places for the judgment? Does it matter that the men and women mentioned above were in the first instance victims of the Third Reich? Hermann Langbein, who himself had been in a privileged position in the camp and therefore had had the occasion to observe a considerable number of capos like the above mentioned, was not convinced of their sole guilt: "The crimes committed by criminal "functionals" in the camp should not be assigned solely to them. How can you entrust morally fickle individuals with power? Individuals how always had had trouble with law and order and who had been rejected by society. They took advantage of the indefinite power, which the SS gave them. (…) The crimes of the green triangles at Auschwitz are to be basically [also] attributed to the camp direction. It was part of the SS system to play off prisoners against each other in order to privilege those, who showed full "obedience" to the SS"[46].

One is sure: the examples shown unveil a certain paradox of the post-war German legal prosecution of Nazi perpetrators: sentences against direct perpetrators from the lowest level in the hierarchies, whose status as victim or perpetrator cannot be easily and unambiguously be determined and who were often assigned to the worst tasks, in many cases were stricter and more clearly articulated, then in case of higher ranking SS-men or members of the Nazi party who had taken decisions sitting at their office desk. This can partly be attributed to the legal constrictions based on the 19th century penal law codex, which turned out to be inadequate for the immense and extraordinary character of the World War II crimes.

The path-breaking judgment in the Demanjuk trial was not able to change this overall picture. Firstly, it was taken many years too late – the great majority of still unpunished perpetrators had already passed away or were in a very poor health state. Secondly, John Demjanjuk himself – the former Soviet POW who had been tried already in the 1980's in Israel – was no suitable case to state an example on a nation-wide level. Here, one has to agree with Hermann Langbein, who saw the reason for the paradox judgment in the 1st Auschwitz trial in Frankfurt in the inadequate legal regulations, which did not match the unprecedented dimensions of the mass murder, the defendants were accused of. "This is the case, because at the time when the German Penal Code was passed, the imagination of the legislators did not encompass genocide planned by the state.[47]" For a long period after 1945, the German circle of lawyers and judges was governed by a consensus, which accepted the insufficient legal instruments and in consequence the lack of punishment of thousands of perpetrators. In this context, the famous Chief Public Persecutor of the federal state Hesse Dr. Fritz Bauer states in his book *Die Humanität der Rechtsordnung: aus-*

46 Letter from H. Langbein to S. Kłodziński from February 1973, cited after: Kłodziński, S., *Rola kryminalistów niemieckich w początkach obozu oświęcimskiego*, p. 114.

47 Langbein, H. Auschwitz…, p. 649.

gewählte Schriften in the 1960's*:* "The German judiciary never understood these restrictions as deficit, but it defended the view that 'our good old law' is completely sufficient"[48]. What is more, already in 1965 Bauer uttered the concern that these type of consensus was related to an attempt to atomize the enormity of the crimes and the guilt. Remarkably, Bauer, who was the main initiator of the series of Auschwitz trials in Frankfurt in the 1960's, saw this problem already 45 years before the Demjanjuk verdict.

The attempt to reestablish justice with regards to the prosecution and punishment of Nazi perpetrators in the Federal Republic of Germany after World War II leaves many questions unanswered. For a summary, let us listen to the author of the book on the Demjanjuk trial, Heinrich Wefing:

"[The process took place] too late for our country: the West German judiciary almost completely failed after 1945, if it comes to the prosecution of Nazi perpetrators. This became also clearly evident during the Demjanjuk trial. And this appraisal won't either be changed by potential convictions of other perpetrators similar to Demjanjuk. (…) [The process was] at the best an epilogue to a shameful history[49].

The lately undertaken world-wide efforts to sue the last living SS men, who had served in concentration camps, is therefore not more than a humble attempt to straighten an unfavorable balance. Desirably, the findings concerning the criminal prosecution of Nazi perpetrators should be taken as a reference, if not initial point, with respect to the chase of and processes against perpetrators of more temporary genocides.

48 F. Bauer, *Die Humanität der Rechtsordnung: ausgewählte Schriften* (ed. J. Perels/I.Wojak), Campus, Frankfurt/New York 1998, p. 80.

49 Wefing, H., Der Fall…, p. 207.

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LEGISLATIVE FRAMEWORK OF THE PRIVATE SECURITY SECTOR IN THE REPUBLIC OF SERBIA

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ABSTRACT

The legislative framework for the protection of persons and property in the Republic of Serbia has evolved with time and has always been determined by the character of societal and economic relations in society. Hence, historically speaking, there have been periods when the system of protection of persons and property remained unregulated; what's more, some of the existing forms of protection were scrapped and hence, from the legal standpoint, all companies remained unprotected. It is interesting to note that the first private companies in Serbia were engaged in activities that would today be branded as consulting services.

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A RETROSPECTIVE OF THE PRIVATE SECURITY SECTOR IN THE REPUBLIC OF SERBIA

The roots of private security in Serbia go back to the post WWI period, when the first private companies were established in Belgrade. The latter didn't have a concession of state authorities for providing the services of physical protection and security of private and legal persons. The first private security institution (then called the police) was established in 1922 in Belgrade, under the name Mikton. The company was founded by a former police employee. Mikton may be branded the first private detective agency in Serbia. In 1924, the first private company for physical security was established, also in Belgrade. In addition to protection, it was engaged in fire security, under the name of Police and Investigative Bureau "Security". The first corporate security company was "Kredit-Inform, Trade Intelligence and Collection Institute", founded in 1928.

The company provided intelligence to clients so as to avert risky investments and financial placements. After WW2, the Law on the People's Police defined the People's Police as the executive authority of the state administration in people's republics and administrative territo-

rial units, tasked with maintaining public order and peace, state, social and private property and the security of citizens, as well as with helping the authorities to protect the legal system. Furthermore, the Minister of Internal Affairs was authorized to enact rules prescribing the formation of special branches of the People's Police for the realization of tasks from the competence of the FPRY. Hence, the "Industrial-Institutional People's Police[1] was formed in industrial companies, institutes and institutions.

The Industrial-Institutional People's Police was tasked by Law to provide the following services: security of buildings, installations and assets of companies, institutes and institutions; surveillance of suspect individuals in the premises and areas of companies, institutes and institutions; prevention and discovery of economic sabotage; the control of enforcement of public order regulations; controlling the immediate area of companies, institutes and institutions; reporting the perpetrators of felonies and offenders to the competent authorities; control of fire regulations compliance and participation in fire extinguishing activities and where appropriate engaging in general policing activities in the areas of companies, institutes or institution[2].

The Industrial-Institutional People's Police was established in companies and institutes of importance for the national economy and in institutions of public relevance, based on decisions passed by the heads of internal affairs departments and under agreements entered into with the management of the relevant companies, institutes or institutions. Such agreements determined the headcount of the Industrial-Institutional People's Police, supply of provisions to the Industrial-Institutional People's Police, its competences and costs to be borne by the above-mentioned legal entities. Hence, the activities of the Police were performed under the control of these entities' managements, namely the internal affairs departments of municipal committees. One of the tasks of the Industrial-Institutional People's Police was to uncover and avert economic sabotage in companies, institutes and institutes of general importance. Internal affairs authorities had their forward bodies tasked with identifying spies, saboteurs and diversionists, preventing robberies, fraud and other crimes. The Industrial-Institutional People's Police also operated in line with strict legal requirements as to recruitment, education, oath-taking, cessation of service, criminal, disciplinary and other responsibility.

However, on the eve of the adoption of the Internal Affairs Authorities Act in 1951, the Industrial-Institutional People's Police was disbanded and a sort of a legal vacuum emerged in terms of the competences and powers of security services. The Internal Affairs Authorities Act[3] from 1956 specified the duties of the People's Police, which, as opposed to the previous period, determined at the level of general tasks. Hence, it was tasked to directly protect social and personal property, while the use of firearms in performing these tasks was limited to repelling an attack on the protected facility and/or property of substantial value.

With aim to align practices, the Rulebook on the Service for the Security of Property of Economic Organizations and Institutions[4] was adopted in 1963, which established the joint competence, rights, obligations and organizational principles of the security service on the entire territory of the then Yugoslavia, while supervision and the initiative for the introduction of the service were in the competence of internal affairs authorities. The amendments to federal, republic and provincial regulations in 1967 reduced the security services and bodies to

1 *Law on the People's Police* „Official Gazette of the FPRY", no. 101/46

2 Nikač Ž., Pavlović G.: *Private Security Law*, Criminal Police Academy, Belgrade, 2012, page 92

3 *Internal Affairs Authorities Act* „Official Gazette of the FPRY", no. 30/56.

4 *Rulebook on the Divisions for the Protection of Property of Economic Organizations and Institutions* „Official Gazette of the FPRY", no. 5/63

municipal secretariats, under the dominant influence of local authorities in terms of operations, appointment of management, headcount and other issues. Companies were vested with regulating these matters by their regulations, while the services for the protection of people, property and the business of companies were exempted from the competence of internal affairs bodies[5].

The period between 1973 and 1990 was marked by the introduction in the system of the then Yugoslavia of the concept of the so-called "Social Self-Defence"[6] with two laws regulating that area: the Law on the Basis of Social Self-Defence[7] and the Law on the System of Social Self-Defence[8]. The Law on the Basis of Social Self-Defence was in effect until 1986, in a period dominated by the concept of social property and hence the entire system was set up so as to protect that form of property. The said Law regulated the organization, rights and obligations of the Social Self-Defence service and all companies had to have one such department organized internally; other companies were obligated to have in place physical and technical security of facilities.

The Law on the System of Social Self-Defence from 1986 repelled the previous Law on the Basis of Social Self-Defence from 1973. The most important novelties concerned the implementation of physical and technical security by only those organizations that are registered for the performance of physical and technical security of facilities and assets. Furthermore, the Law widened the powers of direct physical security divisions, namely the right to establish the identity of persons, while the power to pass regulations on the use of firearms by persons performing the tasks of physical security was vested with the internal affairs authority at the level of the Republic[9].

Finally, the Law on the Social Self-Defence System ceased to apply with the coming into force of the Law on the Cessation of the Validity of Specific Laws and other Regulations, while legislation that would comprehensively regulate the area of people and property security wasn't adopted for many years to come[10].

Serbia was until recently the only country in Southeast Europe that didn't have a specific law regulating the private security sector. Amid the absence of a single law that would regulate comprehensively and precisely the entire private security sector, the activities of security companies were governed by several different laws. The procedure and the requirements for the registration of private security companies are identical to those needed for registering any other economic entity, although private security provide very specific services that also involve the use of firearms.

The services offered by the private security sector as a whole may be divided in three categories: protection of property, including static security, rapid response and security of money transports and other valuables; security of people and personal protection of VIPs and private investigations, including locating missing persons or assets. In the scope of these domains, the quality and range of services provided by companies very much vary[11]. The activities of private security companies are regulated by several different laws and in particular by the

5 Nikač Ž., Pavlović G.: *Private Security Law*, Criminal Police Academy, Belgrade, 2012, page 93

6 More extensively about the concept see: Nikač, Željko, *The Concept of Community Policing and Initial Experiences in Serbia*, Criminal Police Academy, Belgrade, 2012, page 50–51.

7 *Law on the Basis of Social Self-Defense* „Official Gazette of the Republic of Serbia", no. 39/73.

8 *Law on the System of Social Self-Defense* „Official Gazette of the Republic of Serbia", no. 14/86.

9 Bošković M.; Keković Z.: Security of Persons, Property and Business of Companies, Higher School of Internal Affairs, Belgrade, 2000, page 18 -36.

10 *Law on the Cessation of the Validity of Specific Laws and other Regulations* „Official Gazette of the Republic of Serbia", no. 18/93.

11 Page, Michael; Rynn, Simon; Taylor, Zack; Wood, David, SALW and Private Security Companies in South Eastern Europe: A cause or effect of insecurity?, *op. cit.*, p. 89.

Law on Arms and Ammunition[12], the Law on the Prevention of Violence and Misconduct on Sport Events[13] and the Law and Decree on the Classification of Activities[14].

With the cessation of the validity the above-mentioned laws, after more than two decades Serbia still doesn't have a specific law in this field. This has naturally led to a major legal gap and uncertainty in the work of private security, particularly in applying certain powers and each time a law was announced the hope was these matters would soon be regulated in a satisfactory manner. The matters of private security have only been regulated recently with the adoption of the Law on Private Security and the Law on Detective Activity. We are facing a period when these laws will actually be implemented and the necessary bylaws adopted and we believe it will contribute to the performance of these activities in a legitimate and professional way.

THE CURRENT LAW ON PRIVATE SECURITY IN THE REPUBLIC OF SERBIA

The applicable provisions in the area of private security in the Republic of Serbia are contained in the Law on Private Security. The activity provided for by the said Law may be performed by legal persons and entrepreneurs possessing the required license, for the execution of the following tasks:

1. Risk assessment in providing security to persons, property and business;
2. Protection of people and property by physical and technical means, as well as maintaining order on public gatherings, sport events and other places of citizens' assembly, in the part that is not in the competence of the Ministry of Internal Affairs;
3. Planning, design and control of the system of technical security, installation, putting into operation, maintenance and training of users;
4. Security of money transports and insured parcels in the part that is not in the competence of the Ministry of Internal Affairs[15].

The Ministry of Internal Affairs is authorized to issue licenses to private security companies in Serbia. The licenses are issued in accordance with specific criteria for each of the activities the companies are engaged in. Hence, a company might have a license for all types of activities provided for by the Law, but only for one of the foreseen activities, e.g. for the tasks of securing money and/or insured parcel transports.

The criteria for the issuance of license to legal persons, namely to entrepreneurs eligible for each single license, include the following:

That they are registered in the Business Register in the Republic of Serbia under the appropriate activity code;

1. To have a job classification act, with a description of jobs and authorized employees for each workplace.
2. To have an act describing in more detail the uniform worn by security workers and the sign and
3. To have a responsible person appointed, (which must fit the following criteria: to be an adult citizen of the Republic of Serbia, physically and mentally fit for the job, to have the requisite qualifications, to have passed the required security checks by the competent state authorities and to hold a license for the performance of private security services);
4. To have adequate premises;
5. To have separate premises for the storage of arms and ammunitions, as prescribed by the Minister of Internal Affairs in a special ordinance.

12 *Law on Arms and Ammunition* „Official Gazette of the RS", no. 9/92, 53/93, 67/93, 48/94, 44/98, 39/03, 85/05, 101/05, 27/11.

13 *Law on Prevention of Violence and Misconduct on Sports Events* „Official Gazette of the RS", no. 67/03, 101/05, 90/07, 72/09, 111/09

14 *Law on the Classification of Activities* („Official Gazette of the RS", no. 104/09) and *Decree on the Clasiffication of Activities* („Official Gazette of the RS", no. 54/2010).

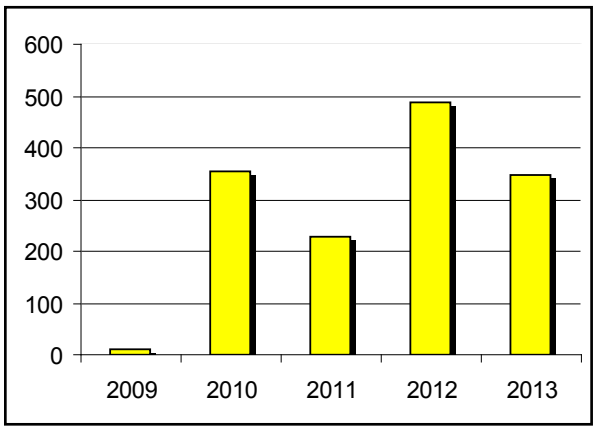
15 Ibidem, Article 6.

The license for legal and natural persons is valid for five years and provided there are no changes to the criteria for issuance it is extended at the request of the holder. For prevention purposes in the case of misuse of the work of private security companies, an express ban on mediation activities in collecting claims has been provided for in Article 7 of the Law.

Private security companies in Serbia may engage in activities they are licensed for and solely on the grounds of a written agreement. The latter must include the following elements: subject matter of the agreement, compliance with contractual obligations, powers of the employees, the number of employees and related work places, the type and quantity of armaments and equipment, the term of the agreement, degree of confidentiality and use of confidential information. The competent police directorate must be informed about the existence of the agreement in line with the said Law. The person discharging the duties related to facilities security must be dressed in accordance with the act of the company that has been presented to the police directorate.

The legislator in the Republic of Serbia has provided that armed security of facilities may be performed in relation to facilities requiring mandatory security, banks and other financial organizations operating with money and valuables, facilities where weapons, ammunition and dangerous materials are stored, as well as in similar facilities.

According to this Law, legal persons and private security entrepreneurs may perform order maintenance functions at: public gatherings, in accordance with regulations governing public assemblies; sports events; as well as in places and facilities where citizens gather for entertainment, music, cultural and other programs. The Law stipulates that security employees shall perform their duties unarmed; furthermore, for each full-time security employee, the private security entrepreneur may occasionally and temporarily employ an extra ten (10) security personnel with an order-maintenance license.



Violent behaviour on sport or public events in Republic Serbia

Furthermore, the Law says that when a legal person and private security entrepreneur, while performing order maintenance services at a public gathering, engages more than three security personnel, they shall make a security plan, which the organizer of the gathering must furnish to the police directorate seated in the territory where the public gathering is scheduled and held. Such plan must include a schedule with the number and location of security guards, information about the authorized person that will manage the security personnel during the public gathering and the means of communication with that person. While on duty, the security personnel must wear uniforms and be equipped with standardized jackets or vests with reflective bands and the inscription “Steward” or “Security”. The draft Law also forbids security personnel on public gatherings to manage traffic outside of the limits of the protected area and orders them to abide by the orders of the authorized police officers, in accordance with the security plan.

According to the Law, legal persons and private security entrepreneurs may provide escort services and security of transport of money, insured and other parcels only if they possess no less than one special transportation vehicle,

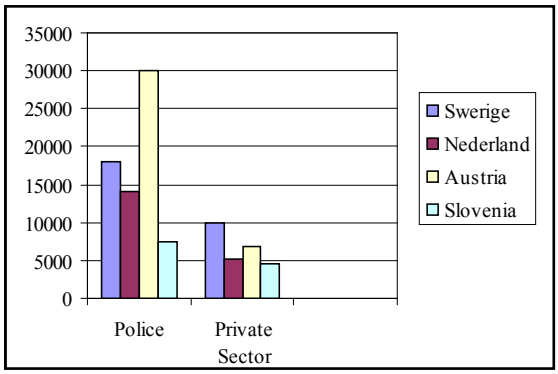
which must have a permit for charter road transportation; be marked in keeping with the proper regulations; have constant two-way communication with the control centre and the personnel leaving the transportation vehicle for the takeover/handover of valuables (GSM network and/or radio network with own frequency and transmitters); to have a GPS device installed for satellite navigation and remote monitoring from its own control centre; have installed a panic button with automatic tracing; to have installed a system of electrochemical protection of the money in transport (safe boxes for the transportation of sealed money bags and alarms for automatic and/or remote activation of the siren and coloured smoke cartridges in the case of unauthorized access to the contents) or have armoured or specially reinforced body, tires and glass and a mechanical safe box for money, specially adapted for installation in the vehicle; as well as have a mobile system of video surveillance of the vehicle. The crew of the transportation vehicle shall comprise a driver and at least one escort and all members of the crew must be employed by the same security company. Furthermore, all members of the crew and escorts must be armed with the prescribed type of firearms and equipped in accordance with occupational safety and health regulations.

The Law specifies the conditions under which security of installations may be provided with armed personnel: in the case of facilities with mandatory security; banks and other financial organizations dealing with money and valuables - particularly post offices, savings banks and exchange offices; facilities storing weapons, explosive, radioactive, flammable and toxic material in substantial quantities; as well as facilities storing goods of substantial value.

For the performance of physical security activities, legal persons and private security entrepreneurs may possess semi-automatic weapons – a single-action semi-automatic 9 mm calibre pistol, able to fire a single bullet for every pulling. Furthermore, there are restrictions to the purchase of weapons: the legal person providing private security services may not possess a number of firearms greater than one half of the number of security personnel possessing a license for the performance of specialist tasks of armed security personnel. Weapons purchases are subject to an approval by the Ministry.

Moreover, there is a restriction related to carrying arms and ammunition stipulating that security personnel engaged in physical protection of people, property and business may carry firearms only in the protected facility or area and on the basis of an approval issued by the Ministry, during the direct performance of these tasks. Exceptionally, security personnel may carry arms outside of the protected facility or area: when they are performing/securing the transportation of money and insured parcels, only during the time and along the transportation route; when they perform money transport on foot, on route only; while providing physical protection of people; during an intervention within the intervention team; during an emmergency while on duty.

The said restrictions to the carriage and use of firearms are justified when considering the ratio of the number of police forces to that of security personnel, as depicted below.



COMPARATIVE ANALYSIS OF PRIVATE SECURITY IN SOUTHEAST EUROPE

The private security sector in the Republic of Croatia is regulated by the Law on Security of People and Property and Detective Activity and the Law on Private Security. The Inspector-

ate of the Ministry of Internal Affairs is in charge of company registration, issuance of operating licenses and control of the work of this sector.

- In order for a legal person to be registered as a security services company, it must:
- be registered with the Commercial Court;
- register a responsible person in the company;
- establish the organization structure of the company;
- register an armoury; and
- determine the design of employee uniforms, which must differ from that of state authorities.

Applicants for employment in the non-state security sector shall be subject to the following requirements:

- they must have residence in the Republic in Croatia, which does not mean the person must be a citizen of the Republic of Croatia;
- they must possess the proper qualifications;
- they must be physically and mentally apt for work;
- they must not have a criminal record, nor to be under investigation and must not have been convicted for violent offences in the last three years;
- they must have passed a security check of the competent security agency;
- they must speak Croatian and write in the Latin alphabet.

The regulations governing the powers of security personnel have distinguished between two types of personnel: security guards, as a lower-ranking employees and security officers, as higher-ranking employees. That status determines the powers security personnel have: issuing a warning; checking the identity of persons entering/leaving the facility; retaining the perpetrator of a criminal offense and witnesses until the arrival of the police; physical checks of people, vehicles and objects at the entrance of the protected facility; use of trained dogs for attack and/or defines if the conditions are met for the use of force or firearms; use of force in the case of a clear illegitimate attack against the security personnel or protected persons or when the attack on protected property has taken place; use of firearms only when there is no other way to protect persons or facilities. All security personnel must have a license for carrying firearms in accordance with the Firearms Act and they may be armed only in the following circumstances: if they are defending financial institutions; if they work as bodyguards; if they are protecting facilities with radioactive waste and other harmful substances; if they are protecting the transport of money and other valuables and if they are defending a national defence facility.

The Law requires the employees of the non-state security sector to undergo training and pass an examination in an authorized institution. Candidates with secondary school qualifications shall attend mandatory 40-hour courses for security guards or 80 hours for security officers. No additional training is provided for detective work, but merely passing an examination. However, former members of the police, military police, state security service, former court and prison guards and court enforcement agents are exempted from the examination if they have three years of experience in security jobs.

On the day of the accession of the Republic of Croatia to the European Union, legal persons and entrepreneurs from EU member countries and states signatories of the EEA Agreement have been enabled to provide private security services, subject to possessing an approval for the performance of the said tasks issued by the state where they are seated.

The private security sector in the Republic of Montenegro was regulated in 2005, with the adoption of the Law on the Protection of People and Property, governing the criteria and performance of activities and tasks related to the protection of persons, property and goods that are outside of the competence of the state, as well as the powers of persons performing security tasks, the mandatory organization of the security service, organizations of the internal security services and oversight of the security activity.

According to the aforementioned Law, physical and technical protection services in the Republic of Montenegro may be performed by companies and entrepreneurs. These services may be provided only based on a written agreement between the client and the entrepreneur providing internal physical security for the protected facility. (Kesić Z. 2009: 159-160)

Under the Law on the Protection of People and Property, security personnel are prohibited, during the performance of the said activities, to follow third parties, perform surveillance in public areas, without or with the use of recording devices, to collect personal data without the consent of the person, take measures constituting, in terms of content, police powers and perform security services in a way that disturbs third parties.

Security entities in the Republic of Montenegro may procure firearms for the performance of their activities not more than for half of their personnel employed on physical security jobs. They are allowed to purchase 7, 62 to 9 mm pistols and revolvers, as well as long firearms with rifled barrels and the necessary quantities of ammunition for such firearms. Security personnel shall wear uniforms that must not be similar in colour, design and markings to the uniforms of the police, army or other civil servants. They shall also wear badges to prove their status, which badge is issued by the company registered for the provision of security services. Security personnel may use firearms only in cases of self-defence.

The said Law stopped short of specifying if the security and protection of foreign diplomatic and consular offices in the Republic of Montenegro may be entrusted to persons and entities outside of the competent state institutions. It is indirectly regulated by Article 6 of the Law on the Protection of Persons and Property, under which "companies and entrepreneurs may not perform security activities for national or foreign defence, security or counter-intelligence services" (Trivan D. and Krstić S, 2009: 184-185).

In the Republic of Macedonia the relationship between the state and the private security sector is regulated by the Personal and Property Security Activities Act and the Firearms Act. In that country, the private security sector includes the provision of physical and technical security and fire protection services" (Official Gazette of the Republic of Macedonia no. 07/05).

Enforcement and compliance with regulations in this field are controlled by the Ministry of Internal Affairs of the Republic of Macedonia and the Security Chamber, which are also competent for the registration of companies and issuance of work permits. Eligible for obtaining a work permit in the non-state security sector are Macedonian nationals and residents, which must not be banned from employment by a court order and must pass a state examination before the Security Chamber. The Security Chamber is a professional association that organizes the state examination, regulates the Code of Ethics under which all security personnel employed in companies members of the Chamber must take an oath, issues licenses to individuals that have passed the exam, issues ID cards and improves the professional image of the private security industry.

Under the Firearms Act, pistols and revolvers may be used, although the use of semi-automatic weapons is allowed in certain cases (e.g. when guarding facilities outside of populated areas, such as dams, transmitters and the like). The Firearms Act restricts the quantity of ammunition to 50 bullets for each weapon stated in the license. However, the Personal and Property Security Activities Act requires the weapons used for this purpose to be registered with the Ministry of Internal Affairs. After undergoing training in the use of firearms, security personnel receive a special permit from the Ministry of Internal Affairs and an ID card from the Security Chamber, thereby acquiring a comprehensive approval and permit to carry firearms, but only during working hours.

In performing their tasks security personnel are allowed to use force only if necessary for performing their duties and only after having warned the person. Firearms may be used only they objectively are not able to call the police or contain a simultaneous attack in a different manner. The use of firearms is prohibited where the lives of other citizens might be threatened, in the case of clear presence of pregnant women and children, unless these persons have threatened with the use of arms the lives of the security personnel or the object of protection.

The private security sector in the Republic of Albania remains relatively underdeveloped, which is partly the result of legislation restricting the size of security agencies, under which the number of employees thereof may not exceed 5% of the police force in a specific district.

The range of services of the private security companies (PSCs) in Albania includes personal security, physical and technical security, the security of money transports and the transport of insured parcels. Employees in private security agencies must be Albanian nationals under 65 years of age, without a criminal record and they must not have been discharged from the police for breaking the Law. Candidates for a job in private security companies must undergo mandatory 15-day training carried out by the Technical Director of the PSC, fulfilling thereby the condition for taking a test organized by the police. Upon obtaining a license, they undergo additional a 5-day training course each year, with the goal of learning about the relevant legislation on the use of firearms and equipment, provision of first aid, fire protection and the duties and obligations of members of PSC. Active duty police officers are prohibited from working simultaneously in the private and state sector. The PSC is headed by the Technical Director, which must have no less than five years of experience in the police or army.

The license to non-state security companies is issued by the Ministry of Public Order. Depending on the volume and type of services provided by the agencies, the same are classified in three categories:

- category A includes companies carrying out the security of private and public buildings;
- category B includes companies providing physical security services and
- Category C includes companies engaged in the security of transports of money and valuables.

Agencies holding an A license may carry out security activities only in the district stated in the licenses, while companies from the categories B and C may provide services throughout the country.

The Law does not regulate the use and keeping of arms and ammunition. Instead, the same regulations apply to both the military and the police. Firearms may be used only exceptionally and for the protection of one's own life, the life of others, as well as with the goal of preventing damage to property or goods that are being protected. The activities of the non-state security sector are controlled by the General State Police Directorate with the Ministry of Public Order. Operating Licenses are reviewed annually. If non-compliance is established by the Inspectorate, such as employing unskilled personnel, wearing uniforms outside of working hours or irregularities in the companies' documentation, the licenses are not extended (Trivan D. and Krstić S, 2009: 180).

The Republic of Slovenia has regulated during the EU accession process the issue of the relationship between the state and the private security sector by passing the Private Security Act and Detective Activities Act. According to this legislation, the Ministry of Internal Affairs and the Parliament, as well as the professional association of non-state security companies, issue licenses for activities in this sector and control the latter. The Parliament, in agreement with the Ministry of Internal Affairs, issues and revokes licenses for private security; regulates knowledge tests and determines the type of tests, oversees and controls the work of pri-

vate security personnel; enacts the code of conduct, keeps the register of companies, independent entrepreneurs and craftsmen that have been issued a license and keeps a register of persons providing technical security and protection services; oversees the development of technical equipment and measures and proposes changes to regulations; adopts a pattern of the ID badge and performs other activities determined by the statute of the Parliament or regulations by other state authorities.

The procedure for obtaining a license distinguishes personal and technical criteria the candidates must meet when submitting an application. The personal criteria involve the citizenship of the Republic of Slovenia; the requisite qualifications; physical and mental aptness and lack of criminal record of the candidate in terms of criminal acts prosecuted ex officio and violent offenses. In addition, the Detective Activities Act stipulates that a candidate for private detective activity must not have worked the last two years as an employee in the Ministry of Internal Affairs or security intelligence service. Technical criteria are detailed in a specific regulation issued by the Minister of Internal Affairs. The commission issuing the licenses comprises two representatives of the Ministry of Internal Affairs and three representatives of Parliament.

The regulations in the Republic of Slovenia prohibit private security entities from entering into agreements on activities falling within the competence of police and judiciary authorities, as well as from working for national or foreign intelligence or counter-intelligence services. Private security personnel must not use special operative methods and means the use of which the Law authorizes the Ministry of Internal Affairs and the Slovenian Intelligence Security Agency. If in the course of their work they come in the possession of information about a crime prosecuted ex officio, they shall inform the competent state authority about such information.

In Slovenia, while performing their duties, security personnel are entitled to: warn a person to leave the secured area or facility to which access is prohibited, if that person has no authorization to stay there; prevent unauthorized access to the secured premises/facilities; retain a person caught committing a crime or offense in the secured area or if there are grounds to believe that person has committed a crime or offense until the arrival of the police; prevent vehicles or persons with luggage from entering/leaving the premises if the latter is required by visibly displayed security rules and the person in case refuses to allow the check (Trivan D. and Krstić S, 2009: 169-171).

In the European Union the regulations on the private security sector are still not harmonized. Two organizations, UNI-Europe and the Confederation of European Security Services[16], which are active in the EU, promote minimum criteria for the operation of private security companies and to date they have adopted several joint documents about certain aspects of this activity, such as licensing, training and rules of conduct for private security personnel, with the goal of raising the standards and professional ethics to a high level.

The International Code of Conduct for Private Security Service Providers is a document initiated by the Swiss government, with several participants in the drafting thereof. The Code aims at defining international standards for private security companies, making oversight of these companies more effective and boosting the responsibility thereof. The Code is based on human rights aspects governed by in-

16 *The Confederation of European Security Services – CoESS* was founded in 1989 by a joint initiative of several national organizations and private security companies from Europe. From its inception, *CoESS* has been a European umbrella organization of national private security organizations. Its purpose is to protect the individual and collective interests of such organizations on the continent through their participation in work, with the aim of harmonizing national legislation, as well as the activity of the members. This organization currently comprises 34 European states, of which 28 EU members and six non-members: Bosnia-Herzegovina, Serbia, Macedonia, Norway, Switzerland and Turkey.

ternational law and international humanitarian law and establishes human rights-based principles for the responsible behaviour of private security companies. This includes the rules about the use of force, prohibition of torture, trafficking and other human rights violations, as well as specific obligations related to the management of private security agencies.

On a ceremony held on November 9, 2010 in Geneva, the Code was signed by 58 private security agencies from 15 countries, which wowed to respect human rights and fulfil their duties in accordance with human rights principles. They also committed to work in accordance with the Code. The Code was then left open for signature and by August 1, 2012 it was signed by a total of 464 private security companies from 60 countries.

CONCLUSION

The last decade of the development and reforms in the security sector, as part of the reform of the overall system, the social, political and economic organization of transition countries, was marked by the emergence of an important segment in the security sector – private security. As a significant contemporary security domain with its contradictions, dynamics and determinism, private security has also affected changes to the concept of security and the security sector.

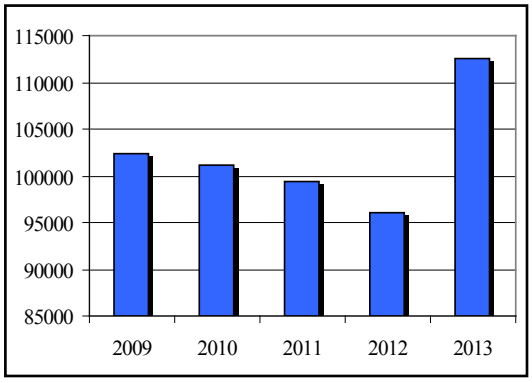
Around the world, however, the private security sector undergoes a period of accelerated development; when efficiently regulated and if the services it provides are delivered responsibly and professionally, it may provide a valuable contribution to general security. However, if there is no control or the activities of the private sector are poorly regulated, they may pose a unique problem to the governments of developed democracies, while in transition or post-conflict societies they may hamper peace, democracy and long-term development. At first glance, the privatization of security seems to be a classic example of the erosion of the sovereignty of state power, since the monopoly on the use of legitimate force has long been considered the main characteristic for defining state sovereignty. However, any concept depicting the state renouncing its powers is too simplistic. Instead of constituting an erosion of state power, the privatization of security has resulted in the emergence of a new network of security entities, where the authority of the state and private actors has been allocated though new management, coercion and controlling technologies.

Privatization has hence led to several processes, which, on one hand, point to the powerlessness of the state to guarantee certain values as desired and requested by the citizens and other hand, to select the activities (tasks) it may leave to the private sector without fear it will lose the monopoly over them. Therefore, the state decides when and which security services it will leave to private entrepreneurs to sell them as goods to those that can afford them. This means fewer costs to be borne by the state. Meanwhile, it goes without saying that the state must provide a certain level of security to each citizen. However, the citizens often, for subjective or objective reasons, seek for a higher level of protection than provided by the state as a standard. Therefore, the private security sector is not a competitor to the state and its security apparatus, but quite on the contrary, a reflection of the needs of society, private capital and all citizens to have general security raised at a higher level, in cooperation with state institutions and in the general interest. Hence, the fate of private security companies is to remain part of the security environment in the foreseeable future, which also entails the need for better control by national or even international instruments.

From the scientific point of view, one of the problems emerging in relation to the private security sector is determining its contribution to decreasing the crime rate. While much research has been done on the topic, certain authors

have highlighted their symbolic importance in fostering the sense of security of citizens. On the other hand, there is abundant information and estimations about the effectiveness of the work of private security that should seemingly not leave us disinterested. Nevertheless, such estimations are solely based on applying the method of correlation where, by putting forward the ratio of the number of private security sector personnel to the dynamics of crime in a specific area try to establish the causal relationship between the two phenomena, neglecting the fact that the latter may well be connected without being mutually conditioned on one another. It is precisely why we believe that referring to such scientifically unfounded facts, according to which increased presence of security personnel is the most important contributor to a falling crime rate in a specified area, is ultimately scientifically unacceptable. In order to eliminate such dilemmas other methods should be used to explain the causes of a certain phenomenon.

Sum of criminal acts in Republic Serbia



Due to the relatively recent adoption of the Law on Private Security in the Republic of Serbia any initial evaluation is premature and time is needed to appraise the effectiveness thereof. We expect that the crime rate will go down and that especially security on public gatherings to increase. We believe that the first results will be encouraging and that regulations in this field will become reality in our country, just like they have in the region and beyond. We want to emphasize this is part of Serbia's EU accession process in the following period, which has been highlighted as one of the highest national priorities.

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SOCIAL AND CULTURAL SECURITY

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SOCIAL DETERMINANTS OF POLICE SCIENCES

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ABSTRACT

The police sciences are based on its interdisciplinary societal nature. The development of police sciences is determined by requirements, problems and challenges of internal security issues. The persisting change is one of the problems of activity of scientific community and institutionalizing the police sciences. Coordination between scientific community and police practice requires methodological function, internal communication (communication networks, communication channels) and practical application. Both theoretical and practical issues create methodological structure of efficient police sciences.

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The societal nature of the police sciences chiefly emanates from the fact that a scientific activity originates as the result of social requirements, is determined by the development of social practice, happens within a concrete social structure of society and is both a result and outcome of the entire process of global development of humankind.

For the purposes of this publication let us consider science as a system of rationally explained, logically consistent and mutually associated (verified) and verifiable statements (sciences, findings) formulated in a conventional and comprehensible language. Science is a complete sum of findings—from various fields and aspects—of man's inner or outer world within a social time and space [1, p. 528].

Of crucial importance to the analysis of the social character of social sciences is the conclusion that these sciences originate, function and develop in concrete macro-structural, mezzo-structural and micro-structural) **social conditions** that determine, form, integrate and disintegrate them. The police sciences acquire their social character namely through these conditions.

The social character of the police sciences is asserted namely through:

a) The social character of the **environment** as the sum of social resources, institutions and objective conditions as well as extra-scientific institutions and various conditions that generate the need of cognition and significantly impact police and scientific activities in the field of police and security.
b) The social nature of the **process of cognition** as a form of general social effort.
c) The social character of the **assertion of scientific findings** as the outcomes of the police sciences. The acceptance of the social factors in constituting police sciences is important inasmuch the pace of the scientific cognitive action will accelerate or slow down according to the intensity of their impact. In this connection we perceive police sciences as not only a scientifically cognitive effort but also a dynamically functioning system with a unique structure, functions and societal implications.

In the light of the above the outputs of these sciences are not the result of an isolated, individual activity but they are social by virtue of their contents, existence and impact on social subjects.

POSITION OF POLICE SCIENCES IN TRANSFORMATION PROCESSES IN SOCIETY

Similarly to the other scientific disciplines, the development of the police sciences will be influenced and determined by the development of society as a whole as well as by the specifics of internal factors ensuing from the relatively autonomous functioning of scientific cognition. The development of the police sciences depends upon the dynamics of the society as well as on the dynamics of social transformation.

Considering the socially determining factors of constituting the police sciences it is necessary to recognize the fact that the success or failure of social transformation is to be judged in terms of real transition to a developmental trajectory that best corresponds to the current state of European integration.

One of the critical and indispensable conditions of embarking on this trajectory is the **optimal level of internal and external security.** If a society is perceived as a set of basic and mutually overlapping phenomena—personalities, social relationships and culture—it becomes obvious that qualitatively relevant change is a part of the current transformation processes. Within their framework substantive change occurs in the contents and practical implementation of security, its maintenance and development. It shows that in addition to the processes such as innovation, mass consumption, ecology and functional pluralistic democracy one also has to consider the optimal security of the above-mentioned processes and the functions of factors in the game. Without an efficient solution of internal security there can be no economic prosperity and cultural advancement in an improving environment, no growth and improvement of living standards, no sufficient space for the pursuit of free activities in all walks of life, and no protection of human dignity. To discuss that, one must also take into consideration the issue of security, which is highly required for sustainable development of modern societies.

The phenomenon of security itself can be identified in dependence of the context as one of the following concepts: state without dangers, value, development process, development function, and finally – specific social construct. As the national security is of great importance not only for contemporary security studies, but also for security of modern states, it is important to understand the mechanism and conception of this phenomenon. Security is an epiphenomenon of hazards, which can be defined as a state without hazards. Hence, to formulate a complete definition of security, one has to recapitulate this key concept, and basis

both questions and aspects it's composed of. Security, which is not only comprehended as a certain state but also depicted ab initio dynamically is associated rather with "ongoing social process, within which entities as they act, they are striving to improve mechanisms that provide them with the sense of safety"[1].

In turn a holistic definition formulated in CRISD APEIRON[2] by Juliusz Piwowarski, explains in a following, spectral manner the research category (and a concept) of security – in the Ingarden's perspective, from the epistemological, axiological, ontological and sociological point of view:

Security is for a specific individual or collective entity a multi-layer phenomenon, which concerns him directly or not, and a conception, spectrum of which is created by four following components[3]:

- desired state i.e. the level of effectiveness of controlling threats, which are possible in a given place and time to values important for this entity; in other words, security is a state that reflects the result of potentials' difference – self-defense potential on the one hand and threat potential on the other, which exist in a specified space-time (epistemological aspect),
- value, which fulfills our both basic and higher needs, i.e. those that never cease (meta-needs) with self-fulfillment on the top of hierarchy of needs (axiological aspect),
- development process, which is man's meta-need and enables personal and social growth of potential that increases autonomic defense of subjects of security; from the ontological point of view, concept of security functions close to that process (ontological aspect.),
- social construct, an effect of existing of social bonds, interactions and interdependences able to face numerous threats in certain community, which is one of security subjects (sociological aspect).

In principle, fundamental socio-political and economic changes in all spheres of society impact also the **need of constituting police sciences.** Changes occur in the structure and functions of science, in security and information measures, and in the relationships between scientific work and the social environment. There is a growing significance of the **accumulation, classification and typology of police-security findings** that further underscores the need to scientifically react to the above development. The scientific community that constitutes and promotes police sciences should therefore create a single, purposefully structured functional entity that would a priori be geared towards the solution of **theoretical and practical problems of the security policy**.

The development of police sciences is obviously affected by the functions of the basic elements of social structure. We perceive their impact as a process of satisfaction of the security requirements of differentiated subjects in specific macro, mezzo and micro-conditions. A change in these conditions precipitates the emergence of new requirements as well as a change in existing requirements. Hypothetically it is possible to state that a conflict is arising between the specifics of transformation mobility on one hand and the efficiency of solving the police security situation on the other.

It is generally possible to accept the opinion that growing crime and its adverse impact on wider societal and social frameworks are one of

1 J. Kukułka, *Bezpieczeństwo a współpraca europejska: współzależności i sprzeczności interesów*, [in:] „Sprawy Międzynarodowe", Warszawa 1982, p. 31.

2 *CRISD APEIRON – Cracow Research Instytute for Security & Defence Skills APEIRON*, przy Wyższej Szkole Bezpieczeństwa Publicznego I Indywidualnego "Apeiron" w Krakowie

3 J. Piwowarski, *Ochrona VIP-a a czworokąt Bushido. Studium japońskiej kultury bezpieczeństwa*, [in:] *Bezpieczeństwo osób podlegających ustawowo ochronie wobec zagrożeń XX wieku*, ed. P. Bogdalski, J. Cymerski, K. Jałoszyński, Szczytno 2014; J. Piwowarski, *Prolegomena do badań nad kulturą bezpieczeństwa,* „Security Economy & Law", no. 2, Kraków 2013, p. 10-11.

most severe social phenomena of the current reality. They are further aggravated by considerable uncertainties in an effort to face, grasp and explain these challenges. Theoretical impotence and lack of preparedness are especially evident in the etiology of these phenomena, backgrounds and mechanisms that condition them and share in their growth in the current conditions [2, p. 335].

SOCIAL REQUIREMENTS AND POLICE SECURITY PRACTICE AS THE BASIC DETERMINANTS OF THE DEVELOPMENT OF POLICE SCIENCES.

The basic impact of a social system on the process of constitution and development of police sciences comes to the fore in the form of differentiated requirements of that social system and individual social subjects concerning scientific outputs and outcomes. These sciences participate in the satisfaction of reproductive and developmental social needs and stand out as the "producers" of security-relevant scientific facts geared towards the identification and solution of security situation problems. Transformation processes usher in new requirements, problems, conflicts and challenges that require qualitatively new approaches to the solution of internal security issues through the activity of governmental and nongovernmental security systems.

1. The emergence of police sciences is chiefly determined by the following social considerations:
2. The feeling of security and the need of it are basic social requirements. Any social system urgently needs to base its existence on certain means and mechanisms of self-protection. The outstanding features of the normative societal criteria of constitution and development of police sciences are above all **the requirements of enhancing the security of citizens.** These objectives are socially vital for the strategic orientation of scientific efforts as well as for the search of methodological approaches and the target-orientation of interdisciplinary collaboration.
3. There is the need to efficiently solve topical security problems from the vantage point of crime, law and order enforcement, traffic safety and fire prevention. This calls for real-time identification and solution of the conflict between the fast-changing security situation and the relatively stable variants of solution.
4. There is the need to react in a comprehensive and scientific fashion to the process of institutionalization, organization and modernization of issues that pose a threat to public security.
5. The system of police sciences must be capable of self-reproduction and must adequately respond to the development of police practice and must be able to adjust not only to particular, albeit everyday problems that often are of limited duration.
6. There is the need to promote the advancement of education, in particular teaching, scientific research, and pedagogical research and information activities in the service of teaching, science and research.
7. There is the need for a qualitatively new type of **integration of science and police practice** informed by innovative processes in the police security sphere. A functional, effective system of police sciences must consistently meet the requirements of rational finiteness and safeguard coordination between specific fields of science as well as their interdisciplinary cooperation. A target-oriented process of **institutionalization** is a vital prerequisite for meeting these requirements.

PROCESS OF INSTITUTIONALIZATION AND THE INSTITUTIONAL CHARACTER OF POLICE SCIENCES

The process of institutionalizing a science is a telltale sign of advancement of a modern society. It is characterized by an orderly arrangement of scientific cognition, the existence of

autonomous scientific posts, the emergence of scientific societies, and by purposeful organization and modernization of the system of scientific preparation. The process of institutionalizing a modern science is characterized by the breaking down of regional barriers and assumes the character of intensive international cooperation.

Police sciences are an institutionalized and organized system of retrieval of objective findings. In order to function optimally and develop their individual elements they require the existence of an **institutional base.**

INSTITUTIONAL COMPONENTS OF THE CONSTITUTION OF POLICE SCIENCES

1. **Organizational and legislative sphere**
- material and immaterial conditions in support of scientifically-cognitive activities in the police security sphere,
- level of pro-innovative climate that spurs creative approaches,
- efficiency of intellectual efforts,
- adequate mechanisms of management of scientific activities,
- selection and formulation of scientific and research priorities in the process of constitution of police sciences,
- inner regulation of police sciences—scientific communication, quality control of scientific outcomes and products through specialist press, promotion of polemic and scientific discussion,
- efficient functioning of the science and research base and its interaction with scientific research institutions,
- interconnection of basic and applied research with specific organizational structures,
- adequacy of invested means, efficiency of their use and their actual contributions to police practice,
- formal and informal liaison between researchers and users.

2. **Capacities and qualifications**
- qualifications of scientists and teachers, number of creative workers in science and research, efficient performance of science and research organizations in the field of police science,
- careful selection and sound training of scientific workers, efficient system of stimulation and motivation to encourage model performance,
- choice of scientists for foreign study missions and internships, realistic outcomes of their missions to the advancement of police sciences.

3. **Science and information**
- furnishing information to the process of constituting police sciences
- quality of information services, quality of methods of development, distribution and use of information systems
- use scientific and research findings of foreign police organizations
- rational intertwining of management process with scientific information outcomes

The above-mentioned particular problems of institutionalizing police sciences clearly demonstrate the exceptional difficulty and specific nature of their constitution as well as of the expected outcomes of these sciences and their impact on the reality of policing and security. The functions of this system are largely conditional on openness, flexibility and variability in time, optimal structure of funding, management and evaluation, and solution of associations between the basic and applied research. Systematic solutions concerning the structure of scientific research base must be intertwined with high qualifications, dynamic personal attitudes and a motivation to carry out scientific activities. Presumably, the advancement of police sciences will acquire a broadening **social dimension** geared towards intensive cooperation whose output product is almost exclusively the result of collective coordination and the synergic effect of specialized police professions.

Formulation of research policies and effective coordination of the scientific and research orientation of the organizations that indulge in and promote police sciences will play an indispensable role.

SCIENTIFIC COMMUNITY OF POLICE SCIENCES

Police sciences may document the broader rationale of their existence by employing their potentials in reacting, in the theoretical, methodological and application plane, to the course of the police and security situations, studying this course, evaluating but also anticipating these developments. This requires optimal conditions including the existence of a rationally functioning **scientific community of police sciences.**

CHARACTERISTIC OF SCIENTIFIC COMMUNITY OF POLICE SCIENCES

A scientific community is a specific social group united by, or rather acting upon a certain paradigm. It has also other characteristic features in that its members rally behind a specific scientific discipline. Typically they share a common type of education and miscellaneous other types of communication and social organization. It makes no sense to talk about a paradigm outside a scientific community. A scientific community is the author, carrier and tester of a paradigm and its fertility, and ultimately also the chief arbiter of its duration in time [3, pp. 5-25].

It follows from the above that a scientific community fulfils the **role of subject of scientific activity.** This ushers in the human, active aspect of science. Police sciences are therefore perceived and studied not only as a system and structure of ready-made findings but also as an activity with social and psychological aspects.

A scientific community is made up of research teams that are either stable or are set up on an ad hoc basis to solve more complex research tasks, and of internal organizational units of research and educational institutions. Research teams function as **social groups** characterized by the following **features:**

- A group associates scientific workers with the aim of solving a specific scientific problem of policing reality and proposing socio-technical measures. Joint activities lead to mutual interaction manifested by a certain degree of group cohesion. Scientific activity thus frequently embraces joint or collective methods and forms. Complex tasks require interdisciplinary cooperation involving proponents of various fields of science. A group thrives on the division of research labour.
- A scientific community is characterized by a specific type of communication and communicative links. We talk about a system of team (group) documentation (a team or group information system). Team documentation differs from personal information systems.
- A group has its own motivation structure informed by relations between individual and group objectives. Individual needs are determined by particular research tasks of individual members of the group.
- A group (team, department etc.) has an internally defined horizontal and vertical organization determined by positions, standards, seniority and subordination.

A team is a group of productive members who focus on a common goal that is of interest to all members and each of them maximally contributes to its implementation. A team may be a formal or ad hoc (final) group that will disband when its task has been accomplished. It may happen that a team originally set up as a formal task carries on after accomplishing its task as an informal group whose members are united by sufficiently strong informal (common) links. Team work is an optimally coordinated and purposefully synchronized effort characterized by a closely interlinked group activity.

Basic **prerequisites** of productive teamwork:

a) Common goals rendered internal (interiorized) by all members of the team who also feel personally responsible for their achievement,
b) A relatively small number of persons involved allows mutual interaction usually in an immediate verbal fashion,
c) Ability of every member to help outline and fulfil tasks,
d) Small social distance enables to strike informal relations and conduct face-to-face informal communication,
e) Team members support each other and stimulate and spur joint action.

COMMUNICATION WITHIN A SCIENTIFIC COMMUNITY

The functions of police sciences are mainly informed by the potentials of their realistic use within the contents and structure of **police practice,** i.e. by the possibility to realistically enter their realm and impact the links between the practical and cognitive aspects of policing on one hand and their actual needs on the other. However, practical implementation of this task is rather complex in light of the following **factors:**

- concrete level of constitution and development of police sciences on the national and international level,
- level and degree of institutional safeguards of police sciences (material, staffing, funding etc.),
- efficiency of projecting scientific findings into the professional performance of police officers, mainly police managers,
- preparedness of the scientific community of police sciences to share usable scientific findings with police practice,
- preparedness of the subjects of police practice to systematically embrace, apply and use findings made by police sciences,
- efficiency of transfer of scientific findings into police activities and the degree of elimination of retarding factors and barriers.

The above and other factors mutually interact and support but also inhibit each other. Thus they form a system whose elements are important for the outputs of police sciences and their penetration into the complex network of relationships and activities within the realm of practical policing.

In the transfer of police science findings into policing practice there often arises the problem of their status and practical value. If one excludes the anomalies of absolute overestimation and underestimation (the latter is the more frequent) one often hears that this or that is “very theoretical and incomprehensible” etc. But these problems must be tackled both by the scientific community and the proponents of police practice as the “consumers” of scientific findings.

Police practice cannot expect to be served readily applicable findings on a silver platter. One has to work primarily with the **methodological function** of the police sciences and creatively search ways and means of transforming thus-accrued findings into one’s own activity.

On the other hand it is necessary to discern that general terminologies and categories can hardly be applied in practice in a direct and immediate way. It is necessary to use a lesser degree of generalization of theoretical findings and formulate such findings geared towards the nature of research activities which enable their adequate **practical application.** This makes it possible to solve the discrepancy between a certain necessary theoretical level of the language used, the level of generalization and abstraction, and the varying daily specifics of police situations and activities.

The activity of a scientific community is inseparably linked with communicative actions and processes. From the angle of its target a communication may be oriented either inwardly or outwardly.

Internal communication aims to influence members of the community and to transfer scientific information so as to change it in order to achieve a synergic effect in the activity of the scientific community. Group status that anticipates various roles in the process of communication is an important factor of internal communication. Practice shows that in the pursuit of a research task, members of a community (team, department) can play the role of initiators, coordinators and stimulators. In addition there is the role of an informer assigned with the specialist task of furnishing his group with a steady flow of information.

The above-mentioned sphere creates miscellaneous **communication networks** with varying modalities of information transfers:

a) **strong leader networks** where the flow of communication is aimed at a leader who then makes a decision whereupon the information resumes its peripheral status,
b) **star scheme** is a more efficient way of solving simple problems as it works with fewer communication channels and units of information,
c) **circular groups** are more advantageous in tackling complex research tasks as they provide for an initiative and even share in the solution to all members of the network—something which is not possible in the star scheme,
d) **one-on-one networks** are advantageous in that their members need less time to solve a problem, make fewer mistakes and are happier than they would be in networks with a reduced number of channels.

Vertical communication networks express above all organizational and management relationships between the supervisor and his subordinates as this type of communication (its method and contents) more or less reflect the formal organizational structure of the organizing element within which a scientific community is formed (concrete academic department, section, etc.).

Horizontal communication networks express above all partnership and cooperative relations whose participants assume equal professional (organizational) positions and where informal relations (e.g. communication acts between departments etc.) mostly prevail [4, pp. 20-21].

Outward communication is geared towards realms outside scientific community structures. Its basic aim is to pass accrued scientific findings of police practice to individual subjects of the scientific community and broad specialized public. For its implementation both formal and informal communication channels are important.

Formal and informal channels can be described in the following way:

1. Formal channels are open to public and have a potential number of users; informal elements are usually limited to a smaller number of users.
2. Information spread through the formal channels can be easily saved and retrieved while in the informal channels data is often saved temporarily and is difficult to retrieve.
3. Formal channels communicate relatively "old" information in comparison with the current and common contents of the information spread through informal channels.
4. Formal channels are impacted above all by users while the flow of informal data is influenced by the initiator of communication.
5. All information systems are plagued by considerable redundancies. Formal channels are less redundant than informal channels.
6. Formal channels have a low level of interaction while informal channels have a high level of interaction.

Optimally functioning communication channels make it possible to convey real-time information on developmental trends of scientific research in the police sphere and create conditions for the application of scientific findings in police practice.

Translation of scientific cognition into police reality requires **coordination and cooperation** between the scientific community and police practice which in turn enables the creation of a **feedback** that yields information about the level of application of scientific findings.

Communicative cooperation with foreign institutions and organizations holds an important place in the communication processes of the scientific community. This cooperation is a sine qua non of dynamic development of police sciences. Its essence lies in the joint solution of research tasks with the aim of producing new findings that could be applied nationally, utilizing the creative potential and synergic effect of joint research teams and swapping experience in the field of theory and methodology of research activities.

Current integration processes within all-European structures not only create optimal conditions for scientific cooperation but are also imperative for the development of integration processes in the sphere of police sciences. We do not attempt to hide it that that the above processes in both the theoretical and practical plane are still only in their formative stage and a lot of effort must be exerted in order to unify theoretical and methodological approaches, make the notional apparatus more precise as well as to define the focus and structure of police sciences.

The process of effective cooperation has been triggered. All subjects involved must look for optimal forms of cooperation and create suitable conditions including the elimination of barriers that inhibit the efficiency of such cooperation.

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DISORDER OF REGULATIVE FUNCTIONS OF MANAGEMENT IN THE LIGHT OF INFORMATONOSIS

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ABSTRACT

Management project is generally treated as a set of tools that are designed to competent disposal of resources. This understanding of the management project boils down to the technical development of procedures for implementing and optimizing operations, usually due to the economic and organizational effectiveness. Such a narrow treatment of management causes same social and ecologic disorders which could be compared with informatonosis disease discovered by R. Klimek. In the paper we show another side of project management – one that involves taking account of the implementation of ethical and social values as an end and as a point of reference for the assessment of the measures taken to implement the project management. It shown an example of such a management understanding in social encyclicals of John Paul II and the Solidarity social movement.

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management, informatonosis, social safety.

INTRODUCTION

Management projects and controlling of management projects should proudly represent the highest known developed form of public life. In the article we shall consider the basic aspects of cognition in the control of management projects concerning socio-psycho-cybernetics and which can be used in human social life.

Management projects topic is humiliated that means it suffers from informatonosis – known in medicine as had been indicated by Rudolf Klimek. According to Klimek's physical, biochemical, hormonal, brain and mind body relation studies, the typical signs of informatonosis are similar to inbred cynicism, intrinsic autism and closed schizophrenia devoided of regulative function. Management projects are influenced by ambitions at the expense of the public goodness. The behavior of managers sometimes resembles the behavior of the people „living" in a isolation place, in which people were „fully mentally subdued to their oppression or they suffered from the schizophrenia this had caused".

Cognitive barriers in the postulation and development of management projects from the point of view of Polish school of cybernetics leads to the new type of attitude in describing of management projects, particularly of controlling projects. This new approach belongs to the perspective considered by 1) economist Muhammad Yunnan, 2) Karol Wojtyła in his vision of man as self-regulating living autonomic being, 3) Rudolf Klimek in his view on society treated

as the multi-cellular organism, and 4) my colleagues supporting my own approach, i.e. the analogy between a single cell and a multi-cellular collective autoteleological being.

Man „has the same role in the society as each cell does in multi-cellular organism but when it comes to people, a specific issue may arise in the form of autism – a pathological symptom of a mental state where one locates their own life in an imaginary rather than real world". Klimek's idea is consistent with my philosophy of complex collective processes in the nature of bootstrap characteristics.

Informatonosis generates the modern behaviour of physicians which show, as indicated by Klimek, signs of cynicism, autism and schizophrenia – „it must be determined if each of those physicians–agitators represents autism as an unpunished element of schizophrenia, or if it is cynicism satisfying their own needs and ambitions at the expense of the health of those around them". It is Klimek's observations related to cesarean section at the request, increasing of the risk of preneoplastic states and cervical cancer due as an effect of using of birth control pills.

COGNITIVE BARRIERS IN THE POSTULATION AND DEVELOPMENT OF MANAGEMENT PROJECTS FROM THE POINT OF VIEW OF POLISH SCHOOL OF SOCIO-CYBERNETICS

1) Each management project is the question „What is in this (our) life?" – And the answer is that: There is this, X, and X is not that Y, Z, ... etc. So, we have here this, not that; we have such an idea , because this is the reality, ergo the reality is such as it is claimed.
   This first step – the step of cognitive identification is not the only layer of the project, or even the only layer in the field of knowledge as cognitive layer. There are the second and the third layers belonging to the cognitive layer, too.
2) The second layer of the preparation of management project reflects the question: „What is it (X)?" – What folds it from elements? And the answer is: It – i.e. the identified (not fully recognized) X – is composed of such but such elements. In consequence we say: It (X) consists of X1, X2, …, Xn.
3) Thirdly, the management project – and the corresponding reality at the operational level – not only comprises of registered items X1, X2,..., but has a relational layer – „How are the dependencies among Xi?", we ask, and the answer is: The elements (Xi, „i" indicates the i-th element) are related just in this way. So, the elements of the set {Xi} are related according to o given pattern, in this way, not any other way (formula). Project (or reality respondent it) consists of relations between recognized (incorporated) elements.
   But each project has other layers. Three coats (layers) are in project at the nature decision (or otherwise, saying postulate or executive).
4) Fourth, you need to indicate not only

a) what is; and it's not sufficient to say
b) what elements Xi there are in X, and not only as
c) they are dependent each other, that they are in a relation f.

   We need to specify what we want to achieve? What? – Such a system. Such a match. Such a situation.
   Of course, this layer is propositional – we want to achieve „such a system". In other words it is postulating layer. There is a decision to achieve such a change.
5) Further, for fifth, we ask ourselves in each management project: „How we want to achieve it (the aim)". „In which way?" – And the answer is: by such and such transformation. Here – we have such an instrument, ergo using such a transformation. We want to achieve purpose adopting this transformation. Not in the other way. Either we ask: „In which way to realize the postulated object (situation)?" – Such but such transformation,

of course. And we will call this task as an optimization layer.

Otherwise, else (it never hurts to make it more clear such general idea, insights generalizing practice): We want to use this and not that instrument (instrument is here a transformation synonym). We hope to realize postulation using certain transformation imposed onto the old system to obtain certain new one system. We want to impose a concrete transformation. We want to perform transformation of certain match (situation) to match modified (new situation).

6) Sixth, the project must answer a question concerning sources. Let's indicate here some explanations.

– „What we have it from to achieve – using the mentioned (well defined i.e. finally selected) transformation (point 5) – the new postulated system?"
– „What we are supposed to cause the planned transformation (5) from?"
– „What achieve from?"
– „From what system?"
– „Of what resources?"
– „What source to use in order to get what is our postulated system searched out?"
– „From what system – into the system called for?"

And the answer is: From such a system. From a given system.

Each management project has these six described (recognized) here layers. Unfortunately, the contemporary economical world did not properly understood these basic elements of controlling management projects. The elements of projects – as observed by Marian Mazur in his socio-psycho-cybernetics – have been subjected to misunderstanding. Moreover, according to Rudolf Klimek there are the cognitive barriers – called informatonosis – in the modern world and just these barriers imply biased assessment of the postulated management projects. It is seen particularly from the point of view of the movement of Solidarity in the period 1980-89 resembling in many aspects the Grameen Bank of Muhammad Yunus. To the same semantic field belong encyclicals, exhortations and homilies of St. John Paul II.

RUDOLF KLIMEK'S INFORMATONOSIS. AUTISM, LACK OF LIFE DISCIPLINE, RELUCTANCE TO FOCUS, AWARENESS AND AGGRESSION

In the project management one should peculiarly control decisions of marketing departments since it is possible to hide many effects from the view of the essence of the project. The project management decisions should be specifically monitored. Departments of marketing can override the harmful substance of the project.

Decisions of such departments as marketing can override the merits of the project. With the help of marketing action it is possible to implement (postulate for realization) defective, incoherent and vague elements of the projects or to generate different gaps and shortcomings in the project management or generate various deviations in project management.

Very instructive is the recent history of some new projects introduced in the period 1989-99 or even after 2000. We have a great comparative material from the period of the implementation of the completely new management projects in years 90., also in the important branch of farming. The chemical contents in food increased thousand times in the period of three years 1989-92, in Poland. In the 20 years after 1989, there was a sharp increase in the instability of all mental disorders such as depression, suicide, drug addiction, a tendency to euphorisation with the help of not only beer, wine and all alcoholic and non-alcoholic stimulants. It was sufficient only 20 years – after 1989 – to observe the growing of different mental perturbations such as autism of children, lack of discipline of thinking, reluctance to focus, impossibility of reading complicated texts, reluctance to concentrate and the specific feeling similar to infection pin-worms and called ADHD, ag-

gression and neglecting understanding of multi-segments of the world.

Comparative history – in the period of implementation of many management projects in the 90s in agriculture – is instructive for the all societies in the whole world. Chemicals in food in Poland could cause a wide spectrum of autism in children, dyscalculia (including dys-trigonometry, dys-geometry, dys-stereometry), and even dys-geography, dys-history, dys-botany. Use of chemicals could cause even lack of usual school discipline, usual awareness, an evident of unwillingness to concentrate, inability to read voluminous works such as H. Sienkiewicz' „Trilogy" or „Quo vadis", W.S. Reymont's „The Promised Land" and „Peasants", B. Prus „ The Doll", not mention about the subjective feeling of invasion similar to infection threadworms which is ADHD etc.

One should point out six important moments.

1) In the family of capitalist countries Polish society in relatively small degree was subjected to very prominent intensive influences generating informatonosis (the syndrome detected by a gynecologist and obstetrician prof. Rudolf Klimek).
2) Evidence of this is the era of Solidarity and underground state of Solidarity from 1980 to 1989 and therefore the ability to self-organizing. Meanwhile, other countries – as it was, let me say it: remarked by Napoleon – plunged in suicide as in the case of post-catherinism and Prussia. Powerful neighbor of Prussia at the political level ... grew out of Prussia.
3) There is exposure to triggers informatonosis similarly to the food exposure effects of high-technological factors, such as dioxins, as radioactivity (ultraviolet, gamma, from the decay of U, Po), as a replacement for other metals (Pb in place of Ca), as pollution of compounds of napalm-like (similar to P-compounds) and steroids, antibiotics, hormones, drugs (for example discovered in the bubble gum and chewing gum), etc., at which tobacco and C2H5OH are harmless. These factors generate a wide range of phobias, obsessions, schizoid minds, autistic, aspergerism, ADHD, etc.
4) It is about the social impact of high technology, which for decades have corrupted (in Polish: kaziły, say „tainted") and ordered minds. – It is about the effects in the mass scale. Pollution from the high-tech also rely on the effects of electromagnetic smog, including the effects of mobile phone use, operational stations transmitting signals, radar equipment belonging to the missile target but these are only examples.
5) Nevertheles, besides chemistry, there is also contamination of the central nervous system (CNS) from the defective information. Rudolf Klimek showed that the technological developments – considered to be the greatest – of modern pharmacological concerns creates informatonosis.

5a) Vaccines (due to cancer of the cervix) are among the most difficult social diseases – informatonosis group.

Not very high outstanding Polish place in the exposure to iatrogenic factors is of great importance for diagnosis for those who were subjected to more intensive exposure from high technology, such as Agent Orange, because changes in us (from the high-tech, but in the field of psycho-social) although smaller (softer) facilitate the diagnosis (and so therapy!) in societies that have long been exposed to stress from the high-tech.

History of projects in managerial era consists of numerous scandals and demonstrates „potency" of reptilian brain. Also it is instructive to compare history of the management projects – after 1989 (in the new era) – in the theater and even in the whole art branch. One should note great scandals in Teatr Stary in Cracow (e.g. at 2014), numerous insult acts such as inappropriate behaviour on stage demonstrating – let us say in diplomatic language – the potency of this reptilian brain (activities typical of reptiles). I feel the emptiness of the contemporary pro-

jects in the face of crushing facts that people are treated as slaves or animals directed by poor slave's struggle to find the tiniest possibilities of obtaining money.

Extolled managerial projects in construction are not only unprofitable stadiums and roads. Great economical projects in building sector is full of biases in management. Projects in bildings are not the only exception of mindlessness of prime ministers.

Projects in Poland cannot be compared with what is happening with such management projects as related to Deutsche Bank, Mercedes etc., and how they are treated. Let's ask what happens with great European Projects and how they are managed if only in the period 2005-2012 the EU implemented the noble project for 300 million euro to support people at risk of unemployment, but 70-85% of this money received such „poor" like ... Deutsche Bank, Nestle, Renault, Mercedes, BMW, Philips, Bosch, Pepsi Cola, VV, etc. Who would dare to say that this result could be beat! It is impossible to improve such a result.

It is evident that the question of „What is?" is often incorrectly recognized in EU. But whether can one get sick from cancer harmless? – Because it's just that often?

After 1989 Poland flooded the assurance of the beneficial effects of managerial projects. Such as indicated extolled managerial projects must shake every man.

There is other reality, not such leading to serious errors. Reality is not such as it is claimed in the biased management procedures without controls or rather with bad controlling procedures of the proposed (in West Europe) projects. The step of cognitive identification had been performed wrongly, yet at the very beginning. Cognitive layer is strongly disturbed by the biased mode of thinking in our times. Just the cognitive layer ought to be improved. Who would dare to say that these results in Europe could be beat?! It is the symptom of a serious social disease – informatonosis – as discovered this ailment Rudolf Klimek. I call this suffering: shrink memory syndrome.

As we said the pollution of minds by high-tech is not only an electromagnetic smog caused by cell phones, transmitting stations, radar equipment, missile shield etc. R. Klimek has shown that even the greatest achievements of technological companies (as vaccines) are among the most difficult diseases, generally known as informatonosis.

CONCLUSIONS

From the point of view of the culture of the social movement 1980-89 in Poland (I was a member of this movement called Solidarność (Solidarity)) the controlling of management projects and the whole public life require a new approach. This conclusion agrees with the empirical results of the investigations about cancer and infertility, cervical cancer, neoplasmas and neoplastic diseases reported by Rudolf Klimek's School. I've received the same results in my theoretical studies about the condition of civilisation. There is a relationship between the human condition and the environment, including global environment. Why global ? Well, the condition of the man and civilization are affected by precise fitting of cosmological (astrophysical constants) and physical parameters of the so-called big bang. And it does not matter if the world as a whole was created in the explosion or not. It is important that other cosmological fitting would prevent the creation (evolution) of man. To put it even less – it means putting the minimalist case – we have to say: 1) The all fitted precisely parameters (just these and not others) of the global environment are inscribed in human nature. 2) The entire apparatus of human brain called the correlator is adapted to the evolution of the work already carried out; and the entire apparatus of human homeostatic brain is also adapted to the evolution.

Moreover, the brain called as homeostat is not able to pretend (imitate) that life evolved under completely other global constants and parame-

ters, and yet (in Polish: a przecież) we (women) demand introducing (performing) a caesarean cutting, and we accept meats with dioxines and various components similar to napalm etc. If I reconstruct the conclusions of the cited obstetricians from the Polish school of midwifery we must not pretend (imitate) that human evolved from other conditions of space (cosmological conditions). Do not accept any pretense. We must not accept any pretense.

Namely, everything that is the deviation from the cosmic adjustment of constants and parameters leads to severe disease – to informatonosis. Informatonosis substantially interferes with the brain and thought processes of a mother and child. Polish gynecologists clearly state: Informatonosis also causes cervical cancer. But generalized refers to thinking men, too. And therefore the informatonosis as a new disease affects the whole society.

This Polish School of Midwifery has firstly recognized the cognitive barriers in the life, that is postulation and development of management projects, too. The School does not restrict the informatonosis to a single cell and a multi-cellular being (man). The result is that the man and the society locate the whole life in an segmented (closed) autistic world, which for the external observer is seen as cynicism - an evident concentration on its own needs and ambitions. Polish School claims that informatonosis treates life as a concentration camp mode.

Informatonosis is a project of shocking . Society suffers shocking „therapy" with the typical segmentation – correlation function of brain and society vanishes. This way of thinking implemented unfortunate children from violent homes, without love – Catherine II, Frederick II, Empress Maria Theresa. These children grow up without a touch, without a mother's hug. Similarly children grow in such a manner when the mother is infected with tuberculosis and preserves distance. The children then often develop autism, coldness and a wide spectrum of behavioral deficits.

Such projects as Solidarity (in the period 1980-89), the Grameen Bank of Muhammad Yunus, encyclicals of St. John Paul II show that it is possible to build strong and stable world contradicting individual desires.

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THE REDUCTIONIST ANTHROPOLOGY AND HUMAN SAFETY. THE STUDY OF PARFIT'S CONCEPT OF SURVIVAL

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ABSTRACT

In the face of the ideology and the practice of transhumanism and of dynamically developing technologies of genetics, robotics, information science and the nanotechnology the essential changes of the condition of the individual and social life are becoming more and more real. Most general visualising these progressive changes and threats they are carrying which, was conducted as part of the so-called constitutive reductionism by Derek Parfit. In the article there is discussing Parfit's analyses in the context of bioethics problems.

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INTRODUCTION

Let me introduce briefly main theses of Derek Parfit's[1] concept of personal identity. I will deal with the concept not because it is inventive or particularly valuable from a cognitive point of view. I will deal with the concept, as it has been discussed and is a contemporary follow up of psychological and subjectivist concept of a human being in the British thought developed since the 16th/17th century. Other reason of my considerations is contemporary development of transhumanism[2] and GRIN technology[3] aimed on the fulfillng the Parfit's thought experiments with surviving the person.

The current discussions on bioethical issues such as inadmissibility or admissibility of transplantation, abortion, euthanasia, cloning or in vitro fertilization show the presence of arguments for the measures, which, although it is generally referred to in mass media and often serving propaganda purposes, has its roots in concept of a human being similar to Parfit's proposal. It is worth noting that a final comparison of different philosophies of the human be-

1 More on this subject: T. Grabińska, *Abortion nd Euthanasia in Constitutive Reductionism of Derek Parfit*, "Życie i Płodność 2", 2010, p. 7-13 – the content of this paper is involved in our considerations; T. Grabińska, Ł. Suliga, *The Enslavement with Temporary Character in the Derek Parfit's Personal Identity Concept,* „Wolność osoby – Wolność obywatela", cz. 2, Disputationes Ethicae V, Częstochowa 2010, p. 21-47., and in Parfit's papers, D. Parfit, *Personal Identity*, The Philosophical Review 80 (1), (1971); Derek Parfit, *Reasons and Persons*, Oxford 1984.

2 M. More, N. Vita-More, *The Transhumanist Reader: Classical and Contemporary Essays on the Science, Technology, and Philosophy of the Human Future*, New York 2013.

3 GRIN technology is the connecting of new technologies of genetics (G), robotics (R), informational technology (I), nanotechnology (N).

ing – subjectivist and reductionist philosophies (such as Parfit's philosophy) with those, which originate from Aristotelian and Thomistic stem (as in the Christian personalism), makes it possible to reach sources of views and understand difficulties, which are generally impossible to overcome in a possible program of overcoming of differences.

LOCKE'S PSYCHOLOGISTIC ANTHROPOLOGY

John Locke[4] adopted a psychological criterion of personal identity, according to which a given person's identification with oneself is determined by so-called realised memory, which means that identification with oneself is determined by memories, which are referred to continuously. In accordance with the criterion for identity of a given person it would be most important to preserve continuity of memories in his/her entire biological life. Derek Parfit[5] revised the so-called natural view of personal identity. To this end Parfit used thought experiments involving transplantation of respective brain hemispheres to different bodies and combining various brains (various consciousnesses) in one body and other experiments. As a result of similar experiments and more detailed so-called spectres, in which even more organs (physical spectre), even more consciousnesses (psychical spectre) and, in total, even more organs and consciousnesses (combined spectrum) are transplanted to a human being, Parfit came to a conclusion that personal identity may also be unspecified[6] and that one had better refer to survival of a person.

In the light of Parfit's thought experiments and his clinging to the criterion of Locke's personal identity it could, for example, be that one person will appear as two persons, as two bodily individuals with their consciousnesses transplanted could have the same course of memories (memory). Thus, Parfit came to a conclusion that Locke's criterion is inadequate, all the more it had been criticised much earlier (in the 17th century) by Thomas Reid[7] for its lack of non-transitivity. (If a middle-aged person identified with a person in childhood due to some memory W, and the same elderly person identifies with the middle-aged person, then, despite the fact that the person no longer has any memories in her/his memory W, is the elderly person the same person from his/her childhood?). Moreover, the very memory tends to efface memories.

Parfit proposed a criterion of survival of a person based upon his Relation R. Similar to Locke's criterion, this criterion has a psychological nature, but it is more general, as Relation R means causal connection and/or psychical connections[8]. Psychical states are not only limited to memories, but also include likes, intentions and so-called quasi-psychical states. For Parfit, survival of a person does not require preservation of all memories, but a merely continuous transformation of memories and other psychical states in time (this way Parfit removed Reid's charge of non-transitivity). Thus, connection of psychical states will be sufficient and not the necessary simple continuity. It would only be amnesia that could exclude occurrence of Relation R, i.e. it would exclude survival of a person.

PARFIT'S REDUCTIONISM

Locke distinguished between a person and a human individual. The same biological human being (individual) does not always have to be the same person. Parfit combined personal identity (in the sense of survival) with a brain, which was not necessarily treated as the same biological organ. The brain identity (in the sense of survival) and, at the same time,

4 J. Locke, *An Essay Concerning Human Understanding*, Indianapolis 1996, and also: D. Hume, *A Treatise of Human Nature*, Sioux Falls (SD) 2007.

5 D. Parfit, *Personal*…

6 D. Parfit, *Reasons*…, s. 261.

7 T. Reid, *Essays on the Intellectual Powers of Man*, Edinburgh 2002.

8 D. Parfit, *Reasons*…, p. 205.

identity of a person (in the sense of survival) may also be ensured in an unnatural manner, for example, as a result of copying of mental paths or artificial reconstruction of the brain. Parfit even admitted a supernatural reason for preservation of personal identity (survival) – as a result of resurrection[9].

Parfit's concept of a person in his reductionism (referred to as constitutive reductionism) limits (reduces) a person to selected attributes (here: psychological and psychical, conscious and mental), which are manifested externally in phenomenal reality (phenomenon). Thus, it is a reductionist and phenomenalistic concept of a person. I have pointed out an important paradox about the type of concept – let me refer to it as a paradox of subjectivity and objectivity (S/O)[10]. A particular person is to prove outside – to others with its deepest subjective feeling that he/she is that or other person and that he/she knows or does not know that he/she is that or other person. The paradox made itself felt at once, when Parfit established that, finally, there was no need to ascertain existence of a person with that or other identity, however, it is enough to verify facts of manifestations of a person empirically (by the person's acts)[11] in a sense of making it objective.

However, Parfit did not limit (reduce) a person to his/her brain. It is understandable in case of his concept, as the brain, in a biological sense, may be subject to various deformations and, thus, it cannot always represent a person. Thus, we still need this external objectivisation, which is manifested in states of corporeality in external phenomenal reality (thus we have constitutive reductionism). Let us add that due to S/O paradox the price is a characteristic blurring of autonomous character of a person.

Parfit did not deem it proper to express judgements about existence of particular persons. This way, he avoided deciding on a number of persons in his thought experiments of connecting (merging) of several persons into one or constructing replicas. It is not existence of particular persons (as the same or not the same as those before the experiment), but psychical connection and its external representation in body responses that matters: Although a person differs from his/her body and each series of thoughts and experiences, the person's being includes only those elements and constitutes of such elements[12] . Persons may exist connected with one another (not only as autonomous being), as the very sense of existence is understood by Parfit as fulfilment of Relation R and this condition only[13].

A person in Parfit's constitutive reductionism is determined by Relation R.[14] According to Parfit, this relation may also be preserved, when there is no direct connection of psychical states, but it may be preserved in a weakened sense: when there is a connection of Parfit's so-called quasi-psychical states, i.e. quasi-memories, quasi-intentions, quasi-likes, quasi-intents etc. Quasi prefix indicates here other than natural causes of psychical states, for example, reincarnation, transplantation of copying of memory paths.

Relation R, which guarantees survival of a person, may be preserved unnaturally, which is connected with the possibility of so-called manifold. It may be that more than one person will prove the same psychical and psychological structure and it may happen that accurate corporal and psychic replicas may appear, which are parallel to the original and have their origins in other place and time than the original. When asked about, whether such a replica will be the same given person, Parfit provid-

9 D. Parfit, *On the Importance of Self-Identiy*, "The Journal of Philosophy", 68 (20) (1971), p. 689. In transhuamanist vision the resurrection is to be planned in posthuman world.

10 T. Grabińska, *Abortion...* .

11 D. Parfit, *Reasons*…, p. 210.

12 D. Parfit, *The Unimportance of Identity*, [in:] H. Harris, *Identity*, Oxford 1995, p. 13-45.

13 D. Parfit, *iReasons*…, p. 340-341.

14 *Ibid...*, p. 262.

ed a complex response: a future person will be me, if he/she is me in Relation R, just as I am now, however, when no other person is me in Relation R . Thus, those would not be the same persons, but, as Parfit stated, persons connected closely with a given person and a replica will be a continuation of a given person and not the same person. However, when the original disappears, splitting will also disappear and a replica will become the same as the original. Thus, a replica guarantees survival of the original and it does not determine personal identity between a replica and original.

THE IMPORTANCE OF ANTHROPOLOGIC ASSUMPTIONS FOR BIOETHICS

Since the other half of the 20th century the concept of a person formulated by Derek Parfit has been widely discussed.[15] In the subject literature the concept is criticised from numerous points of view[16]. The criticism includes issues, which relate directly to an analysis of bioethical problems such as transplantations, abortion, euthanasia or cloning. Similar to a much more earlier John Locke's[17] concept of a person in British circles, Parfit's concept of a person assumes reduction of a person to his/her mental and psychical sphere. Parfit discusses Locke's criterion of personal identity reduced to continuity of memory in his thought experiments and deliberates over survival of a person in case of transfer of memory contents from one body to another or, as he mentions, transfer of a brain directly. Regardless of, whether such thouhght experiments are real, the problem of identity, or, as Parfit postulates, the problem of survival of a person becomes important in the light of new medical techniques of transplantation[18] and cloning.

Ethical problems of abortion, euthanasia, cloning or transplantation are resolved in a different manner in philosophical anthropology, which assumes psychical and physical unity of a person just as, for example, Aristotelian and Thomistic unity and such problems are resolved in a different way in anthropologies, which reduce a person to his/her states of consciousness – such as, for example, Locke's anthropology and partly Parfit's anthropology and it is different in materialistic and mechanistic anthropologies.

The discussion of bioethical problems in the light of Parfit's concept shows again that resolutions depend on an anthropology adopted. Thus, we deal with a problem of grounds of bioethics. Different anthropologies will lay foundations for different kinds of ethics, under which the same problems will be evaluated and valued in a different way. Even if, as in modern philosophy, one departs from systemic formulation of philosophy and emphasizing of grounds of deliberations concerning a human being in the human ontology, the problem of identity of a person still appear in theoretical deliberations and in practice of detailed sciences, including mainly psychology and biomedical sciences.

In Locke's anthropology, which has an enormous impact upon the human philosophy in British circles, a person is not merely a biological being (individual), but a person is limited (reduced) to a continuous stream of consciousness, i.e. to so-called realised memory. A person is himself/herself (the same person) as long as memory preserves its continuity. This psychological criterion of identity

15 S. Schneider, *Science Fiction and Philosophy. From Time Travel to Superintelligence*, New York 2010.

16 Parfit's works are criticised from three points of view. The criticism involves: 1) methodology of thought experiments and method of justification of theses with the use of the same, e.g. Kathleen V. Wilkes, *Real People: Personal Identity without Thought Experiments,* Oxford 1988; 2) coherence of the concept of a person in constitutive reductionism, e.g. Harold W. Noonan, *Personal Identity,* Routledge, London 1989; 3) practical and ethical consequences of reductionism, e.g. Robert M. Adams, *Should Ethics Be More Impersonal* in: J. Dancy (ed), ,,Reading Parfit", Oxford 1997, p. 265, and criticism from the point of view of personalism.

17 J. Locke, *An Essay...* .

18 As in transhumanist project.

of a person (self-identification) has been criticised from the beginning[19].

In spite of this and, to a considerable extent, due to subjectivistic features of the British philosophy, Locke's concept is still significant for the human philosophy and resolving of ethical issues. Parfit refers to the concept (i.e. so-called natural view of personal identity), revises it and publishes his own version of reductionism. As a result of thought experiments, Parfit challenges adequacy of the term of ,,personal identity". The experiments lead to difficulties in determination of personal identity based on memory[20] . Parfit considers so-called survival of a person involving psychical connection despite change of corporeality, as the most adequate representation of a person.

Parfit thinks that a new criterion of self-identification of a person makes it possible to avoid problems with establishment of identity. Some critics are right in disagreeing with Parfit's arguments for departure from the term of ,,personal identity". However, let us look at Parfit's concept and his thought experiments from the perspective of resolution of bioethical problems. According to Parfit, survival is most important for being a person, including survival in a different body. A person's survival does not require Locke's continuity of memories (as in the case of a supernatural situation – resurrection[21]) or it does not necessarily involve memories of actually experienced events. A psychical connection (by way of Relation R introduced by Parfit) will do[22]. It will be enough to preserve quasi-memories (generally – so-called quasi-psychical states) acquired from other person naturally or artificially (just as in the case of transfer of memory paths from the brain or other parts of the brain of one individual to another).

Parfit's concept of a person is a reductionist one in a sense that it distinguishes only between certain features in a person and assigns a sort of ontic character to the features. Thus, a person is reduced to a psychological, mental and consciousness sphere. Earlier, I indicated to so-called paradox of subjectivity and objectivity (S/O) in this and similar concepts of a person. On one hand, a person, in his/her (subjective) deepest internal conviction has to identify with himself/herself and on the other hand, the exterior (objective instance) is to evaluate, whether a given person is the one that is meant or not. Therefore, among others, Parfit resigned from the term of ,,personal identity" and reduced an objective identification of a person to his/her manifestations, for example, through acts ascertained in the exterior[23]. The psychical connection represented outside in body responses is fundamental to survival (and not for existence, as Parfit emphasizes) of a person. In reductionism (constitutive reductionism) a person is constituted in his/her external form, which, in a way, verifies his/her identity at the price of his/her autonomous character. The apparent nature of such resolution of S/O paradox will appear further in the course of consideration of bioethical problems.

SORTS OF ARGUMENTS FOR RESOLVING BIOETHICAL PROBLEMS

In justification of arguments for and against abortion, there are utilitarian and ideological arguments. Most important utilitarian arguments include the following connected arguments:

19 The earliest criticism of Locke's concept includes: J. Butler, *Of Personal Identity*, ,,Personal Identity", Los Angeles 1975, p. 99-105; T. Reid, *Of Identity* and *Of Mr. Locke's Account of Our Personal Identity*, ,,Personal...", p. 107-118;

20 Parfit, *Reasons*…, p. 261.

21 Parfit, *On the Importance...,* p. 689.

22 Parfit, *Reasons*…, p. 262.

23 *Ibid…,* p. 210.

- economical (due to so-called costs of child raising),
- social (due to a low status of multi-children families),
- political (due to demographic advantage over poor and poor developed countries).

The following may be distinguished among ideological arguments:

- philosophical (due to the concept of a human being, philosophical anthropology),
- religious (due to supernatural sense of a human being),
- feministic (due to so-called autonomous character of women's decision on their own bodies).

Thus, the subject of further deliberations will include philosophical arguments. In the British philosophical tradition we may find lively reductionist concepts of a human being most often reduced to a mechanism just as in Thomas Hobbes[24] or to a psychical sphere just as in Locke or even to a bunch of impressions like in David Hume concept. As I mentioned, Parfit is a follower of Locke's thought (and, to some extent, Hume's concept), but I think that one may also find an implicit reference to Hobbes's image of a human being in Parfit's constitution of a human being in the exterior, blurring of a border between the interior and exterior and identification of a person by external responses.

In Parfit's concept, survival of a person involves existence of states or quasi-psychical states (instances of internal identification) and identification of manifestations of personality in the exterior. In this light, the earliest stages of human life, in his/her zygotic form, are not connected psychically with further states and are not manifested outside (e.g. in a mother's sensations). According to Parfit, there is no psychological connection (no Relation R) and, therefore, abortion is admissible in early stages of development of a foetus[25] . Thus, there is still a problem of determination of a borderline between appearance of connection and degree of connection meeting requirements of Relation R until emergence of self-consciousness or a degree of self-consciousness. As supporters of views of abortion believe, the problem may be solved through development of biomedical research. However, the belief ends, where it should be determined, what a consciousness is. This problem may be resolved empirically only to some extent and, therefore, generally, it cannot be technically resolved.

To establish what a consciousness is, seems to go beyond the scope of biomedical sciences. What is more, even in philosophical deliberations and attempts to capture the essence of consciousness conceptually, there are problems, which can only be solved on the basis of a linguistic convention and not on the basis of the human ontology.

It is possible to justify, in a most coherent manner, a view of unity of a human being starting from the stage of an embryo in the realistic Aristotelian and Thomistic ontology. In this concept a human being is a psychical and physical unity and his/her development is determined by potentialities, which are updated in time and subsequent stages. Thus, everything that will happen in the future individual development is, in a way, in a potential stage at the very beginning. Adoption of deliberate causation as a relation of connection removes the problem of establishment of a border of beginning of consciousness, as psychicity is always present in some form and, then, connected with physicality, it evolves into other forms in an ontic connection.

In the light of discussion between opponents and supporters of abortion it is worth reconstructing, on the basis of their arguments, an anthropological level, i.e. a level of assump-

24 T. Hobbes, *Leviathan*, Cambridge 2006; T. Grabińska, *Hobbe's Desire of Power as an Essence of Understanding of Entrepreneurship and Working Man,* „Młody człowiek wobec pracy, wyzysku I bezrobocia", Kraków 2014, p. 65-86.

25 D. Parfit, *Reasons…,* p. 322.

tions (philosophical or theological and philosophical) about a human being. As I have already mentioned, in the British tradition, there is a lively concept of a human being reduced to psychical states, consciousnesses and wilful acts (e.g. wants directed by a mechanism of aversion and desires[26]). Already mentioned Locke reduced personal identity to continuity of memories in a conscience of a given person. Despite S/O paradox, the state of such realised memories would be verifiable in external observations. If so – as supporters of the concept think – as it is not possible to ascertain, whether a zygote or early foetus is self-conscious, then it is unjustifiable to connect being of a zygote or early foetus with being of a person, who emerges from them. Thus, according to Locke's concept of personal identity, one would have to examine stages of a zygote and foetus in order to capture the moment, when self-consciousness is created.

According to Parfit, capturing of the moment of self-consciousness is decisive for the beginning of being a person, whereas a foetus becomes a human being as of its birth. According to Parfit's constitutive reductionism, Relation R has different force depending on, how strong a given person feels his/her psychical bonds with his/her earlier stages. There is Relation R or there is no Relation R at all or the relation is very weak between further psychical and mental states and the state of a foetus. Therefore, Parfit admits an early abortion and he is definitely against an abortion before delivery. The decision of abortion in a mean time should depend on a degree[27].

Parfit and representatives of similar concepts of a human being did not even think (due to limitations of the recognised philosophical concept of a human being) that a human being may be identified with all stages of his/her development in other than subjective and psychological manner. This is senseless for them. They are not able to imagine that opponents of abortion do not articulate a requirement of psychical connection with all developmental stages. Opponents of abortion and defenders of life base their arguments on quite a different anthropology, i.e. personalistic anthropology and, if they refer to identification of a human being with all developmental stages, the identification is not of psychological or subjective character. The identification has its grounds in the Aristotelian and Thomistic ontology, which assumes that a human being is a physical and psychical unity and a dynamic being, which becomes updated in the process of development. Thus, at the very beginning, i.e. from the zygote, a human being has all that will become updated later. One has to refer to continuity here, however, this will be an ontic continuity. One may also refer to continuity in a theological sense, namely continuity of origin of creation from the Creator, which a creature cannot interfere with.

THE EUTHANASIA PROBLEM IN PARFIT'S REDUCTIONISM

The moment of a clinical death of a human being is established on the basis of indications of medical equipment, which measures the level of intensity of selected life processes. As of cessation of the processes, a human organism is pronounced dead. However, in some cases only some indicators reach the zero level, which means that an organism still lives, but is dependent (supported externally by medical equipment) or does not establish any contact with external environment (is in a coma, lethargy or dementia). In such cases additional prerequisites are required (similar to the problem of abortion) in order to justify artificial cessation of life, i.e. euthanasia.

Similar to deliberations on abortion, one could distinguish utilitarian and ideological ar-

26 C.f. Hobbes, *Leviathan*; K. Pierwoła, M. Zabierowski, *The Freedom and Will in the Thomas Hobbes' approach. A Critical Analysis,* „Wolność osoby – Wolność obywatela", Disputationes Ethicae IV (2009), Częstochowa 2009, p. 29-51.

27 D. Parfit, *Reasons…,* p. 322.

guments in the dilemma of admissibility or inadmissibility of euthanasia:

- utilitarian arguments, including economical arguments (due to technical costs of life sustaining referred to as artificial life sustaining, or costs of medical care of the ill person) social arguments (due to burdening of families with care of the ill person and family members, with whom no contact can be established);
- ideological arguments, including philosophical arguments (due to the human ontology) and religious arguments (due to the supernatural sense and eschatological horizon of human life).

Similar to the case of abortion, in this scope of reductionist concepts of a human being (such as Parfit's concept) we deal with a similar and irresolvable problem of euthanasia, which is connected with understanding of the essence of humanity. It is reduced to impressions or feeling of a psychical nature, then, due to difficulties in establishment of a border of self-consciousness, euthanasia may be treated as a homicide or peculiar suicide, if we assume that a person, who is losing his/her consciousness, kills himself/herself or, finally, as a peculiarly technical act of removal of physicality, which, in those concepts, does not represent the essence of a human life. On the other hand, when one ponders over requested euthanasia, i.e. making a deliberate decision on ending one's own life and the life is to be ended in participation of third persons, then, as regards reduction of a person to consciousness, in reductionist concepts focused on the course of consciousness as a determinant of a person, requested euthanasia has characteristics of both a homicide and suicide.

In his concept of a person Parfit not only solves the problem of euthanasia, but he puts it aside, cancels and proposes a sort of perspective of immortality involving replication of a person. For it is about survival (in the sense of Relation R). The survival does not have to be realised in the same body, i.e. the same physicality. Parfit's thought experiment referred to as teleportation, which involves body reconstruction (in a teleporter) and introduction of consciousness into the body, is to make it possible for a person to survive as a replica.

It is worth mentioning again, what has already been written in other paragraph[28] and makes it possible to, additionally, distinguish between the problem of abortion and euthanasia in reductionist concepts of a human being. It is a problem of objectivisation of a person (as part of S/O). In case of abortion, the beginning of consciousness from a biomedical point of view is searched for. In case of euthanasia, the end of consciousness is even more difficult to capture and it is finally decided on arbitrarily or conventionally by others. Its is even worse in case of requested euthanasia, when the course of consciousness is not broken and sick physicality request for killing of its own consciousness.

In Parfit's concept of a person, the end of a person is not its definite end, as the person may survive, i.e. preserve his/her psychological connection in other body. Parfit designed (in a thought experiment) so-called teleportation as a peculiar method of prolongation of life as a result of replication of a given person. An appropriate machine (a teleporter) would reconstruct a body and transfer consciousness to the body. According to Parfit's approach, physical death does not have to mean the end of a person. A person may survive in other body or a replica of his/her body.

Similar to the issue of ethical character of abortion, the issue of ethic character of euthanasia is possible to understand in the light of adopted philosophical or theological and philosophical assumptions. If Relation R is to represent identification of a person with himself/herself, then, as a result of senile dementia, deep coma or other complaints, which extremely impair self-consciousness and psychical process-

28 T. Grabińska, *Abortion*...

es, a given person is not able to survive and, thus, he/she, in a way, kills himself/herself. The meaning of physical life (body) is not fundamental to being a person. Therefore, death inflicted to the body from outside does not mean killing of the person, as the person did not exist in the psychical and mental sense earlier. In Parfit's opinion, one cannot, in case of euthanasia, perform moral evaluations, as such evaluations relate to defence of life, i.e. survival of a person in Parfit's sense, and not a material and biological corporeality. Parfit is not a materialist, idealist or Thomist, but a psychological subjectivist and immaterialist.

Similar to abortion, Parfit and followers of a similar philosophy of the human being are not able to capture the meaning of continuity of a human being, including material, substantial being other than psychological and subjective. The paradox of S/O, which I have raised, is even more apparent in case of euthanasia than in case of abortion, as in case of abortion, supporters of reductionism attempt to see scientifically objectivised beginnings of self-consciousness and processes of transformation of psychical states. However, in case of euthanasia, all they have to do is to finally make an arbitrary and external evaluation of the state of being or not being a person (in Parfit's sense) by conventionally selected indicators and adjudicating group.

Finally, it is worth quoting a true ascertainment made by Warren Bourgeois, one of the contemporary disputers, including those of Parfit's disputers – as a consequence of reductionism, a person becomes ,,an ephemeral being moving in and out of the body secretly"[29].

THE ,,BALD MAN" PARADOX AND PARFIT'S SPECTRES

Among his concepts referred to as thought experiments and transplanting of one part of a human being to other human being, Parfit distinguished between so-called spectra. A physical spectrum corresponds to a real transplantation. During the transplantation, parts of one human being are transplanted to another human being. In a physical spectrum as a thought experiment, more and more consciousnesses and, in a combined spectrum, more and more bodily organs and consciousnesses are transplanted at the same time. The problem connected with identity of a person or Parfit's survival of a person in other body involves understanding of transformation of one person into another. For Parfit it is a theoretical problem rooted in his concept of a person. It may be a real problem in case of transplantation of numerous organs of one person to another. It is certainly connected with an eternal logical problem, but, as I am going to show, it is only partly connected with the problem. In logics, this problem is referred to as, for example, a paradox of a "bald man".

The ,,bald man" paradox is ascribed to Eubulides[30]. Due to semantic blurriness of the terms of ,,bald man" it cannot be defined equally. One cannot capture a quantitative border of not being a bald man yet and being already a bald man. In case of Parfit's spectres, the paradox would be as follows. No one can deny that, if an organ (not a brain) belonging to a person B is transplanted to a person A, this person is still himself/herself. If, however, another organ of the person B (not a brain) is transplanted to the operated person A, then, in accordance what we have recognised before, the person A is still himself/herself. Continuing the procedure, it would turn out that all organs (except for the brain) belonging to the person B could be transplanted to the person A and the person A would still become the same as it was before the experiment.

However, the issue of gradual transplantations does not correspond to the gradual losing of hair in the paradox. Firstly, the reason for

29 W. Bourgeois, *Persons: What Philosophers Say About You*, Groton 1955, p. 393.

30 Y. Dolev, *Why Induction Is No Cure For Baldnes*, Philosophical Investigations 27 (4) (2004), p. 328–344.

that is because the paradox cannot be formulated only with exclusion of one of the organs – a brain. Secondly, and this is connected with the first reservation, transplanted parts are not only calculable elements of the structure of the organism as it is in case of hair on the head. Transplanted parts of the organism, as elements of the structure, have precisely defined functions in connection with other elements. The view of Parfit's spectres in the perspective of ,,the bald man" paradox indicates again that a human organism is a unity of structure and function possible to capture in the concept of a human being as a psychical and physical unity and organicist whole and not in reductionist and mechanistic concepts.

As regards Parfit's approach, the most important questions is: Where in particular spectres is there still a psychical connection, i.e. to which point can we consider that a given person will survive. It is worth quoting Tadeusz Bilikiewicz's thought experiment[31]. It involves depriving of a given person subsequent body organs, one by one, and replacing the same with artificial organs (or transplanting of person B's body parts to person A gradually). In the end, the brain would be left disconnected from sense receptors. Bilikiewicz claimed that:

- a person reduced to a brain would still preserve his/her personality, but he/she would not be able to show it outside,
- the person's brain would not only contain memories, as it would operate on ,,a current basis" simulating existence of organs, which had been taken away, as similar to phantom symptoms.

Acceptance of transplantation despite the fact that spectrum problems are irresolvable in relation to personal identity is justified on an utilitarian basis, on one hand (survival of human life despite changed personality). On the other hand, it is justified ideologically due to, for example, value of the gift of one's own corporeality for improvement of health or saving the condition of other person. However, this does not mean that the reductionist concept of a human being will be accepted – it is even to the contrary.

THE SURVIVAL BECAUSE OF THE BRANCHING OF PERSONS

Parfit deliberates over the problem of so-called branching. It appears in the thought experiment, in which memory paths or the entire brain is transplanted from one body to another and, when Parfit's teleporter makes a replica of a given person and memory carriers of that person are transferred to a new body and, at the same time, the person in its condition before the experiment is left alive. Then, if one assumes a psychological criterion of personal identity or survival, two individuals with the same or different bodies may be treated as the same person. It would be the same person in two copies. In this situation, due to unspecified character (blurring) of personal identity, Parfit resigns from the concept of personal identity and replaces it with the already mentioned survival of a person (in other bodies).

The described branching of a person admits parallel existence of the person and its replicas. Parfit does not claim that a replica is the same person[32], but that it is closely connected with a given person . In the light of Parfit's thought experiments relating to branching, one may deliberate over the qualification of a cloned organism.

As far as cloning is concerned, it involves creation of an organism, which is genetically the same as the parent organism. Thus, the problem is, whether the genetic load, which carries well specified biological characteristics, includes inherited experience encodes in the consciousness of the parent organism. If this was the case, would the consciousness be revealed at the very beginning of life of a clone

31 M. Nowacka, *The reduction of bodily sphere as a therapy of future*, Archeus 2, 2001, p. 37-43.

32 D. Parfit, *Reasons*..., p. 262.

or it would become gradually revealed in the course of individual development of the clone. In the first case, early stages of development of the clone would be marked by consciousness and, therefore, the situation would be different than that evaluated by reductionist of abortion – the clone could not be deprived of life in the earliest stages of its development. If this was the case, as in the other case, the clone would repeat the stages of inherited consciousness, however, its individual being would modify considerably the contents of the consciousness. The other case seems more real, especially due to inheritance of some mental and psychical dispositions than just consciousness. Cloning may, therefore, be treated as Parfit's survival of one person in the other due to the above-mentioned close connection of the clone and parent organism. However, the clone is not the same as parent organism neither in the individual nor personal sense.

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HOLISTIC PERSPECTIVE OF KINESIOLOGICAL ASPECTS OF SECURITY CULTURE

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THE EVALUATION OF JU-JITSU TRAINEES' PHYSICAL FITNESS DEPENDING ON UTILIZATION OF ACROBATIC AND AGILITY EXERCISES IN TRAINING

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ABSTRACT

Purpose: The research aim is to provide an answer to the question whether including gymnastics exercises in a Ju-jitsu training positively influences trainees' general and special fitness. The research was preceded by a trainer survey conducted among Ju-jitsu trainers and instructors which enabled to distinguish two approaches to this issue. In the opinion of some trainers using gymnastics exercises in a Ju-jitsu training should positively influence the level of trainees' general and special fitness. In the other group of instructors, on the other hand, the opinion that there is no reason to recommend using such exercises in a Ju-jitsu training prevails.
Methods: The research has been conducted by means of physical fitness tests evaluating general fitness (EUROFIT physical fitness battery) and special fitness in Ju-jitsu. Research material included two groups consisting of 15 trainees aged 14-17 who represented sections trained by instructors having opposing views related to the presented issue.
Results: In the two groups it was the group whose training includes gymnastics exercises that obtained better results in 9 out of 11 tests which points to the rightness of opinions represented by trainers who are in favour of using gymnastics exercises in a Ju-jitsu training.
Conclusions: The profile of motor ability in Ju-jitsu and gymnastics shows a strong similarity in all areas of motor skills.

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INTRODUCTION

Ju-jitsu is the most versatile martial art originating in Japan, which for centuries has evolved to become a system comprehensively preparing an adept to fight both in a sporting arena as well as in self-defense. Versatility of Ju-jitsu results from using multiple techniques, namely *atemi-waza*, *nage-waza*, *osaekomi-waza*, *kansetsu-waza* and *shime-waza* techniques (Sterkowicz, 1998, Ambroży, 2008).

The primary reason for taking up the issue of including gymnastics exercises in a Ju-jitsu training are significant differences in the approach to this problem adopted by Ju-jitsu trainers and instructors. On the basis of a trainer survey two separate systems of action can be distinguished. Whereas in one group of Ju-jitsu trainers and instructors the belief that there is no indication to use exercises typical for gymnastics in a training, trainers in the second group point to a correlation between using such exercises in a training and general and specialist fitness in Ju-jitsu.

General fitness is conditioned by the level of development and the level of motor skills, without attention being paid to motor abilities typical of a particular discipline. High level of physical condition signifies it. It is both an individual's motor potential and a basis for developing his or her special fitness.

Special fitness, on the other hand, is considered only with reference to specific motor skills which are characteristic for a particular discipline. Therefore, it is also determined by the level of the degree of technique mastery, which is measured by efficiency and effectiveness of task achievement set by a particular sports discipline. It is a kind of adaptation to motor challenges having a repeated structure and taking place in similar conditions (Drabik, 1992).

As far as the level of motor skills is concerned, Ju-jitsu places considerable demands on trainees. As a combat sport it is characterized by a high degree of complexity and any lacks in motor preparation can result not only in losing in a competition, but also in a serious injury. Ju-jitsu understood as a marital art does not make any compromises regarding the level of motor skills since suffering a defeat may be tantamount to permanent loss of health or death (Kalina, 2000).

On the basis of time and subject structure of a fight, as well as a characteristics of means used in it, it should be concluded that the level of the following motor skills and their components plays a key role in special fitness in Ju-jitsu (Ambroży, 2008, Ambroży et al. 2014a):

1. strength abilities:
a) absolute strength (a fight without weight divisions);
b) relative strength (a fight with weight divisions);
c) general strength (performing techniques which engage a substantial number of muscles: ukemi-waza falls, chugaeri-waza rolls, a large group of nage-waza techniques etc.);
d) local strength (the influence of particular body segments on the effectiveness of technique performance: the strength of arms and shoulder girdle – hitting with upper limbs, *te-waza* throwing techniques; the strength of legs and pelvic girdle – hitting with lower limbs, *ashi-waza* leg throwing techniques, as well as all throws requiring lowering one's centre of gravity; the strength of stomach – throws involving hip rotation, weakening the attack by turning hips and changing the impact angle, protecting internal organs; the strength of neck muscles – protection against *shime-waza*);
e) explosive strength (lower and upper limbs attacks in fighting from a distance in standing positions; the phase of throwing techniques performance where a dynamic leg straightening enables to rise the opponent's centre of gravity);
f) static strength (the effectiveness of using holds limiting *osaekomi-waza* movements and *shime-waza* strangles in the course of ground fighting, but not only);
g) endurance (the ability to maintain an appropriate level of strength in the course of the whole fight);
h) power and speed skills (a general influence of power and speed predisposition on the effectiveness in a fight: kicks, counter-attacks, throws etc.);
2. endurance skills:
a) aerobic endurance (it is of huge importance in fights which lasts longer than 2 minutes; it is a basis for developing other forms of en-

durance; it influences the effectiveness of restitution in the course of less intense parts of a fight);
b) anaerobic endurance (a structure of a round in Ju-jitsu is based on short, but very intense anaerobic efforts separated by lower level efforts);
c) speed endurance (it is a component which is based on the ability to release energy by way of anaerobic processes and which determines an organism's resistance to tiredness caused by submaximal and maximal stimuli);
3. speed skills:
a) reaction time (simple reactions: reacting quickly to a referee's commands; complex reactions: the ability to react quickly to an opponent's actions – using ducks, counter-attacks etc.);
b) pace of a particular movement (it influences the effectiveness of a blow or block that is used);
c) frequency of movement (it is significant when a sequence of movements consisting in a combination of various blows is used);
d) flexibility: a high level of flexibility enables to perform a series of techniques more effectively, especially kicks (*mae-geri, mawashi-geri, yoko-geri, ushiro-geri* etc.), punches (*oi-seiken-jodan-tsuki)*, some leg throws (*tai-otoshi, uchi-mata, o-soto-gari* etc.), as well as techniques used in ground fighting (e.g. *sankaku-jime)*;
e) coordinating motor skills: in the most general perspective these skills are a basis for mastering fighting techniques and using them effectively in a rapidly changing fight conditions, and even though each of their components exerts influence on it, it seems reasonable to highlight it (special role of the ability to maintain equilibrium, diversify and adapt movements).

THE AIM OF THE STUDY

The aim of this paper is to evaluate motor skills of Ju-jitsu trainees depending on using gymnastic exercises in a training. The research aim is a rationale for formulating the following questions resulting directly from the research procedure:

1. Does using gymnastic exercises in a Ju-jitsu training influence the level of trainees' general fitness?
2. Does using gymnastic exercises in a Ju-jitsu training influence
3. Should gymnastic exercises be used in a Ju-jitsu training in order to create a base for achieving better results in trainees in a leading discipline, e.g. Ju-jitsu?

These issues lead us to formulate a theoretic question, which results from a trainer survey, trainer and trainee experience as well as own research:

- Do profiles of motor skills in Ju-jitsu and in gymnastics show similarities? If the answer is yes, then in what areas of motor skills?

MATERIALS AND METHOD

Research on the level of general and special fitness in Ju-jitsu trainees was conducted in two sections: section 1 (the date of examination: 5 April 2014), consisting of 15 boys aged 14-17 and section 2 (the date of examination: 14 April 2014), also consisting of 15 boys aged 14-17. Apart from tests evaluating the level of components determining general and special fitness, measurements and the following data were recorded: height, body weight, age and training experience.

The research was preceded by a trainer survey conducted among Ju-jitsu trainers and instructors, which focused on a tendency to use in Ju-jitsu exercises taken from other sports disciplines, especially from gymnastics. This enabled to distinguish two groups representing two varying positions. Whereas the members of the first group highlighted their conviction about positive influence of gymnastics exercises used in Ju-jitsu on trainees' fitness, and consequently used them in a training of a many year's standing, starting from age 7 (such exercises were used in group I), members of the second group did not draw attention on the connection between using gymnastic exercises and the level of Ju-jitsu trainees' fitness,

and consequently did not use systematic programme based on using gymnastic exercises as supplementary measures (this approach was used in group II).

Before doing physical fitness test, a 15 minute warm up was performed in each group. Moreover, before doing a particular test the participants had been instructed on the way in which each exercise should be performed.

General fitness was evaluated by means of selected tests which make up EUROFIT physical fitness battery (Ambroży et al. 2014a):

1. Flexibility test – this test involves sitting on the floor with legs stretched out straight ahead and reaching forward ahead as far as possible (the so-called sit and reach).
2. Explosive strength test – standing long jump.
3. Static strength test – squeezing a dynamometer with maximum effort.
4. Sit up test (abdominal strength endurance) – performing as many sit-ups as you can in 30 seconds.
5. Functional strength test (shoulders and arms strength endurance) – a participant grasps a bar using an overhand grip and should attempt to hold this position for as long as possible.
6. Running speed and agility test – this involves a 10x5 m shuttle run with a maximum speed and changing the direction.

Special fitness was evaluated on the basis of the following tests (S. Sterkowicz, 1998, K. Sterkowicz, 2003, Ambroży et al. 2014b):

1. A test of speed (frequency) of upper limb strikes – a combination of two punches: left, straight punch (*Oi-seiken-jodan-tsuki)* and right, straight punch in the stomach (*Gyaku-seiken-chudan-tsuki)* performed 30 times in a fighting position.
2. A test of speed (frequency) of hip turns – time required to perform 30 hip turns in a fighting position.
3. Flexibility test – a maximum range (height of foot kick) when performing *Jodan-mawashi-geri* high kick. Three measurements of the range of a dominant limb kick with a precision of 1 cm. Then the flexibility indicator was calculated:

$$the\ flexibility\ indicator = \frac{kick\ range\ [cm]}{height\ [cm]}$$

4. A test of speed (frequency) of lower limb strikes – performing 30 *Chudan-mawashi-geri* kicks on a sack/mattress held by a partner by a forward leg in a fighting position.
5. A test of technical fitness – a test of special motor fitness TSSR employing *Ippon-seoi-nage* throw.

The results have been presented by means of the following parameters of basic statistics:

- arithmetical mean,
- standard deviation.

Then, mean difference of the examined variables, obtained by trainees in both groups, have been calculated. The significance of results obtained by both groups have been checked. The results of the examined variables had a normal character (this distribution has been tested by means of Kolmogorov-Smirnov test) and that is why a student t-test for independent groups as well as Cochran-Cox have been tested to determine the significance of differences).

RESULTS

A general description of groups consisting of 15 participants, examined by means of the abovementioned fitness tests has been presented in Table 1 and 2.

Statistics	Age [years]	Height [cm]	Body weight [kg]	Training experience [years]
Arithmetical mean	15,8	169,733	63,2	5,667
Standard deviation	1,222	7,801	9,745	1,3
Variation coefficient	7,73%	4,60%	15,42%	22,93%
Minimal value	14	159	51	3
Maximal value	18	185	84	8
Median	15	171	62	6
Mode	15	176	63	6

Table 1. General description of trainees in group

As shown in Table 1, the average age of participants in group I is 15,8 years. Whereas the average height is 169,733 cm, the average body weight is 63,2 kg. Subjects' training experience is 5,667 years on average.

While the lowest variation coefficient among the examined features characterizes height (4,60%), the highest coefficient is training experience (22,93%).

Statistics	Age [years]	Height [cm]	Body weight [kg]	Training experience [years]
Arithmetical mean	16,267	171,267	63,4	5,6
Standard deviation	0,929	9,132	9,851	1,705
Variation coefficient	5,71%	5,33%	15,54%	30,44%
Minimal value	14	156	45	3
Maximal value	17	186	80	9
Median	17	173	65	5
Mode	17	186	65	5

Table 2. General description of trainees in group II

As Table 2 shows, the average age of participants in group II is 16,267 years. Whereas the average height is 171,267 cm, the average body weight is 63,4 kg. Subjects' training experience is 5,6 years on average. The lowest variation coefficient among the examined features characterizes height (5,33%), the highest coefficient is training experience (30,44%).

Table 3 presents a summary of average tests results in both groups, their standard deviations, mean differences and statistical significance of these differences.

	Test	Grup I		Grup II		Mean difference $\lvert\overline{x_1} - \overline{x_2}\rvert$	Mean significance
		$\overline{x_1}$	s	$\overline{x_2}$	s		
General fitness	Flexibility	11,8	4,151	13,533	6,13	1,733	Insignificant
	Explosive strength	218,867	21,845	208,667	23,223	10,3	Insignificant
	Static strength	34,533	8,107	33,4	11,313	1,133	Insignificant
	Torso strength	30,2	1,939	28,6	3,593	1,6	Insignificant
	Functional strength	17,475	10,872	13,659	9,082	3,816	Insignificant
	Racing speed, agility	20,195	1,157	21,381	1,257	1,187	Significant
Special fitness	The speed of upper limb blows	14,287	1,672	19,7	2,869	5,413	Significant
	The speed of hip turns	19,436	3,046	19,193	2,709	0,243	Insignificant
	Flexibility indicatior	0,938	0,049	0,928	0,034	0,01	Insignificant
	The speed of lower limb kicks	18,913	2,144	19,24	1,444	0,327	Insignificant
	TSSR	20,933	1,526	18,133	1,087	2,8	Significant

Table 3. A summary of average results in group I and II

As far as sit-ups are concerned (Table 3) the results obtained by participants in group I were worse than in group II by 1,733 cm on average. In case of the standing long jump test (table 3) participants in group I were better than participants in group II by 10,2 cm on average. They also obtained better results in the handgrip on a dynamometer test (table 2) by 1,133 kg on average. In the test evaluating abdominal strength endurance by means of performing sit-ups in 30 seconds (table 3) participants in group I obtained results better than in group II by 1,6 on average. In the functional strength test (table 3) participants in group I obtained better results than those in group II by 3,816 s on average. In the subsequent test which evaluated the 10x5 m shuttle running speed (table 3) subjects in group I obtained better results than subjects in group II by 1,187 s on average.

When it comes to the evaluation of special fitness, when performing a series of upper limb strikes (table 3) participants in group I obtained better results than those in group II by 5,413 s on average. However, when performing 30 hip turns (table 3) participants in group I obtained worse results than participants in group II by 0,243 s on average. The flexibility indicator (table 3) in subjects in group I is higher than in group II by 0,01 on average. When performing 30 lower limb kicks (table 3) participants in group I obtained better results than those in group II by 0,327 s on average. When analyzing the number of *Ippon-seoi-nage* throws in the TSSR test (table 3) it has been found that subjects in group I obtained better results than subjects in group II by 2,8 on average.

SUMMARY AND DISCUSSION

Results obtained by trainees in tests differ both in case of general and special fitness. The conducted statistics analysis enabled to find the highest level of significance of differences in the test of speed (frequency) of upper limb strikes where the difference of the performance in the series of 30 kicks was 5,413 s for the benefit of group I), the TSSR test in which participants in group I performed 2,7 *Ippon-seoi-nage* throws more than in group II and the running speed and agility test in which in the 10x5 m shuttle run execution time in group I was on average shorter by 1,187 s than in group II. In all of these tests better results were obtained by trainees in group I that is the group in which gymnastic exercises were included in the training programme.

The least statistically significant differences have been observed in the test of speed of hip turns (subjects in group II performed 30 hip turns in a fighting position on average 0,243 s faster than subjects in group I) and in the static strength test (the strength which participants in group I gripped their hands on the dynamometers was higher by 1,133 kg on average than in group II).

Participants in group II (in whose training gymnastic exercises were not used) obtained better results than in group I only in two tests, namely in the flexibility test (sit and reach) and in the test of speed of hip turns. It is important to note that one of these test is in the group of tests whose results in the light of performed calculations are characterized as the least statistically significant. In case of other tests better results were obtained by subjects in group I. On this basis it can be concluded the group of factors influencing such a state of affairs includes the level of motor preparation, namely the level of particular motor skills and their components, described in detail in earlier sections and displayed in particular tests. It should also be noted that the average age in group I was lower by 1,8 years than in group II. Despite this unfavourable disproportion, trainees in group I were able to obtain better results in the majority of tests.

The obtained tests results need also to be referred to the trainer survey conducted prior to the tests. Numerous opinions of trainers who believed that using gymnastic exercises in a Ju-jitsu training should exert positive influence on trainees' general and special fitness seem to be right. Therefore, the beliefs of instructors who oppose these opinions and state that there is no need to include gymnastic exercises in a Ju-jitsu training since there is no reason to believe that they will increase the level of general and special fitness can be disputed.

The analysis of literature (Sterkowicz, 1998, Ambroży, 2008, Kochanowicz, 1998, Sawczyn, 2000, Omorczyk, 2010, Ambroży et al. 2014a, Ambroży et al. 2014b) gives a clear picture of strong similarities between requirements Ju-jitsu and gymnastics trainees have to meet. These analogies are related to motor abilities (especially general and local strength, explosive strength, static strength, speed and strength abilities, but to some extent also their other components), endurance skills (mainly anaerobic endurance), speed skills (above all the speed of a particular movement performance and reaction time), flexibility (a significant influence of the flexibility level of the whole loco-motor system, from lower limbs, spine to upper limbs) and motor skills coordination (both Ju-jitsu and gymnastics are characterized by a high level of coordination complexity and particular components of motor skills coordination of key importance for this disciplines seem to be: the balance skill, the ability to vary and link movements).

CONCLUSIONS

When it comes to the application value of the research the following conclusions can be drawn:

1. Using gymnastics exercises in a Ju-jitsu training can positively influence trainees' general fitness, namely strength, endurance, speed and coordination skills.
2. Using gymnastics exercises in a Ju-jitsu training can positively influence trainees' special fitness, namely strength, endurance, speed and coordination skills.
3. Using gymnastics exercises in a Ju-jitsu training should be a common and recommended practice since it has been proven that it enables trainees to obtain better results.
4. Carrying out statistical calculations enabled to establish that only two of all obtained results (mean difference in results of the running speed and the speed of upper limbs strikes tests) are statistically significant. Nevertheless, in the majority of conducted physical fitness tests (except the flexibility test and the speed of hip turns test) trainees belonging to the group practicing gymnastic exercises obtained better results than trainees in the group whose training does not include such exercises.

The theoretical value of the conducted analysis can be summed up in the following way:

- The profile of motor skills in Ju-jitsu and gymnastics shows a similarity in all areas of loco-motor activity, that is in condition abilities (strength skills, endurance skills, speed skills, flexibility) and motor skills coordination.

The results obtained in the course of this paper should serve as a basis and encouragement for other authors to conduct further research since even though the subject of the correlation between gymnastics and Ju-jitsu has been addressed here and is interesting from a scientific perspective, it still needs to be thoroughly analyzed by means of empirical methods and conclusions have to be drawn. Such action will influence the increase of the theoretical qualifications of trainers and instructors, which in turn will positively affect the quality of training and enable trainees to obtain better results either in a sporting arena or in a defense fight.

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CENTRAL ASIA'S SECURITY ENVIRONMENT AND REGIONAL DEFENCE CAPACITY

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ABSTRACT

This paper focuses on the security of Central Asia and efforts among those national actors to build common security structures and their attempts for military cooperation both regionally and as part of international security organizations. Next, the existing and potential internal and external threats that could destabilize the Central Asia's current political systems are identified. Each country's unique concepts of national security, which have evolved over the past two decades, are also considered. The paper examines and compares the capability of the region's armed forces and their capacities to meet likely threats in the near future. Finally, the potential threats confronting the region in the coming years are discussed.

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The beginning of the 21st century was marked by another struggle between the civilized world against emerging and well-organized threats presented by terrorist groups. It was not only symbolized by the direct attack against United States on September 11, 2001, but also by the combined effort of nations to initiate common effort in the frame of the war against terrorism with the most important engagement in Afghanistan. As a result, the war became an international phenomenon, influencing directly or indirectly almost every single nation.

Fig. 1. Central Asia – Five brothers together under one roof?

Source: *Central Asia Today*, http://www.sairam-tourism.com/ca_today accessed: 23 December 2014.

The situation in Afghanistan proved to be an important factor related to the security of neighbouring regions and countries, particularly in Central Asia and Pakistan. Especially important is Central Asia, "*which lies between ambitious regional and great powers*"[1], with countries, which has emerged from the former Soviet Union. Just after receiving their independence, each state started to look for its place within the new geopolitical reality of Asia. However, as the countries status is relatively new and not fully grounded, the region is still unstable and remains a potentially volatile area. Additionally, the region is still important for Russia along with other Asian and non-Asian nations. It is a strategically important location, natural resources but also to growing influence of criminal groups using it as a transit route for smuggling narcotics, weapons, and even nuclear materials.

The new states in the Central Asia: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan have started to build national structures in all the domains of modern society and the task is rather complicated. Especially as national security "*manifests itself in all areas of activities of an entity. Hence, its structure is essentially identical to the structure of the operations of that entity. Within the framework of international and national security we can recognize such the fields of security as: economic, social, military, public, environmental, information, etc*"[2]. As a consequence of the stability of the security system a nation can achieve continuity of politics, territorial integrity, economic development and prosperity of people[3]. One of the major regional challenges became the establishment of new security structures and armed forces. This was a rather complicated task given the circumstances of the past political situation in the region. Such attempts to create national identity and security, differing significantly among countries, were suspiciously observed by neighbours, especially Russia and China, and also by other countries such as the US and India and organizations e.g. the European Union (EU) and the Association of South-East Asian Nations (ASEAN). Such attention was connected with the fact that the Central Asian countries have the potential to contribute to stability as well as to turmoil in the region where they are located; the former Soviet Union and Southern Asia, including the Caspian region.[4] The test will come probably quite soon, and it will be related to respective countries ability to face new realities after conversion of US and ISAF forces into training mission in Afghanistan, as security could be endangered by both internal and external factors. Forthcoming possible power struggles related to aging leaders in Central Asia could add to these challenges. It will directly present security challenges for the entire region.

This paper covers security issues related to Central Asia, with the focus on four countries: Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. The focus is linked with their active participation in major security organizations in the region, with the exception of Turkmenistan, which adheres to a policy of neutrality. The policy of Turkmen President Berdimuhamedov focuses on multilateralism, thereby avoiding dependence on one country or security organization to ensure overall security. The purpose of this research is also to recognize the ability of the aforementioned nations to confront threats after 2014, when the US and NATO's trans-

1 J. Herbst, W. Courtney, *After The Afghan Pullout, The Dangers For Central Asia*, Radio Free Europe/Radio Liberty, 17 February 2013, http://www.rferl.org/content/central-asia-afghan-pullout/24904747.html accessed: 07 August 2014.

2 S. Koziej, *Bezpieczeństwo: istota, podstawowe kategorie i historyczna ewolucja, (Security: The Essence, Basic Categories and Historical Evolution)*, "National Security", No 18, National Defense Bureau Warsaw 2011, p. 19.

3 K. Załęski, *The Evolution of the Security Notion and Its Influence on the Concepts of Armed Forces Employment*, "Baltic Security and Defense Review", Volume 13, ed. 1, Tartu 2011, p. 10.

4 *Calming the Ferghana Valley, Development and Dialogue in the Heart of Central Asia*, Center of Preventive Actions, the Century Foundation Press, New York 1999, p. xvi.

formed ISAF into follow-on NATO-led mission called Resolute Support in Afghanistan[5]. Discussing the threats the focus is on: drug trafficking, organized crimes, water disputes, succession of power (instability), and terrorist organizations. Some efforts to create common security structures inside the region and also recognition of cooperation with international security organizations are examined at the outset. This is followed by an assessment of the internal and external threats in relation to the evolution of security mechanisms. Finally, Central Asia military doctrines are discussed including a brief overview of the respective armed forces and their capabilities.

COMMON EFFORTS TO BUILD SECURITY

The post-Soviet geopolitical situation in the region required the rapid creation of security structures. This was a rather difficult task. There were some supporting factors to do so as post-communist structures, but it caused former party members to take power with all their relations with prior leadership and services in Russia. This approach triggered the adoption of behaviours of governing countries and controlling society, which were mainly based on the previous political system. In parallel to defining the governance style, the region started to build common security structures with external support. Especially active were the USA, EU and UN. In the case of EU, this was done in the framework of the Technical Assistance to the Commonwealth of Independent States (TACIS) founded in 1991 aiming "*at enhancing the economic and political transition process*"[6] in Eastern Europe and Central Asia.

This broad support enabled the creation of the Central Asian Union (CAU) in 1994 by Kazakhstan, Kyrgyzstan, and Uzbekistan. This became the Central Asian Economic Community (CAEC) in 1998, when Tajikistan joined the community. There were both political and economic goals related to such the joint organizations. The next step was the transformation of the CAEC into the Central Asian Cooperation Organization (CACO) with Uzbekistan. In 2004 Russia joined CACO, successfully pushing into integration with the Eurasian Economic Community (EurAsEC)[7] the following year, which with creation of "*the Customs Union inside it, represented the effective disappearance of the last Central Asian attempt at any relatively autonomous integration*"[8]. Consequently, internal occurrences in countries, combined with external influence of Russia trying to preserve its influence, hindered independent economic integration.

In the security domain NATO offered cooperation in the framework of Partnership for Peace (PfP). The Framework Document[9] was signed by Kazakhstan, Kyrgyzstan, Uzbekistan (1994) and Tajikistan (2002). It was important step to start cooperation, as the Western involvement in the region was growing both economically and in support of creating security establishments. But Russia proved to be the real guarantor of security which was visible in September 1993, "*when foreign and defence ministers of Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan met in Moscow and formal-*

5 *Resolute Support Mission in Afghanistan*, **NATO Website, last update** 07 August 2014**,** http://www.nato.int/cps/en/natohq/topics_113694.htm**,** accessed: 29 February 2015.

6 *Technical Assistance to the Commonwealth of Independent States (TACIS)*, European Commission, Brussels 1991, http://www.euroresources.org/fileadmin/user_upload/PDF_country_and_Programme_profiles/ec4.pdf accessed: 12 August 2014.

7 N. Kassenova, Central Asia Regional Security Cooperation: Constrains and Prospects, in: M. Hartog (ed.), Security Sector Reform in Central Asia: Exploring Needs and Possibilities, Greenwood Papers, Center for European Security Studies (CESS), Groningen 2010, p. 94-95. See also EurAsEC Webpage: http://www.evrazes.com/

8 R. M. Cutler, *Putin Declares "EURASIAN Union" Goal of Russian Foreign Policy*, The Central Asia-Caucasus Analyst, 19 October 2011, http://www.cacianalyst.org/?q=node/5647 accessed: 26 September 2014.

9 Signatures of Partnership for Peace Framework Document, NATO Website, http://www.nato.int/cps/en/natolive/topics_82584.htm accessed: 12 August 2014.

ly established the CIS peacekeeping force for Tajikistan"[10]. The force was composed of multinational troops: Russia contributing 50 percent, Kazakhstan and Uzbekistan providing 15 percent each, and Tajikistan and Kyrgyzstan contributing 10 percent each. Moreover, "*by December 1994, under various bilateral agreements, Russian forces cooperated with local troops, putting,…, 5,000 in Uzbekistan, 3,500 in Kyrgyzstan, 24,000 in Tajikistan, and 15,000 in Turkmenistan*"[11].

Meanwhile, there was also an attempt to create a common military structure. In December 1995 a joint Council of Defence Ministers comprising Kazakhstan, Kyrgyzstan and Uzbekistan was established to coordinate military exercises. They formed the Central Asian Battalion (CENTRAZBAT), which was significantly supported by USA, and was intended to contribute to peace and stability in Central Asia as a contingency peacekeeping unit. The battalion exercised with NATO troops (in the framework of PfP), and with Russian forces[12]. Although the CENTRAZBAT exercises proved to be a facilitator of cooperation and understanding among partners, the battalion was disbanded in 2000 and the Council of Defence Ministers in 2005. The beginning of independence spawned other promising intra-regional arrangements in broader domains, such as the Agreement on Eternal Friendship between Uzbekistan, Kazakhstan and Kyrgyzstan signed on 10 January 1997 (implemented 30 August 1997)[13]. The cooperation was continued by agreements in 1998 related to natural environment protection and exploitation of natural resources.[14] Though, only common initiative was related to creation of the Central Asian Nuclear-Weapon-Free Zone (CANWFZ) in 2006[15]. Up to the date "*other Central Asian countries had various WMD components and related technical and scientific facilities, Kazakhstan was the only Central Asia country, and one of four post-Soviet states, to possess a substantial nuclear arsenal within its borders*"[16].

There were many reasons for failure to build internal regional security based on common programs. They included the will to build real independence, leaders' desire to preserve power and self-rule, different concepts of governance, huge differences among nations and leadership egocentric ambitions. All of them were influenced by external powers, which were against

10 CIS – Commonwealth of the Independent States. See: G. Chufrin, *The Caspian Sea Basin: the security dimensions*, Stockholm International Peace Research Institute, SIPRI Year Book 1999. Armaments, Disarmament and International Security, **Part I. Security and conflicts, 1998,** *Appendix. Chronology of defence and security-related declarations and agreements involving the countries of the Caspian region, 1991–2001*, p. 347. **http://www.sipri.org/yearbook/1999**

11 J. S. Adams, The Dynamics of Integration: Russia and the near Abroad, Demokratizatsiya Winter 1998, p. 51.

12 *Central Asia hosts Centrazbat-97 maneuvers, Turkey, Russia and US participate*, Hürriyet Daily News, 15 September 1997, http://www.hurriyetdailynews.com/central-asia-hosts-centrazbat-97-maneuvers-turkey-russia-and-us-participate.aspx?pageID=438&n=central-asia-hosts-centrazbat-97-maneuvers-turkey-russia-and-us-participate-1997-09-15 accessed: 13 August 2014.

13 *Agreement on Eternal Friendship between Uzbekistan, Kazakhstan and Kyrgyzstan* (Договор о вечной дружбе между Республикой Узбекистан, Республикой Казахстан и Кыргызской Республикой), Bishkek 10 January 1997 http://base.spinform.ru/show_doc.fwx?rgn=3894 accessed: 15 August 2014.

14 Agreement between the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic and the Government of the Republic of Uzbekistan on Cooperation in the Area of Environment and Rational Nature Use, Bishkek 17 March 1998. http://www.ce.utexas.edu/prof/mckinney/papers/aral/agreements/Envir-Agreement.pdf accessed: 15 September 2014.

15 Read: *The Central Asian Nuclear-Weapon-Free Zone (CANWFZ)*, Inventory of International Nonproliferation Organizations and Regimes James Martin Center for Nonproliferation Studies, 08 September 2006, http://cns.miis.edu/inventory/pdfs/aptcanwz.pdf accessed: 07 September 2014 and S. Parrish, W. Potter, *Central Asian States Establish Nuclear-Weapon-Free-Zone Despite U.S. Opposition,* 05 September 2006, James Martin Center for Nonproliferation Studies, http://cns.miis.edu/inventory/pdfs/canwz.pdf and also http://cns.miis.edu/inventory/pdfs/aptcanwz.pdf accessed: 07 September 2014.

16 M. J. Derber, Counter-Intuitive Policy-Making: Denuclearization in the Former Soviet Republics, Naval War College, Newport 24 May 2011, p. 16.

integration looking rather to make deals with individual nations and it was giving them reasonable advantage in all aspects of using instruments of power[17]. Although there are still efforts to build closer ties in Central Asia, they are not strong enough to be successful. According to Myles Smith, a Jamestown Foundation analyst of Central Asia, "*fortified borders between the Central Asian republics are fast becoming the rule, rather than the exception*"[18]. This is not a sign of cooperation but is related both to expected emanation of security challenges from the South and to regional frictions. It could be also a signal of a rush to invest rather in national self-defence first as there are doubts about credibility of other nations' support and regional solidarity in the case of real threat.

After the period of individual security arrangements and building security structures, the nations moved back to the Russian umbrella to enhance their safety, especially as old and new internal and external threats were emerging. It was materialized by joining the Collective Security Treaty (CST) in 1992 and later on its follower the Collective Security Treaty Organization (CSTO) in 2002. Only Uzbekistan remains independent in perception of security as it suspended membership in CSTO in June 2012. Russia is the leading power in CSTO and it enables Moscow to undertake independent actions in the framework of the organization with political or military support from its members. So far it is related only to combined, joint exercises which are conducted systematically to improve operational capabilities of the forces to support any nation asking for such the provision. It could be done within Chapter 4 of the Treaty on Collective Security, which states that "*if an aggression is committed against one of the States Parties by any state or a group of states, it will be considered as an aggression against all the States Parties to this Treaty*"[19], which includes military support. For that reason CSTO has created Collective Rapid Reaction Force (CRRF) as the key force ready to support members[20], but they were not used when asked by Kyrgyzstan in 2010 as a result of lack of consensus among members.

Another important organization for the region has become the Shanghai Cooperation Organization (SCO) with Russia and China as its leading members. So, two Asian powers were involved in the security matters but with somewhat different motives. Moreover, SCO has developed other areas of cooperation namely politics, economy, energy resources, infrastructure, and even cultural one. SCO is continuously conducting exercises but there is neither shared will nor force ready to be used to support members if needed. CSTO is more focused on security in broad sense, compared to SCO concentrating on fighting three evils (terrorism, separatism and extremism)[21], which was the Chinese focus.

The lack of unity among Central Asian nations has still been an issue. During the Conference on Interaction and Confidence-Building Measures in Asia – CICA in Shanghai in May 2014 it was clearly visible and expressed

17 NATO is recognizing four instruments of power: military, political, economic and civil. See in details: *Allied Command Operations Comprehensive Operations Planning Directive interim V1.0*, SHAPE, Brussels 17 December 2010, Annex A, p. A-4–A-6.

18 M. G. Smith, *Borders Hardening Throughout Central Asia in Anticipation of NATO Pullout*, Eurasia Daily Monitor Volume 9, Issue: 96, 21 May 2012. http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=39398&cHash=28a3909d3c20af1fbabf741981ebcfff accessed: 07 September 2014. Category: Eurasia Daily Monitor, Home Page, Military/Security, Central Asia, Kyrgyzstan, Uzbekistan , Kazakhstan , Tajikistan

19 *Treaty on Collective Security* (Договор о коллективной безопасности), Chapter 4, Tashkent, 15 May 1992, CSTO Website, http://www.odkb.gov.ru/b/azbengl.htm accessed: 07 September 2014.

20 A. Frost, The Collective Security Treaty Organization, the Shanghai Cooperation Organization, and Russia's Strategic Goals in Central Asia, Central Asia-Caucasus Institute & Silk Road Studies Program, China and Eurasia Forum Quarterly, Volume 7, No 3 (2009), p. 86 – 87.

21 R. N. McDermott, *The Rising Dragon: SCO Peace Mission 2007*, The Jamestown Foundation, Washington October 2007, p. 3.

straightforwardly by president Atambayev. He stated that „*The region is extremely exposed both to external and internal challenges, with particular concern raised by the fact that Central Asia as a whole is effectively* ill-prepared to face the challenges and risks to its own security"[22] based on a few factors and among them: lack of a unified perception of regional security and joint counter-mechanisms, constant existence of a number of sensitive issues in the region dividing it, and finally Central Asia location close to hotspots as Afghanistan and the Middle East. If we add growing pressure of extremism, terrorism illegal criminal organizations the situation is really challenging. Moreover, the succession of power is coming in some nations at is causing leadership to be focused on internal 'power games' rather than building regional security relations. The Ukrainian crisis has also not been a reason to close ranks. And when "*Central Asian governments were primarily concerned with potential Islamist spillover from ISAF's Afghan pullout, Russian revanchism provided a sudden, immediate security threat, with far broader and deeper penetration through the region than anything ISIS could hope to ever achieve*."[23] The approach of nations toward annexation of Crimea, as Turkmenistan, Uzbekistan and Tajikistan were rather quiet, Kirgizstan supported Russia and Kazakhstan after initial indecisiveness mentioned support for Ukraine's integrity. Nevertheless, the nations recognized the possible threat coming from their relations with Moscow and related Russian minority and the need of security umbrella, at least some of them.

THE EVOLVING NATURE OF THREATS

The security situation is very complex in Central Asia and political and economic developments reveal strong internal differences inside respective countries and the region endangering security in broaden sense. Initially, internal security proved to be significant factor as "new" post-Soviet leadership was concerned about solidifying their power being afraid of emerging opposition, separatist organization and terrorist entities. To face them, internal security forces, often exceeding armed forces, were created to suppress adversaries. It has been effective apart from Kyrgyzstan, which faced two internal revolutions.

Preserving the leadership status quo and ensuring continuity by selected successors was paramount to Central Asia's leaders. Especially, as "colour revolutions" had occurred in or near Central Asia ("the Tulip Revolution", Kyrgyzstan 2005 and riots in 2010; "the Orange Revolution", Ukraine 2004, and "the Revolution of Roses", Georgia 2003, - see the map). The threat of rapid and undesired changes has made Russia and regional leaders close allies, who are ready to "*[defeat] a terrorist organization or [reverse] a Color Revolution-style mass uprising*".[24] What is notable, the global war on terrorism has provided the regional leaders a convenient "justification" to suppress opposition – they just have to label them as "terrorists". Nevertheless, such democratic type movements are not so easy to face them alone as sources are often located abroad too, but it is also an element which could possibly integrate efforts to unite against common antagonists e.g. by exchange on information. Observing the situation, Russia was eager and successful to provide security umbrella, using the SCO and CSTO and it is still an important partner.

22 *Corridors of Power; Central Asia not ready to counter external threats - Kyrgyz president*, **Interfax: Russia & CIS Military Daily, Moscow** 21 May 2014, http://search.proquest.com/docview/1526866466?accountid=142866 accessed: 16 November 2014.

23 C. Michel, *Russia, Crimea and Central Asia,* the Diplomat 19 March 2015, http://thediplomat.com/2015/03/russia-crimea-and-central-asia/ accessed: 20 March 2015.

24 A. Scheineson, *The Shanghai Cooperation Organization*, Council on Foreign Relations, New York 24 March 2009, p. 2. http://www.cfr.org/international-peace-and-security/shanghai-cooperation-organization/p10883 accessed: 02 August 2014.

The situation is evolving as the role of China is growing based on economic profits and also the fact that even Moscow is looking to Beijing with greater respect than in the past. Especially, as China, is skilful in building both bilateral and regional interactions in Central Asia, presenting strategic patience

Fig. 2. 'Colour revolutions' and hot spots in the neighbourhood of the Central Asia.

Source: Map Courtesy of the University of Texas Libraries, The University of Texas at Austin: http://www.lib.utexas.edu/maps/commonwealth/caucasus_cntrl_asia_pol_2003.jpg access: 02 December 2014. Additional information provided by the authors.

For those relatively new countries, the involvement of neighbours or organizations into internal affairs was not desired remaining afraid of being overwhelmed by big actors, as in the past. So, the Chapter 2 (Principles) of the Charter of the SCO - highlighting the importance of the "*non-interference in internal affairs*"[25] - has been important. But, the lack of interventions to support respective authorities and to contain threats is dangerous as opposing forces could overthrow single country's government and spread disturbances into the whole region. The Ferghana Valley is such a hot spot and it has already witnessed violence[26]. Internal challenges were visible between 1996–1998 during the Civil War in Tajikistan, and in 1999 when the Islamic Movement of Uzbekistan (IMU) used part of Kyrgyzstan to attack Uzbekistan. Combined operations by Kyrgyz ground forces and Uzbek and Kazakh air forces eliminated the threat proving advantage of cooperation. The uprising in Andijan in 2005 caused a shift in the Uzbek policy from pro-West into pro-East[27]. Similarly, the clashes in Kyrgyzstan in 2005 and 2010[28] showed that national identity is "*a weak point of Kyrgyzstan, that could be used by some elements*"[29] to support their goals. The situation proved that *"[Kyrgyzstan's interim] government has been unable to establish its authority over certain areas of the country - it created a situation whereby there was no possibility of nipping it in the bud when these small-scale clashes broke out on the June 10*"[30].

In 2010, again, radical movements started to be more active in Tajikistan including a suicide attack in Khujand and escape of prisoners (including alleged Islamist militants) causing almost all the National Security Council to be

25 *The Charter of the Shanghai Cooperation Organization*, Charter 2 Principles, Saint-Petersburg 17 June 2002, the SCO Website http://www.sectsco.org/EN123/show.asp?id=69 accessed: 03 December 2014.

26 C. Recknagel, *Dolina Fergany: wylęgarnia przemocy (Ferghana Valley: A Tinderbox for Violence),* Stosunki Międzynarodowe (International Relations), 20 June 2010, accessed: 03 December 2014. http://stosunkimiedzynarodowe.info/artykul,712,Dolina_Fergany_wylegarnia_przemocy.

27 Riots in Andijan were repressed by interim security services and armed forces. It caused condemnation from USA and UE including economic and military sanctions. The result was turn in the international policy of the country towards Russia and China.

28 W. Górecki, M. Matusiak, *Zamieszki na południowym Kirgistanie. Aspekt międzynarodowy (Riots in the South Kyrgyzstan. International Aspect)*, Tydzień na Wschodzie (Week in the East) nr 21, Ośrodek Studiów Wschodnich (the Centre for Eastern Studies), Warsaw 2010.

29 Read also: G. Mirzajan, Под угрозу поставлена вся Ферганская долина (The entire Ferghana Valley endangered), Expert Online, 16 June 2010, http://www.expert.ru/2010/06/16/kirgiziya_pod_ugrozoy/ accessed: accessed: 04 December 2014.

30 C. Recknagel, Dolina Fergany: wylęgarnia przemocy, op. cit.

dismissed[31]. This was followed by the assassination of General Nazarov, an important Tajik opposition figure and *"security services general"*[32], in June 2012 causing unrest and government forces operations in the Gorno-Badakhshan Autonomous Region. It was up to some extent suppression of opposition and a warlord Ajombekow, linked with Afghanistan and an adversary of Rahmon. The situation was temporary stabilized shaping the future, first - as there would be presidential elections in 2013, second - as there was clear understanding of future threat from Afghanistan in 2014.

The creation of the Islamic entity in Central Asia – Pashtunistan, envisaged as a common home, has been the idea which has supporters in the region, Afghanistan and Pakistan. This is one of the reasons underlying the unstable situation in Central Asia, and it is skilfully used by such organizations as IMU. Other organizations include e.g. the Islamic Movement of Turkestan, the Islamic Jihad Union (IJU) fragmented from IMU, Islamic Movement of Tajikistan and more active lately Hizb ut-Tahrir in Kazakhstan, try to incorporate more and more recruits from the indigenous population[33]. Although, the radical organizations suffered losses they still constitute a real danger and could be used by internal and external forces to keep instability and as leverage against current governments. A possible scenario is "Arab spring" domino in the case of turbulences supported by ethnical and tribal interstate associations. However, according to Anthony Bowyer, IFES Program Manager for the Caucasus and Central Asia "*the effect of the uprisings in the Middle East would have a limited immediate impact on countries in Central Asia and the South Caucasus. One of the main reasons for this is the lack of identification and shared experience with countries such as Tunisia and Egypt. Of greater concern in the Central Asian republics is the effect of two revolutions within five years in Kyrgyzstan, which has deep connections to its neighbors*"[34].

Also opinions about the external influence of predominantly ethnic-Pashtun Taliban, diverging ethnically from the population of Central Asia, differ. Former Kyrgyz President Bakiyev was warning that "*if the conflict against the Taliban further deepens in Afghanistan, then toward which direction would they escape? God save us, but they would [move] toward Tajikistan, Kyrgyzstan and Uzbekistan*"[35]. But, as stated by Aleksei Malashenko, the regional leaders are using overstated risks for their selfish reasons as "*reckons that Taliban dangers could serve as a pretext to tighten the screws inside Kyrgyzstan. When there is a threat coming from outside, people usually consolidate around the government*"[36] and it helps to preserve power. Nevertheless, the situation in Afghanistan has always influenced Central Asia and that relationship will continue.

The new concerns in Central Asia are linked with potential threat of Islamist radicalism coming from the Islamic State organization in Iraq

31 K. Soljanskaja, *Ферганская долина смерти (Ferghana Valley of death),* 03 September 2010, gazeta.ru, http://pda.gazeta.ru/politics/2010/09/03_a_3414545.shtml accessed: 09 September 2014.

32 R. Kozhevnikov, *Tajik troops strike ex-warlord after general killed*, Reuters, 24 July 2012, http://articles.chicagotribune.com/2012-07-24/news/sns-rt-us-tajikistan-securitybre86n078-20120723_1_warlord-dushanbe-gorno-badakhshan accessed: 09 September 2014.

33 I. Rotar, *Islamic Radicalism in Kazakhstan: Myth or Reality?* Eurasia Daily Monitor Volume 9, ed. 125, the Jamestown Foundation, 2 June 2012, accessed: 09 September 2014 http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=39573

34 *The Possible Effect of the Arab Uprisings on Post-Soviet Countries and Turkey*, IFES (the International Foundation for Electoral Systems), Washington 19 April 2011, http://www.ifes.org/Content/Publications/News-in-Brief/2011/April/The-Possible-Effect-of-the-Arab-Uprisings-on-Post-Soviet-Countries-and-Turkey.aspx accessed: 04 October 2014.

35 F. Najibullah, *Taliban threat spooks Central Asia,* The World Security Network Foundation (WSN) 18 June 2009, http://www.worldsecuritynetwork.com/Terrorism-Asia/Najibullah-Farangis/Taliban-threat-spooks-Central-Asia accessed: 09 September 2014.

36 Ibidem. Aleksei Malashenko is an expert of the Carnegie Endowment for International Peace in Moscow.

and Syria, as citizen of the region has already joined that movement and in the future will be back in respective countries armed with ideas and combat experiences to challenge status quo. According to the Jamestown Foundation even as many as 2000 – 4000 recruits from the region are fighting in the IS ranks; however the estimates are differing[37]. The researchers are very careful when estimating possible threat coming from those rather distant fronts against radicals as "despite the significant number of Central Asians active in the Islamic State, Russian and Central Asian government claims that the Taliban and Islamic State-linked radicals will soon overrun the republics of Central Asia appear largely unfounded"[38].

NON-MILITARY CROSS BORDER THREATS

In addition to challenges presented above, there are other dangers which are increasingly dynamic in exploiting the situation in each single nation but also in the region, as a complex environment, for their selfish benefits.

An important challenge relates to *organized crime*, which is skilfully exploiting the governments' lack of control over some parts of countries, very porous borders, and corruption among civil servants. Crime, along with well-rooted corruption, is also part of the legacy the Soviet system[39]. Criminals enjoy a flow of income from drug trafficking, making them allies – but also competitors - to terrorist groups, which are relying on that source of funds. They are indirectly undermining government institutions and also endangering ISAF and USA efforts to stabilize Afghanistan. It is a double edged sword; as soon as Islamic radicals take power, such bands will be annihilated or subordinated to them. Lack of coherent efforts to fight crime and the withdrawal of the coalition forces from Afghanistan will create a more complex situation, especially as Tajikistan is not strong enough alone to strengthen the border. It was one of reasons of extending the presence of the Russian military base (operated by the 201st Motorized Rifle Division) in the country up to 2042, based on a bilateral agreement signed by Presidents Putin and Rahmon on 5 October 2012[40].

Drug trafficking has been especially significant in "*the northern route which carried an estimated 90 tons of heroin on different paths through the Central Asian States to the Russian Federation and beyond*"[41]. involving silent support of administration. According to Erica Marat explains "*the relationship between state structures and organized crime in developing states can be distinguished into two generic types. ... The first type of organized criminal network is connected through underground links, representing a strong parallel authority outside the official state structures. ... The second generic type emerges under government's control and penetrates throughout all state structures*"[42]. She claims that "*both types of state-crime relationships are present in the Central Asian states*".[43] Example was former Kyrgyz president Bakiyev, who gave permission to criminals to smuggle drugs though Osh city, but in 2010, warlords enabled him and his family members to leave the country[44].

37 R. Satke et all., *The Islamic State Threat in Central Asia: Reality or Spin?* Terrorism Monitor Volume: 13 Issue: 6, the Jamestown Foundation 20 March 2015, p. 3.

38 Ibidem, p. 5.

39 Calming the Ferghana Valley, Development and Dialogue in the Heart of Central Asia, op. cit., p. 68.

40 Read: *201-я база останется в Таджикистане до 2042 года (201st base in Tajikistan will remain until 2042)*, Газета.Ру, 05 October 2012, http://www.gazeta.ru/politics/2012/10/05_kz_4800965.shtml accessed: 16 September 2014.

41 *Central Asia*, United Nations Office on Drugs and Crime (UNODC), Vienna 2013, http://www.unodc.org/unodc/en/drug-trafficking/central-asia.html accessed: 12 October 2014.

42 For details see: E. Marat, *The State-Crime Nexus in Central Asia: State Weakness, Organized Crime, and Corruption in Kyrgyzstan and Tajikistan,* Central Asia-Caucasus Institute & Silk Road Studies Program, Johns Hopkins University-SAIS, Massachusetts October 2006, p. 22-27

43 Ibidem, p. 24.

44 G. Mirzajan, Под угрозу поставлена …, op. cit.

Fig. 3. The heroin trafficking roads in the Southwest Asian and Central Asia
Source: *Southwest Asia*, the Central Intelligence Agency, last updated: 03 January 2012, https://www.cia.gov/library/publications/additional-publications/heroin-movement-worldwide/p5_map.gif accessed: 04 October 2014.

According to some researchers "in Afghanistan, drug trafficking has become an official activity as much—if not more—than it is an insurgent one. According to UNODC figures, in 2009 Afghan traffickers made an estimated $2.2 billion in profits, while insurgent groups made only $155 million"[45]. It is also confirmed by UNODC[46] data showing the poor border security and silent agreement of officials for illegal activities, as "heroin seizures in Tajikistan amounted to 4,794 kilograms in 2004 but only 1,132 kilograms in 2009, despite rising production in Afghanistan and an increase in transit along the so-called 'northern route' through Central Asia"[47]. So, the illegal business is a part of regional economy providing illegitimate funds for other branches and population although there is strong support of the international community to face the problem, e.g. by UNODC. The constantly growing of drug business is one of major threats especially as it is reinforced by corruption, silent support of officials and well prepared drug warlords possessing huge military capabilities and money under their direct control.

There are also other worrying problems related to *water supplies*, visualized by the situation in the Ferghana Valley as three countries are sharing it "*are highly interdependent through energy, water, and an adequate transportation infrastructure to supply the valley, and they often have contrary needs for scarce water supplies: Kyrgyzstan uses one of the main rivers, the Syr-Darya, for energy production, but Kazakhstan and Uzbekistan need the water for irrigation of their large cotton and fruit crops*"[48]. Uzbekistan and Tajikistan were trying to raise the water issue during SCO summits aiming to involve the organization; however it was not achieved as it could cause internal friction within the SCO. Water availability is directly related to basic needs of societies and agriculture, which is related to internal security and possible revolts. John Herbst, former US Ambassador to Uzbekistan, mentioned it among significant sources of insecurity especially as "*Islam Karimov, recently warned of 'water wars'*"[49].

Riots could also have other causes such as *unfair distribution of income (social inequality)* from exploitation and transit of natural resources, which is controlled by family members or close allies of political leaders. For example, in Kazakhstan, Timur Kulibayev, son-in-law of President Nazarbayev, fully controls the energy sector. Such inequality caused unrests in December 2011 in the oil town of Zhanaozen, when "*at least 15 people were killed in the unrest and more than 100 injured*"[50]. Similar tensions are growing in other countries along with social awareness regarding people's rights and unfairness. Social turbulences happened in Uzbekistan and Kyrgyzstan and can be also exploited by anti-government opposition and radicals. In addition, riots in May 2013 in Issyk-Kul

45 S. Peyrouse, *Drug Trafficking in Central Asia. A poorly considered fight?* George Washington University, PONARS Eurasia Policy Memo No. 218, September 2012, p. 2.

46 UNODC - the United Nations Office on Drugs and Crime.

47 S. Peyrouse, *Drug Trafficking in Central Asia*, op. cit., p. 1.

48 A. Tabyshalieva, The Challenges of Regional Cooperation in Central Asia—Preventing Ethnic Conflict in the Ferghana Valley, United States Institute of Peace, Washington DC, 1999, p. 26.

49 J. Herbst, W. Courtney, *After The Afghan Pullout, The Dangers For Central Asia*, Radio Free Europe/Radio Liberty, 17 February 2013, http://www.rferl.org/content/central-asia-afghan-pullout/24904747.html accessed: 16 October 2014.

50 *Kazakhstan court jails 13 over Zhanaozen riots*, BBC News Asia 4 June 2012, http://www.bbc.co.uk/news/world-asia-18323805 accessed: 18 October 2014.

oblast in Kyrgyzstan, "*calling for a bigger share of the profits from the Kumtor mine, owned by Canada's Centerra Gold group*"[51], proved that there is also governmental pressure on international companies to share revenues. The same deliberations are continuing in other countries as people recognize profits earned by big companies, rich indigenous authorities, corruption and lack of caring about the quality of life of ordinary citizens.

Regional security threats are very complex and they are frequently also trans-border in nature, based on geography, ethnic, tribal and culture links. They are associated with the tough attitude of the political leadership to opposition, the role of the security forces and slow pace of democratic and social reforms. Terrorism and separatism trends are worsening the situation, being also an excuse for leadership to suppress opposition and to strengthen security forces[52]. The threats are similarly important for actors located out of the region, too, as they could eradiate to Russia and China through close links of extremist organizations. This is also one of reasons for close cooperation as "colour revolutions" are a real concern. As USA and NATO withdraws from Afghanistan, the situation post-2014 is already creating some fears[53]. If the threats emanate from the South (Islamic movements, illegal crime, warlords') it could be too much for local leadership to handle alone, even with the support of the SCO or CSTO. Especially as experienced, trained, and equipped fighters are there, looking for opportunities. This is also potential encounter for Russia and China because of the economic and security reasons; their South flank could be endangered by unrest along with growing aspirations of India, unclear ambitions of Iran, and an unpredictable situation in Pakistan.

REGIONAL ARMED FORCES IN CENTRAL ASIA

The armed forces of Central Asian nations are still evolving from the status they reached just after independence, including cadre and equipment from the Soviet era. The command systems, military structures and infrastructure were based on the Soviet style and it was quickly very clear that such the state of affairs was not meeting requirements of modern warfare, the characteristics of emerging threats and also expectations of new leadership to support their rule. The situation is improving as new cohorts of personnel, train both in the West and in the East, have entered the service with new ideas how and what changes must be introduced. However, officers accessing such courses in the West frequently leave their military on returning home, being regarded with suspicion by their colleagues. Nevertheless, these armies are still out-of-date forces focusing on supporting national leadership, combating internal threats and being ready to face external threats from regional opponents, while facing bigger actors is not necessary as those are more concerned about stability of the region than region itself. As a result, the respective armed forces are putting an emphasis on improving capabilities to face asymmetric threats being aware than soon they will be tasked to engage them and top level commanders are fully aware of high expectations related to their units performance.

THE MILITARY FRONTRUNNERS

Currently, the superior military position is possessed by two nations, and among them, tak-

51 *Kyrgyz police move in on Centerra gold mine protesters*, BBC News, 31 May 2013, http://www.bbc.co.uk/news/world-asia-22726891 accessed: 18 October 2014and also *Kyrgyzstan declares state of emergency*, Al Jazeera English, Doha 01 June 2013 http://www.aljazeera.com/news/asia/2013/06/20136102814129580.html accessed: 18 October 2014.

52 A. Cooley, *The New Great Game in Central Asia*, Council of Foreign Affairs, Tampa 07 August 2012, http://www.foreignaffairs.com/articles/137813/alexander-cooley/the-new-great-game-in-central-asia accessed: 18 October 2014.

53 Read also: J. Mankoff, *The United States and Central Asia after 2014*, Center for Strategic & International Studies (CSIS), Washington January 2013.

ing into account pure numbers, Uzbekistan has the largest number of troops, and Kazakhstan is leading in quantity of equipment.

KAZAKHSTAN

Kazakhstan transformed its armed forces, in co-operation with the USA and NATO, also Russia and China (CSTO and SCO), while balancing the rise of their influences. The stable economic situation in the country supports the development of the armed forces, purchasing modern equipment and exploiting constant training opportunities along with building proper and modern defines infrastructure. For example, the country's armed forces transferred to a brigade-based structure several years before the reform of the Russian armed forces launched in later 2008 followed a similar route. However, there is still a shortage of professional cadre as the professionalization process takes a lot of time. Nevertheless, it looks as though there is a military capabilities gap in favour of Kazakhstan when compared with defines capabilities of other Central Asia countries. The advantage of strong military instrument of power is directly affecting the role and importance of the state in the region.

The country started the reform and shifted military structures from former divisions into brigade structures following the developments in the USA and Europe. Inside land forces the decision was to create airmobile forces, including air-assault troops, and the effort was done to modernize them in short time. As a result the force is better trained and equipped and is often present during exercises abroad. During the same period, in 2003, the National Defence University was established along with other defines related educational institutions. Currently there are in the ground forces[54]: Ten mechanized and motorized brigades, four air-assault brigades, one Peace Support brigade as well as combat support units: seven artillery brigades, two MLRS (Multiple Launch Rocket Systems) brigades, two antitank brigades, one operational-tactical rocket brigade, coastal defines brigade and others. The brigades and support units are organized in four regional military commands: Astana, East, West, and South[55]. The numbers of land forces equipment are changing, as 'Military Balance 2012' mentioned 980 pieces of T-72 tanks and in 2014 edition it was only 300 of T-72s. It could mean that some technically disabled equipment is taken out of stocks and there is an effort to make more rationale distribution of funds to keep the current equipment as combat capable as possible. Another explanation could be future procurement of modern tanks to enhance combat effectiveness. The details about armament are presented in the table and numbers are as of 2014 based on *Military Balance* 2015 edition.

The airmobile forces constitute strategic reserve forces and the PSO brigade is visible during exercises abroad. Those units are well trained and better equipped compared to other units. The Special Forces are under enlargement process and they are also including such troops as CBRN, Electronic Warfare and engineers among them.

54 Б. Соколов, В огне войны сгорит быстро (In the fire of war one can burn out fast), Военно-промышленный курьер 20 March 2013, http://vpk-news.ru/articles/14980 accessed: 27 August 2014.

55 See also the Website of the Ministry of Defense of Kazakhstan, Региональные командования, (Regional commands), http://mod.gov.kz/mod-ru/index.php?option=com_content&view=article&id=25&Itemid=67&lang=ru accessed: 27 August 2014.

		Kazakhstan	Uzbekistan	Turkmenistan
1.	Military Budget	2,28bn USD (2012) 2,32bn USD (2013) 2,03bn USD (2014)	1,46bn USD (2012) 1,59bn USD (2013)	538m USD (2012) 612m USD (2013)
2.	Number of troops	39 000 (31 500 paramilitary troops)	48 000 (20 000 paramilitary troops)	22 000
3.	Tanks	300 (T-72B)	340 (T-72, T-64, T-62)	680 (T-72, 10xT-90)
4.	AFV	1009 (BMP-1 and 2; BTR80A)	704 (BMP-2, BMD-1/2, BTR-D/60/70/80)	1771 (BMP-1 and BMP-2, BTR-60/70/80)
5.	Combat aircraft	122 (Mig-29UB, Mig-27D, Mig-31, Su-27, Su-27UB, Su-24, Su-25)	135 (MiG-29, Mig-29UB, Su-27, Su-27UB, Su-25, Su-24)	94 (MiG-29, Mig-29UB, Su-7B, Su-17B, Su-25MK)
6.	Attack helicopters	40 (Mi-24B Hind)	29 (Mi-24 Hind)	10 (Mi-24 Hind)

Table 1. The major data of Central Asian armed forces

Based on: *The Military Balance 2014*, International Institute for Strategic Studies, ed. Routledge, London 05 February 2014, Chapter 5: Russia and Eurasia.
The Military Balance 2015, International Institute for Strategic Studies, ed. Routledge, London 10 February 2015, Chapter 5: Russia and Eurasia.

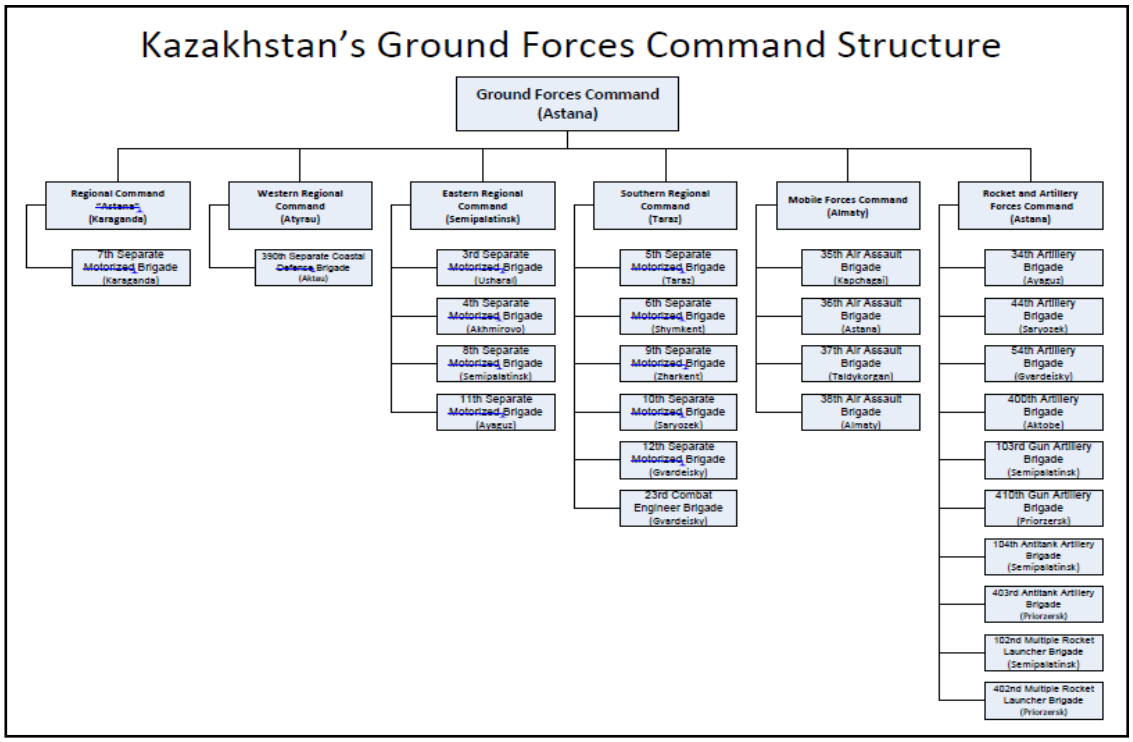

Fig. 4. The structure of the Kazakhstan's armed forces

Source: R. McDermott, *Kazakhstan's 2011 Military Doctrine: Reassessing Regional and International Security,* the Foreign Military Studies Office (FMSO), Fort Leavenworth 2012, p. 5 http://fmso.leavenworth.army.mil/Collaboration/international/McDermott/Kazakhstans-2011-military.pdf [accessed: 17 October 2014].

The Air Force has two fighter regiments, three fighter-bombers regiments, one reconnaissance regiment, a transport regiment, a training regiment, and also two helicopter regiments (one attack and one transport). What is important, some aircraft and helicopters are modernized or they are in the process of upgrading. The average number hours of flight time per month per pilot is reaching 100 hours and it is rather high number, even when if compared with some the Wets nations. Among air defines assets we can recognize 10 batteries of the S-300PS surface-to-air (SAM) defines systems and they were delivered from 2009 to 2011. The Navy is armed with 17 patrol and coastal combatants and some small patrol boats, marines brigade and coastal artillery. The procurement is ongoing and that service could have significant capabilities presented by the Caspian Fleet.

Currently armed forces are implementing procurement programs in cooperation with other nations. Among them it is expected to buy from Russia fighters MIG-29M2, SAM S-400, and armoured personnel carrier BTR-4, from USA transport aircraft C-130, from Spain transport aircraft CASA-295 and others. Kazakh air forces are already using Eurocopter EC-145 and there is joint venture company with France, Eurocopter Kazakhstan Engineering in Astana enabling transfer of some technologies, assembling helicopters and training of technicians. There are total 45 helicopters to be delivered up to 2016, which presents rivalry for Russian defines companies[56].

There is also a desire to buy two inshore minesweepers Project 10750E Lida to reinforce current fleet of patrol boats and to secure ports and exclusive maritime zone[57]. Moreover, ground forces' battalions will receive Sunkar-2 drones (Russian Irkut-10) built under license in Kazakhstan. Among new procurement important could be decision of Kazakhstan to buy from Russia 40 units of the S-300 (SA-10 Grumble) long range surface-to-air missile systems and upgrade 20 MiG-31s to MiG-31BM standard. It could be linked with Uzbek air force capabilities, as there is no other significant threat in the area to be faced by such the weapon systems.[58] Uzbek policy and military capabilities are of concern in the entire region, especially for countries with limited armed forces.

Nevertheless, despite some level of difference in the political sphere with Russia, Astana maintains very close defines and security ties with Moscow and that relationship will endure for the foreseeable future. Arguably, this close level of defines cooperation is based upon historical, linguistic, cultural as well as a shared military culture and heritage, shared processes and thinking on military doctrine, strategy, tactics, training, weapons, equipment, manning systems and indeed military culture. Yet, it also reflects the lack of a developed network of think tanks in Kazakhstan, compared with Russia, and the absence of strategic level thinkers, in addition to reliance on close liaison with Russian intelligence services[59].

While the US developed "five year" cooperation plans with Kazakhstan's defines ministry, and offered extensive military and security support to the country, Moscow could rely in the knowledge that the defines and security ties were never put at risk by this process, not

56 *Wystawa "Kadex 2012"* (Kadex-2012 Exhibition), Lotnictwo Magazine No 8, Warsaw 2012.

57 *Kazachstan chce kupić dwa trałowce. Postępują zbrojenia na Morzu Kaspijskim,* (Kazakhstan wants to buy two minesweepers. Reinforcement in the Caspian Sea are ongoing) Portal Defence 24, Warsaw 16 July 2013, http://www.defence24.pl/kazachstan-chce-kupic-dwa-tralowce-postepuja-zbrojenia-na-morzu-kaspijskim/ accessed: 25 August 2014.

58 *The Military Balance 2012,* International Institute for Strategic Studies, ed. Routledge, London 07 March 2012, p. 299.

59 Author's emphasis: *Kazakhstani Defense Minister Upbeat on Equal Cooperation with Russia,* NATO, AVN, Moscow, 27 December 2003.

least as Astana shared all information with their close ally.[60] According to its agreements within the CSTO, Astana must share information with Moscow linked to bilateral foreign military cooperation.[61] Bulat Sultanov, the director of Kazakhstan's institute of strategic studies under the country's president, noted in 2008 that, "as a nuclear power, *Russia is a guarantor of national security for Kazakhstan*." In his view, it is exactly during Vladimir Putin's presidency that relations between Russia and Kazakhstan reached, "*a new level of strategic partnership and have a trend towards becoming allied relations*"[62].

Despite Kazakhstan's armed forces closely cooperating with Western militaries, the level of cooperation and shared experience and discussion of sensitive security issues is way behind its deep close defines ties to Moscow. With joint air defines plans being implemented and a number of other binding arrangements in place, Moscow will remain Astana's closest defines and security partner for many years ahead.

UZBEKISTAN

Uzbek armed forces recognized the importance of education and already in 1995 there was Armed Forces Military Academy created to improve quality of personnel. Also other academies to educate and train personnel for all services were created. In the beginning of 2000s there was also reorganization of the command and control system and also the shift from divisions into brigades. Based on the General Staff, a new Joint Staff of the Armed Forces was created establishing a lead planning military authority. At the same time, Special Forces were created, which consists of one quick reaction brigade. The main power is land forces having independent brigades: one armour, 11 motorized, one mountain infantry, one airborne, three air assault and four engineers. They are supported by six artillery brigades and one MLRS brigade[63].

The units are located in four military districts and one operational command (Tashkent). During peace time not all brigades are fully manned and each district has just one fully manned and equipped brigade. The equipment, as presented in the table, is rather obsolete and some maintenance and exploitation problems could be expected in the case of major conflict involving the nation. Also Air Forces are equipped with Russian aircraft and air defines systems organized in regiments: one fighter, one fighter-bombers', one close air support, one transport, some training squadrons, and finally two helicopter regiments (one attack and one transport). The air space is protected by two anti-aircraft missile brigades and one separate fighter squadron. Additionally, there are also in armed forces separate Special Forces and National Guard. Armed forces can be supported by some 20 000 troops from Ministry of Internal affairs including two Spetsnaz subunits. According to Sokolov, the capabilities are very limited and the force could be significantly challenged by Taliban and in the case of conventional war it would be rather attrition type war[64].

The shift in Uzbek policy into the East in 2005 and very limited interaction of armed forces with the West partners continued until 2008 when the country "*agreed to allow the transit across its territory of non-lethal military supplies bound*

60 *Kazakhstan and Russian Defense Ministers Announce Military Cooperation Program,* ITAR-TASS, Moscow, 13 February 2008; 'Kazakh, Russian Defense Ministers Discuss Cooperation,' Interfax-Kazakhstan, Almaty, 13 February 2008.

61 Ibidem.

62 *Russia's Ties With Kazakhstan Will Not Change After Presidential Election–Envoy, Interfax*-Kazakhstan, Almaty, 13 February 2008; Author's emphasis.

63 Б. Соколов, *Ни числа, ни умения. Узбекская армия не является современной военной силой, (Neither numbers nor the ability to. Uzbek army is not a modern military force)*, "Военно-промышленный курьер", 22 May 2013, http://vpk-news.ru/articles/15980 accessed: 26 August 2014.

64 Ibidem.

for the NATO forces in Afghanistan"[65]. So, the training opportunities started to be available again enabling both access to experiences and modern weapon supplies. Another factor is Tashkent's approval for using nation territory as part of the Northern Distribution Network, as it will be of a source of income but also softer approach of the West to provide modern technologies and armament.

TURKMENISTAN - THE MILITARY OUTSIDER

In 1992 the country received significant quantities of military equipment from former Red Army and it was the time armed forces were formed. Russia was providing some technological and training support but it finally left the country and last border security troops departed in 2000. So, the neutral status implemented in 1995 became reality. The land forces consists of three skeleton (minimum manned) motorized divisions, two motorized brigades, air-assault battalion, and one training division. In addition, there is one artillery brigade, one MLRS brigade, a missile regiment equipped in "Scud" missiles, one anti-tank regiment, two anti-aircraft brigades and one engineer regiment. As a part of air defines capabilities improvement the country acquired passive early warning radar "Kolchuga" from Ukraine. The air force is composed of two fighter and fighter-bombers squadrons, one transport squadron, one training squadron and also one helicopters squadron. The air defines id provided by a few battalions of surface-to-air missiles (SAM) e.g. the S-75 Dvina (SA-2 Guideline), the S-125 Neva/ Pechora (SA-3 Goa) and The S-200 Angara/ Vega/Dubna (SA-5 Gammon), mainly built in 1960s. Tajikistan is modernizing some pieces of the SU-25MK in Georgia[66]. The country is also reinforcing Navy, established in January 2012, as to just 6 patrol and coastal combatants, two missile boats Project 1241.8 Molniya bought in October 2011 in Russia were added. The industry has also capabilities to build indigenous border patrol ship in dockyards Border Service of Turkmenistan and the first boat of the type was given the name "Arkadag" ("Protector")[67]. The navy development plan is planned to be completed in 2015 to increase capabilities to secure interests related to Caspian Sea.

The reform is ongoing additionally in internal security forces, counting slightly lower number of troops compared to armed forces (some 12,000), and they could be important factor to handle asymmetric threats in the nearest future in the region. Although the nation, rich in natural resources, is increasing military budget there are still some problems related to military education and training, poor maintenance of equipment and lac of spare parts leading to cannibalization, poor serviceability of aircraft and also poor skills of pilots. Increased budget will support procurement of equipment and there is besides some training of officers' ongoing in China, Pakistan, Russia, Turkey, and USA. If it will be supported by participation in international exercises it could slowly improve capabilities of the army with big quantities of aging equipment and lack of specialists to operate them. As for now, the country could face small scale attacks of radical groups coming from Afghanistan but is not strong enough to face conventional threat from Iran, and also Kazakhstan and Uzbekistan.

THE FRAGILE PARTNERS

Two other nations, Tajikistan and Kyrgyzstan, are struggling with budgetary restrictions look-

65 R. Hanks, *Global Security Watch. Central Asia*, Praeger, Oxford 2012, p. 30.

66 Б. Соколов, *Армия пустыни, (Desert Army)*, "Военно-промышленный курьер", 22 May 2013, http://vpk-news.ru/articles/16734 accessed: 31 August 2014.

67 *Первый пограничный корабль Туркмении назвали в честь президента, (The first border patrol ship of Turkmenistan named in honour of the President)*, portal Lenta.ru, 10 February 2012, http://lenta.ru/news/2012/02/10/arkadag/ accessed: 26 August 2014.

ing for support to continue modernization of existing armed forces.

KYRGYZSTAN

Kyrgyzstan is still facing the challenges related to building credible armed forces caused also by change of power in 2005 and facing temporary problems in 2010 related to shift in power and it influenced also the reformation of armed forces. This is why establishing clear vision of the future of military is still one of important tasks facing internal problems and shortage of funds to move the process ahead. It is one of reason of looking for support from outside. The military budget is small reflecting economic situation of the country and the force is some 11000 strong. The land forces are composed of skeleton (minimum manned) motorized division, mountain infantry brigade, independent motorized brigade and three artillery battalions. The important role is dedicated to quick reaction forces with two independent brigades "Snow Leopard" and "Scorpion" as main combat elements, which could be supported by units from ministry of internal affairs. The cadre of those units is trained in China, Russia, Turkey and USA and one battalion is dedicated to the CSTO Collective Rapid Reaction Force (CRRF). Next to armed forces, the country created immediate reaction forces and they merged special units from ministry of defines, ministry of internal affairs and National Guard.

The country is also hosting Russian air base in Kant being a message "*to both U.S. and Central Asian governments that Russia has not withdrawn strategically or militarily from the region*"[68]. The 999 Air Base in Kant is also a factor which is mitigating very limited air force capability of Kyrgyzstan, and could contribute to national security. The situation is also recognized by Uzbekistan as there are still fragile water disputes between the nations, so Russian presence is even more desired for Kyrgyzstan. Simultaneously, the country was the biggest beneficent of USA Foreign Military Aid receiving in 2014 some 45.2mln USD (see table). The Manas Transit Centre and profits connected with it were also supporting factor to continue building national capabilities and preserving the link with the West. With closing Manas airbase also the US aid is also declining. However, the timeframe for targeted investments, facing likely challenges associated with Afghanistan, is rather limited to achieve desired status of the security force[69].

		Kyrgyzstan	Tajikistan
1.	Military Budget	105m USD (2012) 102m USD (2013) 95m USD (2014)	170m USD (2012) 189m USD (2013) 186m USD (2014)
2.	Number of troops	10 900 (9500 paramilitary troops)	8 800 (7500 paramilitary troops)
3.	Tanks	150 (T-72)	37 (T-72 and T-62)
4.	AFV	355 (BMP-1 and 2; BTR-70/80)	46 (BMP-1 and 2; BTR-60/70/80)
5.	Combat aircraft	29 (MiG-21)	-
6.	Attack helicopters	2 (Mi-24 Hind)	4 (Mi-24 Hind)

Table 2. The major data of Central Asian armed forces (cont.).

Based on: *The Military Balance 2014*, International Institute for Strategic Studies, ed. Routledge, London 05 February 2014, Chapter 5: Russia and Eurasia.
The Military Balance 2015, International Institute for Strategic Studies, ed. Routledge, London 10 February 2015, Chapter 5: Russia and Eurasia.

68 R. Hanks, Global Security Watch. Central Asia, op. cit., p. 120.

69 There are different sources presenting data about armed forces and the '*Military Balance*' published yearly by the International Institute for Strategic Studies was selected as a reference.

Country	FY 1992 - 2010	FY 2011 (actual)	FY 2012 (actual)	FY 2013 (actual)	FY 2014 (estimate)	FY 2015 (request)
Kazakhstan	2 050.4	17.57	19.29	12.526	9.761	8.347
Kirgizstan	1 221.71	41.36	47.4	47.11	45.287	40.05
Tajikistan	988.57	44.48	45.09	37.47	34.479	26.89
Turkmenistan	351.55	11.01	9.2	5.468	5.473	4.85
Uzbekistan	971.36	11.34	16.73	11.378	11.278	9.79
Regional	130.44	23.15	8.22	17.105	25.928	23.8
Total	5,714.03	148.91	145.92	131.057	132.206	113.727

Table 3. USA foreign Military aid for Central Asia (in mln USD).

Source: based on: J. Nichol, *Central Asia: Regional Developments and Implications for U.S. Interests*, Congressional Research Service, Washington 21 March 2014, table 2, p. 76 http://fas.org/sgp/crs/row/RL33458.pdf accessed: 17 November 2014

In Kyrgyzstan case, it is important that Russia promised to "spend $1.1 billion to provide the Kyrgyz Armed Forces with new weapons, and another $200 million on the needs of Tajikistan's Army" what could have solid impact on the change and it could ground the role of Moscow as security guarantor. Russian minister of defines Shoygu promised supplies to be intensified in the second part of 2013 saying that "Kyrgyzstan is one of the key countries in the region of Central Asia, our true ally, the country which is a member of the CSTO. We are very interested in strengthening military component of the country" . The support is important as the military budget for 2013 and 2014 was lower than in previous year, being reflection of economy troubles during last period.

TAJIKISTAN

The situation of the country was different compared to other Central Asian countries; the whole equipment of the former Turkistan Military District remained with 201st Motorized Rifle Division stationed there and it complicated creating armed forces and solidified previous reliance. Additionally, civil war there caused that armed forces were based on various combat units headed by warlords representing diverse interests, tribes and trying to preserve their independence. Even later there were some conflicts among officers and soldiers related to their previous background. The country has two motorized brigades, one air-assault brigade and artillery brigade, armed with limited number of equipment in land forces. The numbers of troops and equipment are causing the impression that combat service and combat service support elements are rather weak and could be not strong enough to fully support combat formations. In 2003 MoD created a mobile force combining airborne, mountain infantry and other special units. A battalion from the mobile force is part of the CSTO CRRF[70]. The air force is limited only to just few helicopters (attack and transport) merged in one regiment, which is able to provide very marginal support for operations. In the context of armed forces there is an important role of the paramilitary units and forces belonging to ministry of internal affairs, which have two brigades and two special operations units.

70 R. McDermott, *The Kazakhstan-Russia Axis: Shaping CSTO Transformation*, The Foreign Military Studies Office (FMSO), Fort Leavenworth, p. 10.

In the case of Tajikistan the geography is important factor as the country is mountainous in nature. So, terrain, quality of soldiers and excellence of training could be decisive factor supporting combat against conventional and asymmetric threat. It is also linked with significant experiences of soldiers and officers related to previous and also ongoing struggles, which could be important factor when needed. Another factor is Russian presence on the territory of the country, which is warranty in the case of aggression from neighbours as it could engage the "big actor", which is not desired by any nation in the region. Next, it is important factor to handle covering 1,206 km long border with Afghanistan.

Fig. 5. The location of Russian bases in Tajikistan.

Source: *Russian military bases in Tajikistan*, Nordic Intel, Helsinki 2013, http://nordicintel.com/russian-military-base-in-tajikistan/ accessed: 09 August 2014.

The support of the regional security establishments is also contributing to security as critical component. This is why for Tajikistan important was the SCO exercise „*Peace Mission 2012*" in June 2012 on Tajik military training Chorukh-Dayron presenting concerns of the organization about the situation there in the future[71]. It was another chance to exchange experiences, discuss security threats with partners and military support regarding equipment and training. Especially, as partners, principally Russia and China are fully aware about weakness of security forces to deal with incoming challenges. As mentioned previously military related loans, especially from Russia (200 million USD, more the military budget in 2014) will have an influence on military developments and strengthening reliance on Russian equipment and support.

ARMED FORCES OVERVIEW

Currently, it could be assumed that there is no clear military leader in the region and it is related to many factors. The three biggest powers: Kazakhstan, Turkmenistan and Uzbekistan possess large numbers of ground forces equipment, but they lack enough qualified specialists to operate them and the current status of the equipment is open to question. Next, Turkmenistan is behind in many categories just taking into account pure number of troops and total isolation from international cooperation and military exercises to improve experiences of the personnel. Uzbekistan has the biggest number of troops and the prestige of military service is supporting quality of servicemen, but it is slightly isolated from cooperation with other security organization in the frame of military exercises. On the other side, there are experiences from operations in Tajikistan, however at tactical level. Kazakhstan is investing in armed forces and especially in air force and air defines, so it could be important factor in the case of any conflict. Regarding services in all the armies leading role belongs to land forces, and only three countries can conduct, although very limited, joint (land - air) operations, namely again Kazakhstan, Turkmenistan and Uzbekistan. They are limited also by the fact that exercises with Central Asian troops' participation, are focusing mainly on fighting asymmetric threat and the units sent are at maximum battalion but usually company level. So, they have been and will be tactical in nature. Moreover, the units are usually belonging

71 Антитеррористические учения ШОС „Мирная Миссия-2012" состоятся в Таджикистане, Portal ИнфоШОС, 18 March 2011 r., http://www.infoshos.ru/ru/?idn=7898, accessed: 26 August 2014.

to specific brigades only e.g. PSO brigade in Kazakhstan. Moreover, staff officers are manning some positions in exercise organizations, which are unique opportunity to participate in solving complex planning problems, but related to unconventional war only. The only opportunities to obtain operational level training are related to training in national and international academies and during staff exercises. So, lack of robust services (air force, navy) to contribute to joint effort linked with limited opportunities to train are significantly hampering operational level capabilities. It can be important factor both to fight any terrorist organization but also to fight conventional war in the case of conflict with neighbours.

The military budgets of Central Asia are constantly growing as they are aware that military instrument of power will be important in the nearest future. Nevertheless there is significant difference between leaders: Kazakhstan, Uzbekistan and outsiders: Tajikistan, Kyrgyzstan. The gap is growing and will not be fixed as the latter two nations do not have many cards to play with. Turkmenistan is somewhere between, which is enough to preserve current status, but not enough to do conduct any meaningful transformation of armed forces. The military budget is important for all Central Asia, as it is also supporting procurements of new weapon systems to balance capabilities to fight conventional and nonconventional type of opponent. In that domain one important factor is related to exclusive prices for military equipment offered by Russia to link and deepen reliance of respective nations in many dimensions. In general, the weapon systems are still dominated by Soviet and Russian armament, which is slowly aging causing the need to procure modern technologies, including supplies from other that Russia sources. It includes European, USA, and Chinese but also other companies and produces that are interested in signing profitable contracts using such exhibitions as "*Kadex*" in Kazakhstan and also exercises connected with weapon presentation e.g. "Peace Mission" series. The competition in the field of military technologies is important factor as dominating each single nation or the whole region in procurement from specific provider (Russia, USA, China, other) of weapon systems will influence also geopolitical orientation of respective governments. This is important factor next to just making pure business and getting profit.

Kazakhstan, Kyrgyzstan and Tajikistan are constantly training both with Russian and the West troops which is supporting their experiences, interoperability and also opportunity to familiarize with new TTP (Tactics, Techniques and Procedures) and weapon systems. It is increasing capabilities and building also good relationships. Uzbekistan is reluctant to participate in exercises and Turkmenistan in not participating at all limiting capabilities and creating isolation from military point of view. Among recent exercises such trainings could be mentioned: '*Khaan Quest-2013*' in Mongolia with Tajik troops, and '*Steppe Eagle-2013*' in Kazakhstan including troops from Kyrgyzstan and Tajikistan. The exercise are conducted in the framework of the SCO e.g. led by Russian and Chinese troops exercise '*Peace Mission 2014*' showed the potential of planning and executing small joint operation. It took place in Inner Mongolia in China involving some 7000 soldiers coming from land, air and also special forces of China, Russia, Kazakhstan, Kyrgyzstan and Tajikistan[72]. Another example was the CSTO exercise '*Interaction 2014*' with some 3,000 troops, 200 military and special vehicles, some 30 aircraft and helicopters from Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan[73]. Such the exercises are improving quality of servicemen at all level, from officers to NCOs, nevertheless there is still a challenge

72 Y. Smityuk, *SCO exercise Peace Mission 2014 to involve 7,000 troops*, Shanghai 19 August 2014, http://en.itar-tass.com/world/745617, [accessed: 23 August 2014].

73 *The Military Balance 2015,* the International Institute for Strategic Studies, Routledge, London 10 February 2015, p. 482.

related to troops' skills and education especially in Kyrgyzstan, Tajikistan and Turkmenistan. The armies are still using conscription system and it is also influencing the skills of soldiers, however the weapon systems they possess are relatively not so sophisticated and could be operated after basic training. The special character has military service in Uzbekistan as there is competition to be a soldier as the service is respected in the society and linked to possible career after completing it.

At present SCO and CSTO umbrella is creating comfortable situation as it could be useful in the nearest future but both organizations also "*significantly shaped the Central Asia ruling regime's perception of their own vulnerability. Central Asia leaders and citizens began to view their security through the prism of CSTO and SCO activities*"[74]. It is obvious heritage of the past mentality, which is evolving, but the war in Georgia in 2008 caused some real concerns even taking into account Russian speaking minority in the region and Moscow "compatriot policy"[75]. It has influenced some change in thinking as "*the Russian invasion of Georgia brought back unpleasant memories of Cold War era confrontations*"[76] and presented the will to solve problems using all available instruments of power based on situation. However, according to Erica Marat, an expert in national military capabilities, "*should a real security challenge emerge in Central Asia, the states would need to rely on their own forces*"[77]. It is also related to perception of international exercises, which have rather symbolic than real importance, as quick support for regional forces from partners, other nations and international organizations is questionable. Additional the focus of nations is still rather selfish as strengthening own security they are forgetting about regional cooperation as credible option to face any threat ad mitigate risks of small local wars. The Ukrainian crisis could influence such the perception of security; however no single nation is ready to give-up or undermine current relations in the region.

CENTRAL ASIA'S SECURITY DOCTRINES

As mentioned previously, soon after achieving independence Central Asia states started to define their security doctrines based on manpower and resources left by the former system. It was connected with building national identity and armed forces were a good tool to present a new national reality, using also historical heroes and events. So, "*in the late 1990s, all Central Asia states announced they would transform their national armies from Soviet-based structures into Western-inspired ones*"[78]. Consequently, new doctrines and units were necessary to be ready to face possible disturbances and emerging threats. Such the processes are still ongoing as ethnical divisions, lack of resources of some nations, and diverging interests of the leadership and influential groups are hindering them. The reforms are supported by USA, NATO in the framework of PfP, the EU, and also by China and Russia, and it is positively influencing the course of modernization. In general, the armed forces are subordinated to political leaders who are controlling them by nominating trusted family members or individuals for most important positions related to internal and external security. The leadership is also formulating and updating military doctrines based on their perception of the future security environment.

74 E. Marat, *The Military and the State in Central Asia*, Routledge, London 2010, p. 81.

75 Read more: I. Zevelev, *Russia's Policy toward Compatriots in the Former Soviet Union*, Russia in Global Affairs, Volume 14, No 1, January - March 2008, http://eng.globalaffairs.ru/number/n_10351 accessed: 06 August 2014.

76 E. Wishnick, *Russia, China, and the United States in Central Asia: Prospects for Great Power Competition and Cooperation in the Shadow of the Georgian Crisis*, the Strategic Studies Institute, Carlisle, February 2009, p. 51.

77 E. Marat, *The Military and the State in Central Asia*, op. cit., p. 139.

78 E. Marat, *The Military and the State in Central Asia*, op. cit., p. 123.

KAZAKHSTAN

Kazakhstan made some important steps in the military sphere by abandoning nuclear weapons in 1995, forming new independent regional commands and creating a non-commissioned officers corps. The units are constantly exercising with other armies to improve their training and also interoperability e.g. they participated in the '*Combined Endeavor 2011*' with NATO, '*Tsentr-2011*' with CSTO and '*Peace Mission 2012*' with SCO[79]. The KAZBRIG (Kazakhstan Peacekeeping Brigade), supported and trained by US and UK instructors, is another example of showing ambitions to contribute in UN Peace Support Operations or with NATO. Annual defines spending of 0.9 percent of GDP on the military is enabling constant procurement of modern weapons, since the economy is much larger than its neighbours, and there are attempts to create and develop a viable national defines industry which aspires to produce up to 70 percent of the Armed Forces equipment and weapons by 2015[80].

On October 11, 2011 the new military doctrine, defensive in nature, was adopted pointing out that no country was a potential enemy[81]. The document highlights the importance of bilateral relations with China, Russia and USA and the significance of CSTO and SCO[82] as security contributors. The situation in the region is considered as complex including political and social challenges that could lead to a conflict; it includes concerns related to constant lack of stability in Afghanistan. Among main external security threats there are:[83]

- regional socio-political instability and the likelihood of armed provocations;
- military conflict flashpoints close to Kazakh borders;
- use of military-political pressure and advanced information-psychological warfare technologies by foreign nations or organizations to interfere in internal affairs;
- increased influence of military-political organizations/unions to influence national military security;
- international terrorism, radical organizations and groups, including cyber terrorism and growing religious extremism in neighbouring countries;
- production and illegal proliferation of weapons of mass destruction and their delivery platforms and their use as of dual purpose technologies.

The internal threats are focused on: extremist, nationalist or separatist movements trying to destabilize internal affairs and forcing the change of current constitutional order; illegal armed groups and use of weapons, munitions, and explosives for sabotage, terrorist acts or other illegal actions. To face the dangers, the need of regional and interregional military cooperation and modernization of armed forces is highlighted, as pointed out in chapter 3 of the doctrine, as key facilitators of enhanced national capabilities to survive as a nation[84]. Currently the economic situation is supporting the military reform although there are still some problems related to training and supplies of modern equipment, which are mitigated by international cooperation and organizing military exhibitions such as KADEX 2012 in Astana

79 *The Military Balance 2011,* the International Institute for Strategic Studies, Routledge, London March 2012, p. 465.

80 The Military Balance 2013, op. cit.

81 Военная доктрина Республики Казахстан (Military Doctrine of the Republic of Kazakhstan), Astana 11 October 2011. http://mod.gov.kz/mod-ru/index.php?option=com_content&view=article&id=63&Itemid=151 paragraph 3.3 accessed: 14 November 2014.

82 Ibidem, Chapter 2 Analysis of current situation in the field of military security of the Republic of Kazakhstan (Анализ текущей ситуации в области обеспечения военной безопасности Республики Казахстан).

83 Ibidem, Chapter 3 Main provisions (Основные положения). Read also: R. McDermott, *Kazakhstan's 2011 Military Doctrine: Reassessing Regional and International Security*, Foreign Military Studies Office (FMSO), Fort Leavenworth 2012, p. 11.

84 Военная доктрина Республики Казахстан, op. cit., subchapter 3.5 to 3.7.

in May 2012[85]. What is correspondingly important, the military capabilities of the country are also influencing its position in the region and its status on the international scene, essential when linked with its ambitions and economy. The role of the country was highlighted when, in 2013, Astana hosted international talks on Iran's nuclear program, which were in line with the President Nazarbayev statement in "Strategy Kazakhstan-2050": new political course of the established state" that "*Kazakhstan should become a bridge for dialogue and interaction between East and West*"[86]. It is connected with investments into national military industry and 2014 military budget reaching 2.06bln USD. The country is open also for international cooperation in that domain as stated by Talgat Zhanzhumenov, head of the Department of Military-technical Policy at the Kazakh Ministry of Defence, during biennial defence expo, KADEX 2014 in May 2014. He said that „*We are looking at creating joint ventures of our enterprises with partners from Russia, [with] European partners, [and] we're looking at several projects with Turkish defence enterprises*"[87]. This is another factor underpinning national capabilities and also role in the region, making Kazakhstan desired business partner.

KYRGYZSTAN

Kyrgyzstan initially focused on the reform of the independent country. In particular, newly elected President Askar Akayev was very concerned about economic and social problems. However, the threat caused by IMU fighters at the end of 1990s sped up implementation of a military doctrine in 2002 recognizing local, regional and international conflicts and the need of small but capable armed forces[88]. The reform was hampered significantly by budgetary shortcomings and revolutions in 2005 and 2010. The next 2009 National Security Concept promoted the pursuit of "*three security goals: energy security, environmental security and economic development*"[89]. It recognized and highlighted trans-border sources of threats to minimize the risk of international conflict. Accordingly, Kyrgyzstan was against any presence of any radical organizations, plotting against neighbours, on its territory. The new leadership, after Bakiyev was removed, also recognized the complex situation in the region and in June 2012 the recent National Security Concept was endorsed. It mentions "*ties with the CSTO as a priority, although it also stresses that Kyrgyzstan should seek to balance the strategic interests of the United States, Russia, and China*"[90]. The concept recognized: terrorism, drug trafficking, water and energy tensions, border delineation and security, separatism as the threats for nation.

On 15 July 2013 President Almazbek Atambayev signed the decree "On the Military Doctrine of the Kyrgyz Republic" and he described the document as "important to guarantee military security and safeguarded building of the state. It establishes the state policy in the sphere of defines, defines the principles and forms of conduct"[91]. Compared to the previous

85 See: the international exhibition KADEX – 2012, official Website http://www.kadex.kz/

86 *"Strategy Kazakhstan-2050": new political course of the established state"*, Address of the President of the Republic of Kazakhstan N. A. Nazarbayev, Ministry of Defense, Astana 14 December 2012, http://www.mod.gov.kz/mod-en/index.php/address-by-the-president-of-the-republic-of-kazakhstan-leader-of-the-nation-nnazarbayev-strategy-kazakhstan-2050-new-political-course-of-the-established-state#2050 accessed: 16 November 2014.

87 J. Kucera, *Kazakhstan 'to sign over 30 deals worth USD1.2bn',* falseJane's Defence Weekly No 51.27, 28 May 2014, http://search.proquest.com/docview/1529676310?accountid=142866 Accessed: 17 November 2014.

88 E. Marat, Security Sector Reform in Kyrgyzstan, [in:] M. Hartog (ed.), Security Sector Reform in Central Asia: Exploring Needs and Possibilities, Centre of European Security Studies (CESS), Groningen 2010, pp. 30-31.

89 E. Marat, *Security Reform in Central Asia*, Geneva Centre for the Democratic Reform of Armed Forces, Geneva 2012, p. 31.

90 J. Nichol, *Kyrgyzstan: Recent Developments and U.S. Interests*, CRS Report for Congress, Washington, 26 October 2012, p. 11-12.

91 М. Алымбеков, На пути к готовности - военная доктрина Кыргызстана, (On the way to achieve readiness - the mil-

doctrine, the document was openly discussed with the active participation of the public and experts and the draft document was debated in the autumn of 2012 with participation by politicians, military, academics and even veterans of the Armed Forces. The doctrine has a defensive character and highlights the need to create effective defines capabilities of Kyrgyzstan, especially professional Armed Forces, equipped with modern weapons and equipment. The document recognizes the dynamic changes in military-political situation in the world particularly in the Middle East and Afghanistan. Among them, are categories creating an unpredictable situation, "the upcoming conclusion and withdrawal of the International Security Assistance Force (ISAF) from Afghanistan"[92] is included. It is connected with the threat of the growing capabilities of international terrorism, extremism and separatism in Central Asia and also crime and drug related activities. The doctrine recognizes three categories among risks for the nation: external and internal military dangers and also military threats and they are as follow[93]:

- the main external military dangers:
- the spread of international terrorism;
- the interference into domestic affairs of the Kyrgyz Republic and its allies;
- violation of international treaties, the UN Charter and other norms of international law by single states;
- the outbreak of ethnic and (or) the religious tensions;
- unfinished delimitation and demarcation of state border;
- endeavour to use destructive forces to fix economic or social problems of enclaves on the territory of the Kyrgyz Republic;
- failure to solve water and energy difficulties and attempt to use the disruptive forces to destabilize the internal political situation;
- proliferation of weapons of mass destruction and likelihood of its use by international terrorist organizations.
- the main internal military dangers:
- attempts to undermine the sovereignty and territorial integrity of the Kyrgyz Republic;
- existence of ethnic conflicts;
- disruption of interethnic and (or) interreligious harmony.
- the main military threats:
- likelihood of penetration of the territory of the Kyrgyz Republic by armed international terrorist groups;
- activities of terrorist and extremist religious organizations, destructive forces of separatism and extremism being able to provoke incidents and conflicts on the national border and in border regions of the Kyrgyz Republic, which could escalate into armed conflicts.

The threats are mainly related to external involvement of regional actors and terrorists/separatist organization, which could be more active after ISAF mission ends. They are similar in nature to other national doctrines; but the specific order of the threats to national security serve to highlight the differences among the states in the region and appear to limit the scope for security cooperation within Central Asia. There is also a specific paragraph connected with Uzbekistan and Tajikistan and related to water disputes, which are a hot topic and a possible source of instability. The doctrine implementation has been supported by weapons and equipment supplies from Russia, which is to underpin the further development of the Kyrgyz armed forces.

itary doctrine of Kyrgyzstan), Kabar National News Agency, 22 July 2013 http://www.kabar.kg/kabar/full/59670 accessed: 06 September 2014.

92 Катапультой в бубен! Новая „Военная Доктрина Кыргызской Республики" (текст), (With catapult into tambourine! The new "Military doctrine of the Kyrgyz Republic"), Chp. 1. Para 1., Portal ЦентрАзия, 22 July 2013, http://www.centrasia.ru/newsA.php?st=1374474180 accessed: 06 September 2014.

93 Ibidem, Chp. 1. Para 2 and 3.

TAJIKISTAN

The development of Tajikistan's armed forces was significantly influenced by its Civil War between the government and the United Tajik Opposition (UTO) between 1992 and 1997. It caused chaos and internal division which still influences the cohesion of the nation. As some of the warlords remained in opposition and sympathized with the UTO and radical Islamic Renaissance Party (IRP) the process of forming armed forces was complex. After 2000, Tajik President Rahmon started founding security forces and eliminating armed opposition and criminal entities. During the period, he was relying on Russian troops to cover the Afghan border up to 2005. In October 2005, Tajikistan adopted a new, defensive in nature, military doctrine in which lack of any territorial claims was highlighted[94], as there was no need to create any external problems when facing internal challenges.

Moreover, economic problems were mentioned as restraints to create modern army, especially as confrontation with organized crime and extremists groups was still ongoing. Among international organizations, the Commonwealth of Independent States, CSTO, and SCO were specified as partners. Additionally, only the UN was described as important contributor for peace support operations. The armed forces are still developing although there is shortage of qualified cadre and equipment, which is mitigated by the support provided by USA, EU and NATO, but also with significant Russian contribution, as mentioned previously. Improvement is linked with common exercises with multiple partners as only chance to enhance capabilities to fight asymmetric threats.

Tajikistan's 2005 Military Doctrine defines the key factors representing potential sources of military threat are or could be:

- the uneven economic development of the region's states as they transition to market relations and the increasing socio-economic stratification into different social groups inside the states;
- the ongoing and escalating regional, ethnic and religious animosities, which destabilize both the domestic and regional situation;
- internal armed conflicts;
- the rise in drug trafficking, international terrorism, extremism and illegal migration;
- the effort of some countries to establish their exclusive military-political influence in Central Asia and their commitment to resolving conflicts through force;
- the formation of powerful armed groupings or military bases of coalition states in countries bordering Tajikistan;
- territorial claims against Tajikistan.

The factors that may escalate to a direct military threat to Tajikistan are:

- higher level of combat readiness of strategic offensive forces in areas from which Tajikistan can be struck;
- build-up of force groupings on Tajikistan's border to a level that upsets the sides' existing balance of forces[95].

There is little doubt that Tajikistan's experience of Civil War in the 1990s was a large contributory factor in the shaping of the 2005 Military Doctrine. After four years of the War on Terrorism, it appears that a terrorist threat in Tajikistan's national threat assessment had received relatively little attention. Instead a broader range of potential threats to the state were covered in the doctrine, while placing centre stage the possible threat stemming from "the uneven economic development of the region's states," and "ongoing and escalating regional,

94 А.Я. Бабаджанов, Анализ военных доктрин государств – участников ОДКБ, Московский государственный институт международных отношений (университет) Министерства иностранных дел Российской Федерации, Вестник МГИМО-Университета No 3/2008, Moscow 2008, p. 65 http://www.vestnik.mgimo.ru/index.php?option=com_content&view=article&id=29 accessed: 02 November 2014.

95 See: E. Cole, P. Fluri, Defence and Security Sector Institution Building in the Post-Soviet Central Asian States, Brussels/Geneva 2007, pp. 64-76.

ethnic and religious animosities," implying that the sources of future conflict might be entirely unrelated to terrorism. Moreover, the two factors described as possibly presenting a military threat to Tajikistan appear very much linked to a potential interstate war, and given the ongoing difficulties in relations with Uzbekistan it is not far-fetched to suggest that the doctrine's authors were thinking about their Central Asian neighbour. It is also interesting to note that although Kazakhstan and Kyrgyzstan decided to update their military doctrines in 2011 and 2013 respectively, Dushanbe has not followed this pattern[96].

UZBEKISTAN

Uzbekistan efficiently reformed its armed forces including the creation of five military districts, forming a military academy and enhanced training with NATO and USA forces, e.g. "Cooperative Nugget 1995", "Cooperative Osprey 1996" or "Balance Ultra 1997"[97]. It was done based on "*over an ample amount of armored vehicles and military aircraft*"[98] left by Soviet forces. In 1995 the first military doctrine was published defining criminal groups and international terrorism as dangers. In 2000, a new defensive doctrine was adopted putting an accent on internal (ethnic, religious) and regional threats (Ferghana Valley) and rather ignoring those from outside of the region. Although there were some tensions in the region which could hamper relations with its neighbours, they were ignored as any escalation of the situation emanating from them could directly endanger Tashkent[99].

The defined scope of these challenges required mobile, trained and properly equipped armed forces. The negative example of the use of security forces happened in 2005 in Andijan as previously noted. The political shift back to Russia, China, the SCO and entering the CSTO was rather sharp but after some years the policy was balanced again playing both with West and East. So, Uzbek troops are no longer training during SCO exercise, it was proved by again by avoiding sending troops to the SCO exercise "Peace Mission 2012" in Tajikistan, even permission for Kazakh troops to move equipment to the exercise site was not granted. In June 2012, Tashkent withdrew from CSTO. Continuous hesitance to be engaged in alliances is expressed in the national defines strategy from August 2012, which also perceives contribution to peace support mission with some caution. This approach is partially related to the ambitions to play regional leader role, which is a similar concern in Kazakhstan[100].

The military doctrines and security policies of the Central Asia nations are still evolving, but they are defensive in nature. This indicates concern about internal security and asymmetric threats coming from inside, but also those which could originate from outside and out of control of respective nations. This is most clear in the evolution of Kazakhstan's military doctrine which has witnessed four versions with the last issued in October 2011; the emphasis in terms of threat assessment lowers the prospective threat from international terrorism or stemming from Afghanistan and instead calibrates the security environment mainly linked to domestic and regional transnational threats. The doctrine in 2011 lays the basis for the Armed Forces to be used in support of forces drawn from other power ministries including intelligence and interior troops to respond

96 Ibidem.

97 E. Marat, The Military and the State in Central Asia, op. cit., p. 78.

98 E. Marat, *Soviet Military Legacy and Regional Security Cooperation in Central Asia*, China and Eurasia Forum Quarterly, Volume 5, No. 1 (2007) , p. 85.

99 E. Cole, P. Fluri (ed.), Defence and Security Sector Institution Building in the Post-Soviet Central Asian *States*, Geneva Centre for the Democratic Control of Armed Forces, Geneva 2007, p. 103.

100 Z. S. Saipov, *New Foreign Policy Strategy Paper Codifies Uzbekistan's Reluctance toward Restrictive Alliances,* the Jamestown Foundation, Eurasia Daily Monitor, Volume 9 ed. 153, 10 August 2012.

to domestic riots or events similar to that which confronted authorities on the Caspian coast in December 2011. This evolution in security policy contradicts most Western governments' and analysts assessment, as well as some exaggerated claims made by Moscow that presupposes Afghanistan as representing the main source of threat to the countries in the region[101].

However, the countries continue to highlight the importance of cooperation without genuine progress in this area, and also a lack of enemies bordering them, although there are still intraregional tensions with differing backgrounds. Russia plays an important and long term security role in Central Asia also through security organizations like such as the CSTO and the SCO. Also the role of China is growing however in a more quiet fashion using its strong economy, loans and bilateral relations as a tool; nevertheless in the last SCO exercises '*Peace Mission*' the People's Liberation Army was recognized as one the leading armies. The different approach to the role of external actors' involvement is mainly represented by Tashkent who wants to be more independent in its choices of partners. Overall, however, these nations are still building their military capabilities and there is clear division among them; there is Kazakhstan and Uzbekistan leading the change, with Kyrgyzstan and Tajikistan lagging behind in such developments. What is important, such a perception of a 2+2 division is not accepted or opposed by Bishkek and Dushanbe.

CONCLUSION

RUSSIA

Central Asian countries are not united in their concern about the future and possible escalation of pressure deriving from Afghanistan, while they are not ready yet to face them alone. The same concerns are related to Moscow's perception of the future and turmoil on its southern border with the region. This is because it is very familiar with regional risks related to security, though this is arguably exaggerated perhaps by Russian military intelligence for political reasons such as gaining greater traction in pursuing Russo-centric security policies, which is also good card to play when discussing security issues with national leaders. Moreover, any escalation of violence would have an influence on Russia by illegal activities connected with criminal organizations (drugs, human traffic, proliferation of the weapon of mass destruction, and arms trade) but also by easier export of extremism and separatism, which are its real challenges even now.

So, Russia is willing and ready to invest in the security of Central Asia, but in parallel to firm existing influences to undermine USA efforts to expand relations as a part of a containment attempt. Another area of concern is the growing expansion of influences by China, India, and Pakistan and to lesser extent by EU as an organization. As a result, the CSTO and SCO will enhance their efforts before 2014 and beyond, driven by Russia but also China (SCO), to support their members as stated in the official documents of both organizations. This is necessary for both organizations to demonstrate their reliability if they want to stronger root their influences and to encourage other nations to join or cooperate with them. Example of military efforts must be seen by Central Asia population and leadership so some of them are conducted in the region like SCO exercise "Peace Mission 2012" in Tajikistan or CSTO "Indestructible Brotherhood 2012" in Kazakhstan. Moscow is also trying to develop closer relations in the energy sector within SCO, as stated by the Prime Minister of Russia Dmitry Medvedev during the Meeting of the SCO Council of Heads of Government in December 2014 in Astana. He said, that "*The Energy Club is facing new opportunities, with due consideration for current price fluctuations on global commodity markets, primarily oil and gas. We should more actively use*

101 Kazakhstan's 2011 Military Doctrine, op. cit.

this platform for reviewing energy security issues and for merging the stances of all market participants"[102]. The idea of the Energy Club is not new concept proposed by Moscow, but now the circumstances are new[103].

There are also other reasons for Moscow to be concerned about Central Asia, as possible sources of negative impact on Russia. This includes, according to some Russian security analysts the possibility that any deterioration in the security environment of Afghanistan post-2014 may result in a worsening of the insurgency in the North Caucasus. However, strengthening military links and economic dependencies is not only driven by solidifying its position, Moscow is also enhancing local capabilities to face growing radical movements from the south. By supporting the border security and buffer zone Russia is shielding its own society against many risks such as: criminal groups, drugs, human trafficking as this is negatively influencing the development of society, which is now more eager to challenge the current leadership.

The economic aspect is also an issue as it is huge part of national income, which is necessary to modernize the country and also its armed forces. At the same time, the country is aware of developments related to the activities of China, India, and the United States to stabilize the region and to boost their position there. It is linked to a growing dilemma, as Moscow recognizes the importance of the USA and NATO engagement in Afghanistan for its benefits and is worried about their long term presence and influences in Asia.

EUROPEAN INFLUENCES

The NATO role in the region will weaken and only the USA will offer a real alternative for other security organizations with its announced shift in the international policy marking a "turn to the Pacific". So far, the NATO PfP framework has been working; however, the most likely candidates – Georgia and Ukraine – are far from membership, so the four nations are definitely not closer to any kind near future Membership Action Plan (MAP). For leaders the program could have rather symbolic that tangible meaning based on exercises as training opportunities, familiarization with asymmetric warfare and source of supplies of equipment. A better position exists in the case of Kazakhstan having signed the Individual Partnership Action Plan (IPAP) with NATO on 31 January 2006 and investing in the development of KAZBRIG. Nevertheless, the development of the country's PSO capabilities has proved to be slow despite the annual Steppe Eagle exercises offering US and UK military training to NATO standards. Pressure from Washington and London to operationally deploy a company from KAZBAT, or at least send officers to ISAF HQ failed to result in an agreement with Astana. The relatively high numbers of conscripts serving in KAZBAT also limited its development, with twelve month serving conscripts rotating in and out of the units every six month undermining training objectives, unit élan, discipline or the further professionalization of the structure. KAZBRIG continued to exist as a largely paper brigade, with the first battalion fully formed, the 2nd battalion partly formed and the 3rd battalion notable by its absence. Following the NATO inspection of the formation in during Steppe Eagle in August 2013, the authorities prepared legislation to empower the defines ministry to send elements of KAZBAT abroad without recourse to the Senate, most likely to contribute to a UN PSO in Africa, while a gradual transfer to full contract service in KAZBIG commenced. In terms of

102 *Meeting of the SCO Council of Heads of Government*, The Government of the Russian Federation, Moscow 14 December 2014, http://government.ru/en/news/16122/ accessed: 17 December 2014.

103 About the Energy Club read also: Z. Sliwa, *Kierunki rozwoju Szanghajskiej Organizacji Współpracy*, (The future developments of the Shanghai Cooperation Organization) The National Defence Academy, Warsaw 2012, pp. 96-110.

the EU, however, the organization is relatively weak in its dealings with Central Asia, compared to other big players of the pseudo Great Game. Militarily, it is not currently focusing on remote areas and there are no capabilities to react in the case of a serious security crisis.

Additionally, the EU is still slightly divided along members' national interests, and such developments like German and Russian pipelines are also observed by the Central Asian community with some considerations. A similar effect is created by long-term financial crisis, UK discussion about the possibility of leaving the organization and the continued Eurozone struggles. There are also other organizations present in the region as the Organization for Economic Co-operation and Development with the Central Asia Competitiveness Initiative launched in November 2008 or International Monetary Fund providing credits and loans. So, the states are not forgotten and such support will also have influence, but the region must adapt to fully utilize such support. But as for now, closer and larger neighbours, with their tangible support, economic and military cooperation will still remain more attractive.

UNITED STATES

For the USA the region is meaningful both in short and in longer timeframes. The region has supported both US and NATO troops to sustain the ISAF operations during a critical phase to shape the security environment prior to announcing the withdrawal of combat units. To do so, and facing the unclear political will and future of Pakistan's ground lines of communication, the Northern Distribution Network, along with Transit Centre at Manas in Kyrgyzstan, were needed. This infrastructure was also required to support the withdrawal of equipment during the drawdown of combat forces. At the same time, Washington recognized the need to enhance security in Central Asia being aware that a weak region could be influenced by the flow of threats into it; but US politicians are also aware that in the opposite direction a weak Central Asia could negatively influence the situation in Afghanistan spoiling long term development there. But, the US security assistance policy cannot be too aggressive and direct as it could cause unnecessary growth of tension among other big players, which could be counterproductive for security. Moreover, the military aid is decreasing in relation to the region compared to growing support from Russia, which is read by region as rather balanced approach. Nevertheless, as soon as Kabul will stabilize its internal security, the importance of its northern neighbourhood will slightly decrease, but not to the extent as to justify abandoning the region, which is still undergoing a prolonged transformation period.

CHINA

China is also looking at Central Asia and is concerned about any possible growth in the "three evils" of terrorism, separatism and extremism to its territory. This primarily relates to the Xinjiang Uyghur Autonomous Region and its challenging security situation and subsequently in other fragile provinces. Besides, the region is important as a land and pipelines link with Central Asia, West Asia and further afield to Europe and the Middle East, which is important as sea lines of communications are also of concern. Additionally, part of Xinjiang - Kaxgar Prefecture - has some natural resources. Central Asia is part of Beijing's energy security, so economic relations are playing important role using both bilateral platforms and organizations like the SCO and a variety of programs and initiatives. Currently, Beijing is an important actor in Central Asia due to its engagement in many economic and infrastructure projects as enablers of future good relations with the region's political leadership, even if it will be not be exactly the same as now. There are also anxieties about securing its rear area when facing a growing presence of the USA in the Asia-Pacific.

Relations with Russia and avoiding bilateral tensions in the region are part of that approach. The visit of newly elected President Xi Jinping to Russia, as his first international trip, demonstrated the importance of bilateral relations so a win-win situation in Central Asia is currently their only desired option. Current situation in Ukraine could create an impulse to rethink security and to recognize the need of united approach of Central Asia nations toward security based on recognition of Moscow neo-imperialistic ambitions, mainly related to the 'near border', at least as for now. Dr. Farkhod Tolipov, Director of the Education and Research Institution "Bilim Karvoni" in Tashkent, is estimating that "*Central Asians, while attempting to resolve regional issues and construct their common regional home should concentrate on finding regional solutions rather than seeking great power mediation*"[104]. Linking Crimes crisis with the regional setting he is concluding that "*Recent developments should prompt them to restore their frozen regional integration structure and revitalize a region-building process*"[105]. The Ukrainian scenario is for now not necessary toward region as there are very strong interconnections and influences allowing perseverance of interdependences. However, according to Russian political scientist Parviz Mullogżanow "*the scenario similar to Ukraine could take place in Kazakhstan in 2016, where 'American organizations enhanced relations with Kazakh nationalists'*", and at the same time "great powers are fighting for influences in the region, and regional governments are turning their heads to the left and right, trying to guess, from where the threat could come – Russia, USA or China?"[106] At the same he is pointing out that the governments are the problem for itself because of corruption, nepotism, lack of regard toward ordinary people, causing frustration and also exposure to external interference "undermining the very concept of national independence"[107].

Another regional factor is also playing a role, which is an ambitious India, as noted by Ashley Tellis from the Carnegie Endowment for International Peace in Washington, "*ten years from now, India could be a real provider of security to all the ocean islands in the Indian Ocean. It could become a provider of security in the Persian Gulf in collaboration with the U.S. I would think of the same being true with the Central Asian states*"[108]. So the point was noticed and recognized as a possible scenario which could enhance of competition in Asian sphere of security.

Central Asian security will face some regional shifts so the effort to be better prepared for imminent encounters is critical and limited by time factors. It is shown by the strong will of their political leadership to consolidate power and improve the capabilities of security forces both with Russian and the Western support. However, in their eyes, the lack of quick and significant US and NATO progress in stabilizing the southern periphery raises questions about the credibility of Western efficiency. The Central Asian leadership could prefer allies, who are closer and share similar concerns connected with the dangers of transferring negative trends to their territory. Nevertheless, the NATO withdrawal process from Afghanistan is also a chance for them to acquire heavily desired equipment. If

104 F. Tolipov, *Ukraine and the CIS Perspective: Implications for Central Asia*, the Central Asia-Caucasus Analyst, Nacka 04 April 2014, http://www.cacianalyst.org/publications/analytical-articles/item/12949-ukraine-and-the-cis-perspective-implications-for-central-asia.html accessed: 16 December 2014.

105 Ibidem.

106 П. Муллоджанов, *Украинские уроки для стран СНГ (Ukrainian lessons for CIS)*, Group Media Plus, Duszanbe 10 April 2014, http://news.tj/ru/newspaper/article/ukrainskie-uroki-dlya-stran-sng accessed: 16 December 2014.

107 Ibidem.

108 A. Giridharadas, *India is projecting its military power*, New York Times Asia Pacific, New York 22 August 2008, p. 1, accessed: 12 December 2014, http://www.nytimes.com/2008/09/22/world/asia/22iht-power.1.16364183.html?pagewanted=1&_r=1 .

the US does not provide military hardware and weapons; other nations could be easier partners. The issue is that such equipment could be used to strengthen security but also to pressure internal opposition and even their neighbours as there are some tensions in the area related to social problems, natural resources, water disputes and personal ambitions. Nevertheless, these nations are not ready to face future dangers alone or to conduct high-scale war with terrorists at any level.

One of the most pressing problems in the region is related to the lack of real security based on poor cooperation among the countries. It appears that the Central Asian nations were so busy on building relations with big actors from outside that regional cooperation was somewhat forgotten. This is a challenge as regional security requires regional solutions. The momentum in that dimension was temporary and short-term concerns are not supporting strengthening friendship. It is still linked with their strong desire to preserve independence and the current status of their leadership. Additionally, there are strong differences among them and old unsolved businesses, at the same time new risks are emerging like water disputes. The factor, which is also important there, is no support from the neighbours of the region to unite it. An example is the attempt to sign bilateral agreements, especially related to the economy, by Russia and China. It results in some regional leaders being selfish in their desire to build power and influence, which is also related to regional competition between Kazakhstan and Uzbekistan. On the other hand, the common threats are usually the factor which is unifying even these potential adversaries. The military doctrines in Central Asia show growing concerns about asymmetric threats and that aspect is present in all the countries so they might become more eager to cooperate. The change of leadership, which is approaching by retaining aging leaders suffering also health from health problems, will be a factor in preserving or modifying security policy.

Drug trafficking from Afghanistan will also remain a problem as the Central Asian countries are not in a position to fight it unaided as "*they are limited in their abilities to allocate funds to the fight, to train personnel, and to build responsive policies*" and the "*geopolitical competition, which sometimes creates rivalry between U.S. and Russian projects while turning NATO and UNODC platforms into arenas of power projection*"[109] is not improving the situation. The drug problem will be a long-term challenge and one of the main concerns both for regional leadership and international community. The lack of a strong USA and NATO presence in Afghanistan will enhance it as there are still undesired developments in the country like corruption, nepotism, embezzlement of national assets, warlords' influences and unclear capabilities of the Afghan National Army and police. The "post-2014 stability" in Central Asia surrounded by so many threats and struggling with internal setbacks, for whatever reasons, is still far from clear.

After more than twenty years of independence and building their armed forces and security forces and developing security policies, the Central Asian states are still locked into non-cooperative models locally, pursuing widely differing policies and share very little in terms of threat assessment. One feature of their security environment on which all countries disagree is the impact of the NATO drawdown from Afghanistan on regional security post-2014. The situation will be clearer soon as the number of troops is already lower and some Central Asian countries such as Uzbekistan, or possibly Kyrgyzstan expect a worsening of security and others are more circumspect, including Tajikistan and especially Kazakhstan. Yet, the preoccupation of Western actors heavily involved in the mission to stabilize Afghanistan rendered

109 S. Peyrouse, *Drug Trafficking in Central Asia*. op. cit., p. 5.

their security assistance to Central Asia myopically tied to Afghanistan. If Western states are to help build and strengthen post-2014 security in Central Asia, they must revise their conceptual approach to security assistance, especially in light of Ukrainian crisis as pursuing closer relations of Kiev and Tbilisi with NATO and EU was one of reason of assertiveness of Russia. It is especially true as new Russian Military Doctrine signed in December 2014 is recognizing the extension and encroachment of NATO as one of main military threats[110]. Such the perception of future developments will have also influence of Central Asia both from internal and external point of view.

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