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Sebastien PEYROUSE
George Washington University
ORCID ID: https://orcid.org/0000-0001-8318-3102

Increasing the Effectiveness of EU Education Assistance in Uzbekistan. Revising the EU Strategy in Light of the New Regime

Abstract: The European Union has identified education in Central Asia as a key area of cooperation. However, the EU's engagement in this area, which has faced considerable difficulties since the fall of the Soviet Union, has so far not had the desired impact. Based on a case study of Uzbekistan, I argue in this article that the EU should revise its strategy by adopting a more targeted approach, consistent with the longer-term funding it is able to commit to Central Asia and better tailored to the local social context through strong engagement with local stakeholders. Instead of imposing broad concepts designed in Brussels – which have generally not been fully accepted or implemented by local political authorities – this new approach would involve setting up specific projects with local input, such as the opening of campuses of European universities, providing financial and logistical support for school infrastructure, and increasing the involvement of potential employers. With local ownership, EU education assistance will allow a new generation in Uzbekistan to breathe life into long-term reforms by drawing on the European concepts of their instruction, rather than viewing them as imposed from outside.

Key words: European Union, Central Asia, Uzbekistan, Education, Western assistance, authoritarianism

T he education sector in Uzbekistan was hard hit by the USSR's collapse. A quarter of a century after its independence, this Central Asian state, in which youths of less than 25 years of age make up 44% of the population (CIA World Factbook), continues to be seriously lacking in school and university infrastructure. Less than a quarter of children are enrolled in nursery schools, whereas in primary and secondary schools, hundreds of thousands of students attend school on a rotation system. Upon leaving secondary school, only one out of eleven are admitted to an Uzbekistani university. The state struggles to recruit teachers, a profession that is not highly esteemed in the country today. The low salaries and work overload demotivates many teachers, and, in certain classes, subjects as fundamental as mathematics are taught only partially or even not at all due to the lack of teachers. Lastly, potential employers disparage recent graduates' education, which they consider as rote and too based on state ideology, disconnected from labor market requirements, and possibly even purchased within the pervasive corruption of higher education. These challenges raise many questions about Uzbekistan's development: As Iveta Silova, Mark Johnson, and Stephen Heyneman have argued, "Facing declining educational access and equity, deteriorating education quality, unemployment, and poverty, young people are often characterized as a 'generation at risk'" (Silova, Johnson, Heyneman, 2007, p. 160).

Regarding these issues and based on every human being's fundamental right to education (Article 2 of the first Protocol of 20 March 1952 to the European Convention on Human Rights), the European Union has identified education as a key area of coopera-

tion. Considering that many other foreign donors have focused their assistance on primary and secondary education, the EU opted to prioritize tertiary education in its 2007 EU-Central Asia Strategy. It has included Uzbekistan in several educational assistance programs (Tempus, Erasmus Mundus, Central Asian Education Platform) and urged the Uzbek government to embark on reforms to make its higher education system compatible with the Bologna process and, ultimately, to integrate with it.

A decade later, a review by the EU Directorate General for External Policies made clear its disappointment over the EU's engagement in Central Asia being "of limited to no impact" (Directorate-General for External Policies, 2016, p. 4). In Uzbekistan, the reforms the EU has tried to initiate in tertiary education have either not been fully applied. They have been held back due to Central Asia being a lower political priority for the EU, and consequently limited EU financial and logistical support in Uzbekistan education; due to the authoritarianism of Uzbek political power, which is disinclined to implement any changes it sees as a threat to its authority; and due to local actors, who are both ignored and often unwilling to take on concepts they perceive as far from the local social and economic reality.

As the EU draws up a proposal for a new Central Asia strategy by the end of 2019 (*EU To Draw Up New Central Asia Strategy By Late 2019*), the coming to power of President Shavkat Mirziyoyev in September 2016 and the reforms he has initiated may open new perspectives for improving the impact of EU assistance on the Uzbek education system. In this article, I argue that the EU should revise its strategy by adopting a more gradual approach, consistent with the longer-term funding it is able to commit to a state that holds little strategic value for it, and better adapted to the local social context by better engaging local stakeholders (teachers, pupils/students and parents). Instead of imposing broad concepts designed by institutions in Brussels which are rarely properly implemented by local political authorities or, if they are, by coercion, this new approach would involve setting up targeted, specific projects, such as the opening of campuses of European universities to increase the intake of Uzbek students, providing financial and logistical support for school infrastructure in Uzbekistan, promoting public-private partnerships, and increasing the involvement of businesses. The new generation in Uzbekistan are the ones that will breathe life into long-term reforms by drawing on the European concepts of their instruction, if they are perceived as not imposed from the outside, but locally owned.

The first part of this paper presents the main challenges facing the Uzbekistani education system since the fall of the USSR. This is followed by a presentation of European involvement in this sector, then a third part discussing proposed revisions aimed at contributing to sustainable and progressive reform in the Uzbekistani education system.

An Education System Undermined by Economic, Social and Political Challenges

Independent Uzbekistan's first president, Islam Karimov, made education an official priority. In 1996, the National Program for Personnel Training (Weidman, Yoder, 2010, p. 60) announced the development of school infrastructure, reforms of the curriculum and teaching methods, improvements to training for the teaching body, the renewal

of educational materials (school textbooks), and the installation of modern equipment (computers and laboratories). However, since the 1990s, education has been continually weakened by economic crisis, significant budget cuts, growing social difficulties, as well as the authoritarianism of the political regime, which has been very reluctant to changes that could threaten its authority.

The Damaging Impact of Post-Soviet Economic Crisis

Suddenly deprived after gaining independence of the subsidies it received as part of the Soviet structure which, despite its shortcomings, had guaranteed a social welfare system, the Uzbek state had to reduce by one third the percentage of GDP devoted to education at the end of the 1990s (Open Society Institute, 2002, p. 12). The budget for education, despite several increases over the last fifteen years, remains well below OECD standards for developed countries, and even for developing countries. In 2012, the average percentage of national revenue given to education was 3.4%, one of the lowest in the world (Education for All report, 2015: 10), although officially that had risen to about 7.5% of GDP in 2014 (BTI, 2016).

In 1992, the government partially offloaded funding for education by decentralizing it. The decentralization process was largely begun under the Soviet regime, in which many schools in rural areas were financed by collective farms (sovkhoz and kolkhoz). However, after independence, most of the agricultural cooperatives stopped financing schools, forcing them to rely on regional governments, i.e. the administrative divisions – oblasts and raions – that were also in financial straits. Yet, contrary to many states in the world where funding for education is provided through taxes on local households and businesses, few local taxes are redistributed to schools in Uzbekistan. The upshot of decentralization has thus been a significant cut in the funding allocated to schools and local universities, and in many cases has challenged their existence. Many schools across the country have been unable to pay for necessary maintenance and restoration works, or even for utilities such as water and electricity. As a result, since the end of the 1990s, many school premises have fallen into disrepair. To make up for budgetary shortfalls, principals have had to resort to extra-budgetary sources of financing from parents or sponsors such as local businesses. For many schools, this new mode of financing has become an essential means of survival. Nevertheless, some schools, in particular those located in major urban areas, have been far more capable of raising funds than have most schools in rural areas. These inequalities have produced disparities among schools, whether in the quality of their infrastructure, their ability to recruit teachers, or their standard of teaching.

Budgetary shortfalls have also led political authorities to prioritize secondary education at the expense of other levels. Several consequences have ensued. First, nursery schools have considerably declined. In the 2000s and 2010s, only 22 percent of Uzbekistani children had access to childhood care and education (Habibov, 2012, p. 800; World Bank, 2014, p. 3). Today, close to 1200 nursery schools require renovation, and close to 1000 others have fallen into disrepair (*Reforma Obrazovaniia v Uzbekistane: ot gorshka do studencheskoi skam'i*, 2017). Second, the cuts to school infrastructure have led the

government to establish a quota system for children aged six in order to partly delay their entry. In the middle of the school year, these six year old children are given a test. Those who fail are sent home and can enroll only the following year, when they are seven (Akramov, p. 19). Despite a high enrollment ratio close to 100%, for a variety of reasons, at the start of the 2010s, some 178,000 Uzbekistani children were not regularly attending a primary school, which equaled half of all Central Asian children outside the school system (Education for All, 2015, p. 3).

Although the government focused its efforts on secondary teaching, in 1997 it reduced the time of obligatory instruction from 11 to 9 years. Besides, many secondary schools operate according to a system of two or three rotations: the pupils are schooled for only a few hours per day in order to make space for other pupils. Classes continue to be overcrowded (as many as 40 pupils) and many school students must work three to a desk (Akramov, p. 18).

Lastly, at the tertiary level, the government has greatly increased the number of institutions, from 37 in 1991 to 59 in the mid-2010s and 75 in 2017 (BTI, 2016), by way of response to the steep rise in the number of applicants, which grew from 540,000 in 2014 to 729,000 in 2017. However the percentage of applicants for tertiary studies who manage to actually get into a university has significantly declined, going from 15% in 1986 to 9% in the mid-2010s, or only one applicant out of eleven (*Mirzieev poruchil usovershenstvovat' sistemu postupleniia v vuzy*, 2017; Melibaev, 2017), a low figure ranking Uzbekistan 144th in the world (Hurramov, 2016).

Besides the shortcomings of school infrastructure, the crisis has negatively impacted the teaching profession. The average salary of a school teacher or a professor is less than 200 dollars a month, a vastly insufficient sum to ensure a decent standard of living. Many teachers are obliged to have several jobs just to meet the basic needs of their family household. Their purchasing power is further reduced by several mandatory deductions from their salary, such as the obligation to subscribe to specific government-supported newspapers/journals, or to make "donations" to various state funds. Lastly, teachers criticize what they deem is an excessive work load: apart from the already heavy load of teaching, they are compelled to carry out additional duties such as the maintenance of school premises, and are regularly mobilized for *subbotnikis* (unpaid obligatory work on weekends), electoral campaigns or events organized by local townhalls (*Uroka ne budet, uchitelia net – zvuchit vse chasche v shkolah Tashkenta*, 2016; Interviews, Tashkent, October 2017). The difficult working conditions and meager salaries breed a pervasive climate of corruption among the teaching body, in particular at the tertiary level.

These conditions have considerably devalued the profession and demotivated a growing number of students graduating from teaching institutions. Many change their career path after graduation, or leave the profession after only a few years of teaching and go to more remunerative and socially esteemed professions, such as secretarial work or interpreting (Interview, Tashkent, October 2017). In 2017, it was estimated that Uzbek schools are lacking as many as 20 to 25% of teachers (*Skol'naia reforma v Uzbekistane: Chevo zhdat' ot novogo uchebnogo goda*, 2017). This deficiency within the teaching body has become particularly acute in certain subjects such as English, economics, and computer science. Lastly, the post-1990s emigration of the European-Slavic minorities (Russians, Ukrainians, and Germans), which made up a large part of the teaching body,

and the linguistic policy of Uzbekisation of teaching, undertaken in haste and at the expense of Russian, have had a notable impact on education. Many teachers have been employed more for their ability to speak Uzbek than for their professional competencies in the subject(s) that they teach.

Education Hampered by Social Difficulties and Political Authoritarianism

Since independence, the decline in living standards of a part of the population, the disappearance or disrepair of schools, in particular in rural areas, as well as the increasingly elevated school fees have led to a decline in enrolment. In 2006, only 5% of children from Uzbekistan's less advantaged families were enrolled in nursery schools, compared to 46% of children from the country's wealthiest families (World Bank, 2014, p. 4). Besides, children from disadvantaged backgrounds tend to be concentrated in low quality schools or overcrowded classes. The disparities are even more pronounced in tertiary education. 59% of university students belong to the quintile of the most well-off families (Riboud, 2016, p. 172). While 69% of students study on a fee basis at bachelor level, and 75% at masters level (BTI, 2016), many Uzbek households are unable to afford the enrollment fees, and sometimes cannot even pay for lodging or transport to university. These inequalities substantially impact the country's development since they contribute to increasing higher school dropout rates, reducing the development of the capacity of youths from underprivileged backgrounds, and maintaining the cycle of poverty.

In addition, since independence, a process of so-called retraditionalization of society, justified on the basis of patriarchal or religious principles, has increasingly emphasized distinct gender roles and confined a growing number of women to roles as stay-at-home mothers. The lowering of the average age of child-bearing has pushed a growing number of women out of the school system, and thus also out of university. From the 2000s on, more than one quarter of women have dropped out of school at age 15 or 16 (Open Society, 2002, p. 10), whereas in tertiary education, women represent only 39% of students (Riboud, 2016, p. 172). This gender discrimination is fed by social poverty. In increasing numbers of poorer households, parents give priority to educating their boys, who they consider better long-term investments, at the expense of their girls, who are pressured to live as stay-at-home mothers in the families of their future husbands. This discrimination has a substantial impact on the country's development. As Byrd has demonstrated, growing gender inequality is reflected in the workforce and has a notable impact on a state's economic performance, diminishing its capacity to compete with the economies of other countries (Byrd, 2012).

Lastly, economic and social difficulties have pushed several million Uzbekistanis (at least three million in 2017 alone) to work abroad, in particular in Russia, (*Za 9 mesiacev 2017 goda v RF pribyli 3,1 mln migrantov iz Uzbekistana*, 2017). While the remittances sent back home may contribute to financing the education of children living in underprivileged backgrounds, the absence of one or both parents can also negatively impact a child's parental guidance, and consequently his or her motivation and assiduity at school. Further, some household tasks that migrant parents cannot perform anymore

are taken over by their children, thereby reducing their amount of time they have available for school and for homework (Ahunov, Kakhkharov, Parpiev, Wolfson, 2015).

Last but not least, the Uzbek government's authoritarianism has for many years curbed education reforms considerably. According to the Law on Education passed on August 29, 1997, "democratic nature of training and education" is one of the "basic principles of State policy in the field of education" (article 3). The National Program for Personal Training, adopted the same day, is about "forming a free and independent person with the ability to participate actively in social and political life," and about "accelerating and promoting democratic principles in the country's socio-economic life." Yet, beyond this official rhetoric, the whole education system, from kindergarten to university, has remained highly based on national ideology and regime-centric. As the scholar Niyozov has argued, "Soviet *lies* have been replaced with new *truths,* which differ in scope and detail but not much in nature and purpose" (Niyozov, 2008, p. 56). From the 1990s on, late Uzbek president Karimov's personality cult heavily imposed itself on curricula, such that students were obliged to study his biography and some works of which he is the alleged author. School curricula remain largely imprinted by the Soviet conception of a unique truth, and students continue to be approached as merely recipients of knowledge rather than producers of original thought.

The social and economic difficulties endured since independence, coupled with the government's authoritarianism, the drop in the number and quality of teachers, as well as corruption have led to a discernible decline in the level of students and pupils. These conditions have had particularly deleterious consequences for the country's development. Whereas the demand for low-skilled workers has declined markedly in Uzbekistan over the last fifteen years (Open Society, 2002, p. 9), the increase in youth unemployment is due not only to a lack of jobs, but also to the inability of a growing number of youth to qualify, with their training and their competencies, for the needs and demands of markets and employers. For, as Miguel Nino-Zarazua argues, "a sound education policy that facilitates the advancement of knowledge and the process of technological and scientific innovation is essential for economic growth and the development process of nations" (Nino-Zarazua, 2016, p. 1). As is made clear by the EU Directorate General's review, if the EU wants to contribute to the development of Central Asia, to become more visible in the region, and to act strategically over the long-term, it should invest heavily in education.

A Long-standing European Commitment

Since the fall of the Soviet regime, EU assistance in Central Asia has had education as a particular focus. The European Education Initiative, launched in 2007 as part of the EU Central Asia Strategy for a New Partnership, aimed to help reform the region's education systems and adapt them to the needs of a globalized world. EU education assistance is intended to be led in cooperation with other major international partners and donors involved in supporting educational programs and institutions in the region. As many international donors to Central Asia have focused their assistance at the level of primary and secondary schooling, the EU has prioritized tertiary education, as well as

vocational education and training, through support of the European Training Foundation (ETF). It advocates a wide-ranging education and training policy within a lifelong learning perspective. This approach was made official in particular through the Lisbon Strategy in 2000 and its Education and Training 2010 Work Programme. Uzbekistan is involved in four EU education assistance programs.

In the 1990s, the EU set up a regional program, Tempus, which offers support for modernizing higher education in 27 countries though Eastern Europe, Central Asia, the Western Balkans, and the Mediterranean region, mainly through university cooperation projects. Uzbekistan has been involved in this program since 1994. Close to one hundred European universities or organizations have cooperated with tertiary institutions in Uzbekistan (European commission country profile). For the EU, Tempus constitutes a cornerstone of higher education reforms, through the introduction of a learner-centered system for credit accumulation and transfer, and for the transition to the three-level degree system (bachelor, master, and doctorate). It contributes to establishing new curricula at the bachelor and master levels in many disciplines. Tempus has enabled the creation of some joint degrees with EU universities, and contributed to setting up new evaluation systems in universities. It is also intended to contribute to modernizing recipient university facilities by supplying information technologies and new textbooks. In the framework of its fourth phase (TEMPUS IV), the program also encouraged the modernization of tertiary education in Uzbekistan in line with the Bologna Process. Considered one of the cornerstones of reform of the tertiary education system, the Bologna Process aims at developing "a common higher education area in Europe, with a system of comparable qualifications (short cycle, bachelor, master, doctorate)" (European External Action Service, 2012). It supports the "modernization of education and training systems to make sure these meet the needs of a changing labour market" (European Commission, *The Bologna Process*). Five millions euros were made available for this purpose for Uzbekistan (*Uzbekistan: Education sector Plan*, 2013, p. 177).

A second pillar of EU education assistance, the Erasmus Mundus program, promotes student and academic staff mobility at all levels of tertiary education (bachelor, masters, doctorate), through joint higher education programs and individual scholarships. Initially aimed at member states, it was extended to non-European states in 2004, including Uzbekistan and other Central Asian states. 3,000,000 euros have been earmarked for Uzbekistan as part of this program (*Uzbekistan: Education sector Plan*, 2013, p. 177): All Uzbekistani students are eligible to apply for scholarships to all Erasmus Mundus Joint Masters Degrees and Erasmus Mundus Joint Doctorates. In addition, in 2006 the EU Commission launched the Erasmus Mundus External Cooperation Window (ECW). This program supported cross-national partnerships and cooperation exchanges between higher education institutions from Europe and from other regions, including Uzbekistan (Axyonova, 2013, p. 2).

In February 2012 the EU-Central Asia Education Platform was created to support the entirety of the Central Asian education system, on the one hand through intraregional dialogue, on the other, through dialogue between the EU and the states of the region. This platform has resulted in series of seminars and workshops held in Astana in 2013, in Bishkek in 2014, and in Istanbul in 2015. Three overarching themes were laid down: teacher education and training, quality of higher education, and the interaction of VET

and higher education (Axyonova, 2013, p. 2). This platform's second phase, begun in March 2015 and due to go until March 2018, has been presented by the EU as the key pillar of the European Education Initiative for Central Asia. It aims to coordinate EU activities and discussions with its partners in the region as well as with the other international donors, and to contribute to regional cooperation among the region's states to promote reform in the sector.

Other European initiatives launched in the region have received a lukewarm reception in Uzbekistan. This has been the case for the Central Asia Research and Education Network (CAREN), the fourth pillar of European assistance in the region. Launched in 2009, CAREN seeks to connect some 1 million Central Asian students and researchers, as well as 200 universities and research institutions in the areas of telemedicine, distance learning, disaster risk management, water resource management, and geo-hazard potential of retreating glaciers. This program was largely hampered by late president Karimov's isolationist policy. Cooperation in the sector of vocational education and training, which the EU made one of its priorities in Central Asia, also proved hard to push forward in Uzbekistan, and ended up essentially focused on developing National Qualification Frameworks (ETF, 2011).

In the framework of the general policy of European assistance in the region, EU member states are supposed to coordinate with one another on the basis of shared objectives, benchmarks of joint Commission and Council of Ministers reports, and peer learning activities involving state and non-state actors. However, as the Directorate-General review pointed out, no member state has been willing to take up the education initiative (Directorate-General for External Policies, 2016, p. 8). Uzbekistani students are scarcely to be found in European universities, with the exception of Germany and Latvia where they allegedly number between 1,000 and 2,000.[1] The main bilateral initiative remains the opening of two satellite campuses of European universities. The main one is Westminster University in Tashkent (WIUT), which was founded in January 2002 in partnership with the University of Westminster (UK, London) and the UMID Foundation of the President of the Republic of Uzbekistan. For about 120 students, the university offers two degree programs, one for a Certificate of the International Foundation Studies and the other for a Certificate of Higher Education in Business Administration. WIUT opened a second campus in the city of Zaravshan in 2009, and a third in Urgench in 2013. Another significant bilateral initiative is the 2009 opening of a satellite campus of the Turin Polytechnic University in Tashkent, which each year welcomes some 500 students. It offers bachelor and master degrees in several areas of study, including mechanical engineering, civil architecture, industrial design, information technology, and power engineering.

Other initiatives have been far more modest. Several individual European states promote the education of their own languages as part of institutes or state organizations, such as the Goethe Institute for German, the British Council for English, or the Alliance Française for French. The Polish Embassy has provided assistance in the education sector specifically aimed at its diaspora in Uzbekistan. Bilateral cooperation has also been undertaken as part of broader European programs targeting scientific and technological cooperation. Between 2014 and 2016, the University of Giessen in Germany coordinated an EU educational proj-

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[1] See the website of the Embassies of Germany and Latvia in Tashkent.

ect called Sustainable Agrarian Management Studies for Uzbekistan/SAMUz. The project's total cost, estimated to be around 750,000 dollars, was financed by the EU's Tempus project (*Uzbekistan and Germany to boost cooperation in education*, 2014). Apart from the University of Giessen, partnering institutions have included the Kent Institute of Irrigation and Land-reclamation. The Deutsche GesellschaftfürInternationaleZusammenarbeit (GIZ) initiated cooperation with Tashkent State University to create 6 modules on professional didactics for agricultural professions, as an integral part of degree training for engineers. Cooperation in bilateral training on information and communications technologies at 32 vocational colleges has been strengthened through a German-Uzbek cooperation project that began in 2003. The German government's aid agency has pumped 2.28 million euros into the project, and Germany's KfW Bank Group has provided nearly 10 million euros in loans and grants (*Uzbekistan: From Russia, With Luck*, 2008). This scientific and educational cooperation, initiated mainly by Germany, is often easier to promote as the Uzbek authorities have proven more inclined to such exchanges rather than focusing on overall reform of the education system.

Revising European Policy on Education Assistance in Uzbekistan

While it has had some positive impact, the results of European assistance on the education sector in Uzbekistan in many ways have been below expectations, controversial, and lacking in visibility. First, European-funded projects, which have concentrated on fundamental reforms (revising teaching methods, redesigning curricula, and so on), have often been hampered by the authoritarianism of the government, which has no motivation to implement reforms perceived to be a potential threat to its authority. Second, these projects have been criticized for their ignorance about the local socio-political context, leading many local stakeholders to ignore or even reject them. We argue that by promoting more modest and specifically targeted projects, which would be both financially and logistically less demanding, EU projects would have a more concrete and effective impact, and thus enhance its image in the region and contribute, in the longer term, to realizing the reforms that it has been working on for more than fifteen years.

(Re-)considering the Risks and Consequences of Political Authoritarianism on European Projects

The success of foreign assistance strongly depends on incentives in recipient countries (Williamson, 2009). In Uzbekistan, the state has a record of keeping a tight grip on the education sector, which it has viewed as strategic for its independence and nation building. Like in other authoritarian states, reforms in this sector have also stumbled on the government's desire to control the productivity and capabilities of the population, which is the engine of a political activism and therefore potentially capable of threatening its authority (Williamson, 2009, p. 8). Despite stated openness to cooperation with the EU, Uzbekistani authorities have often proven unwilling to implement the agreements they have signed or to promote so-called western ideas, such as developing critical

thinking. They have consequently restricted foreign donors' access to local stakeholders and limited most European assistance to official dialogue at the highest level of state.

This has had a significant impact on the effectiveness of the European assistance. Foreign education assistance has imperatively to go beyond engaging with the Ministry of Education and instead also tap into local knowledge. In any society, knowledge is not a continuous flow that is transmitted from the top to the bottom and from the bottom to the top, but is decentralized, dispersed among individuals, as well as organizations, and often in unarticulated forms (Williamson, 2009, p. 11). Moreover, the government, despite its firm control over society, does not always have the technological and organizational resources at its disposal to evaluate the needs and difficulties of the sector, to define its priorities, or to implement reforms at the local level. Under both late President Karimov and current President Mirziyoyev, the base-that is, teachers, parents and students-have rarely been included in the process of reflecting upon and making decisions on reforms; as a result reforms have often been ill-received. Many government programs, whether supported or not by foreign donors, have thus remained simple declarations of intention. For the EU, this lack of local connection has considerably limited its ability to evaluate the needs of Uzbekistani society, and as a result to revise and adapt its projects to the local situation.

Further, by defining broad objectives that aim at fundamental reforms but that are nonetheless insufficiently connected to the local context, the EU has risked having its projects usurped and instrumentalized by the authorities to their own domestic ends. For the Uzbek government, subscribing to European reforms has more often been a PR policy rather than a real commitment to reforming the sector. Expected by part of the population, and reinforced by propaganda disseminated by national media completely controlled by the state, the rhetoric of reform has been extensively instrumentalized by the authorities to bolster political legitimacy, which has been undermined as authorities have found it increasingly difficult to guarantee the social contract. From the 1990s on, late President Karimov seized upon so-called western concepts such as democratization, human rights, and the integration of a student-centered approach in teaching (*Educated youth is the driving force for progress – Islam Karimov*, 2012), exploiting them through overuse both in his writings and his declarations, but without actually putting them into practice. On the contrary, Karimov worked to promote his own state ideology in education and its content, as illustrated by what became a growing cult of presidential personality in schools and universities, as well as the persistence of Soviet-style precepts with stock standard answers in school textbooks.

Moreover, the Uzbek government drew international prestige from its perceived cooperation with the EU. Through his commitment to the European project platform, Karimov sought to make a show of opening up the country to international and regional cooperation. In practice, beginning in the 1990s he isolated his country, closed the borders, and refused most foreign cooperation, in particular with his Central Asian neighbors. Despite official participation in the reform projects, Uzbekistan regularly engaged in empty chair policy in regional meetings, but elsewhere made declarations of intention that were seldom implemented. In addition, as has been observed elsewhere, governments sometimes make a show of their respect for international standards and of their commitment to improvements in a sector, but know these cannot be realized or are deemed to be unrealizable at local level (Samoff, Leer, Reddy, 2016, p. 76). In

Uzbekistan, the government's decision to prohibit teachers from working more than one and half time their regular workload so as to bring the profession more in line with international standards was considered unenforceable by many teachers. Such a measure would considerably decrease the number of hours of courses taught (*Pis'mo chitatelia iz Uzbekistana: Novaia metodika, chotby 'doit'' uchitelei*, 2016; Personal interviews, Tashkent, October 2017).

In this context, the EU's insistence on quickly integrating several states from post-Soviet space, including Uzbekistan, into the Bologna Process raises questions. Rather than having the intended effect of fostering reforms, premature integration can slow down or even freeze reforms. The modes of implementation and the impact of this process in other authoritarian and nontransparent states have raised criticism. In Kazakhstan, the integration process was undertaken on the basis of false reporting and policy manipulations by the government so that the data were brought into line with targets and membership agreements. Kazakhstani President Nazarbaev boasted about the success of reforms supposedly undertaken in tertiary education, since they were supported and validated by the country's integration into the Bologna Process, even though many reforms inherent to the very principles of this process, in terms of the liberalization and democratization of education, were not implemented or even initiated. The Bologna Process brought into the European system – i.e. one in which the norms of democratic respect, of human rights, of transparency are fundamental – a state in which these very principles are not implemented (Tomusk, 2011, pp. 3, 13 and 17).

Pitfalls of a One-Size-Fits-All Approach

Following the example of most other foreign donors, the EU education assistance program opted to take a one-size-fits-all approach to the former socialist bloc, from the states of east Europe to those of Central Asia. It used a rhetoric stamped with fashionable terms – liberalization, pluralism, democratization, modernization – (Silova, 2011, p. 2) according to which European aid must help the region go from a Soviet-style school and university system to a western system. In so doing, the EU inadvertently created a dichotomy between a formerly Soviet system, said to be deficient and outdated (Niyozov, Dastambuev, 2013, p. 6), and a European-western system said to be modern, progressive, and a return to normality. For example, in the European Commission's five-page *EU and education in Central Asia factsheet*, some form of the word modern is used 17 times (Merrill, Dukenbaev, 2011 p. 127). On this basis, the refusal or incapacity of a post-socialist state to reform and follow this model is viewed as an abnormality, a decline, a crisis (Silova, 2010, p. 6).

In taking this approach, the EU did not fully take into account the diversity of the post-Soviet space, as well as each government's distinct policies and ambitions in the education sector, beyond their common authoritarian background. Secondly, simply transposing a European system on another region broadly ignored the very "loose coupling (or divergence) between global norms and local meanings" (Silova, 2010, p. 8), the Soviet and the foreign (western), as well as the tensions between the continuities and discontinuities resulting from the fall of the Soviet regime. The European assistance

programs were conceived and implemented above the heads of local stakeholders (local authorities, parents, students and teachers), without due consideration for multiple contexts, different historical and social backgrounds, values, aptitudes and aspirations, and the diversity among the states of the region and within each state. In Uzbekistan, there has been little sense of local ownership of European education programs, where they have have generally been undertaken with only limited advance consultation with selected officials, a phenomenon that has been seen in many other cases of foreign education assistance (Samoff, Leer, Reddy, 2016, p. 78).

This lack of local ownership has led some Uzbekistani stakeholders to resist reforms suggested by the EU. First, for many teachers, concepts such as student-centered learning are unsustainable, and therefore unrealizable, unless there is a significant improvement in their social conditions, i.e. an increase in salaries, lightening of the workload, political liberalization, and so on. Second, the return to a "normality" imposed from outside through principles of student-centered learning, through decentralization of funding of schools and universities, and through the privatization of tertiary education, all of which invalidate the education system as hitherto practiced and run against the aspirations of many Uzbekistani teachers and parents who would like to hold on to, or reinstate, certain legacies of the Soviet regime. The EU's radical undermining of the education system with which the Central Asian populations grew up and in which the teachers worked, is perceived as the loss of an education system – *obrazovanie* – that was respected by the local population for being tuition-free, universal, and despite its faults, of high quality. Besides, the EU programs have been perceived by a growing part of the population as an indictment of the Soviet regime's moral values and behavior – *vospitanie* –, which it still values and contrasts with current decreasing moral values. For example, child-centered approaches or the promotion of critical thinking is sometimes perceived as an undermining of parental, familial and instructor authority, particularly at a time in which the latter are struggling to ensure their daily professional tasks. Several scholars have thus noted the very limited impact of European or other Western projects that have pressed teachers to switch from teacher-centered to child-centered learning. In the best case scenario, the practice of the teacher-centered approach has been somewhat softened (Niyozov, Dastambuev, 2011, p. 10). Besides, the privatization of tertiary education is interpreted as a "commercialization" of education that heightens inequalities; it hinders access for many students from underprivileged backgrounds to quality education and to university studies, and reproduces the privileges of wealthier families. The way the EU pushes for the "post-Sovietization" of education thus inadvertently turns the supposed normality of the so-called modern education system into an abnormality: the European model of education runs up against the incomprehension of some local stakeholders who would like to preserve what they perceive as the security and quality of the education system inherited from the Soviet regime.

The Impact of Corruption

Lastly, several scholars have argued that donor states have often made little distinction between the most corrupt regimes and those that are not (Willliamson, 2009, p. 8).

This observation also rings true in the case of European assistance in Uzbekistan, where both the state and its education system, in particular at the tertiary level (Yun, 2016) to which the EU gives priority, are especially corrupt. This raises questions about ethics and impact. In Uzbekistan, as local NGO's are subject to strict monitoring and often unable to receive foreign funding, foreign aid disbursement is by and large sent through the government. European assistance, based in part on such financial support, thus risked of having part of the funds misappropriated. In a neopatrimonial state (Markowitz, 2013), in which the political and economic circles are tightly intermixed and are often the same, transferring funds in the framework of large programs to the country's highest authorities runs the risk of unintentionally supporting a regime whose corruption constitutes a main cause of the deficiency of the education system. Besides, some European programs designed to contribute to reducing corruption have sometimes unintentionally worked to increase it. For example, as part of the Bologna Process, the obligation of each doctoral candidate to publish articles in journals with a high impact factor has resulted in – sometimes successful – attempts to corrupt teachers in exchange for their help with publication, or via arrangements whereby the professor-advisors' names are used to head an article to which they have not contributed or contributed only a little, but from which they draw an easy prestige, possible advancement, and a salary increase (Interviews in Kazakhstan).

Putting the Cart Back Behind the Horse…

The European Union thus undermined its own goals by seeking to impose fundamental reforms from the outside and over the short-term, as well as by not taking enough into account the difficult local political (authoritarianism and corruption), economic (smaller budgets and economic crisis) and social conditions, and the considerable financial, human, and logistical investments that such reforms require. In Uzbekistan, these reforms cannot be effectively implemented without significant prior economic progress, which is necessary to enable the considerable investment required in the education sector. Without a notable improvement in the social conditions of local stakeholders, i.e. the teachers, as well as the large number of households for which access to education has become a heavy financial burden, or without any real political will from the government to turn from ideologized instruction to the training of students with a more free and critical mind, such programs are not likely to succeed. These issues are ones over which the EU has little means of influence over the short term in a state which is neither strategic nor a priority for it.

However, President Shavkat Mirziyoyev's arrival in 2016 has opened new perspectives. He has initiated many reforms in this sector. A Ministry for Preschool education and a specialized training (*V Uzbekistane sozdano Ministerstvo doshol'nogo obrazovaniia*, 2017) were created in 2017 with the goal of increasing by 1.5 times the enrolment of children by 2021 (*Reforma obrazovaniia v Uzbekistane: Chego zhdat' ot novogo uchebnogo goda*, 2017). Regional centers for the continuing education of teachers will be opened and financed by the state (*V Uzbekistane reformiruiut sistemu podgotovki uchitelei*, 2017) in order to raise the standard of teaching. In addition, Mirziyoyev has

decided to increase the years of obligatory schooling from 9 to 11 years (*Uzbekistan: Prezident Shavkat Mirzieev vystupil za 11-letnee obuchenie v shkolah*, 2017), a positive decision that will require the addition of some 22,000 teachers, but which nevertheless risks exacerbating the existing teacher shortage (*Reforma Obrazovaniia v Uzbekistane: ot gorshka do studencheskoi skam'i*, 2017). Many of the reforms therefore provide new opportunities for the EU to contribute, either directly or indirectly. Through more limited and gradual projects, consistent with its capability to invest in Uzbekistan, the EU can bring effective aid, provide alternative models and stimulate change, but without being judged as paternalistic or disconnected from local reality; as a result it can also enhance its generally poor image in the region.

Since the EU has decided to concentrate on tertiary education, one of the primary ways it could take advantage of these possibilities is by allowing more Uzbekistanis to study in European universities as well as at European satellite universities in Uzbekistan. It would contribute to counteracting the considerable dearth of places in Uzbek universities, strengthen people-to-people contacts between both regions, and provide an alternative vision to the local education system as well as to the ones proposed by Russia or China. In 2016–2017, less than 2,000 Uzbekistani students were enrolled in European universities, a low figure as compared to Russian and Kazakhstani universities, which in 2016 accepted respectively close to 22,000 and 3,400 Uzbekistani students (Hurramov, 2016; Eniseev, 2017). Besides, the Erasmus Mundus program, despite its goals, allows students to stay in Europe only for a few months. The ability to stay longer to take an entire course, or to complete a supplementary and/or specialized education would contribute to building Uzbek human capital in many sectors where education is lacking in Uzbekistan and where the EU possesses important educative capacity.

The two satellite campuses of European universities in Uzbekistan, Torino and Westminster, are very popular today and illustrate the potential impact of an increased European university presence in Uzbekistan. First, the education models they offer do not suffer from the corruption that is pervasive in the Uzbek university system. For many parents, the relatively high enrolment fees are offset by the knowledge that they will not be unexpectedly increased during the year by added fees linked to corruption. Second, the reliability of a quality education makes these universities particularly attractive to students and their parents, and contributes to responding to the serious problem with the qualifications of graduate students from Uzbek universities of which employers are critical of today. Lastly, European education concepts, both in form and content, could be carried by the graduates of these universities into their professional lives, into their school or university establishments, companies, or into the government administration.

Beyond tertiary education, the EU can intervene through targeted support to school institutions, including building schools that, until now, have often been funded in an opaque manner by parents in an often unsustainable burden for them (Estafeev, 2016). The EU can also contribute to redacting or revising textbooks, in particular in European languages and in scientific subjects (mathematics, physical sciences, biology). Since President Mirzoyoyev came to power in 2016, the question of textbooks has become especially acute as the new president has made updating textbooks a priority, but has sometimes demanded it be done in an extremely short period of time, sometimes as little

as two weeks. Some of the redactors interviewed as part of our research asked specifically for greater support from the EU.

Through support for cultural centers and NGO's, the EU can also support the development of private tutoring, which has since the 2000 advanced considerably in Uzbekistan. Many parents turn to tutoring to compensate for the low number of daily course hours due to the rotation system, the mediocre quality of education (Interviews, Tashkent, 2017), and sometimes the lack of teachers in certain subjects. EU member states can also contribute bilaterally to training teachers, as in Uzbekistan thousands of local English teachers have not passed the qualification tests (*Okolo 3 tysiach uchitelei angliiskoro iazyka ne proshli kvalifikaciiu*, 2017), and the level of French teachers, in particular outside the capital, also remains extremely low (Personal interviews, 2017).

Lastly, at a time when we are seeing a diversification of donors and innovative financing methods, corporations are playing an increasingly important role. However, these corporations currently invest mainly in the energy and technology sectors (Van Fleet, 2011, p. 2). Less than one fifth of the philanthropic resources of large companies given to developing countries are targeted at education. Nonetheless, a public-private partnership could constitute an effective way of mobilizing resources for education. As Van Fleet as shown, corporate philanthropic resources can be more resilient than traditional sources of foreign assistance. Corporations often also have the advantage of existing connections to governments, and above all to the local communities. With their insights, they also can contribute to evaluating the competences that are missing but that would be required by a given society to advance economically. Finally, they traditionally do take an interest in philanthropic investments (Van Fleet, 2011, pp. 5 and 20). While local businesses decry the lack of qualifications among young Uzbekistani graduates, European companies can contribute to improving the situation through greater involvement in professional training, which will also improve their own future conditions of investment. Furthermore, supporting local education would be a means of establishing the necessary contacts to penetrate new markets. Lastly, those who wish to invest over the long term understand that they must be seen locally as trustworthy and reliable social partners. Contributing to the development of local education is an obvious way to make this happen.

Education assistance, its modalities, and its impact continue to be intensely debated. As Riddell and Nino-Zarazua have argued, "there is no 'set' and established blueprint of what to do that can be applied generally to all countries" (Riddell, Nino-Zarazua, 2016, p. 26). The paths proposed here are therefore not without their own criticisms and potential pitfalls either. Targeted, one-off projects, which are sometimes very dependent on donors, are not systematically sustainable. It has been shown elsewhere that project leaders do not always remain long enough in their positions to both initiate them and ensure their follow-up (Samoff, Leer, Reddy, 2016, p. 99). Students educated in Europe do not always live up to expectations, at least not in the short term. For example, while many such students may wish to inspire changes in their countries of origin, suggest new approaches to education, or new work methods, many come up against incomprehension and even resistance from local employees to so-called foreign ideas. In the education sector, some teachers educated abroad have, for their part, refused to accept working conditions they consider unfavorable and local salaries they deem too low, and have abandoned their profession to take up other jobs, in particular in the more lucrative pri-

vate sector (Personal interviews, Tashkent, October 2017), a phenomenon also observed in some other post-Soviet states (Campbell, 2017).

It would also be important to ensure that European university programs are accessible to average Uzbekistanis. Despite their potential for positive impact, the campuses of foreign universities currently are mostly attended by students from privileged backgrounds, which can contribute to perpetuating inequalities. Lastly, having a solid education in a European university does not necessarily overcome the need to have connections in local networks in order to get good employment, nor do away with the scourge of corruption in a state in which many positions, both in the public and the private sectors, are bought, and as a result in which the financial capacity of the applicant often counts as a higher criterion of selection than his or her intellectual knowledge or technical know-how.

However, with regard to the limited financial, logistical and human capacities of EU assistance in the Central Asian region, and to the difficult economic, political and social context in Uzbekistan which negatively impacts the development of its education system, the fundamental reforms the EU has so far undertaken cannot be more effective unless carried out more gradually, through measured steps and together with local stakeholders and with the development of a feeling of local ownership. Although conducting more modest cooperation projects might make it possible to work only in a more restricted field of action, it would make those fields more accessible, in accordance with the space allowed by the local political authorities. There also could be more focus on specific concrete measures, such as assistance in the redaction of textbooks or contributions to building or restoring schools, which would strengthen the image of the EU as an engaged actor, able to respond to difficult local social and economic contexts. Such projects could also further enhance Uzbekistani population's opinion of the EU. Last but not least, it will be local actors, trained in EU institutions or according to European standards and then integrated into the higher echelons of the administration, who will be the source of real change, and who will overcome the defects and corruption of the current system and initiate new approaches and substantive reforms.

Conclusion

A sound education policy is essential for economic growth and development of nations (Nino-Zarazua, 2016, p. 1). Increased access to schooling and better quality of education results in higher lifetime incomes and well-being. Education generates growth in human capital, which makes real, long-term development possible, for example through advances in health, agricultural innovations, efficient public administration, and private sector growth. Scholars like Paul Collier (Oxford University, UK) and Lisa Chauvet (IRD, France) have demonstrated that in countries exhibiting weak rule of law, poor protection of human and property rights, high levels of corruption, and high inflation, variables that reflect lower levels of education are associated with an increased risk of destabilization or even radicalization and terrorism, and have a significant effect on the duration of state failure (Chauvet, Collier, 2008). Twenty years after the fall of the Soviet regime, education in Uzbekistan continues to face many significant challenges. As new President Sh. Mirziyoyev has said, "youth education is one of the most important issues" for the country

(Samadov, 2017). For the EU, which is understandably concerned about possible destabilization in a region neighboring Afghanistan, the stake are therefore high.

Despite two decades of well-intentioned commitment and work, the impact of European assistance on the education sector in Uzbekistan has been limited, and some of its tenants even rejected by political authorities and local stakeholders. European ambitions to promote major education reform, including through Tempus or the Bologna Process, have come up against several key obstacles. First, the authoritarian Uzbek regime until recently has hindered European assistance, which it worried could spread democratic values it perceived as incompatible with local standards and capable of causing so-called "color revolutions." Secondly, the EU is unlikely to be able to provide the large-scale commitment necessary to allow a quick transition from a Soviet education system to a Western European system would require, among other things, a huge financial, human and logistical commitment in order to respond to the very many difficulties in Uzbekistan education. Central Asia is not a strategic region for the EU, and in view of the political and economic crisis that the EU has been going through for the last ten years, it is unlikely to have the capacity to make large-scale investments in Central Asia.

As we have argued in this article, impacting the education sector in Uzbekistan requires a revision of European ambitions over the short or medium term to focus on more gradually-administered and concrete projects, whose effects, while admittedly slower and more progressive, will in the long-term be more visible and effective. Finally, it is essential to go beyond cooperating mainly with the ruling elites, which is risky for both the donor and the intended recipients. As Joos Boonstra et Neil Melvin have argued, by addressing needs that have been defined by 'cliques' at the top, marked by their exclusivity, authoritarianism and corruption, the EU may actually contribute to increasing the risk of instability in the country. However, changes initiated under the government of President Mirziyoyev have opened up unprecedented new possibilities for assistance. His own reforms – including the redaction of textbooks – provide opportunities for the EU to provide direct assistance where there is already a demonstrated political receptivity. Mirzoyoyev's overall reforms also can provide more access for cooperation with local stakeholders, which had been largely restricted under late President Karimov, as well as possibilities for engagement with nongovernmental organizations, local government, and the private sector. It is these very stakeholders who will be able, if the EU manages to convince them to put into practice the ideas of European reforms and concepts. In this context, the EU decision to revise its strategy in Central Asia by 2019 is a chance to refocus its approach, and make it more effective by not repeating the unintentional mistakes that have negatively impacted twenty years of European commitment in the Uzbekistani and, more broadly, the Central Asian education sector.

Bibliography

Ahunov M., Kakhkharov J., Parpiev Z., Wolfson I. (2015), *Socio-economic consequences of labor migration in Uzbekistan*, Griffith Business School Discussion papers, no. 07.

Akramov D., *Sistema obrazovaniia v Uzbekistane*, avtoreferat, УДК 377.1.

Axyonova V. (2013), *The EU Education Initiative for Central Asia five years on: lessons learnt*?, "Eucam Policy Brief," no. 30.

BTI (2016), *Uzbekistan Country Report*.

Byrd M. W. (2012), *Education, Economic Growth, and Social Stability: Why the Three Are Inseparable*, in: R. Azizian, A. Lukin, *From APEC 2011 to APEC 2012: American and Russian Perspectives on Asia-Pacific Security and Cooperation*, Far Eastern Federal University Press.

Campbell A. C. (2017), *How international scholarship recipients perceive their contributions to the development of their home countries: Findings from a comparative study of Georgia and Moldova*, "International Journal of Educational Development," no. 55.

Chauvet L., Collier P. (2008), *What are the Preconditions for Turnarounds in Failing States?*, "Conflict Management and Peace Science", no. 25.

Directorate-General for External Policies (2016), *Implementation and review of the European Union-Central Asia Strategy: Recommendations for EU action*, January.

Education for All. Gobal Monitorig Report, *Regional Overview, Central and Eastern Europe and Central Asia*, 2015, UNESCO, http://unesdoc.unesco.org/images/0023/002333/233313E.pdf.

Educated youth is the driving force for progress – Islam Karimov, 8.02.2012, https://en.trend.az/azerbaijan/politics/1993768.html.

Eniseev M. (2017), *Strany Central'noi Azii aktiviziruiut usiliia po privlecheniiu zarubezhnyh studentov*, Karavansarai, http://central.asia-news.com/ru/articles/cnmi_ca/features/2017/06/06/feature-01.

EU To Draw Up New Central Asia Strategy By Late 2019, RFE/RL, 19.6.2017, https://www.rferl.org/a/eu-central-asia-strategy-2019/28563536.html.

European Commission, *The Bologna Process and the European Higher Education Area*, http://ec.europa.eu/education/policy/higher-education/bologna-process_en.

European Commission, *Uzbekistan. Country Profile*, no date, http://eacea.ec.europa.eu/tempus/participating_countries/impact/uzbekistan.pdf.

European External Action Service (2012), *Progress Report on the implementation of the EU Strategy for Central Asia Implementation Review and outline for Future Orientations*, https://eeas.europa.eu/sites/eeas/files/20120628_progress_report_en.pdf.

Estafeev K. (2016), *Naskol'ko zakonny pobory na remont shkoly?*, „Hroniki Uzbekistana," https://uzbchron.wordpress.com/2016/03/12/4665/.

ETF, *Uzbekistan to develop qualifications framework*, 15.6.2011, http://www.etf.europa.eu/web.nsf/pages/Uzbekistan_to_develop_qualifications_framework__EN.

Habibov N. (2012), *Early childhood care and education attendance in Central Asia*, "Children and Youth Services Review," no. 34.

Hurramov Sh. (2016), *V Rossiiu za diplomom: uzbekskie abiturienty vse bol'she prispatrivaiutsia k rossiiskim VUZam*, CAA-Network, July 22, http://caa-network.org/archives/7382.

Markowitz L. (2013), *State Erosion. Unlootable Resources and Unruly Elites in Central Asia*, Cornell University Press, Ithaca.

Melibaev N. (2017), *Vysshee obrazovanie v Uzbekistane. Esche raz o testirovanii, abiturentah i korrupcii*, September 05, 2017, http://tgraph.io/Vysshee-obrazovanie-v-Uzbekistane-Eshchyo-raz-o-testirovanii-abiturientah-i-korrupcii-09-05.

Melvin N., Boonstra J. (2008), *The EU Strategy for Central Asia @ Year One*, Eucam Policy Brief, no. 1.

Merrill M. C., Dukenbaev A. (2011), *Youth and Education in Central Asia*, in: *The European Union and Central Asia*, ed. A. Warkotsch, Routledge, London–New York.

Mirzieev poruchil usovershenstvovat' sistemu postupleniia v vuzy, 9.10.2017, http://ru.sputniknews-uz.com/society/20171016/6563775/reformi-obrazovaniya-v-uzbekistane.html.

Nino-Zarazua M. (2016), *Aid, education policy, and development*, "International Journal of Educational Development," no. 48.

Nino-Zarazua M. (2016), *Aid, Education Policy, and Development*, "International Journal of Educa-

tional Development," vol. 48.

Niyozov S., Dastambuev N. (2013), *Exploiting globalization while being exploited by it: Insights from post-Soviet education reforms in Central Asia*, "Canadian and International Education," vol. 41, no. 3.

Niyozov S. (2008), *Understanding Teaching. Beyond Content and Method. Insights from Central Asia*, "European Education," vol. 40, no. 4.

Okolo 3 tysiach uchitelei angliiskoro iazyka ne proshli kvalifikaciiu, "Sputnik News," 19.2.2017, http://ru.sputniknews-uz.com/society/20170219/4837485/Uzbekistan-ushitelya-testirovaniye.html.

Open Society Institute (2002), *Education Development in Kyrgyzstan*, Challenges and Ways Forward, Tajikistan–Uzbekistan.

Pis'mo chitatelia iz Uzbekistana: Novaia metodika, chotby 'doit' uchitelei, "Ferghana," 30.8.2016, http://www.fergananews.com/articles/9070.

Reforma obrazovanii v Uzbekistane: Chego zhdat' ot novogo uchebnogo goda, Regnum.ru, 8.09.2017, https://regnum.ru/news/society/2327369.html.

Reforma Obrazovaniia v Uzbekistane: ot gorshka do studencheskoi skam'i, 16.10.2017, „Sputnik News," http://ru.sputniknews-uz.com/society/20171016/6563775/reformi-obrazovaniya-v-uz-bekistane.html.

Riboud M. (2016), *Investing in Human Development*, "Global Journal of Emerging Market Economies," vol. 8, no. 2.

Riddell A., Nino-Zarazua M. (2016), *The effectiveness of foreign aid to education. What can be learned?*, "International Journal of Educational Development," no. 48.

Samadov A., *Shavkat Mirziyoyev: youth education is one of the most important issues*, Uzbekistan National News Agency, 16.6.2017, http://uza.uz/en/politics/shavkat-mirziyoyev-youth-education-is-one-of-the-most-import-16-06-2017.

Samoff J., Leer J., Reddy M. (2016), *Capturing Complexity and Context: Evaluating Aid to Education*, Report Expertgruppen för biståndsanalys (EBA), no. 3.

Shaturaev J. (2014), *Comparative Study on Similarities and Differences of Teaching and Learning Process in Primary Schools in Indonesia and Uzbekistan*, Universitas Pendidikan Indonesia.

Skol'naia reforma v Uzbekistane: Chevo zhdat' ot novogo uchebnogo goda, "Open Asia," August 18.09.2017.

Silova I. (2010), *Rediscovering Post-socialism in comparative education*, in: *Post-Socialism is not Dead: (Re)Reading the Global in Comparative Education*, "International Perspectives on Education and Society," vol. 14.

Silova I. (2011), *Introduction: Education and Postsocialist Transformations in Central Asia – Exploring Margins and Marginalities*, in: *Globalization on the margins. Education and Postsocialist Transformations in Central Asia*, Information Age Publishing, Charlotte, NC.

Silova I., Johnson S., Heyneman P. (2007), *Education and the Crisis of Social Cohesion in Azerbaijan and Central Asia*, "Comparative Education Review," vol. 51, no. 2 (May 2007), pp. 159–180.

Tomusk V. (2011), *The Garbage of the Garbage. The Second-Level Sub-Optimal Policy Process in European Higher Education*, "Cahiers de la Recherche sur l'Education et les Savoirs," Hors-série no. 3.

Uroka ne budet, uchitelia net – zvuchit vse chasche v shkolah Tashkenta, "Centr-1," 11.11.2016, https://centre1.com/uzbekistan/uroka-ne-budet-uchitelya-net-zvuchit-vse-chashhe-v-shkolah-tashkenta/.

Uzbekistan and Germany to boost cooperation in education, "UzDaily", 26.05.2014, https://www.uz-daily.com/articles-id-27876.htm.

Uzbekistan: Prezident Shavkat Mirzieev vystupil za 11-letnee obuchenie v shkolah, "Fergananews," 16.06.2017.

Uzbekistan: Education sector plan For 2013–2017, 2013.

Uzbekistan: From Russia, With Luck, "Tol Chalkboard", 14.04.2008, http://chalkboard.tol.org/uzbekistan-from-russia-with-luck/.

V Uzbekistane reformiruiut sistemu podgotovki uchitelei, Centrasia.ru, 27.09.2017, http://www.centrasia.ru/newsA.php?st=1506516720.

V Uzbekistane sozdano Ministerstvo doshol'nogo obrazovaniia, Podrobno.uz, 2.10.2017, http://podrobno.uz/cat/obchestvo/v-uzbekistane-sozdano-ministerstvo-doshkolnogo-obrazovaniya/.

Van Fleet J. W. (2011), *A global education challenge. Harnessing corporate philanthropy to educate the world's poor*, Working Paper no. 4, Center for Universal Education at Brookings.

Weidman J. C., Yoder B. (2010), *Policy and Practice in Education Reform in Mongolia and Uzbekistan during the First Two Decades of the Post-Soviet Era*, "Excellence in Higher Education," no. 1.

Williamson R. C. (2009), *Exploring the failure of foreign aid: The role of incentives and information*, "The Review of Austrian Economics," vol. 23, no. 1.

World Bank (2014), *Project Appraisal Document On A Proposed Grant In The Amount Of Us$49.9 Million To The Republic Of Uzbekistan For The Improving Pre-Primary And General Secondary Education Project*, October 9, http://documents.worldbank.org/curated/en/415261475216228549/pdf/PAD713-PAD-P144856-Box396309B-PUBLIC.pdf.

Yeniseyev M., *Central Asian states step up efforts to attract foreign students*, "Caravanserai", 6.06.2017, http://central.asia-news.com/en_GB/articles/cnmi_ca/features/2017/06/06/feature-01.

Yun A. (2016), *Corruption in Uzbek higher education: Detrimental impurity for the future*, Norwegian Institute of International Affairs, no. 34.

Za 9 mesiacev 2017 goda v RF pribyli 3,1 mln migrantov iz Uzbekistana, Sputnik.ru, 18.12.2017, http://ru.sputniknews-uz.com/migration/20171218/7095406/Uzbekistan-migranty-OON-statistika.html.

Zwiększenie skuteczności pomocy edukacyjnej UE w Uzbekistanie. Zmiany strategii UE w nowej sytuacji politycznej

Streszczenie

Unia Europejska określiła edukację w Azji Środkowej jako kluczowy obszar współpracy. Jednak zaangażowanie UE w tej dziedzinie, które napotkało znaczne trudności od czasu upadku Związku Radzieckiego, jak dotąd nie przyniosło pożądanych efektów. Opierając się na studium przypadku dotyczącym Uzbekistanu, twierdzę w tym artykule, że UE powinna zrewidować swoją strategię, przyjmując bardziej ukierunkowane podejście, które będzie spójne z długoterminowym finansowaniem, jakie jest w stanie przeznaczyć dla Azji Środkowej i lepiej dostosować je do lokalnego kontekstu społecznego poprzez silne zaangażowanie interesariuszy lokalnych. Zamiast narzucać szerokie koncepcje opracowane w Brukseli – które nie zostały w pełni zaakceptowane lub wdrożone przez lokalne władze polityczne – nowe podejście wiązałoby się z tworzeniem konkretnych projektów obejmujących udział lokalny, takich jak otwieranie kampusów europejskich uniwersytetów, zapewnianie finansowania i logistyki dla infrastruktury szkolnej i zwiększenie zaangażowania potencjalnych pracodawców. Dzięki lokalnej odpowiedzialności unijna pomoc edukacyjna pozwoli nowemu pokoleniu w Uzbekistanie tchnąć życie w długoterminowe reformy, wykorzystując europejskie koncepcje ich nauczania, zamiast postrzegać je jako narzucone z zewnątrz.

Słowa kluczowe: Unia Europejska, Azja Środkowa, Uzbekistan, edukacja, pomoc zachodnia, autorytaryzm

Baktybek KAINAZAROV
Polish Academy of Science
https://orcid.org/0000-0001-6403-2835

The EU engagement in democracy promotion in post-Soviet Central Asia: the case study of the Kyrgyz Republic – prospects and challenges

Abstract: When Soviet Union collapsed, there were different hypothesis regarding democratic reforms and political system changes in Kyrgyzstan. It was believed that Kyrgyzstan would develop its independent policy and democratic governance. Since early 1990s European countries through OSCE, and later through the EU launched development projects have been playing central role in democracy promotion and civil society development in Central Asia. At the same time, as analysis show geopolitical interests of neighboring powerful states such as Russia and China increased in the region, which resulted the creation of regional institutions such as Shanhai Cooperation Organization (SCO), Collective Security Organization (CSO), Eurasian Economic Union (EEU) and Silk Road Belt Initiative (SRBI). While being the fully-fledged member of China and Russia led regional institutions, Kyrgyzstan is under heavy political and economic influence. Besides, human rights situation in Kyrgyzstan like in other Central Asian countries has been deteriorating for last few years.

Thus, the research paper focuses on interplay between Russia and China for geopolitical dominance in the region, including how it negatively influences for political volatility, civil society suppression and deterioration of human rights issues. Paper equally analyzes European countries engagement in human rights and democracy promotion in Kyrgyzstan. The research considers important to analyze the EU strategy in democratic reforms in Central Asia and to investigate why it matters for the EU.

Key words: Central Asia; geopolitics; human rights, democracy promotion

Introduction and aim

When Soviet Union collapsed, there were different hypothesis regarding democratic reforms and political system changes in Central Asia. If a certain number of scholars argued that the fall of communism would bring the development of political parties, party pluralism accompanied by democratic reforms and active political participation, there were also local experts and scholars who predicted interplay between Russia and China for economic expansion and regional stability will sway over western influence regionally.

Upon independence, with active engagement of international organizations and regional institutions all five countries introduced liberal measures in economic sector and political system. However, none of the CA states integrated democratic values in political system. On the contrary, Central Asian leaders reshaped their post-soviet authoritarian regime with the support of neighboring major powers. Today, after 25 years of Central Asian countries independence, "all Central Asian states embrace nondemocratic rule, variously labeled as personal dictatorships, authoritarian presidentialisms, and neopatrimonial and sultanistic regimes" (Omelicheva, 2015, p. 1).

Analysis of the post soviet period clearly shows that the European Union, OSCE and USAID launched development projects in Central Asia had a promising role in promoting the *Western approach*[1] of civil society development and political participation process. With the fully-fledged membership of Central Asian states in OSCE and *partnership and cooperation agreement (PCA*[2]) between the EU and Central Asian countries, there was a hope for political system changes in the post-Soviet region, which suffered from 70 years of severe suppression of civil society sector. However, as UN reports on human rights issues and OSCE reports on the Human Dimension Implementation for the year 2016 indicate, Central Asia has been identified as a highly problematic region due to human rights violations and suppression of non-state actors in the region.

According to Human Rights Watch's world report for 2016, "The governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan arrested and imprisoned government critics, closed down independent groups and opposition parties, and adopted legislation restricting the rights of nongovernmental organizations,"[3] which questions why two decade investment of western launched projects (particularly the EU's human rights and democracy path) have been unable to improve Central Asia's record in human rights and freedom of speech? What are secrets of Central Asian leaders to sustain their undemocratic regime?

According to human rights activists and social scientists, human rights violations and civil society crackdown in the post Soviet Central Asia to some extend is directly connected with regime survival attempt of former Communist leaders of Central Asia. Political leadership in Central Asia differs from Central and Eastern Europe as well as from other Former Soviet countries. As two and half decade period of the post soviet shows, all Central Asian presidents established super presidential form of governance which is based on clan and tribal policy in addition to family centered regimes. Besides, all leaders of Central Asia suppress civil society and free media.

If some scholars connect the unsuccessful political system changes with the seventy-year-old communist style of governance, which is deep rooted in the government leaders of Central Asia, a certain number of scholars refer to the geographical location of Central Asia, which is surrounded by two historical overlords – China and Russia. As analysis show geopolitical interests of neighboring Russia and China has increased in the region, resulting the creation of regional institutions such as Shanhai Cooperation Organization (SCO), Collective Security Organization (CSO), Eurasian Economic Union (EEU) and Silk Road Belt Initiative (SRBI).

In this respect, while analyzing deterioration of human rights issues and failure of democratic reforms in the post-Soviet Central Asia, the research paper considers impor-

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[1] Western approach in this context implies to western version of civil society which is associated with democracy promotion and human rights values. For last two decades US State Department funded projects of Counterpart International, Civil Society Support Centers and EU funded projects in Central Asia aimed at activating civil society and democracy promotion through activities of non-state actors, which pursue promotion of democracy, human rights, rule of law.

[2] Partnership and Cooperation Agreement is a document signed between the EU and Central Asian states in 1996 which paved the way for a broader bilateral relationship, encompassing political dialogue; trade in goods; business and investment.

[3] *HRW World report for 2016*, retrieved on March 9, 2017, https://www.hrw.org/news/2016/01/27/central-asia-backsliding-rights.

tant to study not only the Central Asian leaders priority to regime survival but also the revived interest of Russia and China for geopolitical dominance in the region, at a time when local regimes become less hospitable to western launched democracy promotion projects. In order to narrow down the research, this paper focuses on the post Soviet Kyrgyzstan, which started to face human rights violation and political volatility for last few years. According to freedom House report on nation in transition "Democracy score of Kyrgyzstan in comparison with 2016 has declined, having reached 6 points (5.89 points a year before). As a result, the republic has moved to the category of countries with consolidated authoritarian regime" (Khokhlova, 2017, p. 1).

In this respect, paper investigates democracy promotion in Kyrgyzstan, including civil society sector. It equally examines the European Union's (EU) democracy promotion efforts in the post-Soviet Central Asia, focusing on the case of the Kyrgyz Republic, which accommodates relatively active civil society in the region and the same time identified by experts as one of the most fragile and conflict-affected countries in the post-Soviet space. Finally, research also includes the latest regional initiative developments led by Russia and China, and its impact for authoritarianism revival in Kyrgyzstan.

Political system and leadership in the Post Soviet Central Asia

It is argued that the seventy-year-old communist style of governance inherited weak civil society in Central Asia, which negatively influence for democratic reforms and political system change in the region. In this regard, Mehrad Haghayeghi pointed out that "although in some republics independence brought about major structural changes that aimed at altering the institutional frameworks of politics, with the exception of Kyrgyzstan, power remained in the hands of the former communist leaders who so far have hindered the process of post-communist democratization" (Haghayeghi, 1996, p. 121). By most scholars view, soviet political culture is deep rooted in government structures of Central Asian states and it has direct link to the failure of political transformation.

With the dissolution of the USSR, former Soviet leaders from the Central Committee took presidential offices in young countries and reshaped their political ideology. For example, Turkmenistan and Uzbekistan aimed at preserving Soviet-era institutions such as kolkhoz, sovkhoz and the one-party system, while Tajikistan, Kyrgyzstan and Kazakhstan integrated clan and tribal networks for political participation. If Nursultan Nazarbayev has been serving as the first and only president in Kazakhstan, the Uzbek president Islam Karimov, whose regime shared Joseph Stalin's style of rule, served 25 years before his death. Like during Soviet times, Uzbekistan and Turkmenistan centralized the decision-making process of social, political and economic issues, whereby the civil society sector remained under severe suppression. Moreover, Uzbekistan and Turkmenistan have been criticized for the heavy control of media as well as the NGO sector while other three Central Asian countries have been also criticized for crackdown in civil society sector.

What is characteristic to power structure in the post Soviet Central Asia is that presidents have been creating super presidential model of governance, accompanied by fam-

ily structure and clan and tribal networks in business and political spheres. Most experts criticize not only usurpation of power by Central Asian presidents but also tendency to treat their country's economy as a family business (Orozbekova, 2016, p. 1). In her analysis of post-Soviet Central Asian countries, Anna Matveeva argues "Central Asian institutions resemble their Soviet predecessors, but power arrangements within them are different. These are 'hybrid institutions' which are a product of the adaptation of their Soviet predecessors to post-Soviet realities and in which rules are typically blurred" (Matveeva, 2006, p. 15). In this context, Central Asian countries replaced the status of president with the role of Khan or Sultan. Like in the period of the Kokand Kingdom, Central Asian presidents gained absolute power.

If during Soviet times the communist party was monopolizing the political and economic structure, after independence Central Asian society was confronted with the usurpation of business and political power by one family or clan. Family members of presidents including their clan and tribal network members take high state positions and actively control business and private sector. For instance, "in Tajikistan, president tapped his daughter Ozoda Rahmon to head the presidential administration while her husband has been working as deputy head of Tajikistan's central bank" (Orozbekova, 2016, p. 1). In the case of Kazakhstan it is argued that "At age 75, Nazarbayev exercises tight centralized control over the government, and his family plays a key role in maintaining power. For years, high oil prices made it easy for the Kazakh president to divide authority among his family and supporters" (Stratfor, 2015, p. 1).

Without exception all Central Asian business and political structures can be characterized as highly family centered. In addition to this, the term elite also has a popular topicality in the power structure of Central Asian countries. There are certain elite groups such as former Communist leaders' families or clan leaders, who actively participate in monopolization of business and political system. For instance, even in Kyrgyzstan after two revolutions which pursued goal to replace corrupted family and its circle, political system and business sector is still dominated by people from the circle of previous presidents.

The next issue to discuss on civil society crackdown in Central Asia is connected with the government and media relations. In Western society, mass media is perceived as an important tool for achieving the main objectives of democracy promotion and civil society development. However, in authoritarian countries of Central Asia free media is perceived as direct threat to their regime survival. Regarding media relations in Central Asian governments, it is assumed that "the Soviet Union left behind a mixed legacy in the media industry in Central Asia and the other new independent states in its former territory. On the one hand, the mass media were part of the ideological 'superstructure' of the societies. They were foremost an instrument of political command and control" (International Media Support, Copenhagen, 2008, p. 14). Indisputably, Soviet era media policy is deep rooted in government policy of Central Asia. However, it is equally important to take into account the fact that contemporary media, which is equipped with technological innovation and which can influence mass movements (such as in the Arab Spring), is a high concern for the quasi-democratic and authoritarian governments of Central Asia. Free media is perceived as a threat for governmental politics. Free media brings independent movements, and independent view, which in most cases are not in favour of Central Asian dictators.

Therefore, when one discusses about democracy promotion and civil society development in the post-Soviet Central Asia, it encompasses confrontation between western democratic values and family centered regime.

Former communist leaders and dictators of the region sustain their regime through demonizing western values and describing it as negative external other. In this context, for the western countries it is getting more complicated to engage in liberalizing political and economic system. The last two and half decade investment still did not show visible results, in particular in political power system change.

Regional cooperation in Central Asia

Central Asia is defined as one of the most problematic regions not only due to human rights violations and undemocratic regimes which suppress civil society but also its fragility to high unemployment and poverty increase its vulnerability to contemporary challenges such as Islamic radicalism, terrorism, drug trafficking, ethnic violence and other forms of complex emergencies, which require regional response. Besides, three of the Central Asian countries are bordered with Afghanistan whereas situation in Afghanistan directly influences the stability in the region.

When one analyzes regional integration policy, Central Asian states became members of several regional institutions or initiatives led by Russia or China. For last two and half decades period Central Asian states joined to regional institutions such as Shanghai Cooperation Organization (SCO), Collective Security Organization (CSO), Eurasian Economic Union and Great Silk Road Belt initiative, which highlights Central Asia's importance for Chinese and Russian economy and development. By social experts view cheap and reliable energy is considered as one of the main driving force for increased geopolitical interest and interplay between China and Russia. In this regard Virginia Marantidou and Ralph A. Cossa stated "China have been investing billions of dollars in the energy sector (which include a series of contracts with Central Asian states while Moscow is especially keen to maintain control of Central Asian energy and resource exports to protect its own position in the market" (Marantidou, Cossa, 2014, p. 1).

Development of regional organizations with Russia and China in Central Asia shows not only increased interests of historical overlords in the region but also their competition for economic expansion and regional dominance. The latest statistics and reports clearly show how Chinese trade with Central Asian region has been exceeding Russian economic turnover with Central Asian countries. In 2015, "China became Uzbekistan's largest trading partner with $3 billion worth of trade, Kazakhstan's largest investor with 33 deals delivering $23.6 billion to the nation and Turkmenistan's biggest investor in energy sector. In addition, China became a leading partner in Kyrgyzstan and Tajikistan for hydro-power projects" (Kelly-Clark, 2015, p. 1).

While analyzing current regional integration process in the region it can be concluded that Central Asian states see China and Russia led organizations as an opportunity for balancing their alliances- two major players, both of which have greater ambition to economic and political dominance in the region. In the process of re-

gional intensifications in the frame of Eurasian Economic Union or Great Silk Road initiative, one can also see how these two regional rivals and major players impose new import restrictions in their led regional institutions which focus on increasing dependency of Central Asian states. For instance, Eurasian Economic Union (EEU), which is seen as Moscow's counter response to Beijin's great Silk Road plan that aim at extending China's zone of economic interest in the region, offers opportunity to Moscow to tie economic interdependence of Central Asian countries with Russia. Moreover, since 2014 with the eruption of Ukrainian crisis and with the active engagement of Russia in Syrian conflict, Russia regained its role as security guarantor in the region.

At the same time, local experts also draw attention to shared interests of Russia and China in the region. Both powers have common interest in maintaining regional security which is complicated due to increasing religiosity and development of radical groupings in post-Soviet Central Asia and Chinese Xinjiang region. Since Central Asia obtained independences, number of radical groups and sects such as Hisbut Tahrir, Islamic Movement of Uzbekistan, Turkestan movement, Tabligi Jamoat and others have increased. Central Asian states as well as Russia and China acknowledge that without regional cooperation it would be impossible to address security challenges in the region. Therefore, when one investigates Shanghai cooperation organization and Collective Security Treaty organization, both of these institutions are security oriented.

Most scholars highlight that the role of regional institutions will be vital to solve security challenges and address contemporary issues. Membership of Central Asian countries in Russian and China led regional institutions plays a crucial role to extend economic growth and to confront drug trafficking, terrorism, Islamic radicalism and to secure regional stability. However, when one analyzes main root causes of high unemployment and poverty which increase fragility of Central Asian society to Islamic radicalism, drug trafficking and organized crime, it is tightly connected with high corruption and weak civil society which is suppressed.

A certain number of local experts do not prioritize corruption and civil society crackdown as major issue for the region. By their opinion if economy will develop and political system will be stable corruption, poverty and unemployment will be also solved gradually. In other words in regional integration process in the frame of Russia and China led organizations civil society is lagging behind. Neither Russia nor China care about human rights violations in Central Asia for the sake of their alliance and dominance in the region. Besides, neither Russia nor China accommodates open civil society and free media. Hence, both regional players are not interested in civil society development and democracy promotion in the region. Therefore, it would be relevant to ask what is the future of democracy and civil society development in the post-Soviet Central Asia? And what is the role of the EU and other western countries in promoting democracy in the region?

In this regard, scholars assess "the EU's engagement in Central Asia is one of limited to no impact. The region has become more unstable; democracy is seen by the regimes as a threat to their survival; and human rights have been backsliding" (Boonstra, 2015, p. 1). The latest reports of OSCE and HRW show that Central Asian leaders have less interest in engaging in human rights and democracy discourses.

The EU engagement in democracy promotion beyond the Europe

The contemporary understanding of democracy promotion, which includes the issue of active civil society, political and civic participation and the active involvement of non-state actors in social and public issues, derives from the Western countries. The EU, which was established by principles of democracy and western values, is a key player in democracy promotion and civil society development in and beyond the Europe. Democratic values are integral part of the EU strategy and since the fall of communism the nature of EU external policy have been encompassing democracy assistance in global context.

Pavol Demeš, Director for Central and Eastern Europe, German Marshall Fund of the United States stated "once the Iron Curtain was dismantled and CEE countries opened up to pluralistic democracy, multiple public and private players from the West started assisting them" (Demeš, 2010, p. 5). Since the crackdown of the USSR, institutional intensification and enlargement process had powerful impact for democratization, liberalization, formal institution building, and law enforcement in post-communist block space. It is argued that for Central and Eastern European countries, which shared a certain degree of common cultural value with the West, was relatively smoother to transform for democratic governance than in Balkan or former Soviet Union countries.

There are several tools and mechanisms used by the EU in promoting democracy. One of them has direct linkage with the EU enlargement. The EU accession requirement or so called Copenhagen criteria also played a crucial role for successful democratic reforms in Central and Eastern Europe. For instance, "the policy of conditionality and open doors, associated with foreign assistance, helped Eastern European countries to navigate the transformation and integration processes" (Demeš, 2010, p. 6).

What the vast majority of scholars argue is that the EU integration process has been perceived as the most encouraging instrument for democratic reform processes of candidate and non-member states in the EU's neighborhood. Thus, the EU enlargement has a vital stake to set the adoption of democratic rules and practices as conditions for integration process. This mechanism by most scholars is coined as political conditionality.

However, this political conditionality instrument of the EU is applicable only to potential members and candidate states. Therefore, while analyzing the EU engagement in democracy promotion beyond Europe, one would ask questions such as what mechanisms and instruments are applied to promote democracy and western values? And how the EU can effectively engage in democracy promotion in other regions where other regional powers have more influential mechanisms from security stability, economic growth and other context. For instance, in the case of the post soviet Central Asia, the EU has been actively engaged in democracy promotion through Partnership and Cooperation Agreement signed by the EU and Central Asian countries.

In contrast to the Eastern and Central Europe, Central Asia is far from Brussels and the membership or enlargement instrument is not applicable to the region. Therefore, in the case of Central Asia one can examine the EU engagement in democracy assistance without political conditionality. Moreover, other regional players, Russia

and China regained their influence in the region and created their regional institutions which allowed them to develop their own mechanism and instruments for integration process. According the latest estimates, China has remained the main economic partner of Kyrgyzstan.

Table 1

Foreign direct investment to Kyrgyzstan by China

	China	The rest of countries
Foreign direct investment to Kyrgyzstan in 2005	45 million	
Foreign Direct investment to Kyrgyzstan for 2014	108 million	103 million
Foreign direct investment stock to Kyrgyzstan in 2015	984 million	

Source: Tabaldieva, 2017.

As table above shows the total amount of foreign direct investment inflows to Kyrgyzstan increased almost ten times from 2014 to 2015. If one compares foreign direct investment inflows to Kyrgyzstan between 2005 and 2015, for ten years period increased 20 times. As for trade turnover between the two countries, in 2015 it reached over $1.1 billion which is the highest comparing to Kyrgyzstan trade turnover with other neighboring countries. Some projects under cooperation between the two countries are as follows: "Kyrgyzstan China gas pipeline, the second stage of North South highway, reconstruction and repair of roads in Bishkek, construction of the oil refinery in the country, modernization of the Bishkek Power Station" (Tabaldieva, 2017, p. 1).

The EU engagement in post Soviet Central Asia

With the dissolution of the USSR social scientists raised questions such as "What should be the form of government for the newly born countries, and what were the appropriate institutional mechanisms for making and implementing policies while also ensuring regime survival?" (Menon, 2007, p. 3). On the first hand, the fall of communism opened promising challenges for the development of democratic and liberal political systems in Central and Eastern Europe, as well as in post-Soviet territory. However, when one compares Eastern European countries with Central Asia, as Gregory Gleason argues "all Central Asian countries did not fight for their independence" (Gleason, 1997, p. 32) and in 1990s they all inherited with the Soviet political culture, whereas the NGO sector played a key role for regime changes movements in Central and Eastern Europe.

When western countries launched their democracy promotion and development projects in the region, it was expected that former soviet states might be able to make reforms in their economic and political system and transform into European-style market economies. Scholars also argued that successful democratic reforms of Eastern Europe could prove a model for Central Asia. However, after 25 years of independence, Central Asian countries are still headed by former communist leaders and there is no political space for opposition.

What is characteristic to the post soviet Central Asia is that local regimes managed to retain their suppressive policies. Since the 1990s the number of political parties and factions increased in the region but it did not bring democratic elections. Opposition parties and factions exist symbolically and opposition leaders and human rights activists who are against the regime are in political asylum. Within this regards, one would ask what went wrong with the western launched projects in the EU neighborhood Central Asia? By some scholars view, before September 11 the EU and USA were not proactive enough in promoting either political or economic reform in the region. Martha Brill Olcott emphasized "supporting reform in Central Asia was neither a priority of the U.S. nor of Europe, and in most ways policy in this region became a hand-maiden of the policy toward Russia" (Olott, 2007, p. 1).

Mehrad Haghayeghi pointed out that "although in some republics independence brought about major structural changes that aimed at altering the institutional frameworks of politics, with the exception of Kyrgyzstan, power remained in the hands of the former communist leaders who so far have hindered the process of post-communist democratization" (Haghayeghi, 1996, p. 121). It can be explained with the fact that new independent Central Asian states inherited communist parties and communist leaders, whereby political transformation appeared unsuccessful.

With the dissolution of the USSR, former Soviet leaders from the Central Committee took presidential offices in young countries and reshaped their political ideology. For example, Turkmenistan and Uzbekistan aimed at preserving Soviet-era institutions such as kolkhoz, sovkhoz and the one-party system, while Tajikistan, Kyrgyzstan and Kazakhstan still see democracy as a threat to their existence. Thus, it would be interesting to analyze, what is the role of the EU engagement in democracy promotion in the region with the increased geopolitical interest of Russia and China in post Soviet Central Asia.

The case of Kyrgyzstan

In their analysis Nicklass Norling and Svante Kornel highlighted "Kyrgyzstan is the most democratic of the Central Asian countries and is often classified as a hybrid regime, combining democratic and authoritarian elements" (Norling, Kornel, 2016, p. 4). Among Central Asian countries, Kyrgyzstan differs with its active civil society. As local and international experts highlight Kyrgyzstan is the first Central Asian country, which have been experiencing civil society revival through mass movements and massive protests. For last two and half decade, Kyrgyz society already experienced two revolutions, which resulted withdrawal of authoritarian leaders.

From the early 1990s, the first president of the Kyrgyz Republic Askar Akaev had a different approach than other Central Asian presidents. His main slogan 'Kyrgyzstan is our common home' pursued the prevention of conflict in multiethnic Kyrgyz society and the same time this slogan had democratic meaning for diverse society. Askar Akaev's democratic and liberal view in early 1990s drove Kyrgyzstan for active involvement in international society through membership in international organizations.

According to the assessment of *'International Crisis Group'*,[4] in the first decade after independence, Kyrgyzstan was described as an island of democracy and stability in Central Asia. The Crisis Group highlighted that "in comparison with other countries in the region, it has indeed carried out deeper economic reforms and allowed more room for civil society and opposition political activity" (ICG report, 2001, p. 1). In contrast to other Central Asian countries, Kyrgyz society could preserve the active political participation of ordinary citizens. In contrast to other Central Asian countries, numbers of NGOs in Kyrgyzstan have been constantly increasing and Kyrgyzstan became the first Central Asian country which has experienced the revival of the civil society sector through the involvement of the NGO sector. Therefore, when one compares democratic reforms in Central Asian countries, Kyrgyzstan has been described as the island of democracy due to an active civil society.

However, the model which was promoted by Askar Akaev failed to work due to economic fragility and heavy corruption in Kyrgyzstan. In addition, like in other Central Asian countries, family centered regime in Kyrgyzstan was one of the main root causes of protests. The president's family involvement in corruption and monopolization of the political and economic sector brought the failure of democracy promotion in Kyrgyzstan.

As most scholars argue Kyrgyzstan's 2005 "Tulip" revolution brought some hope for political system change. However, due to the strengthening of family centered regime by Bakiev, Kyrgyzstan witnessed the second revolution that took place in April 2010 and resulted death of 87 people and injured over 1500 people, civil society is still struggling with freedom of speech and democracy promotion. Regarding the post April 2010, Kathleen Collins suggested to "Kyrgyzstani and international proponents of democracy direct their focus beyond elections to seriously addressing the potentially devastating challenges of corruption and governance, ethno-nationalism and ethnic instability, and the need for a citizenry committed to the new democracy" (Collins, 2012, p. 1). The case of two revolutions in Kyrgyzstan that has removed two authoritarian presidents demonstrates people attempt to change political system corrupted by family and clan politics.

In general context, comparing to other Central Asian states till last year Kyrgyzstan was identified as the quasi-democratic and with some elements of authoritarianism. However, already in February 2017 Freedom house and Human Rights Watch listed Kyrgyzstan together with all Central Asian countries as consolidated authoritarian regime. If several years back Kyrgyzstan was identified as an island of democracy in Central Asia with relatively active civil society in the region, for last few years the Kyrgyz government is also becoming intolerant to criticism and suppressive towards political opponents and human rights activists. Besides, journalists and human rights activists who reflected independent view and criticized presidents suppressive policy towards opposition are intimidated my presidents lawsuits. For instance, from March to April 2017 "the prosecutor general has

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[4] Crisis Group is an International NGO which was founded in 1995 on the initiative of well-known transatlantic figures who dispared at the international community's failure to anticipate and respond effectively to the tragedies in the early 1990s in Balkans and Africa, information about the vision and mission statement of the organization is retrieved from NGO website: http://www.crisisgroup.org/en/about.aspx.

demanded 20 million soms (285.000 US dollars) from Taalaigul Toktakunova, a lawyer for the opposition Ata Meken party and Radio Azattyk, and three million soms (43,000 dollars) from other defendants including the Zanoza.kg, and 24.kg websites" (IWPR Central Asia, 2017, p. 1). Intimidation of Kyrgyz media by president's lawsuits and the recent arrest of Parliamentarian and opposition leader Omurbek Tekebaev on February 26, 2017, and accusations towards his follow party members and members of Jogorju Kengesh/Kyrgyz Parliament Almambet Shykmamatov and Aida Salyanova indicates political motivation of charges and revival of authoritarianism in Kyrgyzstan.

The EU strategy for Kyrgyzstan

The EU strategy to Kyrgyzstan, like to other Central Asian countries, have been in constant evolution since 1990s. If Partnership and Cooperation Agreement (PCA) since 1999 provided the legal framework for EU – Kyrgyz Republic cooperation that focused on political dialogue, economic relations and other sectors, including science, technology and culture, in 2007 the EU developed New Partnership with Kyrgyzstan which further pursued strengthening bilateral partnership.

While analyzing the EU partnership and strategy to Kyrgyzstan, it is important to mention about *Multi-Annual Indicative Programme* (*MIP*[5]) for Kyrgyz Republic 2014–2020 that pursues to consolidating the values of democracy, application of rule of law, good governance, and respect for human rights and fundamental freedoms, which have direct implication to sustainable and prosperous development of Kyrgyzstan. Therefore, in the analysis of MIP for Kyrgyz Republic it is clear that the focal sectors of support within the MIP 2014–2020 are the Rule of Law, Education and Integrated Rural Development. The EU strategy which focuses on neo-liberal approach that aim at strengthening democracy, human rights issues and application of rule of law in Kyrgyzstan, have been directly financed through the EU technical assistance program in the frame of PCA and current Multi-annual indicative program. As analysis show comparing to China and Russia, the EU focuses on democracy assistance in Kyrgyzstan.

There are scholars who raise questions such as, why democracy progress and human rights issue in Kyrgyzstan, which is geographically and geopolitically far from Brussels, matters the EU? and why the EU should care about democracy promotion in Central Asian when the region is already under heavy influence of Russia and China? The first answer is that European common values such as respect for human rights, freedom (including freedom of speech and assembly) the rule of law, justice, solidarity, gender equality and other fundamental principles of human rights founded the EU. Democratic principles of the EU are seen as centerpiece of engagement not only in its neighborhood policy but also in global context.

It is argued that Central Asian regimes see democracy as a threat to their existence and are more comfortable with Russian and Chinese support through regional integration, focusing on political, economic and security context. The lack of interest or passive cooperation of Central Asian countries with the EU, by some scholars view derives from

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[5] The MIP 2014–2020 allocates € 184 million to the Kyrgyz Republic for the period 2014–2020. In comparison with the allocation for 2007–2013 the amount increased by 74%.

the Central Asian leaders ambition to preserve their family centered regimes and with Moscow's attempt to derail the EU initiatives in the post-Soviet region. The current civil society and media crackdown in Kyrgyzstan is also connected not only with president Atambaev's ambition to establish authoritarian regime, but also with the external support from Russia and China, which do not accommodate open civil society. Both Russia and China led regional institutions Shanghais Cooperation organization and Collective Security Treaty organization does not give any space for civil society sector. Both of these institutions are focused on Security challenges and politico-military cooperation, whereas human rights issues, free media and civil society topic is beyond the agenda.

The criticism towards Shanghai cooperation organizations derives from the initial goal of China led institution, which aimed at developing good neighborhood policy with Central Asia and the same time to control over ethnic minorities Xinjiang Uyghur Autonomous Region (XUAR). When Central Asian states are involved in joint approaches of SCO in fighting against terrorism, separatism and extremism, human rights issues connected with minorities rights is in threat. It appears as an instrument to control over minorities and vulnerable groups.

Conclusion

The EU engagement in Central Asia is only hope for democratic change. Today, when Central Asian states are involved in tight cooperation with Russia and China, when both historical overlords of the region extended their geopolitical interest, a certain number of scholars argue that Central Asian states should further strengthen their relations with both powerful players in the region, due to Chinese economic growth which already is ranked in the first place and due to Russia's proximity that has returned its status of security guarantor with Russia's active engagement in Syria. Indisputably, regional challenges including security and economic issues can not be solved without participation of Russia and China. However, it would be wrong to exclude the role of the EU and western countries in Central Asia for stability. Stability and development in Central Asia will take place only when illness of economy such as corruption and family regimes will be eradicated. Regional cooperation of Central Asian countries with China and Russia do not consider addressing fights against corruption or democratic governance. Therefore, the role of the EU funded projects is crucial to civil society development and democracy promotion for Kyrgyzstan as well as to other Central Asian countries.

Bibliography

Boonstra J. (2015), *Reviewing the EU's approach to Central Asia*, Open Society Foundation, EUCAM #34, February.

Collins K. (2012), *After the Kyrgyz Spring: Challenges to Democratic Deepening*, "The Brown Journal of World Affairs," vol. 19, no. 1.

Demes P. (2010), *Twenty Years of Western Democracy Assistance in Central and Eastern Europe*, International IDEA, Stockholm.

Gleason G. (1997), *Central Asian States: Discovering Independence*, West view Press.

Haghayeghi M. (1996), *Islam and Politics in Central Asia*, Macmillan, Palgrave.

Institute for Wars and Peace Reporting (2017), *President's Lawsuits Intimidate Kyrgyz Media*, March 24, Kyrgyzstan, https://iwpr.net/global-voices/presidents-lawsuits-intimidate-kyrgyz-media

International Crisi Group, information about the vision and missionstatement of the NGO, http://www.crisisgroup.org.

International Crisis Group (2001), *Kyrgyzstan at Ten: Trouble in the "Island of Democracy"*, Report 22/Europe & Central Asia, 28 August.

International Media Support (2008), *The examples of Kazakhstan and Kyrgyzstan: Political extremism, terrorism, and media in Central Asia*, Copenhagen.

Kelly-Clark V. (2016), *Why is Central Asia dumping Russia for China?*, Global Risk Insights, May 23.

Khokhlova E., *Freedom House classifies Kyrgyzstan as country with authoritarian regime*, http://24.kg/english/48854_Freedom_House_classifies_Kyrgyzstan_as_country_with_authoritarian_regime/.

Manon R. (2007), *Central Asia: Views from Washington, Moscow and Beijing*, Published by M.E. Sharpe.

Marantidou V., Ralph A. C. (2014), *China and Russia's Great Game in Central Asia*, "Magazine The National Interest," https://nationalinterest.org/blog/the-buzz/china-russias-great-game-central-asia-11385.

Matveeva A. (2006), *EU stakes in Central Asia*, Institute for Security Studies, Paris.

Nicklass N., Svante K. (2016), *The role of the European Union in democracy-building in Central Asia and the South Caucasus*, International IDEA, Stockholm, Sweden.

Olcott M. B. (2007), *Democracy Promotion in Central Asia: From High Expectations to Disillusionment*, "Carnegie Endowment for International Peace," February 10.

Omelicheva M. Y. (2015), *Democracy and Dictatorship in Central Asia*, http://www.oxfordbibliographies.com/view/document/obo-9780199756223/obo-9780199756223-0060.xml.

Orozbekova C. (2016), *Central Asia's Presidents-for-Life*, http://thediplomat.com/2016/02/central-asias-presidents-for-life/.

Stratfor (2015), *In Kazakhstan*, Government Remains a Family Affair, October 21, https://worldview.stratfor.com/article/kazakhstan-government-remains-family-affair.

Tabaldieva D. (2017), *Prospects for China – Kyrgyzstan Economic Relations in the Framework of the Silk Road Economic Belt Project*, http://china-trade-research.hktdc.com/business-news/article/The-Belt-and-Road-Initiative/Prospects-for-China-Kyrgyzstan-Economic-Relations-in-the-Framework-of-the-Silk-Road-Economic-Belt-Project/obor/en/1/1X000000/1X0A9JIX.htm.

Zaangażowanie Unii Europejskiej w promocję demokracji w postsowieckiej Azji Środkowej: przypadek Republiki Kirgizji – perspektywy i wyzwania

Streszczenie

Po upadku Związku Radzieckiego zrodziły się różne hipotezy dotyczące reform demokratycznych i zmian w systemie politycznym w Kirgistanie. Uważano, że Kirgistan rozwinie niezależną politykę i demokratyczne rządy. Od początku lat 90. kraje europejskie – najpierw poprzez OBWE, a później przez UE – realizowały projekty rozwojowe, odgrywając centralną rolę w promowaniu demokracji i rozwoju społeczeństwa obywatelskiego w Azji Środkowej. Jednocześnie, jak pokazują analizy, sąsiadujące mocarstwa, takie jak Rosja i Chiny zintensyfikowały realizację swoich interesów geopolitycznych w regionie, co zaowocowało powstaniem regionalnych instytucji takich jak Szanghajska

Organizacja Współpracy (SCO), Organizacja Bezpieczeństwa Zbiorowego (CSO), Euroazjatycka Unia Gospodarcza (EEU) i inicjatywa Nowego Jedwabnego Szlaku (SRBI). Będąc pełnoprawnym członkiem instytucji regionalnych, na czele których stoją Chiny i Rosja, Kirgistan znajduje się pod ich silnym wpływem politycznym i gospodarczym. Poza tym, sytuacja w zakresie praw człowieka w Kirgistanie, podobnie jak w innych krajach Azji Środkowej, pogarsza się w ostatnich latach.

Niniejszy artykuł koncentruje się na wzajemnych relacjach między Rosją i Chinami w zakresie dominacji geopolitycznej w regionie, w tym na jej negatywnym wpływie przejawiającym się w niestabilności politycznej, tłumieniu społeczeństwa obywatelskiego i pogorszeniu się sytuacji w zakresie praw człowieka. W artykule analizuje się również zaangażowanie krajów europejskich w promowanie praw człowieka i demokracji w Kirgistanie. Za istotne uznano przeanalizowanie strategii UE w zakresie reform demokratycznych w Azji Środkowej i zbadanie, dlaczego mają one znaczenie dla UE.

Słowa kluczowe: Azja Środkowa, geopolityka, prawa człowieka, promocja demokracji

Nir Barkan NAGAR
Israel
ORCID ID: https://orcid.og/0000-0003-4212-6288

Negotiations with Terrorist Organizations for the Release of Abductees: Between Declarations and Practice. The Israeli Case

Abstract: For decades, democratic countries have dealt with terrorist attacks carried out for the purpose of negotiations, which is the preferred *modus operandi* for some terrorist organizations. To what extent can a democratic regime effectively combat this abominable act while preserving a liberal or democratic character? Furthermore, these cases have become one of the most complicated dilemmas in both domestic and foreign policy. The prevalent opinion is that it is not possible to avoid meeting some of the demands of these terrorists. A government may even consent to paying a heavy price, so as to end the situation sooner. Media coverage influences this price, as extensive coverage of the terrorist attacks benefits the terrorists and thus increases their bargaining power. In contrast to the declarations of Israeli leaders in negotiations in cases of abduction, Israel has adopted a very flexible approach and is not interested in adopting the rigid approach of refusal to negotiate. The position of the opponents to negotiations with terrorist organizations is that the very negotiations with terrorist organizations legitimize them and the terrorist attacks, thus devaluing claims that terrorism is not a legitimate means of achieving one's aims, and prevents the use of force in these situations. When all the prisoner exchange deals by the State of Israel are examined, approximately 7,500 terrorists have been released in the framework of the different deals, including terrorists with blood on their hands, in return for 14 living soldiers and civilians and 6 bodies of soldiers. A total of 1,027 terrorists were released in the Shalit deal alone.

Key words: negotiations with terrorist organizations, fighting terrorism, national security, democracy, media, Gilad Shalit

Abduction Incidents – Themes

For many years, many thinkers and researchers have addressed the dilemma faced by democratic regimes, including the State of Israel, which seek to preserve their stability while dealing with the challenges of terrorism and political violence. It should be noted that, at the center of the dilemma, there is a crucial question of to what extent such a regime can wage war effectively while maintaining a liberal or democratic character. Or, in other words, can it avoid compromising its own core democratic values to the point where it is little different from the terrorists that it is fighting?

For decades, the democratic states, including Israel, have coped with various bargaining terrorist attacks, which is the preferred *modus operandi* for many terrorists. In some cases, the countries, including Israel, decided to take action and used military operations to release the hostages, while in other cases they decided upon a strategy of negotiations that, in the end, led to deals that exchanged the abductees for prisoners.

It should be emphasized that abductee release deals became rather significant events in the historical mosaic of the State of Israel throughout its 69 years of independence and even beforehand, when soldiers and/or civilians were kidnapped and, in return for the re-

lease of these hostages, Israel released prisoners. In addition, these cases became one of the most complicated dilemmas of domestic policy on the one hand and of foreign policy on the other. It is clear that the terrorist organizations benefit from bargaining attacks because of the extensive media coverage, and because of the prestige that the terrorist leaders achieve when the governments submit to their demands. In addition, there is an increase in awareness of the interests that the terrorist organizations seek to promote when countries are forced to undertake disproportional action (Enders, Sandler, 2006).

More than once has the media been accused of serving the terrorists' interests. Walter Laquer explained that, if terrorism is propaganda through action, then the success of the terrorist system depends decisively on the amount of publicity that it receives. The terrorist act itself is nothing; the publicity is everything (Lacquer, 1976, 1977, 1987; see also Schmid, 1992).

Terrorist attacks involving abduction and bargaining have many variables. The identity of the hostages, public opinion, the ability of the abductors and the red lines drawn in the negotiations, and so on, vary from case to case (Faure, 2003).

It is important to note that the terrorist organization's choice of the method of carrying out a bargaining terrorist attack is a very important factor in the success of the attack (Sandler, Scott, 1987; Brandt, Sandler, 2008). This fact strengthens the understanding of the terrorist organizations, whose behavior is in most cases depends on the level of risk (Enders, Sandler, 2006).

Despite the risk, the prevalent position in the literature is that it is not possible to avoid giving something to the terrorists. Researchers presenting this position are aware of the dilemma. On the one hand, giving in to the terrorists in a bargaining attack can encourage additional similar attacks in the future. On the other hand, if the government adopts a policy of not giving in, then the event can end with the murder of the hostages and the responsibility, albeit indirectly, will be placed with the government (Hayes, 2002; Faure, 2003; Sandler, Scott, 1987; Enders, Sandler, 2006).

Regarding methods of dealing with terrorist attacks and abductions, literature that addresses the field of responses to terrorism differentiates between two main models – the 'war model' and the 'justice system model' (Crelinsten, 1987).

The 'war model' will assign responsibility for responding to terrorism to the military, which will make use of all the means at its disposal to deal with the terrorists. The 'justice system model,' which sees terrorism as a crime, will give responsibility for dealing with the situation to the police, who must restrict their activity to within the legal boundaries of the state. In the case of the State of Israel, which fights against radical Islamic terrorism, the relevant model is the war model, but this model, too, is restricted, since, throughout the years of the conflict between Israel and terrorist organizations, when we come to an event in which citizens/soldiers are abducted and held in captivity, negotiations have been used as one of the main tools in the attempts to resolve the crisis (Crelinsten, Schmid, 1992).

In this article, an attempt will be made to provide a concise review of the past three decades of negotiations by the State of Israel with terrorist organizations, and the release of the abductees in three cases. In addition, an attempt will be made to describe the changes that have occurred throughout the past three decades, and how this was reflected in negotiations for the release of the soldier Gilad Shalit from the captivity of Hamas.

The changes that occurred as a direct result of this will have direct influence on the manner of negotiations that result from this type of crisis in the future.

The 'Price' as a Factor Influencing the Decision to Negotiate

The main factor that influences the price and the concessions made is changes in the costs of the negotiations. According to the formal model, these changes influence both the terrorists' demands and the government's demands, and may influence the degree of concessions. These changes will also influence the question in principle of whether to make concessions at all. The increase in the cost of the bargaining will also influence the duration of the terrorist attack (Atkinson, Sandler, Tschirhart, 1987). One example is that, in barricade terrorist attacks, and possibly also in abduction terrorist attacks, the abductors can kill hostages while setting deadlines. This situation definitively increases costs to the government holding negotiations. Therefore, the government may increase the level of concessions and agree to a heavy price, so as to quickly end the situation. If from the beginning the government knows the cost of submission to the terrorists, then the government will consider whether or not to enter into negotiations. Namely, if the cost of submission is greater than non-submission, then there will be no deal. Into the cost of submission it is necessary to include the identity of the hostages. For instance, in the event in Maalot, children were taken hostage, and this fact increased the cost (Enders, Sandler, 2006).

Another factor that influences the cost is media coverage. The prevalent opinion in literature is that increased media coverage benefits the terrorist organizations, and their bargaining power increases. Dolnik (2003) maintains that the media focusing on the abductees and their families may have a negative impact and may increase the terrorists' demands. Faure (2003) holds that the intervention of third party factors, such as the media and the hostages' families, influences the final outcomes of the event.

It should be noted that after the Jibril agreement, there was a series of deals in which Israel obtained bodies. In essence, all the deals that came afterwards included the return of bodies, with the exception of the Tannenbaum deal, in which both bodies and a living abductee were returned. Therefore, it is hard to measure the influence of the Jibril agreement, since the previous deals were of the type of 'a life for a life.' It seems that the release of bodies, as opposed to the release of living prisoners, is perceived by the decision makers and the public to be easier.

Negotiating for the release of hostages in a bargaining terrorist attack is a complex process and every negotiation has its own particularities and complexities, and therefore, from a practical perspective, it is not possible to provide one strategy for negotiations. It is necessary to add that research literature addressing the topic, which must adjust to each and every case in the negotiations and in the measurement of the bargaining ability of states, is sparse (Dolnik, 2003). Nevertheless, the impression is that, in the light of data and analysis, the bargaining ability of Israel has deteriorated over the years in this type of negotiation and that this fact influences the price that is set. It is possible to see a decline in bargaining ability in a number of sub-categories. It should be remembered that, according to literature, concessions to the terrorist organizations in negotiations

will lead to additional concessions. The issue which connects the mentioned cases is that Israel, in its approach in most abduction terrorist attacks, was immediately interested in entering into negotiations. In other words, the appeal to the Red Cross and to other international actors, as well as to the terrorist organizations themselves, through the private mediators, was more or less immediate in all the deals. Namely, in all that pertains to the entry into negotiations in cases of abduction, Israel adopted a completely flexible approach and was not interested in adopting the rigid approach of refusal to negotiate. To measure the bargaining ability of Israel in this subcategory, it is necessary to analyze the behavior of the terrorist organizations and to examine the length of time that they waited before entering into negotiations, and the conditions that they set as a requirement for this. According to this theory, as the sovereign state was forced to wait a longer time, despite its position, the bargaining power of the terrorist organization increased.

The release of living terrorists has serious implications – the terrorist may return to terrorism, and it is possible that their release will incentivize other terrorists to undertake terrorist attacks, since they know that they can expect to be released in a future deal. There is also harm to the legal principle of the punishment of terrorists for their actions and the failure to serve their sentences because of a political decision, and not for accepted legal reasons. Therefore, the handing over of bodies is perceived as less serious.

Another tendency identified in literature is that governments will more often reject the demands to release prisoners than other demands, such as ransom, publicity, and so on. Namely, the release of prisoners is considered a heavy price and therefore governments will try to avoid paying it (Enders, Sandler, 2006; Faure, 2003; Hayes, 2002; Sandler, Scott, 1987).

Terrorist organizations will carry out terrorist attacks according to the experience they have accumulated and according to the means of defense adopted by the governments. Thus, for example, it was proven that the hijacking of planes decreased significantly after the installation of security facilities in airports, and consequently the attacks on the embassies increased. When the security for the embassies was reinforced, this type of event decreased (Hayes, 2002). In Iraq, after the invasion by the United States and its allies in 2003, many citizens and soldiers were kidnapped. Enders and Sandler (2006) found that the release of hostages in exchange for concessions from their country quickly led to the capture of new hostages. Thus, they assert that only if the governments do not meet the abductors' demands or take punitive measures against the terrorists will the number of abductions decrease (Enders, Sandler, 2006).

Negotiations with Terrorism: the Policy of Announcements versus Action

The State of Israel's sensitivity to and sense of responsibility for the lives of its soldiers and citizens who are captives of its enemies, which is anchored in Jewish tradition, are unusual compared to what exists in other democratic states around the world. Thus, all deals to release abductees and captives, also called the redemption of captives, which were agreed between Israel and its enemies, raise the following question: is sensitivity to the lives of the country's citizens and soldiers an expression of power and mutually guaranteed protection or does it reflect the weakness of Israel and its inability to determine a solution

that is not the release of terrorists in return for its abductees? This weakness is exploited by the enemies of Israel in order to obtain far-reaching concessions (Shwitzer, 2008).

Those who argue against negotiations with terrorist organizations base their claims on the observation that the very fact of negotiating with terrorist organizations legitimizes the organization and terrorist activity in general. Therefore, it devalues the government's claims that it does not support terrorism and precludes a response involving force (Neumann, 2007).

In order to focus on the subject of negotiations with terrorist organizations in more detail, the definition of terrorism will include two sub-definitions – violence and a political goal. The logic behind narrowing down the definition is that the abduction of citizens and/or soldiers for the purpose of bargaining is intended to cause demoralization, hence, to achieve a political goal. It should be noted that the abductors from terrorist organizations do not treat the abducted soldiers as war captives according to the Geneva Convention, and therefore this strengthens the understanding that the abduction of soldiers is intended for purely political and not military objectives. Different terrorist factions can perform abductions and their actions can be classified as terrorist events as they are non-state actors; otherwise they would be classified as war crimes (Ganor, 2003).

Bargaining-and-abduction terrorist attacks are affected by many variables, including the identity of the hostage, public opinion, the motives and ability of the abductors, red lines drawn in the negotiations, and so on (Faure, 2003).

A number of studies have indicated that, as governments make more concessions to terrorist organizations and meet their demands, the terrorist organizations increase their violent activity and attempts to abduct people. Since abduction events raise the prestige of the terrorist organization, due to the extensive media coverage they receive (Enders, Sandler, 2006), the policies regarding negotiations with terrorists of countries that experienced abduction and terrorism were examined, and it was found that, in countries that systematically conceded, there was a threefold increase in terrorist incidents. By contrast, states that actively took steps to combat terrorism saw a significant decrease in the number of terrorist attacks against their country (Hayes, 2002).

Another interesting theoretical model is the model of Islam and Shahin (1989). According to this model, the behavior of governments in the past in the management of negotiations shed light directly on, and may influence, the taking of hostages in the future (Islam, Shahin, 1989).

Concessions lead terrorists to the conclusion that concessions in the future will increase. There are cases in which concessions will be very influential, and there are other situations in which concessions have less influence (Brandt, Sandler, 2009; Lapan, Sandler, 1988).

There are two main approaches to negotiations with terrorist organizations; the 'flexible' and the 'rigid' approach. According to the flexible approach, it is necessary to conduct negotiations with terrorist organizations, but within certain limits. In contrast, the rigid approach maintains that negotiations should not be conducted with terrorist organizations in any event and prisoners who have been convicted and sentenced should not be released, even in return for hostages (Ganor, 2001).

Negotiating for the release of hostages is a very complex process and every event has its own particularities and complexities. Therefore, in practical terms it is not possible to use one strategy for negotiations in every case (Dolnik, 2003).

The complexity of negotiations with a terrorist organizations and the difficulty in achieving a successful end, even when much has been agreed upon, can lead to a situation in which, after the sides reach an agreement, the decisions will not be implemented (Faure, 2003).

Another factor that influences the decision to negotiate or not with terrorist organizations is the media coverage that accompanies the event. Increased coverage of terrorist events makes them more profitable to terrorist organizations, and may even increase their bargaining demands. Dolnik (2003) maintains that the focus of the media on the abductees and their families may have a negative impact and increase the terrorists' demands. In addition, Faure (2003) holds that the intervention of third parties, such as the families of the abductees or the media, influences the final outcome of the event.

The main dilemma facing the decision maker is balancing the need to release the hostages without submitting to the terrorists' demands, or causing the hostages' death, without appearing weak or irresponsible as a government. This dilemma is exacerbated by time pressure, media pressure, and public opinion (Herman, Charles, 1998).

There is a reason why terrorists choose bargaining-and-abduction attacks. Terrorist organizations know that the country that is attacked and blackmailed is not able to exert its full force in such an event and, therefore, it has no advantage. Therefore, this kind of attack is preferable (Crenshaw, 1998).

The approach of the Prime Minister of Israel, Binyamin Netanyahu, to the release of incarcerated terrorists is commensurate with the 'rigid approach' in the counter-terrorism field. Netanyahu emphasized in his books the need not to submit to terrorists' demands and to avoid the release of imprisoned terrorists in return for hostages. Netanyahu defined the bargaining terrorist attack as a 'classic terrorist action' (Netanyahu, 1987).

The Prime Minister of Israel is not alone in adopting the rigid approach. The United States is one of the most prominent countries that have adopted the rigid approach to bargaining attacks and abductions. Its policy is based on three 'noes:' no to negotiation with terrorists, no to concessions, and no to ransom. This policy has been strongly criticized by experts, who assert that the policy is a death sentence for American hostages (Hudson, 1989).

However, most of the presidents of the United States in the 20th century did not succeed in effectively implementing the principles of the rigid policy in terrorist blackmailing attacks. In the case of the terrorists from the Black September organization that took over the Saudi embassy in Khartoum during a reception for an American diplomat in 1973, President Nixon announced that he was not willing to submit to blackmail and the abductors murdered the hostages. The Reagan government also announced the adoption of a rigid policy regarding hostage crises and even declared that there would be no release or concession in the case of abduction, which he considered submission to terrorists, and that no ransom would be paid or prisoners released, so as not to encourage terrorism. However, when the Reagan government was forced to deal with the hijacking of a TWA flight, with 122 American citizens aboard, to Beirut, Lebanon, in June 1985, the American government, under President Reagan, acted to pressure Israel into releasing terrorists it held in Israeli prisons (Jones, 2005).

Regarding the State of Israel, when abductions over the years are reviewed, it is possible to see that the declared policy was to convey rigidity, while its actual approach

in most abduction terrorist attacks was to enter into negotiations immediately. In other words, the appeal to the Red Cross and to other international actors, as well as to the terrorist organizations themselves through private mediators, was almost immediate in all the deals. In all that pertains to the entry into negotiations in cases of abduction, Israel adopted a completely flexible approach and was not interested in adopting the rigid approach of refusing to negotiate.

In the three cases that will be described in this article – the Jibril agreement, the Tannenbaum agreement and the Gilat Shalit agreement – it is clear that the State of Israel sought to conduct negotiations as quickly as possible so as to end the abduction event in a short period of time, in contrast to its declared position that negotiations with terrorists should not be conducted.

Events leading to the Release of Captives

This part of the article will describe three cases of abduction/captivity. Every case will be described with reference to the organization that performed the attack and the State of Israel's response, and, in addition, other relevant events that took place during the negotiations will be described.

1. The Jibril Agreement

On June 10, 1982, several days after the beginning of the First Lebanon War, a brigade of tanks entered a bloody battle in the Sultan Yacoub village in Lebanon. A number of soldiers were captured, and a few are still missing to this day. In the midst of the fighting, another soldier was captured, but the State of Israel did not realize that he was captured by a terrorist organization for a long time (Ben Porat, 1985). Three months afterwards, Palestinian terrorists from the PLO attacked an IDF observation position in the Bhamdoun Village in Lebanon and captured eight IDF soldiers (Amikam, 1982). Six of the captives were given to the PLO and two to Ahmed Jibril's organization. The soldiers were separated, apparently, because of lack of space in the vehicle that transported the soldiers (News Agency, 1983).

At the time of the abductions, a right-wing government under Prime Minister Menachem Begin was in office, but, after a while, this government was replaced by a unity government in which Yizchak Shamir and Shimon Peres served as Prime Ministers in rotation. Yizchak Rabin served as the Defense Minister, and the person who managed the agreement was the lawyer Shmuel Tamir. Until the implementation of the PLO agreement (November 1983), Israel insisted on negotiating for all eight soldiers (Haver, 1983). However, Ahmed Jibril's organization was very difficult in the negotiations (Haver, 1983). In August 1983, Yasser Arafat, the PLO leader, announced that he could not enforce his authority over Ahmed Jibril's organization and therefore he would discuss only the six soldiers that he had (Ben Porat, 1985).

The decision by Israel to divide the negotiations occurred in October 1983, after the six soldiers were brought to the city of Tripoli in Lebanon, where their lives were endan-

gered because of riots that broke out in the city (Amikam, 1984). The Jibril abductees were held by the organization in Damascus. On October 13, 1983, the negotiations with the PLO commenced.

Jibril's original demand was the release of 1,187 terrorists from Israeli prisons (Shavit, 1985). Around July 1984, significant negotiations with Jibril commenced. Two months later proximity talks began in which Israel was willing to release only 25 terrorists. The Israeli delegation announced the cessation of the negotiations and returned to Israel. In October 1984, Jibril informed Bruno Kreisky that the negotiations had failed since Israel used the fact that they had captured Jibril's nephew. In January 1985, a proposal was discussed in the office of Defense Minister Rabin, but the manager of the negotiations, Shmuel Tamir, objected to it. Rabin approved the continuation of contact. Jibril decided to refuse the proposal but accepted it as the basis for negotiations (Tamir, 2002).

At the end of February 1985, Jibril recanted and said he would not come to Vienna to form the agreement unless Israel agreed to release all 1,187 terrorists, as he had demanded from the beginning. After a turbulent meeting, the political delegation accepted the proposal in a meeting held in March 1985. Israel was not interested in releasing 36 terrorists from the list. Eventually it was determined that 18 prisoners would not be released, when Jibril insisted that he would determine who would and would not be released (Haver, 1985). On May 21, 1985, the Jibril Agreement was implemented. The three soldiers, Yosef Grof, Nissim Salem and Hezi Shai, were returned to Israel and 1,150 terrorists were freed. In Israel there was a lively public discussion on the question of what 'price' should be paid in such deals.

2. Release of the Three Soldiers Captured at Mount Dov and Elhanan Tannenbaum

The negotiations in this agreement began in two separate events. On October 4, 2000, an officer (reserve) in the IDF, Elhanan Tannenbaum, went to Dubai in the Persian Gulf for a drug deal. It became clear that Tannenbaum had incurred heavy debts, primarily because of gambling. A number of Israeli Arabs had convinced him to go to Dubai for this deal. Tannenbaum was abducted by Hezbollah and flown to Lebanon. After a week and a half, Nasrallah, the head of Hezbollah, announced that the organization was holding a reserve IDF colonel captive. The IDF began to examine who in its ranks was missing, and, after a period of time, it was discovered that Tannenbaum was missing. Nasrallah released Tannenbaum's name and then Israel began its attempts to obtain his release (Bergman, 2009).

The second event began on the Sabbath, October 7, 2010. An IDF reconnaissance vehicle went to point 590 on the Lebanese border fence in the Mount Dov region for routine reconnaissance. This point was problematic due to its lack of CCTV coverage. A powerful explosive charge was activated against the patrol. A Hezbollah cell approached the fence, exploded it, and opened it for a car that approached the IDF reconnaissance vehicle. The terrorists forcibly removed three soldiers from the IDF vehicle – Benny Avraham, Adi Avitan, and Omar Sawaid. The Hezbollah vehicle rapidly returned to Lebanese territory and, by the time the military system had been activated, the abductors and the soldiers were already deep in Lebanon, in an unknown location (Shifer, 2000).

A day after the abduction of the soldiers at Mount Dov, Israel began negotiations under the leadership of Yakov Perry (Perry, 2000). The initial goal was to obtain a sign that the soldiers were alive. Hezbollah said that they would release the abducted soldiers only in return for Lebanese prisoners, and would not release information about their fate without anything in return. A number of days after the abduction, Hezbollah announced that it was willing for the United Nations to mediate. After it was discovered that Tannenbaum had been abducted (October 15, 2000), Israel turned to the Red Cross and the United Nations (Shibi, 2000).

In December 2000, contact in preparation for the deal began. Israel wanted information on the fate of the soldiers, without announcing what it was ultimately willing to concede. After some time, Israel conveyed to Hezbollah its willingness to release nineteen Lebanese prisoners who were held in Israel, including Mustafa Dirani and Sheik Obeid. One of the reasons for the change was an understanding among decision-makers, according to whom holding Dirani was no longer beneficial for the purpose of the release of the captured navigator Ron Arad. This was a small victory for Nasrallah, who agreed in return to begin the negotiations (Perry, 2000).

Towards the end of August 2003 there was a breakthrough, when Israel gave up on receiving information about Ron Arad (Yechezkeli, 2004).

The German mediators indicated that, faced with Hezbollah's demands, Israel presented rigid demands of its own. In September 2003, Prime Minister Sharon informed the Arad family that it was possible that Dirani and Obeid would be released in the coming exchange (Shifer, 2003).

Nasrallah, on his part, set demands that included the release of Palestinian, Lebanese, Syrian, and Jordanian prisoners. A short time later Israel removed all objections to the release of the Palestinian prisoners. In the beginning of October 2003, there were reports, primarily from the mediator, that Tannenbaum was being tortured in captivity (Shifer, 2003). After receiving this information, Prime Minister Sharon decided to advance the negotiations, fearing for Tannenbaum's life.

Ilan Biran, the manager of the negotiations, met with the mediator and conveyed to him Israel's final proposals, according to which Dirani and Obeid would be released, along with hundreds of Palestinian prisoners and the bodies of dozens of Hezbollah men (Bergman, 2003).

It appears that the main argument in this stage of the negotiations revolved around Dirani. Supporters of Dirani's release claimed that he was no longer a bargaining chip for Ron Arad. Opponents of his release claimed that Ron Arad was a symbol and recommended standing firm on the Dirani issue, at most proposing additional prisoners in his stead (Yarkoni, 2004).

In January 2003, Nasrallah announced for the first time that Tannenbaum was alive (Glickman, 2003). In July 2003, Nasrallah said that Hezbollah was holding three soldiers whose fate was not known, as well as a living civilian (Perry, 2003). In the middle of August, the Foreign Affairs Minister Silvan Shalom said that Hezbollah was interested in the wholesale release of prisoners in return for information only, and this demand was not reasonable. On August 23, 2003, the German mediator visited Tannenbaum, received a letter from him, and stated that he was in a good condition. In return for the visit, Israel returned two bodies of Hezbollah members (Beck, 2003).

Regarding the soldiers, Hezbollah did not reveal until the very last moment whether the soldiers were dead or alive. The decision of Israel to announce that they were fallen soldiers was based solely on intelligence (Bergman, 2009).

On November 9, 2003, the government of Israel decided, twelve to eleven, that in return for Tannenbaum and the soldiers' bodies, 400 Palestinian prisoners, as well as 21 Lebanese, 5 Syrian, 3 Moroccan, 3 Sudanese, one Libyan, one British and one German prisoner, would be released. In addition, 59 terrorists' bodies and maps of the IDF's mined fields in South Lebanon would be handed over (Eichner, 2003).

After the decision was made, Hezbollah made another demand – the release of the terrorist Samir Kuntar, who was a member of the cell that murdered the Haran family in Nahariya in the late 1970s. Prime Minister Sharon said that his release was a red line, and that he was willing to call off the deal. Nasrallah stated that if Kuntar was not on the list of terrorists to be released, then the deal was off. The negotiations entered a stage of complete secrecy (Eichner, 2003). In the middle of January 2004, Ilan Biran announced that Hezbollah had decided to forego the Kuntar issue (Shifer, 2004).

On January 29, 2004, the prisoner exchange was carried out. Israel released 400 Palestinian prisoners, 36 other prisoners from different countries, and 59 bodies. In return, Elhanan Tannenbaum was released and the bodies of the three soldiers taken at Mount Dov were returned (Yechezkeli, 2004).

3. The Shalit Prisoner Exchange and the Resultant Change

On the morning of Sunday June 25, 2006, a Hamas cell attacked a Merkava tank positioned to guard the perimeter fence adjacent to the Gaza Strip and an IDF outpost, both in the territory of Israel, after it crossed the border from the South Gaza Strip through a tunnel towards the Kerem Shalom crossing. During the attack, the tank commander and a soldier in the tank were killed and Gilad Shalit was abducted to the Gaza Strip. An exchange deal signed between Israel and Hamas in October 2011 and mediated by Egypt signaled the end of exhausting and tortuous negotiations that lasted five and a half years.

In May 2011, with the entry of David Meidan, a new coordinator, on behalf of the Prime Minister of Israel, the increasingly close relationship between senior members of the Egyptian security establishment and senior representatives of Hamas after the fall of Hosni Mubarak and the departure of Omer Suleiman, who had been responsible for the Egyptian security services, and the increasing agitation in the Arab world created new constraints on the Hamas leadership and on the Israeli government and spurred both sides to hold several rounds of negotiations in Cairo in August–October 2011. A conclusion to this round of negotiations was made possible following the increase in flexibility by the two sides, including Hamas agreeing to forego its long-standing demand for the release of all the 'heavy' prisoners, and to remove a large number of released prisoners from the West Bank to the Gaza Strip or, in a few cases, abroad (Limor, 2011).

The return of Gilad Shalit to Israel on October 18, 2011, in return for the release of many political prisoners and mainly convicted murderers who had been given life sentences for the murder of Israelis, following the signing of the agreement called the Shalit Deal between the Israeli government and Hamas (Shwitzer, 2011), inspired public

debate regarding the principles that are always concomitant with this type of negotiation between Israel and terrorist organizations.

The question of the price that Israel paid in the Shalit prisoner exchange has been discussed extensively and publicly. The reason, beyond the heavy price itself, lies in the open nature of the many channels of media coverage and the nature of the public discourse that characterizes modern Israel. The Hamas representatives in the negotiations faced the precedents of previous prisoner exchanges Israel conducted with terrorist organizations that had held its soldiers or citizens captive, when the main model was that which resulted in the Jibril prisoner exchange agreement, the outcome of which was presented as a historical victory for the Palestinian people.

It should be emphasized that Hamas was eventually forced to make significant concessions, which beforehand it had refused to do, and it reluctantly accepted and adhered to the threshold conditions that Israel had set. Therefore, the spokespersons of the Israeli government were able to maintain that, given the conditions that existed at the time, this was the best possible deal (Netanyahu, 2011). The main profit for Hamas was that it succeeded in forcing Israel to concede on a number of principles that the decision-makers had presented during the negotiations as 'red lines,' which in the past the leaders of Israel had declared Israel could never agree to cross (Shwitzer, 2012).

The Shalit prisoner exchange first and foremost gave Hamas an important, prestigious achievement, primarily in terms of Palestinian public opinion, but also beyond this. For the first time in its history, Hamas had held captive a soldier for a prolonged period of time and had thwarted Israel's attempts to discover the place where the soldier was hidden in order to then release him in a military operation.

The deal signed between Israel and Hamas in October 2011 that was mediated by Egypt led to the end of the five and a half years of exhausting and torturous negotiations. Over the years the process had had ups and downs and even a period of disconnection between the sides (Shwitzer, 2012).

The biggest win for Hamas derived from the fact that 1,027 prisoners were released in return for one Israeli soldier. Thus, a precedent was set for the 'price' of one Israeli captive.

There are very many good reasons to object to the Shalit prisoner exchange deal. The deal was, in essence, Israel's surrender to terrorism. The deal would strengthen Hamas, weaken Abu Mazen and Salam Fayyad, and empower extremists in the Arab world and Palestine, increasing the risk that Israeli soldiers would be abducted in the near future or that a new wave of terrorist attacks would sweep over Israel. It would also strengthen the opinion that Israel's sensitivity to the lives of its citizens is its Achilles heel and that Israel is not a real power; the deal to save Gilad Shalit's life may have cost the lives of many other Israelis in the future (Shavit, 2011).

Another aspect that accompanied the implementation of the second stage of the deal and contributed to the image of Hamas as the winner was the shaky relations between the Palestinian Authority and the government of Israel at that time.

Despite these declarations and the aforementioned achievements, the negotiators from Hamas were forced to forego a number of their own principles. The number of prisoners was reduced, and prisoners who were symbols of the struggle were not included in the list of released prisoners. Some of the prisoners were removed from the regions of Judea and Samaria and sent abroad or to Gaza.

Israel, for five and a half years, paid different prices as a direct result of its failure to mount a military option for the release of the abducted soldier, beyond the projection of submission and weakness. The implications of the event, and the investment of many resources, revealed the limitations of Israeli power in forcing Hamas to release the abducted soldier, including via the exertion of pressure.

The lengthy negotiations and the delay in the finalization of the prisoner exchange deal cost Israel dear and increased the polarization in its internal public discourse that reached its apex with the signing of the agreement.

In 2008, due to the lessons learned from the Shalit deal, a committee was established to address the issue of the release of abducted and missing people. The committee, which was established to draw up a policy for the management of future negotiations for abducted and missing Israelis, under the leadership of the former Supreme Court President, Meir Shamgar, concluded its mission in 2012 and submitted its findings to the Defense Minister, Ehud Barak (Buchbot, 2012).

The main recommendation of the committee was that responsibility for managing the return of captives and abductees should be shifted to the Ministry of Defense and not the Prime Minister, as had been the case in the past. The Ministry of Defense should have a department for handling the captives, maintain contact with their families, and be responsible for conducting negotiations, while keeping the government informed. When agreements with the abducting side are reached, the decision to implement the prisoner exchange should be brought to the government (Buchbot, 2012).

In 2014, a law proposal[2] was submitted to the Israeli Knesset regarding principles for the redemption of captives and missing people. The Knesset members who initiated the project wanted to implement the conclusions of the Shamgar Committee, although they were not published. The goal of the law proposal was to determine the appropriate principles for deals for the return of captives and missing people, based on the recognition that the release of many terrorists in return for a few soldiers or bodies of soldiers creates an incentive to abduct soldiers for the purpose of bargaining, and brings dangerous terrorists back into the ranks of terrorist organizations. In addition, the principle of deterrent is undermined if potential terrorists understand that their family will receive financial assistance and they will receive praise and be released in a coming prisoner exchange deal should they be captured; the present policy could even be viewed as an incentive for terrorists, as it signals to them that, in the end, they will not serve their sentences.

It should be noted that a law has yet to be passed that creates a framework for balancing all of these factors, both defense and political, in Israel. Israel may find itself in a similar situation at any given moment and will be forced to cope anew with the dilemmas and the difficulties that emerged in the previous deals, especially in the Shalit prisoner exchange deal.

Conclusions

The State of Israel is known for agreeing to pay heavy prices for its captive soldiers, as well as for the bodies of its fallen soldiers. Prominent examples are the exchange of the Nahal prisoners, in which 4,765 terrorists were released in return for six soldiers, the Jibril

agreement, in which 1,150 terrorists were exchanged for the return of three soldiers who had been captured, the Shalit deal in which the abducted soldier Gilad Shalit was released in return for 1,027 terrorists, and a prisoner exchange deal with the Hezbollah in which 450 terrorists were returned for the bodies of three IDF soldiers and one living citizen (Elhanan Tannenbaum). All in all, in the framework of the different deals, the State of Israel released about 7,500 terrorists, including convicted terrorists with blood on their hands, in return for fourteen living soldiers and citizens and the bodies of six soldiers.

Israel had an established strategy, albeit unwritten, that was determined in the 1970s by the then Prime Minister, Yizchak Rabin, and it was that, if a military solution was possible, then this option is preferable, but lacking such an option the government will conduct negotiations with the terrorists and will be willing to respond to their demands in return for the release of the hostages. This policy was adopted by the different governments of Israel over the course of many years.

The issue of the deals to return the abductees is one of the most sensitive issues amongst the Israeli public. Public discussion on the topic is highly emotive, when the principles of the return of the captives, national security, the values of the IDF, the need for a deterrent, and so on are combined and, indeed, impossible to separate. Decision-makers must attempt to find a delicate balance between the immediate need for the release of the hostages and abductees, and the avoidance of actions which will likely cause an escalation of the security situation and endanger the lives of other citizens.

Analysis of these attacks in Israel indicates that terrorist organizations prefer to undertake abduction terrorist attacks following the Israeli military response to barricade terrorist attacks, and due to the rise in cost, which, according to literature, causes the terrorist organizations to again undertake the kind of attack in which they regularly achieve success and increase their demands every time.

Therefore, in the framework of the law proposal on the release of abductees and the concomitant price, the initiators intended that the abduction of an Israeli should be viewed as a terrorist event in all respects. Section 2 of the law stipulates the principles according to which the government needs to act within the framework of the negotiations to sign an exchange deal with a terrorist organization: one terrorist will be released for one soldier; live terrorists will not be released in return for soldiers' bodies, and the terrorist organization will choose the terrorists that it wishes to have released from a closed list that the government will determine. In addition, in the framework of the proposed law, a mechanism will be arranged according to which it is possible to release up to ten additional terrorists before the release of the abducted soldier, if the government believes that this step will promote negotiations with the terrorist organization.

Despite the attempt to legally set the price of negotiations and the number of people to be released, and even an attempt to impose a limit on the release of terrorists on the basis of some criterion relating to the severity of the crimes they have committed – it failed. The Israeli governments were obligated to 'pay' steadily increasing prices, in terms of the number of terrorists released from prisons in Israel, in return for the release of abductees and hostages.

However, the reverse policy of the adoption of a rigid line in all that pertains to the release of imprisoned terrorists did not last long in the countries that adopted it, including Israel, which was compelled to release terrorists.

Is it possible to deter terrorism from the beginning and thus avert the next abduction attack? Many rule out this possibility, since non-state or semi-state actors lack, for the most part, important resources that can be threatened. The absence of such vulnerable assets constitutes a source of concern for those in charge of the formation of counter-terrorism policy.

It is clear to all that, despite Israel's pronouncements on the avoidance of the legitimization, even indirect, of terrorist organizations by negotiating with them, in reality there is intensive communication at the time of the abduction so as to resolve the situation and the resulting crisis. The prolonging of the negotiations and the delay in the conclusion of the deal, especially in the Shalit prisoner exchange deal, cost Israel dear, in that it increased polarization in Israeli public discourse, which reached its apex on the evening of the signing of the agreement with Hamas, and caused doubt, at least amongst some of the Israeli public, regarding the decision-making ability, leadership, and moral authority of the Prime Minister, and even cast doubt on the absolute validity of some fundamental values, such as the mutual guarantee between citizens and the state and the obligation to redeem captives, in modern Israeli society.

Bibliography

Atkinson S., Sandler T., Tscirhart J. (1987), *Terrorism in a Bargaining Framework*, "Journal of Law and Economics," vol. 30, pp. 1–21.

Brandt P. T., Sandler T. (2008), *Hostage Taking: Understanding Terrorism Event Dynamics*, The University of Texas at Dallas.

Crelinsten R. D. (1987), *Terrorism and Political Communication: The Relationship between the Controller and the Controlled*, in: *Contemporary Research on Terrorism*, eds. P. Wilkinson, A. M. Stewart, Aberdeen University Press, Aberdeen, pp. 3–23.

Crelinsten R. D. (1989), *Terrorism, Counter-Terrorism and Democracy: The Assessment of National Security Threats*, "Terrorism and Political Violence," vol. 1, no. 2, pp. 242–269.

Crelinsten R. D., Schmid A. (1992), *Western Responses to Terrorism: A Twenty-Five Year Balance Sheet*, "Terrorism and Political Violence," vol. 4, no. 4, pp. 332–333.

Crenshaw M. (1998), *The Logic of Terrorism: Terrorist Behavior as a Product of Strategic Choice*, in: *Origins of Terrorism*, ed. W. Reich, Woodrow Wilson Center Press, pp. 21–22.

Dolnik A. (2003), *Contrasting Dynamics of Crisis Negotiations: Barricade versus Kidnapping Incidents*, "International Negotiation," 8, pp. 495–526.

Enders W., Sandler T. (2006), *The Political Economy of Terrorism*, Cambridge University Press, New York.

Faure G. A. (2003), *Negotiating with Terrorists: The Hostage Case*, "International Negotiation," 8, pp. 469–494.

Hayes R. E. (2002), *Negotiations with Terrorists*, in: *International Negotiation*, ed. V. Kremenyuk, Jossey-Bass, San Francisco.

Hermann M. G., Charles F. (1998), *Hostage Taking, the Presidency and Stress*, in: *Origins of Terrorism*, ed. W. Reich, Woodrow Wilson Center Press, pp. 211–212.

Hudson A. R. (1989), *Dealing with International Hostage-Taking: Alternatives to Reactive Counterterrorist Assaults*, "Terrorism and International Journal," vol. 12, no. 5, pp. 322–323.

Islam M. Q., Shahin W. N. (1989), *Economic Methodology Applied to Political Hostage-Taking in light of the Iran-Contra Affair*, "Southern Economic Journal," 55(4), p. 1019.

Jones R. (2005), *Terrorist Beheadings: Cultural and Strategic Implications*, p. 3.

Lapan H. E., Sandler T. (1988), *To Bargain or Not To Bargain: That Is the Question*, "The American Economic Review," 78(2), pp. 16–21.

Laqueur W. (1976), *The Futility of Terrorism*, March. Harper's.

Laqueur W. (1977), *Terrorism*, Weidenfeld & Nicholson, London.

Laqueur W. (1987), *The Age of Terrorism*, Little, Brown & Co, Boston, MA.

Neumann R. P. (2007), *Negotiating with Terrorists*, "Foreign Affairs," 86(1), pp. 128–138.

Sandler T., Scott J. L. (1987), *Terrorist Success in Hostage-Taking Incidents: An Empirical Study*, "The Journal of Conflict Resolution," 31(1), pp. 35–53.

Schmid A. P. (1992), *Editors' Perspectives*, in: *Terrorism and the Media*, eds. D. L. Paletz, A. P. Schmid, Sage, Newbury Park, CA, pp. 111–136.

Literature (Hebrew):

Bergman R. (2009), *The State of Israel Will Do All*, Kineret and Zmora Beitan.

Ganor B. (2001), *Israel's Policy in the Coping with Terrorism: Effectiveness versus Democratic-Liberal Values*, Ph.D. Dissertation, The Hebrew University of Jerusalem.

Ganor B. (2003), *The Maze of Counter-Terrorism – Tools for Making Decisions*, The Herziliya Interdisciplinary Center, Mifalot Press.

Netanyahu B. (ed.) (1987), *Terrorism – How The West Can Win*, Israel, Sifriat Maariv, p. 233.

Shwitzer Y. (2008), *The Release of Captives Deals – War between Just and Conflicting Values*, Institute for National Security Researches, *A Look from above*, 61, July.

Shwitzer Y. (2011), *The Exchange Agreement between Israel and Hamas – From Tactical Failure to Strategic Challenge*, "A Look from above," 289 (23), October.

Shwitzer Y. (2012), *The Sting in the Tail – Achievements and Failures in the Exchange Deal between Hamas and Israel*, "Strategic Update," vol. 14, iss. 4, January.

Tamir S. (2002), *A Son of This Land – Autobiography*, Zmora Beitan.

Press (Hebrew)

Amikam Y. (1984), *Tamir: We Faced a Brutal Choice: Six or None*, "Yediot Acharonot," June 29, p. 5.

Amikam Y., Zimoki A. (1982), *Israel Warns the Syrians: Demands Release of 8 Kidnapped Soldiers*, "Yediot Acharonot," September 9, p. 1.

Beck A. (2003), *These Negotiations Are Run like a Bazaar*, "Yediot Acharonot," August 29, Sabbath Supplement, p. 12.

Ben Porat Y. (1985), *Kreisky: I Sent Letters to Peres and Jibril and I Extracted the Negotiations from the Mud*, "Yediot Acharonot," May 21, p. 3.

Bergman R. (2003), *The True Price of the Tannenbaum Deal*, "Yediot Acharonot," October 24, Sabbath Supplement, pp. 4–5.

Eichner A. (2003), *A New Obstacle on the Way to a Deal – The Murderer of the Haran Family*, "Yediot Acharonot," November 9, p. 3.

Eichner A. (2003), *Now the Ball Is in Hezbollah's Hands*, "Yediot Acharonot," November 10.

Eichner A. (2003), *Their Hard Hour*, "Yediot Acharonot," November 10, p. 2.

Glickman A. (2003), *Sheikh Nasrallah Announced for the First Time: Tennenbaum Is Alive*, "Yediot Acharonot," January 7, p. 17.

Haver A. (1983), *The Soul-Searching We Have to Do: Is the Principle not to Submit to Extortion of Terrorists Broken*, "Yediot Acharonot," November 27.

Haver A. (1985), *The Decision on the Exchange Price Was Made Unanimously in the Government*, "Yediot Acharonot," May 21, p. 6.

Limor Y. (2011), *From Gaza to Mizpeh Hila in Five Years*, "Yisrael HaYom," October 14, pp. 13–14.

News Agencies (1983), *Jibril Received Two Captives since There Wasn't Space in the Vehicle They Travelled in*, "Yediot Acharonot," March 4, p. 1.

Perry S. (2000), *Hezbollah Is Willing for U.N. Mediation*, "Yediot Acharonot," October 11, p. 11.

Perry S. (2003), *The Exchange Deal Does Not Include Arad*, "Yediot Acharonot," August 27, p. 5.

Shavit A. (1985), *Rabin Did Not Want the Elimination of Our Captives to Be on My Conscience*, "Yediot Acharonot," May 24, Sabbath Supplement, p. 3.

Shavit A. (2011), *Victory of Israeli Solidarity*, "Haaretz," November 12.

Shibi H. (2000), *Mofaz: There is Negotiation for the Release of the Abductees but the End Is Far off*, "Yediot Acharonot," December 13, p. 15.

Shifer S. (2000), *The Goal: To Release the Kidnapped Soldiers. The Way: Attack or Negotiations*, "Yediot Acharonot," October 8, pp. 2–3.

Shifer S. (2003), *Bring Tannenbaum back Alive*, "Yediot Acharonot," October 3, Sabbath Supplement, p. 2.

Yarkoni Y. (2004), *Four Lebanese with Blood on Their Hands Will Be Released*, "Yediot Acharonot," January 27, p. 5.

Yechezkeli Z. (2004), *The Terrorists Went Wild in the Air Force Plane*, "Yediot Acharonot," January 30, p. 2.

Internet Websites (Hebrew)

Buchbot A. (2012), *To Remove the Issue of the Captives from the Prime Minister*, January 5, http://news.walla.co.il/item/1891423.

Prime Minister's Office (2011), *Netanyahu's Speech at the Opening of the Special Meeting for the Confirmation of the Shalit Deal*, October 11, http://www.pmo.gov.il/PMO/Communication/Spokesman/2011/10/spokestart111011.htm.

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Negocjacje z organizacjami terrorystycznymi w celu uwolnienia uprowadzonych: między deklaracjami a praktyką. Przypadek Izraela

Streszczenie

W ciągu ostatnich dekad kraje demokratyczne padały ofiarą ataków terrorystycznych przeprowadzanych w celu nawiązania negocjacji, co jest preferowanym sposobem działania niektórych organizacji terrorystycznych. W jakim stopniu demokratyczne rządy mogą skutecznie zwalczać tę odrażającą praktykę, zachowując swój liberalny czy demokratyczny charakter? Przypadki te stały się także jednym z najbardziej skomplikowanych dylematów zarówno w polityce wewnętrznej, jak i zagranicznej. Przeważa opinia, że nie można uniknąć spełnienia niektórych żądań terrorystów. Rząd może nawet zgodzić się na zapłacenie wysokiej ceny, aby wcześniej zakończyć sytuację. Na wysokość tej ceny mają wpływ media, ponieważ szerokie relacje ataków terrorystycznych przynoszą korzyści terrorystom, a tym samym zwiększają ich siłę przetargową. W przeciwieństwie do deklaracji przywódców izraelskich odnośnie negocjacji w przypadkach uprowadzenia, Izrael przyjął bardzo elastyczne podejście i nie jest zainteresowany przyjęciem sztywnej postawy polegającej na odmowie negocjacji. Stanowisko oponentów negocjacji z organizacjami terrorystycznymi jest takie, że negocjacje takie legitymizują te organizacje i przeprowadzane przez nie ataki terrorystyczne, tym samym osłabiając twierdzenie, że terroryzm nie jest uzasadnionym środkiem do osiągnięcia własnych celów i uniemożliwia użycie siły. Po przeanalizowaniu wszystkich transakcji wymiany więźniów przez państwo Izrael, okazuje się, że około 7500 terrorystów, w tym terrorystów mających krew na rękach, zostało uwolnionych w ramach różnych transakcji w zamian za 14 żywych żołnierzy i cywilów oraz 6 ciał żołnierzy. W samej tylko transakcji Shalit uwolniono 1027 terrorystów.

Słowa kluczowe: negocjacje z organizacjami terrorystycznymi, walka z terroryzmem, bezpieczeństwo narodowe, demokracja, media, Gilad Shalit

Krystyna GOMÓŁKA
Gdańsk University of Technology
ORCID ID: https://orcid.org/0000-0002-7046-0729

The migration policy of Armenia

Abstract: The aim of this study is to describe the legal bases of the migration policy of Armenia and its practical implementation in 1995–2013. The author examined the international and national documents that provide the legal bases of Armenia's migration policy, as well as the balance between departures and arrivals in the period 1995–2013, Armenian citizens' reasons for emigrating and the occupations of emigrants. The study was based on the following research methods: content, system and quantitative analysis. The results of the analyses performed indicate that the objectives of Armenia's migration policy were not completely fulfilled. Between 1995 and 2013, the number of emigrants declined, but Armenia's overall migration balance was negative. The majority of those leaving the country went to Russia, followed by the other states of the CIS.

Key words: emigration, Armenia, policy, occupational groups, Russian Federation, CIS

Introduction

The Republic of Armenia is the smallest country of the South Caucasus, a mere 29,800 km² in size. According to data from December 31, 2012, Armenia had 3,026,000 inhabitants, with ethnic Armenians accounting for 98.11% of the country's population, the majority of whom were members of the Armenian Apostolic Church (*Population in Armenia*). After the fall of the Soviet Union, when Armenia regained independence, the main task of the new government was to resolve the country's political and economic problems. In the early 1990s, Armenia was engaged in a war with Azerbaijan for Nagorno-Karabakh, which concluded in 1994 with an armistice on terms favorable to Armenia. As a result of the war, however, 750,000 Azerbaijani and Kurdish people were displaced from the conflict zone (Czachór, 2014, p. 78). The accession of Armenia to the CIS failed to solve its economic problems or ease its economic woes in the early 1990s. In 1991–1995, its GDP decreased by more than 50%, and its economy was characterized by a high rate of inflation and unemployment affecting almost 40% of the working-age population. This situation was due to the closure of many industrial plants and the severance of economic relations with the states of the former Soviet Union. Some citizens of Armenia sought to improve their economic situation by emigrating (Gomółka, Borucińska-Dereszkiewicz, 2015, pp. 45–47).

The aim of the study is to describe the legal bases of the migration policy of Armenia and its practical implementation in 1995–2013.[1] The research hypothesis is as follows: the laws and strategies of Armenian migration policy failed to limit emigration. To test this hypothesis, the author formulated the following research questions: 1. Which inter-

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[1] Complete statistical data from this period was provided by the national statistical service of Armenia.

national and national documents form the legal basis of Armenia's migration policy?; 2. What was the balance between departures from and arrivals in Armenia in 1995– 2013?; 3. How many members of different occupational groups left Armenia?; 4. What were the reasons behind the emigration of Armenian citizens?

This study was based on the following research methods: content, system and quantitative analysis. The sources used include statistical data obtained online and the available literature related to the subject.

The legal bases of the migration policy of Armenia

The legal bases of the migration policy of Armenia consist of international and national legal instruments. The international documents include the UN Convention of 1951 relating to the Status of Refugees, signed by the government of Armenia in 1993 (Convention relating to the Status of Refugees), the UN Convention on the Status of Stateless Persons (United Nations Convention on the Status of Stateless Persons), UN Convention of 1957 on the Nationality of Married Women (Convention on the Nationality of Married Women) and the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (the European Convention for the Protection of Human Rights and Fundamental Freedoms). In 1995, Armenia entered into the European Convention for the Protection of National Minorities (Framework Convention for the Protection of National Minorities) and the ILO Convention against Discrimination in Employment and Occupation (Convention No 111 of the International Labor Organization concerning discrimination regarding employment and occupation).

Since 2009, Armenia has participated in the activities of the Emigration Forum and in the Prague Process, as well as in the efforts of the World Bank in the areas of migration and the transfers of funds (*C097 – Migration for Employment Convention*). In the framework of the Eastern Partnership, it is involved in the project titled "Integrated Border Management Systems Support" for the South Caucasus (Galstyan, Prutsch, Rossi-Longhi, 2008, pp. 15–16). In 2010, Armenia ratified the "Convention on the legal status of migrant workers and members of their families in the Member States of the CIS" (*Convention on legal…*).

The issue of migration was also addressed in a framework of bilateral agreements on economic migration, signed by the government of Armenia with: Georgia (1993), Russia (1994), Ukraine (1995) and Belarus (2000). However, due to the absence of appropriate mechanisms, none of those agreements were implemented properly and their provisions need to be revised. The Armenian-Russian working group negotiated an amendment to the agreement over the course of a series of meetings in Moscow in June 2010 and in Yerevan in June 2011. In the 2010s, subsequent agreements on economic migration were signed with Bulgaria (2011), Italy (2011) and Kazakhstan (2012). In addition, in the following years, Armenia commenced negotiations to enter into similar agreements with Lithuania, Estonia, Netherlands, Kyrgyzstan, Iran, India, Qatar and the UAE (Galstyan, Prutsch, Rossi-Longhi, 2008, p. 11).

Armenia also concluded readmission agreements with: Russia on August 20, 2010, the Czech Republic on May 17, 2010, the Kingdom of Norway on January 29, 2010,

the Benelux states (Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands) on June 3, 2009; the Kingdom of Sweden on November 7, 2008, the Republic of Bulgaria on November 13, 2007, the Federal Republic of Germany on November 16, 2006, the Swiss Federal Council on October 30, 2003, the Republic of Lithuania on September 15, 2003 and the Kingdom of Denmark on April 30, 2003. Furthermore, Armenia is a party to agreements concerning professional activity and social protection of employees, signed with Belarus on July 19, 2000, Ukraine on June 17, 1995, and the Russian Federation on July 19, 1994 (Galstyan, Prutsch, Rossi-Longhi, 2008, p. 17).

Relations between Armenia and the European Union are of great importance for migration policy. The issue of migration was addressed in the document concerning the implementation of the EU's neighborhood policy in 2007 – in part V, devoted to cooperation in the areas of justice, freedom and security. It was stressed that Armenia had signed readmission agreements with several EU member states, introduced electronic databases at border crossing points, examined the possibility of introducing biometric passports, centralized the passport issuing procedure and undertaken efforts to update the law on refugees and asylum (*Commission Staff working*). The accession of Armenia to the Eurasian Economic Union resulted in the suspension of negotiations regarding an association agreement in November 2013 (Zasztowt, 2015, p. 125). In January 2014, two previously signed agreements came into force: 1. Agreement on the facilitation of the issuing of visas (The Agreement between the European Union and the Republic of Armenia on the facilitation of the issuance of visas); 2. Agreement on the readmission of persons residing without authorization (The Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization). The Commission also continued its negotiations with Armenia on a new horizontal agreement. The talks were conducted from December 7, 2015 to May 23, 2017 and ended in an announcement about the need to sign an agreement on a comprehensive and reinforced partnership, and the adoption of partnership priorities for the years 2017–2020: common values, commitment to democracy and human rights, economic cooperation for sustainable growth and increased mobility (Priorities of the Partnership between the European Union and Armenia).

In the process of reviewing the political, economic and social reforms in Armenia, the European Commission recommended an investigation into the alleged violations of human rights during the Yerevan crisis in 2016. It called on Armenia to deal with its problems in the area of justice and take action against corruption. During the summit of the Eastern Partnership on November 24, 2017, the leaders of the six countries agreed on a joint declaration in which they stressed their commitment to partnership, support for territorial integrity, independence and sovereignty of the states, and to the conclusion of association agreements by Georgia, Moldova and Ukraine; they also appealed for a peaceful resolution of conflicts in the region (Eastern Partnership Summit, 2017). The leaders also adopted 20 objectives for 2020 in the areas of cooperation agreed in Riga in 2015, in four areas: 1. a stronger economy, achieved by increasing market capacity, investment, growth and development of SMEs, better financial infrastructure, creating new jobs at the local level, and development of trade between the members of the Partnership and the EU; 2. effective management based on the rule of law and the application

of anti-corruption policy, implementation of reforms in the judiciary and public admin-
istration, and increased cooperation in the field of security; 3. efficient energy policy, en-
vironmental protection to prevent climate change, free movement of goods and people,
more efficient use of renewable energy and reduction of greenhouse gas emissions, and
support for changes aimed at environmental protection; 4. a strong society, improved
mobility and interpersonal contacts achieved by the liberalization of the visa system,
continued dialogue and partnership for mobility, increased investment in the training
of young people, development of entrepreneurship and capacity for self-employment
and the creation of an Eastern Partnership European School, and development of in-
novative research (*20 Deliverables...*). During the 2017 summit, the EU and Armenia
signed **an agreement on a comprehensive and reinforced partnership** and an **agree-
ment on aviation links**. Furthermore, the EU included the Partnership members in the
trans-European transportation network (TEN-T) (Draft high-level agreements within the
meaning of Article 49(6) of EU regulation).

Among the most important national legislation relating to migration policy is the
constitution of Armenia, adopted on August 15, 1995. Article 25, on basic rights and
freedoms, states that every citizen has the right to enjoy the freedom of movement and
choice of residence within the country's borders, and to leave the country and return to
it. Article 30 defines the conditions for receiving Armenian citizenship by a child, one
of whose parents is a citizen of Armenia. Article 47 confirms that people of Armenian
origin who settle in the country's territory are entitled to Armenian citizenship. It en-
sures that a citizen of Armenia cannot be deprived of the right to change citizenship, and
citizens residing abroad are protected according to the provisions of international law
(*Constitution*).

Another legal act adopted by the Parliament was the Law of November 28, 1995 on
nationality. It was comprised of six parts concerned with the acquisition and renounce-
ment of citizenship, and the legal status of foreign nationals and stateless persons. Article
24 is related to persons under the age of 18 wishing to change citizenship. A further part
of the Law named the authorities with the power to grant or restore citizenship (*Law
of the Republic of Armenia on the Citizenship of the Republic of Armenia, November
28, 1995*). The Law on citizenship was supplemented by the Law of March 3, 1999 on
refugees (*The Law of the Republic of Armenia on Refugees*) and the Law of December
6, 2000 "on legal and socio-economic guarantees for persons forcibly displaced from the
Republic of Azerbaijan in 1988–1992 who acquired Armenian citizenship." The latter
document regulated the legal status of people who had been forced to settle in Arme-
nia. Until 2000, migration policy was limited to matters related to refugees (Ghazaryan,
2003, pp. 5–7). Further legal acts were adopted at the beginning of the 21st century: in
2001 – the Law on political asylum (*Law of the Republic of Armenia on political asylum
of September 26, 2001*) and the Law on the protection of state borders (*Law of the Re-
public of Armenia on border guard troops of November 20, 2001*), and in 2002 – the Law
on the register of the state's population (*Population Register Law of March 26, 2002*).
A new Law on foreign nationals, adopted in 2006, also governed the issues of foreigners
temporarily staying in Armenia (*Law of the Republic of Armenia on foreigners of De-
cember 26 2006*). The 2007 amendment of the Law on citizenship established the right
to dual citizenship (*Law of the Republic of Armenia on foreigners of February 3, 2007*),

whereas the Law on refugees and asylum, enacted in 2008, adapted the requirements to be met by asylum-seekers to the standards of international law (*Law of the Republic of Armenia on refugees and asylum of November 28, 2008*).

Issues relating to migration policy were dealt with by three strategies. The first, adopted in 2000, consisted of three chapters. The first chapter – "Provisions of the Migration Policy of the Republic of Armenia" – specified the rules, tasks and operating principles of this policy. The second chapter provided for changes in legislation in accordance with the tasks of the national migration policy. Chapter 3 contained a list of institutions dealing with matters of migration and their activities (Makaryan, 2013, p. 2).

The priorities of migration policy in the strategy, published on June 25, 2004, were as follows: 1. effective management of the emigration and immigration processes; 2. integration of the Armenian labor market with the international labor market; 3. combating illegal immigration and supporting the return of Armenian emigrants; 4. preventing human smuggling and trafficking; 5. improving the system of protection of stateless persons and refugees residing in Armenia; 6. maintaining relations between the old and new Armenian diaspora; 7. counteracting the inflow of migrants to Armenia; 8. creating a database for the monitoring of migration processes; 9. managing the processes of internal migration in accordance with the principles of sustainable development; 10. forming public opinion conducive to the implementation of an effective migration policy (Kabeleova, Mazmanyan, Yeremyan, 2007, pp. 32–34).

Neither of the migration policy strategies of 2000 and 2004 specified any plans concerning policy implementation or the mechanisms for monitoring and evaluating the effectiveness of policy.

The third migration policy strategy was adopted in 2010 (*The Demographic-Economic…*). It pointed out that migration policy can be divided into two periods. The first stage lasted from 1988 until 1999, when the main goal was to resolve the problems of refugees from Azerbaijan, Nagorno-Karabakh and other states of the former Soviet Union. The second stage began in 2000, after the resolution of the refugee issue – with the adoption of the new legislation on foreigners, political asylum, social protection, employment and unemployment, establishing the authority of border guard and the adoption of other legislative acts regulating migration processes. That period was also marked by attempts to harmonize the law of Armenia with international standards, and the establishment of the state authorities responsible for migration policy. The program for 2010–2012 prioritized active demographic policy, prevention of migration from the mountain regions and border areas, and attempts to reduce departures from the country and encourage immigration. It pointed to the necessity of joining the international labor market and provided for the improvement of the protection of stateless persons and the introduction of biometric passports and electronic identification cards for citizens crossing the border. Mass emigration of Armenians was identified as the main problem, leading to:

1) demographic changes: declining population and falling number of residents of working age – mainly in rural areas – leading to unfavorable gender and age distribution, acceleration of population ageing, and concentration of the population in the capital and nearby towns;

2) economic changes: "brain drain" and capital flight, reduced economic potential of the country, increasing gap between supply and demand on the local market;

3) social transformations: long periods of absence of economic migrants in the country, weakened family ties, deteriorating health of the population, risk of national and religious persecution, human trafficking, lack of integration of refugees and persons displaced from Azerbaijan and other countries of the former Soviet Union.

The principles of migration policy adopted in the document included: 1) equal rights of immigrants without regard to sex, race, color, ethnic and social origin, language, age, religion, political views or membership of a national minority, health, wealth, birth or disability; 2) entitlement of each migrant legally present in the territory of Armenia to freedom of movement within the country, choice of place of residence and freedom to leave and return to the country; 3) implementation of international legal commitments taken on by the Republic of Armenia; 4) resolution by state authorities and non-governmental organizations of the problems relating to migration; 5) increasing society involvement in the processes of implementing migration policy (*Concept*).

The following years showed, however, that the migration policy provided in these strategies did not reflect the existing Armenian legislation. The purpose of the National Security Council, established on December 30, 2010, was to prepare a plan of implementation of the concepts contained in the State Migration Policy. The Council commenced its work but failed to develop a comprehensive plan of administrative action to support migration, because of the absence of the necessary legislation. An audit conducted by experts revealed shortcomings in the management of migration, which facilitated the flow of illegal immigration and the growth of international crime. In order to increase the effectiveness of Armenian migration policy, it was necessary to implement a national strategy including: 1) approximation of the Armenian legislation and principles governing the functioning of public administration to European regulations; 2) introduction of biometric passports and identity cards that reliably certify the identity and nationality of the holder; 3) introduction of integrated border management; 4) development of an information system for recording migration flow; 5) protection of the rights and interests of citizens of Armenia leaving to work abroad; 6) introduction of a legal framework that gives priority in employment to Armenian citizens before foreign nationals; 7) prevention of illegal migration; 8) administrative assistance for returnees; 9) improvement of the asylum system, ensuring effective integration of foreign nationals with society after obtaining refugee status; 10) ensuring the integration of refugees who were forced to leave Azerbaijan in 1988–92; 11) managing the processes of internal migration in accordance with the requirements of national security and sustainable development of the Republic of Armenia; 12) regulation of the potential mass movements of the population in emergency situations; 13) combating human trafficking and protection of the victims thereof; 14) monitoring and evaluating progress in the implementation of migration policy (*Progress*).

The institutions responsible for the development of migration policy in Armenia include: 1) the Ministry of Labor and Social Affairs – Department of Employment – responsible for matters relating to economic migration; 2) the Ministry of Territorial Administration – Department for Refugees and Migration created in 2000, responsible for the formulation, implementation and coordination of real migration processes;[2] 3) the State Migration Service – a unit within the Ministry of Territorial Administration – responsible for coordinating

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[2] The Agency for Refugees and Migration, established in 2000, was responsible for the formulation and implementation of the country's migration policy. In 2005, it was renamed as a Department in the Ministry of Territorial Administration.

the migration policy and the organization and implementation of programs relating to the regulation of migration and refugees; 4) the Ministry of Foreign Affairs, Legal Department, Consular and Migratory Division – responsible for issuing visas and passports and maintaining relations with Armenians staying abroad; 5) the Ministry of Justice – involved in the implementation of the processes of the mobility partnership, setting out the rules for issuing visas and carrying out the readmission procedure; 6) the Border Guard Service responsible for border management and illegal migration control, whose task is carried out in cooperation with the National Security Service; 7) the Police Department for Passports and Visas – responsible for the control of migratory processes, issuing visa, registration of foreigners visiting Armenia and granting permits to enter the state territory; 8) the President of Armenia granting Armenian citizenship; 9) the Ministry of Economy, setting out the rules governing the employment of immigrants; 10) government administration, coordinating implementation of the Armenian electronic administration strategy (including the introduction of electronic identification cards and biometric passports); 11) the Ministry of the Diaspora, acting with a view to the strengthening of the ties between Armenia and Armenian Diaspora; 12) the National Statistical Office of Armenia – responsible for the collection, analysis and publication of statistical data on migration and conducting censuses; 13) the National Security Council – monitoring the implementation of state migration programs and coordinating the activities of the state in the field of national security. The Council also sets the direction of the strategic development of the country, including the armed forces, law enforcement authorities, fiscal and customs systems, border management and combating illegal migration, and monitors the implementation of obligations towards the EU.

In addition, other institutions cooperating in the area of migration include the Ministry of Health (taking action to prevent the spread of diseases), the Ministry of Education (implementing educational policy), the Ministry of Transport (implementing policy concerning transportation, information and communications technologies), the Ministry of Emergency Situations (coordinating the state policy in the field of civil defence and civil protection in emergency situations), the Ministry of Sports and Youth Affairs (elaborating measures in the area of sport), the Ministry of Finance (responsible for the management of state finance and revenues), the Ministry of Defence (implementing policies in the defence sector), and the Council on Human Trafficking Issues (acting in an advisory capacity on matters related to human trafficking) (*Progress*).

Emigration and immigration in Armenia in 1995–2017

Before 1992 Armenia was one of the states of the USSR, and was characterized by a low level of migration (Ghazaryan, 2012, p. 2). The reestablishment of independence by Armenia, accompanied by economic collapse, inflation, high unemployment, pauperization of society and paralysis of the transportation system, caused a dramatic increase in the numbers of emigrants. The period 1992–1994 marked the largest flow of Armenian citizens out of the country. During these three years, 980,000 people emigrated from Armenia and only 370,000 returned. More than 60% of emigrants were economically active men.[3]

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[3] These are estimates of the departures from Armenia. No data from that period is available in statistical yearbooks.

As a result, the demographic structure of the Armenian population was seriously distorted and underwent significant changes. The percentage of elderly people increased, while the proportion of married couples and the birth rate declined. The emigrants of that period included many people with secondary or higher education, the unemployed and those of average wealth, with resources allowing them to leave the country. After 1994, the number of migrants driven by the economic shock decreased as a result of the gradual improvement of the economic situation of Armenia, and legislation introduced by the neighbor states limiting the influx of immigrants. The departures in that period were mostly due to the process of family reunification and settling permanently outside Armenia. The numbers of departures and arrivals of Armenian citizens in 1995–2013 are shown in Table 1.

Table 1

Emigrants and immigrants in Armenia in the period 1995–2013*

Year	Population (in thousands)	Departures per 1,000 people	CIS	Other countries	Arrivals overall per 1,000 people	CIS	Other countries	Overall balance
1995	3260.3	11.5	10.4	1.1	3.7	3.6	0.1	−7.8
1996	3248.8	8.6	7.3	1.3	2.4	2.3	0.1	−6.2
1997	3246.0	9.5	8.1	1.4	2.1	2.0	0.1	−7.4
1998	3238.2	8.8	8.1	0.7	1.6	1.6	0.0	−7.2
1999	3232.1	8.6	6.5	2.1	1.7	1.4	0.3	−6.9
2000	3226.9	12.0	11.1	0.9	1.6	1.2	0.4	−10.4
2001	3215.3	11.9	10.7	1.2	1.6	1.5	0.1	−10.3
2002	3212.9	10.9	8.5	2.4	1.7	1.1	0.6	−9.2
2003	3210.3	9.5	7.7	1.8	1.9	1.4	0.5	−7.6
2004	3212.2	9.2	7.6	1.6	1.5	1.2	0.3	−7.7
2005	3215.8	9.3	7.5	1.8	1.5	1.3	0.2	−7.8
2006	3219.2	8.0	6.2	1.8	1.3	1.0	0.3	−6.7
2007	3222.9	7.5	5.4	2.1	1.1	0.7	0.4	−6.4
2008	3230.1	6.7	4.6	2.1	0.9	0.5	0.4	−5.8
2009	3238.0	4.8	4.1	0.7	0.9	0.7	0.2	−3.9
2010	3249.5	3.3	2.8	0.5	0.9	0.7	0.2	−2.4
2011	3262.6	2.6	2.2	0.4	1.3	1.1	0.2	−1.3
2012	3274.3	4.8	4.0	0.8	2.5	2.2	0.3	−2.3
2013	3026.9	4.9	4.1	0.8	2.0	1.8	0.2	−2.9

* No complete data is available for the later period – from 2014. The analyses are based on estimates – Armenia does not have any reliable tools to measure migration, which in itself is a serious problem for a country with such a high level of migration.[4]

Source: Own elaboration based on data from the *Population Statistical Yearbook of Armenia 1996–2014*, http://www.armstat.am/en/?nid=586&year=2000, 12.01.2018.

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[4] One of the methods currently used for the determination of migration in Armenia is the residual number of passengers departing and arriving by air, rail and motorway. The balance – negative or positive – is used by many as an approximate indicator of migration. This only provides quantitative data that is very difficult to analyze if the purpose is to reveal the actual causes and state of migration. According to that method, the country loses about 1.5% of its population every year. To make matters worse, those departing are the most active individuals of working and reproductive age. This is a very high number for a country of 3 million inhabitants, because it also has an impact on the demographic structure. On the basis of transportation data (airlines, rail and state highway) the net migration in 2000 was estimated at −57,500; −60,400 in 2001; −23,100 in 2008; −55,000 in 2009 and nearly −30,000 in 2010.

The data in Table 1 suggests that the number of Armenian citizens leaving the country in the period 1995–2013 followed a downward trend. As the economic situation of Armenia improved, the number of emigrants declined. The main destinations were the CIS states; far fewer people left for other countries. There were significantly fewer immigrants than emigrants – their number remained around the same for the whole studied period. They returned to Armenia from the former USSR states. The overall migration balance in Armenia is negative. This means that, throughout the whole period of the study, Armenia was an emigrant country.

According to the report analyzing the migration processes, in 2010, 41.9% of people departing from Armenia had completed secondary (ten-year school) education, 24.8% – secondary vocational education and 21.1% – university education. Armenia experienced a 42% deficit in two age groups: 19–29 and 39–49 years (*Migration and Remittances Factbook 2011*). According to the data of the World Bank Migration and Remittances Factbook of 2013, Armenia was among the states with the highest percentage of emigrants who had completed tertiary education. That percentage peaked at 28.8% in 2011, compared to 29.1% in the Republic of Macedonia, 23.9% in Bosnia and Herzegovina, 11.8% in Romania and 9.0% in Albania (*Migration and Remittances Factbook 2014*).

Among the university graduates who emigrated due to a lack of job opportunities were economists, doctors, teachers, and specialists in humanities and social sciences, mainly lawyers. Many of those who stayed in the country found employment in fields requiring lower qualifications, with around 40% of graduates working in food production, textiles and light industries. Emigration data relating to selected occupational groups in the period 1995–2013 is presented in Table 2.

Table 2

Estimates of emigration in selected occupational groups in 1995–2013

Occupational groups	Estimated size	Percentage unemployed	Percentage of migrants	Number of migrants
Economists	146,000	30	7.5	11,000
Medical professions	115,000	32	5.5	6,000
Education	104,000	25	6.5	7,000
Humanities and social sciences	101,000	28	9.1	9,000

Source: Own elaboration based on: N. Barsounian (2013), *To Greener Shores: A Detailed Report on Emigration from Armenia*, https://armenianweekly.com/2013/01/22/to-greener-shores-a-detailed-report-on-emigration-from-armenia, 14.01.2018.

The data presented in Table 2 suggests that the largest group of immigrants were specialists in humanities and social sciences. Medical professionals were the most affected by unemployment. The numbers of emigrants with degrees in engineering, agriculture, visual arts, music and natural sciences are given in Table 3.

The data presented in Table 3 demonstrates that the group most affected by unemployment included light industry workers and artists, whereas the lowest unemployment rate was observed among transportation workers and information technology specialists. Architects, construction engineers and mechanical engineers accounted for the largest

percentage of emigrants, whereas electronic engineers made up the smallest group of departing specialists. The low rate of migration of IT professionals can be explained by the demand for IT services in Armenia and orders placed from other countries, e.g. Russia. The reasons for departure and destinations of Armenian emigrants in 1995–2013 are presented in Table 4.

Table 3

Estimates of emigration in selected occupational groups in 1995–2013

Occupational groups	Number of degree holders	Percentage unemployed	Percentage of emigrants	Number of emigrants
Natural sciences	67,000	21%	7.8%	5,000
Architecture and design	59,000	24%	18.5%	11,000
Mechanical engineers	51,000	24%	13.7%	7,000
Art and culture	50,000	31%	10.9%	5,000
Agronomy	40,000	25%	10.5%	4,000
Electrical engineers	28,000	21%	12.3%	3,000
Electronic engineers	26,000	33%	12.0%	3,000
Textile and light industry	26,000	40%	6.0%	2,000
Process engineers	21,000	20%	6.2%	1,000
Transportation	17,000	19%	14.9%	3,000
Food industry	15,000	42%	5.1%	1,000

Source: Own elaboration based on: N. Barsounian (2013), *To Greener Shores: A Detailed Report on Emigration from Armenia*, https://armenianweekly.com/2013/01/22/to-greener-shores-a-detailed-report-on-emigration-from-armenia, 14.01.2018.

Table 4

Reasons for and directions of emigration in 1995–2013 (in percent)

Reason for emigration	Yerevan	Other regions	Russia	Other countries CIS	European countries	USA and Canada	Other	Total
Work	6.5	2.3	85.0	2.4	1.3	0.5	1.8	100
Seeking employment	1.2		95.0	0.9	0.6		2.3	100
Lack of jobs	1.5		86.7	4.7		3.5		100
Economic crisis			100.0					100
Seasonal work		0.2	98.8					100
No reason stated					100.0			100
Family matters	13.5	13.0	55.7	0.9	8.3	5.3	3.3	100
Visiting friends	15.2	20.1	54.7	–	0.4	9.6		100
Holiday	1.3		73.2	25.5				100
Other	29.4	42.3	1.4	1.8	0.3	0.4	24.4	100

Source: N. Barsoumian (2013), *To Greener Shores: A Detailed Report on Emigration from Armenia*, https://armenianweekly.com/2013/01/22/to-greener-shores-a-detailed-report-on-emigration-from-armenia, 14.01.2018.

The findings of the research conducted in Armenia, summarized in Table 4, indicate that the main reasons for emigration in the period 1995–2013 were visits to friends and family matters – presumably family reunification – followed by searching for a job. The largest number of emigrants came from Yerevan and the surrounding areas. Regard-

less of the reason for emigration, the most frequently chosen destination was the Russian Federation, with long-term emigrants accounting for 41.6% of the total number of emigrants. This direction was probably chosen by Armenians because of their generally good command of the Russian language, as well as visa-free travel. Holiday was the most frequent purpose of visits to the CIS, whereas the Armenians travelling to the European countries did so without a specific purpose. Family matters and visits to friends were the main reasons for travelling to the USA and Canada.

Conclusions

Armenia is the smallest country in the South Caucasus, with ethnic Armenians accounting for more than 98% of its population. The Nagorno-Karabakh war, along with the economic and political transformation resulting in a reduced standard of living and an unemployment rate exceeding 40%, led to high levels of emigration. The legal bases of the migration policy of Armenia consist of international laws: UN conventions on the status of refugees, stateless persons and the nationality of married women, the European Convention for the protection of human rights and protection of national minorities, and the ILO Convention against discrimination in employment. The processes of migration are supported by bilateral agreements between Armenia and Russia, Ukraine, Belarus and Georgia, and readmission agreements have been signed with more than ten countries. Armenia's relations with the EU, the regulations concerning the implementation of its neighborhood policy and the agreement on the facilitation of the issue of visas and readmission play a very important role in Armenian migration policy. The most important national legislation includes the Constitution, as well as the laws on nationality, political asylum, refugees, the protection of the state border, the register of the population and foreign nationals. In addition, issues of migration policy were dealt with by three separate strategies.

In practice, the largest wave of departures, observed in the period 1992–1994, resulted in a distortion of the demographic structure of the Armenian population. In the following years, the levels of emigration gradually decreased as the economic situation improved. The main destinations for Armenian nationals were the CIS states; other countries were less frequently chosen. There were significantly fewer immigrants than emigrants – Armenia's overall migration balance was negative, which means that it was an emigrant country throughout the period considered in the study. Most of the emigrants had completed secondary education. The largest group of emigrating university graduates were economists, teachers and lawyers. The most common reasons for emigration were visits to friends and family matters, followed by seeking employment. Regardless of the reason for emigration, the most frequently chosen destination was the Russian Federation, followed by other states of the CIS. This destination was chosen by Armenians because of their generally good command of the Russian language, as well as the opportunity to travel visa-free.

Bibliography

20 Deliverables for 2020: Bringing tangible results for citizens, http://www.consilium.europa.eu/media/31690/eap-generic-factsheet-digital.pdf, 20.01.2018.

Armenia, The Demographic-Economic Framework of Migration The Legal Framework of Migration The Socio-Political Framework of Migration (2013), http://www.migrationpolicycentre.eu/docs/migration_profiles/Armenia.pdf, 15.01.2018.

Barsoumian N. (2013), *To Greener Shores: A Detailed Report on Emigration from Armenia*, https://armenianweekly.com/2013/01/22/to-greener-shores-a-detailed-report-on-emigration-from-armenia, 14.01.2018.

C097 – Migration for Employment Convention (Revised), 1949 (no. 97), http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312242, 11.01.2018.

Commission Staff working document. Accompanying the Communication from the Commission to the Council and the European Parliament 'Implementation of the European Neighbourhood Policy in 2007' Progress Report Armenia, https://transparency.am/assets/files/13.pdf, 16.12.2018.

Concept for the Policy of state regulation of migration in Republic of Armenia, http://www.carimeast.eu/media/sociopol_module/Concept%20for%20the%20Policy%20on%20State%20regulation%20of%20migration%20Concept_2010.pdf, 17.12.2017.

Constitution of the Republic of Armenia, http://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Armenia_Constitution_1995_EN.pdf, 15.01.2018.

Convention on legal status of migrant workers and members of their families of the State Parties of the Commonwealth of Independent States, http://cis-legislation.com/document. fwx?rgn=26267, 15.12.2017.

Czachór R. (2014), *Abchazja, Osetia Południowa, Górski Karabach: geneza i funkcjonowanie systemów politycznych*, Wrocław.

Eastern Partnership Summit, 24.11.2017, http://www.consilium.europa.eu/en/meetings/international-summit/2017/11/24/ 17.09.20180.

Europejska Konwencja Praw Człowieka i podstawowych wolności z 4 listopada 1950 r., https://www.echr.coe.int/Documents/Convention_POL.pdf, 16.01.2018.

Galstyan K., Prutsch F., Rossi-Longhi P. (2013), *Progress Review of migration management in the Republic of Armenia follow up on the emigration management assessment report*, http://publications.iom.int/system/files/pdf/progress_review_english.pdf, 17.01.2018.

Ghazaryan J. (2012), *Obstacles to the Integration and Naturalization of Refugees A Case Study of Ethnic Armenian Refugees in Armenia*, http://unpan1.un.org/intradoc/groups/public/documents/nispacee/unpan005595.pdf, 17.01.2018.

Gomółka K., Borucińska-Dereszkiewicz I. (2015), *Stosunki Polski z Armenią, Azerbejdżanem i Gruzją na przełomie XX i XXI w.*, Toruń.

Kabeleova H., Mazmanyan A., Yeremyan A. (2007), *Assessment of the migration legislation the Republic of Armenia*, Yerevan.

Konwencja Ramowa o Ochronie Mniejszości Narodowych sporządzona w Strasburgu dnia 1 lutego 1995 r., https://rownosc.info/media/uploads/konwencja__ochronie_mniejszosci_narodowych.pdf, 20.01.2018.

Konwencja dotycząca statusu uchodźców, sporządzona w Genewie dnia 28 lipca 1951 r., Dz. U. 1991, Nr 119, poz. 515 i 517.

Konwencja Narodów Zjednoczonych o statusie bezpaństwowców, http://www.unhcr.org/3bd7d3394.html, 18.01.2018.

Konwencja nr 111 Międzynarodowej Organizacji Pracy dotycząca dyskryminacji w zakresie zatrudnienia i wykonywania zawodu przyjęta w Genewie 25 czerwca 1958 r., http://www.mop.pl/doc/html/konwencje/k111.html, 20.01.2018.

Konwencja o obywatelstwie kobiet zamężnych zwarta w Nowym Jorku dnia 20 lutego 1957 r., http://libr.sejm.gov.pl/tek01/txt/onz/1957.html, 19.01.2018.

Law of the Republic of Armenia of foreigners 3 February 2007, http://www.carim-east.eu/3452/law-of-the-republic-of-armenia-on-foreigners, 22.01.2018.

Law of the Republic of Armenia on of foreigners 26 December 2006 r., http://www.refworld.org/docid/3ae6b4ec2c.html, 21.01.2018.

Law of the Republic of Armenia on border guard troops 20 November, 2001, http://www.refworld.org/pdfid/3f38bde14.pdf, 21.01.2018.

Law of the Republic of Armenia on political asylum 26.09.2001 r., http://www.parliament.am/legislation.php?sel=show&ID=1282&lang=eng, 21.01.2018.

Law of the Republic of Armenia on refugees and asylum 28 November 2008, http://www.miglib.org/sites/default/files/Law%20on%20Refugees%20and%20Asylum.pdf, 22.01.2018.

Law of the Republic of Armenia on the Citizenship of the Republic of Armenia, 28 November 1995, http://www.refworld.org/pdfid/51b770884.pdf, 21.01.2018.

Makaryan S. (2013), *Challenges of Migration Policy-Making in Armenia, Azerbaijan and Georgia*, "Caucasus Analytical Digest," no. 57, http://www.css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/CAD-57-2-4.pdf, 14.08.2018.

Migration and Remittances Factbook 2016, https://openknowledge.worldbank.org/bitstream/handle/10986/23743/9781464803192.pdf, 22.02.2018.

Migration and Remittances Factbook 2011, https://openknowledge.worldbank.org/bitstream/handle/10986/2522/578690PUB0Migr11public10BOX353782B0.pdf?sequence=1&isAllowed=y, 28.01.2018.

Migration and skills in Armenia Results of the 2011/12 migration survey on the relationship between skills, migration and development, http://www.crrc.am/hosting/file/_static_content/projects/Migration_and_skills_2011/Migration_and_skills_Armenia.pdf, 28.01.2018.

Population in Armenia (2016, September 5), National Statistical Service of The Republic of Armenia, http://www.armstat.am/file/doc/99477293.pdf, 15.02.2018.

Population Register Law 26 March 2002, http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Citi/Population_Register_Law.pdf, 15.02.2018.

Population Statistical Yearbook of Armenia 1996–2014, http://www.armstat.am/en/?nid=586&year=2000, 12.01.2018.

Priorytety Partnerstwa między Unią Europejską a Armenią, http://data.consilium.europa.eu/doc/document/ST-4556-2017-INIT/pl/pdf, 13.01.2018.

Progress Review of migration management in the Republic of Armenia, http://publications.iom.int/system/files/pdf/progress_review_english.pdf, 13.01.2018.

Projekty porozumień wysokiego szczebla w rozumieniu art. 49 ust. 6 rozporządzenia (UE) nr 1315/2013 (rozporządzenie w sprawie TEN-T), dotyczących dostosowanych orientacyjnych map państw sąsiadujących, do podpisania w imieniu Unii Europejskiej z Armenią, Azerbejdżanem, Białorusią, Gruzją, Republiką Mołdawii i Ukrainą, Decyzja o zastosowaniu procedury pisemnej do zatwierdzenia podpisania w imieniu Unii Europejskiej, http://www.consilium.europa.eu/register/pl/content/out?typ=SET&i=ADV&RESULTSET=1&DOC_TITLE=armenia&CONTENTS=&DOC_ID=&DOS_INTERINST=&DOC_SUBJECT=&DOC_SUBTYPE=&DOC_DATE=&document_date_from_date=&document_date_from_date_submit=&document_date_to_date=&document_date_to_date_submit=&MEET_DATE=&meeting_date_from_date=&meeting_date_from_date_submit=&meeting_date_to_date=&meeting_date_to_date_submit=&DOC_LANCD=PL&ROWSPP=25&NRROWS=500&ORDERBY=DOC_DATE+DESC, 11.01.2018.

Republic of Armenia Concept Paper on state regulation of population migration, http://www.carim-east.eu/media/sociopol_module/Concept%20paper%20on%20State%20regulation%20of%20migraiton_Concept_2004.pdf, 12.01.2018.

Szczyt Partnerstwa Wschodniego (24 listopada 2017 r.), http://www.consilium.europa.eu/pl/eapsummit, 13.01.2018.

The Demographic-Economic Framework of Migration, June 2013, http://www.migrationpolicycentre.eu/docs/migration_profiles/Armenia.pdf, 13.01.2018.

The law of the Republic of Armenia on Refugees, http://www.parliament.am/legislation. php?sel=show&ID=1482&lang=eng, 13.01.2018.

Umowa między Unią Europejską a Republiką Armenii o readmisji osób przebywających nielegalnie, Dz. U. U. E. z 31.10.2013, nr L289/13.

Umowa między Unią Europejską a Republiką Armenii o ułatwieniach w wydawaniu wiz, Dz. U. U. E. z 31.10.2013 r. nr L 289/2.

Zasztowt K. (2015), *Działania Unii Europejskiej wobec Armenii prowadzone w ramach Europejskiej Polityki Sąsiedztwa i Programu Partnerstwa Wschodniego*, Atheneum, "Polskie Studia Politologiczne," no. 46.

Polityka migracyjna Armenii

Streszczenie

Celem pracy jest charakterystyka podstaw prawnych polityki migracyjnej Armenii oraz jej praktycznej realizacji w latach 1995–2013. Autorka badała dokumenty międzynarodowe i krajowe tworzące podstawy prawne polityki migracyjnej Armenii, bilans wyjazdów i przyjazdów w latach 1995–2013, powody emigracji obywateli Armenii, grupy zawodowe emigrantów. W pracy zastosowano następujące metody badawcze: analizę treści, systemową, ilościową. W wyniku przeprowadzonych analiz ustalono, że dokumenty polityki migracyjnej nie były realizowane w pełni. W latach 1995–2013 liczba emigrantów spadała, jednak bilans migracyjny był dla Armenii ujemny. Wyjeżdżający najczęściej udawali się do Rosji, a następnie do państw WNP.

Słowa kluczowe: emigracja, Armenia, polityka, grupy zawodowe, Federacja Rosyjska, WNP

Yusufu A. ZOAKA

University of Abuja, Nigeria
ORCID ID: https://orcid.org/0000-0003-1943-9358

A Political Economy of Trans-Border Migration Crises and Human Trafficking in Africa

Abstract: Encouraged by porous border boundaries in Africa, trafficking in persons and objects is a demand-driven global venture that has market potential for: commercial sex, cheap labour, terrorism, and drug-related crimes. Most African States, especially Nigeria, have been reputed as hardliners in encouraging these illicit trends. Chief among the motivating factors include: domestic insecurity, political instability, economic recession, and institutional failure, etc. Amongst other instigating factors however, this paper takes a cursory look at the relationship between the twin crime of trans-border migration crises and human trafficking in Nigeria, and the attendant political economic implications on the Nigerian polity. Data relied on are largely gotten from secondary sources. The paper employs the neoclassical political economic theory of migration. Findings from conceptual and theoretical reviews of literatures show that the incentive for human trafficking and migration-related offences is not only profit driven **but also** a fall-out from institutional failure. The paper recommends a taut border security, which can disallow border-related crimes like drug and human trafficking. The paper also sues for people-oriented leadership that will eschew illicit crimes such as the above.

Key words: migration, human trafficking, drug trafficking, terrorism, commercial sex, neoclassical political economy

1.1. General Background

Introduction

Human migration has long been considered an important element of population dynamics, which can have significant consequences on both areas of origin and destination. Specifically, migration trends in Africa portray some changing demographic characteristics and challenges. Its main drivers are now diverse and in response to not only domestic challenges within most African states, but also a reflection of wider global impulses. The open spaces created by trans-border migration pose new challenges for development, while remittances and return migration have potentials for enhanced development of sending areas (Yaro, 2008).

Thus, even though it is increasingly imperative to establish the connectivity between the motivations for migration and human trafficking, the concomitant outcomes for national development abound. For one: the exploitation and trafficking of men, women, and children, is a humanitarian problem of global scale. A recent study estimates that at least 12 million people worldwide are trapped in conditions of forced labour. Around a fifth of these are being exploited as a result of human trafficking (ILO, 2005).

In a spatial sense invariably, employment opportunities and developmental changes have been concentrated in a few areas, especially the cities; the rural areas, which dominate both in terms of population numbers and areal extent, have either undergone little growth or have felt the backwash effects of development elsewhere (Hirschman, 1958; Myrdal, 1957). Hence, encouraged by the need to enhance their livelihood and for better living conditions, migrants from this perspective often drift from rural to urban areas in response to developmental setbacks.

This paper therefore takes a cursory look at the twin crises of trans-border migration and human trafficking, specifically in Nigeria and Africa in general. The essence is to proliferate the extant literatures in this area. It is also a significant attempt to question the close link between trafficking and labour migration, and how they differ from that of many recent media and policy reports. This is because most reports, as Mahmoud and Christoph (2010) argued, point to: legislation and law enforcement, poor border controls, bribery and corruption, or insufficient education, as drivers of human trafficking. These factors certainly exacerbate the trafficking problem, but may not explain it at its core.

The daunting economic and political instability may as well be a push for migration trend. This is because opportunities for job mobility, business ventures, personal leisure/relaxation, and greener pastures, may be opened outside the frontiers of a nation's domestic boundary. Insecurity and political crises could also pose some sort of challenges, and hence the desire to migrate. Other reasons span from trade in illicit businesses like drugs, human parts/organs, to smuggling of contraband, goods, and services.

Research Questions

Arising from the above background, this study raises the following research questions:
  i. What are the causes of trans-border migration and human trafficking in Nigeria?
 ii. What is the political economy of trans-border migration and human trafficking in Nigeria?
iii. What are the implications of migration and human trafficking on the Nigerian state?

1.2. Conceptual/Theoretical Clarifications

Migration

According to Oderth (2002), migration has shaped the nature of both receiving and places of origin more than any other phenomenon in human geography. Albeit, the concept has been given various intellectual attentions. Like most terms in the Social Science it is nonetheless a deliberate response to societal ills, and an attempt to structurally adapt according to human needs and necessities.

The Encyclopedia of the Social Sciences defines migration as "the movement of people over considerable distances and on a large scale with the intention of abandoning

former homes." It is also defined as a permanent or semi-permanent change of residence. No restriction is placed upon the distance of the move and or upon the voluntary or involuntary nature of the act, and no distinction is made between external and internal migration. Hence, the ability to move from one country to the other (which may even be a short distance such as cross-border movement between Nigeria and Niger Republic or Nigeria and Benin Republic) is termed migration (Todaro, 1969). Migration is undoubtedly inspired by economic opportunity or criminal intentions, exemplified in trafficking and smuggling of: persons, goods, and services. Including: drug trafficking and smuggling, prostitution rings and criminal behavior, which dents the image of the country.

Forms of Migration

It is pertinent to stress, that although the paper pointed out that different forms of migration ranging from: internal migration caused by economic hardships, to internally displaced persons caused by wars and famine representing different forms of phenomenon. The paper identified illegal migration which produces Refugees and Asylum Seekers in Europe and North America as the common forms of migration into in Europe by Nigerians and other Africans.

Challenges Faced by Migrants

Several challenges confront migrants during and after crossing the Sahara desert, and the Mediterranean Sea into Europe. Common ones are death, slavery, sickness, and their change of status to illegal migrants and refugees.

Trafficking/Human Trafficking

The UN Convention Against Transnational Organized Crime (2000) considered Trafficking to mean: the recruitment, transportation, transfer, harbouring or receipt, of persons. Whether by means of the threat or use of force, or other forms of coercion such as: abduction,- fraud, deception, abuse of power or of a position of vulnerability, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.

The convention (UN, 2010) went further to state that exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of human vital organs. The consent of a victim of trafficking in persons, to the intended exploitation, shall be irrelevant where any of the fore-mentioned means have been used. Again, the: recruitment, transfer, harbouring or receipt of a child, for the purpose of exploitation, shall be considered 'trafficking in persons' even if it does not involve any of the above listed means. "Child" shall mean any person less than eighteen years of age (Art. 3).

The above understanding aptly conceives the concept of *Trafficking* from a holistic point of view as trafficking in persons is categorized as organized criminal acts, These acts transcend the conscription of persons for social crimes, but also for the marketing of the body parts of same, for the sake of profiteering. Meanwhile, most developing countries like Nigeria often present themselves as a source, transit point or recipient of trafficked persons, for domestic, social, or industrial exploitation. This is of course a reflection of state crises, and features of fragility ranging from: border porosity, economic hardship, and terrorism, to a plethora of other anti-social congruence.

Neoclassical Theory of Migration

Neoclassical theory of migration proposes wage differentials as the most important determinant of migration (Kurekova, 2011). At present, the dominant theory in explaining the causes of migration is the neoclassical theory, with its underlying assumption that migration is stimulated primarily by rational economic considerations of relative benefits and costs, These are mostly financial, but also psychological (Todaro, Smith, 2006). The theory has been subjected to criticism on conceptual (Arango, 2000) as well as on empirical grounds (Massey et al., 1998). However, owing to its analytical rigor and its ability to propose a set of testable hypotheses, and useful tools for analyzing not only the causes but also the effects of migration, it occupies a prominent position in current academic and policy-related research. The propositions of the neoclassical theory of migration were also used (almost exclusively) in the research, which preceded the 2004 Eastern enlargement of the EU (Kurekova, 2011).

The neoclassical theory understands migration to be driven by differences in returns to labor across markets. The most basic model originally developed to explain migration in the process of economic development, in the works of: Hicks (1932), Lewis (1954) and Harris and Todaro (1970). Their work highlights that migration results from actual wage differentials across markets, or countries, that emerge from heterogeneous degrees of labor market tightness. According to this theory, migration is driven by geographic differences in labor supply and demand and the resulting differentials in wages between labor-rich versus capital-rich countries. The central argument of the neoclassical approach thus concentrates on wages. Under the assumption of full employment, it predicts a linear relationship between wage differentials and migration flows (Bauer, Zimmermann, 1999; Massey et al., 1993; Borjas, 2008).

Essentially, the impetus for migration and trafficking in: persons, illicit drugs, and smuggling of goods and services; are fall-out from poor wages and the obvious need to drift from low income economic environment, to high wage labour environments. However, the drive for more income may not always present itself as the only motivation for migration. Political insecurity, ecological factors, cultural differentiation, and xenocentrism, amongst others, are unarguably causative factors for migration trend. In Nigeria, they no doubt constitute burgeoning justifications for constant exodus to Western Europe, Asia, and Northern America. Given this, the theoretical justification for this paper is premised on the neoclassical theory of Migration.

1.3. Methodology

This research is a library research. It relies on data and information from secondary sources, which include: textbooks, journal articles, newspaper collections, and gazettes. Data are analyzed in form of content analysis.

1.4. Political Economy of Trans-Border Migration Crises and Human Trafficking in Africa

Africa has been presented as a dominant abode of potential human traffickers and migrants to not just Europe but the world at large. Demographic shifts in Africa in the recent past, as Gursch-Adam and Benkova (2016) put it, can be linked to: fast-paced globalisation, violence, armed conflict, and crises. In recent years these factors have had an increased impact on changes in population density, and can also be linked to changes in: birth and death rates, economic decline, and migration. This is because the twin-crime is a demand-driven global business with a huge market for cheap labour and commercial sex, confronting often insufficient or unexercised policy frameworks or trained personnel to prevent it. The situation of the migrants the continent of Africa churns out yearly, constitutes a burgeoning concern to the globe. For instance, as Europe struggles to manage its largest migrant crisis in more than half a century, attention has focused largely upon the refugee flows from: Syria, Iraq, Yemen, South Sudan, and Afghanistan, where years of war and instability are driving the exodus.

As IGAD (2016) argued, in 2015, an estimated 154,000 migrants entered Europe via the Central Mediterranean Route and increase of nearly 400% over the previous year, and more than 1,000% over 2012 – most of them from the Horn of Africa. By far the largest contingent of migrants of nearly 39,000 in 2015 from the sub-region's second smallest country Eritrea. Most cases of migration from the above argument, proves that war is one of the most prevailing causes of migration in recent times.

On the other hand, human trafficking is nonetheless worse in Nigeria. The country has acquired a reputation for being one of the leading African countries in human trafficking, with cross-border and internal trafficking. Trafficking of persons in the country, according to UNESCO (2016), is the third largest crime after economic fraud and the drug trade.

The incidents have assumed a threatening dimension. The seemingly non-conducive, socio-economic, terrain of the Nigeria polity has aided it. For some, it is an attempt to redirect the human capital into effective use elsewhere, especially in the face of daunting crises of: unemployment, underemployment, inflation, societal pressure, and the challenges of self-preservation. They present a case of the utter unresponsiveness of the Nigerian state, like most African states, to ensure the social security of her populace, given poor states' response to insecurity, ethno-religious conflicts, food insecurity, heightened inflation, nepotism, mediocrity and otherwise.

A recent study by UNESCO (2006) reported that decades of military regimes in Nigeria have led to the institutionalized violation of human rights, and severe political, social, and economic crises. This negatively impacts the development of community participation, especially of women and children, despite international institutions designed
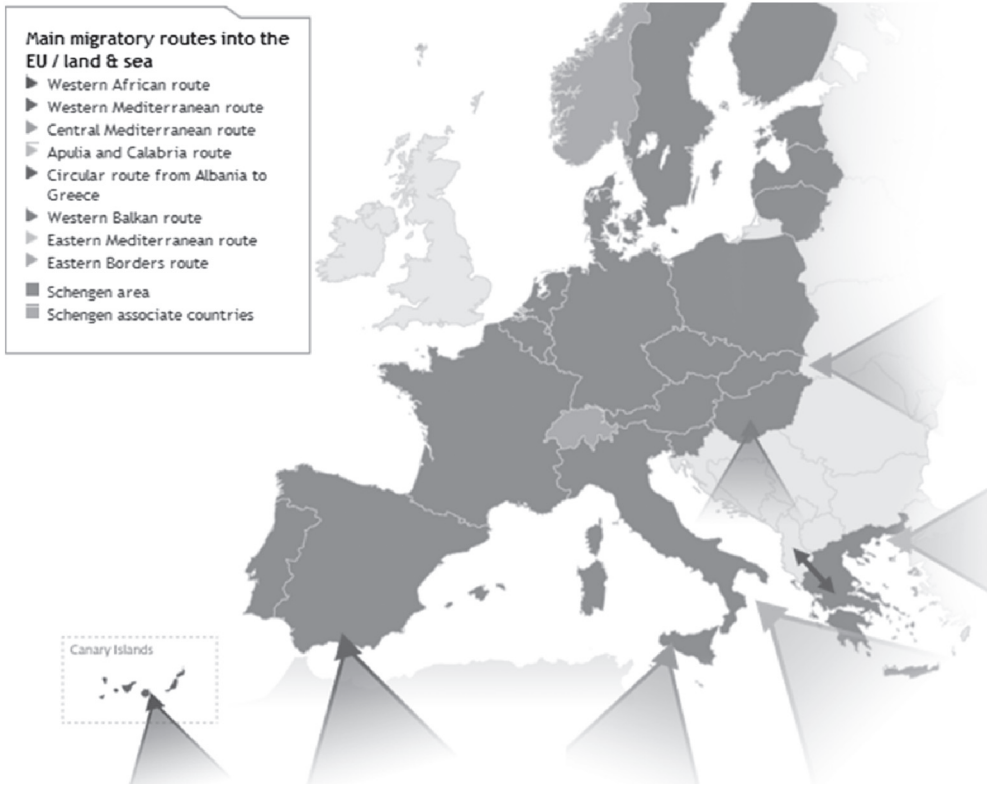
Figure 1. Migration Routes via Europe

Source: Frontex, 2016.

to advance their causes. In addition, the oil boom in the 1970s created opportunities for migration, both inside and outside of the country. This created avenues of exploitation, international trafficking in women and children, forced labor, and prostitution.

The study went further to conclude Nigeria as a country of origin, transit, and destination for human trafficking. There is also evidence of internal trafficking. Destinations for trafficked Nigerians include: the neighboring West African countries (Côte d'Ivoire, Mali, Benin, Equatorial Guinea, Cameroon, Gabon and Guinea), European countries (Italy, Belgium, Spain, the Netherlands, Germany and the United Kingdom), North Africa (Libya, Algeria and Morocco), and Middle Eastern countries (Saudi Arabia). Recently, South America has also become a point of destination for trafficked persons, particularly Venezuela. Primarily women and girls, but also boys, are trafficked for purposes of: sexual exploitation, forced labour, and organ harvesting. Poverty is the principle driving force behind this trade, propelling vulnerable people into the hands of traffickers. These traffickers, belong to both small-scale local enterprises, with extensive criminal networks, and to large-scale multi-commodity businesses (UNESCO, 2006). The debilitating implications of these ranges from: labour drain exemplified in human capital flight, to drug related offences, smuggling, displacement in persons, prostitution, death amongst litanies of embarrassing others.

Impact of Migrant Labour on Europe and Africa

Gursch-Adam and Benkova (2016) argued that demographic pressures such as those caused by: the ageing labour force in Europe, increasing critical labour shortages, and deficits of skilled workers in developed countries, have resulted in the growth of mixed migration, both regular and irregular. The migration crisis presents a big challenge for Europe, and is steering discussions among the member states on the issue of demographic pressure as the result of: the ageing European society, concerns over national identity, migrant integration, questions regarding the economic impact of migration on the member states. As well as the importance of finding a common asylum policy and sufficiently managing the external borders of the EU. Europe is facing the worrying demographic trend of an ageing and shrinking population. The EU's total fertility rate is not much more than 1.5 children per woman. According to *The 2015 Ageing Report* of the European Commission: the population of the EU member states will reach 523 million in 2060, with the working-age population (15–64 years old) falling to just 202 million (European Commission, 2015c).

As the EU's working-age population will decrease by 17.5 million (European Commission, 2015a) in the next decade, there will be a high dependency ratio. Most probably resulting in reduced pension and welfare systems, and a scarcity of labour by 2035 (International Migration Institute and University of Oxford, 2011). Germany, for example, having the oldest population of all countries in Europe, is facing increased labour demands. jobs in the country are being created so fast that the native society is unable to fill them. In the long term, migration could significantly contribute to maintaining the sustainability of the welfare system. This would ensure the sustainable growth of the EU economy by filling niches in both the fast growing, and the declining sectors of the economy.

Thus, incoming educated migrants are assets with regard to the future European labour market (European Parliament, 2015). To a large extent, the future of economic growth in the EU will depend on whether young migrants arriving in Europe possess the skills needed to contribute to the efficiency of European labour markets, compared to the native population. More highly educated migrants could affect the labour market outcomes for native workers, as they could have an adverse effect on the wage and employment levels of existing workers and affect the labour supply. An increase in the population could also increase the demand for goods and services and thus affect aggregate demand (Aiyar et al. 2016a).

Additionally, the level of education and the labour status of the migrants in their countries of origin, is often a decisive factor when seeking further employment in the European labour market. However, even highly skilled migrants often face discrimination, as a large number of migrants with higher education qualifications experience professional downgrading after entering the European labour market; this is the result of a lack of recognition of qualifications from third countries, and the poor transferability of professional experience (European Research Area, 2013).

Less-educated low-skilled migrant workers may increase pressure on public services such as health care, housing, and education systems. This poses a risk of depression in public wages, and increased unemployment (Ellyatt, 2015). Low-skilled migrants are

willing to work for lower wages than native workers and thus this puts downward pressure on wages, temporarily lowering the wages of incumbents and reducing the capital-labour ratio. Such migrants also create a less favourable net fiscal position, because as households they contribute less in taxes and social security (Dadush, 2014).

1.5. Panacea to Illegal Migration

Given the above discourse on the twin-crime of migration and human trafficking in Africa, the research makes the following recommendations:

a. Industrialization of Africa

Part of the reasons given by migrants from Africa, is that they have gone to seek for greener pastures. Therefore, their reasons for migration are purely economic. Consequently, there is a need to promote the industrial development of the continent, in order to create jobs that will absorb the bulging youthful population. They take the risk to travel on foot, and other dangerous means, to leave the continent of Africa for Europe. To achieve the above it is imperative that the European Union (EU) step up its support to the continents drive towards industrialization, by supporting small and medium scale industries.

b. Skill Acquisition and Human Capital Development

The acquisition of skills by Africans has also become paramount, if the trans border migration into Europe is to be curbed. Borrowing from the nine (9) cooperative plans of the president of China Xi Jinping to Africa, where china has promised to train over 200,000 Africans to acquire skills that will assist them to be relevant in the current global village, it becomes necessary for the EU to also offer such life changing opportunities to Africans.

c. Stoppage of Civil Wars and Political Instability

Europe should stop accepting to keep stolen funds from Africa, for African dictators. This is because in countries where such funds are stolen, the resultant effects has been endless civil wars and all forms of political instability (as witnessed in DR Congo, Liberia, Zaire, etc). In ensuring there are no safe heavens for money laundering abroad, is the promotion of good governance at home. In so doing the promotion of liberal democracy should be strongly supported, along with some mutually beneficial bilateral agreements with the EU Countries.

d. Strengthening of Border Administration

While free movement is promoted amongst many African regional groupings as we find elsewhere, African governments must begin to take border community adminis-

tration more seriously with proper and adequate records maintained. Therefore, border community administration must be properly funded and supported, to achieve peace harmony and orderliness. A disciplined and well-focused border community administration will fight all illicit crimes; like trafficking in persons, drug couriers, and other crimes, that are common at the borders. By doing so hundreds of thousands of Africans Who take this unnecessary risk, that has left hundreds of thousands dead and buried in the Sahara desert, will be avoided and lives will be saved. While these solutions will help to mitigate the problem in the interim, it is important that Europe and Africa must take this problem seriously. They must provide lasting solutions, that will help to keep Africans at home as useful vessels. In the recent past some have suggested the weird idea of creating a new nation, to be known as the 'Refugee State. Although such ideas were condemned for being weird, it only shows the kind of intellectual and robust debate going on the refugee crises in Europe. Therefore, countries like Nigeria that already have organisations such as the Border Community Development Agency, should fund the agency so that it can upgrade and modify its border communities. These should act as buffer zones where illegal migrants can be intercepted, before they make their journey through hell to Europe (which they consider to be an Eldorado).

Promotion of Good Governance and Accountability

African governments must begin to take the task of governance seriously by ensuring strict compliance to budget implementation, and ensuring the pursuit of transparency and accountability. If the needed infrastructures are provided in the continent, it will provide the platform for indigenous businesses to thrive. Once individuals can fend for themselves and provide themselves basic conditions for living, they will not be attracted to give themselves out as slaves. Therefore, the infrastructure deficit will need to be urgently addressed. In this regard, Europe could assist African nations to address their electricity gaps, and invest on roads infrastructural development, to promote internal trade and trade with Europe.

Conclusion

In this paper, we have examined the political economy of trans-border migration crises and human trafficking in Africa, with the aim of proffering solutions to the problem posed by these migrational trends into Europe. **The consequences of such migration, driven by the need to pursue greener pastures, have been hazardous on the migrants.** Records of casualties crossing the Sahara desert and the Mediterranean Sea, show that over 3500 migrants died in 2015 alone. In spite of the hazards and casualties, hundreds of thousands of Africans from Nigeria, Niger, Eritrea, and Somalia, keep making these hazardous and dangerous trips. We have made a proposal on how to mitigate and completely eradicate these challenges, through the promotion of good governance and accountability by African governments. Strengthening of internal agencies that handle migration issues will go a long way in mitigating or completely stopping these illegal migrations and therefore promote a more peaceful World.

Bibliography

Annual Activity Report 2016 – Frontex – Europa EU.

Arango J. (2000), *Explaining migration: a critical view*, "International Social Science Journal," 52 (165), pp. 283–296.

Aiyar S., Bergljot B., Nicoletta B., Helge B., Enrica D., Allan D., Christian E., Huidan L., Linda K., Sebastian S., Antonio S., Petia T. (2016a), *The refugee surge in Europe: Economic challenges*, International Monetary Fund.

Bauer T., Zimmermann K. F. (1999), *Assessment of possible migration pressure and its labor market impact following EU enlargement to Central and Eastern Europe*, A study for the Department of Education and Employment, UK. IZA Research Report no. 3, July.

Borjas G. J. (2008), *Labor Economics*, Fourth Edition, McGraw-Hill International/Irwin.

Dadush U. (2014), *The effect of low-skilled labour migration on the host economy*, Global Knowledge Partnership on Migration and Development Working Paper, April.

Ehrhart H., Le Goff M., Rocher E., Singh J. R. (2014), *Does migration foster exports? Evidence from Africa*, World Bank Policy Research Working Paper no. 6739.

Ellyatt H. (2015), *Four reasons why Europe's migrant crisis matters*, CNBC, 14 September.

European Commission (2015a), *A European agenda on migration*, Communication (2015), 240 final, 13 May.

European Commission (2015b), *Common European Asylum System*.

European Commission (2015c), *The 2015 ageing report*.

European Commission (2016), *European agenda on migration*.

European Parliament (2015), *Economic challenges and prospects of the refugee influx*.

European Research Area (2013), *African migrants at work: Labour market integration in Europe & re-integration of returnees*, MAFE Project Policy Briefing no. 4.

Gursch-Adam R., Benková L. (2016), *The impact of demographic developments in Africa on Europe*, "European View," 15, pp. 291–304.

Hicks J. R. (1932), *The Theory of Wages*, Macmillan, London.

Hirschman A. O. (1958), *The Strategy of Economic Development*, Yale, New Haven.

ILO (2005), *A Global Alliance against Forced Labour*, ILO, Geneva.

International Migration Institute & University of Oxford (2011), *Exploring the future of migration in Europe*, IMI Policy Briefing no. 8, July.

International Organization for Migration (2016), *2030 agenda for sustainable development*.

Lewis W. A. (1954), *Economic development with unlimited supplies of labor*, The Manchester School of Economic and Social Studies 22, pp. 139–191.

Lucia Kurekova (2011), *Theories of migration: Conceptual review and empirical testing in the context of the EU East-West flows being a Paper prepared for Interdisciplinary conference on Migration. Economic Change*, "Social Challenge," April 6–9, 2011, University College London.

Mahmoud T. O., Christoph T. (2010), *The Economics of Human Trafficking and Labour Migration: Micro-Evidence from Eastern Europe*, 3rd IZA/World Bank Conference on Employment and Development in Rabat and the Annual Conference of the European Society for Population Economics in Sevilla.

Massey Douglass S., Arango J., Hugo G., Kouaci A., Pellegrino A., Taylor J. E. (1993), *Theories of international migration: a review and appraisal*, "Population and Development Review," 19 (3), pp. 431–466.

Massey Douglass S., Arango J., Hugo G., Kouaouci A., Pellegrino A., Taylor J. E. (1998), *Worlds in motion. Understanding international migration at the end of the millennium*, Clarendon Press Oxford.

Mydral G. (1957), *Economic Theory and Underdeveloped Regions*, Duckworth. University Press, London.

Todaro M. P. (1969), *A model of labor migration and urban unemployment in less-developed countries*, "American Economic Review," 59, pp. 138–148.

Todaro M. P., Smith S. (2006), *Economic Development*, Addison Wesley, Boston.

UNESCO (2006), *Human Trafficking in Nigeria: Root Causes and Recommendations*, POLICY PAPER SHS/CCT/2006/PI/H/2 Policy Paper Poverty Series n° 14.2 (E) Paris 2006.

United Nations Convention against Transnational Organized Crime and the Protocols Thereto, 2010.

Yaro A. J. (2008), *Migration in West Africa: Patterns, Issues and Challenges*, Centre for Migration Studies University of Ghana, Legon.

Uwarunkowania gospodarcze i polityczne transgranicznych kryzysów migracyjnych i handlu ludźmi w Afryce

Streszczenie

W związku z nieszczelnością granic w państwach Afryki, przemyt ludzi i dóbr stał się napędzanym popytem, globalnym procederem obejmującym komercyjne usługi seksualne, niewolniczą pracę, terroryzm oraz przestępczość narkotykową. Większość państw Afryki, a w szczególności Nigeria postrzegana jest jako państwo umożliwiające tego typu proceder. Najważniejszymi powodami zaistniałej sytuacji są: niski poziom bezpieczeństwa wewnętrznego, niestabilność polityczna, recesja ekonomiczna oraz upadek instytucji państwowych. Spośród wielu czynników wspierających taki stan rzeczy niniejszy artykuł zwraca szczególną uwagę na relację pomiędzy kryzysem migracyjnym oraz handlem ludźmi w Nigerii oraz towarzyszącymi mu efektami nigeryjskiej polityki gospodarczej. Dane zastosowane w badaniu pochodzą ze źródeł wtórnych. Niniejszy artykuł opiera się na neoklasycznej teorii polityki ekonomicznej migracji. Przegląd literatury przedmiotu z zakresu koncepcji teoretycznej wskazuje, iż handel ludźmi oraz przestępstwa związane z nielegalną migracją są dokonywane nie tylko w związku z potencjalnym zyskiem, ale także dokonują się w wyniku upadku instytucji państwa. Niniejszy artykuł stanowi rekomendację do zwiększenia bezpieczeństwa granic, co doprowadziłoby do ograniczenia przestępczości transgranicznej takiej jak przemyt narkotyków i handel ludźmi. Autor wzywa także do przywództwa zorientowanego na potrzeby ludzi, które mogłoby przyczynić się do ograniczenia procederów wymienionych powyżej.

Słowa kluczowe: migracja, handel ludźmi, przemyt narkotyków, terroryzm, komercyjne usługi seksualne, neoklasyczna polityka ekonomiczna.

Ewelina WAŚKO-OWSIEJCZUK

University of Bialystok
ORCID ID: https://orcid.org/0000-0002-9021-3100

The Tenets of Trumpism – from Political Realism to Populism

Abstract: The purpose of this article is to analyze US foreign policy under the new White House administration and to present the most important aspects of Trump's emerging doctrine, with the aim of answering the following questions: what are the goals and tenets of, and the measures to implement, the foreign policy outlined in the new US National Security Strategy? Which trends can be considered dominant in Trump's emerging doctrine? What challenges and threats to international security were mentioned in the document? Do traditional US allies still play an important role in the superpower's security strategy? The thesis of this paper is that political realism is the main trend in Trump's emerging doctrine and that US foreign policy has taken a unilateral course, with a large dose of populism.

Key words: doctrine, Donald Trump, United States of America, national security strategy, US foreign and security policy

Introduction

Within a year of entering the White House, Donald Trump has made several important decisions in the field of US foreign and security policy (Waśko-Owsiejczuk, 2017a, pp. 161–178), often giving contradictory signals to other participants in international relations, and introducing uncertainty and tension into relations with other countries and organizations. More than a year after the change of administration in the White House, can we determine which trend will dominate the emerging US foreign policy? Will it be analogous to other Republican presidents – political realism? Idealism? Unilateralism? Multilateralism? Or maybe populism? The answer to this question is not easy to formulate, mainly due to the differences in position between the President and his closest advisors, and his seemingly frequently changing opinion on important international issues. Considering that our understanding of the Obama and Bush doctrines were formulated based on strategic documents issued during their term of office, the answer to the question of what the key tenets of Trump's doctrine will be may be found by analyzing *The National Security Strategy of the United States of America*, published in December 2017.

The purpose of this article is to analyze US foreign policy under the new White House administration and to present the most important aspects of 'Trumpism,' with the aim of answering the following questions: what are the goals and tenets of, and measures to implement, the foreign policy stated in the new US National Security Strategy? Which trends can be considered dominant in Trump's emerging doctrine? What challenges and threats to international security were mentioned in the document? Do traditional US allies still play an important role in the superpower's security strategy?

The thesis of this paper is that political realism is the main trend in Trump's emerging doctrine and that US foreign policy has taken a unilateral course, with a large dose of

populism. The author understands doctrine as a conceptualization of foreign policy by the state, which is expressed in strategic documents and the President's statements, both of which will be analyzed in this article.

The Main Trends in International Relations Theory in US Foreign Policy in the Twenty-First Century

Since the end of the Cold War and the collapse of the Soviet Union, the United States of America has acted as the only superpower. This term refers to the military, economic and political power of the country, and these factors place the US at the top of the world's hierarchy. In the US, a militarized approach to security prevails, thus the main trend in international relations at the beginning of the 21st century remains political realism. Supporters of political realism, such as Hans Morgenthau, Kenneth Waltz and John Mearshaimer, understand security in terms of military strength. The world is perceived as a dangerous place where violence is an unavoidable element of the system. According to this theory, countries are in constant competition with one another. As Justyna Zając points out: "American realists doubt the effectiveness of the international law system and believe that only the US can effectively guard its own interests, without cooperation with any other country" (Zając, 2006, p. 16). Realism does not exclude "divine intervention" in politics. Realists often refer to "the will of God" to justify actions involving the use of force or going beyond the boundaries of international law (Szymborski, 2004, p. 43). The most important players in international relations – according to realists – are countries that shape international security. Each country should be self-sufficient and must be guided by its own national interests in relations with other countries (Morgenthau, 1967). One can never be sure of the intentions of other countries, and therefore it is important to constantly invest in the expansion of the country's military might (Burchill, 2006, p. 97). Improvements in security in one country simultaneously weaken the security of its opponent, and this generates a sense of danger. In fear of attack from a stronger player in international relations, other countries strive to increase their own strength (Herz, 1950, pp. 157–180). Security can be seen not as a goal, but as a consequence of proper preparation, which can easily be lost when one lacks understanding of what it is and how important it is. For this reason, security is defined and perceived through a prism of threats which a country should be prepared to face (Ullman, 1983, pp. 129–153).

The tendency to define security through military strength results not only from the fact that the United States is an unrivaled military power in the world, but also because of "American Exceptionalism,"[1] in which the USA plays the role of world leader. The American system of values – deeply rooted democracy and respect for the rule of law – in the eyes of neoconservatives,[2] predestines the US to lead the historic mission of

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[1] On the topic of American Exceptionalism see: Lipset, 2008; Bacevich, 2009.

[2] The neoconservative school of thought began to form in the United States in the 1970s–80s. The founders of neoconservatism were Irving Kristol, Norman Podhoretz, Daniel Bell, Seymour M. Lipset, Daniel Moynihan, Sidney Hook, Walter Laqueur, and Richard Hofstadter, who stressed the importance of tradition, patriotism, and moral and religious values in the functioning of society. See: Stelzer, 2007; Zając, 2008, p. 49.

spreading peace, justice and democracy in the world. As stated by William Kristol and Lawrence Kaplan: "What is wrong with US dominance, if it serves our principles and exalted ideals?" (Kaplan, Kristol, 2003, p. 112). In their opinion, Americans use military force in a way that other countries are not capable of – justly and wisely.

The opposite of political realism is idealism, which has long been present in American politics. Idealists perceive international relations as a domain of possibilities where progress is achieved through multilateral cooperation, harmony of interests and altruistic attitudes (Czaputowicz, 2008, p. 81). The goal is to strive for noble ideals, not material possessions. Idealists not only moralize, but also often refer to God and God's influence on politics. There is no doubt that Americans are a religious nation that believes in the moral power of God, which is most often interpreted as the fight between good and evil. Seymour Lipset noted: "Americans are utopian moralists who support institutional virtue and the condemnation of bad people" (Lipset, 2008, p. 92).

Unilateralism, which has had a significant influence on US foreign policy in the 21st century, is defined as "American engagement in the world that minimizes and excludes, where possible, the participation of other governments and organizations. Unilateralists do not accept the compromises necessary for the smooth functioning of alliances and oppose the transfer of serious power to international organizations" (Haass, 2004, pp. 116–117). According to this worldview, the US, as the only superpower in the world, can make independent decisions in solving global and regional problems. It is worth emphasizing that the unilateralist approach to foreign policy is extremely useful for decision-makers, because it enables quick and independent decision making, without the need to compromise or obtain consent from other players in international relations (which is particularly useful in military operations). The United States, referred to as "the most powerful country in the world" (Kissinger, 2009, p. 890), has considerable influence in shaping the international order. Condoleezza Rice, the former Secretary of State in the administration of George W. Bush, stressed that the US, as a "pillar upholding the world order, can be the only guarantor of peace and international security" (Rice, 2000, p. 50). Thus, in terms of foreign policy and security, the main emphasis should be placed on strengthening US military power. Investment in new military technology should ensure a quick reaction by American troops to unexpected threats, as well as to enable effective operation in armed conflicts. In contrast to multilateralism, which stresses international cooperation with various stakeholders, unilateralists, while open to support from allies during military operations, are skeptical about cooperating with other stakeholders in international relations, preferring independent decision-making. US involvement in international affairs "should take place on their own terms and in accordance with their own interests" (Zając, 2006, p. 17). Unilateralists justify their assertive approach to foreign and security policy with pragmatic and ideological reasoning. Charles Krauthammer states that "the essence of unilateralism is that we do not allow others, no matter how good their intentions, to stop us from realizing the essential interests of ensuring the security of the US and the free world" (Krauthammer, 2002, p. 45).

On occasion, isolationist catchphrases have been voiced by American politicians, who envision less American involvement in international affairs and the interests of other countries (Braumoeller, 2010). There have been many reasons given, such as a lack

of vital interests for the superpower to defend,[3] a lack of direct threats to US security, or the creation of unnecessary financial burdens. Isolationists claim that "the US cannot afford to be active on the international arena due to urgent domestic issues and limited resources" (Haass, 2004, p. 79). Proponents of a return to a policy based on isolation can be heard in every Congressional session, however, neither Congress nor public opinion have given their support for conservative slogans promoting isolationism. The total withdrawal of the US from world affairs has always been considered impossible and potentially risky for American interests. Internationalism, which assumes cooperation between nations, has had much more support. Ongoing globalization has increased interdependence between countries and cooperation has proved to be more profitable than isolation in foreign and security policy (Kuehl, Ostrower, 2002, pp. 241–257).

The recent changes in the White House have significantly modified US foreign policy. Alongside political realism and unilateralism, populism has now gained a prominent place. Populists use simple and catchy slogans, often referring to justice or a sense of morality, to criticize the so-called 'elites' and their values in order to gain public support, thus strengthening their own influence and power. They do not want to overthrow the democratic system; on the contrary, they want to restore it and reform it in their image. The following factors are important: dissatisfaction among members of society; a charismatic leader; catchy slogans; and an effective method (e.g. demagogy). Populist methods have been visible for several years now among European politicians, and they have also recently been adopted by Americans. The use of populist slogans has deep roots in American politics, dating back to the 19th century, and they continue to be influential to this day (see: Tokarczyk, 2006, pp. 19–32).

The "America First" Doctrine

Donald Trump entered the White House on January 20, 2017. During his election campaign, he promised far-reaching changes in US foreign policy. According to his "America First" doctrine, the US was to focus on internal/domestic problems and withdraw from international agreements that were incompatible with national interests (e.g. NAFTA). The superpower's approach to the collective security system was also to be altered, with the introduction of the principle of conditional support in NATO (based upon fulfillment of the obligation to pay membership fees). Trump also announced that he would reduce expenditure on NATO and the UN; introduce strict regulations in immigration law; immediately deport illegal immigrants from the USA; re-instate the use of torture for terror suspects; and reset the relationship with Russia and establish closer cooperation in the fight against terrorism in the Middle East (Waśko-Owsiejczuk, 2017a, pp. 161–178). Trump's statements greatly concerned not only members of NATO, but also members of the European Union, a union he claimed he would like to see dissolved.

After taking office, Donald Trump first outlined his thoughts and plans regarding US foreign policy in his speech at the joint session of both chambers of Congress on February

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[3] According to some researchers, US dominance is accompanied by profound isolationism. See: Moon, 2006, pp. 431–442.

28, 2017. He spoke of ensuring peace, harmony and stability in international relations; of rebuilding the global position of the superpower; of fighting with radical Islamic terrorists; of sealing US borders by building a wall on the border with Mexico; of combating drug trafficking; of reforming the immigration system; and of withdrawal of the US from unfavorable international agreements (e.g. the Trans-Pacific Partnership[4]). Moreover, he declared support for Israel; he stood against the lifting of sanctions for Iran; he underlined the importance of alliances such as NATO; and announced a great reconstruction of the American army. He also made his nationalist perception of the world clear with the words: "My job is not to represent the world. My job is to represent the United States of America" (*Remarks by President Trump in Joint Address to Congress*, 2017).

Criticism of Trump's speech quickly appeared in the media. Critics claimed that Trump wanted to convince Americans that an open, pluralistic and multicultural society was dangerous. To do this, he appealed to fear, creating the image of the US as a country in danger, with terrorists demanding entry into the country with plans to carry out attacks on US soil (Cassidy, 2017).

The President delivered his second most important speech, from the point of view of US foreign policy, at the UN General Assembly Forum on September 19, 2017. It was then that he emphasized that, as President, he would always prioritize American interests above those of other countries, according to the doctrine of "America First." He also announced an increase in defense expenditure, to $700 billion a year. Trump claimed the US would not impose its lifestyle on other nations, but instead wished to be an example of prosperity, freedom and law and order. He also presented a list of countries forming a new "axis of evil," including Venezuela alongside Iran and North Korea. The new American President threatened the North Korean regime with "total destruction" of their country if they continued to develop their nuclear program. He criticized the agreement with Iran, signed in 2015, as one of the worst and most unilateral transactions that the US had ever taken part in. He accused the Iranian authorities (describing them as a "murderous regime") of carrying out destabilizing activities, and spreading violence and terrorism in the Middle East. Besides hostile regimes, other threats the President listed included: radical Islamic terrorism; trafficking of drugs, weapons and people; mass migration and cyberterrorism. He called on the UN to carry out reforms, while at the same time threatening to reduce funding for the organization (*Remarks by President Trump to the 72nd Session of the United Nations General Assembly*, 2017).

This speech was also met with a wave of criticism. It was compared to a speech given by the former Libyan leader Muammar Gaddafi in the same location in 2009, and Trump was accused of breaking diplomatic convention by using hate speech. Critics claimed that the President had made the wrong speech at the wrong time and for the wrong audience. The rhetoric used by the US President was rated as extremely hostile and dangerous, which could lead to an escalation of the conflict with North Korea (Borger, 2017; *Trump's first UN speech met with criticism from some leaders*; Dubenko, 2017), even though there were clear similarities to the speech made by former US Republican President, George W. Bush (who declared the beginning of the war on terror while speaking

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[4] Assuming that traditional bilateral trade agreements are more favorable to Americans, one of the first decisions of President Trump was to start the process of withdrawing the US from a multilateral trade agreement under the Trans-Pacific Partnership. See Mui, 2017.

in front of Congress in 2002 and announced a list of countries belonging to the "axis of evil"). The main difference was the location chosen for the speech. President Trump threatened to destroy another country during a forum of the UN, an organization that was established to prevent war and attempts to solve international problems through diplomatic rather than military means.

The key tenets of Trump's doctrine were spelled out in *The National Security Strategy* of December 2017, in which "America First" was the main catchphrase. China and Russia were mentioned in the list of threats to US security. These "rival powers" were increasing their armed forces, seeking to control information and data, expanding their influence and working on advanced weapons that could threaten critical American infrastructure. The growing power of these countries posed a threat to the international position, influence and interests of the United States. It was also emphasized that current US policy towards these countries was not very effective. Moreover, including China and Russia in international institutions and establishing commercial partnerships with them did not seem to have made these countries less threatening or more trustworthy partners. As noted in the document, these rival nations used propaganda to discredit democracy and spread anti-western slogans and false information in order to create divisions between the US and its allies. North Korea and Iran were also seen as threats – these countries wished to destabilize regions, threaten the United States and their allies, develop weapons of mass destruction, support terrorism and use violent repression against civilians. The last threat listed was terrorist organizations and other criminal groups, including drug cartels. In response to such threats, an increase in defense spending was announced, intended to strengthen the position of the United States and improve its position relative to its rivals. The President also announced a strategic (political, economic and military) rivalry between the superpower and other countries. The United States was to continue to play the role of "world leader," using its powerful position to put pressure on other stakeholders in international relations (*The National Security Strategy of the United States of America,* 2017, pp. 1–3).

The new US security strategy was to be based on four pillars. First, protecting the American homeland and society – strengthening border controls; reforming the immigration system (including restrictions on visa programs); increasing protection of critical infrastructure; strengthening the missile defense system; and combating cyber-terrorism and bioterrorism. Second, ensuring economic security – the revival of the American economy; tax reform; fair and mutually beneficial economic relations; maintaining a leading role in research, innovation and technology; ensuring US dominance in its domestic energy market. Third, maintaining peace through strength – modernization of the army; maintaining a military advantage over rivals; strengthening US capabilities in cyberspace and outer space; renewal of intelligence capabilities; practicing diplomacy from a position of strength; fair distribution of responsibility among allies for protection against common threats. Fourth, increasing American influence – maintaining a strong position in multilateral organizations; protection of American values (freedom, democracy, and the rule of law); not imposing the American way of life and values on other nations; promoting economic growth, especially among countries aspiring to be partners with the US in terms of trade and security; strengthening US sovereignty; and always putting the national interest of the United States first. The document stresses

the importance of cooperation with traditional allies such as South Korea, Japan and Australia, especially in the context of China's growing power and strained relations with North Korea. It also mentions establishing closer cooperation with India, New Zealand and the countries of Southeast Asia. As for Europe, continued cooperation within the North Atlantic Alliance (the eastern flank of NATO) was declared, especially in response to the threat in the form of Russia which "reaches for illegal means, aims at weakening American credibility towards its allies, undermines transatlantic unity and weakens European institutions and governments." In the Middle East, the United States was to bring about stability, and continue cooperation with Iraq to prevent Iran from acquiring nuclear weapons (*The National Security Strategy of the United States of America*, 2017, pp. 3–55).

The National Security Strategy of 2017 was criticized by the Russians, who described the document as "confrontational," leading to hostility, and viewing the world from the perspective of strength, striving to maintain US domination of the international system at all costs. China also criticized the new strategy, judging it to be based on the obsolete concepts of Cold War mentality and the zero-sum game. The media stressed that the aims presented in the new US foreign policy carried the risk of causing isolation. The document emphasized the unilateral position of the superpower, steering the approach to international relations away from cooperation and towards strong competition (Kramer, 2017; Chhabra, 2018).

Although it was emphasized in *The National Security Strategy* that this policy was not of an ideological nature and was only focused on achieving results, the concepts outlined in Trump's foreign policy have clear elements of political realism, such as: acting based on the national interests of the United States in international relations; maintaining the dominant position of the US in the international system; increasing military potential; deterring opponents; threatening "rogue states" and terrorists with the use of military force; propagating the idea in the US that the global environment is an area for competition, not cooperation; and indicating that sovereign states are the greatest hope for global peace. Donald Trump himself defined this trend in US foreign policy as "principled realism," which is based on common goals, interests and values (*Remarks by President Trump on the Strategy in Afghanistan and South Asia*, 2017), and is guided by results, not ideology. It is based on the assumption that peace, security and prosperity depend on strong and sovereign nations (*The National Security Strategy of the United States of America*, 2017, p. 1).

Slogans used during the election campaign of Donald Trump pointed to far-reaching changes in the concept of US security policy: "America First;" less expenditure on the collective security system; unilateral action on the part of the US; and less involvement in international affairs. These changes would mean steering US security policy in the direction of isolationism. Although of little importance in the era of globalization, in which countries function in the international system as interlinked entities, some isolationist slogans have gained the support of the public, especially those referring to US economic interests and those ensuring security for Americans. One of the most important decisions of the new US President during his first 100 days in office was the introduction of an entry ban to the USA for citizens from seven countries: Iraq, Iran, Syria, Libya, Yemen, Somalia and Sudan. The decision, criticized by the international community and, indeed,

by many Americans, was blocked by the courts when it was found to be in violation of the American Constitution (Waśko-Owsiejczuk, 2017a). Other examples of typically isolationist actions are Trump's decision to withdraw the United States from UNESCO (see: Vabulas, 2017) and the Paris Climate Agreement (see: Shear, 2017).

Although President Trump is considered to be a tough-minded realist, who calculates profits and losses like a businessman, traces of idealism can be found in his statements. He has preached about the need for liberty, equality and justice in reference to the civilian populations oppressed by the regimes of North Korea, Venezuela and Iran. Although Trump, unlike President George W. Bush, is not yet calling for intervention to release these people from dictatorial oppressors, the decision to launch a military response to the use of chemical weapons in Syria was surprising, not only because the US President had just announced that he would focus on domestic affairs, but also because of his earlier, pro-Russian statements. During the election campaign, Trump declared that Ukraine was less important for the USA than other NATO countries, and that neither the solution to the conflict, nor responsibility for it, should be borne by the United States (LoBianco, 2015). In conjunction with declarations of limited (conditional) involvement in the defense of allies within NATO, this declaration could be treated as an announcement of changes in the United States' approach to solving international problems, an approach that would be much more distant.

Populism has gained an important place in US foreign and security policy due to President Trump, who has taken strides to build an image of himself as a strong leader from outside the establishment, the "voice of the people" who understands the needs and problems of the average, "forgotten" American. In the election campaign, he promised honesty and transparency in politics; putting Americans' interests first; giving power to the people; ending the rule of privileged groups; new jobs; support for entrepreneurs; and reduction of taxes. Voters were persuaded by slogans such as "America First" and "Make America Great Again," and by the vision of a safe country with a strong leader who used nationalist slogans and referred to traditional, especially Christian, values. As pointed out by the press, Trump promised voters a new America – a country that was safe and wealthy, where he would revive closed factories, build new roads, end unemployment, deport criminals, end drug addiction, and get corrupt elites out of Washington D.C. (Wolffe, 2017; Thrush, 2017).

Conclusions

Trump's doctrine is still developing. It appears that the US President tends to make *ad hoc* decisions, and there is a noticeable absence of long-term strategy. Clarifying the basic tenets of US foreign policy is not easy, due to the lack of coherence between official documents and statements made by President Trump, and the divergent positions held by him, the cabinet and Congress on important international issues. This introduces uncertainty and tension in relations with other countries and organizations. Since being sworn in as President, Trump has changed his mind several times on various issues. One such issue is Russia, towards which the President originally took a favorable stance, wanting to encourage cooperation between the two countries, but he has since changed

his position, with Russia being currently listed as a threat to the security and power of the US in *The National Security Strategy*. The President has also changed his mind about the European Union – he initially wished the organization would be dissolved, but, during the second month of his term, he assured the public that he supported its existence and had good relations with European allies, and confirmed continued cooperation between Washington D.C. and Brussels (Waśko-Owsiejczuk, 2017b). He has also strengthened the capabilities of US forces in Europe (the eastern flank of NATO) and announced the possibility of helping European allies diversify their energy supply through exports from the US. The President's position on NATO is still uncertain. On the one hand, Trump has criticized the alliance as "outdated," and has announced conditional support of other members only after they fulfill their obligations to pay their membership fees. On the other hand, he has praised the organization for being a modern, cost-sharing pillar of American and European security and has confirmed US commitment to the alliance (Waśko-Owsiejczuk, 2017a). However, despite these assurances, while presenting the New National Security Strategy, President Trump again returned to earlier rhetoric, stressing that the United States will demand compensation from allies for their commitment to their defense (*Remarks by President Trump on the Administration's National Security Strategy*, 2017). The involvement of the superpower in solving international problems is also uncertain. Will the United States continue to react to human rights violations, as it did in Syria in April 2017? Or will the US begin to focus only on internal matters?

Despite many contradictions and uncertainties, some premises do allow us to determine the current direction of US foreign policy. The results of an analysis of the US *National Security Strategy* and the President's statements indicate that the dominant trend in Trump's emerging doctrine is political realism, in which US foreign policy has adopted a unilateral course. 'Trumpism' is based on the following tenets:

– putting US national interests first;
– resignation from unfavorable international agreements;
– more assertive attitude of the USA towards other countries and organizations;
– elimination of threats to US security at their source;
– increased capability to respond to potential threats;
– US economic strength = US military power;
– combating hostile regimes and terrorism;
– striving to maintain military domination;
– military strength as the most effective tool for implementing foreign policy;
– rivalry with other powers in order to maintain the USA's international position, and to ensure security and prosperity for Americans (Waśko-Owsiejczuk, 2018).

Bibliography

Bacevich A. (2009), *The Limits of Power. The End of American Exceptionalism*, Holt Paperbacks, New York.

Borger J. (2017), *A blunt, fearful rant: Trump's UN speech left presidential norms in the dust*, "The Guardian," https://www.theguardian.com/us-news/2017/sep/19/donald-trump-un-speech-analysis-north-korea, 21.02.2018.

Braumoeller B. F. (2010), *The Myth of American Isolationism*, "Foreign Policy Analysis," no. 6.

Burchill S. (2006), *Realizm i neorealizm*, in: *Teorie stosunków międzynarodowych*, eds. S. Burchill, R. Devetak, A. Linklater, M. Paterson, Ch. Reus-Smit, J. True, Książka i Wiedza, Warszawa.

Cassidy J. (2017), *Don't Be Fooled. Donald Trump Didn't Pivot*, "The New Yorker," https://www.newyorker.com/news/john-cassidy/dont-be-fooled-donald-trump-didnt-pivot, 20.02.2018.

Chhabra T. (2018), *Mapping reactions to Trump's first National Security Strategy*, "Brookings," https://www.brookings.edu/blog/order-from-chaos/2018/01/10/mapping-reactions-to-trumps-first-national-security-strategy/, 23.02.2018.

Czaputowicz J. (2008), *Teorie stosunków międzynarodowych. Krytyka i systematyzacja,* Wydawnictwo Naukowe PWN, Warszawa.

Dubenko A. (2017), *Right and Left React to Trump's Speech at the U.N.*, "The New York Times," https://www.nytimes.com/2017/09/20/us/politics/trump-un-speech-right-and-left.html, 21.02.2018.

Haass R. N. (2004), *Rozważny szeryf. Stany Zjednoczone po zimnej wojnie*, Von Borowiecky, Warszawa.

Herz J. H. (1950), *Idealist Internationalism and the Security Dilemma*, "World Politics," vol. 2, no. 2.

Kaplan L., Kristol W. (2003), *The War over Iraq: Saddam's Tyranny and America's Mission*, Encounter Books, San Francisco.

Kissinger H. (2009), *Dyplomacja*, Philip Wilson, Warszawa.

Kramer A. E. (2017), *Russia and China Object to New 'America First' Security Doctrine*, "The New York Times," https://www.nytimes.com/2017/12/19/world/europe/russia-china-america-first-doctrine.html, 23.02.2018.

Krauthammer C. (2002), *Unilateral? Yes, Indeed*, "The Washington Post."

Kuehl W. F., Ostrower G. B. (2002), *Internationalism*, in: *Encyclopedia Of American Foreign Policy*, vol. 1, eds. A. DeConde, R. D. Burns, F. Logevall, L. B. Ketz, Charles Scribner's Sons, New York.

Lipset S. M. (2008), *Wyjątkowość amerykańska – broń obosieczna*, Wydawnictwa Akademickie i Profesjonalne, Warszawa.

LoBianco T. (2015), *Donald Trump: Crimea is Europe's problem*, 31.07.2015, "CNN," http://edition.cnn.com/2015/07/31/politics/doanld-trump-crimea-europe-problem/, 26.02.2018.

Moon B. E. (2006), *The United States and Globalization: Struggles with Hegemony*, in: *Political Economy and the Changing Global Order*, ed. R. Stubbs, G. R. D. Underhill, Oxford University Press, New York.

Morgenthau H. J. (1967), *Politics Among Nations. The Struggle of Power and Peace*, Alfred A. Knopf, New York.

Mui Y. Q. (2017), *President Trump signs order to withdraw from Trans-Pacific Partnership*, "The Washington Post," https://www.washingtonpost.com/news/wonk/wp/2017/01/23/president-trump-signs-order-to-withdraw-from-transpacific-partnership/, 20.02.2018.

Remarks by President Trump in Joint Address to Congress (2017), Washington, D.C, U.S. Capitol, February 28.

Remarks by President Trump on the Administration's National Security Strategy (2017), Washington, D.C., The White House, December 18.

Remarks by President Trump on the Strategy in Afghanistan and South Asia (2017), Fort Myer, Arlington, August 21.

Remarks by President Trump to the 72nd Session of the United Nations General Assembly (2017), United Nations, New York, September 19.

Rice C. (2000), *Promoting the National Interest*, "Foreign Affairs," vol. 79, no. 1.

Shear M. D. (2017), *Trump Will Withdraw U.S. From Paris Climate Agreement*, "The New York Times," https://www.nytimes.com/2017/06/01/climate/trump-paris-climate-agreement.html, 26.02.2018.

Stelzer I. (2007), *Neokonserwatyzm*, Wydawnictwa Akademickie i Profesjonalne, Warszawa.

Szymborski W. (2004), *Doktryna Busha*, Wydawnictwo Wers, Bydgoszcz.

The National Security Strategy of the United States of America (2017), Washington, D.C., The White House, December.

Thrush G. (2017), *5 Key Takeaways From President Trump’s Speech*, “The New York Times,” https://www.nytimes.com/2017/03/01/us/politics/takeaways-president-trump-speech-congress.html, 1.03.2018.

Tokarczyk R. (2006), *Cechy konstytutywne myśli populizmu*, in: *Populizm na przełomie XX i XXI wieku. Panaceum czy pułapka dla współczesnych społeczeństw?*, ed. M. Marczewska-Rytko, Wydawnictwo Adam Marszałek, Toruń.

Trump’s first UN speech met with criticism from some leaders (2017), “BBC News,” September 20, http://www.bbc.com/news/world-us-canada-41327130, 21.02.2018.

Ullman R. H. (1983), *Redefining Security*, “International Security,” vol. 8, no. 1.

Vabulas F. (2017), *Trump is pulling the U.S. out of UNESCO. The bigger pattern is the problem*, “The Washington Post,” https://www.washingtonpost.com/news/monkey-cage/wp/2017/10/16/trump-is-pulling-the-u-s-out-of-unesco-the-bigger-pattern-is-the-problem/, 26.02.2018.

Waśko-Owsiejczuk E. (2017a), *Is America safer today? The first changes to U.S. foreign and security policy during the presidency of Donald Trump*, “Przegląd Politologiczny,” nr 3.

Waśko-Owsiejczuk E. (2017b), *Współpraca polityczna i w zakresie bezpieczeństwa Stanów Zjednoczonych z Unią Europejską po amerykańskich wyborach prezydenckich w 2016 r. – kontynuacja czy zmiana?*, “Krakowskie Studia Międzynarodowe,” nr 1.

Waśko-Owsiejczuk E. (2018), *Koncepcja bezpieczeństwa USA*, in: *Bezpieczeństwo międzynarodowe w XXI wieku*, ed. R. Zięba, Poltex, Warszawa.

Wolffe R. (2017), *Donald Trump’s Congress speech was a heroic effort in contradiction and cliché*, “The Guardian,” https://www.theguardian.com/us-news/2017/feb/28/trump-congress-speech-policy-contradictions, 1.03.2018.

Zając J. (2006), *Koncepcja polityki zagranicznej USA po zimnej wojnie*, in: *Polityka zagraniczna USA po zimnej wojnie*, ed. J. Zając, Wydawnictwo Adam Marszałek, Toruń.

Zając J. (2008), *Koncepcja bezpieczeństwa USA*, in: *Bezpieczeństwo międzynarodowe po zimnej wojnie*, ed. R. Ziba, Wydawnictwa Akademickie i Profesjonalne, Warszawa 2008.

Założenia doktryny Trumpa – od realizmu politycznego do populizmu

Streszczenie

Celem niniejszego artykułu jest analiza polityki zagranicznej USA za rządów nowej administracji Białego Domu; przedstawienie najważniejszych założeń kształtującej się doktryny Trumpa, co ma umożliwić odpowiedź na następujące pytania badawcze: jakie cele, założenia i środki realizacji polityki zagranicznej wyznaczono w nowej Strategii Bezpieczeństwa Narodowego USA? jaki nurt można uznać za dominujący w kształtującej się doktrynie Trumpa? jakie wyzwania i zagrożenia dla bezpieczeństwa międzynarodowego wymieniono w dokumencie? czy tradycyjni sojusznicy USA nadal zajmują ważne miejsce w strategii bezpieczeństwa supermocarstwa? Teza artykułu zawiera się w zdaniu, iż dominującym nurtem w kształtującej się doktrynie Trumpa jest realizm polityczny, polityka zagraniczna USA przy tym obiera kurs unilateralny, z dużą dawką populizmu.

Słowa kluczowe: doktryna, Donald Trump, Stany Zjednoczone Ameryki, strategia bezpieczeństwa narodowego, polityka zagraniczna i bezpieczeństwa USA

Joanna MARSZAŁEK-KAWA
Nicolaus Copernicus University in Toruń
ORCID ID: https://orcid.org/0000-0002-4201-8028

Ahmet BURAK
Nicolaus Copernicus University in Toruń
ORCID ID: https://orcid.org/0000-0002-1894-5948

The Political System of the Republic of Turkey, Past and Present

Abstract: The first constitution of the Ottoman-Turkish Empire was adopted in 1876 – the **Kânûn-ı Esâsî** (Eng. Fundamental Law). In its history, Turkey has had four constitutions. They were adopted in **1921**, **1924**, **1961**, and **1982**, with the latter being presently in force. Nowadays, the creation of a new constitution is the main issue on Turkey's political agenda. The government of Turkey and Mr. Recep Tayyip Erdogan want to amend the constitution, and envisage creating an executive **presidential system** (Tur. *Başkanlık sistemi*), similar to that of the Russian Federation and the United States. Critics are concerned about what Recep Tayyip Erdogan's motivation may be. This article analyzes the historical roots of the constitution, its amendments, the presidential system in Turkey and the arguments of the Republican People's Party (CHP) and Peoples' Democratic Party (HDP) against the adoption of a presidential system. The key issues that the authors address are the changes that could be made under Turkey's new constitution and whether all political power would be concentrated in president's hands.

Key words: Republic of Turkey, constitution, amendments, presidential system

The First Ottoman Constitution and the First Assembly of 1876

The group of courtiers who overthrew Sultan Abdülaziz on May 30, 1876, by means of a government coup, brought Murat V to the throne, who promised a constitution. After a short time, Murat V was overthrown as well. On September 1, 1876, his brother, Sultan Abdulhamit II, who ascended the throne, was to face yet more challenges, as the Ottoman Empire was going through a critical time in its history (Sarikaya, 2016, p. 5).

The Ottoman-Turkish Constitution of 1876, declared by Sultan Abdulhamit II acting under pressure from a small group of reformist bureaucrats, provided, for the first time, some constitutional mechanisms to scrutinize the absolute power of the Sultan (Özbudun, 2011, p. 19). Abdulhamit created an exclusive committee of 28 people under the name of *Meclis-i Mahsusa* (Eng. Chamber of Deputies) on September 30, 1876 (Kılıç, 2016, pp. 27–40). The most important development in the Constitution was the creation of a legislative assembly, which was at least partially elected by the people. The Ottoman legislature, known as the General Assembly (Osm. *Meclis-i Umûmî*), was composed of two chambers; the Senate (Osm. *Heyet-i Âyan*) and the Chamber of Deputies (Osm. *Heyet-i Mebusan*) (Özbudun, 2011, p. 19). The Chamber of Deputies established a sub-committee to draft the first constitution. On November 20, 1876, the committee, headed by Mithat Pasha, drafted the constitution and presented it to the Sultan (*The Grand National…*, 2015, p. 12). On December 23, 1876, Abdulhamit II promulgated the first constitution of the empire, which was known as *Kanun-u Esâsî* (the Main Law or the

Fundamental Law) (Davison, 1963, pp. 358–400). *Kanun-i Esasi* consisted of a total of 119 articles (American Society of International Law, 1908, pp. 367–387) in 19 Chapters, and was compiled using translated elements of the constitutions of some other states, including Belgium, Poland and Prussia (*The Grand National…*, 2015, p. 12).

The Ottoman constitution, which was based on the Islamic principles, was always part of the state. Indeed, the first Article of *Kanun-i Esasi* reads: "The Ottoman Empire comprises the present territories and possessions and privileged provinces. It forms an indivisible whole, from which no part can ever be detached for any motive whatsoever" (American Society of International Law, 1908, p. 367). In an annotation to the first article, the author stated that there was no "Ottoman Nation" but an "Ottoman State;" it was a state encompassing various nations and nationalities. The second Article, regarding constitutional changes concerning the status of Istanbul, reads: "Istanbul is the capital of the Ottoman Empire. This city does not possess any privilege or immunity over any other cities of the Empire" (American Society of International Law, 1908, p. 367). The Ottoman Rule and the Caliphate under its protection would belong to the oldest members of the Ottoman Dynasty.

As Andrzej Adamczyk (2010) pointed out, "the 1876 Constitution was an imposed constitution, with its main aim being the Sultan's unrestricted sovereignty. In this case, the parliament, vested with insignificant powers, was not able to compete with the sovereign power of the Sultan, who put an end to the first constitutional period by suspending the Constitution two years after it came into force" (pp. 16–17). As Huseyin Korkut (2016, p. 122) indicates in his work, the Constitution of 1876 emphasized that Islamic principles were in favor of constitutional changes to prevent the violation of fundamental rights such as independence, equality and justice. Also, according to the work of Korkut (2016, p. 122), the Constitution was in harmony with the religion of Islam and, as such, it was important to preserve the administrative and institutional systems of the empire.

The 1921 Constitution

The Ottoman polity is as old as parliamentary history. The Chamber of Deputies and the Senate of the first Ottoman Assembly, which were established in 1877, had their own rules (Gençkaya, 1999, p. 4). In addition, the period of "National Liberation" was the most interesting era in Turkey's constitutional history and is full of constitutional improvements. Just after the arrest and deportation of many deputies with nationalist sympathies by the Allied occupation forces and the consequent prorogation of the *Meclis-i Mebusân* in Istanbul on March 18, 1920, Mustafa Kemal (who was the first President of the Republic of Turkey) authorized the election of a new parliament "with extraordinary powers." It was also stated that the assembly would convene in Ankara (Camadan, Kahya, Diksu, Kontaş, Ecevit, 1921, p. 17). Thereby, a new state government, separate from the Ottoman government, was established in Ankara. Thus, Ankara became the *de facto* seat of the provisional government in Turkey. This assembly was known as the Turkish Grand National Assembly, holding both legislative and executive power, and it was a "constituent and revolutionary" assembly (*The Grand National…*, 2015, p. 21).

The first meeting of the Parliament was presided over by *Sinop* deputy Serif Bey, who was the oldest member in the Assembly and used the phrase "Grand National Assembly" in his opening speech. The Cabinet decree on "the Composition of the Grand National Assembly of Turkey," dated February 3, 1921, also called the Parliament the "Grand National Assembly of Turkey" (Tur. *Türkiye Büyük Millet Meclisi*, TBMM) (Camadan et al., 1921, p. 17). Mustafa Kemal Pasha was elected the Speaker of the Assembly during the second sitting on April 24, 1920. A provisional Executive Committee, headed by Mustafa Kemal Pasha, was formed on April 25, 1920. The Law on Treason was adopted. It stipulated that "the objective of the Assembly is to save the country, caliphate and monarch from foreign invaders" (Camadan et al., 1921, p. 17). It must be emphasized that those who objected to the law were considered traitors (Camadan et al., 1921, p. 17).

The principles that the government of Ankara was based on needed clarification. Therefore, *Teşkilat-ı Esasiye Kanunu* (the Constitution of 1921) came into force. Nevertheless, during that period, the Ottoman Constitution of 1876 was not abrogated; as the Constitution of 1921 came into force, a "dual constitutional period" began. *Teşkilat-ı Esasiye Kanunu* was a simple document – it included only 23 articles – used for a brief period, from 1921 to 1924 (Topukcu, 2015, p. 60). In this context, it was a constitution for wartime (the War of National Liberation, 1919–1922) and it described the main structure of the government, including local administration, without any reference to rights and freedoms (Gençkaya, Özbudun, 2009).

The Constitution of 1921, drafted amid the struggle against the victorious World War I powers that invaded "the Anatolian heartland," served as a preliminary document intended to unify all inhabitants against foreigners. Sovereignty, it stated simply, belonged to the people. More momentously, the constitution also contained provisions for provincial autonomy (Barkey, Kadioglu, 2011). In this respect, Ozan Örmeci (2012) draws attention to the fact that the Constitution of 1921 expressed "the radical revolutionary transformation of Turkish society by establishing the constitutional principle that the Grand National Assembly of Turkey (Tur. *Türkiye Büyük Millet Meclisi*, TBMM) is the sole and true representative of the nation. In order to achieve this goal, it established an assembly government system in which all the powers of sovereignty were embodied in the parliament."

The 1924 Constitution

On November 1, 1922, TBMM abolished the Ottoman Sultanate[1] and Sultan Mehmed VI left the country. Consequently, the Caliphate, bound in the Ottoman Empire to the Sultanate, could no longer exist in Turkey as an institution of spiritual guidance for the

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[1] The government of Ankara, through decisions no. 307 and no. 308, declared the abolition of the Sultanate and the end of the Ottoman Empire, but due to continuing foreign occupation, it postponed any act that would abolish the Caliphate until 1924. On March 3, 1924, the Caliphate and the Ministry of Religion and Religious Foundations were abolished under Law no. 431. Pursuant to Law no. 430, on the Unification of the Educational System, the duality of secular and religious education was put to an end; and on April 8, 1924 the unification of the Judiciary was established (Öktem, Uzun, 2015, p. 703).

Muslim diaspora (Adamczyk, 2010, p. 19). About a year later, on October 29, 1923, the Republic was officially proclaimed (Gençkaya, Özbudun, 2009, p. 10). Mustafa Kemal Pasha became the first President, and İsmet İnönü became the first Prime Minister.

After the proclamation of the Turkish Republic, the state clearly needed a new constitution. Özbudun explains this situation in the following way: the Constitution of 1921 was not meant to be a constitution in the full sense of the word; rather, it was a brief document dealing only with the most urgent constitutional problems of the moment (Gençkaya, Özbudun, 2009, p. 10). The new Constitution was adopted on April 20, 1924, under the leadership of Mustafa Kemal Pasha (Öktem, Uzun, 2015, p. 703). The Constitution of 1924, officially titled the Constitution of the Republic of Turkey, replaced the Constitution of 1921. The preparation and enactment of the constitution happened so quickly that neither the public nor any advocacy group was able to influence the shape of the constitution. It was inspired by the constitutions of 1875 in France and 1921 in Poland (Kaya, 2011). Deniz Polat (2014, p. 6) stated that the 1924 Constitution represented a more centralist unitary state model. However, the Constitution did not refer to the unitary state *per se*.

The Second Constitution of 1924 was a product of the military-bureaucratic elites; it came into effect after the promulgation of the Republic in 1923 (Uran, Pasquino, 2015, p. 89). Regarding the characteristics of the Constitution of 1924, it is necessary to mention briefly that the period which began in 1922 is known as the "Kemalist Revolution/Turkish Revolution/Atatürk Revolution/Kemalist Reforms" period (Topukcu, 2015, p. 61). The Constitution of 1924 was drafted by all powers in the unicameral legislature, which was totally dominated by a single party – *Cumhuriyet Halk Partisi*, CHP (Eng. Republican People's Party, RPP). It did not adopt the principle of constitutional review and did not offer effective guarantees for fundamental rights and liberties (Uran, Pasquino, 2015, p. 89).

As a result of the Constitution of 1924, a republican system of government was established, and certain fundamental rights and liberties were recognized. With an amendment in 1928, the reference to state religion was removed altogether from the text of the Constitution, and, in 1937, the Constitution was amended to officially recognize Turkey as a "secular" republic. On February 5, 1937, the Assembly adopted the Turkish phrase for laicism, from the French principle of secularism (Uzun, 2010, pp. 392–395; Varol, 2011, p. 1258).

The 1961 Constitution

The first coup in the Turkish Republic took place on May 27, 1960. Following this coup d'état which changed Turkey's political life, the GNAT was dissolved, the President of the Republic of Turkey Celal Bayar, Prime Minister Adnan Menderes and also all the ministers and members of the Assembly were imprisoned and, later, Adnan Menderes was hanged (Gürsoy, 2014). *Milli Birlik Komitesi* (Eng. The Committee of National Unity, CNU) assumed all the powers of the Parliament by means of a provisional constitution and began to rule the country. Executive power was exercised by ministers appointed by the Committee of National Unity (*Grand National Assembly of Turkey*, n.d.).

The main goal of the CNU was to destroy the Democratic Party and to prepare a new constitution.

The Constitution of 1961 was a result of the military coup and, in this sense, the Constitution was drafted to suit the needs of those in power. Following the coup, work on the new constitution started at once, when a committee of five professors of law from the University of Istanbul was appointed to prepare a draft, and, on January 6, 1961, the new draft was presented to the Constituent Assembly (Tur. *Kurucu Meclis*). The Constitution of 1961 was completed in May and was approved by 61% of voters in a referendum in July (Yapp, Dewdney, n.d.). The new Constitution stipulated a typical parliamentary system. The Constitution thus established a two-chamber (bicameral) parliament, consisting of the Senate and the National Assembly (Yapp, Dewdney, n.d.).

In this context, the Constitution of 1961 remained in effect until 1980. During that period, it was amended seven times, with one of the amendments found procedurally unconstitutional by the Constitutional Court. Of the remaining six amendments, those of 1971 and 1973 were particularly important in their nature and scope.

The 1982 Constitution

However, by the 1980s, a new regime had developed, in which the aim of maintaining public order was given priority, and in which the Constitution would strengthen the position of the executive against other authorities (Sencer, 1986, p. 17). As the result of these developments, on September 12, 1980, the Turkish Armed Forces, TAF (Tur. *Türk Silahlı Kuvvetleri*, TSK) launched a successful military coup d'état (Dursun, 2005) – the third in the history of the Turkish state (Dursun, 2005).

The Turkish Constitution of 1982 – which is presently in force – was enacted after a military coup on September 12, 1980. The new Constitution was suspended, political parties were banned, and the leaders and management groups of political parties were detained and tried. The government under Prime Minister Süleyman Demirel was dismissed, the Parliament was dissolved, and several individuals were banned from politics (*The Grand National…*, 2015, p. 31).

The 1982 constitutional referendum was combined with a presidential election. A "yes" vote for the Constitution was also an endorsement of the presidency of Kenan Evren (the only candidate) for a seven-year period. Moreover, the National Security Council members implied that, if the draft were to be rejected, the NSC regime would continue indefinitely. Under these circumstances, on November 7, 1982, the Constitution was approved by 91.37% of votes cast (Gençkaya, Özbudun, 2009, p. 20).

There is an ongoing debate about changing the current constitution, which has already been amended sixteen times. Ten of these amendments were implemented under the rule of the *Adalet ve Kalkınma Partisi*, AKP (Eng. Justice and Development Party) (Kaya, 2011). On October 3, 2001, the 1982 Constitution was amended extensively by the GNAT. On October 17, 2001, these amendments came into effect after their publication in the *Official Gazette*. 34 articles were changed completely (*Türkiye Cumhuriyeti…*, 2001, 3 October). In addition, the 1982 Constitution was amended by the GNAT in 1987, 1993, 1995, 1999 (twice), 2001 and 2002 (Gönenç, 2004, pp. 89–109). The

1982 Constitution has been amended several times since the day it was approved, and it has changed fundamentally, especially with the "harmonization laws" passed within the framework of the EU accession process. Most recently, the Constitution was amended substantially in 2010. Considerable efforts have been made to completely transform this Constitution.

In more recent times, the constitutional amendments of 2010 changed 24 articles and added two provisional articles. The AKP proposed a set of constitutional amendments, which failed to achieve the necessary majority in the assembly. However, they became the subject of a nationwide referendum on September 12, 2010, in which 49.5 million people, out of Turkey's population of 74.8 million, were eligible to vote. The referendum was passed with 58% "yes" votes against 42% "no" votes (Kalaycıoglu, 2011, pp. 1–22; BBC, 2010).

The presidential system (Tur. *Başkanlık sistemi*)

The ruling AKP has sought to introduce a presidential system to replace the current parliamentary model since President Recep Tayyip Erdogan was chosen the first head of state elected directly by popular vote (Merkezi, 2016). Since he was elected President of Turkey in August 2014, the spectacular career of Recep Tayyip Erdoğan has entered a new phase, and the same could be said for the "New Turkey" he has proclaimed (Scharfe, 2015). However, with the election of the President by public vote, the President has started using his authority, granted by the Constitution, more actively. According to Turan (2016), this situation triggered discussion on a semi-presidential system, which was technically what Turkey currently had. In order to show that a semi-presidential system[2] is practiced in Turkey, a description of the semi-presidential system should be first made (Turan, 2016).

Turkey's Parliament is set to decide whether the country will consider one of the greatest transformations since the beginning of the Republic, i.e. changing to a presidential system. The government has submitted a constitutional amendment plan to Parliament. The changes include doing away with the role of the Prime Minister and having a unitary presidential system, and separating and defining the roles of the three branches of government, with the president only in charge of the executive branch (Daventry, 2016). The referendum introduced one amendment with 18 articles to the Turkish constitution. Of the numerous changes that were proposed, nine are of particular significance:

1) The Prime Ministry will be abolished;
2) The President will replace the Prime Minister as the executive;
3) An unspecified number of Vice Presidents could be assigned by the President. The President will appoint ministers from outside the Parliament. Members of Parliament cannot serve as ministers;

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[2] "The semi-presidential system is not accepted by some lawyers and political scientists, and it is disputed whether it is a type of parliamentary system at all. The debate on whether the system practised in Turkey today is semi-presidential or not has become even more heated even after the election of President Recep Tayyip Erdoğan in a public vote in 2014" (Turan, 2016).

4) The President will have the authority to issue statutory decrees; prepare the budget; declare a state of emergency; and call early presidential and parliamentary elections;

5) The amendment dictates that the announcement of elections automatically triggers both presidential and parliamentary elections at the same time;

6) The number of MPs will increase from 550 to 600, and the minimum age of political candidacy will decrease from 25 to 18;

7) Parliament will no longer be able to call for an inquiry against ministers, but will be able to initiate an impeachment process against the President with a majority vote instead;

8) The President will be able to serve as the chairman of a party;

9) The President will be able to appoint the majority of the judiciary, directly or indirectly (Gungen, Bag, 2017).

The President will have a term of five years and will be able to remain the leader of their party. The President will also be able to directly appoint: the heads of army and intelligence agencies, university presidents, bureaucrats and some top judicial bodies (Yalcin, 2016). The "yes" campaign is led by the ruling Justice and Development Party, in alliance with the National Movement Party (MHP), and is supported by the President and other public officials. Any constitutional change needs the support of at least 367 deputies in the 550-seat assembly to be passed immediately, and of 330 to go to a referendum. The AKP has 317 seats, and the MHP – 39 (Pamuk, 2016). Most of the opposition parties, including the CHP (Republican People's Party) and the HDP (People's Democratic Party), are part of the "no" campaign (IFES, 2017).

As mentioned above, Turkey's current constitution was drafted after a military coup in 1980. It strengthened the President's role, giving him the power to step in to avoid future political stalemates. The government perceives the current presidential and parliamentary system as problematic due to the crisis of "double legitimacy," and it believes that entering into "fragile coalitions" can make the government weaker. It claims that the new system will be "more efficient" and will help Turkey to develop more quickly. However, critics raise doubts, claiming that there will be too much concentration of power, allowing for potential abuse of executive powers without parliamentary approval, and that this is a move towards authoritarian rule. Does the Republic of Turkey need to change the Constitution, and will the presidential system be beneficial for its development and democracy or harmful? This is a critical turning point for Turkey. The leader of the main opposition party, the Republican People's Party, Kemal Kılıçdaroğlu, said in an interview in the Voice of Russia on November 14 last year that "[i]mposing a presidential system on Turkey will cause a disaster in the country, and we are against the presidential system categorically. I have said that without knowing about the presidential system which the AKP has proposed; commenting about it would not be right. We don't know the details" (Hürriyet Daily News, 2016). According to Bülent Tezcan, who is the deputy chairman of the CHP, the introduction of this kind of system would bring powers back "to the palace," restoring the powers that were taken from the Ottoman Sultan a century ago (Agence France-Presse in Istanbul, 2017). Kanatli (2016), too, is critical of the presidential system. He pointed out that "[t]he Presidential System Draft put forward by the AKP, and the current practices of the governing party and the President of the Republic clearly indicate that this model will not relieve Turkish political, economic, and social

crises. The Turkish type of presidential system will bring about an authoritarian type of regime, which will ignore the chief principle of the rigid separation of powers and will lead to the legislative and judicial branches being dominated by the executive, further polarization of society under the mask of stability, and undermining the democratic gains in Turkish political life" (p. 127).

The CHP's Arguments against the Proposition

The CHP's Arguments Against the Proposition
– A disproportionate increase in the President's authority. It opens the way for one-man rule.
– Transition to the presidential system is advocated due to its success in the US, but what is being proposed is different from the US system – the draft destroys separation of powers and increases the executive branch's powers extraordinarily.
– The draft is a step towards a system change, rather than a mere constitutional revision. If passed, the new changes will lead the way to an authoritarian Turkey.
– There are no checks and balances in the proposed system. The President's jurisdiction is extended without restrictions.
– The election of the President by popular vote does not guarantee the full representation of the nation. The curbing of checks and balances could lead to arbitrary rule in the new system.
– In the new system, executive power is gathered in the person of the President, whereas, currently, it rests in the government as well. The system proposes one-man rule.
– The appointment and dismissal of Ministers and Vice Presidents are within the mandate of the President, and parliamentary approval of their appointment is not necessary in the new system. Moreover, the legislature is further weakened by leaving it bereft of its right to dismiss or to oversee Ministers. The institutions of the vote of confidence and of the questioning of the Council of Ministers will be abolished.
– Under this proposed draft, should the Parliament wish to put the President on trial, the process can be set in motion by the signatures of 301 deputies in the proposed 600-seat parliament. Parliament will be able to set up a commission of inquiry by a secret ballot of 360 deputies. If the inquiry commission decides to send the President to the Supreme Court to face trial, the President will only be tried following a secret ballot of 400 deputies.

Source: TRT WORLD, 2017a, p. 17.

The HDP's position

The HDP's position
– The HDP boycotted the parliamentary voting.
– They argue that the constitutional amendment will result in one-man rule.
– The HDP announced that they are going to campaign for 'no' in the referendum and that they plan to campaign separately from the CHP, because the CHP's intention is to maintain the *status quo*, while they demand a "democratic, civilian and pluralist constitution."
– They also claim that making constitutional changes while a number of HDP MPs are detained means ignoring part of society.

Source: TRT WORLD, 2017a, p. 17.

The spokesperson of the pro-Kurdish opposition party, the HDP, Ayhan Bilgen, stated that they "recommend (Turkey's current) parliamentary system. We believe that a parliamentary system will move democratization forward. But making the content of the constitution a taboo topic, or any approach which claims that 'We don't discuss the presidential (system), this and that,' will not comply with a democratic constitutional process" (Hürriyet Daily News, 2015). Mithat Sancar, who is an MP for the HDP, responded with

the following words: "The only leader who can maintain a good 'no' campaign against Erdoğan is Selahettin Demirtaş... Demirtaş' arrest means that Erdoğan has pushed his most powerful rival out of the game" (Shaheen, 2017a).

Based on this, President Recep Tayyip Erdogan noted that "the advantage of a presidential system is that it would give Turkey the opportunity to develop much more rapidly. The US and Russia are two important examples, even though their systems function differently. Let's establish a Turkish-style presidential system for Turkey. This will give Turkey an opportunity to develop much faster, so I defend it" (Kesgin, 2016). However, when hosting *mukhtars* – local officials who keep official records of communities – at the presidential palace, President Erdogan claimed that "Mustafa Kemal, Süleyman Demirel (9th President of Turkey from 1993 to 2000), Necmettin Erbakan (who was the Prime Minister of Turkey from 1996 to 1997) and Alparslan Türkeş (who was a Turkish politician, the founder and president of the Nationalist Movement Party) all lacked the time and power to be able to change the system. That is not my personal wish at all. Ultimately, everything will depend on how long the elected president will serve and how many times he/she can be elected. While the global system is going through a dramatic change, it is very difficult for Turkey to turn this change into an opportunity within the current system" (Daily Sabah, 2015). After long discussions, on December 30, 2016, the Parliamentary Constitutional Committee approved a bill proposing a set of constitutional changes, including a switch to a presidential system of government in Turkey. Finally, the Committee completed the approval process, rejecting three of 21 proposals in total. The bill is now expected to be put to a vote in Parliament during the second week of January 2017, and there will be two rounds of voting in which the deputies first vote on each article and then vote for the package as a whole (Daily Sabah, 2016).

Final Result of the Turkish Referendum 2017
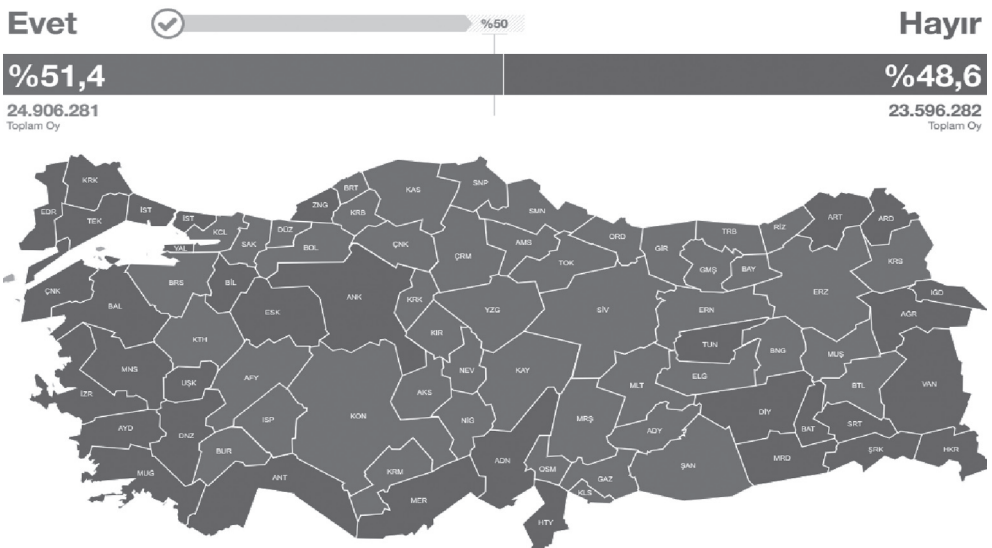
Source: Merkezi, 2017.

On April 16, 2017, Turkish citizens went to the polls to cast their votes regarding the new constitution. The final results released by the High Electoral Board (Tur. *Yüksek Seçim Kurulu*, YSK) show the '*Evet*' ('Yes') campaign received 51.41% of the votes, while the '*Hayır*' ('No') votes garnered 48.59% (25,157,025 "*Evet*" against 23,777,09 "*Hayır*") (TRT WORLD, 2017b). After the victory, Recep Tayyip Erdogan said that "[t]he fact that the outcome of the referendum is 'yes' shows that our people accept the presidential system of government." Prime Minister Binali Yildirim, whose position will be abolished when most of the constitutional changes take effect, also chose to welcome the result without waiting for a formal announcement by the YSK (Aliriza, 2017). On the other hand, the chairman of the main opposition party, the Republican People's Party, Kemal Kilicdaroglu said: "You cannot change the rules of the game in the middle of the game," adding that the board had "cast a shadow over the results." The HDP (pro-Kurdish People's Democratic Party) also claimed they had information about voter fraud in up to 4% of the ballots. Both parties said they would appeal against the result (Agerholm, Stevenson, 2017). On April 17, 2017, a series of complaints were filed to different authorities by opposition parties, civil society and professional associations. Amongst the complaints were two criminal complaints lodged against the YSK members for misconduct in office regarding the YSK's decision to count unstamped ballots as valid (OSCE, 2017). Eventually, on April 19, the YSK put an end to any poll disputes, rejecting all of the opposition's objections to the results of the April 16 constitutional referendum (EIY, 2017). The spokeswoman of the CHP party, Selin Böke, stated that "[w]e don't and won't recognize this referendum result," adding that the Republican People's Party would exercise all its democratic rights including the possibility of "seceding" from Parliament (Shaheen, 2017b).

Conclusions

The Turkish Armed Forces have traditionally played an influential role in the country's political affairs and contributed to the adoption of the constitution. Turkey is now the 17th largest economy in the world. It is larger than Saudi Arabia. The capability of the Turkish army is probably the best in Europe. Turkey is among the world's most developed countries, but most recently, on July 15, 2016, a military coup was attempted in Turkey against Erdoğan's government. The coup failed. It was a great victory for the democratically elected government of Turkey; the defiant citizens of Turkey defended their democracy. We can say that, since the 1960s, Turkey has experienced a coup about once every 10 years. The proceedings of the last coup of July 15 changed this trend. This is because Turks do not want a return to military rule.

In the meantime, the government of the AK Party, the MHP, agreed to adopt a presidential system. As a result, the Parliamentary Constitutional Committee approved the amendments to the Constitution. The changes essentially shift Turkey's ruling system from a parliamentary to a presidential one. Turkey has been ruled by a non-partisan President serving alongside a legislative Prime Minister since at least 1923. In this system, the Prime Minister holds most power, but it once happened that a Prime Minister resigned from his post to assume the office of President.

It should be pointed out that Turkey is facing big changes in the future after the referendum on the presidential system in 2017. Turkey voted '*Evet*' for a presidential system and 18 other constitutional changes. Most of the provisions of the constitutional amendments will be in force by 2019. In May 2017, Erdogan was re-elected the head of the ruling AKP, which made him the first President to lead a party since 1950. This means that President Erdogan reasserted his control over the AKP. On April 16, 2017, for the first time in fourteen years, Ankara, Istanbul and Izmir – the three largest cities – voted against the AKP, which is tantamount to voting against Erdogan.[3] The President is losing votes in key cities. Therefore, the municipal, parliamentary and presidential elections planned for November 3, 2019 will play an essential role. The next elections are bound to be extremely difficult for Erdogan.

Bibliography

Monographs:

Camadan A., Kahya G., Diksu M., Kontaş S, Ecevit I. S. (n.d), *Turkish War of Independence, 1921.*

Davison R. H. (1963), *Reform in the Ottoman Empire, 1856–1876*, Princeton University Press, New Jersey.

Dursun D. (2005), *12 Eylül Darbesi*, Şehir Yayınları, Istanbul.

Gençkaya Ö. F., Özbudun E. (2009), *Democratization and the Politics of Constitution-Making in Turkey*, Central European University Press, Budapest.

Gürsoy N. B. (2014), *27 Mayıs Darbesi ve Bizler*, Timas Yayinlari, Istanbul.

Articles and studies in journals:

Adamczyk A. (2010), *Kemalism and Modern Turkey*, "Acta FF," no. 2.

Gençkaya Ö. F. (1999), *Reforming Parliamentary Procedure in Turkey*, "M.E.S.," no. 48.

Gönenç L. (2004), *The 2001 Amendments to the 1982 Constitution of Turkey*, "Ankara Law Review," vol. 1, no. 1.

Kalaycıoglu E. (2011), *Kulturkampf in Turkey: The Constitutional Referendum of 12 September 2010*, "South European Society and Politics," no. 17.

Kanatli M. (2016), *The Practicability of the Presidential System in Turkey and the Discussions over Never Ending Dreams of Democracy*, "Turkish Journal of TESAM Academy," vol. 3, no. 2.

Kılıç S. (2016), *1876 Meclis-i Mebusanı ve Seçim Hazırlıkları*, "Devlet," no. 466.

Korkut H. (2016), *Critical Analysis of the Ottoman Constitution (1876)*, "Epiphany: Journal of Transdisciplinary Studies," vol. 9, no. 1.

Polat D. (2014), *Understanding of the Turkish Constitutional Court Regarding Unitary State*, "The Turkish Yearbook of International Relations," vol. 45.

Sencer M. (1986), *From the Constitution of 1961 to the Constitution of 1982*, "Turkish Yearbook of Human Rights," no. 7/8.

Topukcu A. (2015), *The Processes and the Principles of Constitutional Design in Turkey*, "Central and Eastern European Legal Studies," no. 1.

Uran P., Pasquino P. (2015), *The Guardian of the Turkish Constitution: A Special Court*, "Journal of Politics and Law," vol. 8, no. 2.

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[3] The "*Hayir*" vote prevailed in Istanbul, Ankara and İzmir with 51.3%, 51.1% and 68.8% of the vote respectively.

Uzun M. C. (2010), *The Protection of Laicism in Turkey and the Turkish Constitutional Court: The Example of the Prohibition on the Use of the Islamic Veil in Higher Education*, "Penn State International Law Review," vol. 28, no. 3.

Varol O. O. (2011), *The Origins and Limits of Originalism: A Comparative Study*, "Vanderbilt Journal of Transnational Law," no. 44.

Articles and studies in collective works:

Öktem E., Uzun M. C. (2015), *IACL National Report: The Republic of Turkey*, in: *Religion and the Secular State: National Reports*, eds. J. Martínez-Torrón, W. Durham, Servicio de Publicaciones de la Facultad de Derecho de la Universidad Complutense, Madrid.

Özbudun E. (2011), *Constitutional Law*, in: *Introduction to Turkish Law*, eds. T. Ansay, D. Wallace, Kluwer Law International, Alphen aan den Rijn.

Documents:

American Society of International Law (1908), *The Ottoman Constitution, Promulgated the 7th Zilbridje, 1293 (11/23 December, 1876)*, "The American Journal of International Law," vol. 2, no. 4, Supplement: Official Documents.

OSCE (2017), *Republic of Turkey Constitutional Referendum 16 April 2017. OSCE/ODIHR Limited Referendum Observation Mission Final Report*, OSCE Office for Democratic Institutions and Human Rights, Warsaw.

Türkiye Cumhuriyeti Anayasasının Bazı Maddelerinin Değiştirilmesi Hakkında Kanun (2001, October 3), "Resmi Gazete," Sayı: 24556, Kanun no. 4709.

Internet references:

Agence France-Presse in Istanbul, *Turkish Parliament Debates Controversial New Constitution*, 9.01.2017, https://www.theguardian.com/world/2017/jan/09/turkish-parliament-controversial-new-constitution-recep-tayyip-erdogan, 11.09.2017.

Agerholm H., Stevenson C., *Turkey's President Erdogan Claims Victory in Vote to Give Him Sweeping New Powers – But Opposition Cries Foul*, 16.04.2017, http://www.independent.co.uk/news/world/europe/turkey-referendum-president-recep-tayyip-erdogan-supreme-power-latest-count-a7686511.html, 17.09.2017.

Aliriza B., *After the Referendum*, 8.05.2017, https://www.csis.org/analysis/after-referendum, 15.09.2017.

Barkey H., Kadioglu D., *The Turkish Constitution and the Kurdish Question*, 1.08.2011, http://carnegieendowment.org/2011/08/01/turkish-constitution-and-kurdish-question/4e14, 20.12.2016.

BBC, *Q&A: Turkey's Constitutional Referendum*, 12.09.2010, http://www.bbc.com/news/world-europe-11228955, 2.01.2017.

Daily Sabah, *Comparison of 1982 Constitution to Changes Offered in New Package*, 30.12.2016, http://www.dailysabah.com/legislation/2016/12/31/comparison-of-1982-constitution-to-changes-offered-in-new-package, 30.12.2016.

Daily Sabah, *Erdoğan: Presidential System Necessary to Achieve Goals*, 11.03.2015, http://www.dailysabah.com/politics/2015/03/11/erdogan-presidential-system-necessary-to-achieve-goals, 30.12.2016.

Daventry M. S., *Explainer: Turkey's New Presidential System*, 12.12.2016, http://www.jamesinturkey.com/explainer-turkeys-new-presidential-system/, 29.12.2016.

EIY, *In a 'Surprising' Move, Turkish Electoral Council Swiftly Rejects All Referendum Appeals*, 19.04.2017, https://washingtonhatti.com/2017/04/19/in-a-surprising-move-turkish-electoral-council-rejects-swiftly-all-referendum-appeals/, 18.09.2017.

Grand National Assembly of Turkey, *History*, n.d., https://global.tbmm.gov.tr/index.php/TR/yd/icerik/12, 30.12.2016.

Gungen D., Bag T., *The 2017 Turkish Constitutional Referendum*, 19.04.2017, http://apcoworldwide.com/docs/default-source/default-document-library/Thought-Leadership/turkey-post-referendum-apco-worldwide.pdf, 21.09.2017.

Hürriyet Daily News, *HDP Makes Clear It Does Not Favor Presidential System*, 4.11.2015, http://www.hurriyetdailynews.com/hdp-makes-clear-it-does-not-favor-presidential-system.aspx?pageID=238&nID=90744&NewsCatID=338, 14.09.2017.

Hürriyet Daily News, *Presidential System Will Bring Turkey to Ruination: CHP Leader*, 14.11.2016, http://www.hurriyetdailynews.com/presidential-system-will-bring-turkey-to-ruination-chp-leader-.aspx?pageID=238&nID=106096&NewsCatID=338, 30.12.2016.

IFES, *Elections in Turkey. 2017 Constitutional Referendum. Frequently Asked Questions*, 10.04.2017, https://www.ifes.org/sites/default/files/2017_ifes_turkey_constitutionalreferndum_faqs.pdf, 17.09.2017.

Kaya Ö., *On the Way to a New Constitution in Turkey*, November 2011, http://library.ifes.de/pdffiles/bueros/tuerkei/12220.pdf, 27.12.2016.

Kesgin H. (2016). *Erdogan: Presidential System to Speed Turkey's Progress*, 11.11.2016, http://aa.com.tr/en/todays-headlines/erdogan-presidential-system-to-speed-turkey-s-progress/683247, 2.01.2017.

Merkezi H., *Presidential System for Stability in Turkey, Says PM*, 19.11.2016, http://www.yenisafak.com/en/news/presidential-system-for-stability-in-turkey-says-pm-2566884, 2.01.2017.

Merkezi H., *Referandum seçim sonuçları ve analizleri! Seçim 2017 seçim sonuçları burada*, 17.04.2017, http://www.yenisafak.com/referandum-secim-sonuclari-ve-analizleri-secim-2017-secim-sonuclari-burada-h-2645057, 10.06.2017.

Örmeci O., *Turkish Constitutions (1921, 1924, 1961, 1982) in Comparative Perspective*, 24.06.2012, http://politikaakademisi.org/2012/06/24/turkish-constitutions-1921-1924-1961-1982-in-comparative-perspective/, 21.12.2016.

Pamuk H., *Turkey's Erdogan Could Govern until 2029 under Plans to Change Constitution*, 11.11.2016, http://www.euronews.com/2016/11/11/turkeys-ruling-akp-hopes-for-nationalist-support-on-constitutional-change-pm-says, 30.12.2016.

Sarikaya A., *Hungarian People's Attitudes to Grof Andrassy Gyula before-during-after Bosnia and Herzegovina Was Annexed by the Austro-Hungarian Monarchy*, April 2016, http://culturalrelations.org/Resources/2016/ICRP_RPS-Sarikaya-Hungarian_peoples_attitudes-2016.pdf, 30.12.2016.

Scharfe P., *Erdoğan's Presidential Dreams, Turkey's Constitutional Politics*, February 2015, http://origins.osu.edu/article/erdo-s-presidential-dreams-turkey-s-constitutional-politics/page/0/0, 25.12.2016.

Shaheen K., *Debating in Whispers: Opposition Fearful ahead of Turkish Referendum*, 2.03.2017a, https://www.theguardian.com/world/2017/mar/02/debating-in-whispers-opposition-fearful-ahead-of-turkish-referendum, 14.09.2017.

Shaheen K. *Turkish Election Board Rejects Calls to Annul Referendum Result*, 19.04.2017b, https://www.theguardian.com/world/2017/apr/19/turkish-election-board-recep-tayyip-erdogan-referendum, 18.09.2017.

The Grand National Assembly of Turkey, 2015, https://www.tbmm.gov.tr/yayinlar/prestij_kitap_ingilizce_s.pdf, 26.12.2016.

TRT WORLD, *Turkey's Constitutional Reform*, February 2017a, https://www.trtworld.com/referendum/images/key/research.pdf, 23.09.2017.

TRT WORLD, *Official Results of Turkey's Referendum Released*, 17.04.2017b, http://www.trtworld.com/turkey/official-results-of-turkeys-referendum-released-344439, 23.09.2017.

Turan H. C., *Government Systems Discussions in Republic of Turkey*, 2016, https://www.westeastinstitute.com/wp-content/uploads/2016/09/H.-C.-Turan.pdf, 20.12.2016.

Yalcin Z., *Başkanlık değil Cumhurbaşkanlığı*, 16.11.2016, http://www.sabah.com.tr/gundem/2016/11/16/baskanlik-degil-cumhurbaskanligi, 29.12.2016.

Yapp M. E., Dewdney J. C., *The Military Coup of 1960*, n.d., https://www.britannica.com/place/Turkey/The-military-coup-of-1960, 30.12.2016.

System polityczny Republiki Turcji. Przeszłość i teraźniejszość

Streszczenie

Pierwsza konstytucja Imperium Osmańskiego uchwalona została w 1876 r. – ***Kânûn-ı Esâsî*** (pol. ustawa zasadnicza). Cztery tureckie konstytucje przyjmowano kolejno w latach: 1921, 1924, 1961, i 1982 r. Priorytetowym zadaniem i zarazem najważniejszą kwestią ustrojową dla tureckiego rządu i prezydenta Recepa Tayyipa Erdogana było przygotowanie rewizji obowiązującej konstytucji zakładającej wprowadzenie systemu prezydenckiego (tur. *Başkanlık sistemi*), na wzór modelu obowiązującego w Federacji Rosyjskiej czy w Stanach Zjednoczonych. Celem artykułu jest omówienie historycznych korzeni konstytucji Republiki Turcji. Autorzy analizują wprowadzone do ustawy zasadniczej poprawki, omawiając przy tym kształt tureckiego systemu prezydenckiego. Ponadto w niniejszym opracowaniu przedstawiono argumenty przeciwników reformy systemu politycznego w Turcji podnoszone przez zwolenników Republikańskiej Partii Ludowej (CHP) oraz Demokratycznej Partii Ludowej. Celem artykułu jest również analiza zmian, które stanowią efekt ostatniej reformy konstytucyjnej w Turcji. Rozważania koncentrują się także wokół odpowiedzi na pytanie o zakres rzeczywistej władzy prezydenckiej R. T. Erdogana.

Słowa kluczowe: Republika Turcji, konstytucja, poprawki, system prezydencki

Danuta PLECKA
University of Zielona Góra
ORCID ID: https://orcid.org/0000-0002-8504-279X

Patrycja RUTKOWSKA
Nicolaus Copernicus University in Toruń
ORCID ID: https://orcid.org/0000-0002-9660-9528

Social Security of Citizens in the Manifesto
of the Christian Democratic Union and the Christian Social Union for the 2017 Parliamentary Election in Germany

Abstract: This article aims to analyze the common manifesto of the Christian Democratic Union of Germany and the Christian-Social Union in Bavaria regarding social security, with regard to the elections to the German parliament in 2017. The basic assumption was to verify whether the CDU/CSU grouping referred to each of the elements of social security, i.e. social security system, welfare security, community security and developmental security, in its 2017 election manifesto. The method used to complete the study was content analysis. The study shows that the CDU/CSU Union in its common manifesto of 2017 – *Für ein Deutschland, in dem wir gut und gerne leben. Regierungsprogramm 2017–2021*, raised issues related to building the social security of citizens. The proposals that were included in the program allow us to conclude that the CDU/CSU proposed a program that develops each of the pillars of social security in part, but which is still lacking in some ways. It should be noted that the issue of culture has been somewhat overlooked, which undoubtedly has a huge impact on the development of social capital and human capital, despite its enormous impact on two of the pillars, community and development. Other areas and proposals aimed at their development manage to fill this gap. It should also be pointed out that in the electoral proposals included in the manifesto, the most developed pillar was related to social security, implemented as part of the social policy of the state.

Key words: welfare state, Germany, social security, community security, developmental security, welfare security

Social Security in welfare state

The concept of social security is inseparable from that of the welfare state, which are translated into Polish interchangeably as state of well-being [państwo dobrobytu] or protective state [państwo opiekuńcze], although it seems that the former has become a more popular term (Kościewicz, 2014, p. 51). In the English version of the article, only the term *welfare state* will be used.

When discussing social security in the Scandinavian countries, one should present the idea and foundations of the welfare state which are inherent in the concept. According to Jurgen Habermas, the social state is obliged to shape social relations. It must also ensure that there is a balance between the interests of the individual and the state, as well as the interests of the whole (Habermas, 2008, pp. 402–403). One should also remember that the first welfare states developed in strictly defined conditions, and cannot

be detached from these historical, economic or socio-political conditions. Each of these factors undoubtedly influenced the shape of the emerging welfare states.

The Austrian economist and political philosopher, Friedrich August von Hayek, argued that the welfare state cannot be precisely defined and its categories cannot be clarified. A welfare state is one that cares about the problems of citizens which are not related to maintaining order and law (Hayek, 2006, p. 255). Hayek was not a supporter of these solutions or actions by the state. Instead, he strongly advocated a liberal economic doctrine, rejecting state interventionism (Instytut, 2004).

According to Briggs, a welfare state is a situation in which rulers apply various kinds of political and administrative measures that will help or improve the functioning of market forces in the longterm (Briggs, 1961, pp. 221–223).The basis for creating a welfare state was undoubtedly the idea of social justice; especially the equal and just distribution of interests, opportunities and wealth. The economic justification for these activities was primarily welfare economics and Keynesian economics.

Welfare economics itself was created thanks to the English economist Arthur Pigou. He focused his attention especially on the issue of social welfare. In his works entitled-*Wealth and Welfare* (1912) and *The Economics of Welfare* (1920) he referred to changes that would help in the pursuit of creating a welfare state. He demonstrated the attitude that social welfare depends on the size, stability and structure of national income. It was important to implement the idea of social justice, which was to be attributed to the actions of the state (Skousen, 2012, pp. 452–454; Przybyciński, 2016, p. 29).

On the other hand, the aforementioned Keynesian economics derives from the work of the English economist John *Maynard Keynes, known as a critic of laissez-faire capitalism.* In his most famous work from 1936, *The General Theory of Employment, Interest and Money*, he presented the model of the economy that he created, which was based mainly on the assumption that free-market capitalism is unstable. The reason for this was supposedly problems in the financial sphere. Expansionary fiscal policy would prevent these problems and thus the instability that he mentioned (Skousen, 2012, pp. 452–454; Przybyciński, 2016, p. 29).

Zygmunt Bauman notes that the welfare state is, to a certain extent, an expression of the *socialization* of dangers that threaten the individual (Bauman, 2004, pp. 82–83).

One of the definitions of the welfare state presents the assumption that a welfare state can be one in which at least half of the state's expenditure is intended for broadly understood social goals (Lumumba-Kasongo, 2006, p. 3). One can also focus on the statement that only the rapidly developing countries – or the ones that are already highly developed economically – currently have the means to build a real welfare state (Rudra, 2007, p. 384). Undoubtedly, in the countries of Western Europe, this idea gained publicity quickly. Countries that are developing rapidly, with a buoyant and prosperous economy and some level of budget surplus, have begun investing in the welfare state model, and so striving for the idea of social justice and equality (Grewiński, 2007, p. 57).

At present, in almost every country, the functions of the state include stabilizing the economy and managing the distribution of wealth through redistribution mechanisms. Over the past decades, developing countries in particular have been seeking to develop and implement mechanisms that would perform regulatory and distribution functions, facilitating income growth. Activities in this area have covered the regulation of working

conditions and relations ensuring a universal healthcare system for citizens and shaping the social security system (Leszczyński, 2012, pp. 71–73).

In his works, Mirosław Księżopolski indicates the social function of the state, according to which in most developed countries, "the state takes on a great deal of responsibility for satisfying the basic needs of citizens in the event of certain typical unfortunate events" (Księżopolski, 2013, p. 41). Hence, through the implementation of the social function of the state, the welfare state aims to build a sense of security among citizens. Providing the individual with a sense of security in this dimension is undoubtedly a key issue, and, in order to discuss a citizen's sense of security, reference should thus be made to the term *social security*.

The concept of *social security* appeared relatively recently in the literature, and it is a concept that is constantly developing. In English-language literature, one can come across the definition of social security coined by the International Labour Organisation. It should be stated, however, that this is not a typical academic definition but a political one, and only due to the frequency with which researchers refer to it has it become part of academic research (see more: Lisiecki, 2008; Skrabacz, 2012; Gierszewski, 2013; Kubiak, Minkina, 2013; Jagusiak, 2015; Leszczyński, 2011a).

The concept of social security is defined by the International Labour Organisation as "the set of public measures that a society provides for its members to protect them against economic and social distress that would be caused by the absence or a substantial reduction of income from work as a result of various contingencies (sickness, maternity, employment injury, unemployment, invalidity, old age, and death of the breadwinner); the provision of healthcare; and, the provision of benefits for families with children" (*Social security*, 2015).

The International Labour Organisation defines all activities within social security as activities related to guaranteeing a level of material wellbeing, i.e. the prevention of economic and social deprivation by state institutions. In Polish literature, attempts to systematize information on social security have been made by many researchers. However, the definition adopted by the author of this article as the key one is that of Marek Leszczyński, who defines social security "as all legal and organizational activities carried out by governmental bodies (national and international), non-governmental bodies, and citizens themselves, which aim to provide a certain standard of living for individuals, families and social groups and preventing their marginalization and social exclusion" (Leszczyński, 2011b, p. 58).

Leszczyński also distinguishes three components that make up social security, without which one cannot discuss the development or functioning of a social security system. Welfare security is the first pillar of the triad. These are all kinds of institutional and legal guarantees, guarantees of minimum income or redistributive mechanisms. These activities are aimed at improving the living conditions of citizens, which results from the social covenant of a democratic state governed by the rule of law. Another element is developmental security, which is nothing other than human capital along with the possibilities of building it in society. These are qualifications, knowledge and skills. The level of developmental security can be determined by chances and opportunities for individuals to develop themselves. The last element is community security, that is, social capital. This element undoubtedly refers to sensations and emotions. Hence, what the individual

feels about belonging to a given community is related to their psychosocial character (Leszczyński, 2011a, p. 59).

This approach to social security undoubtedly makes a broad analysis of this category possible. The proposed approach covers the topic in a subjective and objective way, thanks to which one can unquestionably identify the people responsible for the implementation of tasks in this field. One can observe dynamic models of social security in the welfare states discussed earlier, in which the state actively participates in citizens' lives and tries to help them in every possible situation. Germany is considered the model of a welfare state, if only because it origins lie in the politics of the German Chancellor, Otto von Bismarck. Thanks to this famous politician, the introduction of the first social rights for professional groups was initiated (Baran, 2012, pp. 195–196).

Historically, the German welfare state was based mainly on social insurance and social assistance for the poor and people who worked but did not earn enough to be able to provide themselves with an adequate standard of living. Over time, the welfare state's functions have multiplied, giving citizens many kinds of assistance from the state. The proposed German model is considered archetypal and conservative (Seeleib-Kaiser, 2016, pp. 221–222).

Social Security of Citizens in the Party Manifesto of the CDU/CSU in the 2017 Parliamentary Election in Germany

In Germany, since 2005, the CDU/CSU grouping (the Christian Democratic Union of Germany and the Christian Social Union)– has been in power continuously. These parties have been in coalition for many years.[1] In September 2017, in Germany, parliamentary elections were held, which the CDU/CSU won. In modern times, the provision of security for citizens by the state is considered a basic right. Therefore, this article analyzes the CDU/CSU election manifesto – *Für ein Deutschland, in dem wir gut und gerne leben. Regierungsprogramm 2017– 2021* [For a Germany where we can live well and happily. The Government Program 2017–2021] – in terms of social security policy.

The manifesto consists of nine substantive chapters, in which proposals were presented to German citizens regarding the continuation of and planned changes to policies which had been carried out by the CDU/CSU in Germany for several years. At the beginning, the current achievements of the CDU/CSU were presented. In the manifesto, the politicians paint a picture of Germany in which the economy is growing rapidly, unemployment is at its lowest level since 1991, the number of jobs is still growing and youth unemployment is at itslowest level in Europe. They also point out that the financial situation of German citizens has improved, because wages and pensions have increased and are continuing to increase. They try to convince the public that all the work that has been done so far should not be thrown away and must be continued, which is why appropriate proposals are presented.

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[1] See more about the CDU: The official website of the Christian Democratic Union of Germany, https://www.cdu.de/, 13/02/2018; more about the CSU: The official website of the Christian-Social Union in Bavaria, http://www.csu.de/, 13/02/2018.

The first substantive chapter in which the CDU/CSU include the proposals for social security is *Gute Arbeit auch für morgen – Vollbeschäftigungfür Deutschland* [Good work for tomorrow – full employment for Germany]. In the opening paragraph, the previous achievements of the CDU/CSU are presented, i.e. the aforementioned lowest unemployment rate in 25 years, with 44 million Germans in work, something which, according to the manifesto, has never happened before. Unemployment among young people is the lowest in Europe (*Für ein Deutschland*, 2017). In March 2017, the unemployment rate was 5.5%, the lowest in the history of reunified Germany (*Stopa bezrobocia*, 2017).

The goal that the CDU/CSU assume in the election manifesto is *full employment for Germany* in every part of the country, so that the unemployment rate will fall below 3.9%. Of course, this goal is to be time-limited and should be achieved by 2025. Activities aimed at achieving this goal are, above all, greater public investments, which would be limited as part of budgetary discipline. The consequences of these activities are jobs, and, therefore, economic growth in Germany, higher wages and greater prosperity for German citizens (*Für ein Deutschland*, 2017). The CDU/CSU election manifesto does not contain any spectacular promises. The policy presented above was undoubtedly one of the most popular.

The CDU and CSU politicians also took advantage of the favorable economic situation of Germany. The manifesto indicates record levels of employment by industrial enterprises (*Für ein Deutschland*, 2017), in a country where, according to research conducted by the Federal Statistical Office at the end of August of the election year, over 5.4 million people have worked in industry (*Zatrudnienie w przemyśle*, 2015). This number increased by approximately 37,000 people, or 0.7%, compared to August 2016 (*Niemcy: Niemiecki przemysł*, 2017).

Citizens are also assured that policies in this area would continue to be implemented, and Germany would remain the leader of the automotive industry in Europe, delivering to the market the safest, most economical and most environmentally-friendly vehicles (*Für ein Deutschland*, 2017).

Regarding the labor market and the fight against unemployment, which falls under the umbrella of social security, new jobs are also promised. The manifesto pointed to the need to increase the number of jobs in the industries of the future, such as digitization, biotechnology or the healthcare sector. Of course, in addition to creating new jobs, the manifesto also referred to the need to train people for these positions, so promises of efforts in the field of education, training and development of individuals were made in order to safeguard these investments (*Für ein Deutschland*, 2017).

Unquestionably, the fact that politicians not only remembered the social area of welfare security, but also noticed the need to invest in social capital, especially in human capital, which is extremely important for building social security and running a sustainable economy, is noteworthy.

Reference is also made to professional development for young people aged 25–35 who do not have a university degree. This would enable them to earn a fixed salary, which would reduce unemployment and, in the longer term, build economic growth[2] (*Für ein Deutschland*, 2017). (Proposals in this area are also aimed at preventing the

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[2] Social exclusion can apply to all countries, because it results from various kinds of inequalities that can lead to various types of discrimination and exclusion from society (cf.: Jordan, 1996, pp. 1–5).

social exclusion to which certain individuals are exposed, such as those in a difficult financial situation and the long-term unemployed).

The long-term unemployed are also included in the CDU/CSU manifesto. The help provided to them was to consist primarily of investment in human capital, such as the state investing in raising their professional qualifications and facilitating their return to the labor market, which is not an easy task. The children of the permanently unemployed are also mentioned, who often have problems due to their difficult life situation and lack of financial resources. Financial resources are one of the promises made to young people who are struggling with this problem (*Für ein Deutschland*, 2017).

The manifesto also draws attention to the quality of jobs, and thus the building of social capital through links between individuals, social groups and social trust. Readers are reminded that remuneration for employees during the CDU/CSU's time in office has systematically increased (*Statistiken zur Einkommensverteilung*, 2018). The document also refers to the introduction of the commonly binding hourly minimum wage in 2015 by the ruling coalition CDU/CSU-SPD. In 2015, the hourly wage for all employees could not be lower than EUR 8.50. This did not apply to workers under the age of 18 or the long-term unemployed, or to certain groups of apprentices (*Mindestlohn*, 2015). The minimum wage was then raised to EUR 8.84 per hour as of January 1, 2017 (*34 Cent mehrMindestlohn*, 2017).

With regard to wages, attention is also paid to equal wages for men and women, more flexible working hours and promises to leave weekly working time unchanged. The elimination of the barriers encountered by the disabled in the sphere of work is also mentioned, as well as increasing employment opportunities for them. In terms of equality, it is promised that by 2025, an equal distribution between women and men in management positions at all levels will be achieved in the public sector (*Für ein Deutschland*, 2017).

The next chapter focuses on activities relating to families and children. The manifesto assures citizens that promoting families is the most important issue for the government, owing to the fact that demographic growth is again noticeable in Germany. There is also an assurance that various forms of partnership are respected by politicians and people should make decisions about their lives for themselves (*Für ein Deutschland*, 2017). Undoubtedly, this is a departure from the conservative family model, as, instead of merely easing the lives of these families, the CDU and CSU is proposing to unburden them.

Therefore, there is a proposal or a promise to relieve families of all kinds of the burden of administration associated with collecting the various types of benefits available, or submitting documents in various types of offices. The manifesto assures citizens of both the need and significance of the access to and possibility of submitting documents, certificates, tax returns or applications for benefits digitally, without needing to leave home. With regard to the protection of children, children's rights are also proposed for inclusion in the Basic Law.

Child benefit – *Kindergeld* – would be increased from EUR 192 to EUR 217, i.e. by EUR 25 a month. Obviously, this amount would increase with the number of children one has (*Für ein Deutschland*, 2017). The situation is similar with *Kinderfreibetrag*, i.e. child relief, which can be added to the annual tax settlement in Germany. In 2017, this amount was EUR 7,356, while in 2018 it increased to EUR 7,428 (*Kinderfreibetrag*, 2017). In their manifesto, the CDU/CSU assures readers that the amount will increase to

EUR 8,820; however, they do not give a specific date for the implementation of the plan (*Für ein Deutschland*, 2017).

To help young families, the CDU/CSU union proposed a housing program. In principle, this program would apply to existing houses, but also to houses that were to be built according to the owner's plans. *Baukindergeld* is presented as an allowance for families with children intending to buy their first home. The program was first launched on January 1, 2018. The amount given is EUR 1,200 per year for a period of 10 years (*Für ein Deutschland*, 2017; *Baukindergeld*, 2018).

In matters related to pensions, the CDU/CSU union saw no major need for change. The pension reform which has been in operation since 2007 (*Rentenreform*, 2007) is praised (*Für ein Deutschland*, 2017). However, another element of the CDU/CSU platform is the issue of healthcare. Unquestionably, this is an important aspect for the social security of citizens from the perspective of the welfare security pillar, but also for building human capital and social trust, for individuals as well as institutions.

The German care system is one of the best in the world, the manifesto assures us. As part of the education of healthcare specialists, the CDU/CSU wanted to abolish fees for all types of training and education. With regard to greater respect for patients' rights and making them more transparent, the CDU/CSU wanted to create *Nationales Gesundheitsportal* (*Nationales Gesundheitsportal*, 2018), in which there will be information packages about healthy lifestyles, as well as various diseases, available to all citizens. Digitization in the healthcare sector is also promised in the manifesto.

The right to e-healthcare is a basic step. Attention is also paid in the manifesto to the protection of personal data and sensitive data. The full digitization of this sector would increase possibilities to save lives; for instance, from the perspective of doctors' access to medical history from various institutions in which the patient has been treated (*Für ein Deutschland*, 2017).

Education is also an area important for social security from the perspective of the pillar of developmental security and community security. The manifesto clearly emphasizes that matters related to education should be formulated by the state. The CDU/CSU state that they plan to increase spending on education to 3.5% of GDP by 2025, and that there will be investment in the accessibility of kindergartens, ensuring that every young citizen will have the opportunity to attend. Money will also be invested in training and hiring the best specialists, so that the level of education systematically increases (*Für ein Deutschland*, 2017).

The manifesto also draws attention to all kinds of issues related to access to culture. It is pointed out that access to culture broadens the cognitive abilities and horizons of the individual. It is undoubtedly one of the vital factors in shaping human capital, which is related to the developmental security necessary for social security. It is also mentioned that there is no culture without education, nor education without culture. However, besides the typical trivial slogans related to the improvement of culture and its importance for citizens, one will not find specific assurances or proposals in the CDU/CSU manifesto, for example regarding the possibility of increasing access to both education and culture.

This is a pity, because, as mentioned earlier, this is a very important element of social security. Unfortunately, it is often overlooked or treated as unimportant, above all in election manifestos (*Für ein Deutschland*, 2017).

Conclusions

Social security, from the perspective of the welfare state, is undoubtedly a very important element of society, because it enables the proper functioning of the state. Citizens feel safe, not only in terms of welfare security and the provision of material goods, but also from the perspective of building social bonds, forming social groups and building social trust, as well as opportunities for individual development and improvement and thus building civil society or being involved in the development of the state.

Without a high level of human capital and social capital, one cannot talk about civil society, and it is much harder to build a thriving economy. Without a doubt, in their election manifesto from 2017 – *Für ein Deutschland, in dem wir gut und gerne leben. Regierungsprogramm 2017–2021* – the CDU/CSU union raised issues related to building the social security of citizens, which still seems to be at a fairly high level, viewed from the perspective of specific pillars such as social benefits, social capital and human capital.

We should also add that the proposals included in the manifesto lead to the conclusion that the CDU/CSU proposed a manifesto that partially develops each of the pillars of social security, but which, unfortunately, is still lacking in some ways. It can be said that the issue of culture, mentioned earlier in the text, was somewhat overlooked, despite its enormous impact on the development of social capital and human capital, and thus on community and development. However, the other assurances present indicate that the CDU/CSU election manifesto includes the idea of building citizens' social security, which is undoubtedly important for a country such as Germany, which is perceived as a welfare state.

Bibliography

34 Cent mehrMindestlohn, "Frankfurter Allgemeine Zeitung," 26.10.2016, http://www.faz.net/aktuell/wirtschaft/wirtschaftspolitik/mindestlohn-steigt-2017-auf-8-84-euro-14498548.html, 12.02.2018.

Baran P. (2012), *Niemiecki model polityki społecznej na tle regulacji Unii Europejskiej*, "Rocznik Integracji Europejskiej," nr 6.

Baukindergeld 2018: AlleszuraktuellenDiskussion, der Höhe und demAnspruch, KinderInfo, 2018, https://www.kinderinfo.de/kindergeld/baukindergeld/, 11.02.2018.

Bauman Z. (2004), *Życie na przemiał*, Wydawnictwo Literackie, Kraków.

Briggs A. (1961), *The welfare state in historical perspective*, "European Journal of Sociology," vol. 2, no. 2.

Friedrich August von Hayek, Instytut Edukacji Ekonomicznej im. Ludgwiga von. Misesa, 2.01.2004, http://mises.pl/blog/2004/01/02/hayek/, 1.02.2018.

Für ein Deutschland, in dem wir gut und gerne leben. Regierungsprogramm 2017–2021, Strona internetowa partii CDU, 1.07.2017, https://www.cdu.de/system/tdf/media/dokumente/170703regierungsprogramm2017.pdf?file=, 6.02.2018.

Gierszewski J. (2013), *Bezpieczeństwo społeczne. Studium z zakresu teorii bezpieczeństwa narodowego*, Difin, Warszawa.

Grewiński M. (2007), *Jaka przyszłość państwa opiekuńczego? O przeobrażeniach welfarestate*, in: *Polska polityka społeczna wobec wyzwań spójności społeczno-ekonomicznej UE*, ed. K. Głąbicka, Politechnika Radomska, Radom.

Habermas J. (2008), *Strukturalne przeobrażenia sfery publicznej*, PWN, Warszawa.

Hayek F. A. (2006), *Konstytucja wolności*, PWN, Warszawa.

Jagusiak B. (2015), *Bezpieczeństwo socjalne współczesnego państwa*, Difin, Warszawa.

Jordan B. (1996), *A theory of poverty and social exclusion*, Polity Press, Cambridge, Great Britain.

Kinderfreibetrag 2015/2016/2017/2018, website: kindergeld.org, 2.11.2017, http://www.kindergeld.org/kinderfreibetrag.html, 12.02.2018.

Kościewicz D. (2014), *Kulturowe wartości szwedzkiego państwa dobrobytu w świetle wybranych typologii kultury*, "Społeczeństwo i Ekonomia," nr 2(2).

Księżopolski M. (2013), *Wspólnie czy osobno?: rozważania o polityce społecznej*, Elipsa, Warszawa.

Kubiak M., Minkina M. (2013), *Współczesne bezpieczeństwo społeczne*, Wydawnictwo Uniwersytetu Przyrodniczo-Humanistycznego w Siedlcach, Warszawa–Siedlce.

Leszczyński M. (2011a), *Wybrane aspekty bezpieczeństwa społecznego*, Stowarzyszenie "Nauka, Edukacja,Rozwój," Ostrowiec Świętokrzyski–Kielce.

Leszczyński M. (2011b), *Bezpieczeństwo społeczne Polaków wobec wyzwań XXI wieku*, Difin, Warszawa.

Leszczyński M. (2012), *Funkcje socjalne państwa w warunkach globalizacji*, "Zeszyty Naukowe Wydziału Nauk Ekonomicznych Politechniki Koszalińskiej," nr 16.

Lisiecki M. (2008), *Zarządzanie bezpieczeństwem – wyzwania XXI wieku*, Wyższa Szkoła Zarządzania i Prawa, Warszawa.

Lumumba-Kasongo T. (2006), *The welfare state within the context of liberal globalisation in Africa: is the concept still relevant in social policy alternatives for Africa?*, "African Journal of International Affairs," vol. 9, no. 1.

Mindestlohn 2015: Wichtige Informationen für Arbeitgeber, 18.12.2014, http://kanzlei-ruehrschneck.de/mindestlohn-2015-wichtige-informationen-fuer-arbeitgeber/, 12.02.2018.

"Nationales Gesundheitsportal" soll die Menschen aufklären, 19.06.2017 Heise Online, https://www.heise.de/newsticker/meldung/Nationales-Gesundheitsportal-soll-die-Menschen-aufklaeren-3747177.html, 10.02.2018.

Niemcy: Niemiecki przemysł zatrudnia na potęgę!, punkt.media, 2017, https://punkt.media/pl/aktualnosci/gospodarka/4818-niemcy-rekordowa-ilosc-pracownikow-w-branzy-przemyslowej, 12.02.2018.

Pozytywna prognoza demograficzna dla RFN. Wyjątkiem Niemcy wschodnie, 3.10.2017 http://www.dw.com/pl/pozytywna-prognoza-demograficzna-dla-rfn-wyj%C4%85tkiem-niemcy-wschodnie/a-40791735, 12.02.2018.

Przybyciński T. (2016), *Etyczne i ekonomiczne aspekty państwa dobrobytu*, "Annales. Etyka w życiu gospodarczym," vol. 19, no. 3.

Rentenreform 2007 „RV Altersgrenzenanpassungsgesetz," TU-Berlin, 24.01.2007, https://www.tu-berlin.de/fileadmin/a9600/Personalrat/Personalversammlungen/Juni_2007/Folien_Rente_67.pdf, 11.02.2018.

Rudra N. (2007), *Welfare state in developing countries. Unique or universal?*, „The Journal of Politics," vol. 69, no. 2.

Seeleib-Kaiser M. (2006), *The End of the Conservative German Welfare State Model*, „Social Policy and Administration," vol. 50, no. 2.

Skousen M. (2012), *Narodziny współczesnej ekonomii*, Wydawnictwo Znak, Warszawa.

Skrabacz A. (2012), *Bezpieczeństwo społeczne. Podstawy teoretyczne i praktyczne*, Elipsa, Warszawa.

Social Security, 10.10.2015, International Labour Organization, http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/social-security/lang--en/index.html, 10.10.2015.

Statistiken zur Einkommensverteilung in Deutschland, Statista- Das Statistik-Portal, https://de.statista.com/themen/83/einkommen/, 12.02.2018.

Stopa bezrobocia w sierpniu, Strona Bundesagentur für Arbeit, 29.09.2017, https://www.arbeitsagentur.de/presse/2017-20-der-arbeitsmarkt-im-september-2017, 6.02.2017.

The official website of the Christian Democratic Union of Germany, https://www.cdu.de/, 1.02.2018.

The official website of the Christian Democratic Union in Bavaria, http://www.csu.de/, 13.02.2018.

Zatrudnienie w przemyśle w sierpniu br: 5,4 mln osób, 29.12.2015, Portal promocji eksportu, https://germany.trade.gov.pl/pl/aktualnosci/172075,zatrudnienie-w-przemysle-w-sierpniu-br-5-4-mln-osob.html, 11.02.2018.

**Bezpieczeństwo społeczne obywateli w programie wyborczym
Unii Chrześcijańsko-Demokratycznej i Unii Chrześcijańsko-Społecznej
w wyborach parlamentarnych w Niemczech w 2017 roku**

Streszczenie

Celem artykułu była analiza wspólnego programu Unii Chrześcijańsko-Demokratycznej Niemiec i Unii Chrześcijańsko-Społecznej w Bawarii, w wyborach do parlamentu Niemiec z 2017 roku, pod kątem bezpieczeństwa społecznego obywateli. Założeniem podstawowym było sprawdzenie, czy Unia CDU/CSU odniosły się do każdego z elementów bezpieczeństwa społecznego, czyli bezpieczeństwa socjalnego, bezpieczeństwa wspólnotowego i bezpieczeństwa rozwojowego w swoim programie wyborczym z 2017 roku. Metodą, która posłużyła do zrealizowania badania, była analiza treści. Z przeprowadzonego badania wynika, iż Unia CDU/CSU w swoim programie wyborczym z 2017 roku – *Für ein Deutschland, in dem wir gut und gerne leben. Regierungsprogramm 2017–2021*, poruszyła kwestie związane z budowaniem bezpieczeństwa społecznego obywateli. Propozycje, które zostały zawarte w programie pozwalają stwierdzić, że CDU/CSU zaproponowało program, który rozwija po części każdy z filarów bezpieczeństwa społecznego, co nie zawsze jest realizowane. Zauważyć należy, że słabo rozwinięta została kwestia kultury, która niewątpliwie ma ogromny wpływ na rozwój kapitału społecznego i kapitału ludzkiego, a więc dwóch filarów, wspólnotowego i rozwojowego. Pozostałe obszary i propozycje skierowane w ramach ich rozwoju absolutnie wypełniają tę lukę. Należy również wskazać, że w propozycjach wyborczych znajdujących się w programie najbardziej rozwinięty został filar związany z bezpieczeństwem socjalnym, realizowany w ramach polityki społecznej państwa.

Słowa kluczowe: państwo opiekuńcze, Niemcy, bezpieczeństwo społeczne, bezpieczeństwo wspólnotowe, bezpieczeństwo rozwojowe, bezpieczeństwo socjalne

Eleonóra KOVÁČOVÁ
Matej Bel University, Slovak Republic
ORCID ID: https://orcid.org.0000-0001-7911-6898

The Mayor of a Municipality – Competences, Qualifications, Current Status in the Slovak Republic

Abstract: The mandatory authorities – the municipal office and the mayor of the municipality – play an irreplaceable role at the municipal level. Both bodies are elected. These authorities influence the direction of municipal development in the upcoming term of office, the municipal representatives' protection of citizens' needs and interests as well as fulfilment of the tasks and obligations imposed by the law. The main aim of the article is to clarify the importance and seriousness of the mayor as the highest representative of the municipal government in the Slovak Republic. Another aim is to present new realities connected with the mayor's office as well as new requirements associated with it.

Key words: municipal government, mayor of a municipality, competences, qualifications, municipal elections, citizens

Introduction

Building high-quality public administration at all its levels, including the level of municipal government, requires qualified workers with appropriate expertise and experience. This expertise and experience are particularly expected from the elected officials – mayors and members of the municipal governments – who represent the given government on the outside. They are mandatory authorities established in elections. These authorities influence the direction of municipal development in the upcoming term of office, the municipal representatives' protection of citizens' needs and interests as well as fulfilment of the tasks and obligations imposed by the law. The aim of the article is to clarify the importance and seriousness of the mayor as the highest representative of the municipal government in the Slovak Republic. We will work on the assumption that the mayor's office is a public office and the mayor is the highest executive authority of the municipality. The mayor represents the municipality on the outside – in relation to public authorities, other municipalities and towns as well as other natural and legal persons. On the basis of the above mentioned facts, we can assume that the post of a mayor is a very attractive one and there is a great interest in it. We can also assume that the mayor's office must be held by a person with clean criminal record, appropriate education and abilities and skills necessary to fulfil all the required tasks in accordance with the law.

For writing the article, the methods of analysis and synthesis in the form of logical analysis were used. This approach enabled us to also apply the inductive method which allowed us to draw general, or rather more general conclusions on the basis of the individual premises. The theoretical as well as practical and functional points of view are included in the article, therefore, to obtain its´ clarity, it is not possible to reduce their empirical data, which corresponds to the scope of the article. The text is focusing on

a specific period and has a territorial commitment – and those are another reasons why it is difficult to reduce the processed data only. Since this is a specific issue, based on the position of a municipality mayor in the Slovak Republic, the information were primarily collected from the Slovak authors. The methodological process also consisted of collecting material in the form of laws, regulations, and various documents. The current information was collected and processed mainly from the daily press, expert discussions and from other available sources published by the Statistical Office of the Slovak Republic.

Legal Definition of the Position of a Municipality Mayor in the Slovak Republic

According to the Act of the National Council of the Slovak Republic No. 180/2014 Coll. on Conditions of the Exercise of Voting Rights as amended by later regulations, the mayor is chosen in free and democratic elections. The elections are a mechanism of political participation of citizens in the administration of public affairs. They represent a legitimate political tool and the formation process of assigning the eligibility to exercise political power and development of political representation. However, the point of elections is not limited only to the exact depiction of the way voters are politically stratified. It is also characterized by other features which are based on the theory of political pluralism. According to I. Palúš, society understands the theory of political pluralism as "a system, in which there is a plurality of interest groups with the same status. These groups try to promote their own partial interests in confrontation with the interests of other groups" (Palúš, 2002, p. 98). Fighting for one's own interests is an integral part of the political democracy in developed countries. The elections are a crucial base for the vertical structure of democracy and the basic institute of legitimisation of power in a given political system and political regime (Kulašik, 2002). The elections also check the voters' confidence in certain political party and its leaders, candidates and election programme (Jones, Hudson, 1998). In a representative democracy, elections are "central requirement and yet unchallenged mechanism for implementation of political decisions" (Koper, 2003, p. 66). The general elections enable us to take a view at the distribution of political powers in the whole country as well as in individual regions, towns and municipalities. Participation in the elections to municipal and local governments is important primarily because the local, or rather municipal government is closest to citizens. Therefore, it is an ideal place for their realization: they can ask for explanation of some decisions taken by their representatives or they can attend the meetings of the municipal or local offices. According to R. Dahl's concept, the citizen is aware of the politics of the government, country, political parties and civil associations. At a particular time and in a certain way, each individual becomes a part of the political system. Everybody is thus within the reach of some kind of political system (Dahl, Tufte, 1973). Civic participation can definitely be regarded as an effective tool of the citizens' contribution to the administration of public affairs. It provides for taking the best decisions for the good of all citizens who live and want to live in their municipality or town not only today, but also in the future. The core of the legal theory concerning the explanation of legal and theoretical requirements for participation of citizens in public life is based on Article 30 of the Constitution of the Slovak Republic. Article 30, Section 1 of the Constitution of the

Slovak Republic explicitly states: "Citizens shall have the right to participate in the administration of public affairs directly or through freely elected representatives." Section 4 of the same article states: "Citizens shall have access to the elected and public offices under equal conditions." These regulations understand the mentioned right as political right (Mesíková, 2010). We can therefore state that the elections do not necessarily cause a qualitative change of the political system. However, to preserve the power structure, they can act as a tool and mechanism of qualitative change of the way of governance.

The municipal elections take place every four years in Slovakia. The first democratic elections to the municipal authorities took place on 23 and 24 November 1990 and they made space and conditions for renewal of civic activities and development of local democracy. In 2014 the elections were held for the seventh time – 1990, 1994, 1998, 2002, 2006, 2010.[1] The basic principles of the suffrage are universality, equality and directness. In the municipal elections, the majority voting system[2] is applied. It is based on competition of individuals; i.e. the citizens vote for a particular candidate regardless of their political affiliation.[3] "The voters have their say in the election programme and abilities of the candidates. They choose a candidate that is closest to their image of a suitable representative of their interests" (Tóth, 1998, p. 72). The majority voting system enables the election of nominees from political parties and movements as well as independent candidates with a special emphasis on the personal qualities and capabilities of the nominees. However, it is advisable to pay attention to the heterogeneity of voters' opinions and attitudes which can be influenced by various factors – e.g. the place where they live and work; the level and quality of the services provided; education, age, gender and many others. At municipal level, the emphasis is put primarily on pragmatic approaches in solving everyday problems of the citizens. The individuals that are aware of the possibilities of an effective participation in the decision processes tend to believe that "participation is useful and it is worth for them to take part in it. At the same time, these individuals tend to actively participate in the social affairs and they regard the decisions taken as obligatory" (Kováčik, 2009, p. 150). By taking part in municipal elections, the citizens can decide who will uphold their interests in the upcoming term of office.[4] The rights and obligations of citizens of a municipality are defined in Paragraph 3, Sections 2 and 3 of the Act of the Slovak National Council of the Establishment of Municipalities No. 369/1990 Coll. as amended by later regulations. Based on what we stated, the citizen of a municipality has the right to vote and to stand as a candidate at municipal elections.

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[1] During the general four-year term of office, by-elections of the municipal authorities can be held. By-elections are held e.g. when the mayor's position becomes vacant (because the mayor resigns, dies, is dismissed, not elected, etc.). Dates for holding the general elections as well as by-elections are always declared by the Speaker of the National Council of the Slovak Republic who issues their decision in the Collection of laws.

[2] The majority voting system is applied not only in the elections to municipal administrative bodies but also in the elections to administration bodies of higher territorial units and in presidential elections.

[3] By contrast, in the case of proportional voting system in the Slovak Republic (elections to the National Council, elections to the European Parliament), the voters choose particular subjects or coalitions.

[4] An impediment to the exercise of the right to vote can be limitation of personal freedom stipulated by law due to protection of people's health; the execution of a custodial sentence imposed for the commission of a particularly serious crime (Paragraph 4 of the Act of the NC SR No. 180/2014 Coll. as amended).

However, a person who does not have the Slovak citizenship but has their permanent residence in a municipality is also a citizen of a municipality. This means that if a foreigner has a permanent residence in a municipality, borough of the capital of the Slovak Republic Bratislava, or in a borough of the Košice city and meets other conditions necessary to perform the duties of a mayor, they can stand for the mayor's office. The right to vote in municipal elections applies to Slovak citizens who "have a permanent residence in a municipality, borough of the capital of the Slovak Republic Bratislava or in a borough of the Košice city and who will have completed 18 years of age as of the election day" (Paragraph 163 of the Act of the NC SR No. 180/2014 Coll. as amended).[5] Persons who own immovable property in the municipality, pay the local tax or charge, have only temporary residence in the municipality, or were awarded with the honorary citizenship of the municipality, have no right to vote or stand as candidates in municipal elections. They also have no right to vote in the municipal referendum (Paragraph 3, Section 5 of the Act of the SNC No. 369/1990 Coll. as amended).[6]

The mayor's term of office lasts four years and starts right after they take the oath. The mayor decides in all matters of the municipality administration which are not reserved for the municipal office by the law or by the status of municipality.[7] The mayor's office is a public office that is based on the monocratic principle. The mayor is not employed by the municipality. Therefore, after being elected to the office, the mayor has no employment relation to the municipality. The mayor of the municipality cannot be an employee of the municipality. They issue the working regulations, establishment plan for the municipal office, and the system of wages of the employees of the municipality. The competences of the mayor regarding issuing the internal regulations of the municipality are adapted to their position as a statutory body in the employment relations of the employees of the municipality – on behalf of the municipality, as the employer, the mayor undertakes legal actions, e.g. concludes employment contracts with the employees of the municipality, concludes damage compensation contracts with the employees of the municipality, etc. The mayor is obliged to inform the members of the municipal government about issuing as well as changing the establishment plan of the municipality considering the competence of the municipal office – to determine the budget for the activities of the municipal office. The mayor is the statutory body also in the proprietary area of the municipality – they undertake legal actions on behalf of municipality, e.g. sign purchase or lease contract that concern the property of the municipality.

According to Paragraph 13a, Section 1 of the Act of the Slovak National Council No. 369/1990 Coll. as amended by later regulations, the mandate of the mayor of a municipality may terminate for their refusing to take the oath, lapse of the term of office, renunciation of the mandate, legal conviction for a deliberate criminal act or deprivation, or limitation of their legal capacity, change of the permanent residence to other munici-

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⁵ This means that the right to vote have all the persons with permanent residence in a given municipality or a town regardless of their nationality, who will have reached 18 years of age as of the Election Day.

⁶ However, these citizens cannot be withheld the right to speak at the assemblies of citizens of the municipality. The law confers them this right although they are not the citizens of the given municipality.

⁷ The authority of the mayor to act on behalf of the municipality does not mean that they form the will of the municipality.

pality, death of the mayor, or dissolution of the municipality. The mandate of the mayor terminates also when a referendum decides that the mayor shall be dismissed.[8] Only the citizens of the municipality can vote to dismiss the mayor in the local referendum. The municipal office can call the referendum on the dismissal of the mayor if at least 30 per cent of the subjects eligible to vote request it in a petition. The municipal office must approve the proposition by majority of all members of the municipal government.[9] The municipal office can call a referendum on the dismissal of the mayor also when their absence or incapability to perform their duties lasts longer than six months (Paragraph 13a, Section 3 of the Act of the SNC No. 369/1990 Coll. as amended).

The mayor decides primarily the individual legal acts, i.e. decides the rights, interests protected by the law and the obligations of natural and legal persons in public administration.[10] In accordance with the amended Act on the Establishment of Municipalities and considering the demanding administrative work of the mayor, the mayor as the statutory body of the municipality is enabled to entrust an appropriate employee of the municipality on behalf of the municipality with the decisions on the legal relations of legal persons in the area of public administration (the Act of the NC of the SR No. 102/2010 Coll. as amended).

Compared to the municipal office, the mayor is under greater control of the municipality's citizens who can dismiss them from the office. The mayor is chosen by the citizens, so they do not need the support of political parties represented in the municipal office. However, if the municipal office does not support the mayor, the mayor's proposals are often impassable and that can impede exercise of power. The mayor is not a member of the municipal government and is not elected by it.[11]

According to the current legislation, the mayor has an independent status. The mayor summons and chairs the assemblies of the municipal office and municipal council,[12] signs resolutions and regulations, but has no right to vote, unless the law provides otherwise. Apart from the already mentioned exclusive right to sign the general binding regulations and resolutions, the mayor also has *the right of veto*, i.e. they can suspend the execution of the resolution of municipal office if they suspect that this resolution contradicts the law or is obviously disadvantageous for the municipality.[13] However, the right

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[8] In contrast to the members of the municipal government who cannot be dismissed from their office, the mayor can be dismissed. The amended Act on the Establishment of Municipalities regulates only the conditions concerning the mandate termination of the members of a municipal government.

[9] The aim of this regulation is to prevent the situation that mayor's office would be held by a person with a terminated mandate. Another aim is to ensure that the municipality will be entitled to call new elections.

[10] In accordance with the amended Act on the Establishment of Municipalities, the mayor is no longer the administrative authority of the municipality, but the municipality acts as a legal person for which the mayor acts also in administrative relations.

[11] The municipal government has no right to attribute any tasks to the mayor.

[12] This resolution is specified in the Act of the National Council of the Slovak Republic No. 102/2010 Coll. as amended by later regulations, because in some cases laid down by the law not just the mayor of the municipality can summon and chair the assembly of the municipal office and municipal council but also e.g. the deputy mayor or another member of the municipal government.

[13] The mayor applies the right of veto when they do not sign the regulation approved by the municipal office up to 10 days after its approval. The members of the municipal government can confirm the exercise of the resolution up to 3 months from the approval of the regulation in the municipal office

of veto does not enable the mayor to challenge the resolution on the choice and dismissal of the main supervisor. To avoid the possible conflict of private and public interest, the mayor cannot use the right of veto in the case of a resolution on calling the referendum regarding their dismissal from the office.

Paragraph 11b of the Act of the Slovak National Council No. 369/1990 Coll. as amended by later regulations says that: "the mayor of a municipality or the municipal council may convene the assembly of inhabitants of a municipality or parts thereof to discuss municipal affairs". The mayor of a municipality and the municipal council are entities authorised to initiate and convene the assembly of municipality inhabitants.

Qualifications Necessary for the Mayor of a Municipality

Quality plays an irreplaceable role at all levels and areas of the social, economic and cultural life. To ensure high-quality performance at all levels of public administration, high-quality human resources are needed to perform everyday tasks and activities of the administration. "If we are interested in building quality at all levels, education must become an integral part of our everyday life. This also applies to the level of public administration, the quality of which will be reflected in efficiency and prosperity of the whole country" (Kováčová, 2014a, p. 55).

The mayor as the elected official has to possess a broad knowledge of the area they represent and realize the potential, strengths and weaknesses of the area they control. According to E. Kováčová, the mayor also "has to possess certain personal capabilities, expertise as well as practical experience. The mayor has to be a socially mature personality that is even-tempered and able to react in critical situations. As the representative of the citizens, the mayor has to follow ethical principles, certain principles of basic courtesy, has to fully respect the law. At the same time, they should have certain specific personal qualities, analytical and conceptual capabilities that they will use primarily when forming development plans, the programme of social, economic and cultural development, the land-planning solutions as well as other strategies and documents" (Kováčová, 2014, p. 192–193). The mayor performs a broad range of different tasks, therefore they should be able to apply knowledge from several scientific disciplines – law, political science, economic policy, economy, management, sociology, psychology, security, international relations, regional science, global studies, etc. (Before the municipal…, 26 September 2014). The mayor has to be a good manager able to work in team, lead people and to communicate with them. They also have to motivate people and encourage them to perform better, listen to them and at the same time learn something from them. Considering the current societal challenges, the representative of the municipal government has to actively participate in social partnerships in order to solve the economic and social issues at the local as well as regional level. The mayor also has to respect the need of systematic supervision, ensuring that the services provided to the citizens as well as other subjects

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despite the veto of the mayor, if the majority of three fifths of all members of the municipal government votes once more for the resolution. The mayor cannot apply the right of veto against the qualified confirmation of the resolution executed by the municipal office. The resolution is valid and enforceable even against their disapproval. The mayor cannot suspend the execution of the confirmed resolution.

improve and develop. Considering the limited resources, the mayor has to be aware of the increasing requirements of the citizens and other subjects.

From the mentioned qualifications it could be assumed that only a person with a certain level of education can serve as the mayor. However, Paragraph 165 of the Act of the National Council of the Slovak Republic No. 180/2014 Coll. on Conditions of the Exercise of Voting Rights as amended by later regulations, states only very moderate requirements for a person to be elected a mayor of a municipality, that is: at least 25 years of age; permanent residence in a municipality, borough of the capital of the Slovak Republic Bratislava or in a borough of the Košice city. The candidate for a mayor must not face any impediment in the exercise of their right to vote due to serving of a prison sentence or due to deprivation or limitation of legal capacity (Paragraph 6 of the Act of the NC SR No. 180/2014 Coll. as amended).

After the competence and fiscal decentralisation, when the state imposed a lot of new tasks to the municipalities and added financial resources to ensure their fulfilment, the requirement for the state to specify more competences of the mayor in the law seems justified. It is certainly worth considering whether the candidates do not need at least secondary education to hold such important positions. According to K. Liptáková and J. Krnáč, the self-governments asked the education condition to be a part of every election, so that the city mayors and lord mayors should pass at least the secondary education (Liptáková, Krnáč, 2016). Every four years we have the opportunity to see the situation for ourselves.

The Association of Towns and Communities of Slovakia proposed to amend the Act by the education requirement. The executive vice-chairman of the Association of Towns and Communities of Slovakia M. Muška states: "We have supported this idea for a long time. However, we could not find anyone who would be able to so implement it in a way compliant with the constitution" (*The mayor with...*, 10 September 2014). The Association further states: "considering the number of rights and obligations connected with the public officials, the execution of the public office requires capabilities and skills that are related to at least a certain level of education."

In 2014, the SMER-SD party members tried to introduce an amended bill concerning the minimum education requirements. On 29 May 2014, the National Council of the Slovak Republic approved the Act on Conditions of the Exercise of Voting Rights designated by the Ministry of Interior of the Slovak Republic – the *education census*. Although the bill caused controversial reactions, it was supported by 99 members of the National Council. In favour of this bill voted not only the SMER-SD party members but also KDH party members, some SDKÚ party members, Obyčajní ľudia party members as well as some independent members (*The mayor with...*, 10 September 2014). However, 35 opposition members of the parliament challenged the bill at the Constitutional Court of the Slovak Republic. According to the constitutional lawyer E. Bárány, implementation of the education census is "a controversial issue at the edge of the law" (*The mayor with...*, 10 September 2014). Another constitutional law expert P. Kresák refused the new requirement and pointed out that the education census was refused everywhere else in the world. He further states that the bill could be passed only if it was provable that "there is a causal link between the achieved education and the ability to represent the citizens as an elected representative. In my opinion, it is definitely unconstitutional"

(*The mayor just...*, 29 May 2014). According to the Constitution of the Slovak Republic, the education census cannot be a requirement for elections, more specifically, for the passive voting right since the constitution lays it down without restriction. The requirement of the education census for the mayor's office interferes with the principle of democracy and therefore it is unacceptable just as the criteria concerning property (The educational..., 12 September 2014). It is necessary to realize that the democracy has not only advantages but also certain disadvantages that can manifest themselves in elections, e.g. when the citizens of a municipality choose an unsuitable candidate for the mayor's office. The result of elections really depends on the free will and decision of the citizens. According to D. Lipšic, the majority of the voters choose a candidate they see as the fittest. "However, this does not mean that the majority chooses the best candidate. That is why the attempt to limit the passive voting right is an undemocratic and unconstitutional restriction" (*Part of the Opposition…*, 3 July 2014).[14] On the basis of the decision of the Constitutional Court of the Slovak Republic from 10 September 2014, the effect of the articles of the Act of the National Council of the Slovak Republic No. 180/2014 Coll. on Conditions of the Exercise of Voting Rights as amended by later regulations that laid down the condition of at least secondary education for the candidates standing for a mayor of a municipality or a town was suspended.

The Association of Towns and Communities of Slovakia does not consider the introduction of the minimum education census at the level of practical literacy an infringement of constitutional rights. It is important to bear in mind that besides the competences transferred to the municipalities from the state, municipalities also receive money from the proportional tax and decide how the financial means and the municipal property will be used. Besides other competences, municipalities manage primary schools and the mayor can influence appointing of their head teachers. The mayor also submits nomination and dismissal proposals regarding the heads of budget and contributory organizations established by the municipality to the municipal office, and nominates the chief of the municipal police. They mayor can suspend the execution of resolutions adopted by the municipal office and also adjust the budget to the extent determined by the municipal office. As can be seen, the range of mayors' competences, obligations, financial and other responsibilities is quite broad. The question arises why the Slovak legislation does not require mayors to reach a certain level of education that would ensure they are, in fact, competent to perform their duties. The Act on the Establishment of Municipalities only requires such qualifications from the main supervisor (Paragraph 18a, Section 1 of the Act of the SNC No. 369/1990 Coll. as amended).[15]

Is it not, in fact, a paradox if the mayor is eligible to appoint head teachers, heads of main budget and contributory organizations, and chief of the municipal police; conclude the working agreement with the main supervisor and require them to immediately dis-

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[14] D. Lipšic also pointed out that e.g. the candidates for the head of the higher territorial unit, members of the National Council of the Slovak Republic, or members of the European Parliament are required to have only the primary education. So, it is appropriate to ask ourselves the following question: "A candidate with a primary education cannot be a mayor yet they can be a president of a higher territorial unit or a member of the National Council of the Slovak Republic or a member of the European Parliament?"

[15] The minimum qualification requirement in this case is completed secondary education.

close the inspection results; appoint and dismiss the head of the municipal office, and issue a written authorization determining the competences of the deputy mayor – while not having even completed their secondary education? It is important to emphasize that according to the Constitution of the SR, every citizen has the right to free primary and secondary education. Pursuant to the law on education, the completion of primary school education is obligatory, therefore, it can be stated that the minimum education requirement for mayors does not discriminate or infringe their constitutional rights (*Part of the Opposition…*, 3 July 2014.)

As explained above, the fact that the mayor is authorized to make decisions regarding a broad range of important questions including the management of municipal finances, inadequate education can make them even pose a risk for the municipality. For example, they may not be able to properly manage the municipal office, misunderstand a law, or make an uninformed or hurried decision with a negative impact on the municipality, e. g. jeopardize the municipal property by a writ of execution and invoke forced administration.[16] After all, it is up to every citizen whether they vote for the candidate and whether they really believe that this person is competent to perform the duties resulting from such a serious position.

Municipal Elections 2014 Revealed new Facts

Based on the observation of the last municipal elections that took place in Slovakia in November 2014, it can be stated that a new trend has emerged. In comparison to previous municipal elections, this time the candidates opted for personal contact with the citizens, and to certain extent, they were also influenced and motivated by the developments in the "top level politics". In the course of campaigning but also during the municipal elections as such, the public encountered a number of problems and unexpected situations that were specific specifically for the 2014 elections. In certain municipalities, there was a single candidate or no one was interested in the position. This was the case in the following municipalities: Ondavka, Bardejov county at the North-East of Slovakia, or Ižipovce, Liptovský Mikuláš county; Harakovce, Poprad county (Kováčová, 2016). In these municipalities no one was interested in becoming the mayor or even member of the municipal government. The number of citizens in the above mentioned municipalities was very small, ranging from 16 to 20 persons. Mainly young people move to larger cities to find jobs, while their parents and grandparents stay. Such municipalities subsequently battle large debts and low incomes. It results in writs of execution and forced administration. In smaller municipalities, mayors work part-time while members of the municipal government receive no reward for their work. Every tenth municipality in Slovakia has less than 200 citizens which results in low municipal income from the proportional tax; consequently, municipal expenditure exceeds its income, while the municipality still has to perform the tasks as provided in the legislation. Not only financial but also human resources pose a problem. Small municipalities may also be unable to provide basic serv-

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[16] However, there are trainings and courses available for mayors who do not possess the required knowledge but are interested in acquiring it, e. g. minimum legal training. Of course, it depends upon their personal interests and efforts.

ices for their citizens – public transport, education, healthcare, social services, etc. Pursuant to the Act of the Slovak National Council No. 369/1990 Coll. on the Establishment of Municipalities as amended by later regulations: "the term of office of the mayor ends when the next mayor takes the oath". If the next mayor was not elected or there were no candidates for the position, the term of office of the previous mayor continues. However, they can resign from the position[17] which ends in a deadlock, and the municipality is left without a mayor.[18] The Act on the Establishment of Municipalities provides a solution, however, it is a rather complicated one. According to E. Kováčová, "the municipality can merge with another municipality based on a referendum..., however, it would result in a large burden and several risks, ..., the new municipality established by merging the two smaller ones becomes the legal successor bearing all the responsibilities, commitments, and possible debts..., no one wants to become the mayor in such situation, the position is unattractive, and the citizens do not wish to merge with another municipality" (Kováčová, 2016, p. 26). The Act of the National Council of the Slovak Republic No. 70/2018 Coll., which amends the Act of the Slovak National Council No. 369/1990 Coll. on the Establishment of Municipalities as amended by later regulations provides for the possibility connect the municipality to a neighboring municipality (Paragraph 2aa, Section 1 of the Act of the SNC No. 369/1990 Coll. as amended). Municipalization could solve the problem of smaller municipalities in debt, under forced administration, or losing their property to a bailiff. However, municipalities will not merge voluntarily, such a big change can only be enforced by the legislation.[19] Municipalization certainly is a solution, however, the issue is very serious and complicated and it requires a sensitive approach, so that the citizens of the merged municipalities do not lose their sense of integrity, autonomy, and territory (The future of the municipal...., 14 October 2014). All in all, such a serious change requires political will and social demand. However, in this context it is important to state that efforts to introduce municipalization in Slovakia had already been taken by previous governments, but without much success.[20] It is inevitable that all involved parties are openly willing to address the agenda. Over the recent years, changing of the government and political structures seem to also pose a problem. The term of office itself is an issue, since many goals and related decisions require a longer time period to implement. The government which made a decision may not be able to

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[17] However, the legislation does not recognize such a situation. Therefore, it is inevitable to incorporate similar situations into the legislation in the future.

[18] After the 2010 municipal elections, no mayor was elected in as many as 17 municipalities. Elections are repeated until a mayor is finally elected. The ideal solution would be to merge smaller municipalities with the larger ones in their vicinity.

[19] For example, Denmark started reforming this issue as early as in the 1960s. The Slovak Republic is at least 25 years late. The area and population of Denmark is similar to that of Slovakia; Danish citizens elect 2,500 deputies per 90 municipalities. Based on the current number of municipalities in Slovakia – approx. 2,920 villages and 138 cities – their number could be decreased to the total of 160–300 municipalities. 10 to 20 current small municipalities could me merged into a single large municipality, representing 20,000–35,000 citizens. For more details, see: The future of the municipal government – a communal reform (Budúcnosť miestnej samosprávy – komunálna reforma), 14 October 2014http://www.rtvs.sk/radio/archiv/1175/63265.

[20] For example, the government led by the prime minister Iveta Radičová elected in 2010 was planning to address the issue. However, since the term of office of this government ended prematurely and new elections were held in March 2012, it was not possible to achieve the stated goal.

achieve the set goals, since the implementation period may be of mid or even-long term nature. A single term of office is not long enough to implement the changes, there is not enough time to provide visible results (The future of the municipal..., 14 October 2014).

In the 2014 municipal elections, other peculiarities also took place, e. g. a mayor was found guilty of the offence of endangering others under the influence of an addictive substance and stripped of their mandate.[21] In terms of the Act on the Establishment of Municipalities, a mayor's mandate can also be revoked if they are found guilty of an intentional crime, or if their legal capacity is limited. However, the mandate cannot be revoked based on an indictment, but based on the final judgement, i. e. by convicting the defendant. More than a year ago, the legislation became stricter regarding driving under influence. Before the 2014 municipal elections, mayor of Gemerček, Rimavská Sobota county – Zoltán K. – lost their mandate after being stopped by the police while driving under influence. The Rimavská Sobota county court issued the sentence order pronouncing Zoltán K. guilty of the offence of endangering under the influence of an addictive substance. The mayor was sentenced to a suspended 6-month imprisonment with a 1-year probation period. Since the defendant renounced their right to file an appeal against the sentence order, it came into force. However, the mayor of Gemerček continued to hold the office until the next elections. The defendant Zoltán K. ran for mayor again. Despite the incident for which he received a suspended sentence, Gemerček citizens elected him the mayor of the municipality again (Kováčová, 2016). According to the Central Electoral Commission, even if a mayor loses their mandate due to a conviction, they can still run for the office in the next elections. The Act on the municipal elections does not state that the Central Electoral Committee is obliged to examine the integrity of the candidates.[22] If such a situation emerges, the repeated candidacy of a convicted mayor (although the sentence was suspended) is rather considerable. It is important to realize that the mayor is the highest ranking executive body in the municipality, they represent it in front of the state authorities, other municipalities, but also the citizens themselves. After all, it is up to every citizen whether they vote for the candidate and whether they really believe that this person is morally competent to perform the duties resulting from such a serious position. Any mayor that happens to be in a similar situation should perform certain introspection and evaluate their position from the perspective of morals and ethics.

As for the way citizens decide to pick their candidate, it can be stated that education was not the decisive criterion regarding the municipal elections, people did not care about it too much. They were interested in the following criteria: "what the candidate does for the municipality, their behaviour, presentation, character...". As for the elections in small municipalities, the voters were not interested in education or political affinity of their candidate, they looked for a common goal. In comparison, voters from large cities were interested in the occupation and education of the candidates which substituted their

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[21] In the last term, as many as 12 mayors were convicted and lost their mandates, however, they were allowed to run for the office again in the next elections. There is another example: 136 mayors broke the law on the conflict of interests. 118 out of these people ran for mayors repeatedly despite the fact.

[22] As can be seen, it really is inevitable to incorporate similar situations into the legislation to improve ethics and quality at the municipal level.

lack of personal knowledge of the candidate and provided some information on whether the candidate could be useful for the communal policy or not. As can be seen, the larger the municipality, the higher the probability that the candidates are actually competent for the position. This increases the intensity of competition in the democratic elections thus providing the process with a new dimension. The Slovak municipal elections that took place in November 2014 and were repeated in March, June and October 2015, as well as in April 2016[23] reopened several unanswered questions; challenges emerged – these need to be addressed in order to improve the quality of life of Slovak citizens.

Conclusion

The article analyses not only the well-known facts, but also the new context and reality that allowed for new requirements to emerge.

Constant changes in the system of public administration – cancellation and establishing of new offices; horizontal and vertical transfers of competences and authorizations within the system; compliance with the legislation; applying for project grants provided by European structural and investment funds – all of these require experienced and educated people not only in the administration, but also in the highest positions. Their education, experience and competency are the basic preconditions for being able to provide quality service for the citizens.

As stated in the hypothesis at the beginning of the article, the mayor is the highest ranking executive body in the municipality representing it in front of the state authorities, other municipalities, other legal entities and natural persons, but also the citizens themselves. The hypothesis can definitely be confirmed. Moreover, besides being the executive body of the municipality, the mayor also decides on the public finances which requires them to possess at least a basic command of organization, personnel and financial management. The mayor is an elected employee of the local government expected to be able and willing to work for the municipality on a professional level and fulfil the needs of the citizens, while taking into consideration their interests. The course that the municipality takes over the upcoming term of office depends upon the elected bodies: the mayor and the members of the municipal government and the way they represent the interests of the local citizens and fulfil their needs, while performing the tasks and complying with the obligations in compliance with the legislation.

Therefore, it is desirable that the mayor continues deepening their knowledge needed to perform their role in the municipal administration. Systematic education using

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[23] Reasons for repeated elections were various. I. e. On 13 June 2015, by-elections were held because in some municipalities, votes had not yet been cast as there were no candidates. In others, citizens voted either for members of the municipal government or the mayor, while in others voting was simultaneous. The following municipalities voted for mayors: Hodejov, Valice, Želovce, Dolná Trnávka, Jalová, Repejov, Harakovce, Bunkovce, Markuška. In Hodejov, Dolná Trnávka, and Bunkovce, the previous mayors resigned. The mayor of Jalová died. The mayor of Valice was convicted. Želovce, Repejov and Markuška voted for a new mayor pursuant to the resolution of the Constitutional Court of the SR that pronounced the first elections void. For more details, see: *New municipal elections 2014–2018* [Nové voľby do orgánov samosprávy obcí 2014–2018], 15 August 2016, http://volby.statistics.sk/oso/doplnkove2014/sk/.

qualified resources has to be an inseparable part of their daily activities. The mayor has to be a "good strategist, visionary, who can see behind the horizon and is courageous enough to try new things – they plan in the long run instead of focusing on the present moment. They have to think globally – from the spatial perspective." It is also important to take into consideration that their decisions may well have impact in several consecutive generations – the future of the country depends upon the decisions taken today, therefore political goals and power related interests must give way to quality decisions.

Based on the above mentioned facts, in order to improve the quality of the municipal administration, it is important to focus on the following: 1. Despite contradictory attitudes to the legal definition of the qualification requirements for the mayor, it is necessary to address the issue. In both professional and political discourse, the efforts to specify the passive right to vote by incorporating the requirement that candidates running for the mayor's office must have complete secondary education are strong. 2. Neither does the current Slovak legislation address the situation in which the candidate has been lawfully convicted. According to the Central Electoral Commission, even if a mayor loses their mandate due to a lawful conviction, they can still run for the office in the next elections. 3. Mainly the smaller municipalities with a small number of citizens in which no one was interested in running for the mayor which resulted in by-elections needs to be paid attention. These municipalities subsequently battle large debts and low incomes. They are unable to handle their expenditures while remaining legally obliged to perform their tasks without regard of the size of the municipality and the number of its citizens. Municipalization could solve the problem, however, municipalities will not merge voluntarily, such a big change can only be enforced by the legislation. However, such a serious change requires political will as well as social demand.

Since the analysed cases are not covered in the current Slovak legislation, it is desirable to begin an expert discourse on the topic in order to adjust the legislation by specifying the qualification requirements for the mayors and improvement of the municipal administration before the next elections are held (autumn 2018). Moreover, it is important to emphasize that the examined issue largely depends upon the course taken by the interdisciplinary academic field of public policy and administration. It still remains a "terra incognita" within the system of the modern political sciences.

Bibliography

Before the municipal elections (Pred komunálnymi voľbami). Theme of the week – Session of the TV Hronka, 26 September 2014, http://www.tvhronka.sk/relacie/tema-tyzdna/tema-tyzdna-pred-komunalnymi-volbami/.

Dahl R. A., Tufte E. R. (1973), *Size and Democracy*, Stanford University Press, Stanford.

Gašpar M. (1993), *Moderná verejná správa*, PROCOM, Bratislava.

Jones P., Hudson J. (1998), *The role of political parties: An analysis based on transaction costs*, "Public Choice," 94(1–2), pp. 175–189.

Koper J. (2003), *Mechanizmy vzniku moderného politického systému*, Bratia Sabovci, s. r. o., Zvolen.

Kováčik B. (2009), *Sloboda, demokracia a participácia v kontexte moderných teoretických prístupov novej ľavice a novej pravice*, "Politické vedy," 12(3), pp. 145–153.

Kováčová E. (2012), *Regionalne samorządy w Republice Słowacji*, in: *Młoda Politologia: quo vadis, Polsko?, Quo vadis, europejska demokracjo?*, III Świętokrzyskie Spotkania Naukowe, Instytut Nauk Politycznych Uniwersytetu Jana Kochanowskiego, Kielce, pp. 33–44.

Kováčová E. (2014), *Teória a prax verejnej správy v podmienkach Slovenskej republiky*, Belianum, FPVaMV UMB, Banská Bystrica.

Kováčová E. (2014a), *The educated self-government as a basic pre-conditions for the quality service for the citizen*, in: *Hradecké ekonomické dny 2014. Ekonomický rozvoj a management regionů*, Gaudeamus, Hradec Králové, pp. 48–56.

Kováčová E. (2015), *The system of public administration in the Slovak Republic*, Belianum, FPVaMV UMB, Banská Bystrica.

Kováčová E. (2016), *Elections to the bodies of the local self-administration of the Slovak Republic*, "Auspicia," VŠEaRS České Budějovice, 13(1), pp. 19–36, http://vsers.cz/wp-content/up-loads/2016/06/Auspicia-1-2016.pdf.

Kováčová S., Masár D. (2013), *Otázka legislatívneho vymedzenia minimálneho stupňa vzdelania ako podmienky pre výkon funkcie hlavy obce – starostu*, "Interpolis '13: zborník vedeckých prác," FPVaMV UMB, Banská Bystrica, pp. 351–355.

Kulašik P. (2002), *Úvod do politológie*, FPVaMV UMB, Banská Bystrica.

Liptáková K., Krnáč J. (2016), *Some aspects of communal self-governments' elections*, "Progress in Economic Sciences" [online], no. 3, Rocznik Naukowy Instytutu Ekonomicznego Państwowej Wyższej Szkoły Zawodowej im. Stanisława Staszica w Pile, pp. 75–84.

Maškarinec P., Klimovský D. (2016), *Independent Candidates in the Local Elections of 2014 in the Czech Republic and Slovakia: Analysis of Determinants of Their Successfulness*, "Lex Localis – Journal of Local Self-Government," 14 (4), pp. 827–851.

Mesíková E. (2010), *Lokalny samorząd jako integralna część administracji w Republice Słowacji*, in: *Młode demokracje: 20 lat transformacji systemowej w Europie Środkowej 1989–2009*, Instytut Nauk Politycznych Uniwersytetu Jana Kochanowskiego, Kielce, pp. 93–108.

New municipal elections 2014–2018 [Nové voľby do orgánov samosprávy obcí 2014–2018], 15 August 2016, Statistical Office of the Slovak Republic, http://volby.statistics.sk/oso/doplnkove2014/sk/.

Palúš I. (2002), *Štátne právo porovnávacie*, UPJŠ Košice, Košice.

Part of the Opposition attacks the educational census of mayors [Časť opozície napadne vzdelanostný cenzus starostov], 3 July 2014, http://spravy.pravda.sk/domace/clanok/322836-cast-opozicie-napadne-vzdelanostny-cenzus-pre-starostov/.

The Act of the Slovak National Council No. 369/1990 Coll. on the Establishment of Municipalities as amended by later regulations.

The Act of the National Council of the Slovak Republic No. 102/2010 Coll., which amends the Act of the Slovak National Council No. 369/1990 Coll. on the Establishment of Municipalities as amended by later regulations.

The Act of the National Council of the Slovak Republic No. 180/2014 Coll. on Conditions of the Exercise of Voting Rights as amended by later regulations.

The Act of the National Council of the Slovak Republic No. 70/2018 Coll., which amends the Act of the Slovak National Council No. 369/1990 Coll. on the Establishment of Municipalities as amended by later regulations.

The Constitution of the Slovak Republic.

The educational census for mayors (Vzdelanostný cenzus pre starostov a primátorov), From first Hand – Session of the RTVS, 12 September 2014, http://www.rtvs.sk/radio/archiv/1175/49753.

The European Charter of Local Self-Government.

The future of the municipal government – a communal reform (Budúcnosť miestnej samosprávy – komunálna reforma). From first Hand – Session of the RTVS, 14 October 2014, http://www.rtvs.sk/radio/archiv/1175/63265.

The Mayor just high school graduated? [Starosta len s vysvedčením zo strednej školy?], 29 May 2014, http://spravy.pravda.sk/domace/clanok/319197-starosta-len-s-vysvedcenim-zo-strednej-skoly/.

The Mayor with no nedd of a high school diploma [Na starostu maturitu zatiaľ netreba], 10 September 2014, http://spravy.pravda.sk/komunalne-volby-2014/clanok/329491-sud-pozastavil-ucinnost-zakona-ze-starosta-musi-mat-strednu-skolu/.

Toonen T. A. J. (1998), *Networks, management and institutions: Public administration as*, "Normal Science," Public Administration, 76 (2), pp. 229–252.

Tóth R. (1998), *Koncepcia politického systému*, Úrad pre stratégiu rozvoja spoločnosti, vedy a techniky Slovenskej republiky, Bratislava.

**Funkcja wójta – kompetencje, założenie i stan faktyczny
w warunkach Republiki Słowackiej**

Streszczenie

Na poziomie gminy zasadniczą rolę odgrywają organy obligatoryjne – rada gminy i wójt gminy – będące organami wybieralnymi powoływanymi w drodze wyborów. Właśnie od wybranych organów zależy, w jakim kierunku będzie się rozwijać samorząd w danej kadencji, w jaki sposób przedstawiciele samorządu będą bronić interesów i potrzeb obywateli, jak będą wykonywać zadania i obowiązki, nałożone na nich przez prawo. Głównym celem niniejszego artykułu jest wyjaśnienie znaczenia i wagi funkcji wójta jako najwyższego przedstawiciela samorządu terytorialnego w Republice Słowackiej. W dalszej kolejności celem jest wskazanie nowych okoliczności i wynikających z nich powiązań, z którymi łączą się nowe wymagania.

Słowa kluczowe: samorząd terytorialny, wójt gminy, kompetencje, założenia, kwalifikacja, wybory samorządowe, obywatele

Marcin RACHWAŁ
Adam Mickiewicz University in Poznań
ORCID https://orcid.org/0000-0003-2949-1328

The relationship between position on an electoral list and chances of winning a seat in a representative body; experiences from the 2015 Sejm election in Poland

Abstract: This paper examines the relationship between the candidate's position on an electoral list and the feasibility of winning a seat in the Sejm (the lower chamber of the Polish parliament). This research hypothesizes that winning a seat strongly depends on the candidate having a top position on the electoral list. This hypothesis is verified vis-à-vis the results of the 2015 election to the Sejm. The study confirmed the initial assumption, since it was found that nearly 82% of the seats were taken by the candidates from the so-called "seat-winning places," namely the top places on the lists of candidates (the number of these places equals the number of seats taken by a given party in a given constituency).

Key words: Elections, electoral system, electoral formula, Polish Parliament, "seat-winning places"

Introductory remarks

Taking a synthetic approach to the issue of electoral systems (or electoral formulae), it can be demonstrated that modern elections to representative bodies employ either the majority formula, the proportional representation formula or a mixed one. The choice of formula has a considerable impact on the electoral strategies adopted by the candidates, as well as the election results and the allocation of seats in a given public authority. The issue studied in this paper is of utmost importance for political life, and is therefore both the subject of academic consideration and of discussions amongst the political elite and the public. Poland has witnessed a particularly lively debate on the electoral formula used in elections to the Sejm (the lower chamber of the Polish parliament). Since 1991, the formula of proportional representation has been used in elections to the Sejm, but virtually since the beginning of the political transformation in Poland, it has been suggested that a majority formula should be implemented in single-member constituencies. Its advocates argue that proportional representation vests excessive power in political parties, especially their leadership, because they make decisions about their respective electoral lists and by this token have a considerable impact on who will be elected to the Sejm. This results from the fact that candidates from top places on the lists are usually elected.

The purpose of this study is to discuss the issue of the influence that a candidate's place on the electoral list has on his or her chances of winning a seat in the Sejm. The research hypothesis posed at the beginning of this investigation assumed that winning a seat hinges on a high position on the electoral list. In order to verify this hypothesis, the results of the 2015 parliamentary elections were examined.

The first stage of the investigation was carried out primarily by means of the analysis and critique of the sources. In the subsequent stages, the institutional-and-legal method, statistical methods and systemic analysis were employed. All of the statistics analyzed in the empirical study were obtained from the website of Polish National Electoral Commission (*Wybory...*, 2015).

The considerations in this paper are embedded in the concept of what is called "seat-winning places," defined as "all the top places on the list that correspond to the number of seats a given party won in a given constituency. If a party wins one seat in the constituency, only the first place on the list is a seat-winning one. If a party wins five seats, the 1–5 top places are seat-winning ones. By definition, there is a total of 460 seat-winning places amongst all the parties" (Flis, *Opinia…*). According to the concept presented by Flis, all places on the electoral lists can be categorized into two groups: seat-winning and non-seat-winning. The former are located at top of the list and correspond to the number of seats a given party won in a given constituency. This does not apply only to the first place on the list, because if a party wins a larger number of seats in the constituency, a larger number of places qualify as seat-winning ones. Non-seat-winning places are those located further down on the list. Importantly, if a given party fails to win a single seat, all the places on its electoral list will be qualified as non-seat-winning.

The beginning of this study presents the principles of the proportional representation electoral formula. This is followed by the analysis of the regulations in the Constitution of the Republic of Poland of 1997 and of the Act of January 5, 2011 – the Election Code, which pertain to elections to the Sejm. Both these sections of this paper focus on those aspects of the research topic that are significant for the methodological assumptions of this paper to be examined. The final part of the paper presents research results that serve as a basis for the verification of the research hypothesis.

The formula of proportional representation – selected issues

The term "electoral formula" can be defined as a "principle (or a set of principles) regulating which candidate is elected in a given constituency and how the number of votes garnered by a given party 'translates' into the number of seats that the party is allocated" (Antoszewski, 1997, p. 229). Thus, an electoral formula means a principle used to translate the number of votes cast for a given party into seats in the public authority being elected. The electoral formula is one of the elements of the electoral system (for more see: Antoszewski, 1997, pp. 228–230). Because of the topic of this paper, matters pertaining to the formula of proportional representation are discussed below.

Elections conducted under the formula of proportional representation are run in multi-member constituencies, so parties are obliged to present electoral lists of their candidates in each constituency. There are two ways to construct electoral lists, namely 'open' or 'closed' lists. "In the open-list system, apart from indicating the list of a given political party, or a coalition of parties, voters select a specific candidate, thereby indicating their preferences for who should win the seat. In the closed-list system, the seats are allocated according to the order of candidates determined by those who drew up the list"

(Krasnowolski, 2015, p. 11). The adoption of a given system of candidate lists leads to specific ramifications for both voters and candidates. Voters enjoy more power when the electoral procedure employs the open-list system because "apart from indicating specific parties, voters indicate their preferred candidates on respective lists" (Rachwał, 2017a, p. 70). Analyzing the places of candidates in the system of closed lists, it can be said that they are placed in a hierarchy in a way that cannot be changed by voters. The seats won by a given party are assigned to the candidates in the order of their places on the list, while in the system of open lists, the seats are assigned according to the number of votes garnered (this means that a candidate further down the list may win a seat, whereas a candidate from a top place may not).

In the second stage of determining the election results, the seats are assigned to the candidates from a given list. In the first stage, it is determined how many seats different parties have won. "The proportional representation system means that, firstly, the seats are divided between electoral lists, and it is only in the second stage that the candidates are allocated seats, according to the number of votes garnered (or the order of candidates on the list)" (Rachwał, 2017a, p. 67).

There are different methods used in the first stage of determining the election results (including the frequently applied methods of d'Hondt and Sainte-Laguë, as is the case in Poland). "Electoral commissions that apply the d'Hondt method divide the seats between different lists by dividing the number of valid votes received by every list [...] by 1, 2, 3, 4 and so on, until the quotients obtained yield a series of largest whole numbers that add up to the total number of seats to be divided among the lists [...]; every list is allocated as many seats as indicated by the largest successive numbers obtained by calculating the quotients as described above" (*Polskie...*, p. 225). The Sainte-Laguë method "employs an identical calculation, yet here the divisors are odd numbers" (Antoszewski, 1997, p. 235). The adopted method of seat division in the election has an impact on the composition of the body being elected (for more see: Rachwał, 2017a, pp. 67–70). The d'Hondt method favors larger parties more (as they win the largest number of seats with this method), whereas the Sainte-Laguë method is preferred mainly by small and medium-sized parties as it results in a more proportional division of seats (the winning party does not obtain a significant surplus of seats).

When analyzing the proportional electoral formula, it should be stressed that, in order for a party to participate in the division of seats, a minimum level of support from voters may be required. A barrage clause (or electoral threshold) is an "arbitrary threshold that a party is required to meet in order to participate in the division of seats" (Antoszewski, 1997, p. 230). This allows us to distinguish an introductory stage in which the election results are established by indicating which parties are able to take part in the division of seats. The threshold is typically established at the level of a few percent, preventing the smallest parties from being allocated seats.

The proportional representation formula is applied in multi-member constituencies where the parties present lists of their respective candidates. Depending on the method applied, voters either vote on a given list (in a closed-list system), or – as well as indicating the list – they may also indicate their preferred candidates (in an open-list system). Whether the party participates in the division of seats or not may depend on the level of voter support (usually set at a few percent). This is known as a "barrage clause" ("elec-

toral threshold"). After the authorized parties are identified, the seats are divided, first between the lists, and then between the candidates from the respective lists (either according to their place on the list or the number of votes collected).

Legislation regulating elections to the Sejm

According to the Constitution of the Republic of Poland of 1997, "elections to the Sejm shall be universal, equal, direct and proportional and shall be conducted by secret ballot" (*Konstytucja*…, Art. 96.2). The legislator thus decided that elections to the Sejm should be conducted according to the proportional formula, which reflects the prevalent sentiments of the political forces which took part in shaping the new constitution. "The majority of participants in the debate on the constitution opted for the proportional formula to be adopted in elections to the Sejm, although the introduction of the majority formula was also suggested" (Rachwał, 2017b, p. 10). The latter option was mainly supported by the circles which submitted the draft of the constitution under the citizen's initiative.[1] This draft opted for a solution whereby "at least two thirds of all deputies shall be elected in the majority election, with a proviso that an absolute majority of valid votes is required in the first round of voting" (quoted after: Chruściak, 2002, p. 50). If this wording of the regulation had been accepted, it would have meant that elections to the Sejm would be conducted according to a mixed method, or the majority method only. A representative of the supporters of this draft observed that "the Sejm is a more political chamber, where organized social groups should be represented. A minimum of two thirds of deputies are elected in the majority election. By this token, the deputies are closer to the nation, because the electorate knows individual people and can hold them responsible; in the long run this would also strengthen the parties, as they would rely on their social foundation" (quoted after: Chruściak, 2002, p. 54). This line of reasoning shows the conviction that, by way of the majority formula, the connection between political elites and the electorate would be stronger. "Ultimately, the National Assembly decided by an overwhelming majority to keep the proportional formula in elections to the Sejm" (Rachwał, 2017b, p. 11).

The constitutional regulations pertaining to elections to the Sejm, among other things, are further elaborated in the Act of January 5, 2011 – Election Code (Dz. U. [Journal of Laws] 2017, Item 15 as amended). Since elections to the Sejm are conducted according to the proportional formula, the territory of Poland is divided into 41 multi-member constituencies.[2] "At least seven deputies shall be elected in every constituency. A constituency shall be equivalent to a region or its part" (*Kodeks*, Art. 201.2-3). The number of deputies elected in a constituency follows from the uniform standard of representation[3]

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[1] "A legislative initiative to present the draft of a new Constitution to the National Assembly is also vested in a group of citizens whose draft will receive the support of at least 500,000 people eligible to vote in elections to the Sejm" (Ustawa…, Art. 1.1).

[2] "The division into constituencies, their number and borders as well as the number of deputies elected from each constituency and the location of district election commissions are determined in Annex no. 1 to the Code" (*Kodeks*, Art. 202.2).

[3] "The number of deputies elected in particular constituencies and the division of regions into constituencies is established according to a uniform standard of representation, calculated by dividing

applied, which is to ensure that elections are equal in material terms. "The material sense of equality means that every vote has the same power, that is, the influence of each vote on election results is identical" (*Prawo*…, p. 158).

Given the subject of this paper, the regulations on the division of seats in the Sejm are essential. Three main stages can be identified in this respect:

– parties with the right to partake in the division of seats in constituencies are identified;
– the numbers of deputies allocated to respective parties in constituencies are established;
– seats are allocated to candidates from the authorized electoral lists.

The division of seats in constituencies in the first stage is conducted only among the lists of those parties that have won voter support at the level determined by the threshold clause. By virtue of the Election Code, election thresholds have been established at the level of 5% for parties and 8% for coalitions.[4] "Parties established by voters associated in registered organizations of national minorities" may be exempted from the requirement to collect voter support at the level of 5% (*Kodeks*, Art. 197.1).

In order to accomplish the second stage in the process of determining election results, the following provision of the Election Code is applied: "the district electoral commission divides the seats among the authorized lists in the following manner: (1) the number of valid votes cast on every such list in the constituency is successively divided by 1, 2, 3, 4 and so on, until the quotients obtained yield a series of the largest whole numbers that add up to the total number of seats to be divided among the lists in this constituency; (2) each list is allocated the number of seats determined by the number of successive largest whole numbers assigned to it out of the quotients calculated in the above-determined manner" (*Kodeks*, Art. 232.1). The number of deputies allocated to parties in a constituency is therefore established using the d'Hondt method. "The seats allocated to a given list are then allocated to the candidates from the list according to the number of votes collected by them" (*Kodeks*, Art. 233.1). Thus, seats are allocated to the candidates from the authorized parties on the basis of the number of votes each of them has won (open-list system).

In summary, elections to the Sejm are conducted according to the proportional representation formula, which results in multi-member constituencies. Additionally, seats available in the constituency may be allocated only to those parties which have received at least 5% or 8% of valid votes cast nationwide. In order to divide the seats between the lists, the d'Hondt method is used. After this stage in the division of seats is completed, it is determined which candidates from different lists will represent voters in the Sejm. Since the legislator adopted the system of open lists, the seats are allocated to the candidates who have received the largest number of votes.

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the number of residents of Poland by the total number of deputies elected in constituencies" (*Kodeks*, Art. 202.1).

[4] "Only lists of candidates for deputies of parties whose lists received at least 5% of valid votes cast in the country are included in the allocation of seats in electoral districts. The lists of candidates for deputies of coalitions are included in the allocation of seats in electoral districts, if their lists received at least 8% of valid votes cast in the country" (*Kodeks*, Art. 196).

The relationship between the place on an electoral list and winning a seat
– experiences from the 2015 election to the Sejm

Parties that took part in the 2015 election to the Sejm collected a total of 460 seats (which follows from the relevant regulation in the Constitution of the Republic of Poland of 1997[5]); 377 of them were allocated to the candidates from "seat-winning places," whereas the other 83 went to candidates from the remaining places on electoral lists. This means that nearly 82% of the representatives of the nation were elected from "seat-winning places" and a little over 18% from "non-seat-winning places." Table 1 below presents detailed statistics.

Table 1

The number of deputies elected on the basis of their place on the list

Party	Number of deputies elected from "seat-winning places"	Number of deputies elected from "non-seat-winning places"	Total number of deputies from the party
Law and Justice Party (PiS)	188	47	235
Civic Platform Party (PO)	105	33	138
"Kukiz' 15" Movement	40	2	42
Nowoczesna Ryszarda Petru (Modern Party)	28	0	28
Polish Peasants' Party (PSL)	15	1	16
German Minority Party	1	0	1
Total	377 (81.96% of seats)	83 (18.04% of seats)	460

Source: Author's elaboration based on the statistics of National Electoral Commission: *Wybory do Sejmu i Senatu Rzeczypospolitej Polskiej 2015*, parlament2015.pkw.gov.pl/349_Wyniki_Sejm, 21–22.02.2018.

Analysis of the statistics presented in Table 1 shows that a larger number of deputies from "non-seat-winning places" were elected from the lists of the largest parties, whereas the deputies from smaller parties entered Sejm almost exclusively from "seat-winning places." In the case of the Law and Justice party, 47 deputies were elected from "non-seat-winning places," and in the case of the Civic Platform party – 33 deputies, which accounts for 20% and 23.9% of seats won by the given party respectively. The four smaller parties ("Kukiz' 15," Modern Party, Polish Peasants' Party and German Minority) won a total of 87 seats, 84 (96.55%) of which were taken by the candidates from "seat-winning places" and only 3 (3.45%) from "non-seat-winning places."

Therefore, candidates running for the seats in the Polish Sejm from lower places on the lists stand a chance of being elected, especially if they represent the largest parties (nevertheless, the earlier observation should be borne in mind that a definite majority of seats are won by the candidates from top places on electoral lists, even in the case of the largest parties). The experience of the 2015 election also shows that candidates from smaller parties, which won the support of just a small percentage of voters, in principle stand a chance of being elected only provided that they are in top positions on their lists (provided that their respective parties meet the preliminary condition of overcoming

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[5] "The Sejm is made of 460 deputies" (*Konstytucja*…, Art. 96.1).

the threshold). Out of the 87 seats that were won by the representatives of the above-mentioned "smaller parties," as many as 80 were obtained by the candidates from top places on their respective lists.

The results of this research also show that the last place on the list is a good option for candidates from "non-seat-winning places." For instance, the candidates from the Polish Peasants' Party won 16 seats in the election examined – 15 from top places and 1 from the last place on the list. A total of 13 candidates from the last place on their list won seats. Given that 83 deputies were elected from "non-seat-winning places," this is quite a high proportion (candidates from the last place on their lists won 15.66% seats won by those from "non-seat-winning places").

Table 2 presents the research question, taking into account Poland's division into constituencies.

Table 2

The number of deputies elected on the basis of their place on the list taking into account the number of constituencies in Poland

Constituency number	Number of deputies elected from "seat-winning places"	Number of deputies elected from "non-seat-winning places"	Total number of deputies elected in the constituency
1	2	3	4
1	9	3	12
2	6	2	8
3	12	2	14
4	11	1	12
5	10	3	13
6	14	1	15
7	10	2	12
8	10	2	12
9	9	1	10
10	8	1	9
11	10	2	12
12	6	2	8
13	10	4	14
14	9	1	10
15	7	2	9
16	10	0	10
17	8	1	9
18	11	1	12
19	15	5	20
20	9	3	12
21	10	2	12
22	9	2	11
23	13	2	15
24	13	1	14
25	8	4	12
26	11	3	14
27	7	2	9
28	6	1	7
29	7	2	9

1	2	3	4
30	8	1	9
31	10	2	12
32	8	1	9
33	11	5	16
34	7	1	8
35	9	1	10
36	10	2	12
37	7	2	9
38	7	2	9
39	7	3	10
40	6	2	8
41	9	3	12
Total	377	83	460

Source: Author's elaboration based on the statistics of National Electoral Commission: *Wybory do Sejmu i Senatu Rzeczypospolitej Polskiej 2015*, parlament2015.pkw.gov.pl/349_Wyniki_Sejm, 21–22.02.2018.

For elections to the Sejm, Poland's territory is divided into 41 constituencies, where citizens elect between 7 and 20 deputies. As indicated in Table 2, the number of candidates elected in individual constituencies from "non-seat-winning places" was usually one (13 constituencies) or two (17 constituencies). Not a single deputy was elected from non-seat-winning places in one constituency, while three deputies from non-seat-winning places were elected in six constituencies, four in two constituencies, and five in two constituencies. Candidates running in these elections can be divided into two general categories. One comprises the candidates from top positions on the lists who therefore stand a considerable chance of being elected. The other one is made up of candidates in lower places on the lists, whose chances of successfully winning a seat are considerably smaller. The members of the latter group work for the results of their respective lists in order for their party to be allocated the largest number of seats in their constituency in the first stage of determining the election results. The study shows that other candidates may also win a seat in the Sejm, but this holds true for the representatives of the largest parties first and foremost.

Conclusions

Designing the methodological assumptions for this paper, the research hypothesis was that winning a seat in the Sejm is to a large extent dependent on the candidate holding a top position on the electoral list. The analysis carried out confirmed this hypothesis. On the basis of the 2015 election to the Sejm, it was established that nearly 82% of seats were taken by candidates from seat-wining places. Therefore, it was demonstrated that there is a strong relationship between the candidate's position on the list and his or her chance of winning a seat. A lower position on the list (a non-seat-winning place) by no means rules out the candidate's chances of winning a seat, and this is especially feasible when running from the lists of the parties which enjoy the greatest voter support. As far as non-seat-winning places are concerned, the analysis showed that the candidates running from the last place on the list won a seat relatively frequently.

Bibliography

Antoszewski A. (1997), contributed by R. Alberski, *Systemy wyborcze*, in: *Demokracje zachodnioeuropejskie. Analiza porównawcza*, eds. A. Antoszewski, R. Herbut, Wrocław.

Chruściak R. (2002), *Sejm i Senat w Konstytucji RP z 1997 r. Powstawanie przepisów*, Warszawa.

Flis J., *Opinia o wprowadzeniu parytetu płci na listach kandydatów* (Druk nr 2713), Opinie Biura Analiz Sejmowych, http://orka.sejm.gov.pl/rexdomk6.nsf/Opdodr?OpenPage&nr=2713, 19.02.2018.

Kodeks = Ustawa z dnia 5 stycznia 2011 roku – *Kodeks wyborczy*, Dz. U. 2017, poz. 15, z późn. zm.

Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r., Dz. U. 1997, Nr 78, poz. 483, z późn. zm.

Krasnowolski A. (2015), *Procedury wyborcze w krajach europejskich*, OT-635, Kancelaria Senatu, Warszawa, http://www.senat.gov.pl/gfx/senat/pl/senatopracowania/130/plik/ot-635_do_internetu.pdf, 20.02.2018.

Polskie prawo konstytucyjne (2000), ed. W. Skrzydło, Lublin.

Prawo konstytucyjne (2000), ed. Z. Witkowski, Toruń.

Rachwał M. (2017a), *Wybory we współczesnym państwie demokratycznym*, in: *Uwarunkowania i mechanizmy partycypacji politycznej*, ed. M. Rachwał, Poznań.

Rachwał M. (2017b), *Evolution of the System of Elections to the Polish Sejm – the Matter of Election Formula*, "Przegląd Politologiczny," no. 1.

Website of the National Electoral Commission: *Wybory do Sejmu i Senatu Rzeczypospolitej Polskiej 2015*, parlament2015.pkw.gov.pl/349_Wyniki_Sejm, 21–22.02.2018.

Ustawa z dnia 22 kwietnia 1994 r. *o zmianie ustawy konstytucyjnej o trybie przygotowania i uchwalenia Konstytucji Rzeczypospolitej Polskiej*, Dz. U. 1994, Nr 61, poz. 251.

Miejsce na liście wyborczej a uzyskanie mandatu w organie przedstawicielskim. Doświadczenia wyborów do Sejmu RP z 2015 roku

Streszczenie

Zagadnieniem badawczym przybliżonym w niniejszym artykule jest kwestia zależności między miejscem zajmowanym przez kandydata na liście wyborczej a możliwością uzyskania mandatu w Sejmie RP. Hipotezą badawczą było założenie, iż uzyskanie mandatu posła jest w znacznej mierze uzależnione od zajmowania miejsca na początku listy wyborczej. Weryfikacja przyjętej hipotezy nastąpiła na podstawie wyników wyborów do Sejmu RP z 2015 roku. Przeprowadzone badania potwierdziły słuszność wyjściowego założenia, gdyż okazało się, iż niemal 82% mandatów zdobyły osoby z „miejsc mandatowych", a zatem z miejsc otwierających listy kandydatów (liczba tych miejsc jest równa liczbie mandatów zdobytych przez komitet w danym okręgu wyborczym).

Słowa kluczowe: wybory, system wyborczy, formuła wyborcza, Sejm RP, „miejsca mandatowe"

Izabela KAPSA

Kazimierz Wielki University
ORCID ID: https://orcid.org/0000-0003-2342-3682

E-politics from the citizens' perspective.
The role of social networking tools in influencing citizens

Abstract: The progress of civilization, supported by the development of new technologies, has led to a series of social, economic and political changes. The information society, in its expectations and through access to knowledge, has significantly affected a change in the model of democracy, causing a kind of return to the original forms of communication in citizen-government relations. This has been accompanied by a shift of social and civic activism from the real to the virtual world. In literature, the use of information and communication technologies in the democratic system is named electronic democracy. One of its forms is e-politics, which is implemented at several levels: institutional, system and civil. A good example of the last type are the new social movements that in recent years have had a significant impact on politics.

The basic research problem in this paper concerns e-politics from the citizens' perspective, through the activities of the new social movements, especially of a political nature. The main research goal is therefore to present the role of social networking tools in influencing citizens and their subsequent activities that have triggered changes in the political system. The methods used in the paper are case study and comparative analysis.

Key words: Arab Spring, electronic democracy, e-participation, e-politics, Myanmar, new social movements

Introduction

The progress of civilization supported by the development of new technologies leads to a series of social, economic and political changes. Even the rivalry for political power is fought on new levels. In addition to traditional arenas of political competition, such as the electoral, parliamentary, governmental, administrative and industrial arena, Przemysław Maj identifies a sixth one – the Internet (Maj, 2011, p. 58). Those that use the Internet to achieve political goals, in his opinion, do so in five ways: (1) the Internet becomes a tool of battle for the electorate and serves to polarize supporters and opponents; (2) it is a tool of political competition, which takes place in accordance with the principle of bandwagon effect; (3) the Internet is an object of axiological and manifesto rivalry; (4) it is a tool of propaganda and "semantic battle"; and (5) it is used to "destroy the enemy" (mainly through negative campaigns). For the first time, new technologies were used in politics on a large scale in the election campaign of Barack Obama in 2008. It showed the leading role of new media in the system of tools and channels of political marketing: social networking, e-mailing, blogging, text-messaging, and crowd-founding.

The information society in its expectations and through access to knowledge, has significantly affected the change in the model of democracy, causing a kind of return to

the original forms of communication in citizen-government relations. It can be noticed that whereas in ancient Greece political decisions were based on the principles of direct democracy, owing to the relatively restricted group of participants, in the modern representative democracy power has been given to representatives, and – given the mass access to information and communication technologies today – civil participation in the political decision-making process is on the rise, significantly contributing to the development of participatory democracy. Many scholars believe that the application of modern technologies exerts a considerable impact on the increased civil commitment to public matters.[1] Jan van Dijk and Kenneth Hacker (2000, p. 1) recognize the use of information and communication technology (ICT) and computer-mediated communication (CMC) in all kinds of media for the purposes of enhancing political democracy or the participation of citizens in democratic communication as digital democracy. The literature on this subject employs such notions as electronic democracy, 2.0 democracy and e-democracy.

In the plethora of typologies and interpretations, that of Mirosław Lakomy (2013, p. 152) is worth considering. In his opinion, e-politics is one of two components of democracy 2.0; the other one is the citizens with their network activity. This type of activity is well exemplified by new social movements[2] that have emerged as a result of numerous processes modern societies are going through. Many of these movements are highly efficient, and we have recently seen their considerable influence on politics. The basic research problem in this paper concerns e-politics from the citizens' perspective, through

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[1] Not every scholar's interpretation of these phenomena is equally optimistic, as they claim that electronic democracy results in two opposite phenomena. On the one hand, a larger number of political actors engaged in institutional processes are involved in certain kinds of decentralist movements, which results in their online presence. Mass, off-line news media, which is the dominant source of political information for most, is becoming less informative. Those same online spaces and communicative exchanges, developing around the political center, are relatively insular and exclusionary. In other words, politics, for those already engaged or interested, is becoming denser, wider and possibly more pluralistic and inclusive. But, at the same time, the mass of unengaged citizens is being subject to greater communicative exclusion and experiencing increasing disengagement (Davis, 2009, pp. 745–761).

[2] The concept of new social movements was introduced by Claus Offe (1985, pp. 817–868), who observed that political and non-political areas of social life in Western Europe have been merging since the 1970s. Offe noticed that citizens responded to the increasing influence of state policy on their life by attempting to restore more control over political elites. As a result of this politicization of civil society, public and private roles have merged, community and organization have been identified with one another, and the differences between organization members and leaders have become blurred. The spontaneously emerging new social movements operate by means of mass demonstrations, whereas organizations are based on informal cooperation networks and voluntary activities, and financed by voluntary contributions (unlike the old social movements: political parties and labor unions – mass hierarchical organizations that endeavored to implement social transformations projects). At the beginning of the 21st century, the literature on the subject introduced the term 'new new social movements' coined by Alain Tourain (2009, pp. 160–162). In his opinion, these evolved movements call more directly for the defense of human rights, which have to be recognized in the same way that workers' rights began to be recognized at the end of the 19th century. New communication tools have contributed to the emergence of different, frequently radical, public opinion trends, where political and economic systems were attacked first and foremost. The activities of the 'new new' social movements are primarily aimed against governments because these are governments that oppose the implementation of new policies inspired by non-governmental organizations. Political reality is frequently contested due to the lack of social trust in the institutions of the state.

the activities of the new social movements, especially of a political nature. Out of numerous examples of such movements, both in democratic and authoritarian countries, three are selected for analysis, namely the National League for Democracy in Burma, social organizations in South Korea and protest movements operating during the Arab Spring. They are examined by means of case study and comparative analysis. The main research goal is therefore to present the role of social networking tools in influencing citizens, and their subsequent activities that have triggered changes in political systems.

E-politics from the citizens' perspective

The term e-politics (or politics 2.0) covers the use of new media as a platform for political integration on the part of political elites, in order to acquire, exercise or maintain power primarily in democratic countries. Using the immense popularity of new media, including primarily Web 2.0 tools, politicians operate in a networked environment to gain an electorate, ensure its consolidation, polarize voters politically and strengthen their own legitimacy (Lakomy, 2013, p. 194). According to Darren G. Lilleker (2006, p. 72), e-politics refers to the embedding of political activity within the Internet, one that includes public activity as well as established political organizations. Therefore, e-politics may be implemented on different levels: institutional, systemic and civil. E-politics from the institutional perspective means the use of new technologies in political communication of the institutions (e.g. e-government), organizations and entities involved in active political action (e.g. websites of the political parties, political blogs, microblogs as Twitter, YouTube, computer games). From the systemic perspective, e-politics indicates the implementation of mechanisms of functioning of the political system from the point of view of democracy (e.g. e-voting, electronic political participation, the evolution of democratic principles). From the citizens' perspective, e-politics describes the role of network tools in influencing citizens (e.g. new social movements).

The development of the Internet has brought about an evolution from citizens to netizens, representing a new kind of grassroots driven democracy. Mark Drapeau (2009, p. 33) notes that the citizen 2.0 perceives the importance of democracy. This has evolved from the hitherto dominant model of passive participation to a participatory model. The interactive nature of the Internet is one of the main arguments for the democratic potential of this medium. The Internet is a medium created for various forms of activity, because it encourages critical reception of messages, expressing one's own views, and the ongoing expansion of knowledge. The Internet as a medium reinforces existing social relationships, stimulates the awareness and civic activities of its users. It has also allowed citizens to overcome the syndrome of alienation and uprooting that characterize modern times and offered a sense of community and solidarity implemented in new ways (Maj, 2009, pp. 176–177). Although virtual communities are not physical and do not employ the same models of communication and interaction as physical communities, the dynamics of internal interactions allows them to generate mutualism and support (Castells, 2008, p. 389). Manuel Castells (2008, p. 492) shows that a network-related social structure is a highly dynamic and open system that is susceptible to innovation at no risk to its balance.

Not only has the Internet become a new medium that facilitates the work of activists, it has also changed their organizational structures and operational procedures. The changes that have occurred in the circles of politically active Internet users can be analyzed on the levels of community, collective identity, democratic activities and the political system as a whole (Dorenda, 2010, p. 107). On account of wide access to the Internet, the weakest link in political processes – and in particular of political communication – the citizen, has considerably gained in significance due to enjoying better access to numerous mechanisms that facilitate participation in democratic processes (Lakomy, Porębski, Szybut, 2014, p. 11). The communication factor is of utmost importance here, since it exerts a considerable influence on the transformations in political participation. They generate a specific interaction between the rulers and the ruled, where the former can exercise a controlling function, initiate political processes and influence political decisions. The examples that follow refer to the public activities of both organized and spontaneous social movements that have brought about changes to political systems.

Examples

Out of numerous examples of new movements (The National League for Democracy, Myanmar/Burma, 1988; The Zapatista Army of National Liberation, Mexico, 1994; Red Devils, South Korea 2002; Color revolutions: Yugoslavia's Bulldozer Revolution, 2000; Georgian Rose Revolution, 2003; Ukrainian Orange Revolution, 2004; Iranian Green Movement, 2009; Arab Spring 2010/2011; Hundred Thousand Against the Internet Tax, Hungary, 2014; The Committee for the Defense of Democracy, Poland, 2015), three have been selected to be analyzed in this paper: The National League for Democracy in Burma, online organizations in South Korea and the activities of the opponents of authoritarian systems in Arab countries that led to the outbreak of the Arab Spring.

The National League for Democracy (NLD) in Myanmar was founded on September 27, 1988, and has become one of the most influential pro-democracy parties in Burma. The NLD won the 1990 parliamentary election, but the ruling military junta rescinded its results and took power.[3] The party is headed by Aung San Suu Kyi, who also serves as the Honorary President of the Socialist International and is a Nobel Peace Prize laureate (1991). After the election, Suu Kyi was placed under home arrest, while other party members suffered persecution. Burmese minorities across the globe responded to the operations of the government, initiating on the Internet a struggle for democracy to be reinstated in their country. Users of such communication tools as email, online discussion groups and the *BurmaNet* (http://www.burmanet.org) portal covered the developments in Burma, thereby becoming an alternative source of information about the situation there. The government rapidly set up its own website and implemented restrictive laws that provided for imprisonment and fines for the possession of unregistered modem or fax devices (http://www.myanmar.com). In this way, the Internet became a platform for the struggle for power in Burma. Harvard University students joined this struggle, setting up the *Free Burma Coalition* website (http://www.freeburmacoalition.org/). One

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[3] The name of the country was decreed to change from Burma to Myanmar then. For more cf.: M. Lakomy, 2013, pp. 291–293.

of the main postulates promoted there was that the US should break relations with the government in Myanmar. In 1997, President Bill Clinton made the decision to impose a ban on relations with the Burmese military junta.

Regardless of the international criticism of the Burmese government's policy, the ruling military junta continued to breach human rights and persecute opposition activists. Mass protests against the policy of the government broke out in 2007 during the "Saffron Revolution." These were triggered primarily by the decision to raise food and fuel prices. The demonstrations were organized by Buddhist monks and the Burmese intelligentsia (Kobyłka, 2007). The protesters demanded the introduction of a democratic system, respect for religious freedom and putting a stop to the rise in gas prices and breaches of human rights. Although the demonstrations were peaceful, the authorities responded with violence, killing many monks. This was heavily criticized by Internet users who reported on the events as they unfolded. Due to grassroots pressure from the people and the determined standpoint taken by the international community (including the European Parliament adopting a Resolution on the situation in Burma, P6_TA(2008)0178) the renewal process was initiated.

The situation in Burma started to change in 2008: a new Constitution was adopted, political prisoners were released, censorship was abandoned, relations with the West improved, and Burma opened its borders to tourists and foreign investment. On November 13, 2010, Aung San Suu Kyi was released from home arrest. Despite numerous reservations as to the intentions of Burmese authorities, especially as regards the non-democratic character of some constitutional provisions and the attempts to reinforce their position in the political system, a historic election took place in 2015, when the National League for Democracy won a sweeping parliamentary victory in both houses of the Assembly (Fisher, 2015). Although Suu Kyi could not become the President or Prime Minister on account of legal restrictions, she continues to serve as the party leader and sets the direction of changes in Myanmar. It can therefore be acknowledged that over a dozen years of struggling for democracy has been successful, and the process of political transformation has been initiated.

The second significant example of civil activity within the framework of e-politics involves political organizations in South Korea (The Red Devils, Nosamo Roho). The Internet developed quickly there, on account of the government project *Ten Million People Internet Education*, implemented from 1999–2005.[4] South Korean society entered the global communication network, making it less polarized and more diverse as civil society began to grapple with previously neglected or marginalized issues, such as gender, youth, sexuality, disability and so on. As Soyang Park (2010, p. 201) noticed, "at the same time, its neo-liberal insertion in the changing global economy also reconfigured the relatively older issues of political and economic justice while society continued the process of democratic consolidation. One of the key vectors of this diversification and energization of the social forces in the post-authoritarian society was the development of a *netizen* culture, greatly enabled by the rapid spread of high-speed Internet networks after 1997."

In 2002, South Korea and Japan hosted the 17th FIFA World Cup. Football fans of the Korean national team from the Red Devils fan club started a website (http://www.

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[4] At present, South Korea is one of the eight leaders in online education, data by ICEF Monitor: http://monitor.icef.com/2012/06/8-countries-leading-the-way-in-online-education/, 15.03.2016.

reddevil.or.kr/) to exchange information and comments about the players and games. This website was used also to facilitate organizing support for the national team, such as fan zones, watching the games together and organizing marches after games were won, and so on. Their group identification was supported by wearing red tee-shirts, singing songs and dancing in the streets. The phenomenon of the Red Devils fans has become the most significant public event since the minjung movement in the 1980s. A tragic accident occurred during this football event, when two Korean school girls were killed. The perpetrators were US soldiers stationed in Korea. After they had been acquitted by a court, young people in Korea organized themselves online and took to the streets to demonstrate their aversion to Americans. On November 30, 2002, thousands of Koreans participated in the *Candle-light Anti U.S. Demonstrations*.

These events were taking place during a presidential election campaign. The presidential candidate, a member of the democratic opposition movement in the 1980s and human rights defender, Roh Moo-hyun, was among the participants of these demonstrations. He had set up his own website, starting in 2000, and his supporters established an online *Nosamo Roho* club (Lakomy, 2013, pp. 297–298). Roh Moo-hyun won the presidential elections in the early 2003 (in 2004, Polish President Aleksander Kwaśniewski distinguished him with the Order of the White Eagle). His election to the office of Korean President was perceived as the breakthrough in the political history of this country. Named the "Internet President," Roh Moo-hyun has become independent from conservative elites, and become the guarantor of constitutional reforms (Park, 2010, pp. 212–213). This was among the reasons for the impeachment procedure initiated by parliament in 2004. His supporters protested in the streets of Korean cities against the motion to depose him. Having organized themselves online, the activists of *Nosamo* managed to summon approximately 50,000 protesters in Seoul to stage the greatest social demonstrations since 2002. Eventually, the President stayed in office by virtue of the verdict of the Constitutional Court.

The public activity of Korean society, undertaken both in the virtual and real worlds, evidences increased political participation and the development of civil society. These changes stem from cultural and historical factors on the one hand, and the common access to the Internet on the other. Given the opportunity to use new communication tools, Koreans are able to control their representatives in the authorities, initiate public debate and run political campaigns more efficiently than before, when they did not have access to the web. It should be also noted that increased online political participation has resulted in South Korea making the decision to implement a master plan for electronic voting, an agenda that introduced e-voting from 2005 in different elections at different phases.[5]

The last example of how the Internet was applied for political struggle, and the most serious one, was the Arab Spring revolution. It started at the turn of 2010 and 2011 and broke out as an expression of discontent with the economic, social and political situation in the countries of the Middle East and North Africa. After many years of authoritarian regimes wielding power, widespread corruption, the lack of prospects and economic deterioration, an incident sufficed to spark the revolution. On December 17, 2010, a young Tunisian man, Mohamed Bouazizi, set himself on fire to protest against his humiliation and the confisca-

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[5] This plan was adopted by the National Election Committee in 2005 (Choi, 2006, pp. 65 & 73).

tion of his wares. He died in the first days of January 2011, and his death triggered mass protests (Dzisiów-Szuszczykiewicz, 2011, p. 43). Social media allowed Tunisians to communicate easily and efficiently without government control. The response of the military was also important. The Commander in Chief refused to defend the President and use force against the protesters (Armbruster, 2012, p. 67). This led to President Ben Ali fleeing the country with his family and a part of his enormous fortune.

The uprising in Egypt was organized primarily by young people from large cities. The events at the beginning of 2011 were started by a call posted on Facebook to commemorate Khaled Said,[6] killed by the police. The first protests were staged during the "Day of Anger," on January 25, when hundreds of thousands of Egyptians took to the streets of Cairo to demonstrate their opposition to President Mubarak's regime. Further demonstrations featured the "Friday of Anger" (January 28) and the "March of One Million People" (February 1). Unlike in Tunisia, the authorities resorted to violence, which resulted in numerous casualties. Ultimately, President Mubarak resigned on February 11, and a Supreme Council of the Armed Forces took power in Egypt.

Both in Tunisia and Egypt, Facebook was used to organize and disseminate the news of the protests against the authorities, because this social medium had been translated into Arabic in 2009, thereby allowing the masses of ordinary people to access social media. According to Zeynep Tufekci (2014, p. 4), such a huge importance of social media for the spread of the revolution in Arab countries resulted from the "fact that the country went from an extremely controlled public sphere to a fairly open one in a short period of time. The effects of the introduction of the Internet were weaker in societies that were already more open, such as Western countries, because they did not experience the catalyst of going from a very controlled public sphere to an open, chaotic one in just a few years." During the Arab Spring, social media attracted the attention of international opinion (and of other states, or international organizations, as in Libya and Syria), they made it possible to escape censorship and obtain information concealed by governments and, by this token, their users, first and foremost young people, were the carriers of democratization processes in this region (Tufekci, 2014, p. 2).

After the events in Tunisia and Egypt, similar demonstrations were staged in most Arab countries in response to the abuse of power, censorship and breaching of human rights. Their outcomes involved the deposition of dictators (in Tunisia, Egypt and Libya), new constitutions enacted (in Tunisia in 2014, Egypt in 2011 and 2014), election laws amended, free elections conducted and the onset of a process of political transformation. This region remains neither secure nor democratic, as evidenced by the civil war (in Syria) or the establishment of Islamic State. The events of 2011 certainly concluded the stage of authoritarian regimes and initiated a process of historic changes.

Remarks

The development of communication technologies and emergence of an information society has been accompanied by the growth of new social movements that use the internet as a platform for political interaction and, as a consequence, for common

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[6] Wael Ghonim, the author of this post has approximately 1.5 mln fans on Facebook.

participation to promote political change. In the above examples, social media were no longer a mere source of information and entertainment, and became the realm of general communication, mobilization and organization of new social and political movements that aimed at democratic changes. In authoritarian states that cannot fully control online activities (unlike other fields) the Internet often offers the only opportunity to conduct opposition activities and achieve democratic goals.[7] It can therefore be said that such features of e-politics as: directness, openness, commonness, effectiveness, mass character, being out of control – especially from the citizens' perspective, make it possible to respond to a crisis of democracy and a need for action in a way which is always up-to-date. It is a kind of participatory democracy, and creates a democracy of new generation, representing a new concept of freedom and leading to a network society.

The development of the Internet of the second generation (Web 2.0) in the first decade of the 21st century created the necessary conditions for the expansion of the existing model of interaction between the rulers and the ruled. Network users acquired a tool with which they could take part in public debate as equal interlocutors. That's why the collective online prosumption of policy is gaining in importance. It expands the sphere of public debate, because the content of new media increasingly penetrates the mainstream discourse (the political blogosphere, Twitter diplomacy). It appears both in authoritarian countries, as a protest against dictatorship and the struggle for freedom, and in democratic countries, in achieving important social goals.

Bibliography

Armbruster J. (2012), *Arabska wiosna. Rewolucja w świecie islamskim*, transl. R. Kędzierski, Wydawnictwo Dolnośląskie, Wrocław.

Castells M. (2008), *Społeczeństwo sieci*, Wydawnictwo Naukowe PWN, Warszawa.

Choi J. W. (2006), *Deliberative Democracy, Rational Participation and e-Voting in South Korea*, "Asian Journal of Political Science," vol. 14, no. 1.

Davis A. (2009), *New Media and Fat Democracy: The Paradox of Online Participation*, "New Media & Society," vol. 12, issue 5.

Dorenda M. (2010), *Join The Cause – Obywatelskość na Facebooku*, in: *Polityczne aspekty nowych mediów*, eds. M. Jeziński, A. Seklecka, W. Peszyński, Wydawnictwo Adam Marszałek, Toruń.

Drapeau M. (2009), *Government 2.0: From the Goverati Adhocracy to Government with the People*, in: *State of the eUnion. Government 2.0 and Onwards*, eds. J. Gøtze, Ch. B. Pedersen, Author-House, Bloomington.

Dzisiów-Szuszczykiewicz A. (2011), *"Arabska wiosna" – przyczyny, przebieg, prognozy*, "Bezpieczeństwo Narodowe," vol. 18.

Fisher J. (2015), *Myanmar's 2015 landmark elections explained*, 3.12.2015, bbc.com, http://www.bbc.com/news/world-asia-33547036, 15.03.2016.

Hacker K. L., van Dijk J. (2000), *Digital Democracy: Issues of Theory and Practice*, Sage Publications, London.

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[7] In democratic countries the outcomes are different – huge street protests brought on by austerity policies and inequality have not yet resulted in fundamental changes to these policies, perhaps because these protests do not signal the same capacity to threaten, disrupt, or replace government. See: Tufekci, 2014, p. 16.

Kobyłka A. (2007), *Do czego doprowadzi szafranowa rewolucja?*, 28.09.2007, psz.pl, http://www.psz.pl/124-polityka/aleksander-kobylka-do-czego-doprowadzi-szafranowa-rewolucja-komentarz, 18.03.2016.

Lakomy M. (2013), *Demokracja 2.0. Interakcja polityczna w nowych mediach*, Wydawnictwo WAM, Kraków.

Lakomy M., Porębski L., Szybut N. (2014), *Polityka 2.0. Aktorzy polityczni w świecie nowych technologii*, Wydawnictwo WAM, Kraków.

Lilleker D. G. (2006), *Key Concepts in Political Communication*, Sage Publications, London.

Maj P. (2011), *Internet jako narzędzie walki w polskiej polityce*, in: *Nowe media w systemie komunikowania*, ed. M. Jeziński, Wydawnictwo Adam Marszałek, Toruń.

Offe C. (1985), *New Social Movements: Challenging the Boundaries of Institutional Politics*, "Social Research," vol. 52, no. 4.

Park S. (2010), *Inoperative Community in Post-Authoritarian South Korea: Football Fandom, Political Mobilization and Civil Society*, "Journal for Cultural Research," vol. 14, no. 2.

P6_TA(2008)0178, *Sytuacja w Birmie. Rezolucja Parlamentu Europejskiego z dnia 24 kwietnia 2008 r. w sprawie sytuacji w Birmie*, http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/p6_ta(2008)0178_/p6_ta(2008)0178_pl.pdf, 18.03.2016.

Touraine A. (2009), *Thinking Differently*, transl. D. Macey, Polity Press, Cambridge.

Tufekci Z. (2014), *Social movements and governments in the digital age: evaluating a complex landscape*, "Journal of International Affairs," vol. 68, no. 1.

**E-polityka w perspektywie obywatelskiej.
Rola narzędzi sieciowych w wywieraniu wpływu na obywateli**

Streszczenie

Postęp cywilizacyjny, wspierany przez rozwój nowych technologii, doprowadził do szeregu zmian społecznych, gospodarczych i politycznych. Społeczeństwo informacyjne, w jego oczekiwaniach i dostępie do wiedzy, znacząco wpłynęło na zmianę modelu demokracji, powodując pewien powrót do pierwotnych form komunikacji w relacjach obywatel–rząd. Towarzyszyło temu przesunięcie aktywności społecznej i obywatelskiej z realnego do świata wirtualnego. W literaturze przedmiotu wykorzystanie technologii informacyjnych i komunikacyjnych w systemie demokratycznym nazywa się elektroniczną demokracją. Jedną z jej form jest e-polityka, która jest realizowana na kilku poziomach: instytucjonalnym, systemowym i obywatelskim. Dobrym przykładem ostatniego typu są nowe ruchy społeczne, które w ostatnich latach wywarły znaczący wpływ na politykę.

Podstawowy problem badawczy tego artykułu dotyczy e-polityki w perspektywie obywatelskiej, realizowanej poprzez działania nowych ruchów społecznych, zwłaszcza o charakterze politycznym. Głównym celem badawczym jest zatem przedstawienie roli narzędzi sieci sieciowych w wywieraniu wpływu na obywateli i ich aktywność prowadzącą do zmiany w systemie politycznym. Metody zastosowane w artykule to analiza przypadku i analiza porównawcza.

Słowa kluczowe: arabska wiosna, elektroniczna demokracja, e-partycypacja, e-polityka, Myanmar, nowe ruchy społeczne

Tomasz LITWIN
Jesuit University Ignatianum in Kraków
ORCID ID: https://orcid.org/0000-0001-6956-6959

How long can the term of office of the Polish parliament last? A legal-constitutional analysis

Abstract: The main research aim of this article is an analysis of the length of the parliamentary term of office in Poland based on the analysis of legal rules. According to the art. 98 para. 1 of the Constitution, the parliamentary term of office starts on the day on which the Sejm assembles for its first sitting and ends on the day preceding the first assembly of the newly elected Sejm. Although the mentioned rule also expressly states that parliamentary term of office lasts 4 years, the length of the particular terms of office could be very different. If the parliamentary term of office is shortened, it could last even less than two months. If it is prolongated because of the introduction of the extraordinary measure, it could last approx. 5 years (in case of emergency state), or it maximal length can not be defined. Moreover, even in case of the "normal" terms of office they could have different length – slightly less than 4 years or longer than 4 years by even a few weeks. The presented considerations lead to the conclusion that there is need to make certain amendments of the rules of law concerning this area, which would ensure minimal 4 years length of the "normal" parliamentary term and regulate the organisation of the parliamentary elections after the termination of the extraordinary measure. Author analysed the legal rules basing on legal-dogmatic method and interpreted them by using such methods of their interpretation as: language-logical, teleological and systematic.

Key words: Sejm, Senate, parliament, term of office, The Constitution of the Republic of Poland from 1997

Introductory remarks

The focus of this article is the analysis of the legal problem of how long a term of office of the Polish parliament[1] can last. Although Art. 98 para. 1 of the Constitution of the Republic of Poland from 1997 states that the "Sejm and the Senate shall be chosen each for a 4-year term of office," the reality is much more complicated. The term of office of the Polish parliament could last much less than 4 years if it is cut short for some reason. This analysis is focused on the question of the shortest possible term of office in accordance with legal provisions. The parliamentary term of office could also last much more than 4 years if it is extended due to the introduction of extraordinary measures. Even if we consider the length of the "normal" parliamentary term of office (Art. 98 para. 1–2 of the Constitution) it could, as confirmed by the political practice, last slightly less than 4 years or slightly more (by as much as a few weeks). To study this question,

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[1] The term "Polish Parliament" is used in this article to describe the Sejm and Senate (that is the lower and upper chamber, respectively). This could cause controversy, because the term "parliament" is not used in the Polish Constitution (Mołdawa, 1995, p. 160; Orłowski, 2003, p. 131). Nonetheless, most constitutional law experts seem to accept this approach and support describing the Sejm and Senate as a parliament (Garlicki, 2011, pp. 189–191; Litwin, 2016, pp. 46–48).

the author uses a dogmatic legal approach towards particular constitutional rules, rules of the Electoral Code and rules of the other legal acts mentioned in the article. The legal rules are interpreted by language-logical, teleological and systematic methods.

The parliamentary term of office could be defined as "the legally described (most frequently in the Constitution) duration of the mandate of the chamber or parliament which has the particular composition constituted in one election" (Banaszak et al., 1995, pp. 34–35). The immediate consequences of the termination of the parliamentary term of office are parliamentary elections, which establish the composition of a new parliament, and, often, a new political majority. If the parliamentary system of governance is present in a particular state, such as in Poland, the government will be appointed according to the will of the parliamentary majority. This means that the result of the parliamentary elections has a direct and crucial influence on the state policy. Therefore, the parliamentary term of office is one of the most important issues for parliamentary law and the electoral system, due to the constitutional principles of the sovereignty of the nation and democratic state ruled by law. The appropriate length of the parliamentary term of office enables citizens to regularly evaluate the parliament and state policy by way of voting in parliamentary elections. It also enables politicians to present their achievements to potential voters, especially given the fact that some political activities will give results not immediately but in the near or more distant future.

The limited length of this article does not allow the classifications of parliamentary terms of office proposed by constitutional law experts to be discussed in detail; however, this article will present the basic characteristics of the Polish parliamentary term of office according to this classification. In Poland, the terms of office of both parliamentary chambers, Sejm and Senate, start and end at the same time, and the elections are held on the same day. The term of office of the Polish parliament, like the terms of most parliaments, could be regarded as "rigid." This means that its length is expressly defined (in years). The parliamentary term of office can be shortened or extended, but this is regarded as an extraordinary situation. According to Art. 98 para. 1 of the Polish Constitution the, terms of office of the Sejm and Senate last 4 years. Therefore, they can be regarded as "long" (Rączka, 2010, pp. 27; Zientarski, 2011, p. 173).

The beginning and end of the terms of office of the Sejm and Senate are issues that require broader consideration. The Polish Constitution directly regulates this issue in Art. 98 and Art. 109 para. 2. The Constitution declares that the start of the term of office of both Sejm and Senate is the day of the first sitting of the newly elected ("new") Sejm. The end of the term of office of the "old" parliament is the day preceding the day of the first sitting of the "new" Sejm (Art. 98 para. 1, second phrase). This rule concerns every parliamentary term of office, no matter if it is normal, shortened or extended.

The rules of the Polish Constitution do not mandate a parliamentary inter-term break (or, to be more precise, limit it to less than 24 hours) (Garlicki, 1999, pp. 4–5), i.e. a break between the day after the end of a parliamentary term of office (or the day of adoption of a parliamentary resolution on shortening its term of office, or the day of the Presidential order shortening the parliamentary term of office, or of the publication of the order or resolution) and the day of the first sitting of the "new" parliament (Rączka, 2010, p. 35).

The analysis of constitutional rules allows three types of the parliamentary term of office to be distinguished. The "normal" (full, permanent, unbroken) parliamentary term

of office should last 4 years in accordance with Art. 98 para. 1–2 of the Constitution. The shortened parliamentary term is a term which is cut short by the adoption of an appropriate resolution by the Sejm (Art. 98 para. 3) or by Presidential order, when the Council of Ministers receives a vote of no confidence from the Sejm at any stage of the procedure of appointing the new government, or when the parliament does not adopt a budgetary bill within the constitutionally mandated term (Art. 98 para. 4 in connection with Arts. 154–155 and Art. 225 of the Constitution). An extended term of office is a term that lasts more than 4 years. The Constitution allows this kind of extension only in the case of the introduction of extraordinary measures (Witkowski, 2015, pp. 275–278).

The shortest parliamentary term of office accepted by law

When we consider the circumstances of the shortest possible parliamentary term of office that is allowed by law, we should consider the following scenario. During its first sitting, the Sejm adopts a resolution to shorten its term of office and the President orders new parliamentary elections and summons the first sitting of the new Sejm in the shortest possible period of time.

According to Art. 98 para. 3 of the Constitution, the "Sejm may shorten its term of office by a resolution passed by a majority of at least two-thirds of the votes of the statutory number of Deputies. Any shortening of the term of office of the Sejm shall simultaneously mean a shortening of the term of office of the Senate. The provisions of para. 5 above shall apply as appropriate." Therefore, for this resolution to be adopted, the support of at least 307 deputies is required. Neither the Constitution, the Electoral Code nor Sejm by-laws expressly preclude the possibility of adopting this resolution during the first sitting of the Sejm. So it seems, were the Sejm to do this during its first sitting, it would be fully in accordance with the law (Rączka, 2010, p. 164). The Sejm would not be allowed to adopt this resolution during its first sitting only in a situation when, at the same time, extraordinary measures are introduced, or 90 days have not passed since the termination of extraordinary measures, according to Art. 228 para. 7 (Witkowski, 2015, p. 277).

The rules of the Constitution and of the Electoral Code do not precisely state when the President should order new parliamentary elections in this situation. Therefore, it could be hypothetically assumed that, if the first sitting of the Sejm, resulting in the resolution shortening its term of office, begins in the morning and lasts no more than two hours, this resolution can be promulgated the same day. This means that it could come into force on the day of its adoption. Moreover, Garlicki, in his comment on Art. 98 of the Constitution, states that the resolution of Sejm shortening its term of office does not require the promulgation to be binding law. According to Art. 195 para. 1 of the Electoral Code, "[i]n the case of the shortening of the term of the Sejm on its own resolution or by order of the President of the Republic, the President shall call elections, setting the date of the election no later than within 45 days of the date of entry into force of the Sejm's resolution on the shortening of its term or the date of issuance of the order of the President of the Republic on the shortening of the term of the Sejm." This rule also does not clearly define the time limits within which elections should be called. It seems, in the opinion of Garlicki, that "the date of entry into force of the Sejm's resolution on the

shortening of its term should be understood as the day of its adoption and not the day of its promulgation" (Garlicki, 1999, pp. 19–21). Therefore, there are no legal limitations preventing the President from ordering parliamentary elections on the same day when the Sejm's resolution was adopted.

The Constitution (Art. 98 para. 3) and the Electoral Code (Art. 195 para. 1) gives an express deadline before which new elections must take place – within 45 days of the day of adoption of Sejm's resolution to shorten its term of office (Garlicki, 1999, p. 20). However, the legal rules do not state *expressis verbis* the time frame of the new parliamentary elections. It seems that, in the described situation, the parliamentary elections could not, in principle, be held earlier than on day 42 after the adoption of the aforementioned resolution by the Sejm, according to the rules of the Electoral Code – Art. 202 para. 3 in connection with Art. 195 para. 2 point 1 letter c and Art. 195 para. 1 in connection with Art. 4 para. 1 – the judgement of the Constitutional Tribunal (K 9/11). The first of the aforementioned rules obliges the National Electoral Commission to publish information about constituencies in the form of official announcements no later than 40 days prior to the election day. This means that, in accordance with this legal norm, it will be required that the period between the adoption of Sejm's resolution on shortening its term of office and the day of the parliamentary elections should be at least 40 days. A period shorter than 40 days would make this legal rule non-executable and meaningless. As previously noted, the parliamentary elections cannot be held more than 45 days after the day of the adoption of the Sejm's resolution on shortening its term of office. According to Art. 4 para. 1 of the Electoral Code and the aforementioned Constitutional Tribunal judgement, parliamentary elections must be held on one single non-working day. The term "non-working day" should be regarded as a legal term. Such days are precisely described in the act on non-working days, and include every Sunday and about a dozen official public holidays.

These considerations lead to the conclusion that the shortest possible term of office of the Polish parliament would be 43 days. This would be possible assuming that the first sitting of the Sejm is held on Sunday, and the Sejm adopts the resolution on shortening its term of office immediately. As previously described, the parliamentary elections should be held between days 40 and 45 after the day of the adoption of the Sejm's resolution. Therefore, the 40th day would be Friday, so the elections could be held on Sunday (42nd day).[2] According to Art. 98 para. 5 *in finé,* in such a situation "[t]he President of the Republic shall summon the first sitting of the newly elected Sejm no later than the 15th day after the day on which the elections were held." However, this rule does not precisely state what the earliest possible time is when the President can summon the first sitting of the new Sejm. It seems that the National Electoral Commission would need at least one day to count the votes and to officially announce results of the elections.[3] Therefore, the first sitting of the "new" Sejm could be held on the 44th day after the adoption of the

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[2] Calculations presented in this article are based on an assumption that the first non-working day to hold the parliamentary elections is the first Sunday after the passing of the appropriate periods of time regulated by law. The other non-working days are much less numerous, so there is little chance that elections will be held on one of these days.

[3] The results of the last parliamentary elections in France (both rounds) were officially announced the day after the voting day.

term of office-shortening resolution by the "old" Sejm. In such circumstances, according to the legal rule that the term of office of the Sejm starts on the day of its first sitting and lasts until the day preceding the day of the first sitting of newly elected Sejm, the shortest possible term of office of the Sejm would last 43 days.

Normal term of office of the Sejm: how long can it last?

According to Art. 98 para. 1 of the Constitution, the normal parliamentary term of office should last 4 years. The term of office of the Sejm and Senate shall begin on the day on which the Sejm assembles for its first sitting and shall continue until the day preceding the assembly of the Sejm for the next term of office. However, the rules of the Constitution concerning the ordering of the elections and summoning the Sejm for its first sitting (Art. 98 para. 2 and Art. 109 para. 2) could cause a situation in which the Sejm's term of office could expire before the 4-year maximum, or last a few weeks longer than the 4-year maximum.

When we consider the question of the shortest possible "normal" term of office, we should make the assumption that parliamentary elections would be held on the 30th day before the expiry of the 4-year period beginning from the commencement of the Sejm's and Senate's terms of office. On the next day, the votes would be counted and the results of the elections would be officially announced. Therefore the "new" Sejm could hold its first sitting on the 28th day before the expiry of the 4-year period.

When we consider the question of the longest possible full parliamentary term of office, we should make an assumption that the election would be held one day before the expiry of the 4-year period. In this case, the first sitting of newly elected Sejm could be held on the 29th day after the 4-year period at the latest.

Therefore the shortest and the longest full parliamentary term of office could last 3 years and 336 days (337 days if it is leap year) and 4 years and 28 days, respectively.

Due to its incompatibility with Art. 98 para. 1, which clearly states that a parliamentary term of office lasts 4 years, the possibility that it could last less or more than 4 years (Art. 98 para. 2 in connection with Art. 109 para. 2 of the Constitution) brings controversies among constitutional law experts. The predominant opinion is that the President is subject to many restrictions regarding setting the date of the elections and the first sitting of the newly elected parliament. The supporters of that opinion claim that the President should make both decisions in such a manner that the term of office of the "old" parliament lasts at least 4 years or more, according to Art. 98 para. 2 and Art. 109 para. 2 of the Constitution. This opinion was supported by Garlicki, Jarosz and Granat (Garlicki, 1999, pp. 8–10; Garlicki, 2001, pp. 8–9; Granat, 2001, pp. 79–81; Jarosz, 2001, pp. 69–71). However, the latter author stated that the extension of the parliamentary term of office could last only a few days over the 4-year period and not a dozen or more (Granat, 2001, p. 80). According to another opinion, the parliamentary term of office should last exactly 4 years, and the Sejm should be summoned for its first sitting on the next day after the deadline passes. The sitting can be delayed only if this day (or, rarely, successive days) are non-working days (Kudej, 2001, p. 71; Winczorek, 2001, pp. 78–79; see also: Naleziński, 2016, pp. 275–276; Witkowski, 2011, pp. 275ff.). Yet another opinion on the

analyzed subject was presented by Zubik and Rączka. They found the summoning of the first sitting of the newly elected Sejm both before and after expiry of the 4-year period to be acceptable (Rączka, 2010, pp. 32–34; Zubik, 2001, pp. 75–77).

Unfortunately the length limit of this article does not allow the arguments of all the mentioned authors representing three different views on the acceptable length of the normal parliamentary term of office, remaining in accordance with the Constitution,[4] to be presented in detail. Therefore, this article will deal only with arguments supporting the opinion, shared by the author of this article, that the normal parliamentary term of office should last at least 4 years but – if the circumstances so require – it could last a few weeks more, which remains completely in accordance with Art. 98 para. 2 and Art. 109 para. 2 of the Constitution.

Articles 98 and 109 of the Constitution are both mutually connected in terms of logic and they cannot be interpreted individually. The term "4-year term of office" is not a binding interpretational directive but an element of the legal principle – the principle of the 4-year parliamentary term of office. Therefore, Articles 98 and 109 of the Constitution should be interpreted including the principle that a parliamentary term of office lasts at least 4 years. The possible shortening of the Sejm's term of office according to Art. 98 is exceptional and should be regarded as a clear departure from the principle of the parliamentary term of office lasting 4 years. The possibility of the extension of the parliamentary term of office reflects the flexible approach of the constitutional legislators to the question of the date of summoning the Sejm for its first meeting, which is derived from Art. 109 of the Constitution. There is also a day for elections and a day for summoning the "new" Sejm for its first meeting, which meets the principle of the continuity of parliament and the necessity of a full 4-year term of office. Nevertheless, a possible extension of the parliamentary term of office for a few or a dozen days does not bring any problems as far as the theories of representation or political practice are concerned (Garlicki, 1999, pp. 8–10; Garlicki, 2001, pp. 8–9; Granat, 2001, pp. 79–81; Jarosz, 2001, pp. 69–71; see also: Gierach, 2016, p. 372).

The opinion presented above can also be supported by other arguments. Constitutional rules concerning the length of the parliamentary term of office, calling elections and summoning the Sejm for its first sitting are logically connected and cannot be interpreted separately. One of the basic principles of the systematic method of legal interpretation is an approach assuming that all legal rules, in particular legal acts, are logically connected and together create a logical system. Therefore, the President should respect the 4-year period of the term of office of the "old" Sejm when ordering the parliamentary elections and summoning the Sejm for its first sitting. The shortening of the term of office is an exception from the constitutional principle of the 4-year period of the parliamentary term of office and can be introduced only on the basis of clear rules of the Constitution, and such exceptions should be interpreted strictly. Moreover, the principle of the 4-year term enables better planning of parliamentary work: near the end of their term of office, the Sejm and Senate should finish their legislative activities concerning the most important bills. The legislative veto of the President should be taken into consideration in this case, especially with regard to the discontinuity principle of the parliamentary proceedings,

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[4] The mentioned arguments were presented in detail in Litwin, 2016, pp. 102–105.

as a method of ensuring the appropriate substantial and legislative quality of these bills. However, the extension of the parliamentary term of office beyond the 4-year limit, according to the rules of Art. 98 para. 2 and Art. 109 para. 2, could be accepted. This extension could be justified by the needs of the political parties present in the Sejm to have enough time to establish a stable governmental coalition that will have the support of a majority of deputies. The time limit to appoint the Prime Minister and Council of the Ministers is counted from the first sitting of the parliament. The consequences of not appointing the government, or the government not receiving a vote of confidence from the Sejm by a particular date are, according to Art. 155 para. 3 of the Constitution, the obligatory shortening of the parliamentary term of office and new parliamentary elections. Important issues, such as the stability of the government and the political system, should be, in this case, regarded as more important than very "rigid" and doctrinal interpretation of the 4-year period of the parliamentary term of office, especially since such an interpretation of the mentioned principle is not in accordance with the fact that the constitutional legislators gave the President a degree of freedom in ordering the date of the parliamentary elections and the date of the summoning the Sejm for its first sitting.

Last but not least, it should also be noted that the current practice concerning the length of parliamentary terms of office under the Constitution of the Republic of Poland from 1997 is not uniform. The third (1997–2001) and fourth (2001–2005) Sejms' terms of office lasted a little less than 4 years. The most recent two Sejms' terms of office lasted a little more than 4 years. Even though a slight shortening of the parliamentary term of office is not, as demonstrated by the analysis presented above, in accordance with constitutional rules, this did not pose any threat to democracy and did not have any destabilizing effect on the Polish political system.

Extension of the parliamentary term of office resulting from the introduction of extraordinary measures

The longest possible parliamentary term of office in accordance with the legal rules can exceed 4 years and 28 days, i.e. the maximal duration of the "normal" term of office, after the introduction of extraordinary measures. According to the first sentence of Art. 228 para. 7, during a period of extraordinary measures, as well as within the period of 90 days following its termination, the term of office of the Sejm (and, consequently, the Senate) cannot be shortened (Wołpiuk, 2002, p. 84) and elections to the Sejm and Senate cannot be held.

If extraordinary measures are introduced on the last day before the parliamentary elections (let us assume that this would take place on a Monday) and this day is also the last day before the 4-year time limit from the beginning of the Sejm's term office expires, the term of office of both chambers would be extended. Such an extension has a legal basis in Art. 228 para. 7, first sentence, *in fine* of the Constitution. According to this rule, the extended parliamentary term of office would include the whole duration of the extraordinary measures, as well as the period of 90 days following its termination. The Polish Constitution describes three categories of extraordinary measures: a state of martial law (Art. 229), a state of emergency (Art. 230) and a state of natural disaster (Art. 232).

According to Art. 8 para. 1 of the act on martial law and the powers of the Commander in Chief, and her/his subordination to the constitutional authorities of the Republic of Poland, the procedure in which the President of the Republic of Poland, on the request of the Council of the Ministers, ends a period of martial law by issuing the appropriate regulation is described. Martial law can be lifted if the causes of its introduction no longer exist, and the state is able to function normally once again. Therefore, the lifting of martial law depends mainly on the arbitral decision of the Council of Ministers, since the President cannot lift martial law without its request. No legal rules limit the duration of a period of martial law (Kurzępa, 2017, pp. 154–155; Mażewski, 2010, pp. 240, 260; Steinborn, 2016a, p. 1618) or, therefore, the duration of the parliamentary term of office under martial law.

Article 230 of the Constitution states that a state of emergency can be introduced for a definite period no longer than 90 days, and can be extended for another 60 days. In this case, according to Art. 228 para. 7, the term of office of the parliament would be extended for 90 days after its termination. Hence, the parliamentary term of office would be maximally extended for 240 days (Prokop, 2005, p. 39; Kurzępa, 2017, pp. 90–91) and in the analyzed case (state of emergency introduced on the last day before the parliamentary elections) it would last 4 years and 239 days.

Unfortunately, the legal rules do not precisely describe what should happen next as far as the organization of parliamentary elections is concerned. It seems that, since the President's executive order concerning the organization of the parliamentary elections did not come into force, the President should once again set the date of the parliamentary elections. According to constitutional law experts, the President, without any delay, should do it after the termination of extraordinary measures and the expiry of the mentioned 90 day period (Garlicki, 1999, p. 11; Skotnicki, 2010, pp. 38–39; Szmyt, 2010, pp. 45–46).[5]

It also seems that, in this case, the legal solutions concerning the parliamentary elections after the expiry of a full normal term of office (Art. 98 para. 1–2 of the Constitution) should be used *per analogiam*. Therefore, the period between the day on which fresh elections are announced and the day of the elections should be at least 60 days. This period should not be regarded as incidental, because the organization of parliamentary elections is a complicated process which requires an appropriate amount of time. Moreover, some procedures require that the period between ordering and holding the parliamentary elections lasts over 50 days. For example, according to Art. 202 para. 3 of the Electoral Code, information regarding constituencies should be communicated to voters, in the form of an official announcement of the National Electoral Commission, no less than 52 days prior to the election day. If this rule is to be followed, this period should last at least 52 days. The constitutional 60 day period allows all proceedings concerning the organization of the parliamentary elections to be carried out. Therefore the elections could be held, in principle, after 66 consecutive days on Sunday (since the 60-day period would terminate on Monday). The President, according to Art. 109 para. 2 of the Constitution, can summon the Sejm for its first sitting on the 30th day after the

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[5] However, Eckhardt presents the opinion that the date of the elections should be fixed during the 90 day period after termination of extraordinary measures, but other activities concerning the organization of the elections should begin after the stipulated 90 days has passed (Eckhardt, 2014, p. 786).

elections. This means that the first sitting of the "new" Sejm would be held 4 years and 335 days after the beginning of the "old" Sejm's term of office, which would last one day less than this.

Article 232 of the Constitution deals with the basic legal issues concerning the state of natural disaster. This extraordinary measure can be introduced for a definite period of no longer than 30 days, but it can also be extended. The aforementioned rule of the Constitution and also the Act on the state of the natural disaster, unlike Art. 230 of the Constitution concerning the state of the emergency, do not limit the extension. Therefore, the Sejm is free to determine the duration of the state of natural disaster (Mażewski, 2010, pp. 246, 251–252), it has only to respect the requirement that the extension should be ordered for a definite period (Art. 6 para. 1 of the Act on the state of natural disaster) (Kurzępa, 2017, pp. 167–169; Prokop, 2005, p. 119). However, the rules do not limit the number of extensions. Hence, as a consequence of successive extensions of the state of natural disaster, the parliamentary term of office could be extended for an unlimited period.

Final remarks

Although Art. 98 para. 1 of the Constitution of the Republic of Poland clearly states that the parliamentary term of office lasts 4 years, other constitutional provisions allow it to be shortened or extended. The shortening of the parliamentary term of office could lead to a situation in which it could last less than two months. The extension of the parliamentary term of office, caused by the introduction of extraordinary measures (martial law or state of natural disaster), can be ordered without a definite end date. If the President came from the same political formation as the majority in the parliament and the government, which happens in Poland very often, it could lead to an abuse of the law: the mentioned legal provisions could be used to extend the parliamentary term of office in order to avoid parliamentary elections that would lead to a change of the political majority in the parliament and a change of government (Kurzępa, 2017, p. 91; Mażewski, 2010, p. 246; Prokop, 2005, p. 40; Steinborn, 2016b, p. 1629). In addition, no clear legal principles exist regarding the organization and holding of parliamentary elections after the termination of extraordinary measures. Moreover, in political practice, full (normal) parliamentary terms of office have lasted less than 4 years, which seems unacceptable from a constitutional perspective.

The presented critical observations concerning possible deviations from the constitutional principle of 4-year parliamentary terms justify the proposal of new legal solutions. It seems that acts introducing extraordinary measures should be controlled by organs of the judicial branch, e.g. the Constitutional Tribunal or the Supreme Court. This control should include the authority to question if the desire to bring in extraordinary measures is in fact an attempt by the political majority to achieve its own ambitions – the abuse of the power to extend the parliamentary term of office to avoid new elections. Legal rules that clearly describe the procedure of organizing and holding parliamentary elections after the termination of extraordinary measures should be introduced to the Electoral Code, which should also contain a regulation concerning the full (normal) parliamentary term

of office, to ban the practice of summoning the newly elected Sejm for its first sitting before the end of the 4-year period of the parliamentary term of office of the previous Sejm.

Bibliography

Banaszak B., Domagalski K., Gromski W., Masternak-Kubiak M., Preisner A. (1995), *Słownik wiedzy o Sejmie*, Wydawnictwo Sejmowe, Warszawa.

Eckhardt K. (2014), *Konstytucyjny zakaz przeprowadzania wyborów w czasie trwania stanu nadzwyczajnego – kilka wątpliwości*, "Gdańskie Studia Prawnicze," vol. 31, no. 1.

Garlicki L. (1999), *Uwagi do art. 98*, in: *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, vol. 1, ed. L. Garlicki, Wydawnictwo Sejmowe, Warszawa.

Garlicki L. (2001), *Uwagi do art. 109*, in: *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, vol. 2, ed. L. Garlicki, Wydawnictwo Sejmowe, Warszawa.

Garlicki L. (2011), *Polskie prawo konstytucyjne. Zarys wykładu*, Liber, Warszawa.

Gierach E. (2016), *Uwagi do art. 109 Konstytucji*, in: *Konstytucja RP*, Tom II, *Komentarz art. 87–243*, Wydawnictwo C.H. Beck, Warszawa.

Granat M. (2001), *Opinia w sprawie terminu zwołania pierwszego posiedzenia Sejmu IV kadencji*, "Przegląd Sejmowy," vol. 9, no. 6.

Jarosz Z. (2001), *Opinia w sprawie terminu zwołania pierwszego posiedzenia Sejmu IV kadencji*, "Przegląd Sejmowy," vol. 9, no. 6.

Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r., Dz. U. 1997, Nr 78, poz. 483 z późn. zm.

Kudej M. (2001), *Opinia w sprawie terminu zwołania pierwszego posiedzenia Sejmu IV kadencji*, "Przegląd Sejmowy," vol. 9, no. 6.

Kurzępa E. (2017), *Stany nadzwyczajne w polskim porządku prawnym*, Wydawnictwo Poltext, Warszawa.

Litwin T. (2016), *Funkcje Sejmu i Senatu a współczesny polski model dwuizbowości*, Wydawnictwo Sejmowe, Warszawa.

Mażewski L. (2010), *Bezpieczeństwo publiczne. Stany nadzwyczajne w Rzeczypospolitej Polskiej oraz Polskiej Rzeczpospolitej Ludowej 1918–2009*, Wydawnictwo Adam Marszałek, Toruń.

Mołdawa T. (1995), *Parlament w systemie władz naczelnych Rzeczypospolitej*, in: *Polski system polityczny w okresie transformacji*, R. Chruściak, T. Mołdawa, K. A. Wojtaszczyk, E. Zieliński, Elipsa, Warszawa.

Naleziński B. (2016), *Uwagi do art. 98 Konstytucji*, in: *Konstytucja RP*, Tom II: *Komentarz art. 87–243*, Wydawnictwo C.H. Beck, Warszawa.

Prokop K. (2005), *Stany nadzwyczajne w Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r.*, Temida 2, Białystok.

Orłowski W. (2003), *Sejm i Senat*, in: *Polskie prawo konstytucyjne*, ed. W. Skrzydło, Verba, Lublin.

Rączka M. (2010), *Rozwiązanie parlamentu przed upływem kadencji w polskim i włoskim prawie konstytucyjnym*, Towarzystwo Naukowe Organizacji i Kierownictwa "Dom Organizatora," Toruń.

Skotnicki K. (2010), *Opinia na temat skutków prawnych wprowadzenia stanu klęski żywiołowej*, "Zeszyty Prawnicze Biura Analiz Sejmowych Kancelarii Sejmu," vol. 7, no. 3.

Steinborn S. (2016a), *Uwagi do art. 230 Konstytucji*, in: *Konstytucja RP*, Tom II: *Komentarz art. 87–243*, Wydawnictwo C.H. Beck, Warszawa.

Steinborn S. (2016b), *Uwagi do art. 232 Konstytucji*, in: *Konstytucja RP*, Tom II: *Komentarz art. 87–243*, Wydawnictwo C.H. Beck, Warszawa.

Szmyt A. (2010), *Opinia na temat skutków prawnych wprowadzenia stanu klęski żywiołowej na części terytorium Rzeczypospolitej Polskiej (art. 232 Konstytucji) dla procedury wyborczej uruchomionej postanowieniem Marszałka Sejmu o zarządzeniu wyborów po opróżnieniu urzędu Prezydenta RP (art. 128 ust. 2 Konstytucji)*, "Zeszyty Prawnicze Biura Analiz Sejmowych Kancelarii Sejmu", vol. 7, no. 3.

Ustawa z dnia 5 stycznia 2011 r., *Kodeks wyborczy*, Dz. U. 2017, poz. 15 z późn. zm.

Ustawa z dnia 18 kwietnia 2002 r. *o stanie klęski żywiołowej*, Dz. U. 2017, poz. 1897.

Ustawa z dnia 29 sierpnia 2002 r. *o stanie wojennym oraz o kompetencjach Naczelnego Dowódcy Sił Zbrojnych i zasadach jego podległości konstytucyjnym organom Rzeczypospolitej Polskiej*, Dz. U. 2017, poz. 1932.

Winczorek P. (2001), *Opinia w sprawie terminu zwołania pierwszego posiedzenia Sejmu IV kadencji*, "Przegląd Sejmowy," vol. 9, no. 6.

Witkowski Z. (2015), *Sejm Rzeczypospolitej Polskiej*, in: *Prawo Konstytucyjne*, eds. Z. Witkowski, A. Bień-Kacała, Wydawnictwo "Dom Organizatora," Toruń.

Wołpiuk W. (2002), *Państwo wobec szczególnych zagrożeń. Komentarz wybranych przepisów Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r.*, Wydawnictwo Naukowe SCHOLAR, Warszawa.

Wyrok Trybunału Konstytucyjnego z dnia 20 lipca 2011 r., K 9/11, OTK-A 2011, nr 6, poz. 61; Dz. U. 2011, Nr 149, poz. 889.

Zientarski P. (2011), *Organizacja wewnętrzna Senatu. Studium prawno-ustrojowe*, Wydawnictwo Adam Marszałek, Toruń.

Zubik M. (2001), *Opinia w sprawie terminu zwołania pierwszego posiedzenia Sejmu IV kadencji*, "Przegląd Sejmowy," vol. 9, no. 6.

Jak długa jest kadencja polskiego parlamentu? – analiza prawno-ustrojowa

Streszczenie

Głównym celem naukowym artykułu jest analiza zagadnienia długości kadencji polskiego parlamentu w oparciu o analizę przepisów prawnych. Zgodnie z art. 98 ust. 1 Konstytucji kadencja parlamentu rozpoczyna się w dniu pierwszego posiedzenia Sejmu, a kończy w dniu poprzedzającym pierwsze posiedzenie nowo wybranego Sejmu. Pomimo, że przepis ten również wyraźnie stwierdza, że kadencja parlamentu trwa 4 lata, długości poszczególnych kadencji mogą być bardzo różne. W przypadku skrócenia kadencji parlamentu może ona trwać nawet mniej niż 2 miesiące. Natomiast w przypadku jej przedłużenia w wyniku wprowadzenia stanu nadzwyczajnego może ona trwać nawet około 5 lat (stan wyjątkowy) lub też jej maksymalna długość nie jest określona. Co więcej, nawet w przypadku „normalnych" kadencji mogą one mieć różne długości – trwać krócej niż 4 lata lub dłużej niż 4 lata, nawet o kilka tygodni. Przedstawione rozważania prowadzą do wniosku, że w omawianym zakresie należałoby dokonać pewnych zmian w przepisach prawnych, które gwarantowałyby co najmniej 4-letnią długość „normalnej" kadencji parlamentu oraz regulowałyby organizację wyborów po zakończeniu stanu nadzwyczajnego. Autor analizując przepisy prawne bazował na metodzie prawno-dogmatycznej, a dokonując interpretacji przepisów prawnych korzystał z następujących metod wykładni: językowo-logicznej, celowościowej i systemowej.

Słowa kluczowe: Sejm, Senat, parlament, kadencja, Konstytucja RP z 1997 r.

Maciej WALKOWSKI

Adam Mickiewicz University in Poznań
maciej.walkowski@amu.edu.pl

Digital exclusion as a hindrance to the emergence of the information society: the case of Poland

Abstract: There is no doubt, that digital transformation (knowledge-based transformation) has emerged as the crucial megatrend in modern civilization. Artificial intelligence (AI), machines and autonomous vehicles, the Internet of Things (IoT), financial technology (Fin/Tech), smart investing and the analysis and processing of big data are the most recent manifestations of this trend, but not the only ones. All of these phenomena have led to the emergence and continuing development of the so-called 'Information Society' (IS), which refers to a new type of social organization that is clearly distinct from the earlier forms of society. In this new society, information and knowledge play an essential role in facilitating the Knowledge-Based Economy (KBE), where information is collected, transmitted and processed in a faster and more effective manner, and can subsequently be used to foster accelerated economic growth. Unfortunately, the problem of digital exclusion still occurs, also in Poland. The author in the conclusion comes to opinion that people who are digitally excluded find it much more difficult to overcome psychological rather than technical barriers to having access to the Internet and learning basic computer skills. This situation calls for urgent improvement. In the modern information society, a lack of basic knowledge about computers translates into partial or total digital illiteracy and makes it difficult to perform a range of everyday tasks. It is therefore essential in Poland to prevent digital exclusion. People who do not use the Internet are socially and professionally limited, or virtually handicapped, which results in quantifiable economic losses. This translates to lower creativity and innovativeness and reduced revenue of state budget, and impedes the competitiveness of the economy and the development of a post-modern, post-industrial social model. The main research goal is to show the causes of the phenomenon of digital exclusion in Poland and ways to counteract it. In the course of the research, the most frequently used method was causal and effect analysis as well as institutional and legal analysis. Elements of the decision-making, historical, comparative and statistical methods were also used.

Key words: digital exclusion, social media, E-commerce, Internet, GDP, socio-economic development, globalisation

1. Introduction

All around the globe, Information and Communication Technologies (ICT) have triggered sweeping changes, the pace, range and significance of which are unprecedented in human history. Digital transformation (knowledge-based transformation) has emerged as the crucial megatrend in modern civilization. Artificial intelligence (AI), machines and autonomous vehicles, the Internet of Things (IoT), financial technology (Fin/Tech), smart investing and the analysis and processing of big data are the most recent manifestations of this trend, but not the only ones. All of these phenomena have led to the emergence and continuing development of the so-called 'Information

Society' (IS), which refers to a new type of social organization that is clearly distinct from the earlier forms of society. In this new society, information and knowledge play an essential role in facilitating the Knowledge-Based Economy (KBE), where information is collected, transmitted and processed in a faster and more effective manner, and can subsequently be used to foster accelerated economic growth. For KBE to develop, an extensive infrastructure is essential, in order to allow the online transfer of data and thus build a computerized society by facilitating access to the Internet and electronic devices, increasing the need to use these tools and combating the fear, concerns and reluctance to use them that accompanies the arrival of revolutionary new technologies. The number of Internet users around the globe has been growing rapidly over the last decade or so. In 2005, around 1 billion people had access to the Internet. Ten years later, in 2015, this number tripled, reaching 3.2 billion, and it continues to grow today (*Statystyki dotyczące…*, 2016).

2. The importance of the Internet
in socio-economic development

The application of ICT in the life of modern humans has gained enormous impetus, as evidenced by the following: "telephones needed around seventy years to reach fifty million users, radio needed thirty-eight years, cellular phones – fifteen years, television – thirteen years, the Internet – four years, and the iPod – three years… Facebook reached 200 million users in under a year, and 1,000,000,000 songs were downloaded to iPods in just nine months. Every two days, more information is created around the globe than was created from the beginning of history until 2004. […] Ten years ago, you needed seventy-two hours do download a 2GB movie, while now this time has shrunk to a mere ten minutes" (Senkus, 2013, p. 44).

This progress has resulted in both business and people's social and cultural lives being largely dependent on the correct operation of modern ICT and an uninterrupted information flow. The analysts who wrote an influential report entitled *We are social* estimated that, in January 2016, 3.4 billion people had access to the Internet, either by broadband connection or mobile devices, accounting for 46% of the global population. The number of active users of social media had reached 2.3 billion, and 3.7 billion people were in possession of a cellular phone (51%). Global network traffic generated from desktops and laptops amounted to 56% of the total, from cellular phones – 39% (an impressive 21% increase compared to 2015) and by tablets – 5% (a 21% fall compared to 2015) (*Digital in 2016…*, 2016).

The same report quotes the most recent data available (for 2017) and estimates the number of Internet users at nearly 3.8 billion, which is more than 50% of the global population. Over 4 billion people are expected to use the Internet at least once a month in 2018. Thus, compared to 2016, the number of active Internet users increased by 10%, social media users by 21%, and smartphone users by 5%. North America and Western Europe continue to be the regions with the highest saturation of Internet connections (*Digital in 2017*, 2017).

**Graph 1. Key indicators for the world's Internet users
(selected criteria, data for January 2017)**
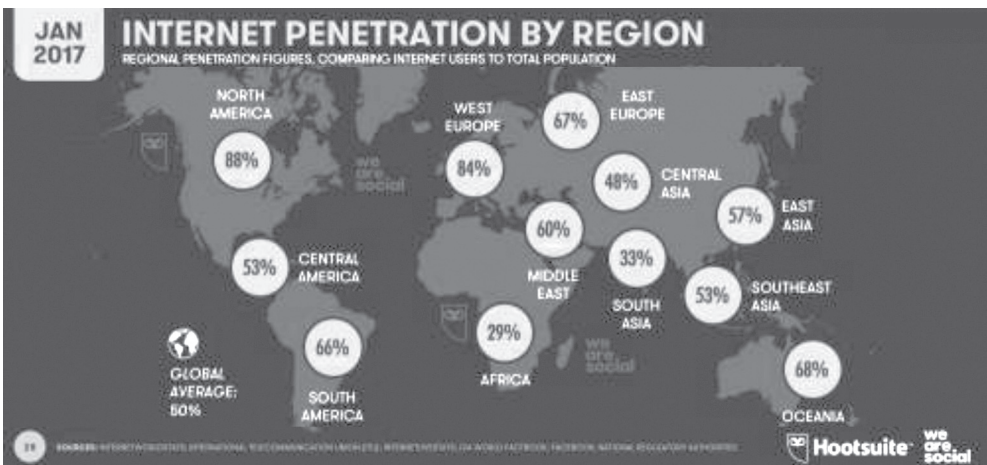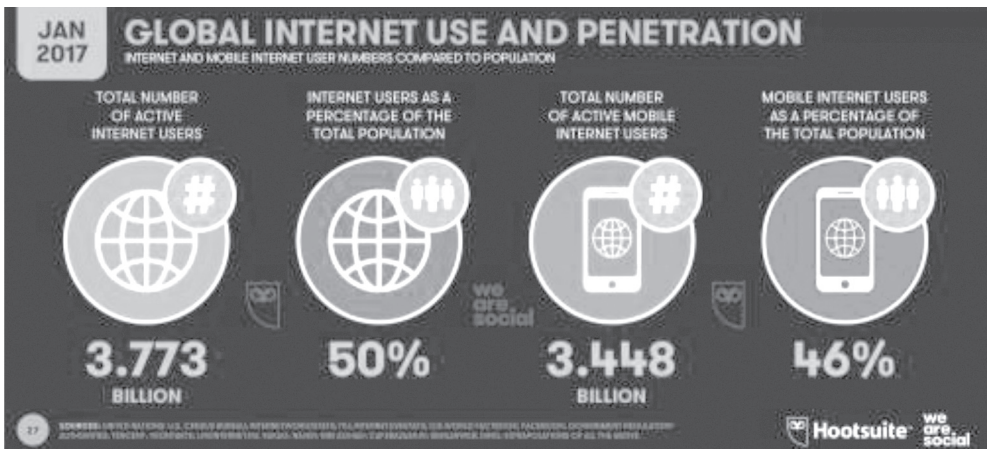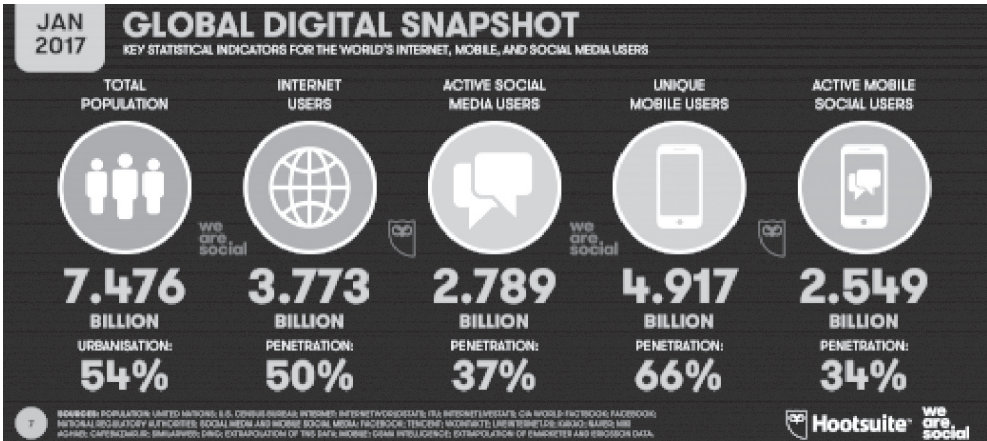
Source: *Digital in 2017*, 2017.

However, the most marked increase in access to and usage of the Internet in social and professional life is in East Asia, spearheaded by South Korea, Japan, Singapore, the People's Republic of China, Taiwan and Hong-Kong. China is home to the largest number of Internet users at present, approx. 700 million. The United States comes second, but eMarketer forecasts that it will soon be overtaken by India, which is rapidly developing its access to the Internet and is often the location of subcontractors offering IT services to leading transnational corporations in the IT sector (*3 miliardy internautów*…, 2014).

Table 1

Top 25 countries, ranked by Internet users, 2013–2018 [millions]

	2013	2014	2015	2016	2017	2018
1. China*	620.7	643.6	669.8	700.1	736.2	777.0
2. US**	246.0	252.9	259.3	264.9	269.7	274.1
3. India	167.2	215.6	252.3	283.8	313.8	346.3
4. Brazil	99.2	107.7	113.7	119.8	123.3	125.9
5. Japan	100,0	102.1	103.6	104.5	105.0	105.4
6. Indonezja	72.8	83.7	93.4	102.8	112.6	123.0
7. Russia	77.5	82.9	87.3	91.4	94.3	96.6
8. Germany	59.5	61.6	62.2	62.5	62.7	62.7
9. Mexico	53.1	59.4	65.1	70.7	75.7	80.4
10. Nigeria	51.8	57.7	63.2	69.1	76.2	84.3
11. UK**	48.8	50.1	51.3	52.4	53.4	54.3
12. France	48.8	49.7	50.5	51.2	51.9	52.5
13. Philippines	42.3	48.0	53.7	59.1	64.5	69.3
14. Turkey	36.6	41.0	44.7	47.7	50.7	53.5
15. Vietnam	36.6	40.5	44.4	48.2	52.1	55.8
16. South Korea	40.1	40.4	40.6	40.7	40.9	41.0
17. Egypt	34.1	36.0	38.3	40.9	43.9	47.4
18. Italy	34.5	35.8	36.2	37.2	37.5	37.7
19. Spain	30.5	31.6	32.3	33.0	33.5	33.9
20 Canada	27.7	28.3	28.8	29.4	29.9	30.4
21. Argentina	25.0	27.1	29.0	29.8	30.5	31.1
22. Colombia	24.2	26.5	28.6	29.4	30.5	31.3
23. Thailand	22.7	24.3	26.0	27.6	29.1	30.6
24. Poland	22.6	22.9	23.3	23.7	24.0	24.3
25. South Africa	20.1	22.7	25.0	27.2	29.2	30.9
Worldwide***	2,692.9	2,892.7	3,072.6	3,246.3	3,419.9	3,600.2

Note: Individuals of any age who use the internet from any location via any device at least once per month; * excludes Hong Kong; ** forecast from Aug 2014; *** includes countries not listed.
Source: Agomuoh, 2014.

In Poland, the total number of Internet users in January 2016 amounted to 25.7 million people, accounting for 67% of the Polish population with access to the Internet by broadband connection and mobile devices (telephones, smartphones, tablets, mobile broadband modems (with a SIM card)). There were 15 million active users of social media in Poland (36% of the population), and 59 million active cellular phones. 94% of adult Poles used cellular phones, 59% used smartphones, 77% used laptops or desktop PCs, and 24% used tablets. Polish citizens spend an average of 4 hours and 25 minutes

browsing via desktop PCs or laptops, and an average of 1 hour and 17 minutes on mobile devices each day. 28% of Poles use mobile banking services through smartphones and tablets. E-commerce[1] is also very popular in Poland (*Digital in 2016*, 2016).

All this shows that modern ICT continues to develop and has an immense global potential which is still growing. The importance of cellular phones is enormous, in particular of the increasingly popular and less expensive (and, consequently, more popular) smartphones, the parameters and functionality of which continue to improve. If this trend is maintained, they will become the most common method of connecting with the Internet. The global network, which is increasingly often accessed through cellular phones, has at least four essential functions in society: information, communication, commerce and marketing. Traditional media can also perform all these functions, but the range and attractiveness of online communication is considerably greater when using cellular phones. The essential function of the Internet is to provide information. Thanks to the world wide web, it is an excellent carrier of all kinds of information, incorporating text, sound, video and graphics. Rapid access and unlimited resources give the Internet an unparalleled advantage over traditional means of communication, especially as the Internet is always "to hand" thanks to cellular phones. Information flow is faster and more widespread than ever before.

The first communication tool applied online was e-mail, which allowed millions of Internet users to get in touch and exchange information. Today, electronic mail is accompanied by a host of other options, such as video transmissions via Skype, online communicators such as Twitter, and social media networks such as Facebook. According to statistics compiled by Mobirank, Facebook has over 1.4 billion users per day, which translates into 2.13 billion users per month. The popularity of other applications, such as YouTube, Messenger, WhatsApp, Instagram and Snapchat is also growing (with the exception of China, which has its own equivalents). The enormous potential for the distribution of products and services was quickly noticed in the e-commerce sector. Virtually every product and service can be ordered online, including those which are difficult or impossible to find in traditional shops. The net has become a universal carrier of information about products, prices, delivery times and many other useful details. The Internet has also enabled e-marketing, which has become the most rapidly developing advertising distribution channel. Easily available modern tools and resources, such as big data, allow producers to reach their defined target group of consumers quickly. By way of a range of websites, forums, portals, blogs, etc., the Internet has changed, or rather revolutionized, work and leisure. The net has reformed learning and studying, created a range of new opportunities for human development, and set new standards in human relations as well as professional and social activity. All this has also produced certain threats which need to be examined, assessed and forecasted (Cieciura, 2012; Tadeusiewicz, 2002; Goban-Klas, 2005; *Facebook ma już…*, 2018).

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[1] **E-commerce** is one of the fastest developing types of business activity in Poland. The development of the Internet (range and speed) has been accompanied by the corresponding development in telecommunication networks and purchases of improving, cost-efficient software and hardware. The price of stationary and mobile devices with connections to the Internet is falling in Poland, whereas their quality has grown exponentially, which is the case across the world. **For more see**: *Historia 20 lat Internetu w Polsce*, 2011; Kare-Silver, 2002; Dwornik.

3. The essence of the information society

As the significance of innovation in human life increased rapidly in the second half of the 20th century, the emergence of a new type of society, dubbed the information society, was observed. This term was first used by a Japanese author, Tadao Umesao, in his 1963 article about the theory of social evolution based on IT. Five years later, it was popularized by Kenichi Koyama in his paper *Introduction to Information Theory*. The term "information society" (IS) is used interchangeably with "knowledge society," because the information referred to in the former term encompasses knowledge gathered in the process of research and study rather than merely "information" which is spread virtually[2] (Grodzka, 2009, p. 10).

It is clearly difficult to define the information society. Global literature on this topic refers to numerous definitions of IS. Martin Bangemann seems to have coined the most popular, saying that "the information society is prepared and able to use IT systems. It effectively uses telecommunication services to transfer information and process it remotely" (Bangemann, 1994).

Cassey, in turn, defines IS as society for whose operation information is the crucial socio-economic element (Cassey, 2001, p. 34).

Szczepański emphasizes that information is intensely used in economic, social, cultural and political life. In his opinion, IS is characterized by the use of different means of communication and information processing, and by the fact that those means contribute to national income. They also provide livelihoods for the majority of society (Szczepański, 2002, p. 170).

According to Siciński, IS emerged in response to an increased demand for information in every field of life and the development of new media and tools for information processing, editing and transmission (Siciński, 1999, p. 20).

Tomasz Goban-Klas views the information society as that "which is in possession of advanced means of information processing and communication, where these means form the basis of national income and provide livelihoods to the majority of society" (Goban-Klas, 1999, p. 53).

The same author also emphasizes that an information society "does not only mean a society in which computers and the Internet are in every home, but a society which is able to receive information (speaks foreign languages) and classify and use information provided by different sources, and that makes extensive use of multimedia in all aspects of individual and collective life" (Goban-Klas, 2007, p. 147).

The multitude of definitions does not help to grasp the essence of the new social model. Nevertheless, some features can be noted that are shared by different and independent attempts to explain the phenomenon of the information society. These charac-

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[2] The term Information Society (Jap. *johoka shakai*) was first used in 1963 by a Japanese sociologist, Tadao Umesao. It spread when the dissertation *Introduction to Information Theory* by Keinichi Koyama was published. The first detailed description of these kinds of social changes was presented by Yoneji Masuda in his publications. He argued that by the end of the 20th century, a new civilization of intangible character would emerge. He believed that this type of civilization would be named the information civilization and that information societies would turn away from the consumption of physical goods towards intangible goods.

teristics include information processing, the quality of information and pace of its transmission, the ability to use information to increase economic competitiveness, and faster access to exhaustive and more credible information provided by numerous sources that are independent from one another, thereby facilitating the process of effective decision making. Members of an information society enjoy wide access to information, research and communication and therefore are able to organize themselves more easily, participate in social life to a greater extent, find jobs more effectively, and take advantage of e-education, e-business, e-commerce, e-administration, e-entertainment and many other forms of e-activities. They can also exploit the full potential of the so-called e-democracy (*Strategia Rozwoju...*; Zacher, 2006; Papińska-Kacperek, 2008).

An information society, which assigns particular importance to "intellectual technologies" that are present in the sectors of education, finance, insurance, healthcare, culture and academia, is distinguished by the following:

– **production** – an information society produces huge amounts of information and requires the creation of new information and its use on a mass scale;
– **storage** – technological advancements offer enormous capacity for the storage of information;
– **transmission** – technology facilitates the transfer of information, regardless of spatial or temporal limitations;
– **downloading** – technology allows every interested individual to download any information from the net;
– **use** – the Internet as a source of information is available without limits and restrictions (Krzysztofek, 2002, p. 18).
   An information society performs a number of functions, such as:
– **education**: ensuring universal access to knowledge and persuading society that it is crucial to advance one's skills and qualifications;
– **communication**: the emergence of new personal bonds;
– **socialization and activation**: providing incentives to people who have been excluded from society and the labor market for various reasons;
– **participation**: the opportunity to take part in political life;
– **organizing function**: creation of a teleinformation market which facilitates the development of competition;
– **protection and monitoring**: introduction of barriers that protect people against cyber-crime (Krzysztoszek, 2002, p. 18).

At least three criteria need to be fulfilled in economic terms for a society to be classed as an information society: information has to become an economic category and the production and circulation of information have to become economic activities. At the same time, "an information society is identified as such if information processing by means of ICT constitutes a considerable economic, social and cultural value." All types of social activity should be supported by information technologies while over 30% of workforce should be employed in the information sector (*Strategia Rozwoju…*).

Business in an information society is characterized by constantly evolving methods of organization and models of professional life. Thanks to the latest technologies, knowledge-intensive activities (in particular knowledge-intensive services) spread widely. Shared services centers offering outsourcing and offshoring gain popularity, as does

so-called 'homeworking' (or 'home office,' working from home via computers and the Internet). Advanced, modern education ensures IT training for all, as well as teaching within an e-school framework (e-classes, e-course books, etc.). The labor market, which has witnessed advancing automation, miniaturization and digitalization since the late 1960s, and, more recently, robotization, requires increasingly qualified workers, who are able to skillfully use information and communication technologies, and continue to develop their qualifications and competence in this respect. This should prevent social marginalization and increased unemployment, as well as create new workplaces.[3]

Information and telecommunication technologies have become a strategic element which stimulates economic growth and employment. Different economic results achieved by different countries can to a large extent be explained in terms of investment in ICT, its scale and the ability to use it amongst the general population. This should be facilitated by efficient public administration (e-administration). Developed countries in South-East Asia, especially South Korea, Japan, Hong Kong and Singapore, the United States, Canada and certain EU member states (especially Scandinavia) are the best exemplification of the development opportunities provided by the e-economy and e-society (Grodzka, 2009, p. 35).

4. Digital exclusion – causes and outcomes

At present, access to the Internet is more than a mere convenience; it frequently is a necessary condition to fully take part in social, cultural and professional life. It is increasingly difficult for individuals to function socially without the Internet. Internet-based modern technologies are among the essential determinants of the dynamic development of knowledge- and information-based economies and societies. While these technologies offer a range of advantages, they also have their shortcomings and pose threats. On the one hand, they contribute to the emergence of a new social model, in which they can be used to improve living conditions and generate economic growth; on the other, they generate unprecedented new problems and barriers, such as cyber-violence, cyber-crime and cyber-terrorism. One can easily become a target of hacking, online fraud or extortion as a result of unauthorized access to sensitive data. Minors and/or emotionally immature individuals can easily access pornographic content, which may result in deprivation-related behavior. An even greater risk is associated with relatively simple and anonymous access to darknet (deep web) websites, featuring, first and foremost, pedophilic content. Another problem concerns addictions to new technologies, especially to smartphones. "No mobile phobia," also named nomophobia, is viewed as a new civilizational disease

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[3] It should be remembered that automation has created more jobs than it has rendered obsolete so far, although it is true that the people who lose jobs due to automation rarely find jobs in the new sectors created as a result of automation. In the same way, rapidly developing e-commerce, embodied by its US leaders – Amazon, eBay and Walmart trade websites (as well as Chinese J.D.com and Alibaba, or Japanese Rakuten), has increased rather than slashed the overall number of both white-collar and blue-collar employees. Yet autonomous vehicles, drones and other modern unmanned robots can pose a considerable threat to human labor in the future. They have already fueled discussion on whether or not this vision of the future should be pursued (e.g. Elon Musk and Bill Gates who demand that robots be taxed) (Ip, 2017).

which could affect 70% of global population (based on the fact that Zenith Mobile Advertising Forecast estimated that around 70% of people own smartphones in 2018). In practice, this disorder most often affects young people under 25 years of age. Another serious problem is the formation of groups of people incapable of taking part in social and economic life, thereby becoming partly or completely excluded (the phenomenon of digital illiteracy and digital exclusion/divide) (Yildirim, 2014; *Understanding the digital divide...*, 2001; Hargittai, 2003).

One of the problems related to the rapid development of modern technologies concerns the phenomenon of digital exclusion (e-exclusion) which at present affects approx. 3.5 billion people to a greater or lesser extent. In Poland, it affects ca. 30% of the population. The concept of digital exclusion is derived from that of social exclusion; it means that an individual or social group is a member of a community (most often of a state), but cannot take part in many significant fields of community life, either partially or completely. This limitation does not only stem from the beliefs of the excluded, but also from matters that are partially or completely beyond their control. This exclusion may pertain to work, consumption, business, politics, or participation in the culture and life of local communities. Therefore, digital exclusion is about the lack of access to specific resources which are necessary for normal participation in society. The 'digital divide' refers to the differences between people who enjoy regular access to digital and information technologies and can use them effectively, and those who do not have access to and/or cannot use ICT. These differences are related to physical access to ICT as well as to the soft skills which are necessary to use it. Using the Internet can have very positive outcomes, such as improved professional status, maintaining activity on the labor market, increased sales of goods and services, a wider, better and more cost-effective range of goods and services available to consumers/prosumers, increased social and political activity, and taking part in cultural and social life, as well as entertainment.

These advantageous outcomes enjoyed by Internet users are combined with a lack of opportunities for those who do not use the net, and the increasing numbers of obstacles that they face on an everyday basis. Since a growing number of activities and functions are transferred to the Internet, digital exclusion may result in real difficulties in performing everyday tasks. The Internet has become such an important instrument to access information and knowledge that the people who do not use it, as well as those who do not have adequate skills, stand a higher risk of social and economic exclusion. E-exclusion is both about lack of physical access to the Internet (access to infrastructure, hardware and software, as well as their quality and cost) and about a whole range of psychological factors (fear and anxiety about using the Internet, motivation to do so or lack thereof, sufficiency of e-skills) (*Wykluczenie cyfrowe w Polsce*, 2015).

In 2013, Poland was sixth from the bottom among EU countries regarding use of the Internet. The surveys carried out by the Public Opinion Research Center (CBOS) annually demonstrate that the number of regular Internet users has recently reached 67%. However, Poland is still lagging way behind Sweden and Denmark, where the number of Internet users has exceeded 95%. Following the diagnosis drafted by the Ministry of Administration and Digitization under the National Broadband Plan, this was caused by a relatively low level of development of broadband infrastructure compared to the ma-

jority of other EU members, as well as the low level of use of the infrastructure that was available (*Narodowy Plan Szerokopasmowy*, 2014).

Nevertheless, significant and advantageous changes in this field could be seen over the last two decades. Ten years ago, Internet users accounted for only 25% of adult Poles. Five years later, over half of them used the net. Still, over one third of Poles continue to be digitally excluded. In 2014, slightly over one fourth of households (25.2%) did not have access to the Internet. Both access to the Internet and the kind of connections available in households differed with respect to the type of household, place of residence and urbanization rate. Access to the Internet and computers in households strongly depended on the type of family. Households where there were no children made up a large proportion of those without access to the Internet. In 2014, the difference between these two types of households amounted to 28 percentage points. This is because children use the Internet most frequently (the largest proportion of Internet users is recorded in the 12–15 age group, where they account for over 97%). Households without children are typically those of the elderly, where the proportion of Internet users is the lowest. Lack of access to the Internet also correlates with living in rural areas or those with low rates of urbanization, yet the differences were much less significant in this case. The difference between residents of large cities and those of rural areas was only 8 percentage points, and the difference between residents of areas with high and low urbanization rates was even smaller, just 7 percentage points. In this case, failing to use the Internet was the outcome of both a low level of IT competence and limited access to transmission infrastructure. Respondents indicated no need to use the Internet, or no motivation, as the top reason (59.1%) for their lack of access to the Internet. The second most frequently indicated reason was a lack of digital skills, mentioned by 44.8% of respondents. Psychological factors included reluctance to use the net (5.7%) and the fear of losing privacy and security concerns (2.3%). The lack of a computer was less and less frequently associated with financial reasons (*Wykluczenie cyfrowe w Polsce*, 2015).

The results of the above-mentioned survey reflect a distinct difference between psychological factors, such as the motivation and skills required to use a computer, and technological factors, which are considerably less significant than a decade ago. The crucial criterion, and a barrier, is age. Only 15% of respondents in the 65+ age group use the Internet in Poland, compared to as many as 97% in the 18–24 age bracket, and 95% in the 25–34 age group. An enormous difference is recorded between the youngest (18–24) and the oldest (65+) age groups; as much as 82 percentage points (*Wykluczenie cyfrowe w Polsce*, 2015).

Digital competence increases in line with the level of education. Amongst people with only elementary education, the proportion of Internet users is the lowest (18%), and the largest proportion (94%) is noted for those with university education. The last significant criterion is place of residence. Although its influence on access to the Internet is the smallest, a difference of 30 percentage points can be noted between rural areas (56%) and large cities (86%). The survey by the Public Opinion Research Center makes it possible to identify the basic criteria of social exclusion with respect to digital competences, namely age, education and, to a lesser extent, material status and place of residence[4] (*Wykluczenie cyfrowe w Polsce*, 2015).

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[4] Only four years ago, nearly 10 million Poles either did not use the Internet at all, or did so only occasionally. By 2017, this number had dropped to slightly over 9 million. In 2013, nearly 80% of the

Having analyzed the above, we may arrive at the conclusion that digital exclusion is not just about what proportion of people do not use the Internet, and that providing universal access to the Internet does not automatically translate into its proper use. The majority of Internet users treat it as a source of entertainment and a pastime, first and foremost. Banking services and e-commerce are also becoming increasingly popular. Yet, in terms of the labor market and e-administration, the Internet continues to be relatively rare. Given the progressing digitalization of all fields of life and the complexity of digital exclusion, central administration, local governments and social organizations are facing a huge challenge in ensuring that those threatened by exclusion do not miss out on the opportunities offered by the Internet. Dedicated campaigns are required, in particular in the field of employment and use of public services and education, to remove both technical and psychological barriers (*Wykluczenie cyfrowe w Polsce*, 2015).

Regarding public services (e-administration), two program documents professionally drafted by the Polish Ministry of Digitization deserve special attention: *From paper to digital Poland* and the *Program of Integrated National Informatization*. They conclude that the most prominent issue causing digital exclusion in Poland involves mental barriers and the lack of need to use new technologies. Other factors include the age of the excluded, the presence of children in the household (their absence may contribute to e-exclusion), place of residence and level of education. The statistics of the Ministry of Digitization show that only 10% of people in the 16–74 age bracket have highly developed digital skills, and just 29% have skills at an intermediate level. The rest of the population has low or no skills whatsoever. Lack of access to the net produces negative social outcomes. It limits one's access to culture, employment, commerce and public services. Digital integration of a larger proportion of Poles would facilitate improved opportunities to find employment or increase one's income, which translates to higher payments into the Polish Healthcare and Social Security Systems. On the basis of the PwC methodology, which is appreciated in Europe, e-exclusion has been calculated to burden the Polish budget with ca. PLN 24 billion per year (*Raporty*).

Approximately 9 million Poles either do not use the Internet at all, or do so only occasionally. The Polish economy and society will not be able to develop a proper knowledge-based economy or information society if this does not change. The main barrier that needs to be overcome is the fear of digital technology, rather than physical access to the Internet. That is why the Polish government has repeatedly declared that the propagation of digital skills will become a development priority in the new EU budget for 2014–2020. The education sector has carried out a pilot program entitled *Digital school* in order to facilitate the implementation of a digital modernization program for schools by 2020. PLN 4.5 billion was earmarked for this purpose. However, during the 2nd Congress of Digital Poland, experts warned that analysis of the adopted operating

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13 million Poles aged 50+ did not use the Internet at all. Nearly 60% of Poles could not use a computer, or were able to perform only the one or two simplest tasks with it. As many as 35% had none of the skills required for online activity. Over 47% of people who did not use the Internet live in rural areas. Other statistics show that: (1) 68% of them have elementary or vocational education; (2) 49% were pensioners, (3) 73% were in the 45+ age group. In 2013, digital exclusion pertained to 78% of people aged 50+. The highest rate of digital exclusion in Poland was recorded among people aged 55+, farmers, the disabled, the poor, and poorly educated people (*Narodowy Plan Szerokopasmowy*, 2014).

programs showed that the actual amount would be considerably smaller, amounting to only PLN 900 million. The amount of EU funds allocated to the digital modernization of schools was thus five times smaller than originally planned. PLN 900 million (instead of the PLN 4.5 billion declared at the beginning) will provide support for only 8% of schools and training for only 2.5% teachers (*Wykluczenie cyfrowe w Polsce*, 2015).

Further attempts to develop the digital competence of teachers are necessary. Too few schools in Poland are able to run electronic classes, using such multimedia tools as e-boards, e-course books, tablets or laptops (e.g. Classmate PC). IT classes in many Polish schools continue to involve simply teaching basic programs (e.g. Paint) or the construction of computers, instead of teaching the basics of programming or using more advanced applications. The level of programming skills in Poland is very low: only 9% of Poles declare that they have these skills. The global demand for IT experts and software developers is immense. Training teachers and the efficient education of children and adults are therefore among the essential elements of combating digital exclusion in Poland (*Wykluczenie cyfrowe: edukacja…*; Popiołek, 2013, pp. 310–320; Jastrzębska, Jastrzębska, 2012, pp. 91–104).

It is of equal importance to run advocacy campaigns, professional workshops and training, in particular in smaller towns and villages, especially aimed at people over 50 and the poorly educated. These people need to be educated and stimulated; they need to be shown what advantages the net has in everyday life, starting with the simplest operations, and emphasizing the psychological rather than technical aspects of IT, at least at the beginning (*Wykluczeni cyfrowo*, 2015, pp. 10–11).

Graph 3. TOP 20 mobile applications in Poland (December 2016)
The most popular Android and iOS applications in Poland (December 2016)

1. Google — 52.5%	11. Allegro — 11.3%
2. YouTube — 48%	12. Gry Google Play — 9.9%
3. Messenger — 39.5%	13. Google Photos — 9.8%
4. Facebook — 34.2%	14. Clingo — 9%
5. Mapy Google — 33.8%	15. Instagram — 8.4%
6. Gmail — 27.8%	16. Skype — 8.3%
7. Dysk Google — 26.2%	17. Hangouts — 6.2%
8. Google+ — 16.2%	18. Google Muzyka — 5.9%
9. OLX.pl — 14.3%	19. Snapchat — 5.5%
10. WhatsApp — 12.8%	20. Google translator — 4.7%

Source: https://mobirank.pl/2017/01/15/top-20-najpopularniejszych-aplikacji-mobilnych-polsce-2016/.

5. Conclusions

People who are digitally excluded find it much more difficult to overcome psychological rather than technical barriers to having access to the Internet and learning basic computer skills. Over 80% of Poles aged 50+ choose not to take part in any training sessions on how to use the tools of the "digital world" in everyday life because of this fear, anxiety and lack of faith in their own skills. This situation calls for urgent improvement, because these people usually need only basic digital skills to be able to take advantage of and benefit from computer applications. In the modern information society, a lack of basic knowledge about computers translates into partial or total digital illiteracy and makes it difficult to perform a range of everyday tasks. It is therefore essential in Poland to prevent digital exclusion. People who do not use the Internet are socially and professionally limited, or virtually handicapped, which results in quantifiable economic losses. This translates to lower creativity and innovativeness and reduced revenue of state budget, and impedes the competitiveness of the economy and the development of a post-modern, post-industrial social model (*Wykluczenie cyfrowe: edukacja…*, 2015).

Bibliography

3 miliardy internautów w 2015 r., Polska w Top 25 (2014), http://www.wirtualnemedia.pl/artykul/3-miliardy-internautow-w-2015-r-polska-w-top-25, November 21, 2017.

Agomuoh F. (2014), *Internet Expansion: Mobile Devices In Developing Markets To Push Web Usage Past 3 Billion In 2015*, 20.11.2017.

Bangemann M., *Europe and the Global Information*, http://www.umic.pt/images/stories/publicacoes20080 1/raport_Bangemanna_1994.pdf, January 22, 2018.

Cassey M. (2001), *Europejska polityka informacyjna. Wyzwania i perspektywy dla administracji publicznej*, Toruń.

Cieciura M. (2012), *Wybrane problemy społeczne i zawodowe informatyki*, Warszawa.

Digital in 2016 (2016), http://wearesocial.com/uk/special-reports/digital-in-2016, last access: May 09.

Digital in 2017: Global Overview (2017), https://wearesocial.com/blog/2017/01/digital-in-2017-global-overview, January 22.

Dwornik B. (2008), *To już 17 lat. Zobacz historię Internetu w Polsce*, http://www.manager.money.pl/news/artykul/to;juz;17;lat;zobacz;historie;internetu;wpolsce,130,0,408706 e.html, May 09, 2017.

Facebook ma już 1,4 mld użytkowników dziennie (2018), https://mobirank.pl/2018/02/01/facebook-ma-juz-14-mld-uzytkownikow-dziennie-4q2018/, January 07.

Goban-Klas T. (1999), *Społeczeństwo informacyjne: Szanse, zagrożenia, wyzwania*, Kraków.

Goban-Klas T. (2007), *Od społeczeństwa industrialnego do społeczeństwa informacyjnego*, Kraków.

Goban-Klas T. (2005), *Społeczeństwo medialne*, Warszawa.

Grodzka D. (2009), *Początki społeczeństwa informacyjnego*, in: D. Grodzka, *Społeczeństwo informacyjne*, Warszawa.

Hargittai E. (2003), *The Digital Divide and What To Do About It*, Sociology Department Princeton University, http://www.eszter.com/research/pubs/hargittai-digitaldivide.pdf, October 27, 2017.

Historia 20 lat Internetu w Polsce (2011), http://www.gazetaprawna.pl/wiadomosci/artykuly/ 538332,historia_20_lat_internetu_w_polsce.html, August 15, 2017.

https://www.sas.com/pl_pl/insights/big-data/what-is-big-data.html, August 15, 2017.

Ip G. (2017), *Pracownicy, nie lękajcie się (robotów)*, „The Wall Street Journal", reprinted by "Gazeta Wyborcza," October 27.

Jastrzębska A., Jastrzębska W. (2012), *Wykluczenie cyfrowe – przyczyny, zagrożenia i bariery jego pokonania. Studium przypadku*, "Nierówności Społeczne a Wzrost Gospodarczy," 25, pp. 91–104.

Krzysztofek K. (2002), *Społeczeństwo informacyjne a rozwój człowieka*, in: *Polska na drodze do globalnego społeczeństwa informacyjnego*, ed. W. Cellary, Warszawa.

Kare-Silver M. (2002), *E-szok. Rewolucja elektroniczna w handlu*, Warszawa.

Narodowy Plan Szerokopasmowy (2014), Ministerstwo Administracji i Cyfryzacji, January.

Papińska-Kacperek J. (2008), *Społeczeństwo informacyjne*, Warszawa.

Popiołek M. (2013), *Wykluczenie cyfrowe w Polsce*, "Nierówności Społeczne a Wzrost Gospodarczy," 32, pp. 310–320.

Raport dotyczący cyfrowych trendów społecznych w świecie w roku 2016 (2016), http://wearesocial. com/uk/special-reports/digital-in-2016, February 13.

Statystyki dotyczące liczby użytkowników Internetu na świecie (2016), http://www.statista.com/statistics/273018/number-of-internet-users-worldwide/, February 13.

Senkus P. (2013), *Zarządzanie i dowodzenie z wykorzystaniem orientacji procesowej. Sektor prywatny, sektor publiczny, sektor non profit*, Wydawnictwo Difin.

Szczepański M. (2002), *Zrozumieć rozwój. Od społeczeństw tradycyjnych do informacyjnych*, Katowice.

Siciński A. (1999), *Społeczeństwo informacyjne: próba nazwania naszych czasów. W drodze do społeczeństwa informacyjnego*, Warszawa.

Strategia Rozwoju Społeczeństwa Informacyjnego w Polsce do 2013 roku, http://www.umwd.dolnyslask.pl/fileadmin/user_upload/spoleczenstwo_informacyjne/dokumenty/Strategia_Rozwoju_ Spoleczenstwa_Informacyjnego_w_Polsce.pdf, October 15, 2017.

Tadeusiewicz R. (2002). *Społeczność Internetu*, Warszawa.

Understanding the Digital Divide (2001), Organisation For Economic Cooperation And Development, OECD, https://www.oecd.org/sti/1888451.pdf.

Wykluczenie cyfrowe w Polsce (2015), Kancelaria Senatu, Biuro Analiz i Dokumentacji, Zespół Analiz i Opracowań Tematycznych, December.

Wykluczenie cyfrowe. Problem, który dotyczy 9 mln Polaków, (2015), https://www.money.pl/gospodarka/wiadomosci/artykul/wykluczenie-cyfrowe-problem-ktory-dotyczy-9,77,0,1951309.html.

Wykluczenie cyfrowe: Edukacja ważniejsza od sprzętu (2015), http://www.portalsamorzadowy.pl/spoleczenstwo-informacyjne/wykluczenie-cyfrowe-edukacja-wazniejsza-od-sprzetu,71550.html.

Wykluczeni cyfrowo (2012), Badanie realizowane w ramach kampanii społecznej „Niech internetowa moc będzie z Tobą" finansowanej ze środków Ministerstwa Administracji i Cyfryzacji © TNS October 2015, pp. 10–11.

Wykluczenie cyfrowe: Edukacja ważniejsza od sprzętu (2015), http://www.portalsamorzadowy.pl/spoleczenstwo-informacyjne/wykluczenie-cyfrowe-edukacja-wazniejsza-od-sprzetu,71550.html.

Zacher L. W. (2006), *Społeczeństwo informacyjne. Istota, rozwój, wyzwania*, Warszawa.

Yildirim C. (2014), *Exploring the dimensions of nomophobia: Developing and validating a questionnaire using mixed methods research*, Iowa State University, Digital Repository, Graduate Theses and Dissertations, http://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=5012&context=etd, November 1, 2017.

Wykluczenie cyfrowe jako bariera w rozwoju społeczeństwa informacyjnego.
Przykład Polski

Streszczenie

Nie ma wątpliwości, że transformacja cyfrowa stała się najważniejszym megatrendem cywilizacyjnym naszych czasów. Sztuczna inteligencja (artificial intelligence/AI), maszyny i pojazdy autonomiczne, Internet rzeczy (IoT), technologia finansowa (finacial technology/FinTech), smart investing (SI) oraz analiza i przetwarzanie dużych zbiorów danych typu Big data, stanowią najnowsze, ale nie jedyne przejawy tego trendu. W ich efekcie powstało i stale kształtuje się społeczeństwo informacyjne (IS) – nowy typ relacji społecznych, wyraźnie odróżniający się od poprzednich form organizacji życia ludzkiego. Kluczową rolę odgrywa w nim informacja i wiedza umożliwiające budowę modelu „gospodarki opartej na wiedzy” (Knowledge Based Economy/KBE), czyli systemu, który opiera się na szybszym i skuteczniejszym niż do tej pory gromadzeniu, przekazywaniu i przetwarzaniu informacji oraz wykorzystywaniu tych elementów w postaci zdobytej wiedzy na potrzeby szybszego wzrostu gospodarczego. Niestety zjawisko wykluczenia cyfrowego nadal występuje, także w Polsce. Autor w prezentowanym artykule dochodzi do wniosku, że dla osób wykluczonych cyfrowo, problemem znacznie większym niż techniczna bariera dostępu do sieci i opanowanie podstawowych zasad obsługi komputera jest przełamanie bariery psychologicznej. Stan ten należy szybko poprawić, bowiem w ponowoczesnym społeczeństwie informacyjnym, brak podstawowego zrozumienia zasad działania komputera generuje problem częściowego lub całkowitego analfabetyzmu cyfrowego i skutecznie utrudnia odnalezienie się w realiach życiowych. Brak kontaktu z Internetem ogranicza, czasem wręcz upośledza społecznie i zawodowo, powodując wymierne straty ekonomiczne. Przekłada się na niższą kreatywność i innowacyjność ludzką, powoduje brak przychodów budżetowych, stanowiąc barierę na drodze do zwiększania konkurencyjności gospodarki i budowy ponowoczesnego, postindustrialnego modelu społecznego. Głównym celem badawczym prezentowanego artykułu jest ukazanie przyczyn zjawiska wykluczenia cyfrowego w Polsce oraz sposobów przeciwdziałania jego negatywnym skutkom społeczno-ekonomicznym. W trakcie prowadzonych badań najczęściej posługiwano się metodą analizy przyczynowo-skutkowej i instytucjonalno-prawnej. Wykorzystano też elementy metody decyzyjnej, historycznej, komparatystycznej i badań statystycznych.

Wojciech ADAMCZYK
Adam Mickiewicz University in Poznań
ORCID ID: https://orcid.org/0000-0001-7873-4985

Journalistic investigations and cabinet crises in the Third Polish Republic (selected examples)

*Public opinion, whatever it could be,
is extremely powerful. It can overthrow governments,
even an undemocratic regime.*

Karl R. Popper[1]

Abstract: This article focuses on the influence of investigative journalism on the system of government, and, in particular, on the functioning and break-up of cabinet coalitions in Poland after 1989. It focuses on the parliamentary-cabinet form of government. The source of conflicts which led to the loss of the necessary trust or accelerated the fall of the government were often crises caused by the work of investigative journalists, in which they disclosed facts uncomfortable for members of the Council of Ministers, related to them either directly, through their own reprehensible activities, or indirectly, through the activities of their closest associates. The aim of this article is to show that the unmasking of scandals involving members of the government, their associates or politicians and officials from their political base is a catalyst that can generate cabinet crises, including the collapse of the government. Analyses show the impact of scandals revealed during the term of office of four governments, that of Waldemar Pawlak, Leszek Miller, Jarosław Kaczyński and Donald Tusk.

Key words: cabinet crisis, journalistic investigations, political scandals

Investigative journalism is the most frequently quoted example in literature of the mass media carrying out its 'watchdog' function towards the world of politics, public authorities, bureaucrats and businesses. Many researchers treat this form of reporters' work as a synonym of the 'fourth estate,' able to influence not only the minds of the public, but also to effectively shape the actions of politicians. As an important element of political communication and political journalism, so-called 'muckraking' plays a key role in monitoring the activities of authorities, offices, public institutions and politicians. The essence of the role of an investigative journalist is to reveal and publish all manifestations of wrongdoing within an institution, as well as social problems which present a serious threat to the proper functioning of the political system. This type of media activity also influences public opinion, which exerts pressure on the institution, as well as the political system, and, in certain cases, can lead to real changes. As Karl P. Popper claimed, there are two types of institutions; those in which the public is grounded inside

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[1] K. R. Popper (1994), *Opinia publiczna w świetle zasad liberalizmu*, "Studia Polityczne," no. 3, p. 12.

the institution, or those with the public outside. He placed the mass media in the first of these groups, alongside political parties, societies, universities, the theater or the cinema (Popper, 1994, p. 12). Personnel, legislative and administrative decisions are often the result of a combination of political events initiated by the results of journalistic investigations published in the press. Political crises can occur as the result of 'unmaskings,' often after a short-term political crisis, which can lead to changes, even far-reaching systemic reforms such as amending the constitution or a piece of legislation. In situations such as these, social interests are protected, while the image of public institutions and politicians is negatively impacted. However, the benefits for the system and society prevail over the damage caused by the publication of articles unmasking improper behavior. Thus, in a democratic regime, the free press performs the important function of informally controlling the three types of power (as described by Montesquieu). Alexis de Tocqueville puts it well: "I approve of it from a consideration more of the evils it prevents than of the advantages it ensures" (Tocqueville, 1976, p. 134).

The focus of this article is the influence of investigative journalism on the government, and in particular on the functioning and break-up of cabinet coalitions in Poland after 1989. This connection seems obvious, and is directly related to the effectiveness of the parliamentary-cabinet form of government. The essence of this method of government is the creation of a cabinet with the support of the parliamentary majority, which grants it legitimacy by a vote of confidence. Multi-party parliamentary support in the Sejm is the dominant model in Poland, the only exception being the current parliament, although even in this case it is not entirely true, because the parliamentary caucus under the name United Right (*Zjednoczona Prawica*) is in fact a coalition of three parties: Law and Justice (*Prawo i Sprawiedliwość*), Solidarity of Poland (*Solidarna Polska*) and Poland Together (*Polska Razem*). Coalitions comprising large numbers of political parties are usually not stable. The divergence of interests and expectations of partners in political coalition causes major problems in the implementation of the program agreed in the coalition agreement, which can be, paradoxically, the reason for the collapse of the government, sometimes even resulting in a motion of censure against its own Council of Ministers (this happened twice in the case of the rule of Hanna Suchocka and Waldemar Pawlak) (Jednaka, 2006, pp. 117–132; Sokół, 2006, pp. 133–158). The source of conflicts leading to the loss of necessary trust or accelerating the fall of the government were often crises caused by the work of investigative journalists, in which they disclosed facts uncomfortable for members of the Council of Ministers, related to them either directly, due to their own reprehensible activities, or indirectly, due to the activities of their closest associates.

The aim of the article is to show that investigative journalists' unmasking of scandals involving members of the government, their closest associates or politicians and officials belonging to their political base can act as a catalyst that generates cabinet crises, including the collapse of the Council of Ministers. Therefore, investigative publications can be considered very important, although the scandals that they generate are usually only one of several reasons for the weakening or collapse of the government. The author's aim is to answer several research questions related to the aforementioned issues: What subject of investigative journalism effectively affects the decision-making processes leading to cabinet crises and possible change of government? Is it possible to show a correlation

between the number of parties forming the cabinet coalition and the effectiveness of the press in influencing the government's activity by publishing scandals? Is the generation of scandals related to the Council of Ministers by journalists a reliable method of control over the executive? Or is it part of the political struggle in which the media is used by the opposition? These topics are discussed in the context of selected examples of four cabinet coalitions, in chronological order: that of Waldemar Pawlak, Leszek Miller, Jarosław Kaczyński and Donald Tusk. In the analysis of individual cases, microsystem analysis and the decision method were used. The first of these methods enabled the identification of links between the activity of investigative journalists and the actions of decision-makers in the political system, as well as an assessment of the level of journalism's influence on the conduct of the authorities. The decision method, on the other hand, was helpful in the analysis of processes related to key (mainly personal) decisions caused by investigative publications (Chodubski, 1996, pp. 75–81).

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The issue of political crises is relevant to various social sciences – political science, sociology, and economics (Dobry, 1995; Dahrendorf, 2008; Małkiewicz, 2010; Wielecki, 2012; Soroka, 2013; Rychard, Domański, 2010; Jaskiernia, 2013). Many are of the opinion that this term is often abused and used in various contexts. Sometimes even an economic slowdown is named a crisis (Małkiewicz, 2010, p. 11). The etymology of the concept – and thus its meaning – has been described in various ways. Agnieszka Kasińska-Metryka points to the French origin of the term "crisis" from the word "crise," which means a difficult situation with no clear solution (Kasińska-Metryka, 2013, p. 77). The authors of the *Lexicon of Politology*, however, see the root of this concept in Latin (*crisis*) and in Greek (*krisis*), in which the term is synonymous with a crisis, a breakthrough, a decision (Herbut, 1998, pp. 183–184). 'Crisis' can thus be understood as: (1) the collapse of a given system; (2) an interruption of the normal functioning of an institution; or (3) a sudden turn of events. The characteristics of this type of situation are suddenness, unpredictability, the temporal nature of its occurrence and far-reaching consequences for the functioning of the system (Bankowicz, 1999, pp. 119–120). A crisis may eventually make it impossible for an institution concerned to continue functioning. The consequence of such a breakthrough is sometimes a complete change in policy or the way in which it is implemented (Herbut, 1998, pp. 183–184). It is worth emphasizing the positive role of such crises in politics, which can lead to the initiation of reforms which would otherwise be difficult to implement. Among the various forms of crises, two are crucial for the purposes of this article – the cabinet crisis and the parliamentary crisis. Both are crucial for the government, which requires stable and long-lasting support in the parliament. The term 'cabinet crisis' means "the collapse of the government and the opening of the bidding phase and inter-party negotiations aimed at installing a new team," and 'parliamentary crisis' should be understood as "the loss of a comfortable majority by the ruling party or the parliamentary coalition, which compromises their ability to continue their current policy agenda" (Herbut, 1998, pp. 183–184). The phenomenon of the crisis in politics is also important for media studies, in particular the study of the effectiveness of investigative journalism (Olędzki, 1989;

Adamczyk, 2007; idem, 2008, pp. 66–100; Feldstein, 2001; idem, 2006, pp. 105–120; Molotch, Protess, Gordon, 1996; Orren, 1991; Linsky, 1991; Taras, 1993; Protess, Cook, Doppelt, Ettema, Gordon, Leff, Miller, 1991; Baybars-Hawks, 2003; Meyer, Hinchman, 2004). These analyses focus primarily on the causative role of the mass media in triggering crisis situations in institutions of power. Considerations regarding the model of muckraking (also called a model of mobilization, universal mobilization or defense of society), along with its numerous modifications, sub-divided into the truncated muckraking model and the leaping impact model are also helpful in understanding the possible impacts of investigative journalism on the world of politics. This assumes that the content of investigative report evokes a reaction in the recipients of the new information revealed, as a result of which public opinion becomes a catalyst for appropriate reforms (Molotch, Protess, Gordon, 1996, pp. 44–50).

Graph 1. Muckraking model

Source: Own study.

The powerful role of investigative publications in triggering major crises within the executive has been repeatedly analyzed, in particular regarding the best known cases and those which led to changes in key positions. These include the Pentagon Papers and Watergate scandals, which, after being published in "The New York Times" and the "Washington Post" dailies led to the resignation of the President for the first time in US history (Adamczyk, 2008, pp. 85–100). In Europe, the first such high-profile cases in which the power of investigative journalism over the executive was demonstrated were the Profumo scandal in the United Kingdom and events in Germany known as the Spiegel affair. In the first of these cases, journalists published not only the extramarital affairs of the Defense Minister in Her Majesty's government, John Profumo, but also the associated risk of treason in the form of passing information to foreign intelligence,[2] and his lies in
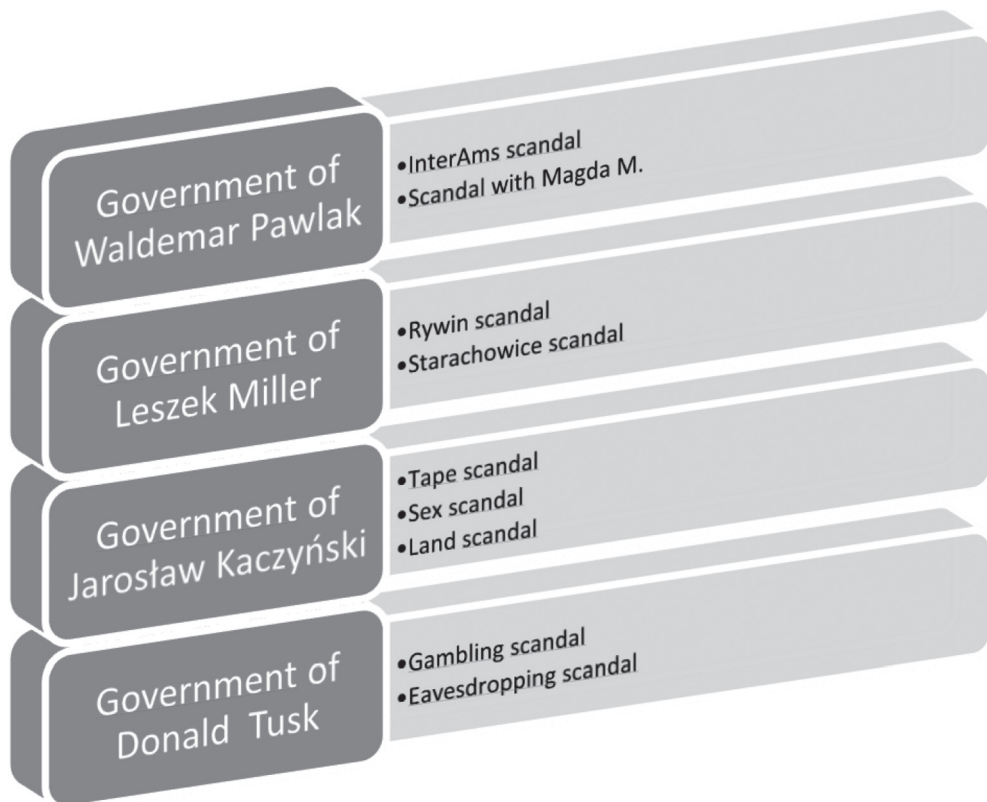
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[2] It was only fifty years after the outbreak of the scandal that Christine Keeler admitted that she had betrayed Britain and forwarded information obtained from Minister J. Profumo to Soviet intelligence agent Yevgeni Ivanov (Millward, 2013).

the House of Commons. This led first to the resignation of Profumo, and then to a cabinet crisis and the collapse of Harold Macmillan's government in October 1963 (Burgh, 2000, p. 286; Gaster, 1988, pp. 62–88; Thompson, 2000, p. 131–137; Parris, Maguire, 2004, pp. 156–181). In the second scandal, the series of events triggered by articles published in the weekly "Der Spiegel" on the combat readiness of the Bundeswehr after NATO military maneuvers under the code name "Falex 62" led first to a parliamentary crisis which resulted in the exit of one of the parties forming the governing coalition, the FDP, from the government. However, public pressure was so strong that it also forced the resignation of Minister of Defense Franz Josef Strauss who, in the opinion of the Prosecutor General in the lawsuit brought against the weekly, its editors and the author of the publication, acted in a way that was "bordering on illegal" (Kuntz, 1988, pp. 151–154). The dismissals of several ministers from the FDP in November 1962 triggered a cabinet crisis and forced Chancellor Konrad Adenauer to form a new government.

It should be emphasized that investigative journalism serves to make the public aware of the politically and morally reprehensible behavior of politicians. The reporters and the media exercise this form of control primarily by revealing and publicizing cases of inappropriate actions by institutions of power and making the behind-the-scenes activities of the political elite public knowledge. Projects of this type can lead to the disclosure of legal loopholes and other systemic problems which enable corrupt politicians and officials to carry out extralegal activities in order to achieve particular goals. Making public the existence of a "systemic fault" is to stimulate public opinion to put pressure on the political elite and, consequently, reform the activities of political institutions. Initiating these processes in institutions of power has a multifaceted nature. Some may lead to major legislative changes, others to the removal of corrupt politicians and officials from positions of authority. This demonstrates the important role of the mass communication system, along with interpersonal communication, in the system of making political decisions (Kepplinger, 2003, p. 79). Journalists pay special attention to the abuse of power, transgressions by public officials and also to various types of blunders made by people in power. In practice, this means monitoring the activities of the political elite, in particular those carried out in secret. The confidential nature of these activities, in many cases, is driven by the desire to hide unlawful behavior from public opinion, and by the fear of possible sanctions (Blumler, Gurevitch, 1995, pp. 27–29). Contemporary democratic political regimes, accepting the central role of the mass media in shaping public opinion, recognize the right of journalists to uphold the rule of law, to determine the leading themes of public debate and exercise control over those in power (Sartori, 1998, p. 124). The disclosure of scandals involving politicians has the greatest impact on the resources most necessary for governance – reputation and trust. A scandalous public image, in which reprehensible actions are discovered by investigative journalists, leads to social disapproval and sanctions. Scandal in this context is a means to achieve this end, not an end in itself. Its essence is to attract attention and mobilize public opinion to put pressure on the institutions of the political system, which should result in political initiatives and, consequently, decisions aimed at restoring harmony. From this perspective, public opinion becomes a catalyst for the necessary reforms (Molotch, Protess, Gordon, 1996, pp. 44–50). The effects of journalistic investigations observed in the public sphere are: specific reactions of public figures to the issues revealed and publicized by the mass

media, leading to discussion and the search for solutions (consultative results); sanctions imposed by policy-makers on specific persons or entities responsible for allegedly inappropriate or unlawful behavior (individual results); and changes of a legislative, administrative or control nature (actual reforms) (Baybars-Hawks, 2003). Another effect of publications triggering political scandals are new legal regulations and the introduction of institutional solutions to investigate irregularities in the actions of people in power (Thompson, 2000, p. 114). Put simply, it can be concluded that the mass media have a causative and causal role in the political system, which can be summed up in the statement: "mass communication changes policy" (Schulz, 2006, p. 14).

The issue of the impact of investigative journalism on causing cabinet crises in Poland will be discussed based on the example of four governments (Graph 2).

Government of Waldemar Pawlak
- InterAms scandal
- Scandal with Magda M.

Government of Leszek Miller
- Rywin scandal
- Starachowice scandal

Government of Jarosław Kaczyński
- Tape scandal
- Sex scandal
- Land scandal

Government of Donald Tusk
- Gambling scandal
- Eavesdropping scandal

Graph 2. Scandals disclosed by investigative journalists in selected governments of the Third Polish Republic

Source: Own study.

The specificity of the Polish political system, and in particular of the party system, is a useful subject of analysis in this regard. It has been established that "the more the party system deviates from bipartisan, the weaker the government's position towards the parliament, and the more likely cabinet crises are. This is particularly important in Central and Eastern Europe, where party systems are still taking shape, and the political

scene is both fragmented (with the exception of Albania, Hungary and the Czech Repub-lic) and unstable" (Antoszewski, Herbut, 2007, p. 172). When assessing the durability of governments, one should take into account the number of political parties, the size of the party system, the presence of anti-system parties or other extreme parties which have a destabilizing effect on the duration of the cabinet, the degree of polarization or conflicts related to socio-political divisions and the degree of influence of the opposition in politics (Jednaka, 2004, pp. 53–54). Many reasons for the fall of governments have been described in the literature on the subject. The so-called technical reasons include: regular elections, death or resignation of the Prime Minister and constitutional reasons for the end of the cabinet's term in office. Among the discretionary reasons for the fall of the government, the following have been mentioned: dissolution of the parliament, voluntary extension of the coalition with new political parties, parliamentary failure as a result of opposition activities and conflict between parties or inside the party. Addi-tional catalysts for the resignation of the Cabinet may include personnel, economic, in-ternational or national events in the field of security, non-parliamentary events or public opinion (Jednaka, 2004, pp. 67–68; Strøm, Müller, 2000, p. 585).

The coalition government of Waldemar Pawlak (November 10, 1993–March 01, 1995) had the parliamentary support of the Democratic Left Alliance (SLD) and the Polish People's Party (PSL). The two parties formed a coalition with a small majority. Despite a stable parliamentary base, the sustainability of multi-party governments was repeatedly tested. The most serious areas of contention between coalition partners in-cluded personnel, agricultural policy, the manner of conducting privatization, foreign policy towards the European Union and Prime Minister Pawlak's style of governing, which is particularly important in the context of the discussed issue of the influence of journalistic investigations on cabinet crises. Pawlak was criticized, among other things, for delays in decision-making, surprising political partners with unexpected changes to previously agreed solutions and a lack of coordination between the gov-ernment and other authorities. These weaknesses were exploited by the opposition press, which publicized conflicts within the coalition and sought to split the two ruling parties (Sokół, 2006, pp. 154–155). Investigative journalists revealed two scandals. On March 4, 1994, *Express Wieczorny* accused Prime Minister Waldemar Pawlak of helping his former university classmate, Paweł Zdunek, the owner of the InterAms computer company, to obtain large orders from state-owned companies. Eight months later, on November 20, 1994, the weekly *Wprost* published an article entitled "Femme fatale of the Prime Minister," which claimed that InterAms owes its success to, *inter alia*, the fact that it employed the 'supersecretary' Anna M., with whom Pawlak had an extramarital affair (Mistewicz, Witoszek, 1994; Adamczyk, 1999, pp. 146–147; Bereś, 2000, pp. 221–224). On November 28, 1994, the Regional Court in Warsaw declared the bankruptcy of InterAms II. The parties in this case were the company Supra from Poznań and the owner of InterAms II, Paweł Zdunek. At the beginning of December, the Office of the Regional Prosecutor in Warsaw initiated an investigation into the InterAms II company, and a few days later the Supreme Audit Office started to assess the Office of the Council of Ministers. It was tasked with explaining why the Office of the Council of Ministers (URM) chose InterAms without a public tender and whether this was an attempt to rescue a failing company. On March 1, 1995, Prime Minister

Pawlak resigned, due both to conflicts in the coalition and to accusations against his government in the InterAms case.

Leszek Miller's government (October 19, 2001–May 2, 2004) was created by three political parties: SLD, PSL and Labor United (*UP*), forming a coalition with a small majority (Sokół, 2006a, p. 24). In this configuration, it survived until March 3, 2003, when the PSL left and the remaining parties ruled as a minority government. Among the important problems for Miller's cabinet was the issue of the so-called Hausner Plan, which divided the UP from the rest of the coalition. As in the case of Pawlak, Prime Minister Miller was criticized for his style of governing, both his way of managing the Council of Ministers and the party. In the latter case, the main challenge was combining the leadership of a political party with the position of the head of government (Michalak, Wincławska, 2006, pp. 253–254). The negative impact on the image of the Cabinet, and hence declining public support, as measured by subsequent public opinion polls, was also connected to scandals publicized by the media. Chronologically, the first scandal to be revealed was the issue of the corrupt proposal submitted by the film producer, Lew Rywin, to the management of Agora and to the Editor-in-Chief of "Gazeta Wyborcza". The matter was referred to in the weekly "Wprost" in September 2002 in the column "From the life of the coalition, from the life of the opposition," a column which is intended to have a light-hearted tone. The content of the proposed agreement focused on the government's changes to the regulations on radio and television that would enable Agora to purchase one of the national television channels. In exchange, Rywin, who claimed to be an informal adviser to Prime Minister Miller, was to demand for himself the position of the head of Polsat television and the amount of 17.5 million dollars, which was to be transferred to the producer's account (Zalewska, 2003, pp. 251–294). On December 27, 2002, "Gazeta Wyborcza" published an article by Paweł Smoleński entitled "Act for a Bribe, or Rywin comes to Michnik," revealing the involvement of Rywin in the corrupt proposal. The opposition took advantage of the public outrage. On January 10, 2003, the Sejm, at the request of the Law and Justice (*PiS*) and the Civic Platform (*PO*) parliamentary caucuses, set up a commission of inquiry to investigate the allegations, published in the media, of corruption related to the Radio and Television Act. Three days later, the "Rzeczpospolita" daily published the first results of its own investigation into this case (Majewski, Marszałek, Zalewska, 2003). The commission of inquiry commenced on April 5, 2004. Despite preliminary support for the committee's version of the report prepared by MP Anita Błochowiak, questioning the existence of the mythical 'group holding power,' the decision of the Sejm, taken on September 24, 2004, was the final report prepared by MP Zbigniew Ziobro. This document was radical in its proposals, among others demanding that the Prime Minister and President Aleksander Kwaśniewski appear before the Tribunal of State (Resolution, 2004). On December 10, 2004, the trial of Lew Rywin was concluded. He was legally recognized as an intermediary for people who wanted to submit a corrupt offer to Agora. The court sentenced him to 2 years in prison and a fine of PLN 100,000 (Gędek, 2015, pp. 116–118).

The second scandal publicized by the media was the 'Starachowice scandal.' In July 2003, "Rzeczpospolita" daily revealed that Andrzej Jagiełło, an MP for the SLD, had warned his party colleague and the governor of Starachowice about an action planned by the Central Investigation Bureau (CBŚ) against members of the gang who cooper-

ated with local government officials, in a phone conversation in March of the same year. According to the newspaper's findings, Jagiełło was planning to leak information from Zbigniew Sobotka, deputy head of the Ministry of Interior and Administration. To establish the facts, it was necessary to analyze the transcripts obtained by eavesdropping on the governor's phone during the preparations for the action. CBŚ arrested several SLD local government officials. Shortly afterwards, prosecution charges were brought against two SLD deputies – Jagiełło and Henryk Długosz, who mediated in the exchange of information between Sobotka and Jagiełło. In 2005, the District Court in Kielce sentenced Sobotka to 3.5 years, Henryk Długosz to two years, and Andrzej Jagiełło to 1.5 years in prison (Werner, 2013). Both of the above-mentioned scandals contributed to the collapse of the government. On May 2, 2004, Prime Minister Miller handed in his resignation, along with the entire Council of Ministers.

The next case is the government headed by Prime Minister Jarosław Kaczyński, although in this case one should talk rather about three Cabinets. The first was in power from July 19, 2006 until September 22, 2006 and was supported by three parties – Law and Justice, Self-Defense of the Republic of Poland (*Samoobrona RP*) and the League of Polish Families (LPR). The next Cabinet, without *Samoobrona RP*, operated from September 22, 2006 until October 16, 2006. The third government, again with the support of *Samoobrona RP*, governed from October 16, 2006 until August 13, 2007 (Banaś, Lechowicz, 2015, pp. 16–17). The main problems of the cabinets headed by Jarosław Kaczyński were maintaining the coherence of the parliamentary base and dealing with image problems resulting from scandals published by the media about parliamentarians from the ruling parties. In September 2006, Deputy Prime Minister and Minister of Agriculture Andrzej Lepper was dismissed for criticizing budget proposals. This meant weakening the parliamentary base, as members of *Samoobrona RP* subsequently left the coalition. However, after less than a month, the party returned to the governing coalition. This happened four days before a broadcast entitled "Now WE!" (*Teraz MY*) was aired on the TV channel TVN. In this broadcast, news that compromised important PiS MPs appeared on recorded video tapes, which began the so-called 'tape scandal.' On the recordings, recorded with a hidden camera, the head of the Prime Minister's Office, Adam Lipiński, urged a member of *Samoobrona RP*, MP Renata Beger, along with several other *Samoobrona RP* MPs, to defect to PiS. In return, the minister offered legal assistance to avoid paying off promissory notes with the possibility of using the Sejm's financial resources to fund this, and to have the bailiff called off (these promissory notes were created in order to act as a guarantee in the event that *Samoobrona RP* MPs left the party during the parliamentary term). The second of the recorded MPs was Wojciech Mojzesowicz, who resigned from the post of Secretary of State in the Office of the Prime Minister on October 26, 2006 (in July the following year he returned to the government as Minister of Agriculture). In March 2007, the prosecutor's office discontinued the proceedings regarding the tape scandal (Tyrała, 2014, p. 117; PAP, 2014).

The next government crisis was related to the so-called 'sexafera' (sex scandal). On December 4, 2006, "Gazeta Wyborcza" published an article entitled *Work for sex* (*Praca za seks*) by Marcin Kącki, revealing illicit practices in the *Samoobrona RP* party, with the participation of prominent activists, in relation to Aneta Krawczyk, a female party activist from the province of Łódź. A day later, in the "Teraz My" program on TVN, Krawczyk

said that Stanisław Łyżwiński of *Samoobrona RP* was the father of her three and a half-year-old daughter, and that his assistant had tried to force her to take an abortion pill (later DNA tests proved that Łyżwiński was in fact not the father). On December 14, Łyżwiński was expelled from the party, and on August 23, 2007, the Sejm denied him parliamentary immunity and thus consented to his arrest. The next day, the prosecutor's office charged Łyżwiński with seven charges, including offering Krawczyk a job in exchange for sexual favors, forcing her and two other women to perform sexual favors, and rape of the district councilor. On November 8, 2007, charges were also leveled against Andrzej Lepper, the leader of *Samoobrona RP*, including demanding and accepting sexual favors from Aneta Krawczyk. In the years 2008–2011, courts convicted several activists of this party in connection with this case, including Łyżwiński and Lepper.

The third of the scandals, known as the 'land scandal,' became a catalyst for the collapse of Jarosław Kaczyński's government. On July 9, 2007, the Minister of Agriculture and the Deputy Prime Minister, Andrzej Lepper, was dismissed from his position in connection with the suspicion that he could have personally benefited from land depreciation. The CBA attempted a provocation handing him a bribe, but they failed. The reason for the failure was a leak, for which the prosecutor's office suspected the head of the Ministry of Interior and Administration, Janusz Kaczmarek, was responsible (on August 8, 2007 he was removed from office). Among those suspected of warning Lepper were the Chief Commander of the Police, Konrad Kornatowski, businessman Ryszard Krauze and an MP for *Samoobrona RP*, Lech Woszczerowicz. However, the investigation in this case was discontinued. On August 9, 2007, Jarosław Marzec was dismissed by Kaczyński from the post of Central Commandant of the Office of Investigation (he was to be a source of leaks to the head of the Ministry of Interior and Administration). Two days later, the Prime Minister broke the coalition agreement and dismissed ministers from the LPR and *Samoobrona RP*. On August 23, 2007, PiS filed for the dissolution of the Sejm, which was a consequence of the crisis in the ruling coalition. On September 7, 2007, MPs decided to dissolve the Sejm. Formally, the 'polite' dismissal of the Cabinet took place on November 5.

Donald Tusk twice became the head of the government after parliamentary elections won by his party. The first cabinet formed by PO with PSL support was in office from November 24, 2007 until November 8, 2011, and the second, also in coalition with the PSL, ruled from November 21, 2011 until September 11, 2014. The first cabinet had to face the consequences of the global financial crisis at the beginning of their term of office, which forced the government to implement a restrictive budget policy, in particular in the area of social spending. The opposition also accused the ruling coalition of excessively increasing the state's debt. The Cabinet's image was adversely affected by the decision to raise the retirement age for women and men and to transfer to the Social Insurance Institution (ZUS) savings held in the second pillar (OFE) worth PLN 152.8 billion in 2013. The scandals published by the media were of considerable importance for the coalition and the image of the government. Chronologically, the first was the so-called 'gambling scandal,' revealed on October 1, 2009 by "Rzeczpospolita" (Gmyz, Zawadka, 2009). Politicians from the largest coalition party were involved: the head of the PO caucus, Zbigniew Chlebowski, and the Minister of Sport, Mirosław Drzewiecki. In the article, journalists accused them of lobbying for gambling companies. Referring to the

findings of the investigation under the name "Black Jack," conducted since March 23, 2009 by the Central Anticorruption Bureau (CBA), "Rzeczpospolita" reporters pointed to two businessmen from the gambling industry, from Lower Silesia – Ryszard Sobiesiak and Jan Koska – who tried to push amendments to the Gambling Act that were beneficial for their companies. Thanks to eavesdropping on telephone conversations, it was established that, at that time, these entrepreneurs had contacted Chlebowski, who headed the Sejm Public Finance Committee, and Drzewiecki, the head of the Ministry of Sport, many times. That office was responsible for preparations for Euro 2012 in Poland. The co-financing of this event came from money obtained from additional taxes (called a surcharge) imposed on gambling companies. This was expected to raise PLN 469 million for the budget. PO politicians declared that they wished to remove the surcharge on gambling companies from the text of the Act. On June 30, 2009, Drzewiecki, in a letter to the Minister of Finance, asked for the surcharge to be removed from the bill, considering their introduction to be "pointless," and applied for "exclusion from further proceedings." On August 12, 2009, the Commander of the Central Anticorruption Bureau informed Prime Minister Tusk of the findings of the investigation. Shortly afterwards, contacts between the businessmen and the politicians ceased, and the CBA informed the Prime Minister of this on September 12, suggesting a leak. On September 18, President Lech Kaczyński was informed about the case. On October 1, 2009, Chlebowski was suspended as the head of the PO parliamentary caucus and announced his resignation as the head of the Public Finance Commission. Four days later, Drzewiecki also resigned. There were more personal consequences related to this scandal. Grzegorz Schetyna, the Deputy Prime Minister and Minister of the Interior and Administration (he became the new chairman of the PO caucus), the Minister of Justice, Andrzej Czuma, and the Deputy Minister of the Economy, Adam Szejnfeld, left the government. Paweł Graś, Sławomir Nowak and Rafał Grupiński concluded their work for the Chancellery of the Prime Minister (the decisions was later revoked in the case of Graś). On October 13, Prime Minister Tusk dismissed Mariusz Kamiński, considering that, in the matter of the 'gambling scandal,' he "used the CBA against political competitors" (Święczkowski, Ziaja, 2014, pp. 99–121; PAP, 2011).

An even more serious image crisis for the next cabinet of PM Tusk was the so-called 'eavesdropping scandal.' On June 14, 2014, fragments of illegal recordings of two eavesdropped conversations in the restaurants Sowa & Przyjaciele and Amber Room were revealed on the website of the weekly "Wprost". On June 16, transcripts from the recordings were published in the paper edition of the weekly. Among the recorded was the President of the National Bank of Poland and ministers from Tusk's government. On June 18, 2014, the prosecutor's office and the Internal Security Agency (ABW) conducted a search in the editorial office of "Wprost" to obtain media containing recordings of the eavesdropped conversations. On June 22, 2014, the other media began to reveal fragments of the recordings of next conversations between politicians, and a day later "Wprost" published detailed transcripts of these eavesdropped conversations. Under pressure from the opposition demanding the resignation of discredited politicians and officials, on June 25, 2014, Tusk submitted a motion to request a vote of confidence in the Sejm. In the vote, 237 MPs supported the cabinet, 203 were against. However, this did not stop the opposition. The next day, the PiS parliamentary caucus filed a mo-

tion for a constructive vote of no confidence in the government of Donald Tusk (the candidate for Prime Minister was Professor Piotr Gliński). On July 11, 2014, the Sejm rejected the motions for no confidence votes against the government and the Minister of Internal Affairs. The consequence of the disclosure of the eavesdropped conversations, apart from obvious image problems and decrease in confidence in Tusk's government, was the resignation in September 2014 of Tusk, who became President of the European Council in December. The next cabinet was headed by Ewa Kopacz. On June 10, 2015, the Ministers of Health, Sport, Tourism and the State Treasury, three deputy ministers, Special Services Coordinator and the head of the Political Advisers' Team of the Prime Minister also resigned. Radosław Sikorski resigned from the role of the Sejm Speaker (Latkowski, Majewski, 2014; Wilgocki, 2015).

The analysis of the discussed scandals in four governments proves that, as a result of revelations by journalists, image problems, frictions within coalitions, declining public confidence, dismissals and ultimately the collapse of cabinets are not directly linked to the specific subject matter in press publications. The scandals described in the media concerned a wide range of issues, ranging from corruption, nepotism and sexual exploitation to the embarrassingly low level of illegally overheard conversations between important politicians. Therefore, there is no rule in this area that would indicate the main reason for the emergence of cabinet crises or affecting their severity. A similar conclusion can be reached by analyzing the correlation between the number of parties forming a cabinet coalition and the effectiveness of influencing the government via the media. Of the four described cases, only Miller and Kaczyński had coalitions formed of three political parties, whereas the governments of Pawlak and Tusk were supported by only two parties. Regardless of the number of parties supporting the policy of the Council of Ministers, the scandals revealed by investigative journalists have had similar effects. It is difficult to see the direct influence of the number of coalition partners on the number of scandals and government crises they generate. The only noticeable feature of the cabinets with parliamentary support consisting of two parties is their greater determination in the struggle to survive the crisis and stay in power, also expressed in the visible consolidation of the parliamentary base. In the case of cabinet coalitions supported by three parties, with differing numbers of seats in the parliament and led by a Prime Minister with a strong personality (such as Kaczyński), media scandals can quickly lead to the disintegration of the ruling system, though not necessarily the downfall of the Council of Ministers itself. In all the discussed scandals, the source of exposure was the opposition media. This is of course nothing extraordinary in the context of the control function exercised by the press, which should make journalists independent of the government, irrespective of who is at the helm. Only in this way can the 'fourth estate' fulfill its obligations to the public. However, it is impossible not to notice the significant involvement of the media in favoring specific political groups and publicizing scandals which make it more difficult for their competitors to govern. This is evidenced by the InterAms scandal ("Wprost"), Rywin scandal ("Gazeta Wyborcza"), tape scandal (TVN and "Gazeta Wyborcza"), sex scandal ("Gazeta Wyborcza"), and eavesdropping scandal ("Wprost"). In these cases, investigative publications were used in the political struggle, and the media themselves were treated by the opposition as an instrument to weaken their opponents.

The described examples of investigative journalism indicate that their publication has a significant impact on the stability of cabinet coalitions in Poland. The disclosed scandals reduced public support for the government and increased the visibility of their actions, thus revealing the weaknesses of both the political parties themselves and the institutions they represent, as well as individual politicians or high-level officials. In this way, the media have the power to deprive governments of the necessary public support and trust that they need to retain power. Although the investigative publications themselves are rarely the only factor in the government's collapse, they can certainly be considered as a catalyst for generating cabinet crises, including the breakdown of the Council of Ministers. Negative public opinion caused by such exposures and the pressure exerted on the institutions of power often translates into direct consequences for the government, ranging from personal and legislative consequences to the loss of the ability to govern effectively.

Bibliography

Adamczyk W. (2007), *Dziennikarstwo śledcze a kryzysy polityczne*, in: *Media a polityka*, eds. A. M. Zarychta, Ł. Donaj, M. Kosiarz, A. Barański, Łódź.

Adamczyk W. (1999), *Media masowe w procesie budowania demokracji w Polsce (1989–1995)*, Poznań.

Adamczyk W. (2008), *Amerykańskie archetypy dziennikarstwa śledczego*, Poznań.

Antoszewski A., Herbut R. (2007), *Systemy polityczne współczesnej Europy*, PWN.

Banaś M., Lechowicz P. (2015), *Kohabitacja a trwałość gabinetów koalicyjnych w Polsce po 1991 roku*, "Polityka i Społeczeństwo," no. 4(13).

Bankowicz M. (ed.) (1999), *Słownik polityki*, Warszawa.

Baybars-Hawks B. (2003), *The Impact of Investigative Journalism on Public Opinion and Policymaking*, Proc. 1st Int. Hawaii Conference on Arts and Humanities, Hawaii, USA.

Bereś W. (2000), *Czwarta władza. Najważniejsze wydarzenia medialne III RP*, Warszawa.

Blumler J., Gurevitch M. (1995), *The Crisis of Public Communication*, London–New York.

Burgh de H. (2000), *High politics and low behaviour. The Sunday Times Insight*, in: *Investigative Journalism. Context and Practice*, ed. H. de Burgh, London–New York.

Cepernich C. (2002), *Media and Political Scandals in Italy. Mistrust on the Ground of Antipolitics*, paper presented during a combined session in the "Antipolitics and the Media" working group, XXIX ECPR, Turin March 22–27, 2002.

Chodubski A. (1996), *Wstęp do badań politologicznych*, Gdańsk.

Dahrendorf R. (2008), *Klasy i konflikt klasowy* w *społeczeństwie przemysłowym*, Kraków.

Dobek-Ostrowska B. (ed.) (2004), *Media masowe w systemach demokratycznych. Teoretyczne problemy i praktyczny wymiar komunikowania politycznego*, Wrocław.

Dobry M.(1995), *Socjologia kryzysów politycznych*, Warszawa.

Feldstein M. (2001), *Ventriloquist or Dummy? A model of how sources set the investigative agenda*, paper submitted to the Communication Theory & Methodology Division, AEJMC Convention, August.

Feldstein M. (2006), *A Muckraking Model: Investigative Reporting Cycles in American History*, "The Harvard International Journal of Press/Politics".

Gaster R. (1988), *Sex, Spies, and Scandal. The Profumo Affair and British Politics*, in: *The Politics of Scandal. Power and Process in Liberal Democracies*, eds. A. S. Markovits, M. Silverstein, New York–London.

Gędek M. (2015), *Rynek medialny w Polsce. Zarys ewolucji ostatnich czterdziestu lat*, Lublin.

Gmyz C., Zawadka G. (2009), *Wpływowi politycy i afera hazardowa*, "Rzeczpospolita," 1.10.2009.

Graber D. A. (1984), *Mass Media and American Politics*, "Congressional Quarterly," Washington.

Herbut R. (1998), *Kryzys* (hasło), in: *Leksykon politologii*, eds. A. Antoszewski, R. Herbut, Wrocław.

Jaskiernia J. (2013), *Dostosowanie systemu ustrojowego Rzeczypospolitej Polskiej do działania w warunkach kryzysowych*, in: *Kryzysy gospodarcze i polityczne a ewolucja systemów politycznych*, ed. P. Soroka, Kielce.

Jednaka W. (2004), *Gabinety koalicyjne w III RP*, Wrocław.

Jednaka W. (2006), *Rząd Hanny Suchockiej (11 VII 1993–26 X 1993)*, in: *Rządy koalicyjne w III RP*, ed. M. Chmaj, Olsztyn.

Kasińska-Metryka A. (2013), *Przywództwo polityczne w czasach kryzysu – nowe wyzwania*, in: *Kryzysy gospodarcze i polityczne a ewolucja systemów politycznych*, ed. P. Soroka, Kielce.

Kącki M. (2006), *Praca za seks w Samoobronie*, "Gazeta Wyborcza," 4.12.2006.

Kepplinger H. M. (2003), *W kierunku systemowej teorii komunikowania* politycznego, in: *Media masowe w systemach demokratycznych. Teoretyczne problemy i praktyczny wymiar komunikowania politycznego*, ed. B. Dobek-Ostrowska, Wrocław.

Kuntz A. (1988), *From Spiegel to Flick: The Maturation of the West German Parteienstaat*, in: *The Politics of Scandal. Power and Process in Liberal Democracies*, eds. A. S. Markovits, M. Silverstein, New York–London.

Latkowski S., Majewski M. (2014), *Afera podsłuchowa. Taśmy „Wprost"*, Poznań.

Linsky M. (1991), *Impact: How the Press Affects Federal Policy Making*, New York–London.

Majewski M., Marszałek A., Zalewska L. (2003), *W sieci zależności*, "Rzeczpospolita," 13.01.2003.

Małkiewicz A. (2010), *Kryzys. Polityczne, ekologiczne i ekonomiczne uwarunkowania*, Warszawa.

McNair B. (1998), *Wprowadzenie do komunikowania politycznego*, Poznań.

Meyer T., Hinchman L. (2004), *Media Democracy. How the Media Colonize Politics*, Cambridge.

Michalak B., Wincławska M. S. (2006), *Rząd Leszka Millera (19 X 2001–2 V 2004)*, in: *Rządy koalicyjne w III RP*, ed. M. Chmaj, Olsztyn.

Millward D. (2013), *Christine Keeler admits she betrayed Britain*, "The Telegraph," 9.06.2013 [retrieved: 22.09.2013].

Mistewicz E., Witoszek A. (1994), *Femme fatale premiera*, "Wprost," 20.11.1994.

Molotch H. L., Protess D. L., Gordon M. T. (1996), *The Media-Policy Connection: Ecologies of News*, in: *Political Communication Research: Approaches, Studies and Assessments*, vol. II, ed. D. Paletz, Norwood.

Olędzki J. (1989), *Amerykańskie środki przekazu w okresie kryzysów politycznych*, "Przekazy i Opinie," no. 3–4.

Orren G. R. (1991), *Thinking About the Press and Government*, in: M. Linsky, *Impact: How the Press Affects Federal Policy Making*, New York–London.

PAP (2011), *Rząd Donalda Tuska 2007–2011 (Kalendarium)*, 16.11.2011, http://forsal.pl/artykuly /566318,rzad-donalda-tuska-2007-2011-kalendarium.html, 20.11.2011.

PAP (2014), *Polityczne podsumowanie najważniejszych wydarzeń 25 lat*, 2.06.2014.

Parris M., Maguire K. (2004), *Great Parliamentary Scandals. Five Centuries of Calumny, Smear and Innuendo*, London.

Piontek D. (2011), *Komunikowanie polityczne i kultura popularna. Tabloidyzacja informacji o polityce*, Poznań.

Popper K. R. (1994), *Opinia publiczna w świetle zasad liberalizmu*, "Studia Polityczne," nr 3.

Protess D., Cook F. L., Doppelt J. C., Ettema J. S., Gordon M. T., Leff D. R., Miller P., *The Journalism of Outrage. Investigative Reporting and Agenda Building in America*, New York–London.

Resolution of the Sejm of the Republic of Poland of 24 September 2004 on the report of the Investigation Commission to investigate allegations of corruption in the media during work on the amendment of the Radio and Television Act (M.P.).

Rychard A., Domański H. (eds.) (2010), *Legitymizacja w Polsce. Nieustający kryzys w zmieniających się warunkach?*, Warszawa.

Sartori G. (1998), *Teoria demokracji*, transl. P. Amsterdamski, D. Grinberg, Warszawa.

Schulz W. (2006), *Komunikacja polityczna. Koncepcje teoretyczne i wyniki badań empirycznych na temat mediów masowych w polityce*, Kraków.

Sokół W. (2006), *Rząd Waldemara Pawlaka (26 X 1993–1 III 1995)*, in: *Rządy koalicyjne w III RP*, ed. M. Chmaj, Olsztyn.

Sokół W. (2006a), *Teoretyczne aspekty tworzenia i funkcjonowania rządów koalicyjnych*, in: *Rządy koalicyjne w III RP*, ed. M. Chmaj, Olsztyn.

Soroka P. (ed.) (2013), *Kryzysy gospodarcze i polityczne a ewolucja systemów politycznych*, Kielce.

Strøm K., Müller W. C. (2000), *Coalition Governments in Western Europe*, Oxford.

Szybisty Z., *Afera hazardowa. O co chodzi?*, "Gazeta Wyborcza," 1.10.2009, http://wiadomosci.gazeta.pl/wiadomosci/1,114873,7099027,Afera_hazardowa__O_co_chodzi_.html, 3.10.2009.

Święczkowski B., Ziaja Ł. (2014), *Afery czasów Donalda Tuska*, Poznań 2014.

Taras D. (1993), *The Mass Media and Political Crisis: Reporting Canada's Constitutional Struggles*, "The Canadian Journal of Communication," vol 18, no. 2.

Thompson J. B. (2000), *Political Scandal. Power and Visibility in the Media Age*, Polity Press.

Tocqueville de A. (1976), *O demokracji w Ameryce*, transl. M. Król, PIW.

Tyrała M. (2014), *Koalicje polityczne w Polsce w latach 1991–2011*, doctoral dissertation, Katowice.

Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 24 września 2004 r. w sprawie sprawozdania Komisji Śledczej do zbadania ujawnionych w mediach zarzutów dotyczących przypadków korupcji podczas prac nad nowelizacją ustawy o radiofonii i telewizji, M.P. 2004, Nr 41, poz. 711.

Werner M. (2013), *Afera starachowicka: Rzadki przypadek przykładnego osądzenia sprawców*, "Dziennik Gazeta Prawna," 15.02.2013.

Wielecki K. (2012), *Kryzys i socjologia*, Warszawa.

Wilgocki M. (2015), *Afera podsłuchowa. Najważniejsze wydarzenia [Kalendarium]*, 11.06.2015, http://wyborcza.pl/1,75398,18098199,Afera_podsluchowa__Najwazniejsze_wydarzenia__KALENDARIUM_.html?disableRedirects=true, 15.06.2015.

Zalewska L. (2003), *Kalendarium afery*, in: *System Rywina czyli druga strona III Rzeczypospolitej*, ed. J. Skórzyński, Warszawa.

ZSZ, *Drzewiecki podaje się do dymisji. Natychmiast*, "Gazeta Wyborcza," 5.10.2009, http://wiadomosci.gazeta.pl/wiadomosci/1,114873,7110359,Drzewiecki_podaje_sie_do_dymisji__Natychmiast.html, 7.10.2009.

**Śledztwa dziennikarskie a kryzysy gabinetowe w III RP
(na wybranych przykładach)**

Streszczenie

Przedmiotem rozważań jest wpływ dziennikarstwa śledczego na system rządów, a w szczególności na funkcjonowanie i rozpad koalicji gabinetowych w Polsce po 1989 roku. Cezura ta ma bezpośredni związek z ukształtowaniem się w ramach transformacji systemowej parlamentarno-gabinetowej formy sprawowania rządów. Źródłem konfliktów prowadzących do utraty niezbędnego zaufania lub przyspieszających upadek rządu były niejednokrotnie kryzysy wywołane przez publikacje dziennikarzy

śledczych, w których ujawniali oni fakty niewygodne dla członków Rady Ministrów, związane bezpośrednio z ich nagannymi działaniami lub pośrednio z aktywnością ich najbliższych współpracowników. Celem artykułu jest wykazanie, że demaskowanie przez reporterów dochodzeniowych afer z udziałem członków rządu, ich najbliższych współpracowników lub polityków i urzędników z zaplecza politycznego stanowi swoisty katalizator generujący kryzysy gabinetowe, włącznie z zakończeniem misji Rady Ministrów. Analizie poddano wpływ skandali ujawnionych w czasie misji czterech rządów: W. Pawlaka, L. Millera, J. Kaczyńskiego i D. Tuska.

Słowa kluczowe: kryzys gabinetowy, dziennikarskie śledztwa, afery polityczne

Anna ANTCZAK
University of Finance and Management, Warsaw
ORCID ID: https://orcid.org/0000-0003-2342-152

'New' and 'old' wars – the changing dimensions of warfare

Abstract: The article aims to present the issue of 'old' versus 'new' wars in relation to their specific features. It focuses on the characteristics of both phenomena, as well as providing an analysis of the causes and sources of armed conflicts and their changing dimensions. Methods of waging war have changed along with the political, economic, social and technological developments which have been observed over the years. The very philosophy of war has undergone changes in a similar way. The article aims to identify the direction of changes in the dimensions of war. It also provides an insight into the privatization of warfare and the constantly growing importance of non-state actors in shaping the international order, and therefore their role in post-modern wars.

Key words: war, conflict, state, use of force, crisis, privatization of war

Introduction

As it was noticed by Clausewitz (1968), war has always been a part of human society and indeed still is, despite the many changes that have taken place within societies and political systems, the global balance of power and its meaning, as well as war itself and the way it is conducted. The Cold War was the breaking point at which the understanding of the concept of war was reevaluated. It has shifted the focus from the strictly military aspects towards political and strategic means supported by military potential (Antczak-Barzan, Śliwa, Zaniewski, 2016).

The 'new' war is no longer total war (where range, speed and effectiveness of killing reached its climax), but an asymmetrical conflict of low intensity, frequently evoked by real, imaginary or inspired nationalisms or ethnic, religious and cultural factors. Therefore, we have to deal with the so-called identity wars (Vasquez, 2000) which are associated with ethnicity, culture, values and religion. The objectives of war also seem to have shifted. Previously, war was used for the seizure of territory or the subordination of a native society (ideologically, culturally or regarding religion and values). Then, the aim of the war shifted to focus on destroying the adversary, often without a vision for what was going to come next. Destruction itself became a goal (wars of the 'second wave'). Wars of the 'third wave' are 'precise' and selective. They are designed to destroy targets of a crucial and strategic importance for the country, not only in military and political terms but also in economic terms, while causing the least possible collateral damage. Therefore, 'new' wars are frequently of a local character and are often carried out by non-state actors, but are controlled by larger powers that often sponsor contractors.

In the last twenty years, there has been a wide debate among scholars on how to define post-modern warfare, and if there is justification for using the term 'new war.' What is so different about contemporary wars that there is cause to refer to them as 'new'?

Mary Kaldor (2012) constructs the notion of a 'new war,' which is supposed to stand in opposition to the 'old war. She defines 'old war' in Clausewitz's terms, as a fight between organized armed forces on behalf of states. Therefore, it seems that every conflict which includes entities other than states should be classified as a new war. This article, examining current literature on 'old' and 'new' wars, contributes to the debate on this very issue, providing arguments for and against the 'new war' concept. Thus, the purpose of this article is to identify features which determine its new character or dimension, but also to focus on the question of whether or not they are indeed new. Questions raised in this article concern mainly matters related to the sources of contemporary wars, as well as the reasons why wars begin. It is probably not only a matter of the participants – whether they are state or non-state actors – but also the dimensions of the war and, most importantly, its effects. It is necessary to remember that the current form of war was shaped to a large extent by modern warfare, which spread mass destruction through developing ever more deadly weapons. Very frequently, 'new' wars do not influence the change of state borders, as was usually the case in the past, but have an impact on daily life to a larger extent (the prices of food, fuel, shares at the stock exchange, etc.). Another fairly new phenomenon is the privatization of the use of force. Governments, international organizations, corporations and individuals tend to rely on contractors more and more often. Thus, the second part of this paper will be devoted to the concept of the privatization of war and will try to answer the question of how this notion influences 'new' wars.

Conceptual differences between 'new' and 'old' wars

While Mary Kaldor (2006) claims that there is plenty of evidence provided by the analysis of contemporary warfare to confirm that what is now practiced is indeed 'new war' (she generally bases her argument on the idea of globalization, arguing that war no longer exclusively serves the interests of states but also other actors, and that contemporary war is rather a mixture of war, organized crime and the violation of human rights). This vision is very much shared by Herfried Münkler (2005). Ken Booth, on the other hand, argues that the observation provided by Kaldor is correct as such, but the construct of the 'new war' is inappropriate, as there is not enough evidence to justify calling contemporary warfare 'new' (Booth, 2001) Others, like Bellamy (2007), state that most of the characteristics attributed to 'new' war are in fact well-established, but agree that the novel factor is globalization. This argument is also supported by Martin Shaw (2000), who claims that globalization is the driver for various changes, including the changing character of war. Colin Fleming (2009) claims that there is no need to form opposing camps, but rather combine approaches in order to achieve synergy in the debate.

Mikkel Rasmussen (2006) presents a completely different approach. He argues that the main difference between past and contemporary wars lies in military strategy. In the past, it was guided by what he calls 'threats' – tangible combinations of hostile intentions (ideologies) and capabilities (mainly nuclear weapons). 'Threats' were real and could be eliminated by the application of proper strategy. Nowadays, 'threats' have been replaced by what he calls 'risks;' however, 'challenges' would probably fit here better – projections of potentially bad things that may, or may not, happen in the future. Consequently,

wars are the results of the 'decision superiority' – the ability to manage the 'risk' itself. In other words, as summarized by Bellamy (2007, p. 703), "the main aim of military strategy for risk-conscious societies [is] the protection of the capability to make decisions to manage risk."

Mary Kaldor (2013, p. 2–3) argues that new wars are characterized by four main features: the type of actors involved (various combinations of state and non-state actors, not just the regular armed forces of states), their goals (identity politics, defined as "the claim to power on the basis of a particular identity" (Kaldor, 2012, p. 7)), the methods employed (guerrilla warfare (Smith, 2003)[1] and terrorism, civilian targets) and the way they are financed (plunder, the black market and external assistance; war sustains war as "a war logic is built into the functioning of the economy" (Kaldor, 2012, p. 10)). Peter Layton claims there might be a need for 'transnational' to be added to the four characteristics (Layton, 2015). A similar approach to Kaldor's is supported by Donald Snow. He points to the lack of clear strategies or even tactics amongst irregular forces lacking discipline (Snow, 1996).

Van Creveld (2007) on the other hand supports the theory of the decline of the modern state, with its military instrument being largely archaic. He describes the changing context of war within the critical framework of Clausewitzian theory. He believes that the conventional, interstate kind of war will no longer exist in the future, since it is becoming more and more counterproductive. Despite perceiving new trends in war, Rupert Smith (2005) seems to still support the Clausewiztian war triad. He, however, builds the concept of war amongst the people, claiming concurrently that the aims for which people fight are changing. As recognized by Alexander McKenzie, Smith contends that hard, normally territorial, objectives associated with total war have been replaced with 'softer,' more malleable objectives consistent with limited war (McKenzie, 2011). Hugh Smith (2005) follows a similar path, demonstrating that, while the social, economic and political context of war might have changed, the fundamentals of war itself remain.

Increasingly, wars are not fought between countries but between societies, and, consequently, the warring parties are non-state entities (Smith, 2005); the adversary is difficult to define (it is sometimes changeable). For these reasons, the objectives of wars are different – less concrete, oriented at achieving long-term goals or as a response to the position of a given entity, or are designed to affect its course of action. The aims of war are often complicated, even blurred, and lead to lengthy negotiations after the ceasefire (as is the case for military operations conducted by the United Nations, NATO, the EU or an *ad hoc* coalition). "For a new war among societies paradigm, it is common to create the output conditions" (Smith, 2005, p. 323) and not to reach the final settlement of a typical victory (it is rather about the possibility of imposing or dictating conditions after the armed conflict ends (Table 1)). 'New wars,' according to Wojciech Kostecki (2012, p. 120) "are conducted for particular purposes, often with the use of instruments of terror and violation of the conventions of war, frequently to meet the needs of informal criminal groups." This statement points to a very different kind of war, i.e. acts of terrorism and the fight against them, as well as the elimination of terrorist groups' leaders. In this respect, it seems that the global war against terrorism justifies the use of force,

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[1] This argument is also supported by Michael Smith (2003).

which has not been recognized by international law so far (Alston, 2008). All of the above are also connected with the time of conflict resolution: wars are no longer subject to time limits. They can occur with varying intensity over time, and neither do they have a clearly defined beginning (declaration of war) nor an end (e.g. the war in Ukraine and the Middle Eastern conflicts, but also the war on terrorism). Mary Kaldor and Christine Chinkin (2013) also point out that "new wars are largely fought by men in the name of a political identity that usually has a significant gender dimension […] The construction of masculinity in new wars, in contrast to the heroic warrior of 'old wars,' is much more contradictory and insecure."

Table 1

'Old' and 'new' wars

Criterion	'Old' wars	'New' wars
Actors	– countries; – national armies and block alliances; – clear differentiation between public and private parties	– non-state actors; – paramilitary troops, criminals or mercenaries; – blurred differentiation between public and private parties
Motives	– political; – territorial defense	– religious; – material
Way of waging war	– large scale and high intensity military operations	– low scale and intensity operations; – humanitarian interventions; – crisis management
Aims	– realization of national and state interests; – geopolitical motives	– control over the states and resources; – identity construction; – ethnic exclusion
Structure of the army	– hierarchical command; – importance of battles; – large numbers of troops; – losses of soldiers	– dispersion; – violence directed at civilians; – use of light weapons; – civilian casualties
External support	– alliances; – super powers	– diaspora; – transnational mafia; – mercenaries; – intervention forces

Source: J. Czaputowicz, *Bezpieczeństwo międzynarodowe. Współczesne koncepcje*, PWN, Warsaw 2012, p. 61.

The clash of civilizations – whether for cultural reasons (as perceived by Huntington), or religious, ethnic, racial, or economic and technical ones (according to Toffler's idea) – will cause considerable differences in the concept of war. Different countries or non-state actors will approach them in accordance with their own level of development and understanding of military strategy. This means that the old ways and tools of warfare will remain in use, but more often than not they will be accompanied by new, postmodern ones, hence the war will become a 'hybrid' war. This diversity will necessitate specialization among countries, as is the case with the production of various goods. No state will be able to independently master all the strategies, techniques and tools of warfare of the new type. Therefore, alliances are becoming increasingly important (including *ad hoc* alliances to perform a spe-

cific task or achieve a particular objective) as well as the use of the idea of pooling and sharing and 'smart' defense.[2]

Moreover, 'new' wars of the future will gain a fourth dimension, namely space,[3] which is why they will be characterized by an additional element – lack of contact between the adversaries and the area of the possible attack (there is a huge number and variety of possibilities). New weapons will no longer be just automatic, but robotic, so they will become smart and to some extent autonomous weapons, capable of learning based on experience and thus of making their own decisions, however abstract this may sound. Interestingly, however, 'new' wars will be more frequently confronted with more 'traditional' and simpler means (tools) such as improvised explosive devices (IEDs), which will be used by societies at the lower level of technological development without sufficient financial resources to purchase smart weapons. Consequently, the strategies and tactics of war will also change. Strategy will be based mainly on knowledge, not on military advantage based on having a larger army or greater number of weapons. This will result in less direct participation of soldiers in the fight. This trend is also expressed in the professionalization of the armed forces and reductions in the number of troops in the most developed countries. Just as commanders withdrew from active participation in battle in the past, fewer and fewer soldiers will be directly involved on the battlefields of the future. They will be replaced by robots controlled by soldiers. Thus, knowledge will become the main focus of rivalries between powers, as it will be used to construct new weapons, and it will also be the object of competition (or even war) in itself. Similarly to society's evolution from the information society towards the knowledge society, the same progress will happen in the case of war.

When considering the issue of the causes of war, there may be many ways to approach the issue. System theories are based on the interaction of structures of the international system. The reasons for war are also believed to be determined at the state level (regime, national sentiments, etc.), or to be an effect of the decision-making process (organizational and bureaucratic mechanisms in crisis situations, military doctrines, etc.). There are also mono-cause theories that explain the sources of wars with one basic reason (Czaputowicz, 2012).

There are many sources of war-like conflicts in the 21st century's security environment, the most important (constituting the most powerful challenge, and often also a threat) being: international conflicts (connected with the balance of power, disputes, etc.) (Czaputowicz, 2012); internal conflicts (civil wars, nationalist and ethnic conflicts); systemic issues (weakness of the state apparatus or regime, failing states, political conflicts); ideological and religious conflicts (including the politicization of religion and its incorporation into political strategy, ideological wars of a missionary character (Kosta, 2011)); economic conflicts (decreasing supplies of natural resources – oil, gas, water); social issues (social pressure, high birthrate, decreasing resources, poverty, pollution); socio-economic issues (social stratification, lack of will to assimilate (diasporas), life in closed ghettos intensifying social dissatisfaction, lack of prospects for development).

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[2] These are the ideas respectively of the European Union (within the European Defense Agency) and NATO.

[3] G. Friedman (2009) projected the movement of the battlefield into space in 2009, which would make it easier to develop the concept of the Network Centric Warfare (NCW).

   Conflict-generating factors and those which increase the possibility of the outbreak of war are, however, a separate issue, and these can be: territorial disputes; alliances and military groupings; rivalries and recurring disputes, geopolitical and historical factors; escalation of crises; distribution of capabilities (power) (Vazquez, 2000); states' ambitions (Kosta, 2011) (nations, societies, certain groups) caused by historical factors – the return to a historical powerful status by a state whose 'rightful' position in the international arena has been weakened; weak and failed states; poorly developed civil societies; globalization and the results of colonial heritage (Dannereuther, 2007; Kaldor 2006); sudden and violent changes of government/system, inappropriate interpretations of the motives for action of the (potential) adversary and/or lack of research in this field (Kosta, 2011).

   Political and economic factors contributing to the emergence of conflicts that could lead to war are illustrated in Table 2. There is a clear correlation between political and economic motives, which are related in such a way that the existence of the former may intensify the occurrence of the latter, and vice versa. Political instability of the state is often connected with economic weakness and social unrest.

Table 2

Political and economic variables related to the emergence of conflicts

Economic variables related to the emergence of conflicts	Assumption (hypothesis)
Decline/stagnation of income *per capita*	Failure of the social covenant, dissatisfaction of individuals, lack of stimulation of development (personal motives)
Horizontal inequalities	Differences between groups (group motives)
Vertical inequalities	Social stratification, failure of the social covenant (individual and group motives)
High levels of poverty	SAB, social maladjustment, rivalry, envy (individual and group motives)
Limited state revenues and social spending	Little support from the state, failed states
Wealth of natural resources	Support for only one industry, sense of social injustice
Political factors related to the emergence of conflicts	
History of the conflict	The memory of the source of a conflict becoming a motivating factor for the establishment of a new one
State spending being a small part of the national income	Weak countries
Unequal access to power between groups	Horizontal inequalities, social dissatisfaction arising from these inequalities, fight for power
Indirect political system	Inability to negotiate change or suppress violence

Source: own elaboration based on: F. Stewart, G. Brown, *Motivations for conflict*, in: eds. C. Crocker, F. Hampson, P. Aall, *Leashing the Dogs of War. Conflict Management in a Divided World*, United States Institute of Peace Press, Washington 2007, p. 229.

   Countries undergoing constitutional transitions are more vulnerable to internal perturbations and the possible emergence of conflict or even war. This is due to nationalisms, the central government growing weak (Mansfield, Snyder, 2007), as well as social discontent due to the temporary (or not) reduction in living standards, the need to adapt to the new reality (reforms in the political, economic and social sphere), and the possibility of short-term enhancement of various kinds of social problems.

Certainly, the stimuli that increase the possibility of the outbreak of war in the 21st century include environmental factors, natural resources (mainly oil, gas and water) and migration of people on a massive scale. Asymmetric threats such as terrorism and uneven distribution of power (capabilities) are becoming more of a challenge in the 21st century, with the problems associated with the proliferation of weapons of mass destruction and their means of delivery. As already mentioned, currently there are more wars of an internal or ethnic character than between states. Non-state actors have begun to play an increasingly important role and the boundary between the state and the private sphere of war has blurred, as has the line between the interstate and 'domestic' war (Münkler, 2010). "Warfare is no longer a typical conflict between countries, but a civil war, insurrection and terrorism" (Levy, 2007, p. 19). Thus, a shift has occurred from symmetrical conflicts to those of an asymmetric character, and the number of non-state actors has increased, as well as their role in and influence on the formation of a new kind of warfare (military power was previously identified with the state apparatus; now, non-state actors, financed from different sources (legal or – usually – otherwise) are able to gather weapons and organize themselves into groups of a military nature). Undoubtedly, non-state actors have participated in wars in the past, but to a lesser extent and within a much more limited range of forms. Currently, we have to deal with various groupings, often of an informal character, and certainly devoid of the 'statehood:' guerrilla troops, criminal gangs, mercenaries and contractors (often foreign), irregular forces based on clans and other ancestral groupings, paramilitary organizations created by local leaders (so-called warlords), terrorist groups (Baylis, Wirtz, Gray, Cohen, 2016), militia forces and third countries' special forces sent to perform a specific mission (covert actions). These groups base their existence on the "armament production of private companies and independent private funding operating locally or globally. In this case, funds for war may come from robbery and theft, kidnapping for ransom, extortion, weapon and drug smuggling, human trafficking, money laundering, foreign aid and abused humanitarian aid, as well as from payments and donations from private individuals" (Baylis, Wirtz, Gray, Cohen, 2016, p. 66) (the schema for the flow of funds is presented in Figure 1).

Most researchers look for the sources of war in the struggle for power, anarchy and diversity or changes in the state's capabilities – political, military, and economic (Senese, Vasquez, 2008, p. 8). It is also correlated with the question of the impact of the foreign policy of one country on other countries' behavior (Senese, Vasquez, 2008, p. 9). Until now, wars have mostly involved occupying a specific territory and defending it (the issues of human territoriality[4]). That is why war was and still is a demonstration of power and a fight for international position. Currently, it does not necessarily have to be linked directly to the occupation of a certain territory, but is rather used to gain the influence and ability to shape or enforce certain behaviors by specific international actors. The stronger side is always supported by military power; it is worth considering what military capabilities mean nowadays. Unquestionably, methods and means of warfare, as well as ways in which force may be used, are different, while their determinants depend largely on strategic culture, capabilities, type of crisis, internal and external circumstances and conditions of the security environment. 'New' wars do not necessarily have to involve

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[4] To read more on this concept see J. Vasquez, M. Henehan (2011).

the direct use of military force. The use of non-military means (those of a political, economic or social character) or non-destructive weapons will often achieve similar results without the use of conventional weapons and incurring large numbers of casualties (losses). Such measures are often used in asymmetric conflicts against weak or failed states (weak state apparatus, heterogeneous society, weak armed forces, social stratification, unstable political system, etc.).
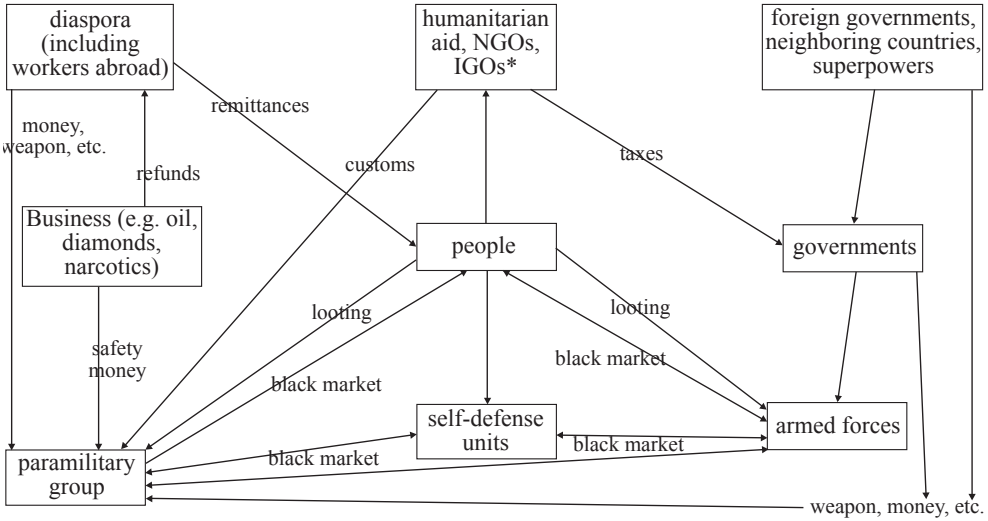
* NGOs – non-governmental organizations
  IGOs – intergovernmental organizations

Figure 1. Sources of financing 'new' wars

Source: M. Kaldor, *New and Old Wars. Organized Violence in a Global Era*, Polity Press, Cambridge 2006, p. 111.

'New,' post-modern, post-technological, hybrid wars, however this phenomenon *in statu nascendi* is to be called, it has characteristics of both 'old' wars and the 'novelty value' to which this article is devoted. The most important is the role of societies and individuals during wars or conflicts. If reality has left international law far behind, the question arises of how to legitimize the use of force in the 21st century, and how the international community can (or should) react. Another issue is the dissimilarity between 'classical' and 'new' wars, which is linked to their 'domestication.' Clausewitz's classic triad of state, armed forces and society (nation) is becoming less and less applicable in the description of war. More often, we are dealing with groups (minorities) using mercenary or guerrilla troops, which are not related to the armed forces of the state. More often it is the case that war does not occur between nations (states), but rather between groups that seek to achieve specific objectives, which are often difficult to define. Moreover, armed aggression is not directed against the state, but at a certain idea, religion, system or values, etc. In the past, war served to subordinate a territory and incorporate it into another state's structures. Today, the answer to the question of why we need war can be extremely complicated and the factors causing war are very intricate. 'New' wars

often involve, directly or, as is more often the case, indirectly, various forces and resources based on a number of international interconnections. It is also becoming a kind of philosophy, a way of life and doing 'politics' for specific groups (mainly terrorists), who see it as the only possible means to express their opinions or beliefs, and the sole way to achieve their goals. On the other hand, depending on the strategic culture and understanding of the use of force, war remains a useful political tool for some actors in the international arena.

Conflicts of an ethnic nature (on any grounds: religious, cultural, social, national or mixed) are often a mask for other (real) reasons or purposes, but are nonetheless presented as symbolic struggles to the societies involved (propaganda) and the international community (legitimacy for violence and the use of force). The real reasons often lie elsewhere and can be of an economic, ecological, ideological (including fanaticism) nature, or refer to the particular interests of certain groups of people. Therefore, not only are the strategies, circumstances and very philosophy of war new, but so are its causes. Identity is also of great importance in 'new' wars, which is unfortunately often misunderstood and related to culture, ethnicity, religion or systems of values (the idea of enforcing certain principles). Thus, when analyzed from this perspective, 'new' wars resemble a medieval crusade. Hence, another question arises of whether these are indeed new wars, or if the story has come full circle and returned to its origins.

Privatization of war

As stated in the previous part of this paper, 'new' wars are more and more often of a local character and their participants are often non-state actors. This fact is closely linked with the process of the privatization of security and the use of force, which means that states no longer have the monopoly in these areas. Thus, it is worth finding an answer to the question of how this process began and what caused it. There are many theories regarding this issue that in reality was shaped by various factors which coexisted at a particular time, as is often the case.

To begin with, in 2001 the concept of preemptive military measures to avoid war emerged. For the first time, it was defined in the security doctrine of the United States that the extent of involvement of the armed forces in peace-making missions is dependent on US national interests. The idea of a 'unipolar' world emerged at the end of the Cold War, which indirectly led to significant transformations in the global security system, consequently bringing a complete collapse of the inefficient global humanitarian aid system conducted under the auspices of the United Nations. It was replaced by international politico-military activity defined as 'preventive diplomacy' designed to avoid disputes between the parties and their escalation into armed conflicts, or to limit their scope. Early preventive diplomacy seeks to resolve disputes before they escalate into an open armed conflict. In contrast, delayed preventive diplomacy involves undertaking action to limit the scope of those conflicts. Basic forms of preventive diplomacy include: preventive deployment of forces and the establishment of demilitarized zones.

Using the instruments of preventive diplomacy, no source or cause of conflicts was eliminated. On the contrary, forcing Western civilization's influence on other countries

and attempts to disseminate its structures and values led to the rise of fundamentalism, an increased sense of ethno-cultural separateness, and aggressive varieties of nationalism as a product of the 'second wave' (this applies to states which are in the industrialization phase), as well as affecting the emergence of economic and technological issues hidden behind nationalist slogans (this applies to richer regions which want to break away from the poorer parts of the state). To meet the requirements of the changing security environment, the United Nations has had to adapt their apparatus accordingly. Thus, as a part of UN peacekeeping missions, there are three types (generations) of operations. The first is a classic observatory mission. The second generation of peacekeeping operations (starting from the intervention in Somalia in 1992), in addition to the mitigation and resolution of international conflicts, included issues of security guarantee, the establishment of interim administrations, the supervision of disarmament and demobilization of the warring parties, humanitarian actions and protecting and supervising elections. The third generation includes a whole range of crisis management operations: from stabilization through peace-making to the prevention of the recurrence of the conflict. A characteristic feature of these operations is the abandonment of the traditional position of neutrality and committing peace forces to one side of the conflict (to help to protect the victim against the actions of the aggressor). This attitude was a sign of the end of the impartiality of the Blue Berets, and required a clear judgment as to who was the aggressor and who the victim. Moreover, allowing peace operations under the auspices of the United Nations to be conducted by selected regional organizations or states (or coalitions of states) enabled states to use this form of regional stabilization to pursue their own political or economic interests. Consequently, in addition to ethno-cultural sources of conflicts, economic, civilizational and ideological factors have become equally important. A negative consequence of stabilization missions is the emergence of new security threats, such as: taking over power by 'warlords' (leaders of guerrilla groups and criminal gangs, who gained control over the country or part of its territory); 'nationalization' of weapons and slave trafficking (these crimes are committed on a state (government) level, in the case of weak or failing states); mass migration as a consequence of local conflicts; and civilians affected by consequences of the conflict.

Currently, the hotbed of war is undeniably the emergence of threats to the security of civilizations. These were the consequences of the formation of the so-called 'economic, civilizational and ideological circles' of the modern world (Benjamin Barber, Samuel Huntington, Henry Kissinger, Zbigniew Brzezinski, Alvin and Heidi Toffler); they are, however, differently defined by these authors. Samuel Huntington believes that the 'North'–'South' dichotomy is a consequence of the creation of three civilizational circles (Euro-Atlantic, Asian and Islamic), which aim to achieve hegemony. Facing the process of the weakening of Western civilization, the shift of the civilizational center of the world to the East is inevitable (Huntington, 1996). A and H Toffler (1995), in turn, argue that future conflicts will be fought between civilizations, but they perceive this differently than Huntington, i.e. between countries belonging to the third, the second and the first wave (the struggle for dominance and occupation of a particular position in the new balance of power). Benjamin Barber (1996) believes that the processes of globalization will lead in the end to the unification of cultural and civilizational patterns, and future conflicts will take place at the interface of the forces of globalization and societies

supporting them, and those who are in favor of tradition. Henry Kissinger, in turn, as a follower of political realism, thought that military power provided a basic source of supremacy for a state which is a major player in international relations. He was an advocate of power politics and did not attribute any significant international role to small and weak countries. Zbigniew Brzezinski, on the other hand, draws attention to the fact that the attributes of great power (which he considers crucial in international relations) are: economic power, the possession of weapons of mass destruction and 'attractiveness,' as considered by the societies of neighboring countries.

For the above-mentioned reasons, and also because of the ineffectiveness of the UN Security Council's activities, the concept of responsibility to protect (RtoP) was established, which is the responsibility (obligation) to protect the population of a country; so if the state is unable to provide such protection – a third party may intervene. This of course caused further discussions over the legitimacy of these actions (e.g. the intervention in Libya during the Arab Spring). Basically, within the framework of RtoP, there are three types of possible actions: (1) responsibility to prevent, which is an obligation to prevent humanitarian crises; (2) responsibility to react, which is a possible military intervention in connection with the crisis, and (3) responsibility to rebuild, which is the responsibility for reconstruction and reconciliation of societies after an armed conflict ceases, especially if military intervention by a third party took place (Kostecki, 2012, p. 158).

Thus, this is one side of the coin; the other is a result of the appearance (or the beginnings) of the phenomenon that Alvin Toffler called the 'third wave.' What is its impact on the shape of a 'new' war and its privatization? Nowadays, states of the third wave no longer attach so much importance to the state as such, hence accept certain prerogatives of the state which have contributed to their independence and sovereignty being made available to private entities, or being 'internationalized.' Therefore, countries of the second and the first wave also benefited from this situation, but in a different way. They fight either for principles, or statehood, but with the tools of the 'new' era, which are quite differently perceived in the third wave countries. The difference lies in the use of other tools and technologies. The states of the third wave use advanced technologies, while others often rely on guerrilla warfare and barbaric methods.

In the case of the countries of the 'third wave,' increased participation of the private sector in tasks (perceived as services) related to security is a new phenomenon. This marks the end of the state monopoly of the use of force, and legitimizes its use by the private sector (contractors). This, in turn, causes many problems. First of all, at the root of these changes, there is the idea of eliminating the state monopoly on power and the use of force. As a consequence of this, the level of control that the state has over the use of force is considerably reduced, which allows force to be directed against the state (not only the state apparatus, traditionally associated with power, but also the economic or social structures of the state). Mutual interdependencies between military and civilian technologies enabled not only economic and technological development in a positive sense, but also created the opportunity for criminals and terrorist groups to gain different kinds of weapons, as well as fanatics or hardline groups that stimulate 'dialogue' only through the use of force and coercion or terror and war. Another problem is the quality of security services provided by private companies, the state control of which is more

limited than in the case of state institutions. There are also limited possibilities for making decisions about changes, improvements or the introduction of new solutions. In the event of a conflict, the state may not have the appropriate instruments to exert pressure on external companies, despite the existence of relevant provisions or agreements. Taking the opportunity, private companies often pursue their own interests, which may not necessarily coincide with the interests of the state, especially in the case of conflict or war. The company's interest is dictated mainly by economic issues, whereas the interest of the state is much more complex.

As Münkler (2010, p. 3) puts it, "regular armies have lost control over the course of war." It is a result of the 'de-statization' or privatization of military force. As Bellamy claims, "one thing that characterizes contemporary war zones from Baghdad to Bunia is the collapse of the state's monopoly of violence. Globalization has made fighting wars cheaper, and created avenues for non-state actors to acquire significant wealth. The retreat of the state that characterizes the era of globalization has also enabled the development of private means of acquiring military force, including the proliferation of private military firms. While in the developed world military privatization might refer to the outsourcing of activities such as logistics, supplies and base security, in the developing world it can mean the outsourcing of war itself, and can fundamentally weaken the state's monopoly of violence" (Bellamy, 2007, p. 704).

The privatization of war, i.e. involving private companies in the 'creation of security,' is not a new phenomenon, but its scale increased roughly from the beginning of the Iraq war (2003). The presence of these companies is obvious, it is a fact; but it is much harder to determine the type of actors present in the private security sector. One possibility is the distinction between private military companies (PMCs), offering strictly military armored services, and private security companies (PSCs) providing services in the field of safety and protection, dealing primarily with defensive actions, aimed at protecting people and property (Holmquist, 2005, p. 5). Other possible criteria for division assume the existence of three types of companies: military provider firms, military consultant firms and military support firms (Holmquist, 2005). Private military companies combine the organizational culture of three types: military, business and non-governmental. Due to this, they are characterized by high variability and flexibility.

This phenomenon lies in the fact that private companies usually operate in weak countries and are commissioned by powerful ones who sponsor them in order to achieve their own ends (and, therefore, they become one of the tools of foreign policy). For weak countries, privatization in the field of security can lead to the expropriation or limitation of essential prerogatives of statehood. In contrast, powerful countries can launch military operations without the need to employ their armed forces (therefore, there is no need for the government to win the support of the public). It also enables enterprises to enter new markets, and consequently, gives them the possibility to make further profits after the conflict ends, in the form of trade with local societies. The above-mentioned cases beg the question of what mandate these companies have, and of how international law on military operations, war and armed conflicts should be applied to them (it seems that international law is inadequate for modern warfare). The transparency of such activities and state control over them also becomes problematic (this is particularly applicable with respect to the war on terrorism). The increase in terrorist threats also indicates the

changing perception of the use of force by the state or contracted military companies (a matter of a change in legal norms and standards of 'normality,' and public acceptance of certain phenomena).

Private military companies also need intelligence and logistical support, which is often impossible for them to acquire independently, and as such they have to use the resources and capabilities of the state. The development of private military enterprises is driven by the growing demand for their services – an increase in the level of instability is forcing entrepreneurs of certain industries (e.g. gas and oil) to hire private companies that will be able to ensure their safety (ordinary security, or 'bodyguard,' companies are insufficient, and there is a need for greater resources and capabilities). Employees of such companies are usually recruited from uniformed formations, primarily the military (Fig. 2).

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┌─────────────────────────────────┐              ┌──────────────────────────────────┐
│ Supply                          │              │ establishment and development of │
│ ex-soldiers due to:             │              │ various types of private         │
│ – reduced size of armed forces; │─────────────▶│ military companies encourages    │
│ – regime changes;               │              │ an increasing number of          │
│ – failed states;                │              │ applicants directly from         │
│ – slow demobilization;          │              │ uniformed formation (mainly the  │
│ – promise of higher wages.      │              │ armed forces)                    │
└─────────────────────────────────┘              └──────────────────────────────────┘
                   │                                            ▲
                   ▼                                            │
              ┌──────────────────────────────────┐
              │ demand                           │
              │ rise of instability:             │
              │ civilians and companies tend to  │
              │ possess private military forces  │
              │ in order to guarantee safety     │
              │ and/or gain own goals requiring  │
              │ the use of force                 │
              └──────────────────────────────────┘
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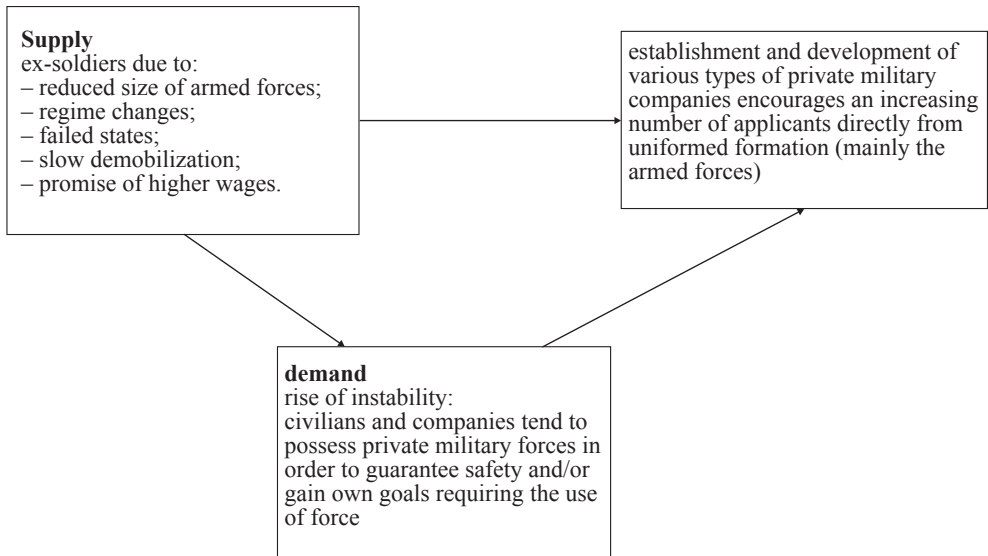
Figure 2. Dependencies between supply and demand on the military market

Source: Own elaboration based on: K. Carmola, *Private Security Contractors and New Wars: Risk, Law, and Ethics*, Routledge, New York 2010, p. 44.

Problems that may be posed by private military companies are the following (Alexandra, Baker, Caparini, 2008, p. 43):
– opposing interests to those of their employer;
– actions based on principles difficult to verify or control by the employer or public opinion;
– temptation to cut corners, escape from difficult situations or demand higher charges for services;
– growing strength superior to that of the employer, and the subsequent threat;
– in order to pay for mercenary forces, the employer may be forced to give a pledge of its most valuable assets (e.g. access to natural resources);
– actors who can afford mercenaries become stronger;

– weak countries possessing financial resources may become conflict provocateurs by making different interventions through the mercenaries;
– executive power of the country can overcome legislative control through mercenary forces;
– the ability of weak states to ensure internal security may depend on their relations with powerful countries which are eager to pay for contractor services.

This list should also mention the issue of the absence or avoidance of responsibility for actions taken and the consequences they may entail.

Currently, many conflicts (if not the majority) take place with the participation of mercenaries (contractors). Sometimes they carry out regular military operations, or they provide logistical support to the armed forces or perform protective functions (convoys, bases or people). Contractors were present in Georgia (for training the army), Pakistan (fighting Al-Qaeda), Iraq (after the fall of Saddam Husain), Libya (for Gaddafi) and Sierra Leone. The US government's contracts with military companies amount to several billion dollars, while the whole market is worth many times more. Even international organizations (such as the United Nations in Sudan) use private companies. PMCs also support the efforts to combat piracy off the coasts of Somalia, and it is estimated that their share in this area is significant, while their efficiency is thought to be high. Overall, the use of stateless, impersonal in a sense, military forces enables objectives to be achieved when other tools are not available or inconvenient for whatever reason. These solutions often turn out to be cheaper and more effective than other means.

The main difference between the use of force by and towards powerful or weak states (remaining in the so-called political center of the world or in its periphery, respectively) is that the legal regimes of the states of the 'center' use regular armies as a legitimate tool of conducting war, as well as applying provisions of the law of war and the Geneva Conventions. In more ambiguous cases, they use intelligence or special forces. On the periphery, on the other hand, guerrilla forces based on the so-called additional protocols are used, while in situations where there are less clear legal principles, these states use private military enterprises or terrorists (Carmola, 2010, pp. 121–123). Other motives standing behind the hiring of mercenary forces are as follows (Alexandra, Baker, Caparini, 2008, pp. 193–194):
– availability of qualified military personnel;
– excessive burden on the armed forces (their involvement in numerous out-of-area operations);
– contemporary warfare (the demand for a specific type of service; the range of tasks is impossible for the armed forces to carry out);
– demand from weak governments (fear of rebellion or being overthrown, or the desire to replace inefficient, poorly trained and ill-equipped armed forces);
– increased demand for intervention and international assistance in crisis situations (in situations of ethnic cleansing, large numbers of refugees, religious wars, etc., the need to organize rapid interventions arises; the demand for UN peacekeeping operations has always exceeded the capacity of the organization due to shortages of soldiers and, therefore, help or even replacement of international peacekeeping troops by contractors became a necessity);
– increased demand for military involvement in the war against terrorism;

– public opinion;
– the concept of a 'lean' state (some of the prerogatives of the state are transferred to the private sector, leading to the privatization of a growing number of functions which until now have been considered to belong to the state).

It is clear, therefore, what kind of benefits the state can derive from the use of contractors, mainly due to the level of anonymity and lack of consequences (due to the fact that there is no clear relationship between the state and the troops). On the other hand, if profit is the only motivation, it can be expected that in a difficult or crisis situation, privately contracted soldiers will not maintain the same standards of behavior and discipline as regular armed forces (dedication, defending the homeland, patriotism).

Another issue related in some way to the privatization, or in this case, rather marketization of military force, is the creation of a new service – military protection that can be provided by both private companies and the state (through agreements or alliances). Thus, weaker states will depend on the stronger ones, just as they are already depending on them economically or financially, or with respect to natural resources. The privatization of war means making it more 'civilian,' but also leads to the proliferation of weapons that are beyond the control of the state. This is closely linked with another issue, namely the arms trade, which has been a recognized phenomenon for a long time, but is now taking on a slightly different dimension. Despite the awareness of the dangers associated with arms sales to particular countries or non-state actors, this market is expanding and is not always fully controlled by states. Weapons more and more often end up in the hands of non-state actors. Commercial contracts are concluded bypassing the state level, sometimes in spite of imposed sanctions. For example, in spite of the ongoing crisis in Ukraine, France implemented and had plans to finalize its contract with Russia for the supply of Mistral-class amphibious assault ships. Similarly, the Norwegian Statoil oil company began cooperating with Russian Rosneft on possible oil exploration in the Norwegian part of the Barents Sea, despite sanctions covering Rosneft and its CEO Igor Sechin, and which were supported by Norway. It is also possible to notice an increase in the participation of developing countries in the export and – even more so – import of weapons. According to the SIPRI report for 2015, the top five exporters of weapons include the United States, Russia, Germany, France and China. It is interesting to see that Great Britain is outside of the top five and that China is in it. As for imports, the leading position is held by Saudi Arabia, followed by India, Australia, Egypt, the United Arab Emirates and China.[5]

Conclusions

The analysis presented above shows a slow shift of power from states towards non-state actors, whose role in international politics and security is constantly growing. The slow diffusion of the nation-state is caused by two kinds of contradictory forces: integration and dissolution. As was rightly pointed out by A and H. Toffler (1995, p. 274), "the most dynamic sectors of the new economic order are not of a national character, they are

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[5] Source of data: http://armstrade.sipri.org/armstrade/html/export_toplist.php.

either sub- or supra- or trans-national." On the other hand, there are local dissolutional forces aimed at creating small local communities with high degrees of autonomy. This is mainly due to developmental and financial differences which are presented publicly as defining a separate national, ethnic or religious identity. This in turn has caused the formation of new kinds of conflict and war, in which states are no longer the driving force. Therefore, future decision-makers will not be states, but non-state actors: international corporations guided by self-interest and cooperating with local autonomous authorities. Thus, the concept of war will also be subject to re-evaluation. In the past, it was assumed that the network of interdependencies between countries would cause them to refrain from war. This theory however, proved to be quite incorrect. It turned out that a network of relationships is not equivalent to a network of dependencies, which has indeed been built by some countries. The subjugation of weaker countries will, on the one hand, encourage the conviction amongst stronger states that weaker ones will not turn against them, as this would deprive them of certain resources. On the other hand, weaker states exploited in a modern way may be pushed towards unpredictable actions and use violence. This is why 'new' wars are mainly characterized by the mixture of post-modernity and something which can be called the 'new medieval' – both in the ideology of war and its sources (reasons), the justifications for waging war and the actors involved.

All kinds of divisions – religious, ethnic, racial, cultural, economic or civilizational – constitute a 'new' threat, which is actually, in a way, similar to those which were present in the Middle Ages. Some nations or groups have never lost their deep-rooted hatred towards others, or emerged from the 'dormant' post-colonial era, so the international order resulting from the balance of power seems to be on its way out. Racial and religious hatred is, however, self-reinforcing – hatred breeds hatred and much greater vulnerability to violence, which is enhanced by propaganda on the one hand and the new media of the 21st century on the other. Religion, often of a fundamentalist character, will play an increasingly important role in building a new international order, also by means of war. For pre-modern societies, it constitutes the expression of unity in pursuit of a common goal and the only 'legitimate' purpose – the destruction of Western culture, which is perceived as a threat. Postmodern societies, however, will try to find a 'new path' or answers to questions through religion, or it will provide an escape from a world which is changing too quickly. New religions will reflect the new trends in fashion and society, and could also intensify the effects of new nationalisms and separatist movements (of an ethnic or economic nature), which will sow the seeds of armed conflict and wars.

War, despite changes in the way it is fought, is still one of the basic tools of foreign policy, particularly for (or in relation to) the countries of the 'first' and 'second wave.' By contrast, countries of the 'third wave' will use other methods and tools, or war will move into another dimension (i.e. space). Warfare has exceeded the limits of existing dimensions, forcing each country to adapt or be left behind. These trends are strengthened by revolutionary technologies that widen the gap in terms of capabilities and give the advantage to developed countries which are able to invest in research and development, recognizing the power and inevitability of these threats. This is a major challenge in international relations, as it constitutes a risk to the stability of mutual relationships. Although traditional conventional warfare has been dominated by asymmetric warfare in recent years (e.g. the global war on terrorism), the possibility of conflicts between

countries and alliances has nevertheless not been eliminated. However, the methods and dimensions of war are evolving: the new wave of warfare is not an abstraction, but a real state of affairs; it is not the future, but the present, which states should be prepared for in order not to be dominated and deprived of the possibility to defend themselves effectively against aggression.

Finally, the privatization of warfare will become commonplace. Contractors will be used by weak and strong states, and state and non-state actors, alike. Their technological advancement will be different, as will be the motivation and resources for their employment. Nevertheless, the military arena will no longer be the source of state's power, but will also be accessible to private entities, which seems to be the greatest change, or even revolution, of the 21st century.

Bibliography

Alexandra A., Baker D.-P., Caparini M. (2008), *Private Military and Security Companies: Ethics, Policies and Civil-military Relations*, Routledge, New York.

Alston P., MacDonald E. (2008), *Human Rights, Intervention, and the Use of Force*, Oxford University Press, Oxford.

Antczak-Barzan A., Śliwa Z., Zaniewski R. (2016), *Wojna XXI wieku. Początki wojny „trzeciej fali"*, Wydawnictwo Vizja Press, Warszawa.

Barber B. (1996), *Jihad vs. McWorld: Terrorism's Challenge to Democracy*, Ballantine Books, New York.

Baylis J., Wirtz J., Gray C. S., Cohen E. (2016), *Strategy in the Contemporary World*, Oxford University Press, Oxford.

Bellamy A. J. (2007), *Understanding and Regulating Contemporary War. Review Essay*, "Australian Journal of Political Science," vol. 42, no. 4.

Booth K. (2001), *New Wars for Old*, "Civil Wars," vol. 4, no. 2.

Carmola K. (2010), *Private Security Contractors and New Wars: Risk, Law, and Ethics*, Routledge, New York.

Chinkin C., Kaldor M. (2013), *Gender and New Wars*, "Journal of International Affairs," vol. 67, no. I.

Clausewitz von C. (1968), *On War*, Penguin, Harmondsworth.

Creveld van M. (1991), *The Transformation of War*, Free Press, New York.

Creveld van M. (2007), *The Changing Face of War*, Presidio Press, Novato.

Czaputowicz J. (2012), *Bezpieczeństwo międzynarodowe. Współczesne* koncepcje, PWN, Warsaw.

Dannreuther R. (2006), *International Security. The Contemporary Agenda*, Polity Press, Cambridge.

Fleming C. M. (2009), *New or Old Wars? Debating a Clausewitzian Future*, "Journal of Strategic Studies," vol. 32, Issue 2.

Friedman G. (2009), *The Next 100 Years: A Forecast for the 21st Century*, Random House, New York.

Holmqvist C. (2005), *Private Security Companies. The Case for Regulation*, SIPRI, Stockholm.

Huntington S. (1996), *The Clash of Civilizations and the Remaking of World Order*, Touchstone Rockefeller Center, New York.

Kaldor M. (2012), *New and Old Wars: Organized Violence in a Global Era*, Polity Press, Cambridge.

Kaldor M. (2013), *In Defence of New Wars*, "Stability: International Journal of Security and Development," no. 2(1)(4).

Kosta R. (2011), *Polityka militarna w doktrynie bezpieczeństwa współczesnego państwa – funkcjonowanie – cele – perspektywy*, Wydawnictwo WCM, Opole.

Kostecki W. (2012), *Strach i potęga. Bezpieczeństwo międzynarodowe w XXI wieku*, Wydawnictwo Poltext, Warszawa.

Layton P. (2015), *Bringing the transnational into 'new wars': the case of Islamic state*, "International Review of Social Research," no. 5(3).

Levy J. (2007), *International sources of interstate and intrastate war*, in: *Leashing the Dogs of War. Conflict Management in a Divided World*, eds. C. Crocker, F. Hampson, P. Aall, United States Institute of Peace Press, Washington.

Mansfield E., Snyder J. (2007), *Turbulent Transitions*, in: *Leashing the Dogs of War. Conflict Management in a Divided World*, eds. C. Crocker, F. Hampson, P. Aall, United States Institute of Peace Press, Washington.

McKenzie A. (2011), *"New Wars" Fought "Amongst the People": "Transformed" by Old Realities?*, "Defence Studies," vol. 11, no. 4.

Münkler H. (2005), *The New Wars*, Polity Press, Cambridge.

Münkler H. (2010), *Old and New Wars*, in: *The Routledge Handbook of Security Studies*, eds. M. Dunn Cavelty, V. Mauer, Routledge, London, pp. 191–194.

Rasmussen M. V. (2006), *The Risk Society at War: Terror, Technology and Strategy in the Twenty-first Century*, Cambridge University Press, Cambridge.

Senese P., Vasquez J. (2008), *The Steps to War: an Empirical Study*, Princeton.

Shaw M. (2000), *War and globality: the role and character of war in the global transition*, in:, *Peace and Conflict: A New Agenda*, ed. J. Ho-Wong, Ashgate, Aldershot.

Smith H. (2005), *On Clausewitz: A Study of Military and Political Ideas*, Palgrave Macmillan, Basingstoke.

Smith M. (2003), *Guerrillas in the mist: Reassessing strategy and low intensity warfare*, "Review of International Studies," vol 29.

Smith R. (2005), *The Utility of Force*, Allen Lane, London.

Snow D. M. (1996), *Uncivil Wars: International Security and the New Internal Conflicts*, Lynne Rienner Publishers, London.

Toffler A., Toffler H. (1995), *War and Anti-War: Making Sense of Today's Global Chaos*, Warner Books, New York.

Vasquez J. (2000), *What Do We Know about War?*, Rowman & Littlefield Publishers, Oxford.

Vasquez J., Henehan M. (2011), *Territory, War, and Peace*, Routledge, London.

"Stare" i "nowe" wojny – zmieniający się charakter wojny

Streszczenie

Artykuł ma na celu przedstawienie kwestii „starych" i „nowych" wojen w odniesieniu do ich specyficznych cech. Koncentruje się on na charakterystyce obu zjawisk, a także na analizie przyczyn i źródeł konfliktów zbrojnych oraz ich zmieniających się wymiarów. Metody prowadzenia wojny uległy przeobrażeniu wraz z trwającym latami rozwojem politycznym, gospodarczym, społecznym i technologicznym. Sama filozofia wojny uległa zmianom w podobny sposób. Artykuł ma na celu określenie kierunku ewolucji wymiarów wojny. Dostarcza również analizę fenomenu, jakim jest prywatyzacja działań wojennych, a także zwraca uwagę na stale rosnące znaczenie podmiotów niepaństwowych w kształtowaniu porządku międzynarodowego, a tym samym ich rolę w postmodernistycznych wojnach.

Słowa kluczowe: wojna, konflikt, państwo, użycie siły, kryzys, prywatyzacja wojny

Contributors/Noty o autorach

■ WOJCIECH ADAMCZYK – dr hab. (postdoctoral degree), Assistant Professor at the Department of Journalism at the Faculty of Political Science and Journalism, Adam Mickiewicz University in Poznań. He published two monographs: *Media masowe w procesie budowania demokracji w Polsce (1989–1995)* [Mass media in the process of building democracy in Poland (1989–1995)] and *Amerykańskie archetypy dziennikarstwa śledczego* [American archetypes of investigative journalism] and over fifty academic articles in the field of media science. Research interests: investigative journalism, local press, press concentration, media freedom, pluralism of information.
E-mail: wojciech.adamczyk@amu.edu.pl
Wojciech Adamczyk – dr hab., adiunkt w Zakładzie Dziennikarstwa Wydziału Nauk Politycznych i Dziennikarstwa UAM w Poznaniu. Opublikował dwie monografie: *Media masowe w procesie budowania demokracji w Polsce (1989–1995)* i *Amerykańskie archetypy dziennikarstwa śledczego* oraz ponad pięćdziesiąt artykułów naukowych z zakresu medioznawstwa. Zainteresowania naukowe: dziennikarstwo śledcze, prasa lokalna, koncentracja prasy, wolność mediów, pluralizm informacji.
E-mail: wojciech.adamczyk@amu.edu.pl

■ ANNA ANTCZAK – is an associated professor (professor extraordinary) University of Finance and Management, Warsaw. She holds an MA in international relations as well as English formal linguistics from the University of Warsaw, a PhD in political science also from the University of Warsaw and habilitation (professorship) in political science from the Polish Academy of Science. She chairs the editorial board of the "Bellona Quarterly" (Poland) and is a board member of "Diplomacy and Law" journal (Tbilisi, Georgia). She was granted NATO Defense College Eisenhower Scholarship in 2016. She is a member of Business Centre Club, Euro-Atlantic Association, MENSA International and Advisory Board at the International Institute of Engineers and Researchers. She was presented Franklin Award and Meritorious Honor Award of the United States Department of State. She was also awarded National Education Committee Medal granted by the Minister of National Education in 2013 and Bronze Medal for Long Service in the field of Science and Academic Education granted by the President of the Republic of Poland in 2015. She is an author of over 70 publications related to international relations and security with the focus on the European Union.
E-mail: anniqe@wp.pl
Anna Antczak – profesor nadzwyczajny w Wyższej Szkole Finansów i Zarządzania w Warszawie. Jest absolwentką Uniwersytetu Warszawskiego i posiada tytuł magistra stosunków międzynarodowych oraz filologii angielskiej, jak również stopień naukowy doktora nauk humanistycznych w zakresie nauk o polityce, a także doktora habilitowanego w tej samej dyscyplinie (Polska Akademia Nauk). Jest przewodniczącą rady naukowej „Kwartalnika Bellona" oraz członkiem rady czasopisma „Diplomacy and Law" wydawanego w Tbilisi. W 2016 r. została laureatką stypendium naukowego im. Eisenhower'a Akademii Obrony NATO w Rzymie. Jest członkiem Business Centre Club, Stowarzyszenia Euro-Atlantyckiego, MENSA International oraz rady naukowej International Institute of Engineers and Researchers. Została odznaczona medalami Franklin Award and Meritorious Honor Award, nadawanymi przez Departament Stanu USA, a także Medalem Komisji Edukacji Narodowej w 2013 r. oraz Brązowym Medalem za Długoletnią Służbę, za szczególne osiągnięcia w obszarze nauki i szkolnictwa wyższego nadanym przez Prezydenta RP w 2015 r. Jest autorką ponad 70 publikacji z zakresu stosunków międzynarodowych i bezpieczeństwa.
E-mail: anniqe@wp.pl

■ AHMET BURAK – PhD student of the Faculty of Political Sciences and International Studies at Nicolaus Copernicus University in Toruń. MA in management from Immanuel Kant Baltic Federal University, Kaliningrad, the Russian Federation (2012). Academic interests: foreign relations of Turkey, Middle East, foreign relations of Russia, Caucasus region, European Union, foreign relations of Poland, Balkans, Baltic region, Eastern Europe and Kaliningrad.
E-mail: ahmet83burak@gmail.com.
Ahmet Burak – doktorant w zakresie nauk o polityce na Wydziale Politologii i Studiów Międzynarodowych Uniwersytetu Mikołaja Kopernika w Toruniu. Ukończył studia magisterskie na Wydziale Ekonomii i Zarządzania Bałtyckiego Uniwersytetu Federalnego im. I. Kanta w Kaliningradzie (Rosja) w 2012 roku. Zainteresowa-

nia naukowe: polityka zagraniczna Turcji oraz Bliskiego Wschodu, polityka zagraniczna Rosji, regionu Kaukazu, Unii Europejskiej, polityka zagraniczna Polski, Bałkanów, regionów Bałtyku, Europy Wschodniej i Kaliningradu.
E-mail: ahmet83burak@gmail.com

■ KRYSTYNA GOMÓŁKA – professor dr hab., Gdańsk University of Technology, Department of Social Sciences. Contact details: street Narutowicza 11/12, 80-233 Gdańsk, Poland.
E-mail:Krystyna.Gomolka@zie.pg.edu.pl.
Krystyna Gomólka – prof. dr hab., Politechnika Gdańska, Katedra Nauk Społecznych i Filozoficznych; kontakt: ul. Narutowicza 11/12, 80-233 Gdańsk, 80-233 Gdańsk, Polska.
E-mail: Krystyna.Gomolka@zie.pg.edu.pl.

■ BAKTYBEK KAINAZAROV – PhD in Social Sciences, studied politics and society at the Polish Academy of science, peace, security and development studies at Innsbruck University and European studies at Jagiellonian university. His PhD work focused on civil society development in the post Soviet Central Asia. For last 10 years he is engaged in research and development projects in civil society and gender advancement in Central Asia.
E-mail: baktybek.kainazarov@gmail.com
Baktybek Kainazarov– doktor nauk społecznych, studiował politykę i społeczeństwo w Polskiej Akademii Nauk, pokój, bezpieczeństwo i rozwój na Uniwersytecie w Innsbrucku oraz europeistykę na Uniwersytecie Jagiellońskim. Jego praca doktorska dotyczyła rozwoju społeczeństwa obywatelskiego w postsowieckiej Azji Środkowej. Od 10 lat zajmuje się projektami badawczo-rozwojowymi w społeczeństwie obywatelskim i awansem płci w Azji Środkowej.
E-mail: baktybek.kainazarov@gmail.com

■ IZABELA KAPSA – PhD in the science of politics, Assistant Professor at the Institute of Political Sciences of Kazimierz Wielki University. Research interests: e-politics, e-participation, political preferences of adult adolescents.
E-mail: izabela.kapsa@gmail.com
Izabela Kapsa – doktor nauk humanistycznych w zakresie nauk o polityce, adiunkt w Instytucie Nauk Politycznych UKW. Zainteresowania badawcze: e-polityka, e-partycypacja, preferencje polityczne młodych dorosłych.
E-mail: izabela.kapsa@gmail.com

■ ELEONÓRA KOVÁČOVÁ – is a researcher and lecturer at the Department of Political Science at the Faculty of Political Science and International Relations at Matej Bel University in Banská Bystrica, Slovak Republic. In her research she focuses on the public administration and public policy. She examines these issues from both synchronous and diachronous perspectives, broader context, and also future prospects as can be seen from the list of her publications. Her research methods are interdisciplinary as it is necessary to apply the knowledge from fields such as administrative law, political science, economics, economic policy, sociology, and others to approach the researched subject in its context.
She is the author of several publications – monographs, textbooks, scientific and professional articles in peer-reviewed conference proceedings and in journals. She made several teacher mobility to partner universities. She is a member of the Editorial board of the scientific journal "Political Science," which is issued Faculty of Political Science and International Relations at Matej Bel University in Banská Bystrica, Slovak Republic.
E-mail: eleonora.kovacova@umb.sk
Eleonóra Kováčová – pracuje jako adiunkt na Katedrze Politologii Wydziału Nauk Politycznych i Stosunków Międzynarodowych na Uniwersytecie Mateja Bela w Bańskiej Bystrzycy na Słowacji. Specjalizuje się w problematyce administracji publicznej i polityki publicznej. Zagadnieniami związanymi z tą problematyką zajmuje się pod kątem ich historycznego rozwoju, aktualnego stanu oraz w szerszym kontekście, jak również pod kątem perspektyw rozwoju w przyszłości, co potwierdza lista jej publikacji. W ramach prowadzonych badań autorka korzysta z dorobku naukowego innych dyscyplin, takich jak prawo administracyjne, politologia, ekonomia, polityka gospodarcza, socjologia i inne nauki pomocnicze.
Eleonóra Kováčová jest autorką kilku publikacji i prac naukowych – monografii, skryptów akademickich, rozdziałów w monografiach zagranicznych i podręcznikach akademickich; artykułów naukowych i specjalistycznych prezentowanych na krajowych i zagranicznych konferencjach; artykułów naukowych i specjalistycznych opublikowanych w czasopismach krajowych i zagranicznych, a także w czasopismach indeksowanych. Jest członkinią rady redakcyjnej czasopisma naukowego „Politické vedy" [tłum. „Nauki polityczne"], wydawanego przez Wydział Nauk Politycznych i Stosunków Międzynarodowych na Uniwersytecie Mateja Bela w Bańskiej Bystrzycy. E-mail: eleonora.kovacova@umb.sk

■ TOMASZ LITWIN – PhD (1982), author of the book Functions of Sejm and Senate and the Contemporary Model of Polish Bicameralism (2016) and several articles concerning constitutional law. E-mail: tomasz.litwin@gmail.com
Tomasz Litwin – dr, ur. 1982 r. Autor książki Funkcje Sejmu i Senatu a współczesny Polski

model dwuizbowości (2016) oraz kilku artykułów dotyczących problematyki prawa konstytucyjnego. E-mail: tomasz.litwin@gmail.com

■ JOANNA MARSZAŁEK-KAWA – PhD, Associate Professor, Head of the Department for Political System of the Republic of Poland, Faculty of Political Sciences and International Studies of Nicolaus Copernicus University in Toruń. Academic interests: European parliamentarism, Asian issues (broadly understood), political system of the Republic of Poland, constitutional systems in the world, unfair competition, local government, European Union.
E-mail: kawadj@box43.pl.
Joanna Marszałek-Kawa – prof. dr hab., kierownik Katedry Systemu Politycznego RP na Wydziale Politologii i Studiów Międzynarodowych Uniwersytetu Mikołaja Kopernika w Toruniu. Zainteresowania naukowe: parlamentaryzm europejski, szeroko pojęta problematyka azjatycka, system polityczny RP, systemy konstytucyjne państw świata, nieuczciwa konkurencja, samorząd terytorialny, Unia Europejska.
E-mail: kawadj@box43.pl

■ NIR BARKAN NAGAR – was born in Israel and holds a BA from the Faculty of Political Science at Bar-Ilan University, specializing in sociology and anthropology. He holds a master's degree from the University of Haifa, the Faculty of Political Science, specializing in national security studies. He holds a BA degree in law from the Ono Academic College and holds a license to practice law. He is also a certified mediator and expert in conflict resolution. He is a doctoral candidate in the Faculty of Political Science and Journalism at Adam Mickiewicz University in Poznań, Poland.
E-mail: p2knowledge@gmail.com
Nir Barkan Nagar – urodził się w Izraelu i posiada tytuł licencjata zdobyty na Wydziale Nauk Politycznych Uniwersytetu Bar-Ilan, ze specjalizacją w socjologii i antropologii. Posiada tytuł magistra zdobyty na Uniwersytecie w Hajfie, Wydział Nauk Politycznych, ze specjalizacją w badaniach bezpieczeństwa narodowego. Posiada tytuł licencjata prawa z Ono Academic College i posiada licencję na prowadzenie praktyki prawniczej. Jest również certyfikowanym mediatorem i ekspertem w rozwiązywaniu konfliktów. Jest doktorantem na Wydziale Nauk Politycznych i Dziennikarstwa Uniwersytetu im. Adama Mickiewicza w Poznaniu.
E-mail: p2knowledge@gmail.com

■ DANUTA PLECKA – is a Professor at the Institute of Political Science at the University of Zielona Góra. Her research interests focus on the problems of political parties, especially in the ideas and values represented in projects and activities undertaken, as well as the condition of the citizen and their conventional and unconventional participation in the political sphere.
Email: danakar1@wp.pl
Danuta Plecka – jest profesorem w Instytucie Nauk Politycznych Uniwersytetu Zielonogórskiego. Jej zainteresowania badawcze koncentrują się na problemach partii politycznych, w szczególności na ideach i wartościach reprezentowanych w projektach i podejmowanych działaniach, a także na stanie obywatela i jego konwencjonalnym i niekonwencjonalnym udziale w sferze politycznej. Email: danakar1@wp.pl

■ SEBASTIEN PEYROUSE – PhD, is a research professor at the Central Asia Program in the Institute for European, Russian and Eurasian Studies (George Washington University). His main areas of expertise are political systems in Central Asia, economic and social issues, Islam and religious minorities, and Central Asia's geopolitical positioning toward China, India and South Asia. He has authored or co-authored several books on Central Asia such as *Turkmenistan. Strategies of Power, Dilemmas of Development* (M. E. Sharpe, Armonk).
E-mail: speyrouse@email.gwu.edu>
Sebastien Peyrouse – dr, pracownik naukowy w programie Azji Środkowej w Instytucie Studiów Europejskich, Rosyjskich i Eurazjatyckich (George Washington University). Jego główne obszary specjalizacji to systemy polityczne w Azji Środkowej, kwestie gospodarcze i społeczne, islam i mniejszości religijne oraz geopolityczne położenie Azji Środkowej wobec Chin, Indii i Azji Południowej. Jest autorem lub współautorem kilku książek o Azji Środkowej, np. *Turkmenistan. Strategies of Power, Dilemmas of Development* [Turkmenistan. Strategie władzy, dylematy rozwoju] (M. E. Sharpe, Armonk).
E-mail: speyrouse@email.gwu.edu>

■ MARCIN RACHWAŁ – PhD, graduated in political science and history from Adam Mickiewicz University in Poznań. His research interests are focused on the issues of democracy, political elites, election law and civic society. His interests also involve matters of the political transformation in Poland and Central and Eastern Europe. He is the author of dozens papers and two monographs: *Demokracja bezpośrednia w procesie kształtowania się społeczeństwa obywatelskiego w Polsce* [Direct democracy in the process of formation of a civic society in Poland] (Warszawa 2010), *Funkcjonowanie obywatelskiej inicjatywy ustawodawczej w Polsce. Podstawy prawne – praktyka – perspektywy roz-*

woju [Functioning of citizens' legislative initiative in Poland. Legal basis – practice – development prospects] (Poznań 2016).
E-mail: marcin.rachwal@amu.edu.pl
Marcin Rachwał – dr, absolwent politologii i historii UAM w Poznaniu. Zainteresowania badawcze skupiają się wokół problematyki demokracji, elit politycznych, prawa wyborczego, społeczeństwa obywatelskiego. W polu zainteresowań znajduje się również zagadnienie transformacji systemowej w Polsce i Europie Środkowo-Wschodniej. Autor kilkudziesięciu artykułów i dwóch monografii: *Demokracja bezpośrednia w procesie kształtowania się społeczeństwa obywatelskiego w Polsce* (Warszawa 2010), *Funkcjonowanie obywatelskiej inicjatywy ustawodawczej w Polsce. Podstawy prawne – praktyka – perspektywy rozwoju* (Poznań 2016).
E – mail: marcin.rachwal@amu.edu.pl

- PATRYCJA RUTKOWSKA – is a doctoral student in the Department of the Political System of the Republic of Poland in the Faculty of Political Sciences and International Studies of the Nicolaus Copernicus University in Toruń. Her area of research interests covers political parties, social security and state security.
E-mail: patinet@op.pl
Patrycja Rutkowska – doktorantka w Katedrze Systemu Politycznego RP na Wydziale Politologii i Studiów Międzynarodowych Uniwersytetu Mikołaja Kopernika w Toruniu. Obszar zainteresowań badawczych obejmuje partie polityczne, bezpieczeństwo społeczne i bezpieczeństwo państwa. E-mail: patinet@op.pl

- MACIEJ WALKOWKI – Head of the Department of Social and Economic Policy at the Faculty of Political Science and Journalism (Adam Mickiewicz University in Poznań, Poland), from September 2016 Vice Dean for Science. Author and editor of over eighty scientific publications in Polish, English and German, including eight monographs and over a dozen encyclopedia entries. Participated in many prestigious national and international scientific conferences in Poland and abroad (including presenting scientific papers, conducting conference panels or participation in debates). Member of International Political Science Association (IPSA) Polish Political Science Association (PPSA) and Polish Society of European Studies (PSES). Co-organizer of open lectures, trainings and many student conferences and took part in international scientific exchange within the Erasmus Programme and other international research internships. Performed many scientific and editorial reviews and is also an active participant and the main contractor of several grants and research projects. In March 2016 with

success submitted a proposal within the framework of the European research project Erasmus+ to create a Jean Monnet Section at the Faculty of Political Science and Journalism (Adam Mickiewicz University in Poznań). Since then actions as a chair holder a Jean Monnet Chair *European Union – Economic Development, Young Europeans and Innovations in Crisis overcoming and Union's Sustainability* (EU DYNAMICUS).
E-mail: maciej.walkowski@amu.edu.pl
Maciej Walkowski – profesor UAM doktor habilitowany pełni funkcję kierownika Zakładu Polityki Społecznej i Ekonomicznej Wydziału Nauk Politycznych i Dziennikarstwa UAM w Poznaniu. Od września 2016 roku sprawuje funkcje prodziekana ds. Nauki ww. Wydziału. Autor i redaktor ponad osiemdziesięciu publikacji naukowych – w tym ośmiu monografii – wydanych w języku polskim, angielskim i niemieckim. Autor kilkunastu haseł encyklopedycznych. Aktywny uczestnik dziesiątek krajowych i międzynarodowych konferencji naukowych w kraju i za granicą (referaty, prowadzenie paneli, debaty publiczne). Współorganizator wykładów otwartych, szkoleń zawodowych, kursów oraz kilkudziesięciu konferencji studenckich. Uczestnik międzynarodowej wymiany naukowej w ramach programu Erasmus oraz międzynarodowych staży naukowych. Członek International Political Science Association (IPSA/AISP), Polskiego Towarzystwa Nauk Politycznych w Poznaniu, Polskiego Towarzystwa Studiów Europejskich oraz Rady Programowej Ośrodka Badań i Edukacji Europejskiej w Poznaniu. Pod jego kierunkiem, w 2016 roku na WNPiD UAM w Poznaniu powołana została Katedra Jean Monnet: EU DYNAMICUS JM Chair project: *European Union – Economic Development, Young Europeans and Innovations in Crisis Overcoming and Union's Sustainability.*
E-mail: maciej.walkowski@amu.edu.pl

- EWELINA WAŚKO-OWSIEJCZUK – PhD, Assistant Professor at the Institute of History and Political Science, University of Białystok (MA in history). She graduated from the same University and from the Faculty of Journalism and Political Science, Warsaw University (MA in political science and PhD in humanities – the field of political science). She received scholarships from Roosevelt Study Center in Middelburg (2016) and John F. Kennedy Institute for North American Studies at the Freie Universität in Berlin (2017). She chairs the Board of the Białystok Section of the Polish Political Science Association (PTNP). She studies US security policy, with the focus on combating terrorism and transformation of the United States Intelligence Community after 2001 and researches US policy towards the Middle East. She has written

a monograph entitled *Polityka bezpieczeństwa narodowego Stanów Zjednoczonych Ameryki w latach 2001–2009* [*National security policy of the United States 2001–2009*], Kraków 2014, pp. 330; and several dozen articles, for instance *National Security Letters – A Controversial FBI Tool to Fight Terrorism*, "Internal Security" 2015, vol. 7(2), pp. 71–90; *The American Military Strategy to Combat the 'Islamic State' in Iraq and Syria: Assumptions, Tactics and Effectiveness*, "Polish Political Science Yearbook" 2016, vol. 45, pp. 317–336; *Geostrategia Stanów Zjednoczonych w dobie „rewolucji łupkowej"* [*Geostrategy of the United States at the time of the 'shale revolution'*], "Studia Polityczne" 2016, nr 1(41), pp. 153–176; *Globalizacja tortur – o programie tajnych więzień CIA na świecie* [*Globalization of torture – about the program of CIA secret prisons worldwide*], "Politeja. Pismo Wydziału Studiów Międzynarodowych i Politycznych Uniwersytetu Jagiellońskiego," nr 45, Kraków 2016, pp. 207–233. E-mail: wasko-owsiejczuk@uwb.edu.pl

Ewelina Waśko-Owsiejczuk – dr, adiunkt w Instytucie Historii i Nauk Politycznych Uniwersytetu w Białymstoku, którego jest absolwentką (magister historii). Ukończyła również Wydział Dziennikarstwa i Nauk Politycznych Uniwersytetu Warszawskiego (magister politologii, doktor nauk humanistycznych w zakresie nauk o polityce). Stypendystka Roosevelt Study Center w Middelburgu (2016 r.) oraz John F. Kennedy Institute for North American Studies przy Freie Universität w Berlinie (2017 r.). Prezes Zarządu Oddziału Polskiego Towarzystwa Nauk Politycznych – Oddział w Białymstoku. Prowadzi badania m.in. nad polityką bezpieczeństwa USA, skupiając się na problematyce zwalczania terroryzmu, transformacji Wspólnoty Wywiadowczej Stanów Zjednoczonych po 2001 r. oraz badania nad polityką zagraniczną USA wobec Bliskiego Wschodu. Autorka monografii pt. *Polityka bezpieczeństwa narodowego Stanów Zjednoczonych Ameryki w latach 2001–2009*,

Kraków 2014, ss. 330 oraz artykułów np. *National Security Letters – A Controversial FBI Tool to Fight Terrorism*, "Internal Security" 2015, vol. 7(2), pp. 71–90; *The American Military Strategy to Combat the 'Islamic State' in Iraq and Syria: Assumptions, Tactics and Effectiveness*, "Polish Political Science Yearbook" 2016, vol. 45, pp. 317–336; *Geostrategia Stanów Zjednoczonych w dobie „rewolucji łupkowej,"* "Studia Polityczne" 2016, nr 1(41), s. 153–176; *Globalizacja tortur – o programie tajnych więzień CIA na świecie*, "Politeja. Pismo Wydziału Studiów Międzynarodowych i Politycznych Uniwersytetu Jagiellońskiego," nr 45, Kraków 2016, s. 207–233. E-mail: wasko-owsiejczuk@uwb.edu.pl

■ YUSUFU ZOAKA – is a Professor of Policy Analysis and Development Studies at Department of Political Science at University of Abuja, Nigeria. Prof. Zoaka is a member of Nigeria Political Science Association, Nigeria Institute of Management and Institute of Public Administration of Nigeria. Lecturer and public speaker, author and co-author, of over 50 papers and books, he serves as a Deputy-Dean of Faculty of Social Science, Chairman of Sub-Committee on Accommodation, Convocation Committee and Member of Senate Examination Monitoring Committee. E-mail: zoaka2222@gmail.com

Yusufu Zoaka – jest profesorem w dziedzinie analizy polityki i studiów nad rozwojem na Wydziale Nauk Politycznych Uniwersytetu Abuży w Nigerii. Prof. Zoaka jest członkiem Nigeryjskiego Związku Nauk Politycznych, Nigeryjskiego Instytutu Zarządzania oraz Nigeryjskiego Instytutu Administracji Publicznej. Wykładowca i prelegent, autor i współautor ponad pięćdziesięciu artykułów i książek, prodziekan Wydziału Nauk Społecznych, przewodniczący Podkomitetu ds. Zakwaterowania, Komisji Konwokacyjnej i członek Senackiego Komitetu ds. Monitoringu Egzaminów. E-mail: zoaka2222@gmail.com

INFORMACJE DLA AUTORÓW

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Tekst powinien być sformatowany w następujący sposób:
- edytor tekstu: Winword, czcionka Times New Roman, rozmiar 12;
- marginesy 2,5.

1) **imię i nazwisko Autora** (czcionka Times New Roman, rozmiar 12, wyrównanie do lewej);
2) **uczelnia** (czcionka Times New Roman, rozmiar 12, wyrównanie do lewej);
3) **ORCID ID:** https://orcid.org/XXXX-XXXX-XXXX-XXXX (Times New Roman, rozmiar 10);
4) **tytuł artykułu** (czcionka Times New Roman, rozmiar 14, pogrubione, wyśrodkowane);
5) **abstrakt:** Times New Roman, rozmiar 11, interlinia pojedyncza, tekst powinien być wyjustowany;
6) **słowa kluczowe**: pod abstraktem proszę umieścić od 4 do 6 słów kluczowych, oddzielonych średnikami;
7) **tekst właściwy artykułu:**
   - czcionka Times New Roman, rozmiar 12,
   - interlinia – 1,5,
   - podtytuły (Times New Roman, rozmiar 12, bold, wyśrodkowane, bez numeracji),
   - cytaty powinny być umieszczone w cudzysłowie (bez kursywy),
   - kursywa w tekście powinna być stosowana wyłącznie do zapisu tytułów książek, tytułów artykułów, krótkich obcojęzycznych zwrotów lub nazw;
8) **bibliografia;**
9) **tytuł tekstu w jęz. angielskim;**

**10) abstrakt w jęz. angielskim oraz słowa kluczowe (4–6) w jęz. angiel-
skim;**

11) Informacja biograficzna w jęz. polskim (150–200 znaków) i w jez. angielskim (150–200 znaków), wraz z adresem e-mail.

Abstrakt

Abstrakt powinien być przygotowany w języku polskim i angielskim (min 1300 – max 1500 znaków). ***Abstrakt musi odzwierciedlać zawartość artykułu. Wersja angielska powinna być odzwierciedleniem wersji polskiej.***

Abstrakt powinien zawierać następujące elementy:
– krótki zarys przedmiotu badań,
– cele i pytania badawcze,
– metodologię (w jaki sposób przeprowadzono badania, zastosowane metody i techniki badawcze),
– wyniki i wnioski z przeprowadzonych badań.

Poniżej abstraktu umieszczamy 4–6 słów kluczowych – w języku polskim i angielskim.

Przypisy

Do tworzenia przypisów bibliograficznych należy zastosować system „oksfordz-ki", polegający na odesłaniu do określonej pozycji umieszczonej w bibliografii.

Odesłania powinny być zamieszczane w nawiasie obok stosownej informacji, opinii, poglądu w następującym porządku (nazwisko, data wydania, strona), np.:
– (Nowak, 1999, s. 10) – gdy przywoływana praca ma jednego autora;
– (Nowak, Kowalski, 2000, s. 145–150) – gdy przywoływana praca ma dwóch i więcej autorów;
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– fragment tytułu (2 lub więcej słów) publikacji podajemy, gdy w bibliografii jest kilka tytułów zaczynających się od tych samych słów.
Przypisy wyjaśniające należy umieszczać na dole strony.

Bibliografia

Pełne dane bibliograficzne prosimy podać w wykazie przywoływanej literatury (bibliografia), zamieszczonej na końcu artykułu. Wykaz powinien być uporząd-kowany alfabetycznie według nazwisk autorów, a w przypadku powtarzającej się daty wydania publikacji tego samego autora, według daty utworów w porządku chronologicznym (dodając małe litery np. 2003a, 2003b, 2003c).

Przykładowe zapisy:
Barber B. R. (2003), *Strong Democracy Participatory Politics for a New Age*, University of California Press, Berkeley–Los Angeles–London.
Friedent L. A. (1998), *New Citizenship*, „Media & Society", vol. 18, nr 2.

Inquiry into Democracy. Report (2003), Parliament of Victoria, http://www.parliament.jhgiutiguigui,html.

Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r., Dz. U. 1997, Nr 78 poz. 483.

Kowalski P. (2008), *Rozwój cywilizacji*, Wydawnictwo ABC, Warszawa.

Krasuski K. (2009), *Nowy pomysł na prywatyzację giełdy*, „Rzeczpospolita" z dnia 27.11.2009 r.

Miserez M.-A., *Switzerland: a country of politicians*, 24.08.2009, Swissinfo.ch, http://www.swissinfo.ch/eng/specials/switzerland_for_the_record/world_records/Switzerland:_a_country_of_politicians.html?cid=669352, 15.10.2012.

Nowak R. (1999), *Władza i demokracja*, w: *Demokracja i władza*, red. J. Kowalski, Wydawnictwo XYZ, Warszawa.

Rybińska A. *„Nie" dla rozbrojenia narodu*, 14.02.2011, „Rzeczpospolita", http://www.rp.pl/artykul/611851_-Nie--dla-rozbrojenia-narodu.html, 15.10.2012.

Tabele, wykresy i rysunki

Każdy wykres, tabela, rysunek itp. powinien być opisany z podaniem tytułu (Times New Roman, bold, 10) oraz wskazaniem źródła (Times New Roman, 10). Tytuł powinien być zamieszczony nad, a informacją o źródle – pod prezentowanym wykresem, tabelą lub rysunkiem.

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