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Letter from the Editor

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The 21st century keeps being a dangerous place to live. We face with and live with already two wars in our vicinity: the war in Ukraine and the war in Gaza. The battlefield in European eastern neighbourhood is getting darker and harder, while the death toll in Gaza is becoming horrible, where the increasing numbers of victims are women and children. As we put it in our previous issue, the vicious circle of thousands of deaths, immense suffers and unprecedented brutality is on the rise.

Contrary to this, we shall never accept the fact, which promoters of these brutalities are trying to place upon us – that war is a normal state of affairs. We must go against this stream of intention, this is our duty. Of us all, policy planners and think tank people in particular. And diplomats shall keep searching for a solution.

Henceforth, we at this journal continue with our mission and contemplate reality of the early 21st century and reflect it. The respected community of authors again prepared set of competitive and challenging reading that covers an interesting range of topics, some of them highly innovative. In line with our recent tradition, also this time we offer another original view on African affairs.

The first paper dwells with a rather unexplored topic – the automated teller machines and their security with an eye on their users. These devices that are in a progressive use provide banking services for their users, meaning they are an indispensable part of modern banking services. Their most important advantage comparing to regular bank services is being constantly operational, what also unveils the fact they are exposed to various types of misuse. The respected authors stem from the Slovene experience, which paved the way for certain advanced approaches and results. *Innovative.*

Our second article focuses on the regional integration in Africa, examining the role of SADC in relation to providing peace in regional conflicts. The respected author deals with the question of securing peace in DR Congo and Mozambique. Practically since its founding, the role of SADC and its effectiveness of intervention has been questioned, primarily due to the recurrence of the conflicts in various states. One could speculate with a reason that that the lack of proper training, sufficient resources, and varied political will by its member states

might be prevailing reasons for the shortcomings of SADC. *Useful.*

The third contribution deals with legal complexities that arise during the delineation and delimitation of extended continental shelves in the Arctic Ocean. However not a regional topic of this journal, it uncovers highly important aspects that could be both taken into account and implemented elsewhere. Therefore, as the respected author points out, it is important to notice that the contemporary continental shelf regime seems to establish limitations to this inherent right and raise complex legal issues, some of them unforeseen by UNCLOS and the CLCS Guidelines. *Insightful.*

The fourth piece of thought discusses the substance misuse in the hearth of the Western Balkans, in North Macedonia, with a view on epidemiological insights and policy approaches to prevention and intervention. Although not strictly from the areas and topics of this journal, it brings a refreshing view on the issue that is worth keeping in mind. This way we broaden our academic spectrum and encourage similar authors to follow the example. The respected author gives a thought to adolescents and young adults that are primary targets of this misuse. *Preventive.*

Our first book review presents an edited volume contemplating North Macedonia's long and challenging transition from its very independence all the way to the Prespa Agreement and beyond. The agreement marks a decisive change in the country's recent political history. The second book review presents a unique monograph in which the respected author dwells the issue of modern business in its relation to intercultural communication within the frame of globalization. The current Guest View offers an essay like condensed look on the role of the state of Qatar and its foreign policy endeavour in current global affairs.

Last but not least, we must again point out how in the early 21st century we face an outrageous development in different parts of the world, where war dominates. It is unaccepted, it is outrageous, since all conflicts must be dealt with by diplomatic means only. This is a matter of a civilized approach and of a mature civilization. Trying to bring human development forward, one has to point out endlessly that war is no solution for anything. It has never been and will never be. See you in autumn.

Ljubljana, April 2024

M. J.

War, what is it good for? Absolutely nothing!

Qatar's Foreign Policy in Global Turmoil

Nika Inauri

Qatar's Foreign Policy in Global Turmoil

Nika Inauri¹

DOI: <https://doi.org/10.60073/euper.2024.04.02>

The role of small states in international relations has been a not interesting topic for a long time. It was believed that they had no real influence on international politics. In the 20th century, small states surprised the world with economic miracles, and at the same time, international organizations allowed them to challenge the big powers with their own united voice. However, the example of Qatar completely supports the skeptic attitude towards small states. Qatar tried to overcome “vulnerability”, which is an undeniable characteristic of small states, through active foreign policy. This effort was largely successful.

One of the most important theories of international relations is undoubtedly realism. Realism recognizes the dominance of power politics in international relations. That is why it is inherently biased towards the study of great powers – world or regional hegemons, and pays less attention to small states.² Indeed, the main position of realist authors towards small states is that they have to establish some type of military-political connection with a stronger power in all options.

Liberalism, believes that modern politics has changed its face. Today, actors are not only nation states, but also international organizations and other non-state actors.³ Therefore, according to liberalism, international politics is a much more complex phenomenon and cannot be reduced to the balance of power based on the military strength of states and the distribution of this power.

1 Nika Inauri is an MA student in International Relations and Diplomacy at the University American College Skopje, North Macedonia. He holds a joint Master's degree with Honours in Social Sciences from three Universities: Georgian-American University, Tbilisi State University and Caucasus University. Additionally, he completed a postgraduate program in International Relations and Diplomacy at the Estonian School of Diplomacy in Tallinn, Estonia. He earned his Bachelor's degree in Oriental Studies from Tbilisi State University, during which he spent one academic year at Cairo University in Egypt. Nika Inauri has several years of professional experience in both the private and public sectors.

2 Galal, A., 2020. External Behavior of Small States in Light of Theories of International Relations. Review of Economics and Political Science 5.

3 Mcglinchey S., Walters R., Scheinplflug C., 2017. International Relations Theory. Bristol: E-International Relations Publishing.

The third important international relations theory is constructivism. Constructivists believe that the international system and its elements are part of social reality. That is why they are constructed by humans.

Different tribes lived on the territory of modern Qatar, as well as on the entire Arabian Peninsula. A large part of Qatar's territory is a desert, since ancient times it has been inhabited mainly by the seashore. The tribes living here are divided into two large groups. Bedouins, who led a nomadic life in the desert and Hadars - tribes living in villages. The ruling Al-Sani dynasty belongs to the latter. After Great Britain took possession of the Strait of Hormuz in 1622, the region gained special trade importance for it. The intensification of British interests in the Arab world is also connected with Napoleon's campaign in Egypt. During the 19th century, the United Kingdom, through various treaties, legalized specific sheikhs to rule a defined area.⁴

At the beginning of the 20th century, the main problem and challenge for Qatar was the rising Al-Saud dynasty. Such a development would have been unacceptable to the United Kingdom as well, since the Al-Saud dynasty did not participate in the Arab Revolt against the Ottoman Empire and was therefore expected to enter under the protection of the Ottoman Empire. That is why, in 1916, the United Kingdom signed an official agreement with the son of the deceased Sheikh Jasim Al-Thani. With this treaty, Britain officially recognized the independence of Qatar.

The beginning of the 90s of the 20th centuries was difficult for Qatar. The decline in the price of oil has led to the decline of an economy completely dependent on this resource. In 1991, the first demands for political reform appeared, which was followed by arrests of opponents from Sheikh Khalifa's side. In the same period, Sheikh Khalifa's son Hamad bin Khalifa al-Sani was already equipped with serious power in the political arena of Qatar. By 1992, Hamad effectively ruled the state. Also, he was perceived by many as a war hero during the occupation of Kuwait by Iraq, the military unit of the "Gulf Cooperation Council" led by Hamad successfully liberated one of the cities. In 1995, when Sheikh Khalifa was abroad, Hamad seized power and forbade his father to return to the country. The new government was soon recognized by the USA and other countries. In 1996, Sheikh Khalifa attempted to return to power and or-

4 Fromherz, A. J., 2017. Qatar: A Modern History. London: Georgetown University Press.

ganize a counter-coup. He was supported by his ally - Saudi Arabia. Hamad managed to retain power.

Nowadays Qatar is a country in West Asia. The total population of Qatar is 2.6 million, with 313.000 of them Qatari citizens and 2.3 million expatriates. In terms of income, the country has the fifth-highest GDP per capita in the world⁵ and one of the highest GNI per capita.⁶ Qatar ranks 40th in the Human Development Index, the fourth-highest HDI in the Arab world. It is a high-income economy, backed by the world's third-largest natural gas reserves and oil reserves.

Following the coup in 1995, Qatar made a concerted effort to develop its own foreign policy. The establishment of Al-Jazeera TV was one of the earliest examples of this. Because it frequently criticized the Al Saud monarchy and other Arab regimes, Al-Jazeera gained popularity throughout the Arab world.⁷ In 2002, the first split between Qatar and other Gulf states occurred. Bahrain banned Al-Jazeera broadcasting, the latter's office in Kuwait was closed. Saudi Arabia banned Al-Jazeera from its territory and recalled ambassadors from Qatar. For 5 years, bilateral relations between these two neighboring countries did not actually exist.⁸

Since 2010, relations between Qatar and the Gulf countries have been taking place against the backdrop of the Arab Spring. It is important to note several events of regional significance. Qatar's support for the Muslim Brotherhood in Egypt, as well as Qatar's direct involvement in the Syrian civil war, were not positively assessed by Saudi Arabia and the United Arab Emirates. The situation became even more complicated after Syria descended into complete chaos, with Saudi Arabia and Qatar supporting Bashar al-Assad's various rival opposition factions.⁹

Even if there have been sporadic instances of collaboration, it is evident that Saudi Arabia and Qatar have a generally hostile relationship. As previously stated, this is not surprising because Qatar's active foreign policy was developed specifically to counter Saudi Arabia's threats. Other tiny Gulf governments frequently rejected Qatar due to

5 Helou, E. A., (n.d.). Qatar GDP & Economy Overview. Retrieved from Middle East Economy.

6 Qatar GDP Per Capita. (2024). Retrieved from <https://www.macrotrends.net/>.

7 Verhoeven, R. M., 2020. Overcoming Smallness: Qatar, the United Arab Emirates and Strategic Realignment in the Gulf. *International Politics* 57.

8 Pashayan, A., 2018. Saudi Arabia-Qatar. From Cooperation to Confrontation.

9 Miller, 2016. Desert Kingdoms to Global Powers.

Saudi Arabia's influence. Qatar needs specific military assurances of security since Saudi Arabia, its large and powerful neighbor, is its primary adversary. One of the primary guarantors proved to be the US. The United States and Qatar have maintained a military alliance since the 1990s. In 1992, a defense cooperation agreement was signed. In 1996, Qatar contributed \$1 billion to build the Al-Udeidah Air Base. This base soon became one of the most important and large US military bases in the region.¹⁰ Since 2002, CENTRCOM has been located here, and it is from here that the US conducted its operations in Iraq and Afghanistan. Along with strategic cooperation, there are clear US economic interests in Qatar. US energy companies have significant investments in Qatar's energy sector.¹¹

Despite the presence of security guarantees from the US, Qatar tries not to depend on only one power. This is how we can explain the rapprochement process between Qatar and Turkey. Qatar and Erdogan's Turkey are united by the tendency to support Islamist movements. For example, during the Arab Spring both states supported the Muslim Brotherhood. Qatar and Turkey also had a common policy in Syria. These two states can be seen as revisionist states at the regional level, which challenged the existing regional security system. In addition, Turkey has military capabilities, and Qatar has large financial resources. All this, together with the ideological similarity, which is manifested in the support of the Islamist movements, creates an important basis for the military-political union. Therefore since 2018, Turkish military units have been stationed on the territory of Qatar. In this point Qatar creates a great power ally to achieve their safety. However, it is actually more complex. If Qatar's policy is explained by the principles of total reality, then its foreign policy should be a reflection of US foreign priorities. The relationship between Qatar and Iran shows that Qatar, despite being a military ally of the United States of America, continues to maintain good neighborly and active relations with the latter's rival.

As a result of its neutral position in the Iraq-Iran war, Qatar accepted Iran's support in its territorial dispute with Bahrain. Qatar welcomed the Iran nuclear deal reached in 2015. This allowed him to invest in Iran's energy sector and make significant profits. Qatar's response was also different from other Gulf Arab nations', who thought the nuclear

10 Saidy, B., 2021. Qatar's Military Power and Diplomacy: The Emerging Roles of Small States in International Relations.

11 Momani, C. a. (n.d.). Qatar and Expanded Contours of Small State Diplomacy.

agreement would make their bitter enemy stronger. Qatar and Iran are not allies. When we look at global politics outside of the Gulf, this becomes evident. For instance, Iran has long backed Bashar al-Assad in Syria, but Qatar backs the opposition to him.

Sheikh Hamad understood early on how crucial the soft power approach was to the nation. Getting Qatar firmly established on the map was one of his top concerns. Qatar's soft power operates in a variety of ways. This includes sports, culture, etc. But without a doubt, the founding of Al-Jazeera was the most significant and impactful. One could argue that the latter enabled the existence and broad dissemination of Qatar's soft power. Furthermore, it wouldn't be an audacious claim to argue that Al-Jazeera was and remains a key tool of Qatar's foreign policy. Al-Jazeera was founded in 1996. It was preceded by the closure of the office of the Arabic version of the BBC. The reason for this was their criticism of the members of the Al-Saud royal family. Sheikh Hamad recruited people with extensive journalistic experience to work here. At first, Al-Jazeera was broadcast only in Arabic. Criticism of Arab dictatorial regimes and royal families was often heard in Al-Jazeera. A 2004 survey showed that Al-Jazeera had very high trust among the public, including Saudi citizens, despite the tense situation between the two countries during this period. In order to improve its international image, the English-language version of Al-Jazeera started broadcasting in 2006. Soon it was able to compete with such important media outlets as CNN and BBC. Such success of Al-Jazeera really put Qatar on the map. Through it, Qatar covers all its important political, cultural or sporting achievements. This information reaches many people.¹²

Qatar's soft power consists of more than just Al-Jazeera. Sports and cultural accomplishments are equally significant in this context; hosting FIFA 2022 in Qatar is one example. All of these items, however, have gained popularity, and Al-Jazeera is the main source of information about them. Qatar's branding is significantly influenced by Al-Jazeera.

Another important feature of Qatar's foreign policy is its involvement as a mediator in many different conflicts. Mediation of intra-state or inter-state conflicts in the Middle East and North Africa region was known even before the appearance of Qatar. The role of mediators was often played by regional powers - Saudi Arabia and Egypt.

12 Samuel-Azran. (n.d.). Al-Jazeera, Qatar, and New Tactics in State-Sponsored Media Diplomacy.

The case of Qatar is distinguished by the fact that, until then, the role of mediator in international relations by small states was not a frequent case.

Until now, Qatar has been unable to stand in many conflict situations. It is unconditionally helped in this process, on the one hand, by large financial resources, on the other hand, by the lack of bureaucracy and the presence of real political power in the hands of only a few people. The mediation procedure heavily relies on neutrality, which Qatar was cautious about prior to the Arab Spring. It had less experience with other state or non-state players than Saudi Arabia or Egypt up until that point because it was a relatively new force in regional politics. Qatar's multilateral relationships are very significant. It was determined that Qatar's engagement in the events in Lebanon was especially effective.

Qatar has had examples of both successful and failed mediations, but in all cases, branding has been particularly important to its foreign policy. Each time Qatar tried to mediate to de-escalate the conflict, Qatar gained the status of an honest mediator and peace-loving state in the region.

Qatar's open desire to participate as a mediator in the negotiations between the US and Iran is also noteworthy. All this shows that Qatar still remains an important mediator in the region and is likely to maintain this role in the near future. Nowadays we can see that Qatar mediating Israeli-Hamas negotiations for the de-escalation in Gaza. We should mention that large state Egypt also tried to mediate between them but it failed, but small state Qatar because of the reputation, because of the previous experience did it and these negotiations continues already months.

In 2014, Qatar's aggressive foreign policy created difficulties. Bahrain, the United Arab Emirates, and Saudi Arabia all called back their diplomats from Qatar this year. Then, things quickly changed. Sheikh Hamad's resignation and the accession of his son, Sheikh Tamim, to the Amira throne followed this event. This is also thought to have been done to strengthen ties with Saudi Arabia.

Three significant variables were added to the overall backdrop of Saudi Arabia's discontent with Qatar. The first is Muhammad bin Salman, the country's successor, who has a sour attitude toward Qatar.

The second reason was US President Donald Trump's visit to Riyadh. Furthermore, if Saudi Arabia took action against Qatar, the US presidential administration implicitly supported it.

The third reason was Qatar's release of 26 individuals who had been kidnapped by Shiites in Iraq. Representatives of the Qatari royal family were among them.

On June 5, 2017, Saudi Arabia, the United Arab Emirates, Bahrain, and Egypt announced a blockade of Qatar and severed diplomatic ties with it. The accusations against Qatar were as follows: supporting Islamists and terrorists in various parts of the region; pursuing Iran's interests; Al-Jazeera's encouragement of protests around the region.

The four countries made 13 demands to Qatar. These demands included the closure of Al-Jazeera, the end of Qatar's independent foreign policy and its submission to Saudi Arabia's foreign priorities. Since these 13 requirements were too strict, the Quartet soon demanded that 6 new general principles be met. These 6 principles meant the submission of Qatar to Saudi Arabia.

Presumably, the urge to penalize Qatar was sparked in part by Qatar's aggressive attempts to resolve different regional disputes. The country faced serious issues as a result of the abrupt declaration of the blockade and the blockade itself. A country lost land access, and people and products were unable to enter and exit its borders, in addition to the harm to its reputation. For Qatar, ensuring survival was the primary priority. The US military base in some way ensured the country's security, but President Trump's support for Saudi Arabia has put this guarantee in doubt. Qatar has become indispensable to US foreign policy.

The blockade of Qatar officially ended in January 2021. As a result of this blockade, Qatar proved that its active foreign policy has withstood the toughest test. Qatar's multilateral contacts, its strategic partnership with the US, the existence of a pragmatic policy in relation to Iran, and the effective use of soft power have ensured its ability to withstand the crisis.

Qatar chose to solve this problem in a political way. In order to secure its sovereignty and the stability of the Al-Sani family's rule, it focused

all of its financial and intellectual resources on a single goal: developing an autonomous foreign policy. Marking Qatar on the map is the first assignment and obstacle. A country must first be aware of its existence before it can accomplish anything. This was Qatar's soft power's initial objective. To be a good mediator, it is important to have multiple contacts. Qatar has managed to establish ties with regional state and non-state actors.¹³

The example of Qatar shows that if there is an appropriate strategy and with the right allocation of resources, a small state may be able to overcome its vulnerability through political means and create an independent foreign policy.

Those who adhere to realism believe that Qatar is not a small nation that can only be saved by forging alliances. Qatar's membership in international organizations does not explain its significance. It has created an image of multilateral action for its foreign policy by using its membership in organizations like the Arab League and the United Nations, and this should continue.

Qatar's foreign policy is not without mistakes. Nevertheless, Qatar, with an active foreign policy, has achieved exceptional strength and has been able to protect its sovereignty and the stability of its ruling family. All this shows that, in the end, Qatar's as a small state foreign policy is successful.

13 Zafirov, M. M. (n.d.). The Qatar Crisis—Why Did the Blockade Fail?

ATMs and Their Security

Franc Pozderek, Tomaž Čas, Ivanka Oberman

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ATMs and Their Security

Franc Pozderec, Tomaž Čas, Ivanka Oberman¹

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ABSTRACT

Automated teller machines (ATMs) are devices that enable users to provide banking services and are an indispensable part of modern banking services. They have the advantage of being constantly operational and, unlike a bank, are available to users at all times. As the number and use of ATMs has increased, so have the various types of misuse of these machines, where perpetrators attempt to obtain property or user data in various ways. Attacks can target ATMs, users or banks, and can be divided into traditional abuse based on the use of physical force to access a security container, and abuse that exploits the data of the cards used or affects the operation of the ATM itself. Knowledge of the ways in which ATMs are misused has a significant impact on minimising damage; as well the intensive development of protective mechanisms on ATMs is an important aspect of ensuring the security of using ATMs.

The article outlines the known types of abuse, their frequency, some of the options for action and the mechanisms banks use to protect their own and their customers' assets.

KEYWORDS: ATMs, historical development, abuse, cash, data, security

POVZETEK

Bankomati so naprave, ki uporabnikom omogočajo opravljanje bančnih storitev in so nepogrešljiv del sodobnih bančnih storitev. Njihova prednost je ta, da omogočajo nenehno delovanje in so, v nasprotju z banko, uporabnikom dosegljive ves čas. Ob naraščanju števila in rabe bankomatov naraščajo tudi različne vrste zlorab teh naprav, kjer si storilci na različne načine poskušajo pridobiti imetje ali podatke uporabnikov. Napadi so lahko usmerjeni na bankomate, uporabnike ali banke, torej delimo jih na klasične zlorabe, ki temeljijo na uporabi fizične sile za dostop do varnostnega vsebnika, ter na zlorabe, ki izkoriščajo podatke uporabljenih kartic ali vplivajo na delovanje samega bankomata. Poznavanje načinov zlorab bankomatov pomembno vpliva na minimaliziranje škode, prav tako pa intenziven razvoj zaščitnih mehanizmov na bankomatih predstavlja pomemben aspekt zagotavljanja varnosti uporabe bankomatov. V članku so predstavljene poznane vrste zlorab, njihova pogostost, nekatere možnosti ukrepanja in mehanizmi, ki se jih poslužujejo banke, da varujejo svoje in premoženje uporabnikov.

KLJUČNE BESEDE: bankomati, zgodovinski razvoj, zlorabe, gotovina, podatki, varovanje

¹ ABOUT THE AUTHORS:

Franc Pozderec, PhD in Administrative Sciences, Assist. Prof. of Administrative Law, European Law Faculty, New University Slovenia and at the Faculty of Government and European Studies, at the Police college within the Police Academy, Email: franc.pozderec@gmail.com

Tomaž Čas, PhD in Defense Studies, Assoc. Prof. of Security System, Faculty of Security Sciences, European Faculty of Law, and Faculty of Government and European Studies, New University, Slovenia. Email: tina.cas@siol.net

Ivanka Oberman, M.A. of Law, European Faculty of Law, New University, Slovenia, Email: ivana.oberman@gmail.com

INTRODUCTION

An automated teller machine (hereinafter ATM)² is an electronic telecommunications device that allows you to complete financial transactions, such as cash withdrawals, deposits, funds transfers, balance inquiries or account information inquiries, at any time and without the need of a bank representative. Many ATMs are conveniently accessible any time of day or night and can be used for everything from withdrawing or depositing money, checking your account balance to transferring money between accounts. Using an ATM simply involves inserting your bank-issued ATM card, entering your personal identification number (PIN)³ and following the prompts on the screen to complete your desired transaction (Bennet, 2023).

The design of each ATM may be different, but they all contain the same basic parts (Kagan, 2023):

- Card reader: This part reads the chip on the front of your card or the magnetic stripe on the back.
- Keypad: The keypad is used to input information, including your personal identification number (PIN), the type of transaction required, and the amount of the transaction.
- Cash dispenser: Bills are dispensed through a slot in the machine, which is connected to a safe at the bottom of the machine.
- Printer: If required, you can request receipts that are printed out of the ATM. The receipt records the type of transaction, the amount, and the current account balance.
- Screen: The ATM issues prompts that guide you through the process of executing the transaction. Information about accounts and their balances is also transmitted on the screen.
- Full-service machines often have slots for depositing paper checks or cash.

An ATM consists of a card reader, a keypad, a screen, a money feeder, a printer, a money safe and a computer (Bowen, 2000, p.4). First, a card is inserted into the slot of the card reader, which has the user's information stored on a magnetic stripe or chip. The ATM then asks for a PIN, which is entered via the keypad. The keys next to the screen are used to select the desired activity, after which the option to print out

2 ATM is an abbreviation for automated teller machine: a machine, usually outside a bank, which customers can use to get money out or manage their account by using a plastic card together with a PIN (a secret number).

3 PIN (a personal identification number) is a unique combination of numbers that only the account owner knows and it is a form of authentication that adds an extra layer of security to our accounts.

a service receipt is offered. In the case of cash withdrawals, the money stored in the cassettes in the safety deposit box is withdrawn from the cash dispensing slot. Before this, the card must be removed from the ATM. At the end, a receipt is printed (Klinar, 2006, pp.22-27).

The services offered by ATMs to users are increasing with continuous development, including (Bankart, n.d.):

- an automatic cash deposit;
- an electronic payment of universal payment orders (UPOs);
- a quick cash withdrawal;
- a withdraw the amount of your choice;
- a statement of the turnover on your personal account;
- an access to your personal account balance;
- a PIN change;
- a purchase of Global system for mobile communications cards (GSM);
- an access your credit card balances;
- an order for a cash deposit;
- an order for the settlement of payment orders.

Banks can impose ATM withdrawal limits out of practicality and for security reasons. First, ATMs can hold only so much cash, and banks have only so much cash they can distribute to customers at any given time. Setting an ATM withdrawal max for each customer helps the bank control the movement of available cash. The other reason has to do with security and protecting customer accounts. In case someone stole your debit card and PIN, without an ATM withdrawal limit, they would be able to drain your checking or savings account and pocket all your cash (Lake, 2022).

It is known that banks usually place ATMs inside and outside of their branches. Other ATMs are located in high-traffic areas such as shopping centers, grocery stores, convenience stores, airports, bus and railway stations, gas stations, casinos, restaurants, and other locations. Also, ATMs make it easier for people to access their checking or savings accounts from almost anywhere in the world where they travel (Kagan, 2023).

For small companies that can feasibly have them installed and maintained, ATMs placed in well-trafficked locations have been shown to offer several business benefits. Those include opportunities for the

business to obtain revenue through transaction fees; higher rates of on-premises spending by consumers using the machines; reductions in costs and service time related to processing credit and debit card transactions; and additional ways to interact with the consumer through the ATM itself (Hirsh, n.d.).

DEVELOPMENT AND OPERATION OF ATMS

European, American and Japanese bankers are responsible for the development of ATMs. They came to the realization that it would be very convenient for individuals to be able to access cash outside bank opening hours. Thus, in the United States of America (hereinafter USA), ticket offices, vending machines and unmanned petrol stations proliferated in the 1950s and 1960s. These types of machines dispensed a paid product to an individual who inserted the required amount of money. Based on this, the bankers assumed that withdrawing cash from accounts could be done in the reverse of the operation of the devices listed above (Huš, 2015).

The first device that could be described as a precursor of today's ATMs was installed in 1960 by a bank in New York (Harper, 2004), called the Bankograph⁴, invented by Luther George Simjian (Batiz-Lazo and Reid, 2008, p.111). Due to insufficient interest, the device was withdrawn after six months. On 27 June 1967, the first European cash-only ATM was installed in a suburb of London by Barclays, designed by John Shepherd-Barron. It used special cheques designed for one-off use. The user also had to identify himself with a four-digit personal identification number (PIN). In 1969, the first cash dispenser to accept plastic cards with a magnetic stripe was installed. In 1971, the Docutel company installed the first true multi-function ATM in the USA (Miller, 2011).

The first ATM in Slovenia was installed on 8 February 1990 at Ljubljanska banka (hereinafter LB). LB, together with some other Slovenian banks, continued to develop its ATM network, and in 1993 a group of banks, led by bank SKB, entered the market. In 1997, the two ATM networks merged, and the banks jointly established Bankart, which has been operating ATMs in Slovenia since then (Klinar, 2006, pp.28-30). Bankart operates 95% of all ATMs in Slovenia.

⁴ The Bankograph accepted cash and check deposits. It used a camera inside the machine to take snapshots of the deposits, copies of which were given to the customers as receipts. Bankographs were installed in several branches of the City Bank of New York, but the machines were removed after six months due to limited use. It seemed few customers were willing to trust their money to a robot.

Table 1: Number of ATMs in Slovenia

Year	Number of ATMs
2011	1845
2012	1789
2013	1775
2014	1692
2015	1690
2016	1676
2017	1646
2018	1580
2019	1545
2020	1406
2021	1443

Source: Bank of Slovenia Bulletin (n.d.).

In 2017, Nova ljubljanska banka (hereinafter NLB) introduced and activated two contactless ATMs. The ATM has a specially marked area where the bank card is inserted. A PIN number is then entered. This makes it even faster and easier for users to withdraw cash and check their account balance. By the end of 2018, 250 such ATMs should be installed and activated. Intesa Sanpaolo Bank already allows users to withdraw cash via mobile phone (Ropret, 2017).

Table 2: Number of ATM withdrawals in Slovenia

Year	Withdrawals with cards of domestic issuers - at ATMs owned by the card issuers	Withdrawals with cards of domestic issuers - at ATMs not owned by the card issuers	Withdrawals with cards of foreign issuers
2015	33.852.126	20.291.804	1.066.466
2016	32.526.953	20.018.848	3.368.917
2017	34.031.395	19.192.034	3.299.467
2018	33.448.309	19.400.978	3.495.642
2019	32.369.596	19.474.459	3.581.115
2020	26.184.127	14.962.321	2.533.677
2021	26.532.976	13.393.656	2.485.351

Source: Bank of Slovenia Bulletin (n.d.).

As can be seen from Table No.2, the total number of withdrawals, both with cards of domestic banks and with cards of foreign banks, decreased significantly in 2020 and 2021. Whereas in the previous five years the number of withdrawals was approximately the same. In all likelihood,

the decline is due to the Covid-19 epidemic, which has forced people to use more cashless transactions. Other possible reasons include the introduction of fees for withdrawing cash from another bank's ATM and the increasing use of online and mobile banking.

In 1999, the first talking ATM for blind people and people with visual impairments made its public debut at San Francisco City Hall. Today, there are more than 100,000 of these machines in operation in the United States, with more coming all the time, and they can be found in nations all over the world. ATMs for the visually impaired include Braille, both on the keys and Braille instructions. The keys of an ATM are designed in a certain way to assist the blind. Keys are raised and the numbers are set up in a way that makes them easy to find. These ATMs deliver through voice recordings all the information that seeing customers read. Visually impaired people listen to ATM voices through headphones. Senior citizens who are not legally blind but who have issues with their eyesight can derive benefit from talking ATMs. These machines also provide assistance to people who are illiterate or who have reading disabilities (Wieder, n.d.).

In 2023, Slovenian bank Nova ljubljanska banka has adapted some ATMs so that they can be used by blind people and people with visual impairments. Voice guidance at the ATM is in Slovenian language and it starts when the program detects that the headset is activated and connected to headphone jack on the ATM. Some features of the ATMs have also been adjusted, such as the keys on the dial, side keys with Braille, larger elements and also the contrast of the screen. For the blind and visually impaired people this is a new step towards a more independent life (Ropret, 2023).

ATM ATTACKS AND FRAUD

Despite their long presence on the market, ATMs are still prone to various types of abuse. According to data from the US, the number of payment card frauds (they do not collect separate data for card usage at ATMs and Point of Sale terminals (POS))⁵ increased sixfold in 2015 and by an additional 30% in 2016. This does not include ATMs that were remotely hacked via malware. Global trends are also expected to show

5 POS-terminals (from the English Point of Sale) are autonomous devices that include hardware and software to process customer payments, record sales data, manage inventory and more. They can integrate numerous features to help the business run smoothly, including sales reporting and customer loyalty programs (Dublino, 2024).

an increase in abuse. According to some data from the US, this type of abuse is ten times more effective than robberies of the branches themselves, with the latter resulting in an average of USD 3 000-5 000 before the perpetrators are caught, and ATM abuse between USD 30 000-5 000. This also comes at the expense of the fact that chip technology has not been introduced in the US for a long time, as it is significantly easier to obtain a magnetic stripe record than a chip (Crossman and Ghosh, 2017).

In this article, we will look at the different types of abuse at ATMs. The range of possible abuse ranges from purely physical attacks on ATMs, to theft of user data at the ATM itself, or remote attacks on ATMs that then start dispensing money (Crossman and Ghosh, 2017). ATMs provide perpetrators with direct access to cash and, in some cases, to personal data that can be used for identity theft. While ATMs can contain a significant amount of cash, bank cards allow perpetrators to access users' bank accounts, and the sums in the accounts can easily exceed the value of the cash contained in a single ATM. As ATM attacks have been carried out, perpetrators have thus increasingly focused on ways to obtain bank card data (ENISA, 2009, p.12).

The shift from physical to digital ATM fraud suggests that perpetrators see this as an easier and safer way to obtain cash and the data stored on the cards. It can therefore be assumed that these modes of attack will continue to escalate (Geller, 2016).

SKIMMING

Skimming is still the most common form of ATM fraud. It involves the use of devices (readers) that capture data from the magnetic recording of the card. The readers are placed on the card slot or in the throat or inside the card reader. In addition, a PIN retrieval device is also installed. Users insert their card into such a reader and usually complete the transaction and receive the card back without being aware that the device has in the meantime captured the magnetic stripe data. After a certain period of time, the device is removed and the data is transferred to the computer. The data collected is used to create counterfeit cards for later fraudulent withdrawals. Users only become aware of the fraud after these withdrawals are made (ENISA, 2009, pp.14-15).

The technology to record on cards has improved dramatically and card

readers have become cheaper. As they are also used for purely business purposes, they are not illegal unless used for criminal purposes (Crossman and Ghosh, 2017).

GETTING A PIN

The acquisition of a PIN number is a form of misuse that is overwhelmingly linked to one of the other forms of misuse of card acquisition or card data (Lamberger, 2011, p.61):

- an over-the-shoulder look is a method of obtaining a PIN where the perpetrators are in close proximity to the victim and observe intake;
- fake cameras installed on and near ATMs, for example on painted or taped above the keyboard;
- a fake keyboard that is placed on top of a real keyboard and stores the numbers in a memory unit.

THE MONEY TRAP

The money trap⁶ is a manipulation of the cash-out system so that users do not receive the money that has been paid out and the account has been debited for that amount. These can be devices placed on the outside or inside of the cash dispensing mechanism. If it is installed externally, the perpetrators take the money as soon as the user leaves the ATM, whereas if it is installed internally, it is possible for the device to hold the money of several users (E.A.S.T., n.d.).

REVERSAL OF A TRANSACTION (TRANSACTION REVERSAL)

This is a situation where the perpetrators get the ATM to detect that the cash has not been withdrawn (even though the perpetrator collects it) and report an error, and the transaction is reversed so that the perpetrator's account is not debited for the amount withdrawn. This can be achieved by physical manipulation of the payout system or through software that influences the error message that the cash has not been paid. In order to carry out the abuse, the perpetrator must have a valid card and sufficient funds in the account to attempt the withdrawal (E.A.S.T., 2018).

⁶ There are several warning signs to identify a cash trapping scam, including a damaged or tampered ATM cash slot, unexplained failure to dispense cash, or irregular timing in the cash release process (Negg Blogg, 2024).

TROJAN HORSE - FAKE ATM

A Trojan horse⁷ or fake ATM is an ATM that looks like a real ATM and some of them even dispense cash. This is how the perpetrators try to get hold of the PIN and the magnetic stripe on the cards. The ATM returns the card to the user after the PIN has been entered and the magnetic recording has been made, but tells the user that there is no money in the ATM. They only need a source of electricity to operate as they are not connected to the mains and can therefore be installed in many locations (ENISA, 2009, p.15).

SHIMMING

Shimming is analogous to skimming, except that it is the interception or manipulation of information transmitted between a Europay, Mastercard, Visa chip-enabled card and the chip reader in the card reader. The perpetrators use a small, paper-thin device which is placed in the card reader and inserted in such a way that it is between the card chip and the interface of the card reader. This can make its presence very difficult to detect. The device is then used by the perpetrators to harvest the recorded data, but they can only use it to create cards with a cloned magnetic stripe, not the chip itself, as this is not possible due to its composition and security mechanisms. Users can also avoid this type of abuse by using a contactless card. Additionally, a device is installed to obtain the PIN, such as a camera or an overlay on a PIN keypad (MacDonald, 2017).

BLACK BOX

This type of abuse is a type of ATM attack, where the perpetrators use various means to gain access to the inside of the ATM. Some kind of a device, usually a laptop computer, is connected to the cash-feeding unit. This device then sends a signal directly to the cash dispenser to withdraw the money, bypassing the need to confirm the transaction. The perpetrators gain access to the ATM by drilling holes or melting it so that they can physically connect this additional device to the ATM. The losses can be significant, as this is how perpetrators withdraw all the cash that is in the ATM (Europol, 2017).

⁷ *Trojan horse* – it is a type of malware that is often disguised as legitimate software. The term was coined from the Greek myth of the wooden horse that was used to sneak into the city of Troy. The user is tricked into believing that the Trojan is a harmless program, thereby unwittingly inviting the malware into the system (McAfee, 2024).

CARD THEFT

Card theft involves various forms of abuse, the main purpose of which is to obtain a card for later use. One of the methods used to obtain the PIN is also used. Card trapping is a method where the perpetrators physically manipulate the ATM to prevent the card from being returned to the user. A device is applied over or inside the card slot to allow the card to pass through before the user has completed the transaction. The device shall retain the card at the ejection point after the transaction. After the user has left, the perpetrators shall remove the entire device together with the card, which shall then be used. The most well-known method is the so-called Lebanese loop, where a strip or wire is inserted into the card reader (E.A.S.T., n.d.).

DATA ATTACKS

The target is the software and communication systems of ATMs/banks. They can cause significant damage and quickly compromise large amounts of data. The transition from proprietary operating systems of ATM manufacturers to the Microsoft Windows platform has also facilitated abuse. Different types of malware are used, which can be used locally (on the ATM itself) or remotely. They are often very difficult to detect as they are constantly evolving and changing. Remote attacks against banks' computer centres and servers that act as intermediaries between the bank and the ATM are mostly carried out by organised crime groups (Diebold, 2012). The use of malware targeting ATMs is gradually increasing, with the first cases reported in 2009 (Crossman and Ghosh, 2017).

Three of the methods of data attacks are jackpotting, man in the middle and software skimming. The perpetrators install malware in the ATM software either on-site or remotely over a network. On-site control of the malware is achieved by using electrical wiring to enter a PIN, by accessing unsecured communication interfaces such as a univert serial bus, or by running an unauthorised operating system. Jackpotting allows the perpetrators to control the dispensing of cash from an ATM. Man in the middle targets the communication between the ATM PC and the host system in order to falsify responses and dispense cash without debiting the perpetrator's account. Software skimming is designed to extract card data and PIN numbers to counterfeit cards, similar to conventional skimming, ex-

cept that the data is attempted to be extracted from the ATM itself (E.A.S.T., n.d.).

Another way of attack is through hacking into banks' systems. This is usually done by sending emails to bank employees that look like legitimate business communications, with an attachment that hides malware. When the employee opens the attachment, the software installs and allows the perpetrators to control the infected devices and access the banks' internal network. The perpetrators then infect ATM computers. They can then instruct them to withdraw cash at a specific time, when one of the gang members will be at the ATM to collect the money. This is therefore about harming financial institutions, not individual users (Geller, 2016). Similarly, members of the Russian-Ukrainian criminal gang that is believed to have carried out such attacks over the last five years with the Anunak, Carbanak and Cobalt malware have harmed 100 financial institutions for around €1.2 billion. They obtained the money not only through ATM withdrawals, but also through fake transfers to accounts they owned (Bing, 2018).

PHYSICAL ATTACKS

Physical attacks on ATMs are carried out to gain access to the cash in the ATM. The most common methods are (E.A.S.T., 2015, p.5):

- ATM break-ins, defined as a physical attack on an ATM at the point of installation - attacks can be carried out with brute force, cutting and sawing devices and explosive devices that can be used to blow up a safe;
- attacks on ATM cashiers while they are moving money in or out of the machine or during the cashing process itself;
- ATM theft, where the installed ATM is removed - the most common method of theft is by a motor vehicle collision.

ATM SAFETY AND SECURITY RECOMMENDATIONS

Attacks and abuse at ATMs cause losses for both users and ATM providers. For providers, preventing ATM abuse is a challenge to develop different ways and measures to secure ATMs to enable users to use them safely. Payment card security measures overlap with those of card issuers, whose desire is to successfully combine card performance (speed of use, reliability) with card security (Lamberger et al., 2012, p.124).

Perpetrators operate where they have fewer obstacles to achieving their goals. Every cardholder must be aware that they are jointly responsible for the assets in their bank account and that their security also depends on being aware of what they can do to use the ATM as safely as possible. As a result, ENISA (European Network and Information Security Agency) has made recommendations for the safe use of ATMs - the so-called "Golden Rules to reduce ATM-related crime" (ENISA, 2009, pp.24-25):

- your payment card must be handled with care, carried and stored securely;
- for security reasons, the cardholder should never give the card to someone else or entrust the PIN to them;
- the bank letter containing the PIN must be destroyed and the number should be memorised;
- the PIN and the card must not be stored together;
- the PIN must be changed at the ATM to one that each user can remember, so that there is no need to keep a record of it;
- make a note of the phone number of the card issuer, which can be used to report cancellations, loss or theft immediately;
- expired or cancelled cards must be destroyed;
- when using an ATM, you should pay attention to the specific features of the ATM (damage to the ATM slot, traces of sticky substances due to additionally installed devices, etc.) and the surrounding area (people who offer help in using an ATM, etc.).

The Association of Banks of Slovenia defines the following basic rules for the safe use of ATMs. The most important rules are highlighted below (Association of Banks of Slovenia, 2021):

- no-one should see the holder's PIN number when using the machine (if someone is standing nearby, the ATM user should ask them to move away; when entering the PIN, the keypad should be covered with both hands to prevent any recording);
- it is best to use your payment card at machines that are located in a well-lit and well-trafficked area;
- any irregularities or changes at the ATM must be stopped and the bank or the police should be informed as soon as possible;
- if the ATM does not return the card to the cardholder (due to an obstruction in the card slot) and there is a message on or next to the card stating that the PIN number must be re-entered, the user

- should immediately inform the nearest bank branch or the police;
- if the ATM does not dispense cash despite the authorisation of the service, the account balance should be checked first; if the account holder finds that the account balance has changed or the amount requested has been authorised but not dispensed, the bank or the police should be informed immediately.

PHYSICAL SECURITY

At the same time, the increasing use of ATMs in less secure locations has led to an increase in theft and vandalism (Weight, 2009, pp.4-17). Measures that banks are taking to protect themselves against these attacks include (Accenture, 2016, pp.23-25):

- appropriate fixing methods (in the floor, wall or ceiling) to make removal difficult;
- bollards to prevent ramming attacks;
- measures against attack by explosives or gas;
- installing an alarm device in the ATM itself;
- constant camera surveillance and sufficient lighting of the ATM;
- hiring security companies to respond quickly to an alarm or the presence of a security guard;
- a mirror to monitor the surroundings behind the user;
- a safe that meets security requirements;
- in the case of a high-risk location, the introduction of a cash limit in the safe;
- time-based locking of the room and installation of an alarm device (only for ATMs installed in a closed area);
- for particularly risky locations, the ATM can be additionally secured with chains;
- advertising security measures on the external visible signs of ATMs;
- installation of colour packs in tills;
- installing ATM locating devices - different types of devices are available, based on GPS (satellite), GSM (mobile network) and Radio Frequency (RF) technology;
- sensors to prevent skimming and card trapping;
- sensors to detect fake keyboards;
- detecting abusive transaction reversal;
- physical measures to prevent money traps;
- a border around the keypad to prevent PIN entry being monitored.

ELECTRONIC SECURITY

One of the main objectives of criminals in connection with ATMs is to obtain user data. These used to be stored on a magnetic tape, which was relatively easy to copy and forge. This weakness has been addressed by the introduction of chip-enabled cards called EMV⁸⁸ (“How to Combat ATM Crime,” 2011). EMV is a global standard based on chip technology in credit and debit cards. The cards have a small microprocessor embedded in them, which provides greater security than traditional magnetic stripe cards (EMVCo, 2014, pp.5-6).

The increased security of EMV cards comes from various mechanisms. Each EMV card is validated before use, thanks to cryptographic keys securely stored on the chip and security certificates encrypted on the card by the issuer at the time of personalisation. Furthermore, the exchanged data is dynamically encrypted at the time of each transaction, meaning that each transaction is unique (EMVCo, 2014, pp. 18-23). Thus, even if the data from an EMV card is stolen, it is not useful for making a fake chip. Furthermore, recording from a chip is much more difficult than from a magnetic stripe, although there have been recent cases of this (shimming). These mechanisms make it almost impossible to create a counterfeit EMV card (MacDonald, 2017).

Attacks have also started to target data connections, with perpetrators trying to obtain data using viruses and other malware. ATMs themselves are at risk from an eSecurity perspective, as quite a few use open source software (thus, more than 85% of abuse occurs on Windows ATMs) and conventional telephone/internet connections to the bank (“How to Combat ATM Crime,” 2011). Banks use various systems to monitor ATM activity remotely and systems to remotely detect abnormal transactions (Accenture, 2016, pp.23-25).

The data handled by the ATM during the transaction is encrypted. From its introduction until the beginning of the millennium, this was done using the Data Encryption Standard (hereinafter DES) algorithm developed in the 1970s (“ATM Security and 3DES,” n.d.). With the rapid development of computer technology and computing power, this has become insufficient for secure transactions. This led to the development of a new encryption algorithm, 3DES (triple DES), which is

8 EMV was developed in the mid-1990s and stands for Europay, Visa and Mastercard, which are the credit card companies that spearheaded the development and widespread adoption of this chip technology. It is a payment technology that uses a tiny, powerful chip embedded in credit and debit cards to make card transactions more secure (Stripe, 2023).

essentially an improvement on DES. The latter uses a 56-bit key for encryption, while 3DES uses the process three times, resulting in a 168-bit key. This makes encryption slower but much more secure (Sholes, 2002, p.2-3).

TRANSPORT OF CASH AND VALUABLES

Cash handover is the process of handing over or taking over cash from a secure area (e.g. an ATM vault) into the hands of security staff equipped and trained to do so, and vice versa. The customer shall illuminate the handover point and mark it with a sign reading 'Security - No access during handover of a secure consignment'. This 'extension' of the definition of a secure area provides the basis for the security guard to use all measures and other means in that area during the handover of cash and other valuables (Čas and Božjak, 2023, p.17). The Regulations on the Method of Transport and Security of Cash and Other Items of Value (2016) specify in more detail the method, minimum conditions and security measures for the transfer, transport and security of cash and other items of value, in order to prevent the risk of theft and to ensure the safety of persons transferring, transporting and securing cash and other items of value.

The licensee and the transfer and transport operator shall endeavour to eliminate the hazards arising from the risk assessment of the transfer and transport by taking appropriate measures to mitigate the hazards within their respective spheres of competence.

Security measures include:

- preventive security measures and technical security system;
- escort by security guards;
- combined use of technical security and security escort;
- drawing up a transfer and transport plan and
- police cooperation.

The class of transfer and transport of a secure consignment is determined by adding together all the cash and the value of other items of value being transferred or transported at any one time.

The Regulations thus define several classes of transfers and transport of secure shipments:

- Class 1, the value of which does not exceed € 50,000;

- Class 2, the value of which does not exceed € 200 000;
- Class 3, the value of which does not exceed € 1 500 000;
- Class 4, the value of which does not exceed € 4 000 000 and
- Class 5, the value of which exceeds € 4 000 000.

The handover of Class 1, 2 or 3 secure shipment shall take place at a lighted handover point which, at the time of handover, has the status of a secure area, at a distance which prevents direct physical force being exerted on security staff. If all of the above cannot be ensured, the handover shall be carried out with an additional armed security guard.

The secure handover area shall be equipped with technical security systems capable of monitoring the immediate surroundings of the facility, physically separated from the surrounding area in order to prevent unauthorised persons from entering and viewing the facility, and shall have the status of a secure area at the time of handover. A secure area is considered to be a premises, facility or area owned, leased or managed by the service provider, which is an area designated by contract with the licensee, where internal security is provided and the immediate vicinity of the protected person (Čas, 2023, p.52).

Where a secure handover area cannot be established at border crossing points in the manner described above, the transport contractor may propose the involvement of the police. In carrying out police tasks, police officers decide, based on the circumstances given to them at a given moment, which police power to exercise to prevent and eliminate danger (Pozderek and Kotnik, 2023, p. 17). Police officers are required to respond quickly to different security phenomena when carrying out different forms of police tasks in a given area and time of operation. When acting with police powers⁹, police officers establish public order, prevent offences and crimes, apprehend offenders and misdemeanours, and thereby facilitate the processing of offenders (Žaberl, Pozderek, and Oberman, 2017, p.275).

For the transport of a Class 4 or 5 secure shipment, a transport plan must be drawn up in advance, covering the procedures and measures to be taken before collection or handover, during transport and stops,

⁹ Police powers are legally prescribed measures which enable police officers to effectively and successfully perform their tasks. When performing their tasks, police officers must act in accordance with the Constitution and laws and respect and protect human rights and fundamental freedoms (Ministry of the Interior, 2024).

and the traceability of the transport. The contents of the plan must be communicated to all security staff involved in the transport before the transport takes place. The customer of a transport of a Class 4 or 5 secure shipment may propose the involvement of the police in the transport and security of the secure shipment. In the event of police involvement in the transport and security of the consignment, the licensee and the police shall agree on the form of their cooperation (Regulations on the method of transport and security of cash and other valuable consignments, 2016).

PROPOSAL FOR COMPREHENSIVE ATM SECURITY

The development of ATMs allows users to easily access cash and perform more and more tasks at ATMs. As the number of transactions increases, so do the various forms of abuse of ATMs, which are being developed in order to circumvent the preventive and security measures in place to prevent the commission of a crime by which criminals illegally obtain property. In the case of known forms of ATM abuse, the abuse itself must first be identified and recognised so that it can be prevented or stopped. Certain forms of ATM abuse have been made impossible with the development of the EMV chip and PIN entry. Chip counterfeiting is difficult, but most chip cards still have a magnetic stripe, which poses a potential risk (Security News Desk, 2016).

Different methods of ATM security are used. Axis Communications developed the AXIS P12 series and then the AXIS F network camera series to prevent the rise in ATM abuse. These are flexible, small, adaptable network cameras that can be attached to the ATM. The AXIS F-series has enhanced capabilities to handle a wide range of lighting conditions and four camera versions. In fact, it has a body with four different lenses. In Asia, it is mandatory to have up to four cameras in some areas to protect ATMs. Surveillance of ATMs with cameras allows the link and insight between videos and transaction data in disputes between users and suspicious activities. Honeywell Security has developed the SC 100 motion detection sensor. The sensors detect vibration signatures of different types of abuse at ATMs. They contain detection algorithms that help filter out false sources of triggered alarms (Security News Desk, 2016).

In recent years, banks have shifted to anti-skimming analysis to protect ATMs from abuse. This involves video analysis of complex scenes. The

key is to identify the setting of skimming devices that can be inserted above the card slot. Anti-skimming analysis works in a way that it blends in with objects placed in the background and is not visible to the user. The device also works in the event of blackout. With video analysis, the bank captures images of people using the ATM and receives an alert when someone is standing next to the ATM. Based on the video images integrated with the central transaction server, the bank is able to set up searches for cases where a person is in front of the ATM but not making a transaction. This is an indication that someone may be installing a skimming device. In situations like this, the system triggers an alert and lists the instances in the report that match this description along with other information such as date, time and location. The security officer shall examine the video and the report and, if necessary, inspect and check the ATM for changes to it. In the case where the perpetrator used cards with stolen cardholder data at the ATM, the bank's video surveillance may, as in the previous case, look for persons making multiple withdrawals with different cards. The bank's video surveillance captures images of the person making the ATM transaction. The system compares the transactions with the video recordings and flags cases where the person has stayed at the ATM and made multiple transactions with different cards. The system shall list the transactions found in a report. This allows security authorities to quickly identify cash theft (Cremins, 2015).

The Information Systems Group has developed fingerprinting technology that is used in ATMs in Japan. ATM users use a card and place their finger on the scanner. The reader reads the finger's biometric record and checks it against the stored data on the card. Therefore, PIN is no longer needed. 80 % of ATMs in Japan use this technology (Security News Desk, 2016).

The perpetrators are often one step ahead of the banks and security services, and they are only reacting to new or sophisticated abuse. In any case, more advanced ATM security methods can help to reduce the number of abuses or the damage suffered by users and banks.

CONCLUSION

ATMs are one of the easiest ways to access cash and can also be used for many banking services. ATMs are often the target of abuse due to different security standards. It is important to remember that ATM security actually starts with the choice of the location itself, which should be chosen wisely, checking known information on the incidence of crime in the chosen area, and selecting the right type of ATM with the right system configuration and security level, and ensuring adequate security.

However, the safe use of ATMs cannot be ensured by simply reviewing existing and known types of abuse. Security measures and prevention options are already in place for these types of abuse. Technological developments must be anticipated in order to anticipate the opportunities they offer for perpetrators to detect and carry out new types of abuse, as they are constantly developing new and unknown ways of doing so. Manufacturers and developers must stay one step ahead of the perpetrators and try to prevent or minimise the possibilities of abuse at ATMs. They need to detect anomalies in common transaction data that indicate signs of ATM abuse. It does not matter whether it is a tried and tested method or a new way of a type of ATM abuse (Geller, 2016).

From the users' point of view, it is important to be aware of the different forms of abuse, so that they can identify them more effectively, potentially protecting themselves and others. They can further contribute by following preventive recommendations for safe use of ATMs and, to a certain extent, prevent themselves from becoming victims of ATM abuse.

Newer forms of abuse are often of such a nature that they are difficult or impossible for users to recognise. In these cases, the onus is on banks to protect their assets through prevention, good supervision and action.

In addition to bank preparedness, security services and police will also need to be prepared, as investigating and prosecuting such crimes is likely to require a more detailed knowledge of computer equipment, software, encryption and the risks associated with malware.

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Regional Integration in Africa: The Role of SADC in Fostering Peace in DR Congo and Mozambique

Joseph Fredrick Mutupha¹

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ABSTRACT

This article investigates the roles the Southern African Development Community (SADC) plays in fostering peace and security, with special focus on the DR Congo and Mozambique. The paper intends to contribute to the research and current debates on Regional integration in general and the African Peace and Security in particular. Since time immemorial, the effectiveness of SADC intervention has been questionable, due to the recurrence of the conflicts in the affected states. The lack of proper training, resources, and varied political will by member states are fueling the failures of SADC. Armed insurgencies, social cleavages, and governance inefficiencies relating to authoritarian rule and abuse of state resources all imperil peace and stability in Mozambique and the DR Congo, rendering the institutional framework for regional peace and security ineffective.

KEYWORDS: SADC, regional integration, peace, security, peace building

POVZETEK

Ta članek raziskuje vlogo Južnoafriške razvojne skupnosti (SADC) pri spodbujanju miru in varnosti, s posebnim poudarkom na DR Kongo in Mozambiku. Namen članka je prispevati k raziskavam in trenutnim razpravam o regionalnem povezovanju na splošno ter še posebej o afriškem miru in varnosti. Učinkovitost posredovanja SADC je bila že od nekdaj vprašljiva zaradi ponavljajočih se konfliktov v prizadetih državah. Pomanjkanje ustreznega usposabljanja, virov in raznolika politična volja držav članic, spodbujajo neuspehe SADC. Oboroženi upori, družbene delitve in neučinkovitost upravljanja, povezana z avtoritarno vladavino in zlorabo državnih virov, ogrožajo mir in stabilnost v Mozambiku in DR Kongo, zaradi česar je institucionalni okvir za regionalni mir in varnost neučinkovit.

KLJUČNE BESEDE: SADC, regionalno povezovanje, mir, varnost, gradnja miru

¹ ABOUT THE AUTHOR: Joseph Fredrick Mutupha is a Doctor of Management Science from Sun Yat - Sen University, People's Republic of China and a PhD Candidate in Diplomacy and International Studies at the Faculty of European Studies of Nova Universa (New University) in Slovenia. Email: jomutupha@unima.ac.mu

INTRODUCTION

Africa, as Aliyu (2008) argues, remains arguably the most conflict-prone continent in the world today, whose security in its nation-states in general, remains subject to a plethora of military and non-military risks that are multidimensional and in most cases, difficult to predict (See Appendix II). Much as we cannot rule out the potential for inter-state disputes, Africa is now experiencing new and complex risks to peace and stability, including oppression, ethnic conflict, economic distress, the collapse of political order, religious extremism, and the proliferation of small arms and organized international crime (Draft Framework for a Common African Defence and Security Policy 2004).

In North Africa, the ructions of the Arab Spring have brought not just democracy in the case of Tunisia, but also the risk of greater civil-military strife in Egypt and Libya where inter clan warfare has raged havoc in these countries. In West Africa, the violent Islamist Boko Haram in Nigeria is relentlessly on murderous attacks on churches, schools and other government institutions, while the Tuareg and radical Islamist Ansar Din in northern Mali are deeply in malicious working relationship with Al Qaeda in the Islamic Maghreb (Solomon, 2012). The horn of Africa is not spared from the conflicts. The Islamic juntas called Al shabaab have been raging fierce war with Transitional Federal Government (TGG) and African Mission in Somalia (AMISOM) troops.

More so, in the very heart of Africa, the situation in the eastern Democratic Republic of Congo (DRC) continues to degenerate into chaotic and ungovernable situation as the rebel troops, continue to undermine the sovereignty of Kinshasa. The elections that were meant to demonstrate the popular will of people have brought new challenges as the losers are refusing to accept the popular mandate of the citizens.

In Mozambique, insurgents linked to the Islamic State have been launching attacks since October 2017 in Cabo Delgado, a coastal province rich in natural gas reserves and host to an estimated \$60 billion worth of international investment in gas projects. The violence has left at least 3,100 dead, according to the Armed Conflict Location & Event Data Project (ACLED), which tracks political violence around much of the world (Miguel & Baptista, 2021).

From the foregoing and other instances, it can be appreciated that al-

most all over Africa; we are experiencing the resurgence of politics of identity. In this regard, the urgency with which to respond to the challenges of peace and security on African Continent needs no emphasis. The role of international organizations is, at the world, regional and continental level, in fostering peace and security. This is of paramount importance.

THEORETICAL UNDERPINNING OF THE STUDY: REGIONAL INTEGRATION

Malawi, a sovereign state, is a member of Southern African Development Community (SADC), and therefore a signatory to protocols and treaties for this regional Economic Community. As such, Malawi is compelled to respect, abide by and enforce all the rules and regulations whose aim is to ensure that SADC is a robust region both politically and economically. It is therefore imperative to realize that instability in any member state as it was the case in Lesotho in 1998, the pandemonium currently going on in Calbo Delgado in Mozambique and Democratic Republic of Congo (DR Congo) have adverse ramifications on regional integration within SADC. Moreover, this may have spillover effects in other parts of the world beyond SADC since the world is now a globalized entity.

According to Mathews cited in Mukwevho (2014, p.14), regional integration was established by political science scholars in the 1940s. The post WW II saw the emergence of two main perspectives in Europe, leading to the “impression of a post – nationalist future on idealistic views on integration” (ibid). Theories of integration were a product of heated yet productive debate among the academic luminaries who had a central view on the landscape of international relations theory which was dominated by realist visions of state in international anarchy.²

The key challenge then, was around the necessary preconditions of the new process of integrating the European states. The continuous academic debates focusing on European evolution on regional integration led to the emergence of theoretical approaches such as neo - functionalism and inter- governmentalism. Since then, there was a general consensus amongst scholars on the importance of interdependence

2 The word **anarchy** in this context means different from the linguistic definition. “Realists believe that the international system exists in the state of **anarchy** – a term that implies not complete chaos or absence of structure and rules, but rather the lack of a central government that can enforce rules (Golstein, S.J. & Pevehouse, J.C., 2014, p.49).

amongst various nations - states and centralization of political capabilities beyond national governments. Much as there were differing ideologies amongst scholars, theoretical foundations for the study of regionalism were well set around 1989 (Matheis, 2014).

Börzel et al (2012) agree with Moravcsik (1991) that regional integration should be understood as a result of bargaining processes between member states. The state is seen as a transmission belt for the citizens' interests and therefore becomes the primary unit for analysis Börzel et al (2012). Börzel et al. further raise the point that, according to neo functionalists, regional integration advocates for functional spill-overs in terms of context of interdependence. In cases where the domestic elites shift their attention over the nation state, due to increasing transitional exchange or prompted by the belief that their problems cannot be resolved domestically, and in line with this concept, one can attest to the fact that the African conflicts since time immemorial may have been triggered by political spill-overs resulting in the intervention of the SADC and others (Börzel et al, 2012, p.5). In order to understand how the SADC has been organised and its responsibilities in dealing with conflict, it can be deduced from definition of regionalism by Lee (2003, p.8) cited in Mukwevho (2020, p.16) in which he refers to two types, the first being formal and the second one, the networking regionalism.

The formal regionalism is defined as being represented by institutional forms of cooperation or integration as considered to be the aggregation and fusion into broader units of existing territories or fields of intervention. Under normal circumstances when the conflict breaks out like it was the case in Lesotho, and now in Mozambique, the SADC has the responsibility to intervene through its organised formations such as the organ for political, defense and security issues in order to strengthen regional integration (ibid.).

Regional integration theory (RIT) seeks to explain the establishment and development of regional international organizations (RIOs). A minimal definition of RIO has four necessary and jointly sufficient attributes: state members, organizational capacity, multilateralism, and geographical proximity. First, Regional Integration Organizations (RIOs) are established by states and have states as their members. Second, RIOs are organizations. They have a physical headquarters and their own staff; they have regular procedures such as meetings of their

member states; and they have the capacity to make decisions and to act on them. Regional agreements or regional conferences alone do not qualify. Third, RIOs consists of more than two-member states. Finally, their membership is geographically proximate and limited.

RIOs are distinct from universal organizations such as the UN organizations and from organizations with limited membership if member states are geographically distant from each other (such as the Commonwealth). Especially in the early days of Regional Integration Theories, theorists distinguished integration from (simple) international organization or cooperation. For instance, the term integration demarcated supranational regional organizations (such as the European Coal and Steel Community, ECSC) from intergovernmental organizations (such as the Organization for European Economic Cooperation, OEEC); or it denoted the achievement of a “sense of community” among the member states. In addition, as Haas (1968) points out, early theorists often defined regional integration teleologically as a process aimed at some form of federal polity superseding the nation-state.

While the contemporary regional integration theories, view integration as an open-ended process; it normally avoids both qualitative and teleological definitions beyond the minimal definition above. It employs terms such as “supranational”³ and “intergovernmental” to classify types of RIOs rather than to distinguish RIOs from other organizations.

INTERGOVERNMENTALISM AS A THEORY OF RI

Intergovernmentalism shares its basic assumptions with rationalist institutionalism in IR. First, states (or governments) are the central actors in international politics, and they are (at least minimally or boundedly) rational actors. Second, international interdependence creates demand, and international institutions help to supply, international cooperation.

Realist and liberal intergovernmentalism make different but compatible assumptions about the demand for integration. Realist intergov-

3 A supranational organization is a multinational union or association in which member countries cede authority and sovereignty on at least some internal matters to the group, whose decisions are binding on its members. In short, member states share in decision-making on matters that will affect each country's citizens. The EU, United Nations, and the World Trade Organization (WTO) are all supranational groups, to one degree or another. Visit <https://www.investopedia.com/terms/s/supranational.asp>

ernmentalism starts from a “national interest” defined by the government and fundamentally consisting in safeguarding the autonomy and the security of the state. This assumption seems to contradict regional integration fundamentally: why would an autonomy-maximizing state engage in regional integration if this means, in essence, the pooling and delegation of state sovereignty?

Yet formal state sovereignty and actual state autonomy often do not coincide. Especially for smaller states, regional integration may actually enhance autonomy in exchange for giving up formal sovereignty. Against powerful states outside the region, regional integration works like an alliance: it combines the resources of the regional states to provide for effective external balancing. In the region’s internal relations, it serves to tame regional would-be hegemonies by binding them to supranational decision-making processes.

Realist intergovernmentalism distinguishes “low politics” and “high politics” and expects states to be willing to integrate in low-politics areas but to resist pooling and delegation in high-politics areas. Low-politics areas, according to Holfman, do not reduce the autonomy of the state in a major way, either because they do not affect core state powers or because states have limited autonomy to begin with (as in the case of liberal states in the market economy). By contrast, high politics encompasses the core powers of the state in the areas of internal and external security as well as monetary and fiscal policies. According to the traditional intergovernmentalism logic, then, small states have a higher demand for regional integration than large states, and all states are more willing to integrate low-politics issues.

While liberal intergovernmentalism is in the view of preference formation, which assumes that governmental preferences reflect the interests and power of societal groups, mediated by domestic political institutions. While general demand for regional integration results from international policy externalities, concrete integration preferences come primarily from ‘the commercial interests of powerful economic producers’. Governments pursue integration as ‘a means to secure commercial advantages for producer groups, subject to regulatory and budgetary constraints’. Depending on how competitive these powerful producers are on the regional market, states demand either market liberalization or protectionist policies. Moreover, they seek agreement on regulatory policies that benefit the competitiveness of domestic producers.

In short, intergovernmentalism postulates that governments are the relevant actors in negotiations about regional integration. They negotiate, first, on the establishment or development of integration, second, on substantive policy arrangements and, third, on the institutional design of regional integration. These negotiations are only analytically distinct: they go on in parallel, are linked, and need to be concluded together successfully to produce integration.

NEO-FUNCTIONALISM AS A THEORY OF RI

In contrast to the rational-institutionalist roots of intergovernmentalism, neo-functionalism draws on two other variants of institutionalism: historical institutionalism and sociological institutionalism (Hall, Tylor, 1996, cited in Schimmelfenning, 2018, p.17).

Early neo-functionalism did not formulate these institutionalist underpinnings explicitly, nor did it distinguish clearly between them. That has changed with the elaboration of neo-functionalist theory since the 1990s. Historical institutionalism does not fundamentally question the rational-institutionalist assumption that governments establish RIOs to further their national interest, but it disputes that institutions continue to work reliably and efficiently according to the interests of their founders who are often unable to foresee or correct the unintended consequences of the institutions they created. While Sociological institutionalism assumes that social actors follow “logic of appropriateness” Both their preferences and their behavior are shaped by ideational factors (identities, values, norms, and knowledge), which are institutionalized in their social environment and to which they are socialized. In this perspective, regional integration establishes an ideational and institutional environment that transforms the identities, values and norms of actors.

Neo - functionalist RIT subsumes demand for more integration under the concept of “spill over” and distinguishes different types: functional (or sectoral), geographic, political, social, and institutional (or cultivated) spillover. By functional spillover: integration results from negative externalities between an integrated and a non-integrated policy sector, which prevent governments from reaping the full benefits of integration. It creates incentives to undertake additional, previously unintended steps of integration so that interdependent sectors are regulated at the same level.

Functional spillover is the most important driver for the broadening of integration. Geographical spillover results from negative externalities between differentially integrated states (rather than sectors). On the one hand, regional integration establishes larger markets, which divert trade and investment from non-member states. On the other hand, non-member states may undercut the regulatory standards of the integrated countries. Both situations produce incentives for the widening of regional integration.

Political spill over is a reaction of domestic political actors and citizens to initial integration steps. To the extent that the RIO offers them enhanced opportunities to realize their political goals and increases their welfare, they redirect their expectations and activities to the new centre, form transnational organizations and coalitions, and eventually develop new political loyalties, collective identities, and transnational solidarities (Haas, 1968, p.xxxiv.). More so, political spill over increases domestic demand for integration.

Neo-functionalism expects that state preferences not only shift (exogenously) because of geopolitical or domestic change, but also (endogenously) converge in response to integration itself. For instance, market integration is likely to strengthen competitive firms and sectors that benefit from integration and weaken non-competitive actors. This process shifts the domestic power balance towards pro-integration groups. Moreover, the socialization that government officials, parties, and interest groups experience by participating in regional integration may strengthen their integration-friendly attitudes. Owing to endogenous preference change, integration negotiations triggered by spill overs can start from a more compatible and more pro-integration intergovernmental preference constellation.

On the other hand, Post-functionalism has its roots in Comparative Politics and theories of democratic politics rather than in IR and institutional theories. It builds on multi-level governance, party and electoral research. The concept of multi-level governance starts from the observation that political authority is dispersed across numerous spatial and functional jurisdictions. Regional integration constitutes one rung of the spatial “ladder of governance”; in addition, RIOs in the same region may be functionally differentiated, e.g. the EU for the economy, NATO for security, and the Council of Europe for human rights.

In order to explain the allocation of competences within a system of multi-level governance, there exists a distinction between a functional – roughly compatible with neo-functionalist and intergovernmentalist theorizing from a post-functional logic. Post-functionalism agrees with the sociological-institutionalism assumption that jurisdictions follow communities based on common cultures and identities. As community beings, individuals have a fundamental interest in the collective self-determination of their community in the two dimensions of national and democratic self-determination. This fundamental goal is likely to conflict with the functional logic of efficient authority allocation: whereas efficiency often calls for an expansion of political units, self-determination is better served in smaller units. Post-functionalism assumes that regional integration has become firmly embedded in the mass politics of the member states.

In summary, post-functionalism expects that party rather than national preferences shape negotiations and coalitions at the regional level. Second, politicization constrains the room of maneuver that governments enjoy in European negotiations. Rather than freeing governments from the constraints of domestic politics, as intergovernmentalists assume, regional politics becomes subject to increased media attention and scrutiny by opposition parties.

Governments need to focus more on the ratification chances of integrated policies – and their own reflection chances – in intergovernmental negotiations than at the time of the “permissive consensus”. Consequently, intergovernmental bargaining becomes harder, and negotiations are more likely to fail. To what extent politicization affects regional integration depends on the “transmission belts” between national and regional politics: elections, government formation, and referendums.

The choice of these theoretical lenses is relevant to the topic under study as it involves an African regional body SADC whose objective is to ensure peace and security in the South African Region besides enhancement of economic growth among member states. To some extent SADC is a supranational entity in which member states ought to be bound by what has been agreed upon in the form of convention, treaties and general agreements.

REGIONALISM IN SOUTHERN AFRICA

Southern Africa's regional and Politico – economic landscape is changing partly due to the ravages of conflict which have led to the realization of the importance of regionalism and meaningful integration (See Poku, 1994, in Mukwevho, 2020, p.4).

Besides, the desire for greater regionalism along economic lines has become an important area of focus by the politicians and academia worldwide. Regionalism as an ideology has gained popularity and is accorded support from Intergovernmental Organizations like the World Bank as it is reflected in its policy which states that 'Programme towards market integration and cooperation in a whole range of economic, technical, environmental, food security, education, and research are central to Africa's long –term development strategy (ibid.).

As Lee (2003) points out, the major challenges of regionalism in the SADC is the struggle to integrate economically. The other challenge is integration into the world economy that is characterized by processes of globalization and regionalism in Africa in the larger context. Political skirmishes within the SADC region also pose questions of serious economic and political dynamics that impact on the implementation of effective strategy for regionalism. The other challenge faced by the SADC region is lack of political commitment by African leadership, which results in poor market integration (ibid.).

Regionalism is also defined as the adoption of a regional project by a formal regional Economic organization designed to enhance the political, economic, social, cultural, and security integration and/or cooperation of member states (Mukwevho, 2020, p.5). The generic definition of regionalism is regarded by some as a process that concerns at least two societies within region, enhancing their social and/ or economic integration or interaction. It is argued that the argents of regionalism can be driven by state or non-state actors such as the informal sector, non-governmental actors and media companies (Lee, 2003, quotes Bach, 2009, in Mukwevho, 2020, p.5).

In this context and for the purposes of this paper, regionalism will be defined as the process by which state and non-state actors seek to enhance their economic, political, cultural, social, and security interaction with society within, through formal or informal structures. It

can be argued, therefore, that if regionalism or regional integration is driven by the state, there will always be a strong emphasis on economic growth and development for a particular geographical area within a society (Lee, 2003, cited in Mukwevho, 2020, p.5).

METHODOLOGY

Makonye (2023) argues that Secondary Research, also known as Desk Research, is a research method that involves compiling existing data sourced from various sources. This includes internal sources or, more commonly, external sources like government statistics, organisational bodies, and the internet. Secondary research comes in several formats, namely published datasets, reports, and survey responses, and can also be sourced from websites, libraries, and museums. In this paper, Secondary Research is further broadened to include news bulletins, private and public media, among other sources that were appealed to for data.

FINDINGS AND DISCUSSIONS

In this section, two cases, the Calbo Delgado Conflicts in Mozambique and the conflicts in DR Congo, will be discussed in a detailed account. Moreover, the roles SADC has played in these conflicts are analysed.

THE CABO DELGADO CONFLICTS IN MOZAMBIQUE

Complex armed conflicts now occur in low income and middle-income countries, and they often become internationalized, suffering from external military intervention (Dupuy & Rustad, 2018 in Ruis-araiva & Ceasar Rodriques, 2022 p.2). Armed non-state actors (ANSAs) have become one of the most complex threats to sustaining peace in fragile situations and have grown in influence and impact over the last decade (ibid, p.124). They often claim economic and political resources and are frequently moved by issues related to identity and ideology. ANSAs are also transnational, forming coalitions across states and aiming to control regions with unrecognized borders, leading to an increase in trans boarder conflicts (DCAFF, 2011).

Seeking a sustaining peace pathway in Mozambique constitutes an example of how further coordination between pragmatic and adaptive peace building approaches and effective counter insurgency methods

can provide an additional framework from addressing today's complex threats to peace. Seeking a sustaining peace pathway in Mozambique an example of how further coordination between pragmatic and adaptive peace building approaches and effective counterinsurgency methods can provide an additional framework for addressing today's complex threats to peace.

To be successful, counterinsurgencies (COIN) need to adequately meet the subversive, complex, and protracted aspects of insurgencies, employing methods aimed at containing and neutralizing its activities, keeping the population from the influence of the insurgency while addressing the root causes of dissent (Nal & Burton 2010, pp.125-127). Consequently, counterinsurgency must be timely, have a clear political goal, and understand the causes of the unrest. The approach must remain flexible, adaptable, and able to articulate a stable, long term social - economic response in addition to addressing security. In COIN strategy, legitimacy in local people's eyes is a crucial objective for which opposing parties compete (Lynn 2005, pp.22-23).

Since early October 2017, when the Islamist militants or jihadists identified as the Ansar al-Sunna launched their first attacks in the villages and towns of Mozambique's northern province of Cabo Delgado, insurgency and conflict has continued to escalate, targeting civilians, public infrastructure and government buildings (Vhumbunu, 2021). Although the government of Mozambique continues to make concerted efforts to fight and subdue the terrorists' insurgency through its national defence forces, a series of battles with the terrorists' militants have resulted in wide spread violence, insecurity, the death of over 2400 people and displacement of over 500,000 civilians by the end of November 2020. This has also disrupted economic activities, thereby worsening food insecurity.

The root causes and drivers of the insurgency in Cabo Delgado remains contested, however Rosa (2020) stresses a combination of factors in play; for instance the local researchers, in particular, emphasize domestic issues such as ethnicity, unequal access to state resources and economic marginalization i.e. expelled artisanal miners boosted the ranks of the insurgency in its formative period, whilst others, point at the international jihadi threat and the compounding role of illicit economies. The insurgency is commonly described as Islamist, but the religions contours are not well understood, nor how it became a ral-

lying point in a context of marginalization and underdevelopment. Although many communities in Cabo Delgado are mixed, the insurgency has been concentrated in Muslim majority areas, especially amongst Makua and coastal Mwani communities.

The latter are believed to have made up the bulk of initial insurgent recruits (Rosa et al., 2020). The Makonde, mainly mission educated, make up the bulk of the province's Christians and have been closely associated with Frelimo since its inception; Cabo Delgado was the fulcrum of the independence war, with the Mwani more aligned with the Portuguese colonial authorities, and subsequently with Renamo, especially since the advent of multiparty elections in 1994. While, the Makonde, in alliance with southern political interests, have since independence, developed and maintained a dominant social and economic position in Cabo Delgado;⁴⁰ in 2014, Makonde elite interests were strengthened further with the election of Filipe Nyusi, one of their own, to the presidency. Many Makonde, however, have not benefited from this ethnic elevation; a small number are Muslim.

Whilst ethnic dynamics are particularly striking, such fault lines do not always neatly align with the contours of the conflict with there is, for example, some evidence of a small number of Ki Makonde speakers present amongst the insurgents. Insurgents have also targeted Mwani and Makua speakers, especially if they are aligned with or employed by the state. Although there are different theories and explanations attempting to locate the root causes and origins of the insurgency it is argued that the brutal acts have been committed by both the militias and the Mozambican army (Babbier, 2018, Meiwald, 2021). The lack of opportunity and education are turning Cabo Delgado's youths into easy prey for militia recruiters. Contrary to what the Mozambican government claims, armed groups consist not mainly of terrorist extremist or jihadists, but of young residents of Cabo Delgado (Helle, 2021). However, the dominant argument is that the insurgency in Mozambique has been instigated by poverty, lack of socioeconomic opportunities, marginalization, discrimination, inequality and the frustrations of young people as a result of prolonged and unresolved conflicts in the country.

SADC INTERVENTION TO THE MOZAMBIQUE'S CONFLICT IN CABO DELGADO

Given the state of insurgency in Mozambique, especially the rising death toll, kidnapping and displacement of civilians, human rights abuses of people in the hands of insurgents, disruption of economic activities coupled with the failure by private security agencies, it is imperative to look up to RECs for decisive intervention to curb the vice. This signifies sufficient basis and justification for SADC to intervene, supported by several legal instruments to facilitate an intervention: these include the SADC protocol on politics, defense and security of 2001, and the SADC common agenda (amended in 2009), the strategic indicative plan for the organ on defense, politics and security (SIPO), and the SADC mutual defense pact of 2003.

Additionally, we have the structures and institutions that can be used including the summit of heads of states or governments; council of ministers etc. There are four crucial factors that constitute the justification for SADC to intervene in Mozambique. Firstly, SADC member states have moral and legal obligation to assist to another member state facing the security challenges and threats as stated under article 5 of the SADC treaty of 1992, to promote peace and security. On the other hand, under article 2, the SADC protocol on politics, defense and security also provides that the organ on politics, defense and security (OPDSC) shall protect the people and safe guard the development of the region. Article 11 (2) (b) of the SADC protocol on politics, defense and security provides that the SADC OPDSC shall seek to resolve large scale violence between the section of the population or between the state and section of the population and a condition of civil war or insurgency (Vhumbunu, 2021).

Thus, SADC not only has a legal basis to intervene in Mozambique as provided for under its own legal instruments, but also has moral justification to render assistance to Mozambicans as they continue to be exposed to death, kidnappings, abuse, displacements and all of the effects of insecurity and instability posed by the insurgents. Secondly, SADC member states are legally obliged to honor commitment that they have made at the continental level under the African union through various instruments ; which include the African union (AU) resolution on the strengthening of cooperation and coordination among African states (1992), the AU declaration on the code of conduct for the inter African relations (1994), the AU convention on the prevention and combating

of terrorism (1999) and the AU plan of action for the prevention and combating of terrorism (2002) which all call for all African states to cooperate in combating terrorism and insurgency through collective and collaborative approaches.

Third the government of Mozambique had requested assistance and support from SADC member states to assist in fighting insurgency in line with procedural regularities provided under article 11 (4) of the SADC protocol on politics, defense and security. This was done officially at SADC extra ordinary summit of heads of state and government held in Harare, on 19 May, 2020. However, there appears to be indifference or lack of political will to intervene on the part of SADC, evidenced by a request by the SADC summit for Mozambique to prepare a roadmap to address the insurgency in Cabo Delgado, for consideration by SADC interstate defense and security committee (ISDSC) and interstate politics and diplomacy committee (ISPDC).

However, despite the gravity of the matter, it was reported in September 2020 four months later that the ISDSC and the ISPDC had not met, as they wanted to provide more time to Mozambique to finalize preparations of the roadmap and the indications of the required assistance from SADC. Furthermore, SADC has to intervene in Mozambique since the insurgency may threaten regional peace and security. Article 11 (2) (b) of the SADC protocol on politics, defense and security justifies the basis for SADC intervention if a conflict threatens peace and security in the region or in the territory of another state.

Vhumbunu adds that given the trend, nature and intensity of the insurgency in Mozambique, there is a reasonable basis to suggest that this may spill over into neighbouring SADC countries if not addressed, especially those countries connecting to Mozambique, namely Zimbabwe, Tanzania, south Africa, Eswatin, Zambia, and Malawi.

It is also clear that the insurgency may destabilize the region, reverse regional peace gains and dividends, massive proliferation of small arms, increase the inflow of IDPs into the neighboring countries and disrupt the possibility of importations from Mozambique e.g. South Africa may be disrupted from importing gas from Mozambique (Vhumbunu, 2021). Marko & Walker (2021) supports that there is again fear of security risks and challenges for SADC countries as they fear reprisals from the insurgents if they intervene in Mozambique.

Perhaps that is why most of the bilateral and even regional engagements between Mozambique and SADC are highly classified and confidential. For example, there has been communications from Islamic state of Iraq and Levant/ Islamic state of Iraq and Syria (ISIS), which is linked to the insurgents, to the effect that if South Africa intervenes in Mozambique, it would open the fighting front within South Africa's borders. However, experiences with insurgency and terrorism elsewhere in Africa such as Boko Haram in Nigeria; AL Shabab in Somalia, Ansar-dine in Mali, Al-Qaida in the Islamic Maghreb in Algeria, Mali and Niger; etc. present an instructive lesson to Africa on how terrorists and insurgent groups easily expand their networks and recruitment bases, as well as scale up their sophistry and radicalized, if they are not contained in their infancy.

This has been evidenced by cross border raids in the village of Kitaya in Tanzania's Mtwara region on 14th October 2020 by the insurgents from Mozambique, which prompted Tanzanian authorities to sign a memorandum of understanding with Mozambique to facilitate security cooperation along the common border (Marko & Walker, 2021).

SADC'S RELUCTANCE TO INTERVENE THE CONFLICTS IN CABO DELGADO

It took almost four years since the first attack was launched by the Islamist Militants in Mozambique without an assistance and support from SADC considering that Mozambique is also a member of this organization. Instead SADC member states at a 40th ordinary summit of heads of states and government meeting in August only expressed solidarity and commitment to support Mozambique in addressing the conflicts (SADC, 2020b). Furthermore, the SADC extra ordinary organ troika summit held in Gaborone Botswana on 27th November 2020, the region body again noted with concern the ongoing insurgency in Cabo Delgado and expressed continued SADC solidarity with Mozambique (Marko & Walker, 2021). Although the summit directed the urgent finalization of comprehensive regional response and support to Mozambique, but no concrete action has been taken so far. This is despite the fact that terrorist insurgency in Mozambique has the potential to cause instability and insecurity in the region which answers one objective of SADC under article 5 of the SADC treaty of 1992 to promote peace and security.

Svicevic & Walker (2021) stress that regardless of all the legal and the moral justifications by SADC, but the body has limited legal option to

take a military action in Cabo Delgado, arguing that if SADC decides on military action, it will need to be rooted in international and regional law. Although SADC has numerous legal bases for a military response; which include military assistance on request (intervention on request) collective self-defense and an approval from UN security council and a consent from member state (Mozambique) to deploy troops from neighboring states.

However, Mozambique president has not been agreeing to any such military response emphasizing the country's sovereign status and indicated that Mozambique alone would decide on terms and conditions of any international aid it may need and that the country prefer bilateral and non-state support includes using private military companies to formal SADC help. For example, in September 2020 South Africa international relations minister naledi Pandor said his country is ready to provide military and intelligence services on Mozambique, but there has been no invitation (Svicevic & Walker, 2021).

SADC (2020) articulates that intervention without state consent is unlikely. Previous SADC military responses, notably in DRC (1998) and Lesotho (1998-2017) were based on the government's consent. SADC has never taken an intervention without a member state's consent. The legal basis for SADC military response in Mozambique is resilience on collective self-defense SADC's mutual defense pact, which states that an armed attack against a state party shall be considered a threat to regional peace and security and such an attack shall be met with immediate collective action. However, a military response in Mozambique based on this pact would be a gross misinterpretation of its provisions and be unlawful under both international and SADC treaty law. The pact defines armed attack as pertaining to a particular situation an external attack from a non-SADC state party, rather than a non-state actor such as Al-Suna operating in Mozambican territory. The pact also says collective self-defense must be undertaken either at the request of the victim state or with its consent.

However, if Mozambique continues to withhold consent to military response, SADC may consider provisions of its protocol on politics, defense and security cooperation. Adding to that the approval from UN Security Council is needed if SADC decides on military action without Mozambique's consent (Vhumbunu, 2021). Considering that the insurgency undermines peace and security of the region or the territory of

another state party as provided in the protocols, then SADC has a basis for the action. In support of this standpoint, Vhumbunu (2021) articulates that AU should also play a fundamental role in decisions taken on the crisis. Its constitutive act allows it to intervene militarily in a member state under certain circumstances.

The AU, like SADC has an elaborate and defined peace and security architecture, including the peace and Security Council. Yet it seems content to follow the principle of subsidiarity, delegating decision making to SADC. A purely military response ultimately risks doing more harm. It might quell the conflict in the short term but won't address the root causes without a clear peace building component that enables sustainable peace. However, Marko (2020) argues that SADC's military intervention could however give SADC image a major boost. Failure, on the other hand could tarnish its image for failing to protect its member and a region for years to come. The scene is now set for military response that leaves SADC facing an expensive and dangerous intervention and rebuilding costs that a poor country like Mozambique cannot afford. However, the SADC intervention to combat terrorism in Mozambique, by approving a regional standby force in June 23, 2021 to counter the violent extremism in the northern Mozambique for almost four years is worth acknowledging (Marko, 2020).

This has been done to endorse the recommendations by the technical team deployed in Mozambique following the summit held in Maputo in April 2021, which advised sending a 3000-strong joint military force, comprising land, air and naval capabilities, this deployment falls under the framework of the SADC Mutual Defense Pact. Demuynck & Weijenberg (2021) furthered that in spite the intervention, the organization has been portrayed weaker as compared to other regional bodies on the continent, especially ECOWAS. While a 12 million USD has been set, concerns still surround SADC countries ability and willingness to actually deploy the financial and human resources needed to assemble and sustain an effective force, with some countries already announced they would not send troops on the ground.

PEACE BUILDING AND COUNTERINSURGENCY NEXUS IN MOZAMBIQUE: ADDRESSING THE CABO DELGADO CONUNDRUM

Current threats to peace and security in Mozambique call for the coordination between mediation initiatives, humanitarian assistance, peace

building development assistance, and counterinsurgency (COIN). The first dimension of this complexity is the remaining number of armed RENAMO fighters, some of whom despite the progress of new DDR programmes are now affiliated to military junta. The second is the ongoing Islamic insurgency in Cabo Delgado, a Muslim – Majority province located on the northeastern border with Tanzania, rich in natural resources and agricultural potential.

On the regional level, as already alluded to in the preceding sections, contacts between Maputo and the South African Development Community (SADC) in mid – May 2020 were conducted to articulate responses and aid to fight the insurgency (Baptista, 2020). After almost one year, The SADC Troika Summit was held in Maputo in on April 8, 2021, with the top six leaders calling for “the immediate technical deployment” to Mozambique (SADC 2021). Following the SADC Troika Summit and a technical assessment mission conducted in Cabo Delgado in April 2021, The SADC Mission in Mozambique (SAMIM) was deployed on July 15, 2021, to support the Mozambique Defence Forces (FADM) in the region.

In parallel with the SADC Process, on April 28, 2021, President Phillip Nyusi initiated consultations with Rwandan President Paul Kagame, which would later result in the deployment of Rwandan troops in Cabo Delgado beginning on July 9, 2021.

Despite the quick gains achieved by the foreign military forces on the ground, security arrangements with foreign security partners have not been without controversy. The agreement enabling the deployment of Rwandan forces at Cabo Delgado is unknown as it was with the Wagner Group and DAG deployments, raising successive public questions about the legal framework that allowed for these foreign military interventions in Mozambique (Nhamirre, 2021).

Despite all these efforts, Cabo Delgado remains a fertile ground for subversion and dissent. This appears to have been worsened by escalating fighting and increased presence of various military forces in the region. The State president, Phillip Nyusi is on record to have admitted that the situation in Cabo Delgado could potentially jeopardize peace prospects in the country including the DDR process with RENAMO (Rodrigues, 2020).

As of April 2021, insurgents' attacks in Northern Mozambique had thus far caused nearly, 4,000 deaths and forced over 7,000 people to flee their homes (ACLED 2021, UNHCR 2021). Taking a closer look of the debate on the origins and nature of violent extremism in the Northern Province, some see religious extremism or even ethnic issues as the root causes of the conflict. Others see poverty, inequality, marginalization, and youth unemployment as some of the most relevant factors (Morier & Genoud, 2020). A local expert underlined that Islamism is being used as a tool to take advantage of local people disenfranchised from the Mozambican state and society. He also underlined that this is not an ethnic conflict, as people from all ethnic backgrounds have been victims of the Islamic insurgency. In his opinion, addressing inequality, food security and capacity building to generate jobs is equally important as security operations to defeat the insurgents (Saraive, 6th February 2020).

Since the onset of the insurgents attacks, The Mozambican government has been responding to the same primarily by focusing on hard – security perspectives that lack the non – military dimensions commonly associated with peace building approaches and effective COIN strategies that have been at the center of Maputo's difficulties in dealing with the Islamic insurgency and may have inclusively aggravated the conflict by fueling the motivations of the insurgents rather than solving them. This also stands in contrast with the peace process leading to the 2019 PNRA, in which institutional and economic dimensions were combined with international cooperation to achieve peace and security.

THE HISTORICAL CONFLICTS IN DEMOCRATIC REPUBLIC OF CONGO (DRC)

The origin of the current conflict in the DRC is in the massive refugee crisis spillover from the 1994 genocide in Rwanda. After the Hutu *genocidaires* fled to eastern DRC and formed armed groups, opposing Tutsi and other opportunist rebel groups arose (The Global Conflict Tracker (CFR), 2021). The Congolese government was unable to control and defeat the various armed groups, some of which directly threatened populations in neighboring countries and eventually war broke out.

Despite peace deal in 2002 but the on-going violence perpetrated by the armed groups against civilians in the eastern region has contin-

ued, largely due to poor governance, weak institutions and rampant corruption. The most prominent rebel group that is terrorizing DRC is the *March 23* (M23). This group is made up primarily of ethnic Tutsi who were allegedly supported by Rwandan government. M23 rebelled against the Congolese government for supposedly reneging on the peace deal signed in 2009.

The country's massive resource wealth estimated to include 24 trillion USD of untapped mineral resources also fuel violence (CFR, 2021). According to the CFR (2021) the mineral trade provides financial support for groups to operate and buy arms. Although in 2010 the United States passed a legislation to reduce the purchase of conflict minerals and prevent the funding of armed militias, but complex supply chains in the DRC mineral sale business have made it difficult for companies that purchase resources from secondhand buyers to obtain certification.

As a result, the multinational companies have stopped buying minerals from the DRC altogether, putting many miners out of work and even driving some to join the armed groups to gain a source of livelihood. The presence of armed groups in parts of Congo is a major source of instability. Some of the main rebel groups active in DR Congo include the Democratic Forces for the Liberation of Rwanda (FDLR), the National Congress for the Defense of the People (CNDP), the Lord's Resistance Army (LRA), the Mai Mai militia, and the Allied Democratic Forces (ADF) (Dagne, 2011).

Armed groups proliferate like rabbits in the Democratic Republic of the Congo (Laura Seay, 2013). From the state's collapse in the early 1990s through two wars at the turn of the 21st century to today, the lack of government control over the country's territory makes it easy for a few dozen or a few thousand men to take up arms, tax local populations, exploit natural resources and engage in massive human rights abuses against civilian populations. Besides, DRC has numerous armed groups that are formed for a diverse array of reasons, ranging from legitimate concerns over land rights in the country's eastern Kivu provinces to xenophobic discrimination against particular ethnic groups to a desire to control key trade routes or natural resource revenues (Laura Seay, 2013). Taking names that almost invariably include the words "justice," "freedom" or "liberation," many groups fizzle within a few months or years, while others build enough strength and a strong

enough financial base to sustain decades of sporadic and low-intensity violence. However, the M23 movement has become one of the strongest rebel groups because it agreed to stop its rebellion and integrate its forces into the Congolese national army, the FARDC.

SADC INTERVENTION TO DR CONGO CONFLICTS

The current era has witnessed the increasing need for both continental (AU) and sub-regional organizations (SADC) to be more involved, as the first responders to conflict situations in the region. The trend which involves the use of preventive diplomacy efforts such as mediation, peace support operations, peacekeeping, peace building and post conflict reconstruction and development efforts has situated Africa at the forefront of peace processes on the continent.

A number of developments support the trend, for example the specific provisions in the UN charter i.e. chapter viii which provides for regional arrangements to deal with peace and security matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations. The role of regional mechanisms in conflict intervention is further necessitated by the reality that the conflict in the region provides a set back to the regional development and has the capacity to impact beyond the region (Mutisi, 2016).

Mutisi adds that by increasing ownership of primary responsibility towards conflict resolution in Africa by African institutions is a total disillusionment with the western interventions, considering the conditions that can emerge from with such. However, the reality lies on the collaboration and concerted efforts which are critical for resolving complex conflicts such as the violence in DRC (Mutisi, 2016).

The conflict in DRC provides an example of a conflict that not only has regional and trans boundary dimensions and impact, but also requires regional efforts to de-escalate the conflict, considering that DRC is bordered by nine countries: Angola, Burundi, Rwanda, Uganda, republic of Congo, Central African Republic (CAR), South Sudan, Tanzania and Zambia. So, the protracted conflicts in DRC have probable security impacts to these neighboring states and the region at large, due to the spill overs of the conflicts.

It is argued that SADC is the central organization to intervene in the DRC conflict. Regardless of the other several domestic actors such as local actors, the government, and the armed groups and the external actors such as the DRC neighbours, multinational cooperation (MNCs), UN, AU, ICGLR etc. SADC remains the centre of most of these interventions (Mutisi, 2016).

Considering that DRC is a member of SADC, since 1998 and the relationship has that been of cooperation. Although DRC, is a member of multiple RECs including East African community, the ICGLR, COMESA, IGAD, but SADC intervention in securing peace stability in the DRC have been more salient and sustained. SADC's conflict interventions in the DRC have ranged from the involvement of the regional bloc and the coalitions of the willing countries in the southern Africa such as Malawi, Angola, Namibia, Tanzania, South Africa and Zimbabwe. Apart from intervening militarily in DRC, since 1990 SADC has also supported mediation and preventive diplomacy (Carayannis, 2009).

Carayamis adds that many of the efforts to mediate a peaceful settlement during the second Congo war were SADC driven and much of the mediation in both wars was undertaken by leaders in the SADC region. For instance, the Lusaka peace agreement and the inter-Congolese dialogues were facilitated by SADC leaders including the former president of Botswana (Kitumire Masire), the late president of South Africa (Nelson Mandela) president Fredrick Chiluba of Zambia, and former president of south Africa (Thabo Mbeki). One-way SADC has shown assertiveness in DRC is through its cooperation with the African union (AU) on peace and security issues and in devising strategies for peace making, peacekeeping and peace building in the country (Seminar report by the Center for conflict resolution, 2010).

For instance, SADC has established a joint office with the AU in DRC which is tasked with supporting peace making and peace building initiatives. According to the report, it shows that SADC is committed to the ideals of the AU in pursuing peace and security and regional cooperation.

This reflects SADC's work towards enhancing and strengthening its military and diplomatic efforts in the DRC and it is also a reflection of regional mechanism's operational capacity. Another example of the determined involvement of SADC's effort to bring the lasting peace to

DRC is from the role played by SADC, ICGLR, and the force interventions brigade (FBI), which operate under the mandate of chapter vii of the main UN peacekeeping mission, the UN Organization Stabilization Mission in DRC (MUNOSCO).

Essentially, the FIB is a regional peacekeeping force, comprising 6000 troops from SADC countries such as Malawi, Tanzania, and South Africa). Aditi Lalbahadur argues that SADC Organ Troika Ministerial Assessment Follow-Up Mission condemned the escalation of violence and insecurity in the Kasai Provinces perpetrated by the Kamwina Nsapu militia group and urged all stakeholders to refrain from actions that would undermine the political and security stability. These statements show that the regional body prioritizes regime (and therefore state) security over human security concerns. The troika statement is especially concerning given that the UN has accused government forces of perpetrating much of the violence in Kasai after assessing evidence of soldiers digging mass graves.

However, on the other hand Lalbahadur argues that SADC's political will appears to be limited to supporting Kabila, although the region's leaders have shown a preference for broaching touchy issues privately. For instance, Angola's former president, José Eduardo dos Santos, is rumored to have played a key role in coaxing Kabila to schedule elections, in the name of maintaining regional peace. However, in August 2017 Angola inaugurated a new president, João Lourenço, who is largely an unknown entity. Concerns about Dos Santos's health also cast doubt on his ability to remain involved in the DRC (Lalbahadur, 2017).

Another reason for SADC's low profile on this issue is that the DRC falls principally under the purview of the ICGLR, with Angola at its helm and South Africa as an observer country. The ICGLR has met SADC security ministers over the years to discuss developments in the DRC. However, progress is slow, owing to difficulties in translating decisions into action. The August 2017 SADC summit decision to appoint a special envoy to the DRC was a positive step, reflecting the region's growing concerns. Two months later the name of the envoy is yet to be announced (Lalbahadur, 2017).

Having discussed some conflicts in the SADC region, especially in DRC and Mozambique, it is imperative to delve into the underlying causes

of the conflicts. The book chapter by Prince Bright Majiga will provide an invaluable resource to this brief section (Majiga, 2022, p.182).

From the preceding sections, it is trite that Africa has recently been embroidered in popular unrests, most of which have been characterized by violence resulting in loss of lives, properties, a huge number of people fleeing their native countries and upsurge of Internally Displaced people (IDPs).

While the attention is often drawn to events during and after the protests, an examination and analysis of the underlying causes of the protests is an imperative endeavor in the belief that by doing so, African states will avert and mitigate any risks associated with popular protests. As it may be appreciated, popular protests are actuated by different reasons, depending on geo-political factors as well as social economic factors prevalent in a particular country or region. Admittedly, the list of significant causes of popular unrest is inexhaustible and that this section will only examine a selected few important ones that generally apply to African continent, including those in SADC region.

One of the causes is poor governance. A common denominator to Africa's popular protests is that they are driven by deep-rooted frustration with the economic and political malaise (Sakor, Bintu & Vamo, 2020). Popular unrest and mass mobilisation resulting thereof have taken different forms, varied in scale, and occurred both at the local and national level. They include street demonstrations against rising food prices and the cost of living in Chad, Guinea, Niger, strike actions over arrears in wage payments and labour disputes in Botswana, Nigeria, South Africa, Zimbabwe, protests over alleged rigged elections or attempts by leaders to extend their constitutional term limits in Malawi, Burkina Faso, Burundi, the Democratic Republic of the Congo (DRC), Gabon, Togo, student protests in Uganda, South Africa, and outbreaks of unrest over police violence, extortion, corruption and impunity in Ethiopia, Chad, Kenya and, Senegal (BBC 2012). It is beyond argument that unemployment rate among the youth is high in Africa (Terrill, 2011). The continent progressed well in education levels during the last three decades. This socioeconomic situation played an important role in social change especially towards democratization. History reveals that the nations rich of youth do not fear the uprisings, political aggression, and civil clashes. The countries which had a young population had to suffer from civil clash-

es three times more than the others which had mature population during 1990s (*ibid*).

The continent's average Gross Domestic Product (GDP) has increased by around 5% each year since 2000. However, this has not translated into a substantial reduction in economic inequality, (youth) unemployment, a reliance of large sections of the population on the informal sector and overall poverty. At the same time, data from Afrobarometer, suggests that while there has been an increase between 2002 and 2019 in the demand for democracy, there is also a widespread perception that political leaders are failing to deliver.⁴ It is due to some of these pressing conditions that protests spring out.

The other cause is poor leadership. The popular North Africa riots can be described from a political economy point of view by discussing the social desire of the people for additional political and civil rights (Majiga, 2022). People and especially youth of the region asked the respective governments to advance their social and economic circumstances with access to education and employment opportunities. However, this was largely ignored and at times, met with indifference by the governments. Consequently, this led to mass protests as last resort. Apart from the grievances from the governed, protests are further driven by frictions caused by the arbitrariness of state rule and its often-violent interference in the day-to-day lives of people -through the destruction of informal settlements, the dismantlement or relocation of informal markets, daily police harassment and extortion, for instance. This, in turn, impacts on already insecure and precarious economic situations. Recent protest movements in South Africa and Ethiopia offer an illustration of the close intertwining of these different protest dynamics.

Corruption is also another cause of popular protests in Africa. As further elaborated by Dan Kuwali in Chapter 33, most African states are often weak and inefficient, and most leaders, while no more greedy or self-serving than those elsewhere, tend to extract resources for “safe” investment outside the continent. In this manner “corruption does not grease the wheels of development but pours sand into the system, soaking up oil and clogging things up” (Cilliers, 2014). Blended with

⁴ Afrobarometer is a pan-African, nonpartisan survey research network that provides reliable data on Africans' experiences and evaluations democracy, governance and quality of life. For more information, visit: www.afrobarometer.org.

impunity, executive arrogance, this has over time led to discontent and resulted in mass protests against such kind of leadership.

The final cause is Poorly run elections. The African Charter on Democracy, Elections and Governance strongly posits the need for free and fair elections and goes further to set electoral standards for the continent. This is buttressed by the notion that despite not being necessarily equal to democracy itself, holding of free, fair and credible elections is accepted and recognised as hallmark of accountability and a fundamental component of a normal and functioning democracy (African Union, 2006). Drawing on 2019/2020 Afrobarometer data from 18 African countries, it appears that “most Africans believe in elections as the best way to select their leaders, popular support for elections has weakened, and only a minority think elections help produce representative, accountable leadership” (African Union, 2007). In agreement with Achilles Bwete and his colleagues in Chapter 21, this may explain growing discontent, which subsequently manifests in protests. Protests after disputed elections have also emerged as a common trend in the electoralist path to democracy; either through making the regime accepting defeat at the polls or leading to negotiations on electoral reform and/or power sharing mechanisms until the next electoral cycle (Bratton et al., 1997). Thompson attributes an essential role to political protest, arguing that “mass mobilization, not a well-developed civil society, is decisive in democratic revolutions”. Between early 2018 and 2021 protests against electoral results were experienced in Malawi, Zimbabwe, Mali, Uganda, DRC, among several African states (Majiga, 2022). It should be noted that while not being necessarily a cause of protests, the social media has been a key enabler of mass popular protests as indicated by Peter Makossah and Gilbert Mittawa in Chapter 14. The social media has enabled both a rapid and broad social mobilisation while also raising international visibility. Social media has also played an important role in facilitating protests, in line with a wider trend of a growing popularity of hashtag campaigns like #ThisFlag, #FeesMustFall or #BringBackOurGirls (Ayo, 2018). However, owing to comparatively low level of internet penetration in Africa the mobilizing effect of social media continues to be mostly limited to urban areas, while street mobilisation remains reliant on more traditional methods such as leaflet distribution and word-of-mouth information spreading.

In summary, the protests phenomena have always been part of Africa’s history and cannot be wished away without any meaningful in-

terventions at all levels. Addressing popular protests and coup d'états is certainly an endeavour that cannot be attained in fortnight. It requires both the Au and its member states to rethink how both governments and protestors alike perceive mass protests. Popular protests in Africa, therefore, should not necessarily be viewed as vehicles for regime change, even though this may be the declared aim of some of them. Instead, they are to be viewed as a means to press for reform and challenge the state's monopoly of political discourse and action. This calls for strategic interventions that do not just cure the triggers but address the key underlying causes. The AU needs to maintain a tough stance on coups. Instead of being seen as selectively applying its own rules, the grouping, together with regional blocs, should set out to clear denounce coups.

In response to the calls from International Communities, Leaders from Africa and within the UN have implored African forces to play a larger role in securing peace and stability on the continent. Table one below illustrate the commitment of SADC in response to this call.

Table 1: SADC Peacekeeping Missions, Their mandates and outcomes.

MISSION	MANDATE
SADC MISSION IN DR – CONGO SAMIDRC	• Extraordinary Summit approved the deployment of a SADC Force within the framework of the SADC Standby Force as a regional response in support of the DRC to restore peace and security. • To support DR – Congo in restoring peace and stability amid ongoing conflicts involving various rebel groups • Troop contribution member states include South Africa (2900 troops), Tanzania, and Malawi (2100 troops) • 38,572 active army personnel • On March 13, 2025, the SADC Heads of State confirmed the end of the mandate of the SAMIDRC, confirming the gradual withdrawal of the force deployed in the east of the Democratic Republic of Congo • No sign of peace and political stability is registered.

SADC MISSION IN MOZAMBIQUE(SAMIM)	• On 23 June 2021, the Extraordinary Summit of the Southern African Development Community (SADC) Heads of State and Government approved the deployment of the SADC Mission to Mozambique (SAMIM) • Deployment is in line with the SADC Protocol on Politics, Defence and Security Cooperation (SADC Protocol) • Mozambican government consented. • SAMIM was deployed in Mozambique with a counterterrorism mandate • Focusing on the insurgency in Cabo Delgado Province • Aims to support the Mozambican government in combating terrorism and restoring security • Troop contributing countries include: Angola, Botswana, DR – Congo, Lesotho, Malawi, South Africa, the United Republic of Tanzania, and Zambia • SAMIM posted several successes including subduing the Ansa al Sunna terrorists, although not completely as witnessed by their resurgence in other provinces
SADC MILITARY INTERVENTION IN LESOTHO	• Lesotho has experienced political disturbances and internal conflicts before in 1974, 1986, 1991, 1994, 1998, and 2007. • An attempted coup against the Prime Minister of the Kingdom, Thomas Motsoahae Thabane, was reported on 30 August 2014 • SADC Troika on Defence, Politics and Security – made up of Namibia, South Africa, and Zimbabwe – met to map the way forward • SADC has been occupied with efforts to manage and resolve the ensuing conflict in the mountain kingdom, and it was successfully executed. • SADC has facilitated interventions in collaboration with neighboring states – specifically South Africa and Botswana in search for peace and political stability • SADC interventions have been well-coordinated and coherent, whilst exhibiting a great sense of urgency.

Despite such commitments by the African Union (AU) and other regional bodies like SADC in fostering Peace and security, they face budget constraints, and they are compelled to seek out donors such as the United Nations, the EU, China, and the United States to fund their missions. See Appendix I.

CONCLUSION

The importance of regional bodies in fostering peace needs no emphasis. Much as all forms of regionalism (Political, Functional and Economic) inevitably impose some constraints on state autonomy, political regionalism for instance may enhance the international role of individual state, and thereby contribute to the enhancement of sovereignty.

Moreover, the robust regional body as per the UN charter will enhance its capacity to thwart any conflicts both intrastate and interstate. The intervention by SADC in the ongoing conflicts in Mozambique's Cabo Delgado and The Democratic Republic of Congo (DRC) for instance, signifies the importance of the regional community. Religious adherence to the regional and international protocols and political will to contribute towards peace, security and economic growth of member states will boost the relevance of such bodies as SADC.

The AU, SADC and different partners should help the public authority to foster an early admonition framework that reacts proactively to all potential political, security and ecological dangers. This can be accomplished by carrying out Article 16(2) of the Protocol Relating to the Establishment of the Peace and Security Council of the AU which calls for interviews with RECS to advance drives that forestall clashes (Dangazera 2023 p.16).

Proper training for Militaries of member states and a well-resourced SADC will also enhance the capabilities to respond efficiently to any skirmishes happening in member states or beyond. This calls for the cooperate world to pump in more resources for RECs operations in peace keeping missions.

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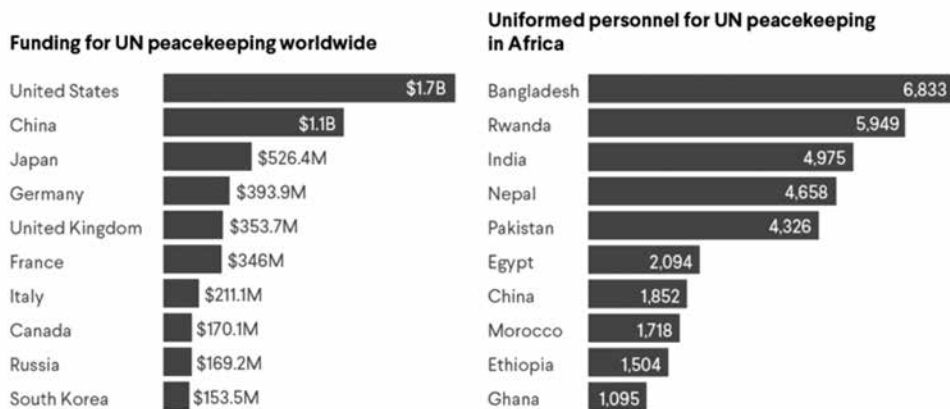
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Appendix 1

Peacekeeping Funding and Personnel Come From Different Countries

Top ten contributors of funding and of personnel



Note: Funding data is for 2022. Personnel data is the number deployed as of September 2023.

Sources: UN Department of Peacekeeping Operations; UN System Chief Executives Board for Coordination.

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Appendix II



Scrutinizing Legal Complexities Arising during Delineation and Delimitation of Extended Continental Shelves in the Arctic Ocean

Zala Terlep Rogelj¹

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ABSTRACT

Commercial investments require stability, thus the delimitation and delineation of extended continental shelves is of major importance to Arctic littoral states which all hold that they have large entitlements in the Arctic Ocean. However, both delineation and delimitation require valid entitlements. Since the entitlement to the continental shelf arises from sovereignty over land, the coastal states should be entitled to ipso facto and ab initio right without proclamation, occupation or delineation of its outer limits. But things are not this simple and the contemporary continental shelf regime seems to establish limitations to this inherent right and raise complex legal issues, some of them unforeseen by UNCLOS and the CLCS Guidelines. This complexity exists particularly due to an ambiguous relationship between delineation, delimitation and valid entitlement. Furthermore, there is tension between jurisdiction of adjudicative bodies and the mandate of the Commission. The focus of this research work is the area of overlapping entitlements between Russia, Canada and Denmark in the Arctic Ocean. This article aims to deepen and add to research already conducted on the topic of extended continental shelves as well as propose some novel solutions and perspectives.

KEYWORDS: Extended continental shelves, UNCLOS, Arctic Ocean, CLCS, overlapping entitlements, maritime delimitation, legal regime.

POVZETEK

Komercialne naložbe zahtevajo stabilnost, zato sta določitev in razmejitve razširjenih epikontinentalnih pasov izrednega pomena za arktične obalne države, ki vse menijo, da imajo v Arktičnem oceanu obsežne pravice. Vendar pa tako določitev kot razmejitev zahtevata veljavno upravičenje do epikontinentalnega pasu. Ker upravičenje do epikontinentalnega pasu izhaja iz suverenosti nad kopnim, bi morale imeti obalne države pravico ipso facto in ab initio – brez razglasitve, zasedbe ali določitve zunanjih meja. A stvari niso tako preproste saj sodobni režim epikontinentalnega pasu vzpostavlja omejitve te pravice in odpira zapletena pravna vprašanja, ki niso bila predvidena niti v UNCLOS-u niti v smernicah CLCS. Ta kompleksnost obstaja zlasti zaradi nejasnega razmerja med določitvijo, razmejitvijo in upravičenostjo. Poleg tega obstaja dvom med pristojnostmi sodnih organov in mandatom Komisije CLCS. Članek se osredotoča na prekrivajoče se epikontinentalne pasove Rusije, Kanade in Danske v Arktičnem oceanu. Namen članka je poglobiti in nadgraditi znanje o razširjenih epikontinentalnih pasovih ter predlagati nekatere nove rešitve in perspektive.

KLJUČNE BESEDE: Razširjene celinske police, UNCLOS, Arktični ocean, CLCS, prekrivanje upravičenj, razmejitev pomorskih območij, pravni režim.

¹ ABOUT THE AUTHOR: Zala Terlep Rogelj, BA in International Relations, LL.M in International Law and Governance.
Email: zala660@gmail.com

INTRODUCTION

FRAMING THE PROBLEM

As the Arctic warms three times faster than the global average, the ice cover is melting rapidly. Although some parts of the Arctic Ocean (AO) stay frozen all year round, declining amounts survive the summer season, while the whole ice cover is getting thinner each year. The changing arctic environment is attracting new commercial interests in the region. Previously inaccessible shipping routes are opening up and would shorten a trip from Rotterdam to Japan from 30 to 18 days (LePan, 2020). The thinning ice is making the scientific exploration of the seabed and subsoil easier and with that the possibility of updated claims over extended continental shelves (ECSs) based on newly gathered evidence. Moreover, the US Geological Survey showed that the Arctic holds 13% of the world's undiscovered oil resources and 30% of the world's undiscovered natural gas resources (Gautier et al., 2009). The coastal state has exclusive sovereign rights over the continental shelf (CS) for the purpose of exploring and exploiting natural resources. While the ice cover is making the resources inaccessible, the prediction of an ice free Arctic by 2040 is giving the dispute over ECS a new complicated layer. At stake are not only sovereign rights over gas and oil reserves located in the disputed area, but also mineral deposits, including cobalt, nickel and manganese. Commercial investments require stability, thus the delimitation and delineation of ECSs is of a major importance to Arctic littoral states who all hold that they have large entitlements over the ECS. However, both, delineation and delimitation require the existence of a valid entitlement. Since the entitlement to the CS arises from sovereignty over land, Arctic littoral states should be entitled to *ipso facto* and *ab initio* right without proclamation, occupation or delineation of its outer limits, as entitlement does not depend on procedural requirements (Árnadóttir, 2021). But things are not this simple, and the contemporary CS regime seems to establish limitations to this inherent right.

The focus of this article will be Russia's, Denmark's and Canada's alleged overlapping entitlements in the AO. All of the states have lodged submissions with the Commission on the Limits of Continental Shelf (CLCS or the Commission), in 2015, 2014 and 2019 respectively. Additionally, Russia has submitted two addenda that additionally enlarged the overlapping area. According to Article 5(a) of Annex I to the Com-

mission's Rules of Procedure (2008), all states have to give their prior consent so the Commission can consider and issue recommendations regarding the areas of maritime dispute.

Russia, Denmark and Canada, who are also part of the Arctic Five, have signed the *Ilulissat Declaration (2008)* in which they restate their commitment to the orderly settlement of any possible overlapping claims through application of international law, especially relevant provisions of the law of the sea. However, the overlapping claims in the AO raise complex legal issues, some of them unforeseen by United Nations Convention on the Law of the Sea (UNCLOS) and the CLCS Guidelines. The map 1 in Annex illustrates the overlap of claims over the ECS, with the area where all three countries' submissions overlap surrounded with a blue line.

This complexity exists particularly due to an ambiguous relationship between delineation, delimitation and valid entitlement. Furthermore, there is tension between jurisdiction of adjudicative bodies and the mandate of the Commission. Moreover, the presence of ridges and other seafloor elevations which Macnab describes as "wild cards in the Poker Game of UNCLOS Article 76" (Macnab, 2008, p.225) adds another layer of uncertainty. The Arctic Ocean floor consists of three major ridge systems, namely the Lomonosov Ridge and the Alpha-Mendeleev Ridge which pass through the ocean from the Russian continental margin to the continental margins of Greenland and Canada. The problem is that both Russia, Canada and Denmark consider a part or an entire scope of the ridges to be a natural prolongation of their land territory and thus subject to sovereign rights over natural resources in the ECS (Baker, 2020). Recent scientific studies and expeditions done in the AO indicate that the ridges have a geomorphologically shared structure, more specifically, that the ridges represent fragments of "an ancient continent named Arctida which formed a tectonic bridge between Eurasia and North America" (Byers, 2013, p.118). The Ridges thus form a connection between the American and Eurasian landmass and are geologically indistinct. Furthermore, they are connected to two continental margins, instead of one, and could be considered a natural prolongation of multiple states' land masses at the same time. Map 2 in Annex illustrates the location of Ridges in AO.

RESEARCH QUESTIONS, METHODOLOGY AND STRUCTURE OF THE ARTICLE

The focus of this research work is the area of overlapping entitlements between Russia, Canada and Denmark in the AO. It concerns the areas where entitlements of all three states overlap as well as the areas where the overlap is present only between two of these states. The reason why research questions apply only to these states, and not all five littoral Arctic states, is that Norway already delineated its borders based on Commission's recommendation while the USA is not a state party to UNCLOS and has not lodged a submission with the Commission. Thus, the extent of potential overlap of entitlements with other states is currently not clear.

The article will address the following questions:

How can states delineate and delimitate ECSs in order to ensure stability for future commercial investments into exploitation of natural resources in the AO?

How does the ambiguous relationship between the existence of valid entitlement, delineation and delimitation affect *ipso facto* and *ab initio* rights to ECS?

How does the Commission's work limit or legitimize the entitlement to ECS and when, if ever, does it preclude delineation and delimitation due to encroachment into its work? And what are the consequences of the Commission's expanding mandate?

In order to answer these questions, the research will analyze primary and secondary resources concerning the topic. This article aims to deepen and add to research already conducted on the ECS in the AO as well as propose some novel solutions and perspectives. The first part of the article will address the legal history of the contemporary ECS regime and how commercial exploitation drove its development. This will be followed by consideration of the relevant articles of the UNCLOS. Afterwards, concepts of entitlement, delineation and delimitation will be discussed with the focus on the Commission's work and relevant jurisprudence. Lastly, the arguments will be discussed and applied on the area of overlap.

HISTORY

In order to fully grasp the intricacies of the international legal rules and their shortcomings in regard to the ECS, it is imperative to fully

understand the emergence of these rules and the motives behind them.

People have been exploring the seabed and utilizing its resources, in particular pearls or sedentary species such as crustaceans, for centuries. The first international legal agreement addressing CS rules was the 1942 treaty between the United Kingdom and Venezuela relating to the Submarine Areas of the Gulf of Paria. Shortly after, these submarine areas were identified as ECS. Since the CS as a legal or scientific concept had not existed at the time, the treaty referred to these areas as a 'seabed and subsoil' or 'submarine areas' (Treaty between the United Kingdom and Venezuela, 1942). Although the treaty did not specifically mention CS, it was nevertheless the first international legal agreement that delimited a CS in order to effectively divide areas utilized by both countries for exploitation of natural resources.

The International Court of Justice (ICJ) has noted that CS "has attracted the attention first of geographers and hydrographers and then of jurists" (North Sea Continental Shelf Cases, 1969, para.95). Due to the fact that the driving forces behind the emergence of the contemporary legal regime for CS were commercial, legal, geological and geomorphological in nature, they consequently created multilayered rules where different meanings are locked in a power struggle. Consequently, it is not always clear what the natural meaning of words is and how these should be interpreted, which causes opposing elucidations by different international legal institutions as well as academics.

The core of the contemporary CS law emerged after World War II due to the "the enhancement of the technology to search for and exploit offshore hydrocarbon resources wedded to the strategic knowledge of states' that oil was critical to their economies and militaries" (McDorman, 2015, p.184). The process started with the Truman Proclamation (the Proclamation) in 1945 after the USA claimed that all coastal states have the exclusive jurisdiction over the natural resources of the subsoil and seabed of the CS offshore their territory. This led many coastal states to extend their own exclusive jurisdiction over the CS within just a few years which resulted in an instant emergence of the CS regime in customary international law. However, notable differences were observed in those proclamations. Some states claimed jurisdiction over the entire CS and did not define the scope of it, which reflected geographical understanding of the maritime zone. On the

other hand, some states claimed the jurisdiction of the CS only to a certain limit which reflected a legal understanding of the concept that does not need to reflect geographical reality. Due to these discrepancies “the legal definition of the CS, in particular, its seaward limits, was subject to great uncertainty” (Liao, 2021, p.1).

As a result of the uncertainty, states sought to clarify the customary international law with a written agreement. The International Law Commission (ILC) was due to prepare draft articles and the members decided to use an ‘exploitation-oriented approach’ which separated CS as a legal concept from CS as a geographical reality and created a ‘legal fiction’ (Liao, 2021, p. 17). Article 1 of the Geneva Convention on the Continental Shelf (CCS), adopted in 1958, defined the scope of the jurisdiction and the seaward limits as a “to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas”. By setting a limit of CS up to the point where exploitation of natural resources is possible, the definition of the seaward limit soon became incompatible with reality due to the development of the new technology. This effectively meant that states could constantly extend the scope of their jurisdiction and made the possibility of all submarine areas being subject to coastal states’ jurisdiction in the foreseeable future. Land-locked states were also interested in the natural resources in the seabed thus unhappy with the new development of the law. This culminated in the adoption of the General Assembly Resolution 2749 (XXV) which declared that “(t)he sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction /.../ as well as the resources of the area, are the common heritage of mankind ” (1970).

Thus it became essential for the states to decide where the CS ends and the Area begins. The seaward limits of the CS as we know them today were eventually agreed by in the UNCLOS, which was adopted in 1982 and entered into force in 1994, and is to this day considered the constitution of the international law of the sea.

UNCLOS

The legal regime for CS is presently codified in the Part VI of UNCLOS which consists of ten articles that define states’ rights, obligations as well as most importantly the outer limits of the CS. While the ECS is the outmost maritime limit, if the coastal state possesses one, it is im-

portant to understand its relationship with the other maritime limits in particular continental shelf up to 200 nautical miles (nm).

MARITIME ZONES

Entitlement to maritime zones is one of the main principles of the law of the sea, holding that “maritime territory is an essential appurtenance of land territory” (Grisbarna Arbitration, 1909, p.1, p. 4). Maritime limits are delimited based on the coastal states’ geography since “(t)he juridical link between the State’s territorial sovereignty and its rights to certain adjacent maritime expanses is established by means of its coast” (Continental Shelf (Libya/Malta), 1985, para. 49). Marston (1994, p.144, p.154) has vividly described how maritime limits mirror states’ coastlines in the same way as shadows imitates objects that created them which reflects the principium that “the land dominates the sea” (Fisheries Case (United Kingdom v. Norway) ICJ Rep., 1951, p. 116). Coastal states thus possess different maritime zones, with every zone conferring on them distinct rights and obligations.

The outer limits of the maritime zones are measured from the baseline which is defined as ‘the low-water line along the coast’ (UNCLOS, 1982, art 5). However, in special circumstances, baselines are determined in a different manner. For coasts with a fringing reef or for islands situated on atolls, the baseline will be the ‘seaward low-water line of the reef’(UNCLOS, 1982, art 6). Furthermore, in cases where a coastline is deeply indented, there is a fringe of islands along the coast, or the coast is unstable such as in the presence of delta, a straight baseline will be established. Straight baselines do not reflect the low-water line along the coast but rather connect the points on the fringing coast and create a straight line(s) mirroring the general direction of the coast (UNCLOS, 1982).

Coastal states are entitled to a territorial sea, contiguous zone, exclusive economic zone (EEZ) and CS, although the scope and extent of some of these maritime zones is dependant on the coastal geography and vicinity of the coasts of adjacent states, since a state cannot extend its maritime zones in a way that it will infringe adjacent states’ maritime zones. A coastal state can establish a territorial sea up to 12 nm from its baseline. The zone adjoining the territorial sea is a contiguous zone and it extends up to 24 nm from the coastal state’s baselines. EEZ can be proclaimed up to 200 nm from the baseline and is adjacent to

the territorial sea which in practice means that it can encompass the contiguous and CS up to its seaward limit. It is worth mentioning that the rights over the continental shelf do not affect the legal status of the superjacent waters or of the air space above those waters. This means that the CS can overlap with the contiguous zone, EEZ or be present under the water column of the high seas without interference with navigation or other rights applicable in those areas.

CONTEMPORARY CONTINENTAL SHELF REGIME

Article 76 in UNCLOS is perhaps the most complicated and technical Article in the Convention. It puts in place a complex formula for establishing the outer limit of a state's CS. Compared to CCS, UNCLOS differentiates between the concept of a CS up to 200 nm and ECS. Although most coastal states inherently possess a CS, not all states are able to claim an ECS which extends beyond 200 nm. UNCLOS holds that a CS is comprised of "the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines /.../where the outer edge of the continental margin does not extend up to that distance" (UNCLOS, 1982, art 78). This definition clearly shows that any coastal state can have a CS up to 200 nm even if, as a matter of geographical reality, it does not exist. CS is a purely legal concept that reflects the commercial background of the development of the CS regime and geopolitical importance of maintaining control over the natural resources. However when the continental margin, defined as comprising "the submerged prolongation of the landmass of the coastal State" and consisting of "the seabed and subsoil of the shelf, the slope and the rise", extends beyond 200nm a state is entitled to ECS (UNCLOS, 1982, art 76).

While according to science the CS will end with a slope, UNCLOS additionally includes a part of the rise beyond the continental slope in the formula in order to ensure the states will have control over all the areas that are most likely to contain natural resources. According to UNCLOS Article 76(4) one must first determine the foot of the continental slope and then draw a line connecting outmost points where the sedimentary thickness is equal to 1% of the maximum change of gradient in order to establish the outer limit of the ECS. The other option is to draw a line connecting the points located 60 nm from the

foot of continental slope. It is worth mentioning that both the gradient formula and the 60 nm formula are a combination of physical reality and the interest in encompassing those areas where natural resources are most likely to be found, thus once again following states' commercial interests. This was criticized by Hedberg as being "based more on factors of economic advantage to certain coastal countries than on impartial considerations of where a boundary should most naturally, most logically and most rightfully be" (Hedberg, 1976, p.17).

In order to secure the largest entitlement to the ECS possible, states can use a combination of these lines to always secure the outmost available limit. However, these lines are subject to two constraints to prevent coastal states from claiming overly extensive areas of the seabed and subsoil. The ECS cannot exceed 350 nm from the baseline or be extended further than 100nm from the 2,500 meter (m) isobath (UNCLOS, 1982, art 76). Again a state can use a combination of these lines to establish the largest scope of ECS possible. However, to complicate things further, even the latter two rules are subject to a constraint in case of a submarine ridge. Since a ridge is an elevated area in the water column, a state could extend a CS much further in the sea if it was using the line joining the points that are 100 nm from the 2,500 m isobath. For that reason, a state can only apply a line not exceeding 350 nm from the baseline in the case of ridges on the CS. On the other hand, this constraint does not apply to "submarine elevations that are natural components of the continental margin, such as its plateaux, rises, caps, banks and spurs" (UNCLOS, 1982, art 76). Submarine elevations thus have the ability to indefinitely extend the ECS.

Once the outer limit of the ECS is established, it is final and binding thus no longer dependent on the baseline. In this way, the ECS limits are the exception among other maritime limits since they do not fluctuate when the coastline recedes and can thus grow larger than permissible under the constraints explained above. Árnadóttir (2021) argues that the continental margin is stable and contains immobile resources while the water column and its living resources are more susceptible to a changing environment, and therefore it makes sense to establish fixed limits. Furthermore, the CS regime emerged with commercial interests in mind. It makes sense to make the limits permanent since the investments that make exploitation of natural resources possible require stability. Although Árnadóttir (2021) suggests that the argument seems less persuasive when it comes to the limits of the CS

up to 200 nm which is still fluctuating based on the baseline, I would argue the opposite since it in my view strengthens it. The CS up to 200 nm is a legal fiction, like the rest of the maritime zones, and does not necessarily reflect the physical reality. Thus, it makes sense for it to have the same fluctuating maritime limits. On the other hand, the ECS does reflect a physical reality and inherent right similar to the state's territory and should be permanently established when agreed on in accordance with UNCLOS.

On the other hand, O'Connell has argued that the reason the CS doctrine is subject to a different regime than other maritime zones is to 'annul any priority of claim in time or nature over the rights' that some coastal states might have based on acquisition or historic rights (O'Connell, 1982, p. 482). In this way the CS is automatically attributed to the coastal state from which the continental margin stems from. In the *North Sea Continental Shelf* cases the ICJ has explained that "(w)hat confers the *ipso jure* title which international law attributes to the coastal State in respect of its CS, is the fact, that submarine areas concerned may be deemed to be actually part of the territory over which the coastal State already has dominion, in the sense that, although covered with water, they are a prolongation or continuation of that territory, an extension of it under the sea" (North Sea Continental Shelf Cases, 1969, para. 43). UNCLOS based its Article 77(3) on ICJ's reasoning and firmly established *ipso facto* and *ab initio* right to the CS.

ENTITLEMENT

ITLOS has confirmed that entitlement does not depend "on any procedural requirements" and that "no special legal process has to be gone through, nor have any special legal acts to be performed (North Sea Continental Shelf Cases, 1969, para. 19)" in order to establish it since it "exists by the sole fact that the basis of entitlement, namely sovereignty over the land territory, is present" (Delimitation of the Maritime Boundary in the Bay of Bengal, 2012, para. 409). A coastal state thus has an entitlement to an ECS regardless of whether it has established its outer limits. Therefore, it is vital to differentiate between an entitlement and delineation. Entitlement to ECS gives a state the right to exercise jurisdiction over the area beyond 200 nm where the continental margin is physically present and when the constraints of the Article 76 are applied accordingly, even before it delineated its limits, which is supported by state practice. For example, before it made the

submission to the CLCS, Canada had been exercising jurisdiction over its natural resources on the CS beyond 200 nm (McDorman, 2015).

Nevertheless, there seems to be tension between the entitlement to the ECS and the delineation of its outer limits. It is not impossible for the Commission to deny the existence of entitlement to ECS during the delineation process, meaning that a state could be exercising jurisdiction over the common heritage of mankind for years before the entitlement is contested by the Commission. Furthermore, it seems that the state parties to UNCLOS voluntarily limit their *ipso facto* and *ab initio* right to the CS by accepting the obligatory submission to the Commission in order to establish outer limits of an ECS. However, Árnadóttir holds that “the procedure of establishing the outer limits of the CS is not a procedure of proclamation. Rather, it is a procedure of proof” (Árnadóttir, 2021, p.45). The Commission simply gives the coastal states a procedural opportunity to delineate the outer limits of the ECS and gives the limits established based on their recommendation legitimacy *vis-à-vis* other states. Still, entitlement has to be proved by scientific evidence, meaning neither scope nor existence of the ECS can be presumed. While the outer limits of the ECS can be easily established in certain circumstances such as in the Atlantic Ocean, other situations such as the AO present a complex legal challenge. Therefore, in practice, the existence of an entitlement and its delineation can be challenging to establish, not only for states but even for the Commission, which sometimes requests additional evidence or agrees that a state is entitled to ECS but cannot yet establish its outer limits, like in the case of the Cook Islands (Liao, 2021). These examples and argumentation try to demonstrate that although the state has inherent right to the ECS, the existence of entitlement or its potential scope is hard to establish, especially when dealing with a complex area like the AO that raises complex scientific questions and legal uncertainties.

DELINEATION V. DELIMITATION

It is also imperative to differentiate between the concepts of delineation and delimitation. Delineation process results in establishing the outmost possible limits of an ECS. If the scope of entitlement legitimized by delineation is not overlapping the entitlement of another state, the outer limits of the ECS can be established *vis-à-vis* the international community in the Area. On the other hand, the process of delimitation determines where the limits of national sovereign rights

will be drawn on the ECS in situations when states have overlapping entitlements. Overfield uses an analogy to showcase the distinction between the concepts: “(t)o put it in terms of pie, delineation establishes how big the pie is, while delimitation decides how to cut each claimant’s slice” (Overfield, 2021).

In order to delineate its outer limits coastal states who are parties to the convention, according to Article 76(8) of UNCLOS, have the obligation to submit “(i)information on the limits of the continental shelf beyond 200 nautical miles” to the CLCS which will then make recommendations on the establishment of “the outer limits of their continental shelf” (1982). The CLCS is a *sui generis* body which is composed of 21 technical specialists that must have expertise in the field of geology, hydrography and geophysics (McDorman, 2015). The core duty of the CLCS is to consider submissions sent to them by the coastal states and subsequently provide recommendations on the limits of the ECS. The Commission is able to indicate the maximum possible claim to the ECS based on the data submitted to them by coastal states in good faith. It is important to mention that according to Article 76(10) delineation is “without prejudice to the question of delimitation of the CS between States with opposite or adjacent coasts” (UNCLOS, 1982). The Commission does not have the mandate to delimitate the bilateral maritime limits but solely to indicate where the states’ limits of entitlement are.

Coastal states with overlapping entitlements do not need to delineate their ECSs according to the recommendations issued to them by the CLCS since delineation is a unilateral act (Antsygina, 2021). That is as long as they delineate only the area where they have rightful entitlement to the ECS and do not encroach on the rights all states have in the Area. That indicates that although the CLCS does not have the legal authority to enforce the location of the outer or bilateral limits in the case of overlapping entitlements, “its recommendations are highly influential in helping to determine their final location in practice” (Gavrilov, 2022). Although delineation and delimitation are two separate processes, they are nevertheless pertinent, especially in the areas with scientific and legal uncertainty.

Furthermore, it is also worth mentioning that the extent of the submission to CLCS is a political decision and does not need to include the whole scope of entitlement of the coastal state. States can choose to restrictive submission in order to “keep good relations with neighbor-

ing States, simplify future delimitation, or to reduce expenses on the collection of data in the areas that, while could be asserted, will likely not belong to a State after the delimitation” (Antsygina, 2021, p.393). On the other hand, a submission could also be excessive in order for a state to prove the maximum scope of entitlement and better its negotiating options during the delimitation process. The Arctic states have so far submitted both restrictive as well as excessive submissions, as well as a combination of both in relation to different overlapping entitlements. However, they can still submit Addenda or resubmit data in order to change the proposed scope of entitlement.

THE CLCS’S MANDATE

Since the information submitted to CLCS is scientific, the experts are not educated in the area of law. Thus, the Commission frequently obtains legal advice from the United Nations Office of Legal Affairs. Nevertheless, the CLCS has been inclined to favor geological reality over legal rules, which has proven to be controversial since the concept of ECS is as much based in reality as it is a legal construct. It has been argued by Guilfoye (2017) that the Commission is expanding its mandate by legislating and interpreting what the legal provisions should say instead of solely issuing recommendations. The Commission’s decision to interpret legal provisions is problematic because it defines “what constitutes compliance” with the Convention, when UNCLOS “recognizes multiple sources of valid legal interpretation” (Graben, 2015). In practice, this results in the Commission prioritizing geological requirements over legal ones when they are in fact equal. Furthermore, there is a problem with interpretation of scientific concepts that are used in the Convention in “legal context, which can depart significantly from accepted scientific definitions and terminology” therefore causing discrepancy between science and law (Graben, 2015). For example, concepts imperative for the delineation and delimitation of ECSs in the AO are ‘oceanic ridge’, ‘submarine ridge’, and a ‘submarine elevation’. However, the scientific definition of a ‘spur’ in the Convention is defined as a type of ‘submarine elevation’ that is indistinguishable from the scientific definition of a ‘submarine ridge’ (Byers, 2016).

Since all these concepts imply different constraints for the delineation of the CS, it is imperative to be able to distinguish them without confusion. In order to deal with this problem, the Commission has adopted the CLCS Guidelines with a goal of clarifying the interpretation of the

scientific concepts used in the Convention and harmonizing the interpretations throughout all recommendations they provide and in turn offer legal certainty. Consequently it widened its mandate from evaluation to legislation. Although the CLCS Guidelines were adopted by a treaty body and should not be considered binding on the state parties to the convention, it is however hard to disregard the fact that they ultimately endorse or condemn the state's scope of entitlement *vis-à-vis* the international community. Graben and Harrison (2015) argue that “when science is uncertain in an account of authority that relies on scientific agreement, law can cease to have determinative or predictive value” which will possibly result in coastal states opposing each other and the CLCS, while still complying with the international law. This situation could arise in the case of ECSs in the Arctic if the Commission does not endorse Gakkel, Lomonosov and Alpha-Mendeleev Ridges as natural prolongations of the coastal states' land territory. On the other hand, Kunoy (2017) even goes so far as to argue the state parties were given the opportunity to comment on the CLCS Guidelines before their adoption and they tend to align themselves with the reasoning expressed in the Guidelines thus they “could accordingly reflect a subsequent practice within the meaning of Article 31(3)(b) of the Vienna Convention.” (Kunoy, 2018, p.396).

The Commission's expansion of mandate also presents a problem since its recommendations have a legal dimension due to the Article 76(8) which holds that limits established according to the CLCS's recommendations will be ‘final and binding’ (UNCLOS, 1982). However, no consensus exists among academics or courts for who are the limits binding and when they become binding. According to McRae (2008), the Commission has the legal authority that makes its recommendations binding for the whole international community including the coastal state whose limits are the subject of recommendation. While Antsygina (2021) agrees that the ordinary meaning of the word ‘final’ is that it ‘cannot be argued with or changed’ thus binding on all international community and the submitting state but only after the coastal state deposited the limits with the Secretary-General of the United Nations and the limits were given due publicity. On the other hand, ITLOS held in *Bangladesh v. Myanmar* (2012) that the limits are made final and binding for the international community, including third states, but not for the submitting state. However, in *Nicaragua v. Colombia* (2012), ICJ explained that “(w)hen the CLCS addresses its recommendations on questions concerning the outer limits of its CS to coastal

States, those States establish, on that basis, limits which, pursuant to paragraph 8 of Article 76 of UNCLOS, are “final and binding” upon the States parties to that instrument” (Nicaragua v. Colombia, 2016, para. 108). This suggests that the limits are then only final and binding for the state parties of the Convention, including the submitting state, but not for the states that did not ratify UNCLOS. The International Law Association’s Baselines Committee (the Committee) agreed that the limits are final and binding on submitting states and could only be changed if they are successfully challenged by other states (Árnadóttir, 2021). However, it is not clear if the Committee meant they can be challenged only by third states or all states. However, the second option would defy the purpose of final and binding limits. Furthermore, paragraphs 8, 9, and 10 of Article 76 are not part of customary international law and therefore cannot create obligations for third states, which would confirm that the limits are only final and binding for the state parties to the Convention.

Since the above mentioned paragraphs are not a part of customary law, it thus follows that third states can delineate the outer limits of the ECS without the CLCS’s recommendations. Furthermore, if there is disagreement between the state party to the convention and the Commission and if the disagreements persist even after the state submits a revised submission, then the submitting state can presumably establish its limits even without the Commission’s endorsement. However, Árnadóttir (2021) argues that since paragraphs 8 and 9 need to be read together, the outer limits of the CS cannot be permanently established *vis-à-vis* the international community if they first do not become final and binding with the endorsement of the CLCS. That means that the limits of third states as well as limits of state parties established without the Commission’s endorsement would thus “be subject to scrutiny and possible non-acceptance by other states” (Baumer, 2017). This might be especially true in the case of AO where the scope of entitlement and consequently delineation of the ECS limits are complex and uncertain, and could therefore benefit from an independent scientific review provided by the Commission.

JURISPRUDENCE

Although international courts and tribunals have dealt with maritime boundary delimitation for decades, the jurisprudence on delimitation of the ECS with opposing or adjacent coastlines is very limited and

new. Cases were dealt by ICJ, ITLOS and arbitral tribunals that needed to evaluate whether the delimitation of ECS falls within their jurisdiction and if they should refrain from exercising it when the Commission have not yet recommended the outer limits of the ECS. Furthermore, the technical complexity of Article 76 also raised the question if a judicial body has the expertise to take on the case. And lastly, it was not clear if ECS and CS up to 200 nm should be considered as one or two separate concepts since that has the implications for applications of previous jurisprudence concerning delimitation of CS up to 200 nm. In the following section I will scrutinize the most notable cases, their significance and what they mean for the delimitation of ECSs in the AO.

The 1992 case concerning the delimitation of maritime areas between Canada and France is significant for two reasons. Since the court only had the jurisdiction to delimit the maritime areas between Canada and France, it worried that delimitation of an ECS could affect the international community. Therefore, the arbitration tribunal decided that it “is not competent to carry out a delimitation affecting the rights of a party who is not present before it” and that a “commission /.../ is to be set up to examine the claims” which will only become final and binding after the state delineated its limits based on the Commissions recommendations (Canada v. France, 1992, para. 79). The court ultimately decided that it only has jurisdiction and expertise to delimit maritime areas up to 200 nm. Similarly, the arbitral tribunal in the case of *Newfoundland v. Labrador/Nova Scotia* (2000), two Canadian provinces, noted that it did not have the ‘competence or mandate’ to delineate and delimit the ECS. This reasoning was again confirmed by ICJ in the 2007 case concerning maritime delimitation between Nicaragua and Honduras (Nicaragua v. Honduras, 2007). ICJ maintained that “any claim of CS rights beyond 200 miles must be in accordance with Article 76 of UNCLOS and reviewed by the (CLCS) established thereunder” (Bangladesh/Myanmar, 2012, para. 185) and held that “it will not rule on an issue when in order to do so the rights of a third party that is not before it, have first to be determined” (Nicaragua v. Honduras, 2007, para. 220). On the other hand, neither party asked ICJ to delimit the outer limits of the ECS, thus both Nguyen (2018) and Busch (2018) argue that the reasoning should be considered *obiter dictum* therefore not establishing a relationship between the Commission and the ICJ. In their view ICJ was only expressing hesitation to delimit ECS without the Commission’s recommendations.

BANGLADESH V. MYANMAR

However, the 2012 case concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal departed from this reasoning. The ITLOS judgment is considered a milestone for the contemporary CS regime since it broke new legal ground by delimiting an ECS. Furthermore, ITLOS was also the first adjudicative institution that deliberated in depth on its relationship to the Commission, however this did not come without controversies.

First, ITLOS reasoned that: “Article 76 of the Convention embodies the concept of a single continental shelf. In accordance with article 77 /.../ the coastal State exercises exclusive sovereign rights over the continental shelf in its entirety without any distinction being made between the shelf within 200 nm and the shelf beyond that limit. Article 83 of the Convention, concerning the delimitation of the continental shelf between States with opposite or adjacent coasts, likewise does not make any such distinction” (Bangladesh v. Myanmar, 2012, para. 361). This was also in line with the preceding arbitration between Barbados and Trinidad and Tobago that held “there is in law only a single ‘continental shelf’ rather than an inner continental shelf and a separate extended or outer continental shelf” (Barbados v. Trinidad and Tobago, 2006, para. 315).

It is clear that the Convention does not establish an order in which states should implement Articles 76, 77 and 83 but this, in turn, casts a doubt on who has the mandate and competence to decide on the existence of the entitlement to an ECS. Since the delimitation ‘presupposes entitlement’ it is vital to know if both the Commission and court both have the mandate to determine the existence of the entitlement or “or is it rather a situation where one of them has the competence to deal with entitlement, and the other to deal with outer limits” (Busch, 2018). According to the Commission’s test of appurtenance the existence of entitlement must first be proven in order to be able to proceed with delineation which means that the entitlement does not depend on the delineation of outer limits of the ECS (Nguyen, 2018).

Based on the arguments discussed above, ITLOS decided that it possesses jurisdiction to delimit the ECS in its entirety since there is in law only a single CS and because there is in the convention no prescribed order on what comes first delimitation or delineation. Although the es-

tablishment of entitlement fell in the courts jurisdiction, the mandate for endorsing the outer limits of the ECS still belongs to the commission. Furthermore, ITLOS acknowledged that although the entitlement exists *ipso facto*, it also pointed out that not every state with a coastline will generate an ECS. However, this begs the question of what constitutes adequate evidence that a coastal state needs to present to the court in order to prove the existence of such entitlement in instances when such entitlement is disputed or doubted, which still has not been clearly discussed by any adjudicative body (Nguyen, 2018).

On top of that, ITLOS pointed out that there are no paragraphs in the Convention or in the Commission's Rules of Procedure that would "indicate that delimitation of the CS constitutes an impediment to the performance by the Commission of its functions" (Bangladesh/Myanmar, 2012, para. 377). There is a clear distinction between the Article 83 that concerns delimitation of the CS and Article 76 which indicates how to delineate the outer limits of the ECS. Since the recommendations of the CLCS are without prejudice to the delimitation of an ECS between states with opposite or adjacent coasts, it thus follows that if ITLOS exercises its jurisdiction in order to delimitate ECS, that will be without prejudice to the Commission's functions on the matters relating to delineation.

Before the *Myanmar v. Bangladesh* scholars had argued that courts should not and could not delimit ECS before the Commission has issued its recommendations. Kunoy (2017), for example, argued that entitlement without endorsement of the CLCS is not final and binding thus courts cannot rule on something that is only hypothetical. Nguyen (2018) agreed with this view and added that in this kind of situation states should only be given advisory opinion and not a binding judgment. Elferink (2004) also argued that delimitation requires the existence of a valid claim of more than one state to the same area. However, in some cases it is possible to establish an overlapping valid claim/entitlement without the recommendation of CLCS. As ITLOS pointed out, the decision to exercise jurisdiction should be determined based on substantive and procedural circumstances of each individual case.

The circumstances in the Bay of Bengal were unique because the area in question is covered with a thick layer of sediment, 14 to 22 km deep, that without a doubt meets the UNCLOS criteria for thickness of sedimentary rocks, thus confirming the presence of an ECS (Jesen, 2022).

Therefore, there was no uncertainty over overlapping entitlements in the Bay of Bengal. Additionally, due to the location of the Bay of Bengal, where the overlapping claims were removed from the Area, there was no potential risk of encroachment of rights of the international community. ITLOS followed the same reasoning in the subsequent *India v. Bangladesh* in Bay of Bengal and *Ghana v. Côte d'Ivoire* thus these cases will not be discussed. However, the practices of the ICJ have been less coherent.

NICARAGUA V. COLOMBIA

In the 2012 maritime delimitation case between Nicaragua and Colombia, the ICJ declined to delimit the ECS. Although the ICJ acknowledged the ITLOS judgment in *Myanmar v. Bangladesh* it held that the situation in *Nicaragua v. Colombia* was different because it would require the ICJ to delineate the outer limits of the ECS in order to be able to delimit it. Furthermore, in this case Nicaragua only submitted preliminary information to the Commission and not a full submission indicating the outer limits of its ECS. Whereas in *Bangladesh v. Myanmar* both parties made full submissions to the Commission despite the CLCS not being able to issue recommendations as both states objected and blocked the process (Nguyen, 2018). The ICJ argued that Nicaragua “falls short of meeting the requirements” (Nicaragua v. Colombia, 2016, para. 35) under Article 76(8) and “has not established that it has a continental margin that extends far enough to overlap with Colombia’s 200-nautical-mile entitlement to the continental shelf, /.../ the Court is not in a position to delimit the continental shelf boundary” (Nicaragua v. Colombia, 2016, para. 82). This decision was controversial because it made it seem Nicaragua was obliged to make a full submission to the Commission as a prerequisite for the Court exercising its jurisdiction and delimiting the ECS. On top of that, it created the impression that solely a partial submission to the Commission does not suffice to prove entitlement when entitlement should exist *ipso facto* by the virtue of sovereignty over land. Furthermore, Colombia is not a party to the Convention and does not have the obligation to submit information to the CLCS, yet it objected to consideration of Nicaragua’s submission. However, the ICJ found that this does not relieve Nicaragua of its obligations under Article 76 of that Convention. Although, in the case of *Myanmar v. Bangladesh*, ITLOS did not prejudice the work of CLCS, the ICJ in this case feared it would do that by determining the outer limits of the ECS (Busch, 2018). Based on this reasoning the ICJ

declined to exercise jurisdiction and in turn also reiterated the *obiter dictum* from Nicaragua v. Honduras. However, Busch (2018, p. 340) argues that because the ICJ did not offer any nuance as to how the *obiter dictum* should be interpreted, it “contributes to blur the predictability and transparency in maritime delimitation beyond 200 nm.” Furthermore, the ICJ’s reasoning is contradictory to the reasoning of ITLOS which, in turn, contributes to a confusing jurisprudence applicable in the cases delimiting ECS.

Soon after the judgment, Nicaragua sent a full submission to the Commission and once again instituted proceedings against Colombia. Colombia objected that Nicaragua cannot establish a valid entitlement without recommendation of CLCS, since the Commission is the institution that transforms “an inherent but inchoate right into an entitlement whose external limits is ‘final and binding’ under Article 76(8) and opposable erga omnes,” as confirmed by the ICJ ruling and *obiter dictum* in the earlier case since (Busch, 2018, p. 344). However, in this case the ICJ held that it can exercise jurisdiction and delimitate the CS between the states, since CLCS work relates to delineation which is distinct from delimitation. Furthermore, the ICJ stated that it declined to delimit CS beyond 200 nm in the previous case between Colombia and Nicaragua due to procedural requirements which were now fulfilled by Nicaragua. At first glance it also seems that the ICJ established the full submission to the CLCS as ‘evidentiary threshold’ for valid entitlement to the ECS. However, seven judges dissented to this opinion and held that this is a “procedural requirement that did not – and does not – exist” (Nicaragua v. Colombia, 2016, Joint Dissenting Opinion, para. 2) and “(i)t should be noted that information submitted to the CLCS pursuant to Article 76 (8) of UNCLOS will not necessarily be regarded as sufficient to establish the existence of an extended continental shelf” (Nicaragua v. Colombia, 2016, Joint Dissenting Opinion, para. 56). On top of this, Nicaragua should not have been able to start proceedings again after the court had already decided that it does not have jurisdiction to delimit an ECS, since this goes against principle *res judicata*. It is clear that with this case ICJ abandoned its reasoning in previous cases concerning delimitation of the ECS and clearly also departed from the *obiter dictum* stated in *Nicaragua v. Honduras* and reiterated in *Colombia v. Nicaragua* (2012).

Although, it seems that by exercising jurisdiction the ICJ was taking the same approach as ITLOS and ensuring the judicial continuity, this

is not the case. In *Colombia v. Nicaragua* or in the subsequent case *Somalia v. Kenya*, there was no uncontested scientific evidence that would without doubt demonstrate the existence of ECS and validate an entitlement (Ioannides & Yiallourides, 2021). However, this was the case in *Bangladesh v. Myanmar*, since the sediment thickness requirement was introduced to UNCLOS based on the circumstances in the Bay of Bengal. ITLOS itself acknowledged that “the Tribunal would have been hesitant to proceed with the delimitation of the area beyond 200 nm had it concluded that there was significant uncertainty as to the existence of a continental margin in the area in question” (*Bangladesh v. Myanmar*, 2012, para. 443). It can be assumed that ITLOS would not have exercised jurisdiction in *Colombia v. Nicaragua* and *Somalia v. Kenya* where such evidence did not exist. Similarly, in *Canada v. France*, the arbitral tribunal held that it cannot delimitate the CS due to factual uncertainty in regard to the existence and scope of entitlement. Therefore, ICJ should exercise caution when it tries to apply the ITLOS’s conclusions in the Bay of Bengal cases to other cases with different circumstances, especially when significant uncertainty exists in regard to the states’ entitlement.

It can be concluded that delimitation does not preclude delineation in cases with factual certainty and when the adjudicating body does not need to delineate the outer limit of the ECS such as in the case of states with adjacent coastlines. In these circumstances delimitation and delineation may proceed in parallel (Busch, 2018). However, jurisdiction is uncertain in cases where the existence and scope of entitlement are not without doubt, especially in cases where states have opposing coastlines. In these situations a court would be determining the outer limits of ECS just by defining the area of overlapping entitlement. In this way an adjudicating body could encroach on the work of the Commission. It is not clear what would happen if the CLCS issued recommendations that entail that one or both do not have an entitlement to an ECS or their entitlements are not big enough to cause an overlap. This would mean that a decision made by court which is binding on the upon parties to dispute but not on third states would be in conflict with the CLCS’s non-binding recommendations that legitimize the outer limits *vis-à-vis* all states in the Area. In this way the Commission’s role would be diminished and would not be in accordance with the Convention as its recommendations would only have declarative value. The Convention’s purpose is to establish “legal order for the seas and oceans which /.../ will promote the peaceful uses of the seas

and oceans, the equitable and efficient utilization of their resources” (UNCLOS, 1982, Art. 46) and Nguyen argues that “(d)iscrepancies in the advice given to States by different treaty institutions on the same matter clearly do not serve this purpose” (2018, p. 46). In his separate opinion, Judge Ndiaye suggested the court should refer the matter to CLCS in circumstances of scientific uncertainty as to not encroach on the CLCS’s mandate. However, this is not currently possible according to Article 5(a) of Annex I to CLCS Guidelines, that states that “(i)n cases where a land or maritime dispute exists, the Commission shall not consider and qualify a submission made by any of the States concerned in the dispute” ((CLCS, 1998, art. 5(a)). In this case submission(s) can only be considered if consent is given by all parties. Judge Gaja has suggested that the Commission’s Rules of Procedure should be changed so the Commission could make recommendations even in the event of a maritime dispute, since the recommendations are without prejudice to delimitation (Nicaragua v. Colombia, 2016, Declaration of Judge Gaja, p.106).

DISCUSSION

Since the entitlement to the CS arises from states’ sovereignty over land, Canada, Denmark, and Russia should be entitled to *ipso facto* and *ab initio* right without proclamation, occupation or delineation of its outer limits since entitlement does not depend on procedural requirements. But as demonstrated above, in cases with no scientific certainty like in the AO, there is tension between having inherent right to ECS and the existence of entitlement as well as delineation and delimitation. In such circumstances, entitlement has to be proven by scientific evidence submitted to the CLCS and cannot be presumed to exist thus UNCLOS establishes limitations to inherent right. However, this goes against the nature of inherent right and the fact that it exists without any procedural requirements. On the contrary, without the procedure to legitimize the entitlement, Arctic littoral states could be exercising jurisdiction in the Area without the existence of an inherent right which does depend on the actual existence of continental margin beyond 200 nm. Importantly, it is not unknown for the Commission to deny the existence, in part or in whole, of the CS beyond 200 nm. However, as there are discrepancies between the scientific and legal definitions of parts of the ocean floor that are considered to be components of ECS, and as the CLCS favors scientific definitions. The Commission is very likely not to endorse the whole scope of Can-

ada's, Russia's and Denmark's entitlements. For example, the CLCS's recommendation that Alpha-Mendeleev, Gakkel Ridge and Lomonosov Ridges are not submarine elevations, but rather oceanic ridges or submarine ridges would delegitimize the existence of overlapping entitlements. Although these states could still delineate limits in the Arctic without the Commission's legitimization, they would not be final and binding, thus possibly disputed by other states. This could happen even if their delineation was in line with legal constraints of Article 76 that are equally important as geological. This would mean that even if their limits would comply with international law, they would not be final and binding since the CLCS did not endorse them. For example, non littoral Arctic states have shown to have an interest in the exploitation of natural resources in the AO. Thus, if a third state would bring a case to ITLOS or ICJ against any of the Arctic states, in order to dispute their ECS limits that are not final and binding, the court would very likely take CLCS's recommendations into account and see them as an authoritative scientific interpretation. Although CLCS does not have the power to preclude Arctic States to delineate their ECSs against its recommendations, it is very likely its recommendations would be able to do just that when used by an adjudicative body whose judgment is binding on the states involved in the proceedings. Thus indirectly, CLCS's endorsement or opposition to the existence of entitlements in the AO can result in limitation of the states' inherent rights.

Although ITLOS decided to exercise jurisdiction in *Bangladesh v. Myanmar*, and stated it would not encroach on the work of the Commission, that would not be the true in the case of AO. Since the existence of ECS in the Bay of Bengal was without doubt, Myanmar and Bangladesh have adjacent coastlines, and delineation and delimitation would not encroach on the rights of the international community. However, this would not be the case in the case of AO. The existence and scope of entitlements to the ECS is not without doubt but rather highly contested. ITLOS itself said that it would be hesitant to exercise jurisdiction in cases with significant uncertainty (*Bangladesh v. Myanmar*, 2012, para. 443). Furthermore, due to opposite coastlines, the adjudicating body would need to determine the outer limits of ECSs just by defining the area of overlapping entitlement which would encroach on the work of the Commission. Although ITLOS would not exercise jurisdiction, the ICJ could do the opposite according to *Nicaragua v. Colombia* (2022). Despite the dissenting opinion of seven judges, it seems that the ICJ did establish full submission to CLCS as an 'evidentiary thresh-

old' for the valid entitlement or at least as a procedural requirement. Since Russia, Canada and Denmark already submitted submissions to CLCS, the ICJ could decide to exercise jurisdiction. However, the ICJ's jurisprudence is not coherent, but rather conflicting. Additionally, it is not in line with ITLOS cases and the other arbitration cases discussed above thus the jurisprudence on ECS does not offer legal certainty and continuity. It rather seems that each of the relevant adjudicating bodies would come to a different conclusion.

Inherent right to CS encompasses the sovereign rights to exclusive exploitation of natural resources. This means it is vital for the Arctic states to delineate and delimitate the entitlement since investments into exploitation and exploration require stability. It should also be in the states' interest to do that in line with the Commission's recommendations in order to establish stable circumstances for commercial investments with final and binding outer limits of the ECSs. Since Arctic states have opposing coastlines and the existence and scope of entitlements is not without doubt, delineation and delimitation, although separate processes are linked together in these circumstances. Moreover, both of them require the existence of entitlement. Since, Canada, Denmark and Russia have all sent submissions to the Commission as well as *note verbale* stating they consent to CLCS's consideration of submissions and issuing recommendations. Thus they are all signaling they wish to delimit their ECSs according to its recommendations. However, this might change if CLCS's does not issue recommendations that are in line with the states' proposals.

There are numerous ways the states could go about the delimitation. Ideally, states will wait for the Commission's recommendations which would legitimize their entitlements. The states would then be able to delimitate the overlapping areas through diplomacy and negotiations. Most likely the states will delimitate the ECSs by signing bilateral or trilateral agreements. If they could not reach an agreement in this way, the states could also refer the dispute to ICJ, ITLOS or arbitration tribunal and ask them to delimit the ECS based on the recommendations. The Commission will need approximately 10 to 15 years to issue recommendations to Canada, Denmark and Russia. After this, states could spend years negotiating delimitation or waiting for the court's judgment. However, states would, in the meantime, not be precluded to exploit the natural resources in the ECS since both ITLOS in *Ghana v. Côte-d'Ivoire* and the ICJ in *Somalia v. Kenya* held that "(w)hen mar-

itime claims of States overlap, maritime activities undertaken by a State in an area which is subsequently attributed to another State by a judgment cannot be considered to be in violation of the sovereign rights of the latter if those activities were carried out before the judgment was delivered and if the area concerned was the subject of claims made in good faith by both States” (Ioannides & Yiallourides, 2021). Thus, it would be in states’ best interest to delimitate the overlapping area as soon as possible, especially if they think the part of the ECS that contains valuable natural resources will after delimitation fall under their jurisdiction. On the other hand, states could also decide to embrace an innovative solution that has not yet been proposed by the literature and would take less time to negotiate.

The Arctic is a region of cooperation where states have repeatedly shown commitment to international law and innovation when dealing with boundary disputes and sovereignty. Considering the Arctic as an innovative region and the fact that commercial exploitation in the AO would demand enormous investments into technology and explorations, states could decide for an innovative approach in the area with overlapping entitlements. Thus, I want to propose a new approach on shared sovereign rights over the ECS in the area of overlap. Shared sovereignty between Denmark and Canada in the form of condominium was already proposed for Hans Island. Similarly, Canada, Denmark and Russia could decide to share sovereign rights in the area of overlap. States could benefit from shared cost of exploration and investment into development of exploitation technology appropriate for usage in the Arctic environment, thus ensuring quicker start of commercial exploitation while sharing the profits. However, there are also numerous disadvantages to this solution. While the condominium would ensure stability of borders and ample investments, it could be a problem if states would pass different environmental protection laws or have different environmental standards for exploitation of maritime resources. It is also very unlikely states would be willing to agree on establishment of condominium since the claim over ECS in the AO, especially under the North Pole, is of symbolic and political significance. Furthermore, shared sovereignty would be harder to sustain in the changing geopolitical environment. Thus, this might be a better option for the Area of overlap between Canada and Denmark since they have similar values and political ideologies.

CONCLUSION

This article dealt with ECSs in the AO and the legal complexities that their delineation, delimitation and legitimization of entitlement bring. Since the entitlement to the CS arises from states' sovereignty over land, Canada, Denmark, and Russia should be entitled to *ipso facto* and *ab initio* right without proclamation, occupation or delineation of its outer limits since entitlement does not depend on procedural requirements. But as demonstrated above, in cases with no scientific certainty, there is tension between having inherent right to ECS and the existence of entitlement as well as delineation and delimitation. In such circumstances, entitlement has to be proven by scientific evidence submitted to the CLCS and cannot be presumed to exist thus UNCLOS establishes limitations to inherent right. However, this goes against the nature of inherent right and the fact that it exists without any procedural requirements.

There is always a chance that the Commission will not endorse the existence of ECS, in part or in full, especially if the Commission finds that Lomonosov, Gakkel and Alpha-Mendeleev Ridges are not submarine elevations but rather oceanic or submarine ridges which would delegitimize the state's claims. Since delineation is a unilateral act, states could decide to delineate and subsequently delimitate their ECSs not based on the CLCS's recommendations. These borders would not be final and binding and could be disputed by the international community. Consequently, this scenario would not offer the stability that commercial investments into exploitation in the AO need. This could happen even if their delineation was in line with legal constraints of Article 76 that are equally important as geological. Thus, even if their limits would comply with international law, they would not be final and binding if the CLCS did not endorse them.

Ideally, states will wait for the Commission's recommendations, which would legitimize their entitlements. The states would then be able to delimitate the overlapping areas through negotiations or refer the dispute to the ICJ, ITLOS or arbitration tribunal. The states could also choose an innovative solution in which they could share sovereign rights in the area of overlap.

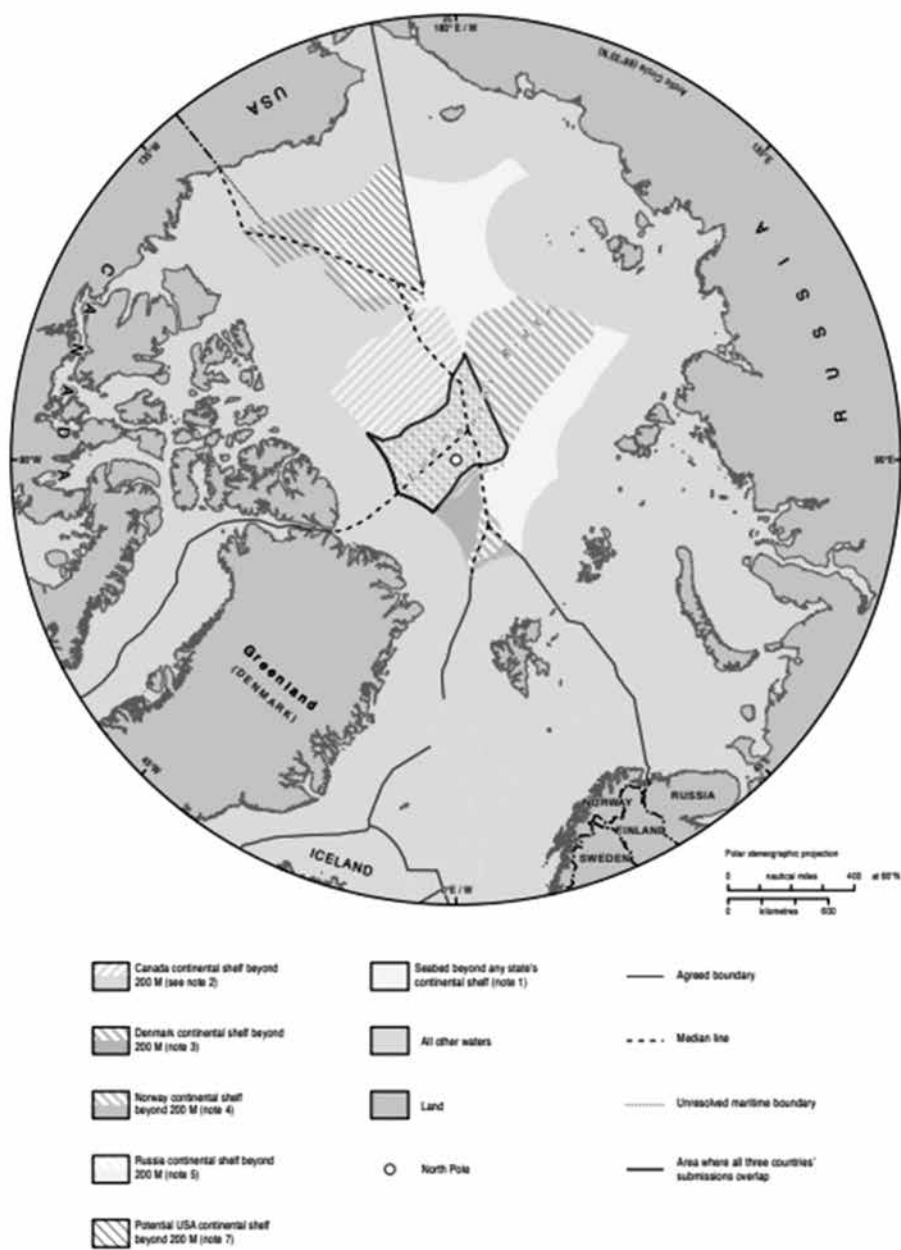
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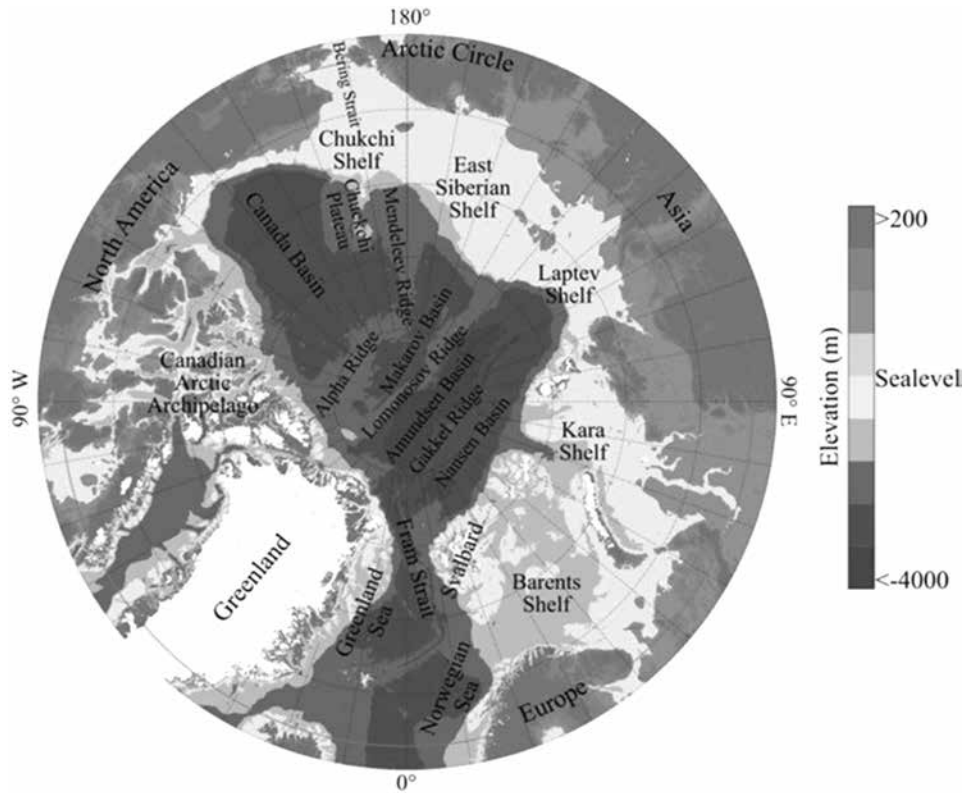
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ANNEX I: MAPS



Map 1: IBRU



Map 2: Steffen Wiers

ANNEX: ABBREVIATIONS

AO Arctic Ocean

CCS Geneva Convention on Continental Shelf

CLCS Commission on the Limits of the Continental Shelf

CS Continental shelf

EEZ Exclusive Economic Zone

ECS Extended continental shelf

ICJ International Court of Justice

ILC International Law Commission

ITLOS International Tribunal for the Law of the Sea

m metres

The Committee The International Law Association's Baselines Committee

nm nautical miles

Proclamation Truman Proclamation

UNCLOS United Nations Convention on the Law of the Sea

Substance Misuse in North Macedonia: Epidemiological Insights and Policy Approaches to Prevention and Intervention

Haris Sulejmani¹

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ABSTRACT

Substance use disorder (SUD) represents a growing public health concern in North Macedonia, particularly among adolescents and young adults. This study investigated perceptions and behaviors related to cannabis use and prescription drug misuse, with a focus on benzodiazepines. A cross-sectional online survey was conducted among 109 respondents (54 males, 55 females), divided into three age groups (18–21, 21–23, and 24+ years). Results revealed that 37.6% of respondents had experimented with cannabis, while 42.2% reported using prescription drugs without medical indication. Nearly 44% experienced negative side effects from prescription drug use. Awareness was high, with almost 90% perceiving substance misuse as a national problem. Gender differences were observed, with females reporting higher rates of both cannabis experimentation and prescription misuse compared to males. These findings highlight the discrepancy between awareness and behavioral outcomes, pointing to gaps in prevention and treatment strategies. Misuse patterns remain concerning and addressing these challenges requires comprehensive, evidence-based approaches that integrate prevention, treatment, harm reduction, and social reintegration.

KEYWORDS: Substance use disorder, North Macedonia, cannabis, prescription drugs, youth, drug policy

POVZETEK

Motnja zaradi uživanja substanc (SUD) predstavlja vse večji javnozdravstveni izziv v Severni Makedoniji, zlasti med mladostniki in mladimi odraslimi. Namen te študije je bil raziskati zaznave in vedenja, povezana z uporabo kanabisa ter zlorabo predpisanih zdravil, s poudarkom na benzodiazepinih. Spletna anketa je bila izvedena med 109 anketiranci (54 moških, 55 žensk), razdeljenih v tri starostne skupine (18–21, 21–23 in 24+ let). Rezultati so pokazali, da je 37,6 % anketirancev že poskusilo kanabis, medtem ko je 42,2 % poročalo o uporabi predpisanih zdravil brez zdravniške indikacije. Skoraj 44 % je poročalo o negativnih stranskih učinkih pri uporabi predpisanih zdravil. Zaznana ozaveščenost je bila visoka, saj je skoraj 90 % sodelujočih menilo, da je zloraba substanc nacionalni problem. Opažene so bile spolne razlike: ženske so pogostejše poročale o poskusih uporabe kanabisa in zlorabi predpisanih zdravil kot moški. Ugotovitve poudarjajo neskladje med visoko stopnjo ozaveščenosti in vedenjskimi rezultati, kar kaže na vrzeli v preventivnih in terapevtskih strategijah. Vzorci zlorabe ostajajo zaskrbljujoči in za učinkovito reševanje teh izzivov so potrebni celostni, na dokazih temelječi pristopi, ki vključujejo preventivo, zdravljenje, zmanjševanje škode in socialno reintegracijo.

KLJUČNE BESEDE: motnja zaradi uživanja substanc, Severna Makedonija, kanabis, predpisana zdravila, mladina, politika drog

1 ABOUT THE AUTHOR: Haris Sulejmani, Medical Doctor (MD), Faculty of Medicine, Ss. Cyril and Methodius University, Skopje, North Macedonia. Email: Sulejmani.haris@hotmail.com

INTRODUCTION

Substance use disorder (SUD) is a treatable mental condition that alters brain function and behavior, making it difficult to regulate the use of drugs, alcohol, and prescription medications. Addiction represents the most severe form of SUD, characterized by a spectrum of mild to severe symptoms (National Institute of Mental Health, 2023). Globally, the misuse of psychoactive substances is widespread, with a particularly high prevalence among adolescents and young adults, leading to significant morbidity, premature mortality, and increased healthcare burden.

RISK FACTORS AND COMORBIDITY

SUDs rarely occur in isolation. Individuals seeking care in public health settings often present with multiple comorbid mental and physical conditions, making treatment engagement and adherence challenging (Seljacobs, 2016, p.81). Environmental stressors such as peer pressure, family dysfunction, trauma, and early initiation of drug use further elevate vulnerability to addiction (Seljacobs, 2016, p. 85). Genetic predispositions also play a critical role, interacting with social and environmental exposures to increase the likelihood of dependency. Adolescence is a particularly sensitive developmental stage: normative risk-taking behaviors overlap with experimentation in alcohol and drug use, increasing long-term vulnerability to SUDs (Thapar et al., 2015, pp.931-939).

NEUROBIOLOGICAL AND PSYCHOLOGICAL DIMENSIONS

Psychoactive substances, including psychedelics, activate the brain's reward system and induce changes in cognition, mood, and perception. These effects can reinforce repeated use by creating strong cravings and a drive to maintain pleasurable states (Gateway Foundation, 2021). Over time, substance use contributes to persistent brain changes, impairing decision-making, executive control, and memory, while promoting compulsive drug-seeking behaviors (American Psychological Association, 2022).

BENZODIAZEPINE USE AND MISUSE

Benzodiazepines (BZDs) remain among the most frequently prescribed medications for anxiety and sleep disorders, yet both short- and long-

term use have been associated with neurocognitive impairment (Paul, 2020, p.262). Prolonged BZD exposure, particularly with long half-life compounds, has been linked to an increased risk of dementia and other adverse outcomes (Boland and Verduin, 2021, pp.2112-2127). While some studies suggest that these risks may reflect broader patterns of polysubstance use, the strong association between benzodiazepine misuse and negative health consequences is well documented (Votaw, Geyer and McHugh, 2019).

CANNABIS USE IN ADOLESCENCE

Cannabis (*Cannabis sativa*) remains the second most commonly used intoxicant during adolescence. Heavy or early cannabis use has been associated with impaired neurocognitive performance, disrupted brain development, and alterations in functional connectivity (Jacobus and Tapert, 2014). Preclinical studies demonstrate that cannabis exposure during vulnerable developmental periods may induce long-lasting neurobiological changes through genetic, epigenetic, and environmental pathways (Scheyer, Melis and Manzoni, 2020). Despite rising interest in medical cannabis applications, only a limited number of cannabis-derived or cannabis-related pharmaceuticals (e.g., Epidiolex, Marinol, Syndros, Cesamet) have been approved by the U.S. Food and Drug Administration (FDA, 2019); the vast majority of cannabis products remain unregulated (National Institute on Drug Abuse, 2020).

CONTEXT IN NORTH MACEDONIA

In North Macedonia, growing concerns about cannabis experimentation and prescription drug misuse among youth mirror global trends. Local studies report high levels of awareness of drug-related harms, but also increasing prevalence of misuse, particularly of cannabis and benzodiazepines (Kjosevska and Pop-Stefanija, 2022; Sulejmani and Kostovska, 2024). This highlights the urgent need for evidence-based interventions, targeted prevention, and policy reform to address the multifaceted public health challenge posed by SUDs.

MATERIALS AND METHODS

This study examined perceptions and behaviors related to marijuana use and prescription drug abuse among young people in North Macedonia. Participants were divided into three age groups: 18–21, 21–23,

and 24 years and above. A total of 109 individuals participated, with an equal gender distribution (54 males and 55 females).

Data were collected using a structured questionnaire distributed online and in person. The survey included items on personal experiences with cannabis and prescription drug use (primarily benzodiazepines), perceptions of peer behavior, and attitudes toward drug misuse. Prior to data collection, ethical approval was obtained, and all participants provided informed consent.

Quantitative data were analyzed using the Statistical Package for the Social Sciences (SPSS²). Descriptive statistics (frequencies, percentages, means, and standard deviations) were used to summarize demographic information and drug use patterns. Correlation analyses explored relationships between key variables of interest.

The study design enabled insights into the perceptions and behaviors of young people in North Macedonia regarding drug use. While the findings provide valuable exploratory data, the relatively small sample size limits generalizability. Future research with larger and more diverse samples is required to validate these results and to explore additional influencing factors such as socioeconomic status, educational background, and cultural norms.

RESULTS

The study included 109 respondents (54 males, 55 females) across three age groups (18–21, 21–23, and 24+ years). As shown in Figure 1, the largest proportion of participants were aged 24 and above, followed by 21–23 years, with the youngest group (18–21 years) being the smallest.

2 SPSS refers to the Statistical Package for the Social Sciences, a widely used software platform for quantitative data analysis.

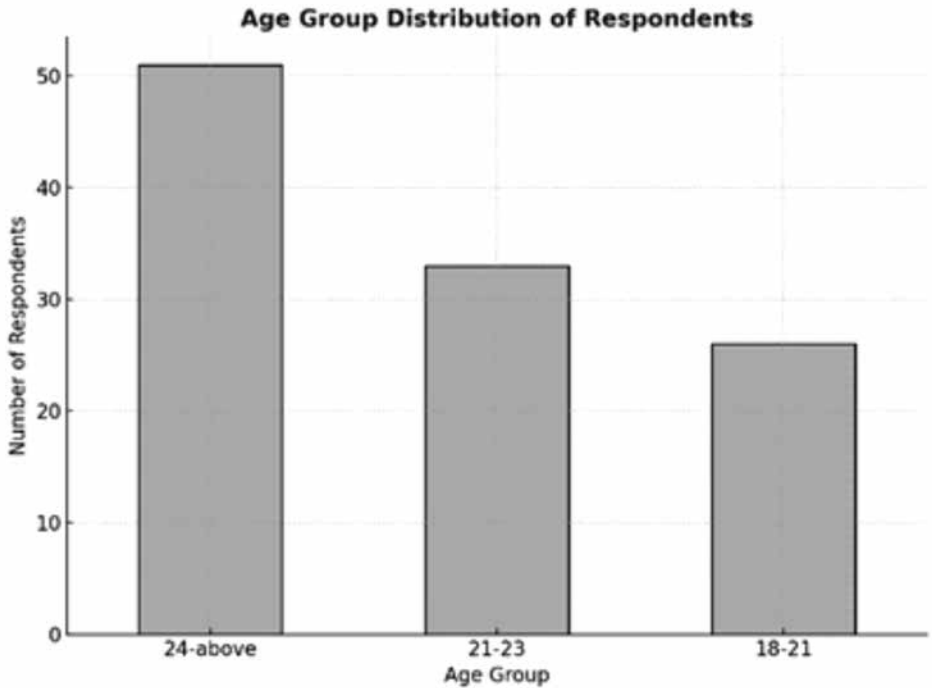


Figure 1. Age distribution of respondents (N = 109). The largest group was aged 24+, followed by 21–23 years, with the smallest group aged 18–21 years.

Perceptions and behaviors related to drug use varied among respondents. Nearly 90% perceived drug abuse as a national problem Figure 2A. Cannabis experimentation was reported by 37.6% Figure 2B. Prescription drug misuse was acknowledged by 42.2% of respondents, with 15.6% reporting uncertainty Figure 2D. Furthermore, 44% experienced negative side effects from prescription drug use Figure 2C.

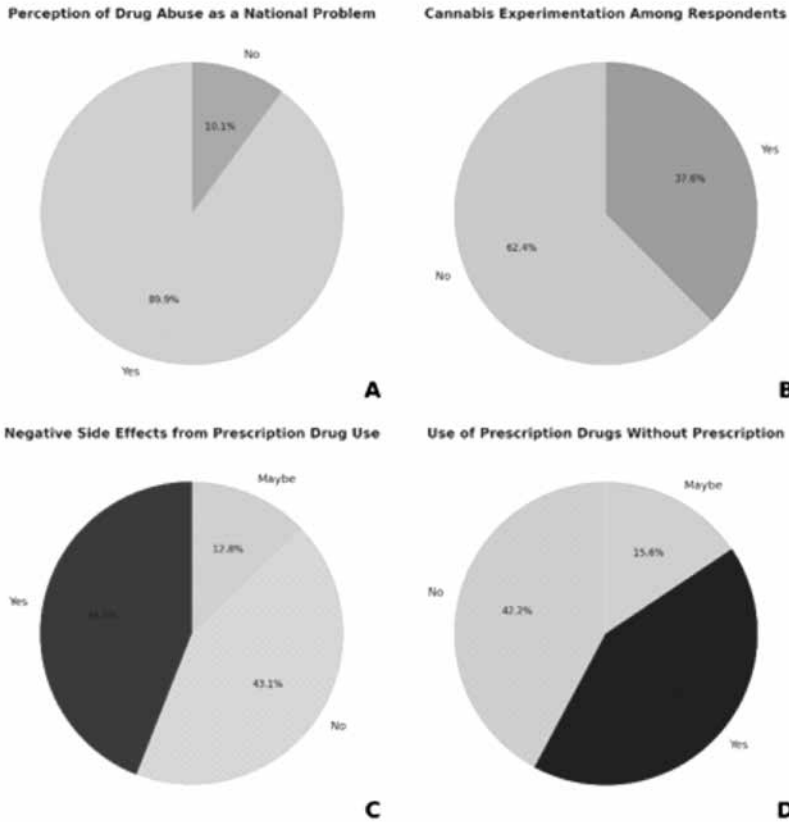


Figure 2. Perceptions and behaviors of respondents regarding drug use: (A) Perception of drug abuse as a national problem; (B) Cannabis experimentation; (C) Negative side effects of prescription drug use; (D) Use of prescription drugs without medical prescription.

Gender differences were observed in several domains Figure 3. Males and females equally recognized drug abuse as a public issue, yet females reported higher rates of cannabis experimentation (95% vs. 28%) and prescription misuse (59% vs. 42%). These differences underline gender-specific vulnerabilities that merit targeted prevention strategies.

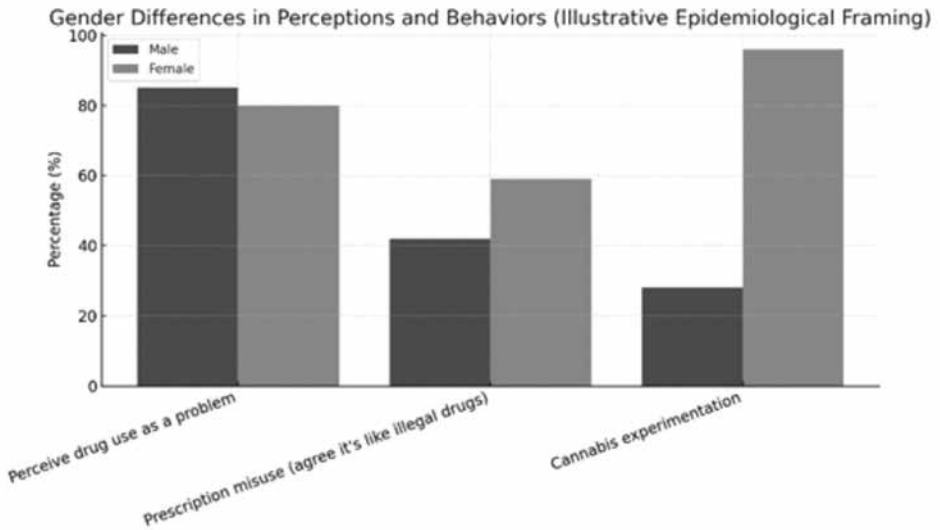


Figure 3. Gender differences in perceptions and behaviors related to drug use. Females reported higher levels of cannabis experimentation and prescription misuse compared to males.

DISCUSSION

This study provides new insights into cannabis and prescription drug misuse among young people in North Macedonia. Nearly 38% of respondents reported cannabis experimentation (Figure 2B), a rate consistent with previous findings that cannabis is the most frequently misused illicit drug among adolescents in the country (Kjosevska and Pop-Stefanija, 2022; Sulejmani and Kostovska, 2024). High awareness of drug misuse as a societal problem (Figure 2A) indicates that the issue is widely recognized among youth, yet awareness alone has not translated into decreased experimentation or misuse. Almost 44% of participants reported experiencing negative side effects from prescription drug use (Figure 2C), and 42.2% admitted to taking prescription drugs without a medical indication (Figure 2D), highlighting gaps in prevention and control mechanisms.

Gender differences were notable. Females reported higher levels of cannabis experimentation and prescription misuse compared to males (Figure 3). This contrasts with toxicology clinic reports from 2018–2020, where acute poisoning rates were higher in males for marijuana and alcohol combinations (Kostovska, 2022). Such discrepancies may reflect the difference between recreational misuse in community

settings versus acute medical presentations, and they underscore the need for gender-sensitive public health interventions. Similar patterns of psychosocial risk behaviours have been reported in prior studies on adolescents in North Macedonia (Sulejmani and Ziberi, 2024).

The policy timeline Figure 4 demonstrates that despite reforms—including the legalization of medical cannabis in 2016 and the adoption of the National Drugs Strategy in 2020—patterns of misuse remain concerning. These findings suggest that while legislative frameworks have advanced, implementation and enforcement lag behind, and prevention measures remain fragmented. As shown in the integrated epidemiological and policy model Figure 5, risk factors, initiation, and exposure continue to drive negative health and social outcomes. The model highlights intervention points such as prevention, regulation, treatment, and reintegration that must be strengthened to reduce the burden of substance misuse.

DRUG POLICIES IN NORTH MACEDONIA

North Macedonia has gradually aligned its drug policy framework with EU standards, yet significant gaps remain. While the legalization of medical cannabis in 2016 marked a milestone, the persistence of high cannabis misuse among youth demonstrates limited impact on prevention. Decriminalization measures and the National Drugs Strategy (2020) aimed to balance punitive approaches with public health perspectives, but irregularities in the Criminal Code and inconsistent enforcement create loopholes (Takács, 2024).

Our results reinforce this policy gap: despite increased awareness among youth, nearly two-fifths still experiment with cannabis and a comparable share misuse benzodiazepines. This disconnect suggests that existing frameworks have not adequately addressed underlying drivers of drug use, such as social stressors, accessibility of prescription drugs, and weak monitoring systems. Compared with neighbouring Balkan states, North Macedonia stands out for its legal provisions on medical cannabis but lags in systematic monitoring and enforcement (European Monitoring Centre for Drugs and Drug Addiction, 2024).

As shown in Figure 4, despite several policy milestones—including the legalization of medical cannabis in 2016 and the adoption of the

National Drugs Strategy in 2020—both cannabis use and prescription misuse trends continue to rise. This highlights a disconnect between policy formulation and on-the-ground implementation, where enforcement, monitoring, and preventive outreach remain insufficient.

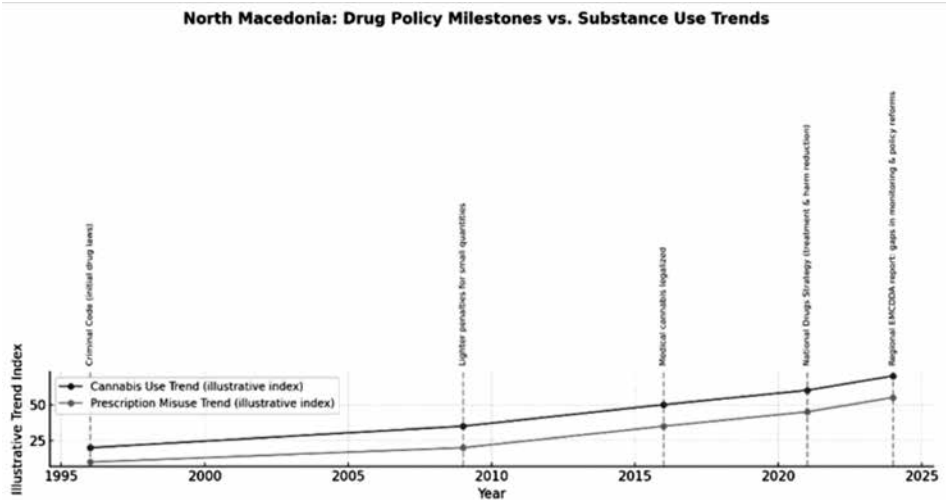


Figure 4. Illustrative trends of cannabis use and prescription drug misuse in North Macedonia (1995–2025), aligned with key drug policy milestones. Despite regulatory changes (e.g., legalization of medical cannabis in 2016; adoption of the National Drugs Strategy in 2020), upward trajectories suggest persistent gaps in prevention, monitoring, and harm-reduction effectiveness.

GOVERNMENTAL RESPONSE AND OVERSIGHT

Governmental initiatives in North Macedonia have focused on prevention, treatment, harm reduction, and social reintegration, but their effectiveness is uneven. Most prevention occurs through school-based lectures and campaigns led by medical professionals. However, as our findings indicate, awareness alone is insufficient without structured, skills-based prevention programs. The persistence of misuse despite high awareness (Figures 2A–2D) points to a gap between knowledge and behavioural change, which has also been noted in regional assessments of prevention practices (European Monitoring Centre for Drugs and Drug Addiction, 2024).

Treatment responses remain oriented toward opioid agonist therapy for

opioid dependence, as outlined in the National Drugs Strategy (2021), while targeted services for benzodiazepine misuse or youth-specific programs are underdeveloped. The observed female vulnerability in our study highlights the urgent need for gender-responsive interventions, which remain absent from current frameworks. This aligns with international evidence that women show unique patterns of benzodiazepine misuse and require tailored approaches (Votaw et al., 2019).

Reintegration services are available but underfunded and poorly coordinated, contributing to stigma and limited opportunities for recovery. Oversight mechanisms, including prescription monitoring and regulatory enforcement, require strengthening. The policy model presented in this study (Figure 5) underscores the importance of integrated oversight: governance and regulation must interact with early intervention, treatment, and reintegration to effectively mitigate harm. Without sustained investment, coordination, and monitoring, governmental efforts will remain fragmented and insufficient (EMCDDA, 2024).

PUBLIC HEALTH APPROACHES TO SUBSTANCE ABUSE

From a public health perspective, substance misuse must be addressed as both a behavioural health issue and a broader social determinant of health. The age distribution of our sample Figure 1 demonstrates that misuse cuts across developmental stages, but older youth (24+) reported the highest exposure. This finding underscores the need to implement prevention earlier in adolescence, before risky patterns are established.

Our findings also show that prescription misuse is widespread (42.2%) despite strong awareness of the problem. This highlights a key public health challenge: knowledge campaigns are necessary but not sufficient to change behaviour. Internationally, evidence-based prevention emphasises skill-building programs, community resilience, and long-term engagement—approaches that remain underutilised in North Macedonia (European Monitoring Centre for Drugs and Drug Addiction, 2024).

Gender differences revealed in this study further stress the need for tailored public health approaches. The higher rates of misuse among females highlight the importance of school- and community-based in-

interventions that specifically address female vulnerabilities, including stress coping, stigma, and academic pressures.

Finally, integrating harm reduction principles is essential. Although 15 active harm reduction programs³ exist nationwide, their reach is limited, and young people often remain excluded. Expanding these services, coupled with early intervention and reintegration efforts, is crucial for building a comprehensive response.

To frame these findings within a public health perspective, Figure 5 illustrates an integrated model linking risk factors, initiation, and exposure to health and social outcomes, while situating public health interventions (prevention, harm reduction, treatment, and reintegration) as key points of policy leverage. This framework emphasises that substance use cannot be addressed by isolated interventions but requires a coordinated, multi-sectoral strategy.

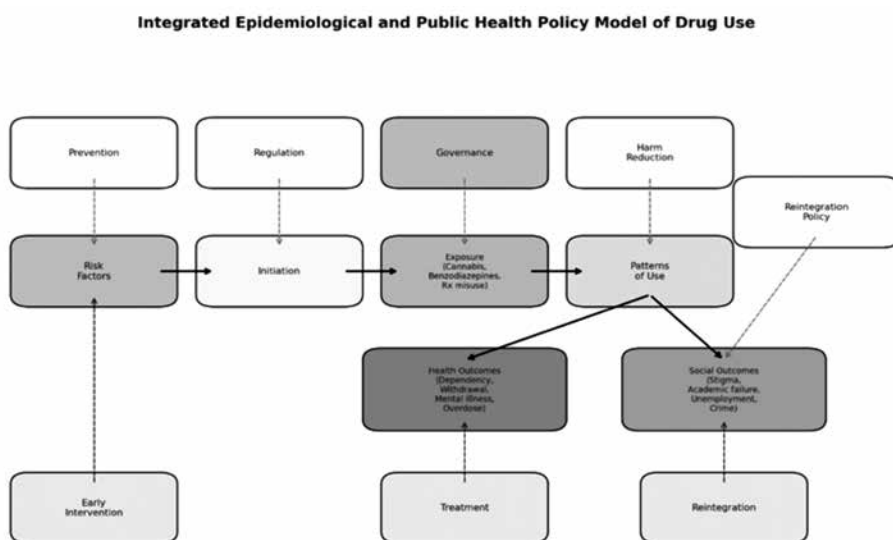


Figure 5. Integrated epidemiological and public health policy model of drug use in North Macedonia, showing the relationship between risk factors, initiation, exposure, patterns of use, and outcomes, alongside corresponding public health interventions (prevention, regulation, governance, harm reduction, treatment, and reintegration).

3 Harm reduction programs in North Macedonia include services such as needle exchange, HIV prevention, counselling, and social support for people with substance use disorders.

LIMITATIONS AND FUTURE DIRECTIONS

The relatively small sample size ($N = 109$) restricts the generalisability of findings. Larger-scale, nationally representative studies are needed to validate these results and explore additional variables such as socio-economic status, education, and cultural influences. Future research should also examine the effectiveness of current prevention and reintegration strategies to inform evidence-based policy reform. Comparative research across the Western Balkans would further contextualise North Macedonia's challenges and promote harmonisation with EU standards.

IMPLICATIONS

Taken together, these findings highlight the urgent need for an integrated, evidence-based approach to drug misuse in North Macedonia. Prevention must go beyond awareness campaigns, governance must ensure accountability and monitoring, and treatment and reintegration programs must be adequately resourced and gender-responsive. Without such a comprehensive framework, misuse of cannabis and prescription drugs among youth is likely to persist, with long-term consequences for public health and social development.

CONCLUSION

In conclusion, this study highlights significant challenges in addressing cannabis and prescription drug misuse among youth in North Macedonia. Nearly two-fifths of respondents reported experimenting with cannabis, and a comparable proportion admitted to misusing prescription drugs, despite high levels of awareness of the associated risks. Gender differences were evident, with females reporting higher misuse rates, underscoring the need for tailored, gender-sensitive interventions.

Although national reforms—including the legalization of medical cannabis in 2016 and the adoption of the National Drugs Strategy in 2020—signal progress toward harmonisation with EU frameworks, our findings reveal persistent gaps in prevention, monitoring, and enforcement. Awareness campaigns alone have not translated into behavioural change, and treatment services remain fragmented and insufficiently adapted to youth and female populations.

To move forward, North Macedonia must prioritise an integrated, evidence-based approach that combines prevention, harm reduction, treatment, and reintegration. Policy implementation should be accompanied by stronger prescription monitoring systems, community-based prevention programs, and investment in reintegration services to combat stigma and promote recovery. Expanding gender-responsive interventions and aligning national strategies with international best practices will be essential to reducing the long-term burden of substance misuse on public health and social development.

ACKNOWLEDGMENTS

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**Macedonia's Long Transition From
Independence to the Prespa Agreement and
Beyond**

Robert Hudson, Ivan Dodovski (Eds.)

Leposava Ognjanoska Stavrovska

**Navigating Modern Business:
Intercultural Communication and Globalization**

Zijad Bećirović

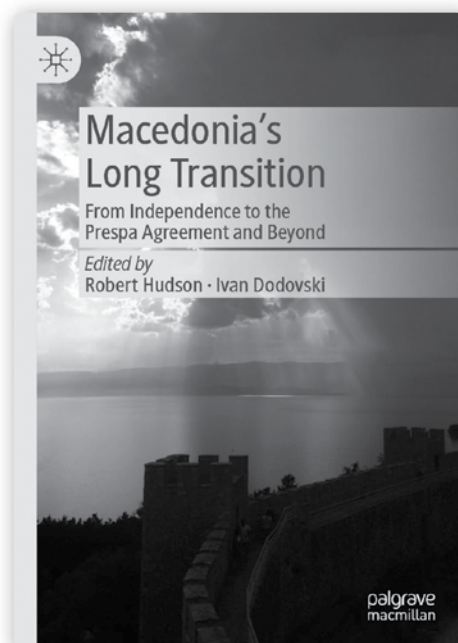
Milan Jazbec

**Robert Hudson, Ivan Dodovski (Eds.)
MACEDONIA'S LONG TRANSITION
FROM INDEPENDENCE TO THE PRESPA AGREEMENT AND BEYOND**

Palgrave Macmillan, 2023, 248 pages, ISBN 978-3-031-20772-3,
ISBN 978-3-031-20773-0 (eBook)

DOI: <https://doi.org/10.60073/euper.2024.4.07>

The edited book *Macedonia's Long Transition: From Independence to the Prespa Agreement and Beyond* is a timely, insightful, and meticulously researched examination of North Macedonia's complex statehood journey from gaining independence from Yugoslavia in 1991 to its eventual membership bid in NATO and the European Union, following the historic Prespa Agreement in 2018. This volume, edited by Robert Hudson and Ivan Dodovski, is authored by leading experts in political science, legal studies, international relations, linguisticism and identity studies, economics and other related disciplines. Published by Palgrave Macmillan in 2020, the genre of this book best fits political science and interdisciplinary European studies. Each chapter provides a multi-dimensional understanding of the challenges, reforms, and diplomatic negotiations that have shaped North Macedonia over the past three decades, providing a comparison with the other processes of transition in post-socialist states in



Eastern and Central Europe. Thematic structure of the book includes different topics which range from domestic political reforms to foreign relations and diplomacy, including key issues related to democratization and ethnic relations as well as bilateral disputes and complex geopolitics. These well-organized sections cover different stages from the statehood journey and

explain both internal and external factors but also their linkages and interconnectedness of various political, economic and social issues. Hence, the process of transition is also examined from different angles, taking into consideration its political, security, economic and legal dimensions.

Editors emphasize that the dissolution of Yugoslavia and (then) Macedonia's declaration of independence was not just as a political separation but also as a significant shift in the state building process including identity formation. These remarks set the stage for understanding the lingering ethnic divisions which at some points have escalated into tensions and conflicts, as well as the external conflict environment in the region which significantly influenced the statehood process. Hudson presents an overview of some of the key issues confronting Macedonia in its transition, thus providing a valuable context for understanding the roots of many contemporary issues and arguing that they are intertwined.

The edited volume opens with a contribution by Stevo Pendarovski examining the complex security landscape of the country which was perceived on the outside as an 'oasis of peace' amid the chaos in the region. This chapter outlines the security threats of a nation at a crossroad and the right of self-determination, and how these elements

have created a fragile state structure that is susceptible to internal and external pressures. The author views that Macedonia's internal legitimacy relies on the authentic execution of three key initiatives: the Ohrid Framework Agreement, Euro-Atlantic integration, and, the advancement of liberal democracy, which is fundamentally connected to the first two. The main suggestion is to build a comprehensive strategy that focuses on strengthening the democratic institutions, promoting interethnic dialogue, and enhancing regional cooperation, with a more proactive engagement from the main global actors to support stability in the region.

The subsequent sections of the book delve into the political landscape that emerged in the wake of independence, highlighting the intricate interplay between domestic political realities and the influence of the Euro-Atlantic integration as the main framework for internal reforms. In "Political Parties and the Trials of Democracy," Nenad Markovikj discusses the fragmented nature of the party system in Macedonia, noting how numerous parties, often driven by ethnic identities, can lead to political instability. The chapter identifies how electoral laws and practices may not foster genuine competition and further erode the public trust in institutions, thus outlining the importance of fostering a vibrant civil society. Blerim Reka's contribution titled "Macedonia's Euro-Atlantic

Integration” examines that the integration is not only a political objective but also vital for national identity and regional stability. These strategic aspirations are also connected to the internal process of reforms, hence alignment of national policies with EU and NATO standards ensures the main framework for country’s transition.

The effects of the migration crises are also examined in Marina Andeva’s “Migration Movements and Their Implications for Macedonia”, changing the narrative towards Macedonia’s position as both a transit and a destination country, while also taking into consideration the extent to which country’s regulatory framework is in compliance with EU measures in specific areas. Book’s contributions provide critical insights into the economic transformation of the country, focusing on the dual aspects of economic transition and privatization. “The Economic Transition of Macedonia” by Marjan Petreski’s analysis highlights the structural reforms necessary for a successful transition from a centrally planned economy to a market economy, also in the light of the accession criteria on the road to the EU. It tackles upon specific macroeconomic policies such as the introducing denar as a national currency and its stabilization, while also discussing the issue of the Macedonian brain-drain - a problem rooted in the early transition years which continues until the present day and

undermines growth and development potentials. Additionally, Hyrije Abazi-Alili’s work “Privatisation in Macedonia and Communities in Transition” emphasizes the social consequences of these reforms, particularly in the context of privatisation through the transformation of enterprises with social capital and the evolution of ownership structure after privatisation.

The central issue of identity is examined in its internal manifestation within the chapter „The Identity Shift: Claims on Antiquity in Macedonian Fiction and Drama“ by Ivan Dodovski, and „The Dissonant Narratives of the Skopje 2014 Project“ by Loreta Georgievska-Jakovleva, and in its external reflection - „The Impossible Reconciliation of Historical Narratives: The Macedonian Name Dispute and Prospects for the Future“ by Zhidas Daskalovski, and „An Analysis of Bulgaria’s Rejection of the Macedonian Ethno-Linguistic Identity and Its Implications“ by Ognen Vangelov. First two chapters explore how historical narratives are used to forge identity in a multicultural society and the challenges of navigating a diverse society during a long period of political and social transition, often struggling with conflicting interpretations on the inside. Other two chapters represent the implications on the outside - within the regional disputes as conflicts rooted in differing historical narratives and national identities and the broader implications that hinder regional stability

and hamper the Euro-Atlantic integration. Hence, these contributions highlight the intersection of history, nationalism, and politics, showing the complexity of identity formation in the Balkans that is not only shaped by internal dynamics but also by external perceptions and historical narratives.

Overall, the editors and contributors discuss the challenges faced by fledgling institutions with regard to the democratic governance, corruption, and the rule of law, together with the economic effects of the transition. The Prespa Agreement is the focal point of the book as one of the main historic milestones which completed the process of NATO membership, thus providing multifaceted analysis of the agreement's implications, the potential benefits and drawbacks of the deal. Undoubtedly, the EU and NATO play prominent roles in this process given that the aspirations for Euro-Atlantic integration have influenced domestic policies and political behaviour. However, this volume also critically assesses the EU's conditionality approach in the Enlargement policy, which lacks credibility due to the dominant role of the bilateral disputes rooted in the complex historic landscape of the region.

As a final remark, this edited volume by Hudson and Dodovski is a well-researched and accessible examination of a nation's transition from different perspectives, mak-

ing it suitable for both academic audience and general readers interested in contemporary Balkan affairs. It chronicles the intricate Macedonia's statehood journey from its declaration of independence in 1991 through the significant diplomatic milestone of the Prespa Agreement in 2018 and into its ongoing durability and current challenges. Hence, the book offers critical reflections on the lessons learned and predictions about the road ahead. By reflecting on the complexities of nation-building in a post-conflict context, the book emphasizes the external factors and the broader implications for the regional peace and stability.

One of the book's main strengths is its portrayal of the ethnic dynamics within the country and complex identity issues that have played a pivotal role in shaping political discourse and decisions, including the foreign policy. Its all-encompassing approach toward the process truly provides an insight into the profound complexity of this phenomenon and specific characteristics of the country and the region as a whole. Nevertheless, it stands as a testament of the power of resilience and negotiation seeking peace and stability. After thirty years of transition, Macedonia's future is essential to the future European security architecture, especially in the Western Balkans. Its contribution but also its issues are unique and quite different to those of the other transition states.

Milan Jazbec

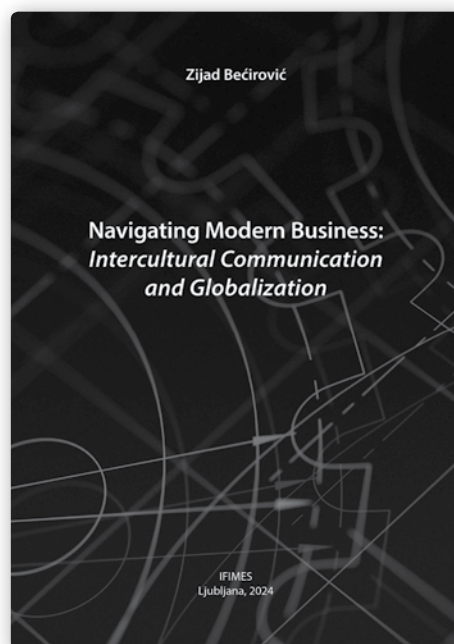
Zijad Bećirović
NAVIGATING MODERN BUSINESS:
INTERCULTURAL COMMUNICATION AND GLOBALIZATION

IFIMES, 2024, 316 pages, ISBN 978-961-92764-6-4

DOI: <https://doi.org/10.60073/euper.2024.4.08>

International Institute for Middle East and Balkan Studies IFIMES from Ljubljana published a well refreshing monograph titled *Navigating Modern Business: Intercultural Communication and Globalization* as an example of a new, multi-faceted and innovative view upon theory and practice of doing business in the early 21st century. The respected author focuses his approach on contemplating business from the point of view of the intercultural communication and within the frame of globalization. This is a highly important starting point, since international affairs at this stage of development show increasing cultural diversity with advancing globalization.

Structure wise, the book consist of seven chapters plus Introduction and an extended



and timely Preface, contributed by John Scott Younger, a renowned analyst and columnist. The chapters' topics follow logically and with a holistic approach, namely: Intercultural communication, Culture/Religion, Globalization, Managements process, Global human resource man-

agement, then an extended empirical part, to be concluded with a well-rounded resume of the whole volume. It is worth noting how titles of those chapters could also serve as key words to the understanding and reading this book. Additionally, chapters are logically divided in topical subchapters that enable the reader to follow the author's main message relatively easy.

The first part discusses intercultural communication as the main starting point of the whole theoretical frame of the monograph. The sequence follows like this: concept of the intercultural communication, intracultural communication, intercultural conflict, and negotiation and cultural appreciation. The concept of culture is one of main terms in our lives ever since, with communication as its essential part, method and tool. It is broad, flexible and firmly defining what we are, what we do and how we face social environment and place ourselves within it. The fact that communication as an act, process and defining mechanism marks our cultural output on an individual and group level is becoming increasingly

important with the course of history.

The second part contemplates both culture and/or religion as two additional, interconnected and causal areas and terms. The author does not clearly present what he has in mind: to discuss both categories as connected (culture and religion), optional (culture or religion), equalized (culture is religion) or contradictory (culture vs. religion). There are three subchapters that form this part: Judaism and economy, Christianity and economy as well as Islam and economy. Hence, one could rather clearly guess that the starting phrase of this chapter (culture/religion) serves most probably as saying that religion at least fills a major part of what we understand as culture.

What is perhaps not that much striking as it is new, is the fact that the author discusses three monotheistic religions with their relation to economy. With this step he moves away from discussing religions as such to analyzing them through lenses of economy. This enables him to holistically coming closer to

globalization and forward to business as its integral, perhaps even most original element. In this very aspect, we could see the initial point of the book's differentia specifica. This reviewer understands this fact as a crucial one, since otherwise one could at first glance understand this book as one more among many on religions and globalization generally, what it is not.

With the next two consecutive chapters, we then arrive to the monograph's main corps.

The third part (or chapter, as a matter of fact) that deals with globalization, is particularly important, since many scholars view globalization in the early 21st century as an outdated concept, what to the opinion of this reviewer it is not by any chance.

The respected author views globalization from seven different angles, namely: the concept of globalization, intercultural aspects of the global competition, deglobalization, measuring globalization, globalization, global competence, and local clusters in globalization. This frames his under-

standing of globalization for the purpose of this study. But it also additionally points out the importance of globalization nowadays as well as not least important, pointing out the concept of glocalization. This way he shows his understanding of the changing and developing concept of globalization from one point of view and from another he reduces the validity of already mentioned experiments to water down globalization and its importance in the increasingly interconnected international community. Finally, the term of local clusters that follows as the last one in this part, additionally confirms the authors' dynamic understanding of and his strong belief in globalization as well as its importance for researching international phenomena.

Perhaps this reviewer would take the liberty here and add, out of the strict review's frame, how the immense technological development of the last few years, with AI as a frontrunner, more than anything else justifies the concept of globalization and its importance. Even more, one could claim that globalization by itself does not have a certain

obvious and standard content – it just transfers content (topics, messages, values etc.) that we put it in. Globalization is a huge network, dynamic, flexible and ever expanding that is at our disposal. It depends on its users what and how it would transfer, i.e. disseminate. This is at the same time also the way globalization influences.

The fourth part, consequently, elaborates management process. With the difference to the previous ones, it goes, to say so, in media res, and tackles a very concrete topic within the huge area of contemporary business. It cuts down the whole process in four parts that form subsequent subchapters, adding the last one as a kind of round up. These subchapters are as follows: planning, organizing, leadership, control, and syncretic model.

It would be difficult to add some specific comments and discussion to the four presented parts of the management process (most probably also not strictly necessary). They are standard and, to say so, classical, known for a long time already. No won-

der, since for a few decades already, management process depends on a variety of soft issues, which make the process, its phases included, run smoothly. So, it is social and emotional intelligence that make it full and motivating, then the use of modern, advancing technologies and above all flexible work policies and relations among the employed, both vertically and horizontally. These all define modern management process. Discussing this topic, however, the author takes us forward in his research journey.

The fifth part deals with global human resource management and cultural specifics. Judging from this angle, we are able to see backwards the importance of the previous part. There are two subchapters here: firstly, cultural diversity in management and company performance, and secondly, quality human resources management.

This chapter links together two important aspects. It brings the global dimension in the area and process of human resource management. This reflect directly the con-

temporary international business affairs, their complexity and the fact they are not bound to national or regional markets, their nature, however, is global. This also speaks in favour of the importance of globalization, what we mentioned a few times so far in our review. Next, it connects those issues with cultural specifics. When we overlap them with some basic religious aspects, we additionally see how important those dimensions are in modern business – or in its navigating, as the respected author puts it forward.

Chapter six is *de facto* presentation of an empirical research, rich, extended and diverse. It is up to the reader's interest to seek for data, conclusion and hints that can prove to be useful in running daily business or to understand it more thoroughly. Both these two approaches could be seen as the author's intention to contribute to theory and practice of his research topic.

The study wraps up with concluding remarks that are in any case indepth, substantial and useful. They reflect

the author's research effort and his knowledge of the discussed area. Again, it is up to the reader how he will use this rich, diverse and broad study for practical purposes or for stimulating additional theorizing. This reviewer is of the opinion that reflections from this expanded volume should be taken into account overwhelmingly. They tackle a wide range of challenges that modern business is facing on a daily basis around the globe.

They appear to be a result of the author's long and successful career, meaning he speaks from his own experience. This is dynamic, diverse and multicultural as well as multireligious. But it is also theoretically well backed and supported by a number of references, including those of the author. All in all, one should welcome the volume and lessons learned and theorizing it offers to the interested public. This public is global, diverse in a variety of aspects as well as closely interconnected, regardless of the area it inhabits. Globalization at work, with nuanced approach.

GENERAL SUBMISSION GUIDELINES

European Perspectives is an international scientific journal that publishes original, peer-reviewed manuscripts that provide scientific articles focusing on relevant political, sociological, social, security, economic and legal as well as ethnic, cross-cultural, minority and cross-ethnic issues related to European and Euro-Atlantic integrations and South-Eastern Europe. Before the submission please note:

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While preparing the manuscript take in the account the following:

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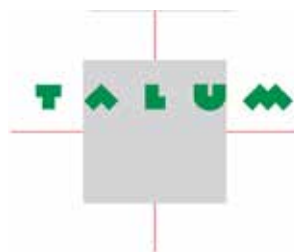
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