



**EJSS**

**EUROPEAN JOURNAL OF  
SOCIAL SCIENCES**

May-August 2018

Volume 1, Issue 2

ISSN 2601-8632 (Print)

ISSN 2601-8640 (Online)

ISSN 2601-8632



9 772601 863001

REVISTIA  
RESEARCH AND PUBLISHING

**European Journal of  
Social Sciences**

May-August 2018

Volume 1, Issue 2

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ISSN 2601-8632 (Print)

ISSN 2601-8640 (Online)

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## What has in Common in the Relationships of the Adolescents with the Authoritative Parents and Their Close Friend?

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### Abstract

The aim of this study: is to evaluate only the characteristics in common between the relationship of the adolescents with their authoritative parents and their relationship with the closed friend. Methodology: This study is a mix one, because it is both quantitative and qualitative. It's conducted at first with 25 pupils the questionnaire "What's your parenting style" (Active Parenting Publishers). The questionnaire is divided into two parts with 15 statements each. Part I is designed to help the identifying of the beliefs about parenting. Part II is focused on the current home situation. For each statement there is a scale of agreement 1 to 5: 1 - strongly disagree; 2.- disagree; 3.- neutral; 4.- agree; 5 - strongly agree. The highest combined score suggests the style of parenting that the adolescent's parents are currently using. Then with only 15 of them that result to have an authoritative parenting style it's conducted the interview "How authoritative parenting style influences the social relationship with the closed friend?" that contains 7 opened questions. This study has been realized in the public middle school "Jordan Misja" of Shkodra (Albania), in april 2018. Conclusions: From the conducted interviews resulted that the adolescents appreciated more in their both relationship (with the affiliated parent and the close friend): ove despite the mistakes (that's mean the adolescent is not afraid that can be excluded for a mistake); the good communication (that's mean understanding); the continous support (that's mean they help him/her whenever it is needed).

**Keywords:** adolescent, authoritative parenting style, close friend

### Introduction

Authoritative parents are high in responsiveness and demandingness and exhibit more supportive than harsh behaviors. Authoritative parents encourage verbal give and take, convey the reasoning behind rules, and use reason, power, and shaping to reinforce objectives. This parenting style is most often associated with positive adolescent outcomes and has been found to be the most effective and beneficial style of parenting among most families. It is well established that authoritative parenting fosters adolescents' positive well-being<sup>1</sup>. Adolescents with authoritative parents are less prone to externalizing behaviors, and specifically are less likely to engage in drug use than individuals with uninvolved parents<sup>2</sup>. Recent findings show that positive effects of authoritative parenting are amplified when both parents engage in an authoritative parenting style<sup>3</sup>. Findings from this study suggest that the authoritative parenting style is associated with the lowest levels of depression and the highest levels of school commitment among adolescents. This study also indicated that having at least one authoritative parent fosters better outcomes than family parenting styles that do not include an authoritative parent. In another study, adolescents whose parents are both authoritative or whose mother alone is authoritative report higher well-being, such as higher self-esteem and life-satisfaction, than participants with no authoritative parent<sup>4</sup>. Similarly, researchers controlled for several mother-related variables and found that having an authoritative father

<sup>1</sup>Gonzalez, A.; Holbein, M.; Quilter, S. High school students' goal orientations and their relationship to perceived parenting styles. *Contemp. Educ. Psychol.* 2002, 27, 450–471.

<sup>2</sup>Fletcher, A.C.; Jefferies, B.C. Parental mediators of associations between parental authoritative parenting and early adolescent substance use. *J. Early Adolesc.* 1999, 19, 465–487.

<sup>3</sup>Simons, L.G.; Conger, R.D. Linking mother-father differences in parenting to a ty pology of family parenting styles and adolescent outcomes. *J. Fam. Issues* 2007, 28, 212–241.

<sup>4</sup>Milevsky, A.; Schlechter, M.; Klem, L.; Kehl, R. Constellations of maternal and paternal arenting styles in adolescence: Congruity and well-being. *Marriage Fam. Rev.* 2008, 44, 81–98.

was associated with positive outcomes among adolescents<sup>1</sup>. These research findings suggest that regardless of gender of the parent, the presence of even one authoritative parent is beneficial for adolescent outcomes.

Interestingly, researchers found that monitoring varies among parenting styles. Researchers found that authoritative parents exhibit higher levels of parental monitoring during their child's childhood and slight decreases across adolescence<sup>2</sup>. These findings suggest that authoritative parents somewhat relinquish their monitoring in response to adolescents' increasing demands for independent decision-making.

Authoritative parent	The adolescent	Authoritarian parent	The adolescent	Permissive parent	The adolescent
He/she has a clear idea of the type of discipline (rules).	He/she trusts in his abilities, is competent and shows interest in things.	Demands to obey but does not provide information.	He/she is withdrawn from social life; tends to be anxious, frustrated, and has low self-esteem.	He/she is not strict and there is no expectation for children.	There are no concrete goals that seek to achieve, display low interest
Controls children and requires concrete results from them.	He/she is independent, confident, friendly with his peers, cooperative with his parents, happy, motivated in achieving the results.	Uses intimidation and punishment.	Displays spontaneity shortage.	He/she is a little coherent in terms of discipline, there are little or no rules.	Is positive and alive, has good humor, but is immature regarding to self-control, social responsibility and self-confidence.
Respects the child's wishes.	He/she has developed critical sense and fits easily.	Does not bring children closer, but puts the emphasis on parenting power and control.	He/she's obedient, but a bit dear.	He/she is not punishing.	He/she tends to be aggressive.
There are realistic expectations for the child to behave according to his age and ability.	He/she has optimum self-esteem.	Expresses various assessments and judgments, but rarely praises or appreciates what the child says or does.	Girls become dependent and lack motivation for realizing the goals they can have in life.	He/she does not orientate the child in the choices he/she makes.	He/she thinks the parent is not interested in him/her at all.
Interested in the child's feelings and opinions.		Imposes non-flexible rules.	Boys tend to be aggressive and provocative to others (behavioral problems, social problems, are rejected by society).	Does not feel responsible for correcting children.	He/she feels lack of support in difficult times.
Give explanations for the decisions it takes.		Trys to shape the child according to his ideal.		Consults with the child when making decisions.	
Show his feelings authentically.		Does not accept the child for what he/she is.		He/she is close and dear to the children.	
He accepts the child unconditionally, but does not approve of any behavior.		Deactivates the dialog.		Satisfies the children any desire, though they may be exaggerated.	
Empathic to the child, evaluating his words, feelings, and experiences.				Is a receiver, understandable and focuses on the child.	
Assess him/herself and his/her child, trusts in him/herself and in his/her child.				Accepts the child as he/she is.	

<sup>1</sup> Bronte-Tinkew, J.; Moore, K.A.; Carrano, J. The father-child relationship, parenting styles, and adolescent risk behaviors in intact families. *J. Fam. Issues* 2006, 27, 850–881.

<sup>2</sup> Luyckx, K.; Tildesley, E.A.; Soenens, B.; Andrews, J.A.; Hampson, S.E.; Peterson, M.; Duriez, B. Parenting and trajectories of children's maladaptive behaviors: A 12-year prospective community study. *J. Clin. Child Adolesc. Psychol.* 2011, 40, 468–478, doi:10.1080/15374416.2011.563470.



**Keywords:** *Adolescent* – is a young man who is experiencing the process of development and conversion from one child to one adult.

*Authoritativ parenting style* – is a parental style characterized by respectable and responsible parents; as well as from an approach that puts the child in the center, to which they exhibit high expectations but at the same time give importance to what he feels.

*Close friend* - can be defined as a person with whom you can talk everything, that makes you feel comfortable, not frightened and judged. Also, it may be an ever-present person in your life, willing to take care of your well-being.

### **The methodology / The sample:**

This study is a mix one, because it is both quantitative and qualitative.

It's conducted at first with 25 pupils (the questionnaire) and then with only 15 of them (the interview) in the public middle school "Jordan Misja" of Shkodra (Albania), in april 2018.

### **The methodology / The questionnaire "What's your parenting style" (Active Parenting Publishers):**

The questionnaire is divided into two parts with 15 statements each.

Part I is designed to help the identifying of the beliefs about parenting.

Part II is focused on the current home situation. For each statement there is a scale of agreement 1 to 5, that corresponds to the level of agreement:

1 - strongly disagree

2.- disagree;

3.- neutral;

4.- agree

5 - strongly agree

Autocratic beliefs score: statements 2+4+8+12+13

Permissive beliefs score: statements 1+5+7+11+15

Authoritative beliefs score: statements 3+6+9+10+14

Autocratic actions score: statements 17+19+22+24+28

Permissive actions score: statements 16+20+23+25+29

Authoritative actions score: statements 18+21+26+27+30

Beliefs Actions Combined:

Autocratic \_\_\_ + \_\_\_ = \_\_\_

Permissive \_\_\_ + \_\_\_ = \_\_\_

Authoritative \_\_\_ + \_\_\_ = \_\_\_

The highest combined score suggests the style of parenting that the adolescent's parents are currently using.

**The methodology / The interview** "What characteristics have in common the relationships of the adolescents with the authoritative parents and their close friend?":

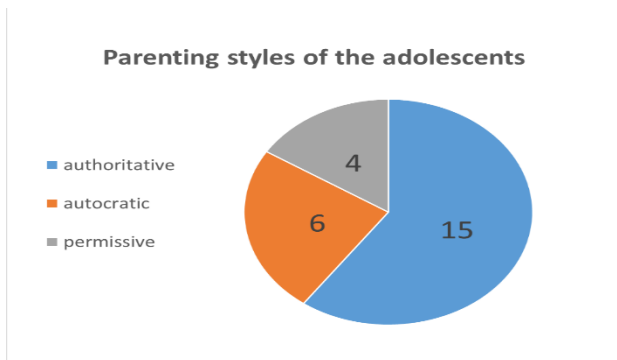
The interview contains 6 open questions:

1 – With which of your parents you are more affiliated?

- 2 – What do you appreciate more about him/her? (not less than 3 qualities)
- 3 – Which are some of the characteristics of your relationship with your affiliated parent?
- 4 – How long do you know your close friend?
- 5 – What do you appreciate more about him/her? (not less than 3 qualities)
- 6 – Which are some of the characteristics of your relationship with your close friend?
- 7 – Based on what we said above, what do you think that have in common your relationship with your affiliated parent and your relationship with your close friend? (not less than 3 characteristics)

I have taken in consideration the Keywords that have been repeted 3 or more times by the respondents, because the questions request not less than 3 characteristics.

**Results of the study**



Graph 1.

Concerned to the interview, the answers of to the respondents are generally nouns and verbs phrases , in some cases descriptive affirmative sentences.

They are clear, understandable and express specific thoughts for what is required.

It seems to be no ambiguity or variation for interpretations.

Believable	Correct	Affectionate	Persistent	Good expects
I trust in him/her I trust him/her has not abandoned me helps me always has supported me in everything	honest what he/she says is consistent with what he/she does holds promises speaks the least does not want to know more than it is respects what I feel and think	peaceful keeps closed lovely interested in what I say and do empathic kindness positively	constant attitudes coherent strong character insistent patient persevering even when I fall encourages me to fight for what I want	believes that I can handle it believes in my abilities has positive expectations for my future appreciates my future planes

Respondents' answers to the **second question** describe what appreciate more to the authoritative parent with wich are more affiliated.

All respondents' responses are grouped into **5 keywords**.

Below is presented what summarizes each key word based on respondents' responses:

\*The color means that the descriptive word of the respective key word is used  $\geq 5$  times from the respondents.

Tab.1

Respondents' answers to the **third question** describe the characteristics of their relationship with the authoritative parent with which are more affiliated.

All respondents' responses are grouped into **3 keywords**.

Below is presented what summarizes each key word based on respondents' responses:

Love despite the mistakes	Good communication	Supporting
he/she loves me even when I do mistakes I continue to feel his/her affection even when I am wrong his/her love for me does not change when I do mistakes he/she still cares about me even when I am wrong he/she gives me the best of him/her no matter how things go	considers my feelings considers what I think is a very good listener does not judge what I say respects my way of perceiving things does not interrupt me when I'm talking to does not impose in what I mean	he/she always expresses the will to understand my needs and desires advises me without imposed is always there for me does the best to help me in realizing what I want he/she does not take away from me when I fall

\*The color means that the descriptive word of the respective key word is used  $\geq 5$  times from the respondents.

Tab.2

Respondents' answers to the **fifth question** describe what appreciate more to their closed friend.

All respondents' responses are grouped into **4 keywords**.

Below is presented what summarizes each key word based on respondents' responses:

Believable	Affectionate	Correct	Persistent
I can trust in him/her keeps secrets does not betray me honest I talk freely with him/her	Kindness positively lovely careful	has never lied to me honest does not deal with speculations respects the limits original in what says and does	coherent encourages me never gives up strong character

\*The color means that the descriptive word of the respective key word is used  $\geq 5$  times from the respondents.

Tab.3

Respondents' answers to the **sixth question** describe the characteristics of their relationship with the closed friend.

All respondents' responses are grouped into **3 keywords**.

Below is presented what summarizes each key word based on respondents' responses:

Love despite the mistakes	Good communication	Supporting
he/she loves me and takes care even when I'm in troubles he/she does not go away from me when I do mistakes he/she forgives me when I'm wrong	listens to me whenever I need to talk does not judge what I say respects my thoughts and feelings takes always the positive side of things understands me always quiet not imposed	supports me in everything I know that I have a shoulder to stand on it Is my right arm in what I do Helps me to solve my problems Helps me to do my best

\*The color means that the descriptive word of the respective key word is used  $\geq 5$  times from the respondents.

Tab.4

Now, I am presenting below a summary of the using keywords by the 15 respondents:

Questions	Key concepts	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12	R13	R14	R15

1	Mother	+			+		+			+	+	+			+	
	Father		+	+		+		+	+				+	+		+
2	Believable		+	+	+	+	+	+	+			+			+	
	Correct	+	+			+			+						+	+
	Affectionate	+			+										+	
	Persistent		+			+						+			+	
	Good expects				+							+				+
3	Love despite the mistakes	+	+		+		+	+	+				+			+
	Good communication				+	+						+	+		+	+
	Supporting				+	+						+	+		+	+
4		> 4 years	3 years	>3 years	2 years	3 years	3 years	>3 years	5 years	> 4 years	2 years	3 years	3 years	>3 years	2 years	>3 years
	Believable	+	+				+	+						+	+	
5	Affectionate	+			+	+					+					
	Correct				+								+			+
	Persistent					+					+			+		
	Love despite the mistakes	+			+		+							+		+
6	Good communication					+					+	+		+	+	
	Supporting				+	+										

\*The color means that the key word is used  $\geq 5$  times from the respondents.

Tab.5

## Discussion & conclusions

Referring to the graph 1. we can notice that:

Dominated the adolescents with authoritative parents (15; that have conducted the interview), then come them with autocratic parents (6) and finally come them with permissive parents (4).

Referring to table 1. we can notice that:

The adolescents describe their affiliated authoritative parent as a person that mainly:

can trust in him/her

what he/she says is consistent with what he/she does

does not want to know more than it is

is lovely

is positively

is coherent

when they fall, he/she encourages them to fight for what they want

has positive expectations for their future

appreciates their future plans

Referring to table 2. we can notice that:

The adolescents describe their relationship with their affiliated authoritative parent in this way:

they continue to feel his/her affection even when they are wrong

he/she still cares about them even when they are wrong

he/she respects their way of perceiving things

he/she does not impose in what they mean

he/she is always there for them

he/she does not take away from them when the fall

Referring to table 3. we can notice that

The adolescents describe their closed friend as a person that mainly:

keeps secrets

does not betray them

is kindness

is positively

is honest

respects their limits

encourages them

never gives up

Referring to table 4. we can notice that

The adolescents describe their relationship with their closed friend in this way:

he/she forgives them when they are wrong

listens to them whenever they need to talk

does not judge what they say

understands them always

is a shoulder to stand always on it

helps them to solve their problems

Referring to table 5. we can notice that

The adolescents have a closed relationship with their best friend from relatively 2-3 years and more.

The adolescents appreciate more about their parents the fact that they are believable, correct, affectionate, persistent and have good expects for them.

The adolescents appreciate more about their relationship with their parents that it's characterized by good communication, love despite the mistakes and continuous supporting.

The adolescents appreciate more about their closed friend the fact that he/she is believable, affectionate, correct and persistent.

The adolescents appreciate more about their relationship with their parents that it's characterized by love despite the mistakes, good communication and continuous supporting.

By comparing results of questions 2 and 5 and 3 and 6, we can see that the adolescents have said almost the same characteristics but aligned in different way. We don't know exactly if they are aligned in different way by their importance for them or randomly thinking at the moment.

By comparing results of questions 2 and 5, we understand that the authoritative parents of the adolescents and their closed friend have a lot in common, but the most important characteristic in common is 'believable' (aligned first in the two cases).

By comparing results of questions 3 and 6, we understand that the relationships between adolescents with their authoritative parents and also with their closed friend have a lot in common too, but the less important characteristic in common seems to be 'continuous supporting' (aligned third in the two cases).

Based on the existence of the common positive characteristics and almost the same appreciated ones, we can conclude that the authoritative parents influence positively the relationship between the adolescents and their closed friend.

### Recommendations

Based on the positive relationship that the adolescents have with their authoritative parent and its positive influence on selecting a close friend with positive features and building a friendly relationship for the benefit of the adolescent, we can give some advices to the authoritarian and tolerant parents:

Try to make effective communication with your children, based on freedom, respect and understanding.

Try to put rules together with your children and give them always love, whether they fail or succeed.

Try to leave the needed space to the children to be self-evident and motivated them to express what they feel and think, without imposing them.

Try to be a positive model for them in communication, attitudes and behaviors, so they will have a valid model where to base on choosing people with whom will stay close during their life.

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## Theoretical Approach to Enhance Information Literacy and Lifelong Learning Through Montessori Methodology

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### Abstract

This work is a theoretical proposal to apply the strongest points from the Montessori methodology to improve information literacy through lifelong learning. Since lifelong learning includes cognition and skills, information literacy permits the solving of problems as well as effectively communicating and interacting with the environment. This means having abilities and skills that through adequate training permit the acquisition of new knowledge or improving knowledge on any topic, within a formal or informal environment. It also could permit seeking, managing, and comparing information. However, there are some questions that arise with older individuals. Since lifelong learning usually takes place in informal environments, getting resources to learn may be a difficult task. Learning difficulties also involve information abstraction, text comprehension, and technological barriers. Consequently, lifelong learning and information literacy are likely to be affected. The question comes up as to which pedagogical methodology may fit better for lifelong learning and the acquisition of better information literacy skills. Task breakdown, guided repetition, and ordering activities from simple to complex are essential keys in the Montessori methodology, which help not only older people but also children to enhance information literacy as well as assist with lifelong learning.

**Keywords:** Montessori Method, Information Literacy, Lifelong learning, adult learning, e-learning, MOOC

### Introduction

This article highlights that the Montessori methodology can benefit people in information literacy through lifelong learning. Many literature reviews on information literacy and lifelong learning exist. However, the subject of learning methodologies which help training at different ages is rarely studied. Lifelong learning affects a person throughout their life since it affects to its whole working life. Over time, a person's ability to train both in formal and informal environments decreases. In addition, physiological ability decreases. However, the ability to learn still exists. Thus, it is appropriate to propose a pedagogical methodology to accompany training in later life.

The Montessori model has been chosen for a variety of reasons. It can be observed throughout the scientific literature that the Montessori Method can be applied not only to children in school. In medicine, there are also innumerable cases where it is shown that this method helps people with dementia or Alzheimer's (Lin, Watson, Wu et al., 2011). This indicates that the Montessori learning methodology is applicable in several phases of a person's life. The Montessori Method, in addition to being inclusive, also incorporates learning and improving literacy.

### Objective of the theoretical approximation

This article presents the three concepts together. First, it presents the Montessori Method as a pedagogical model. Second, the concept of information literacy is defined as an ability to select and use information. Finally, the lifelong learning concept is described as a need for training at any age.

Bearing in mind the meaning of each of the elements, this article tries to respond to the following questions:

Q1: Is it possible to carry out a theoretical approximation between the Montessori Method and the concept of lifelong learning?

Q2: Is it possible to approach an online training system adapted for age, which includes information literacy and the Montessori Method, and is applicable to lifelong learning?

### **The Montessori method**

The Montessori Method is a pedagogical learning system initiated by Dr. Maria Montessori in Rome in 1900. The methodology is based on a model in which children learn skills and techniques with a teacher as a guide, through a course tailored to each child. There are many aspects of the Montessori methodology that can be emphasized. However, one of the learnings from Montessori classes is that the lessons that are taught should embody the concepts of brevity, simplicity and objectivity. On the other hand, the role of the teacher changes and they become a facilitator-guide when they observe the actions of the children (Gutek, 2004).

In addition, there are several elements –such as self-education multi-age classes, a prepared environment, and the teacher as a guide – that are necessary within the methodology of Montessori at an early age (Haskins, 2010). Fidelity to the Montessori Method is due both to the use of materials and to teachers' training in this methodology. Otherwise, it is difficult to explain the high commitment to this methodology in US schools. (Debs, 2016).

In the Montessori Method, the students experience a learning itinerary adapted for their measurement. This is both for the student's advantage and to cater for students with exclusion risks or students who need special education. This issue of individualization may be included in sections of inclusive education (Debs and Brown, 2017).

Although all of these concepts are applied according to children through the Montessori Method, in an informal and formal learning environment with adults, it should also be possible to create scenarios using these three concepts. Often, adults are not accustomed to studying; they haven't done it in a while or they just don't have enough motivation. This means that with the passage of time and age, traits appear, such as an inability to comprehend abstraction and limited concentration in reading or mental agility, depending on the type of activity.

Starting from the basis that an adult needs training throughout his or her working life, an option would be to consider the design of scenario training, using the help of the three concepts discussed above. It should be considered that in these scenarios a teacher where its main role is working as a guide must be present and that their work should be based on observation, even if this scenario is virtual.

In this circumstance, it would be possible to design learning scenarios, even in real time. The Montessori Method is a constructivist methodology where the student is at the centre of learning and one of the elements emphasized in this learning is science inquiry (Rinke, Gimbel and Haskell, 2012). However, a translation can be made to adult-centred and customized learning, where the adult also controls the learning time.

In the case adults, they have the advantage of training consciousness. In the information society at present, an adult is aware of the process of continuous training, as well as of their need for such training. This need is caused by not only a personal desire for lifelong learning, but also to improve one's work situation. However, one of the drawbacks is a lack of study or reading habits, which may be because of one's own profession. Another drawback is also the time available for training, even if it is online. Often, time spent with family, leisure or hours of work prevent further training.

It can be deduced that in adults, especially those born between 1953 and 1975, there's a technological gap in digital learning, as from 1980 to 1990—when these individuals were already past their prime education years—there was a large expansion in the prevalence of personal computers. In many cases access to information and computer technologies (ICT) was not an affordable option in that decade, or the learning curve was very high. Also, the adoption of information technologies by this generation is very different from that of people born after 1990. Regarding the use of technology, it is described the trends in different types of software. It is explained ways in which technology enables the Montessori Method to be applied to learning.

Thus, the use of the senses while using the software is particularly based in the use of colours; sense perception is one of the aspects also mentioned in the Montessori methodology (Drigas and Gkeka, 2016). On the other hand, adults who decide to pursue lifelong learning are very likely to be unfamiliar with the Montessori Method (Walls, 2018). This may not necessarily influence a person's training, but it can help to improve information literacy.



In early ages, a low or poor literacy can be attributed to several factors, such as a low income (Lloyd et al, 2017). However, it can also occur among adults who have not had a compulsory basic education or who have stopped reading or writing regularly. Also, the fact that they have not experienced training for a long time implies that reading or writing could also worsen any previous level of literacy originally acquired.

A person's motivation for self-training relies on factors such as independence and autonomy. Thus, it has been observed that when pupils of schools have more autonomy, they are more intrinsically motivated. They also possess high levels of independence and trust, and this level of control improves after their academic career (Fraumeni-McBride, 2017).

Other authors have conducted a review of the literature in Medline on the Montessori methodology applied to dementia. Their findings are that, in older people, the Montessori Method is not only a beneficial action, but also complements other non-pharmacological interventions (Soares and Martin, 2012). Other authors also did research on the difficulties and advantages of teaching geometry with an approach to the Montessori Method. Because of that, the authors employed the Montessori Method as an inductive way to determine if participants used Waray, a language spoken in the Philippines, with indigenous terms instead of English (Oyzon et al., 2014).

Nowadays there are many learning opportunities, both online and in-person, it is worth keeping in mind that the figure of the teacher-guide is very different in a classroom environment compared with a virtual environment. In the classroom environment, there is physical contact and the adaptation of specific training itineraries seems to be easier. However, in a virtual environment, adapting technology to the observation method can be performed with actions within a portal, depending on the desired goals.

### Information literacy

The issue of defining the concept of information literacy is confusing, as there are many types of literacy. Several concepts of literacy are digital, functional, visual, and cultural literacy, and different definitions of these can be found in the literature (Bawden, 2001). However, in this case it is necessary to connect with a pedagogical model, like the Montessori Method, with the skills that are then generated through the information literacy organisation. One example involves the selection of information.

On the other hand, a model of information competencies can be designed or redesigned with even better competencies, pairing the type of information literacy with a pedagogical model that supports it. Information literate people are those who have learned how to learn and know how information is organized. Information literacy includes the ability to find information and know how to use it so that others can learn from it (ACRL, 2017). Information literate people are also prepared for lifelong learning because they always find the data they need for each decision they make.

The person who learns requires certain skills and attributes to make learning fruitful (Candy, 2002). Information literacy has many definitions. However, these have many points in common. These points are effective information-seeking, informed choice of information sources, information evaluation and selection, comfort in using a range of media to best advantage, awareness of issues to do with bias and reliability of information, and effectiveness in transmitting information to others (Webber and Johnston, 2000).

However, it is important to differentiate between information literacy and digital literacy. Both are not the same. Regarding digital literacy, the four competencies of digital literacy are the search for information on the Internet, hypertext browsing, knowledge assembly, and content assessment (Bawden, 2008). The rise of the use of smartphones as a tool for everyday use has made it easier for people to have access to information. However, there are still many issues for both adults and younger generations.

Take, for example, the distinction between false news and the truth. It is also necessary to differentiate between the technique of information retrieval from an electronic device and the selection of an appropriate source of information. These are contexts in which, although young people have easy access to information, many are not yet able to discriminate as to the quality of that information. These are aspects that young people have easy access to, although they are not yet able to discriminate in many cases. Therefore, literacy skills need to be improved, regardless of whether the model requires digital or information literacy.

It is more and more necessary not only to own information but also to know how to use it, especially information searched on electronic devices like mobile devices. Dependence on technology to manage information increasingly requires the design of strategies to help improve information literacy.

In a global society, it is important for a learning methodology to be present and to have proved its effect in a given target population. This fact is important because the right information use makes the citizen a knowledge generator in the long term. This generation of knowledge should then have a later influence in the economy. If the information is used to innovate and create new products, it thus can produce subsequent economic growth (Catts and Lau, 2008).

Moreover, the great abundance of information in many places, not only on the Internet, produces cross-relationships among the competencies and skills of different literacies. As an example, if a person speaks multiple languages, he or she can search, select, and retrieve in several languages in a totally different way. This leads to interrelationships among information, digital, and cultural literacy.

### **Lifelong Learning**

Lifelong learning arises from the need in a globalized environment to be informed and to adapt to constant change in one's working or personal life. In the future, people who learn will not be bound by any geographical location. In addition, the tools they need for learning should be highly portable, individual and unobtrusive, adaptable, persistent, useful, and intuitive (Sharples, 2000).

Other authors also express the correlation between information literacy and lifelong learning. This means that the better one's training in information literacy, the better use one will make of tools throughout one's life.

One of their research areas of CRELL (Centre for Research and Education for Lifelong Learning) is adult skills and adult learning in lifelong learning. In its report, it is stated that in certain European countries, lifelong learning has relevance for adults in the formation of social trust (Da Costa et al., 2017).

In addition, other factors are considered that also influence lifelong learning, such as educational past, disability, level of income, cultural aspects, and even religion. (Rahanu et al., 2000)

### **Approximation to the theoretical proposal**

Adults today have more and more problems related to information abstraction or retaining information they have learned, understanding texts, or simply accessing new technology. Thus, the selection and design of training itineraries according to age is made more and more necessary. There is also a need for an individualized plan. Participants in online training do not always have the same knowledge or education background. Training for an 18-year-old adult is not the same as for a person of 55 years old who may not have read or written for a long time. In this case, vocational training or training for personal needs is required.

To make a theoretical approximation between the Montessori Method, information literacy and lifelong learning, it will be considered especially progression over time. In an online training environment, access to resources is unlimited because the information is online. However, the time available for training is not unlimited.

That is when concepts of information literacy and the selection of information need to be formed. If the environment is formal, this information will become defined. However, in informal training environments, the selection of information requires previous analysis. This previous analysis depends on the background education.

It seems logical to think that a person who is in a virtual training environment, before starting the course, will perform a pre-knowledge audit of the contents they are going to study. This audit could include issues such as reading capacity measurement, technological ability, abstraction capacity, and other issues that may be affected by age. Depending on the result, training paths suitable for each person's capacities can be created. If we think of a virtual environment within a platform such as a MOOC (Massive Open Online Course), one can perform this audit by signing up to a course.

One of the big problems in a MOOC is the high rate of participant dropout (Belenger and Thornton, 2013). Reasons for this include low interaction with the teacher or participation in an online course purely for entertainment. However, with the proper methodology, the dropout rate can be reduced. In addition, when a training scenario is proposed with formal or informal training online, consideration is often not given to the diversity of the students or their capacity to finish the course.

It is certainly true that the concept of motivation is difficult to measure through a qualitative or quantitative methodology. However, other aspects can be measured, such as the level of prior knowledge or the willingness to acquire new skills. In addition, some MOOCs involve formal training, with starting and ending dates and a teacher in charge of the course. But there also are MOOCs that are offered as educational resources without any teacher in charge.

In this scenario, an audit of prior knowledge makes sense, so that customized learning paths can be assigned according to the capacity of the enrolled student. This can be done with a teacher who acts as a coach according to the Montessori Method or with intelligent analysis software in the case of a MOOC that is presented in the form of an open educational resource. This means that – if applying a Montessori methodology with the concepts of brevity, simplicity and objectivity – a person who is enrolled in a MOOC could take longer to acquire knowledge according to age or could perform the same training at different times. When applying an adult-centred model, the modules could be applied according to actual knowledge.

In case the option is to use knowledge analysis software, the software itself could make determinations according to the results of the audit of prior knowledge. This could define the information literacy level of a person. Adaptation of learning materials should be done according to age. Thus, it is possible to find software that employs themes with different colours, typefaces, or images, each appropriate for different ages of users.

At a conceptual level, modules targeted at young people could become more complex by applying the same concepts to an older age group. Usually, in a MOOC course, there is an intervention by a teacher, because they have specified dates for the completion of milestones. Therefore, the teacher tends to be virtually present in the development of a MOOC.

## Conclusions

A theoretical model has been proposed to approximate the Montessori Method for information literacy and lifelong learning. It is certainly true that the Montessori Method is not the only pedagogical method, but it has been tested at different ages with positive results. In future work, the creation of online materials inspired by the Montessori Method will be considered. User testing of educational materials based on the Montessori Method will also be considered, and testing among different population groups will be necessary to consider which kinds of materials can be better adapted to specific targeted students.

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## Organizational Communication-the Importance of Communication Strategy in Times of Crisis for the Organization

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### Abstract

Crisis is a circumstance in which the organization can not function normally, hindering the achievement of its objectives and threatening survival. When a crisis occurs, there is uncertainty, stress, panic and confusion among management, employees, and the public. This makes it difficult to make the right decisions, while the organization is involved in a crisis. Organization management requires skills to predict the possible crises and weaknesses of the organization, planning strategies to respond to potential crises scenarios, skills to identify early crises, and provide rapid response capacity. When a crisis emerges, strategic communication becomes a key crisis management function. The way an organization communicates or does not communicate with the target audience during the crisis will have a decisive effect on the outcome of efforts to overcome the crisis. Every crisis is different, so it is difficult to predict anything that can happen in an organization. Crisis-based communication strategies are essential for any organization in order to be prepared for taking measures in the event of a crisis and thus preventing the formation of negative publicity and other negative consequences for the organization.

**Keywords:** *communication, crisis, communication in crisis, media, public relations, strategy.*

### Introduction

#### Theoretical framework

#### Organizations characteristics

Undoubtedly, each organization has its own characteristics that differ from other organizations not only in its field of action, but there are many elements that are characteristic of organizations. From this fact, we can conclude that organizations have their own specifics even when in difficulty or internal crisis. What causes such a situation, what should be the measures to be taken, and how to manage such a situation to overcome these difficulties, and return to normal functioning of the organization.

The organizational structure is characteristic of the organizations because it organizes, delegates and performs the work within the organization. An efficient and interoperable structure would be a greater opportunity to succeed, but not only so, because the efficient structure would enable employees to be more satisfied and motivated and not have misunderstandings about the work they do. Meanwhile, organizational culture is characteristic for each organization because each organization has its own culture, and this is unique, although there may be organizations that have the same activity but still have a different culture. This can be illustrated with different examples, one of which could be, if we make a comparison between members of a family, despite having grown together and living, still each has its own culture, and it is shown in its own way, and this manifests itself in relation to others, the same applies when the organization goes through the crisis, where each member manifests it in a special form and manner.

#### The impact of organizational culture on the organization life

Generally, each organization has its own culture, which it is distinguished from others, but the issue is deeper and more complicated, because we are dealing with human resources i.e. its employees who have their own culture and intellect and the issue becomes more sensitive and should be given special importance. Initially it is thought that an organization has a single culture that is distributed throughout the organization. In reality, there may be multiple cultures within any given organization. For example, people working in the sales department may have a different culture from what people in the

store can have.<sup>1</sup> A culture that appears within the different departments, branches, or geographic locations is called a subculture. While there are a number of sub-cultures within an organization, this makes it even more difficult for a crisis situation for the organization, because people with different cultures and formations react and act in different ways and may create problems in the process of responding to the created state.

Research has shown that employees' perceptions about subculture were related to employee engagement towards the organization (Lok, Westwood, & Crawford, 2005).<sup>2</sup> Therefore, in addition to understanding the values of the wider organization, managers will have to make an effort to understand the values of subculture to see its impact on the behavior and attitudes of the workforce.

### **Organizational conflicts or organizational crises**

There are dozens of definitions written about the concept of conflict. The most widespread are: Kenet Bolding: "Confronting situations in which the parties see the disagreement of the potential future positions and in which each party wants to remain unmanageable with the desire of the other." Morton Dojic's brief definition: "When there are two contradictory opinions about one issue, this is a conflict."<sup>3</sup> In each conflict, we distinguish three basic phases:

- The emerge of conflict;
- The reaction (what is do after its emerge) - act as if everything is under control, make concessions, silence, cry, go to superiors, hit or speak nervously, complain, laugh as if nothing had happened, talk, agree to talk and so on;
- Consequences - stress, relief, escalation, reduction of tension, solution (good or bad), touched feelings, etc.<sup>4</sup>

The term "conflict" does not make sense. Much of the confusion is created by researchers of various disciplines who are interested in studying the conflict. Fink (1968), in his classical revision, has illustrated an extraordinary thing, changes in the definitions of conflict. He discovered a number of specific definitions, interests, and a variety of general definitions that strive to be inclusive. In the organizational field, Mars and Simon (1958, p. 112) consider the conflict as a breakthrough in standard decision-making mechanisms, so that an individual or group experience difficulties in choosing an alternative.<sup>5</sup>

On the other hand, Pondy (1967) has argued that organizational conflict can best be understood as a dynamic process based on organizational behavior. This is a very broad definition that excludes very few things that arise in a group or individual. Tedeschi et al. (1973) take a middle position, defining the conflict as "an interactive state in which an actor's behaviors or intentions are to some extent incompatible with the behaviors or intentions of any other actor". It is understood by their exposure that "actor" refers to any social entity, from the individual to the corporative organization. Smith (1966) also takes a similar approach and defines the conflict as "a situation in which conditions, practices or goals for different participants are essentially incompatible." Another definition of conflict is "a kind of behavior that occurs when two or more parties are in opposition as a result of a relative deprivation perceived by activities or interaction with another person or group" (Litterer, 1966, p. 180).<sup>6</sup>

The distinction between the two last authors in determining the conflict is that while Smith considers the conflict as a situation, Litterer considers it a kind of behavior. However, both authors and Tedeschi et al. consider conflict as a result of incompatibility or opposition to goals, activities or interaction between social subjects. Baron (1990, see also Mack & Snyder, 1957), after reviewing a number of recent definitions of the conflict, concluded that although they are not identical, they overlap in relation to the following elements:

1. Conflict involves the opposite interests between individuals or groups in a zero situation;
2. Such conflicting interests should be recognized for the existence of the conflict;

<sup>1</sup> <http://open.lib.umn.edu/organizationalbehavior/chapter/15-3-characteristics-of-organizational-culture/>

<sup>2</sup> Lok, P., Westwood, R., & Crawford, J. (2005). Perceptions of organisational subculture and their significance for organisational commitment. *Applied Psychology: An International Review*, 54, 490–514.

<sup>3</sup> Todorov, Antonij, Kanev, Dobrin, Angelova, Ilija, "Menaxhmenti politik", Shkup, 2009, pg.97.

<sup>4</sup> *Ibid*, pg.97.

<sup>5</sup> Rahim, Afzalur, M., "Managing conflict in Organizations", Londër, 2001, pg. 17.

<sup>6</sup> *Ibid*, pg.18.

3. Conflict involves beliefs on either side that the other will hinder (or already hinder) its interests;
4. Conflict is a process; it develops from existing relationships between individuals or groups and reflects their past interactions and contexts in which they occurred; and
5. Actions by one or both parties, in fact, produce obstruction to others' purposes.<sup>1</sup>

### **Conflicts within the organization**

The most common chances of having conflicts within the organization are when the organization has changes that affect employees' interests. There will be no conflict when no new decisions are made when there are no changes, and that is a state of organization. Conflict is not a tangible phenomenon. It exists in the minds of the people who are their participants. People emotionally enter conflict. It stems from their role in the company's functioning process.<sup>2</sup> Which means that the fear of change, eventually the loss of position and benefits that it uses, can lead to a conflicting situation with the manager or the owner of the organization.

Conflict represents a situation in which intentions, attitudes, emotions and incompatible behavior lead to disagreement or controversy between two or more parties. It occurs when goals, values or events are perceived as contradictory by two or more parties.<sup>3</sup> Conflicts are the result of a certain behavior. The manager's duty is to create an organizational climate that will create healthy relationships between employees without the existence of conflicting opportunities. Today, conflict is seen as an inevitable phenomenon that can have positive and negative effects on the company's functioning. Therefore, the role of managers is not to prevent or eliminate conflicts, but to resolve them.<sup>4</sup> Many organizations have compiled a Code of Conduct and Ethics, with a view to providing employees with a clear indication of how they behave and collaborate within the organization. Depending on the organization's functioning log, these codes are more rigorous and are fully implemented.

Given the fact that organizational conflicts exist and have different effects on the functioning of the company, but also for the employees, it imposes the need to review the content of the conflict, in its definition, the selection of the types and causes of the organizational conflict, and the processing strategies for solving them.<sup>5</sup> According to some definitions, the conflict is a state of disagreement between the manager, the workers and the organizational units in the performance of the work.

The other definition of conflict says that it is a phenomenon due to the simultaneous existence of opposite interests of different behavior between two or more parties. The third definition shows that conflict is a dispute between two or more groups that derive from the discrepancy between goals, interests, and values. This is a normal phenomenon given the fact that organization is made up of differences, i.e. individuals who are distinguished among themselves.<sup>6</sup> This can even be understood in this way where there are differences, there is also incompatibility of thoughts, ideas and as a result there may be disagreements and conflicts.

### **Types of conflict within the organization**

Insufficient organization of work and inadequate management system leads to the appearance of the attack of the interests of certain groups and individuals, does not cooperate, loses the work discipline, has no work responsibility that is the basis for the conflict.<sup>7</sup> Also, coverage or blocking the flow of information or giving incomplete or untrue information can also lead to conflict in the organization. When there is a lack of adequate information in an organization, there are phenomena of informal unions and objections.<sup>8</sup>

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<sup>1</sup> Ibid, pg. 18.

<sup>2</sup> Postolov, Kiril, Drakulevski, Lubomir, "Organizimi", Shkup, 2010, pg. 100.

<sup>3</sup> Kasamati, Mimoza, Manxhari, Mimoza, "Šjellje organizative", 2002, pg. 295.

<sup>4</sup> Postolov, Kiril, Drakulevski, Lubomir, "Organizimi", Shkup, 2010, pg. 100.

<sup>5</sup> Ibid, pg. 100.

<sup>6</sup> Postolov, Kiril, Drakulevski, Lubomir, "Organizimi", Shkup, 2010, pg. 101.

<sup>7</sup> Stamenkovski, Aleksa, Jaqovski, Boshko, "Komunikimi Afarist", Shkup, 2011, pg. 138.

<sup>8</sup> Ibid, pg. 138.

Starting from the types of conflicts, we begin with conflicts or confrontations with oneself or as interpersonal conflicts are known, then we pass into conflicts or employee relationships between ourselves, and then with the relationship with the manager and the management. Under the conditions of the parties involved in the conflict, we can distinguish the following types of conflicts:

- intrapersonal, interpersonal, intragroup, intergroup, and intra-organizational, inter-organizational conflicts.<sup>1</sup>

Intra-personal conflicts are conflicts that the person has with itself. These conflicts arise from individual characteristics and manifestation. Interpersonal conflicts are those conflicts that arise in relationships with others. Usually these are conflicts that occur as a result of goals of disagreement of goals and activities that a person has and do not respond to the goals and activities of others.<sup>2</sup>

Intragroup conflicts arise within the group. They manifest themselves as a conflict of roles, conflict of outcome, and conflict with iteration - interaction. According to the conflict of roles, it means when a person in the group performs the work of another person from that group. There is a conflict of outcome when some of the group should make a decision that is in opposition to the other members of the group. And, in the end, the conflict of interaction is when the success of the work is attributed to itself, while the failure is presented as a result of others not working.<sup>3</sup>

Intergroup conflicts are the result of group identification, clear group differences and - frustrations. The identification group means that employees identify the group they belong to. The visible differences of the group can be manifested in different forms - grouping of different floors of enterprises - pursuit of different schools and more. Frustration – it is usually a result of a situation when a group reaches their goals, while the other group is unable to reach such goals. Intergroup conflicts are created in relationships with other groups and can be horizontal and vertical. Horizontal conflicts occur at the same level of conflict between the technical sector and the marketing sectors are a form of this type of conflict. Vertical conflicts occur between different hierarchical levels and usually relate to issues related to control, power, goals, and wages and benefits.<sup>4</sup>

Intra-organizational conflicts arise within the general company. And, finally, inter-organizational conflicts arise between different companies in the market. This is the result of creating interest groups and groups in the market, competition for resources, customers and suppliers.

## Conclusion

In the process of conflict management, it is possible to apply different strategies. Selecting the relevant strategy is determined by the type of conflict, and the outcome is to be achieved in conflict resolution. Then, they must try, except to choose the conflict but also to eliminate the reasons used as sources for the emerge of the conflict. In this process of conflict resolution there will be problems that need to be solved. If it is a constructive conflict, it should be helped to this point until it is proven that one side is determined to be a destructive conflict or even adversely affect the work environment and employee health.<sup>5</sup> Avoiding problems that lead to conflict is possible with the use of indirect and direct strategies. Indirect strategies include the following:

- creating of a standardized reward system;
- better organization of work;
- involvement of low management structures, decision-making in top management
- creating a sense of mutual respect and trust.

The measures mentioned are called indirect methods of conflict resolution because they do not go directly with conflict participants but pull back reasons that lead to conflict. In direct methods that apply to resolve conflicts - we can mention methods of avoidance, mitigation, compromise, confrontation, negotiation, mediation and arbitration. By avoiding the

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<sup>1</sup> Postolov, Kiril, Drakulevski, Lubomir, "Organizimi", Shkup, 2010, pg. 101.

<sup>2</sup> Ibid, pg. 101.

<sup>3</sup> Ibid, pg. 101.

<sup>4</sup> Ibid, pg. 101.

<sup>5</sup> Postolov, Kiril, Drakulevski, Lubomir, "Organizimi", Shkup, 2010, pg. 104.



problem is ignored in the hope that it will disappear. Mitigation involves minimizing the conflict, making things go well. Compromise means the case when both parties make deals and there are no winners and losers - defeated. Confronting is reaching agreement or solving the problem. Co-operation negotiations mean the resolution of direct conflicts with the participation of the contradictory parties. Negotiation is done through mediation through a third party whose job is to help the confronting parties to reach an acceptable solution. Arbitration involves the third party in conflict, which confronts the parties with a certain outcome and tries to resolve it correctly.<sup>1</sup>

It is now clear that based on our disposition in relation to the conflict, it is very important during our reaction to the ability to communicate in conflict situations. But here we will mention:

- a) Specificity of effective communication from assessment;
- b) Effective communication elements.

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<sup>1</sup> Ibid, pg. 105.

## Laws and Their Inaction with Socioterminology - The Case of Urban Terminology

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### Abstract

The introduction of new terminology into laws requires a change of mindset of institutions and law enforcement in general. The fact that for years we have learned to use a specific legal base and a specific planning language, becomes a barrier to accept and apply a new law. If a law appears to improve something, its radical terminological change becomes a barrier for further development as the written language should correspond to an actual physical action. It is important to understand and analyze the complex process of acceptance / rejection of terms or phrases and the emergence of new words. Certain words acquire general acceptability over time through the process of their use by academicians, administrators, policy makers etc. A failure of words leads to the increase of the cost at the expense of the Albanian citizens. The development and the draft of the laws should be supported by specific linguists and it should consider studies on socioterminology. The terminology, as a means of speech and transmission of special scientific and technical notions, is created depending directly on the development of science and technique. All the processes of the scientific – technical revolution are reflected in the creation of the new technology and the complicated processes of the previous terms' transformation.

**Keywords:** law, terminology, socioterminology, language, development

### Introduction

Terminology, just like language in general, alters, develops; the development of various areas of human activity conditions the continuous change and development of the system of terms. Thus, terminology, as a means of speech and transmission of special technical and scientific notions is created depending directly from science and technology's development. All the processes of technical and scientific revolution are reflected in the creation of new technology and the complicated processes of the previous terms' transformation.

Generally, in terminology, to a certain extent, the conscious action of specialists and linguists is clearly noticed. This conscious action stands on the work being done to select the terms, to select the means and the ways of creating terms, to establish the specification of their understanding, etc. All of this work aims to:

In all areas, every term should denominate only one specific notion and, vice versa, every notion should have a term as a denomination.

The term should accurately establish a specific notion by expressing its core and

To be short and simple.

### Terminological system

The work done with terminology has various contents which depend on the area of science or the relevant technique.

The simplest aspect is the creation of terms so as to complete the system of scientific denominations in the relevant area. For the creation of terms which are missing, we use:

- a) words of the general language or its dialects;
- b) words copied from foreign languages,

- c) borrowings, when it is not possible to use for the denomination of a native language word and
- d) new terms to create based on the word of the native language or on the way of the alteration of words' meanings known in the language, on the way of denomination passage, with the lexicon – semantic formation. The creation of terms, is generally a conscious linguistic activity and thus it is directed and undergoes adjustment.

The terminology adjustment of an area is the second aspect of the work with terminology and it stands in its cooperation and unification in accordance with the level of the knowledge achieved in that area. Because of this, we make the analyses of the notions' origin and, under this, we establish the directions and elaborate the principles on which we will work. The shortcomings we mostly encounter in terminology are:

- a) From a semantic viewpoint, the presence of multi meaning and synonymy.
- b) From a word formation structure viewpoint, terms not correctly created, which do not accurately give the scientific notion or terms with a broad structure and not convenient in use; and
- c. Towards the purity of terminology we notice foreign terms which have come without a criterion or necessity.

### **How to build a terminology**

To build a coordinated and unified terminology, we mainly work in two directions.

Firstly we outline a system of technical and scientific notions, we discover links between these notions, clarify their content through definitions and classify them, so as to allow the technical – scientific concepts to be seen in their development.

Secondly there is the analyses, the evaluation and selection of the terms which these notions denominate. Starting from the principle that terminology of every discipline should represent in itself a system of terms that correspond to the system of the notions of this discipline, in the analyses they make of this terminology, researchers notice to what extend the terms respond to the notions, to what extend the existing terms respond to the requirements each term should fulfill as a part of a certain terminological system from the perspective of a systemic character, accuracy and brevity.

On this regard we make:

A detailed study of the term's semantics aiming not to have two or more items for the same concept or to use a denomination for two or more notions;

A study of the term's structure; we review and select terms formed correctly, on the material of mother tongue, we fix terms which are not formed correctly and do not provide accurate scientific notion. Also we review, if possible, fix even the terms with a broad and inappropriate for use structure;

The study of word formation of the terminology system of that area which leads to the selection of the most specialized ways and models to express just in one meaning the special notion and to remove the various models which could be used. By the study of word formation we clarify the ways through which we make the completion of this terminology with new terms

No use of foreign terms which have entered with no criterion in our language and replace them with terms formed on the bases of mother tongue.

After the analyses of all these principles and work criterion we follow to analyze the terminology of different areas, the question arises: how a terminology is concretely developed and are there any factors which influence or have influenced in its current situation. Should we analyze the long list of written materials where we encounter terms, we would notice that apart from the dictionaries, we encounter terms sorted and explained in the state laws. When we talk about laws, we talk about common rules for a social group and these rules require to be followed, willingly or unwillingly. But what happens to the terms which are part of these laws? Or do the following terms and their use constitute a law in itself? Terminologists are brought to the fact that these terms, with the passing of a new law, simply show up and no one would need to know whether they are elaborated and studied according to the several criteria that are necessary to preserve the authenticity and identity of a language. To notice the development of a terminology we have chosen to see the development of an area as the one of town planning or urban planning and its laws so as to understand how this area's terminology is involved in the course of these changes.

## The legal framework of territorial planning in Albania

The current prevailing concept in Albania in terms of development of the territory is still far from modern concepts formulated and implemented in the European Union countries. Albanian legislation contains a set of laws which define rules for particular areas and issues related to the concept of space development, such as the environment and natural resources, including land protection; economic activity; cultural heritage; urban planning; public safety. Although some of these laws may include rules and advanced European models, seen in the whole and in interaction, in view of space development it fails in a coherent and comprehensive treatment of this concept.

However, now Albania has made its choice to integrate in the European Union and it is rapidly progressing on the path of alignment with "acquis communautaire". Through this difficult process and with the help of European Union, Albania will adopt the norms of other European countries and will contribute with its own voice in the development of the Union. The new Albanian law No. 10119 "On territorial planning" clearly recognizes the need for harmony with the European norms and the standards in planning. Moreover, the law includes two major guiding principles of territorial planning in the European Union:

- The principle of sustainable economic and social development, which provides for existing and future generations a high-quality environment, balanced and harmonious economic development, economic and social cohesion, the rational use of natural, human and material resources, development and preservation of natural and cultural heritage;
- The principle of transparency, which ensures that the planning instrument is developed and approved through an active information, accurate and timely, through consultation transparency and participation of the interested pairs and the public to protect their interests in the course of the planning process.

## Brief history of urban development in Albania

Albania has a complicated history of troubled spatial/urban planning dating from the last century (1950 and beyond), and which has experienced a dramatic transformation due to the change of the political and economic regime in 1990. Planning, by definition, is closely linked to the political, legal and administrative systems. As a result, the planning system has experienced a drastic transformation after the change of the political and economic regime in 1990, a change which was also accompanied with an important linguistic change.

Thus, in the 1945 – 1990s, Eastern Soviet architecture style and urban planning according to this style were dominant in all urban territories. The main instrument of "urban planning" at that time was "The regulatory Plan" for the towns or countries. Architecture, as well as the relevant terminology were extremely standardized and unified (the same models repeated all over the place) and very poor in the aspect of space quality. The terminology dictionary of architecture in Albanian and foreign language was published in 1978. Regulatory Plan was a very rigorous instrument which aimed to show the location of town buildings and their use. More than a planning instrument, it was an instrument for the government "to determine the distribution of its power in the territory", in support of section centralized policies. In the period of communism, Albanian urban planning also inherited urban structures of modern European architecture, the one of the Italian rationalism of MIAR (Movimento Italiano di Architettura Razionale). Besides various construction achievements, the country inherited by the Italian rationalism even a variety of urban plans and studies. Surprisingly the Italian influence in this sector, the terminology of the area preserved in itself thoroughly Albanian terms or created with Albanian suffixes or prefixes. This also thanks to the work done at the time by the Albanian Institute of Language and terminology for the preservation of the mother tongue. The Albanian architectural world of those years in addition to its national bed of modern architecture, recognized the modern phenomena which passed into architecture even the other countries of Eastern Europe.

The change started in 1993 when the Parliament approved law No. 7693 "On Urban Planning". This law has been changed three times during 1994 – 1997 and in 1998 the government approved a new law "On urban planning" (no. 8405) and consequently A Urban Planning Regulation (approved by the Council of Ministers). Both laws, in principle, aimed (39) to "establish general rules for the country and the architecture of the structures". The second law (changed over 10 times within a decade) brought some improvements compared to the first one, but yet it did not manage to advance in principle and recognize rapid changes which occurred at that time in the territory. Two important factors which this law did not take into account were:

- 1) The phenomenon of illegal construction in the suburbs spread quickly in all major urban centers along the west coast of Albania;
- 2) Transfer of property from state to private ownership.

However, the law for urban planning and the mentality of public officials connected to the planning and managing of the land, did not take notice of its effects for a long period of time. As the term "planning" is a concept which is intertwined with economic interests, environmental and social aspects, limiting the area, so as to make possible the study of it, has its own difficulties, from a linguistic and a technical viewpoint.

On 23 April 2009, the Albanian Parliament approved law no. 10119 "On Territorial Planning". The law in itself is considered a framework law (44), (Framework laws give legal principles without attempting to be specific) whose implementation would thoroughly depend on bylaws and relevant regulations.

Since 2009, 7 bylaws have been prepared and at least 1 – 2 others are expected to be prepared. The law came fully into force on 30 September 2011. The new law, compared to the old one, brought a completely new concept in the way of planning, thus even a drastic change of the terminology of the area. This change came as a result of taking into account laws from different countries of the European community, for the elaboration of the new Albanian law. The new terms, along with the relevant concepts took so the state seal in Albania.

### Basic concepts revolution

Albania passed from the law of "Town Planning" to the law on "Territorial Planning". The change of terms from "town" to "territorial" radically changes the spatial concept. If for the individual the town consisted of a border which they had to pass whenever they got into or out of it, now we no longer have a similar border because the concept has extended in various ways so as to create "urban areas" or "urbanized areas". In this way we notice a sensitive approach between the town and the country as with this concept, the administrative services of the state theoretically do not recognize borders. I say theoretically because this terminology is practically difficult to conceive. An employee of the administration who has lived his entire life in the city, finds it difficult to provide a specialized service for that category of people who find it difficult to understand the realities of the cities because of the distance which has always kept them away and because the administration of the verbal form has always been more important than the administration through written documents. This is the evidence of how the change of terminology can be dangerous for the simple fact that it leaves "several fish without water" when it comes to immediate civilization.

It is a clearly accepted fact between actors, even institutionally, that law no. 10119, dating on 23.4.2009, "On territorial planning" 22, is a legal instrument, which does not only completely contrast from the previous legal instrument on town planning 23, but above all it forces you to move in unexplored conceptual and practical trajectories. These trajectories can be widely tested, but still really new to Albania, and moreover, not in accordance with the existing capacities. So, whether reform or not, one of the important steps of what is happening with spatial planning in Albania is changing the legal bases, passing from a law of "traditional town planning" (with rules about the setting and architecture of the buildings, and the protection of the legitimate interests related to private property), into a law which not only considers the constructions, but the whole territory, and it does not talk just about rules, but the "planning" and "development". The changes which exist between the two legal bases of the territory and town planning, are evident since the first chapters of both relevant laws, where they introduce the aim, the objectives and the basic principles. The territory law is different from the town planning one as it enables planning not to stand alone in the "general rules for the building's setting" on urban land, but to consider it with all its multi dimensional character and in all parts of the territory. Local planning instruments, proposed by the territory law should cover the entire administrative territory of the municipality or the relevant commune, despite the urban, rural, agricultural, natural character that this territory might have (article 27). Also, the territory law does not stop with the "planning", but it pays significant attention to the "territory development" and its "control".

An important conceptual step of the territory law, in contrast with the town planning law which states the preservation of legal interest regarding private property, is that it does not differentiate private and state land, but it sets rules for reasonable use of the land and it establishes the ways these rules should be applied. These rules aim to balance public and private interests and change the local authority from a follower of the private initiative to a leader of the development and establisher of the lines in which private initiative thrives and develops. Particular instruments of the development's control come as a

way out of the form of land management only through acquisition and compensation. The law goes far beyond determining the framework for these instruments, meanwhile it just mentions as a definition the concept of "the right to development".

### **The pragmatic aspect of terminology development**

The right to development, though not sufficiently addressed in the law to understand why it is an important instrument and how it is used, is a key concept. It seems as if the law of the territory has been afraid to express loudly that the right to develop the territory, so to build, is established, granted or conditioned by the public interest, and the representative of the public interest is the local or central planning authority. It might be because during these 20 years of transition in Albania, there dominated the statement that "the property is mine and I can do what I want with it". At first glance, one might assume that the real rights to land are affected. In fact, the intensity of construction, as a practical indicator of the right to develop (Juergenmeyer et al., 2003), once the various institutions, under their authority in the territory, define or prohibit it to accomplish through a series of laws and principles, that is not a real, but a virtual right.

Article 1 of the Protocol of European Convention on Human Rights defines generally that "property can't be taken away except for public interests and in accordance with the conditions specified in the law and in the general principles of international law". Further, this definition is supplemented by the fact that "the foregoing shall not preclude the right to apply laws which control the way of property handling, in accordance with the general interests". So, according to this Convention, the choice for every country is open and in fact law no. 7850, dating 29.7.1994, "Civic Code", altered, in its article 160, delegates it to planning instruments and therefore the relevant law for space planning the right to regulate the actions of territorial development. So as long as in our legal bases (no. 10119) we formulate the meaning of "the right to development" = "construction intensity and land use", and also determine that planning authorities allow, deny or condition "the construction intensity" and "the kind of land use", then we have selected a variable, transferable "right to development" and subject to simultaneously market and public rules. So, even at this point, the territorial law should not have been complex to be linguistically and practically more accurate.

The new law has introduced the concept of "Territorial Registry" as one of the means to establish the foundations of sustainable development in the territory. The Registry, by law, is a multidimensional database in the geographic information system. This really technological way of keeping and administrating the information over the territory is obviously valuable in the process of territorial planning and development, but it is still far from the current logistic and human resources' capacities to apply it.

### **Conclusions**

The introduction of new terminology into law requires a change of mindset of institutions and law enforcement in general. The fact that for years we have learned to use a specific legal base and a specific planning language, becomes a barrier to accept and apply a new law. If a law appears to improve something; its radical terminological change becomes a barrier for further development as the written language should correspond to an actual physical action. A failure of words leads to the increase of the cost at the expense of the Albanian citizens.

The processes of science and technique globalization in various areas as the area of town planning which we analyzed up above, are ceaseless. So are the various terms which are introduced to the Albanian language. It is evident that their Albanisation and standardization cannot wait. One of the most important tasks, but even difficult, that has to do with the standardization of every terminology, is making use of well – defined and well – established terms. These terms should be used unanimously to all documents, be they legal, administrative or scientific.

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## About the Discourse of the Necessity of Military Intervention in Brazil for the "Restoration of Order in the Country": Analytical Notes

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### Abstract

In this work, based on the analysis of the French orientation discourse, we aim to reflect on a discourse that is becoming increasingly common in Brazil: the request for the Armed Forces to take control of the country by force. Although a recent past full of suffering, death and torture stamped the pages of the history books when telling about the Military Coup of 1964, research indicates the support of more than 40% of the population for a supposed military intervention in Brazil in 2018. In a quick survey of major newspapers in the country and in social networks, we noted that often some statements are associated with the demand for seizure of power, such as: "We are going to sanitize the country", "establish order", "in the name of God and the family, Brazil will be a serious country". Such relations between this "semantic universe" makes us question whether there is a discursive "order" that governs and sustains this need for military intervention in Brazil. Therefore, we will use a theoretical-discursive approach based on the concepts of Alice Krieg-Planque (2016), Dominique Maingueneau (2014) and Marie-Anne Paveau (2015), more specifically of small phrases and discursive virtue, respectively. The latter guides us in the sense of answering a question that the author herself asks: "Will there be good statements in the moral sense of the term? If so, what then is a statement capable of receiving a judgment of moral value? And how does moral value manifest itself linguistically?" (p. 24). This is because, for her, this notion "functions at the core of an ethics of values and supposes an intersubjective negotiation within a given group or given society" (p. 26). For the constitution of our corpus, will be analyzed especially statements published in newspapers and magazines of great circulation in the country.

**Keywords:** Discourse Analysis; Military intervention; Moral Discourse; Small Phrases.

### Introduction

Images such as the one shown below illustrated the Brazilian newspapers during 10 days of May 2018. The strike of this year's truck drivers made, in addition to the demands of the class, demonstrations in favor of requesting military intervention in Brazil.

Figure 1 – "We want military intervention"





Available on: <<https://www.boletimdaliberdade.com.br/2018/05/26/exercicio-comeca-a-intervir-nos-bloqueios-de-estra-das-antes-parte-dos-grevistas-pediam-intervencao-militar/>>. Access in: 20 jun. 2018.

Although a recent past full of suffering, death and torture stamped the pages of the history books when telling about the Military Coup of 1964, research indicates the support of more than 40% of the population for a supposed military intervention in Brazil in 2018. In a quick survey of the country's leading newspapers and social networks, we note that often some statements are associated with the call for seizure of power, such as "let's sanitize the country," "order," "in the name of God and the Brazil will be a serious country." It is from these discursive materialities that we will have the constitution of our corpus of analysis.

## THEORETICAL-METHODOLOGICAL RESOURCES

The phenomenon of "small phrases" has been the focus of attention since the 1970s, 1980s, which included changes in the French and world media, along with the professionalization of journalism. Before that period, the creation, retaking and circulation of short statements, such as adages, proverbs, sentences, dictates in a context that was not only political, but also entrepreneurial, was known - although it was politically that the posting won certain vitality. However, the specificity of the "little phrases" of which we refer here consists of their construction based on the social actors (Krieg-Planque, 2016, p. 21, our griffin):

the "small phrase" emerges as an object coproduced by the media (ie not only by journalists, but also by the media as mediation and mediatization devices) and politicians (and by communicators who are its auxiliaries). **It is therefore necessary to refer to the socioemiotic frameworks and the categories of actors, to specify the reflection on the "small sentences" and to relate other types of production practices and the recovery of outstanding statements.**

For Krieg-Planque (2016, p.17), "small phrase" can then be defined as follows:

"Small phrase" is a non-scientific term (and more precisely: it comes from the other appropriate discourse) that designates a statement highlighted by social actors and presented as intended for resumption and circulation.

According to the theoretical assumptions of Dominique Maingueneau, from studies on enunciative detachments and assessments, we can better understand the questions about the enunciative support of "small sentences". It is from these studies that we can understand the fabrication and think of the over-assertion of political speeches, which, in our view, is an operation capable of creating "small phrases", leaving its co-nano text to "jump" certain statements. Apart from these discussions being present in the next topic to this, as we have just pointed out, it is more interesting to confine ourselves to the discussion of "small sentences", considering that issues of detachability go beyond the theme concerning them. In the words of the French author (Krieg-Planque, 2016, 21):

The specificity of "small phrases", in relation to other statements about social situations, which we are going to evoke quickly, lies in the modalities of its construction by social actors: the "small phrase" appears as an object coproduced by the media (ie not only journalists, but also by the media as devices of mediation and mediatization) and political (and by communicators who are its auxiliaries). It is therefore necessary to refer to the socioemiotic frameworks and the categories of actors, to specify the reflection on the "small sentences" and to relate other types of production practices and the recovery of outstanding statements.

In this sense, it was from the period in which the media (more specifically from the French) began to become the closest to what we know today (1970s, 1980), along with the recognition of the professionalization of specialists in political communication, which was to favor the production of "little phrases". This was done for certain reasons, such as the more or less fixed formatting of certain genres that would circulate in the newspapers (printed and digital), for example.

Following this approach, the use of the journal's semiotic space, with a tendency to be fragmented, moves toward "decreasing the volume of content units ... imposing shorter article formats and composed of many paratextual elements: titles, subtitling, intertitles, slogans, keywords, epigraphs, captions", which ends up making the blocks of texts more complex to be read and optimizes "the making of outstanding statements" in the sense that it makes in advance a place "(idem).

There is also the fabrication of the discursive event by the categorizations made by the newspaper headings. Such categories, also justified by the fragmentation of the newspaper we have explained earlier, are often perennial and have a

reserved place in the semiotic division of the newspaper (such as "Phrases of the Week", "The Little Phrases of ..."). But in all cases categorization presupposes that social actors have the means to act on the devices that make these headings possible. "(Krieg-Planque, 2016, 24)

The preference for "small phrases" is also due to the inclination of the subject journalist to prefer to highlight a judged passage important of the political speech, since this reduces risks of commitment with the error on the part of the journalist and time of elaboration of summarization of the whole content. This access by journalists to these types of texts already prone to the detachment is also due to the imperatives to which they are submitted. According to Krieg-Planque (2016, p. 25):

Regarding these discourse production frames, the "little phrase" is integrated into the narration because it is constructed as an event, and it is so constructed because it is associated with an intention, a position, a doctrine, an ideology, a personality trait, an opinion, a strategy, an ambition, interests or a project that the "little phrase" supposedly condenses or of which it is supposed to be a symptom.

Such a construction of the "little phrase" as an event, on the one hand, is given by the contribution of the communicators, who in turn have purposes to be reached and foci to be given (or even disguised). This is the case with political slogans, for example. On the other side are the political actors, who try to shape their speech, since they work with a controlled political saying, objectifying, above all, visibility and highlighting what also interests him, being represented by the press. According to Krieg-Planque (2016, p. 27):

The production of "small phrases" does, in fact, participate in these actions of concealment and put themselves in the spotlight, whether they are to give visibility to a proposal that was not intended to be, or to make visible a proposal that was already destined to be noticed. In this context, journalists and, more broadly, the media, make politicians the object of a complex instrumentalization to circulate the messages. For each of these two groups of actors, who are politicians and communicators, the production of "little phrases" falls within a field of identifiable expertise and practices.

The ability to circulate the desired proposal through a "small phrase" by politicians is a communicational competence, or, in the words of the author, it is "the professionalization of politicians in their communication functions" (Idem). Krieg-Planque (2016, p. 29) proposes that in order to study the "small phrases" from a Discourse Analysis point of view,

it is necessary to reflect in the bigger picture of three issues together: the control of the agenda, according to a problematic of the agenda, setting; the imperative of visibility, in the complex mediatic framework previously mentioned; the injunction to create events and including those of the day of "scandals" or "business". The study of "small phrases" unites other contemporary questions about the relation of politicians to their mediatization.

In spite of all Krieg-Planque's contribution and theoretical-methodological arsenal, it is in the company of Maingueneau (2010, 2008) that we reflect on a common practice in contemporary media communication - the practice of highlighting statements and circulating them in new arenas. Maingueneau (2010, p. 9) states that "few people today would dispute the idea that the text is the only empirical reality with which the linguist deals: units such as sentence or word are necessarily removed from texts." And the texts, in turn, refer to genres of discourse, which function as frames of reference for all communication thinkable in a given socio-historical formation.

Also as a theoretical-methodological subsidy of our work, we resort to the theoretical assumptions of Marie-Anne Paveau (2015), especially about virtuous discourse. In her work entitled "Language and Morals: An Ethics of Discursive Virtues," the author seeks to reflect on the relationship between morality and language. Such an approach interests us as we aim to think, in the words of the author: "Will there be good statements in the moral sense of the term? If so, what then is a statement capable of receiving a judgment of moral value? And how does moral value manifest itself linguistically?" (p. 24) This is because, for her, this notion "works at the core of an ethics of values and supposes an intersubjective negotiation within a given group or given society" (p.26). Even if we are to our liking, we do not propose to be exhaustive in our theoretical and analytical expositions.

For Marie-Anne Paveau, virtuous discourse is the discourse adjusted to the current values: adjusted to reality; adjusted to the agents and to the set of the verbal productions that constitute the discursive memory of the society. The researcher affirms that virtuous discourse is the discourse adjusted to the current values: adjusted to reality; adjusted to the agents and to the set of the verbal productions that constitute the discursive memory of the society. In the set of users of a

language, taken in the cultural, historical and social contexts, there really are criteria for discursive production ... The question of the moral dimension of the statements emerges from a moral discursive event, that is, from a set of comments and reactions in a given social group, about a statement or image ... Thus, the question of the moral dimension of the statements emerges from a "moral discursive event".

### MORE THEORETICAL INPUT AND ANALYTICAL NOTES

As part of our corpus, we selected some images that circulated in Brazilian newspapers when the truckers strike of 2018. According to the aforementioned, such a class claimed, among other things, the adjustment in the price of fuel that they used for transportation in trucks, fact illustrated by the following figure.

Figure 2 – Strike Warning Range of Truck Drivers



However, even after the government had made agreements with the claims claimed, the strike continued, giving visibility to small phrases in banners and in trucks, which called for the seizure of power by the military. This fact sounds in principle controversial if we look at the history of Brazil, a country that suffered a coup d'état in 1964 and even after the 21 years of military dictatorship, is still agonizing with the spills of its consequences. This narrative, although crude and simplistic compared to the complexity of the situation, has the objective of presenting a panorama perhaps paradoxical lived in Brazil. Let's look at the following image.

Figure 3 – Trucks with the tracks "Military intervention already"



Figure 3 illustrates the aforementioned request for military intervention in Brazil, where democracy is only about 30 years old. If, for Paveau, discursive virtue "functions at the core of an ethics of values and supposes an intersubjective negotiation within a given group or given society" (p. 26), could we say, then, that this group, in the case of the truck drivers, is being misrepresented? In addition, the author brings to her analysis the fact that there are legal norms that "regulate speech", as is the case of texts on Human Rights and laws, for example. In this sense, asking for military intervention, with its history of massacre with human rights, would corroborate the fact of the misrepresentation. But then, how to explain the support of a large portion of the population to this claim?<sup>1</sup>

In order to propose on the definition of discursive virtue, concept notion that we aim to support in order to understand this situation a little, the author sought to define morality (and chose not to distinguish moral and ethical - anchored choice in

<sup>1</sup> We can observe as an example the article in the new paper El País. "Strike of the truck drivers has support in the streets." It is a necessary evil". Available in: <[https://brasil.elpais.com/brasil/2018/05/29/politica/1527550010\\_174130.htm](https://brasil.elpais.com/brasil/2018/05/29/politica/1527550010_174130.htm)>. Access in: 10 jun. 2018.

R. Ogien, in the work *L'éthique aujourd'hui: Maximalistes et minimalistes*, saying that "it is moral what concerns the virtue of agents" (p.34). Such a concept was thought from the notion of intellectual or epistemic or cognitive virtue (strands represented by J. Greco, 2003).

For Paveau, it would not be enough to think as a solution to the emergence of this type of small phrase or of outstanding statements the difference between a linguistic and an extralinguistic, since in these aspects there is no concern with the context. The researcher defends a reflection in a kind of continuous mind-world and world-language, in which "meaning is not referential, and that linguistic and discursive materiality is not purely intellectual but constituted by realities of our environment" (p. 194). Thus, for the researcher, "ethics co-construct in the environment, and is not imposed from the outside" (196), which opens space for the concept of discursive virtue to integrate the ethical within the linguistic. For her, then, virtuous discourse is a "discourse adjusted to the values that prevail in the complex and unstable reality of agents and their environments" (p. 214).

In this sense, we could think that the pronouncements and small phrases that circulated in the truckers' strike would be non-virtuous statements, unadjusted in relation to agents and their relations and to the set of verbal productions that form the discursive memory of societies.

Figure 4 – 7th day of strike and request for military intervention



On the other hand, Paveau explains that "if virtuous discourse is defined, among other things, by an adjustment to the discursive memories in action in the fabric of societies, it is necessary to define the forms of mismatch precisely by evaluating the relation between discourses and memory: a phenomenon of amemory or of dementia is not necessarily a break in adjustment, but, on the contrary, it may be a factor of it" (241). For her, "memory is rebuilt, and the meaning of history is reversed by hindsight, a frequent procedure of memory in general: interdiscourse is seen as derived from dialogism, affiliation contradicted by chronological reality, which dates well to Pêcheux's interdiscourse, Culioli and Fuchs, 1969-1970, in an Althusser-Lacanian tradition" (p. 272).

It is through this oblivion, or amemory, that we try to assimilate the paradoxical situation that we present at the beginning of this work. Not justifying that these productions of statements do not have as base a knowledge about the existence of the recent military dictatorship in Brazil, but rather that this memory has already resigned, is no longer disadjusted for certain groups. Moreover, not only did the memory of the historical fact re-signify itself, but also the relation between the statements "military intervention" and "military dictatorship", the latter being erased to the detriment of the former, as if there was a possibility of salvation by this without the provisos of a totalitarian government.

## END EFFECT

In this work, closer to an essay or an application reflection that mixes theory and a little bit of analytical notes, we try not to exhaust analytically a whole previously selected corpus, but above all to highlight a political-discursive restlessness. For this reason our text does not necessarily follow a traditional article division, nor does it provide a thorough linguistic analysis, since we are more concerned with dropping questions than answering them fully, tying all the nodes of this problem. In this way, we thought, it would be possible to open fruitful dialogues with our peers, exchanging theoretical and practical experiences of our geographies.

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## International Security at the "Crossroads" of Globalization

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### Abstract

There are no such things as safe Oasis' for life anymore. Wars and crises starting from Syria, through Iraq and passing through Ukraine, cruel terrorist attacks in Paris, Brussels, Berlin, North Korea, long rows of refugees through the Mediterranean Sea, failed states, various epidemics and large population influxes in Central and North Africa, cyber-attacks, are a powerful message that world security circles have been shaken and that peace and stability are no longer an implicit issue. Dealing with challenges that acutely justify the current security mechanisms and policies has no alternative. Beyond current threats, crises and conflicts, our world is changing. All this clutter can cause political overload and an escalation of the most fatal situation.

**Keywords:** International security, Security challenges, endangered peace, wars, crises, political overload, policy justification.

### Introduction

Dynamic developments, in the field of international security are crashing at the turbulent crossroads of the new order that is trying to be created through Globalization.

The multidimensional spectrum of the action of this macro-process, despite the benefits it has brought to the international economic level, has also caused a variety of crises on that level, especially in the unstable and poor countries, thus greatly affecting international security. Previous models and security policies, together with the institutions and organizations involved in security and security provision, are justified and insufficient. Networking of the economy and other fields is not enough without the networking of security institutions. The process of globalization is reorganizing the world's system of governance,<sup>1</sup> causing serious challenges to global security at international level. Threats and risks are growing at the crossroads of the Globalization process. Nowadays, no one can talk about security in the extent of what was said several years ago.

### International Security and the complexity of Globalization

*We write too much, and talk too less, which is a serious problem concerning security.*

Security is the essential element of all public life issues and the basic needs of all natural and social systems.<sup>2</sup> It is a sensitive issue that requires special attention and skills, careful training, and serious discussions. Buzan teaches us that *Security is the search for freedom from the threat. Looked from the context of the international system, security has to do with the ability of states and societies to maintain their independent identity and functional integrity.* In today's circumstances this emerges as a very complex and multi-dimensional process. Results are our indicator. The challenges that countries face whilst going towards a world that it is intended to be complicate the security even more.

Security is the basis of peace but not absolute peace in every field and system. It depends on everything people do, starting from the individual up to the home of all individuals, the world. The brighter minds of international relations are constantly preoccupied with the concept of security, but at the same time the diverse development of societies makes the success

<sup>1</sup> Keith Suter, *Globalisation and the New World Order*, page. 10, <http://www.global-directions.com/Articles/Business/Globalization1.pdf> watched on 08. 11. 2016

<sup>2</sup> Endreß, Christian / Schattschneider, Leonard (2010): *Was ist Sicherheit? Interdisziplinäre Betrachtung einer unklaren Begrifflichkeit*, in: *Notfallvorsorge*, Walhalla Fachverlag, 2/2010, Pages. 8 - 9.

difficult. Einstein seeks security in gist. With his foresight, he had longed to invest in mothers who raise children.<sup>1</sup> But besides mothers' education, the environment, the circle, and the society in which these children grow up are of great importance too. *The apple sees the other apple and so it ripens.*<sup>2</sup> Even if you can manage to have peace in your house, that peace will be inadequate if the neighbors do not do the same. Any attempt towards bringing the noisy neighbor to join the chain of silence, brings conflict and then the security of one or both parties is jeopardized. Security should be the same for everyone - as Kant teaches, at a Universal level. This is naturally still related to the conditions and circumstances created in different circles of society. For peace and strong security are interlinked with the development and rhythm of the societies. Peace and security are strong interlinked with the development and life rhythm of the societies.

There can be no peace even in a single family, if one of its members has bad conditions and security. There is no peace in a state if a part of its citizens do not enjoy equal conditions and security. There is no peace in the world if some of its societies do not enjoy an approximate level of living and security, like the rest do. And Peace nor international security will not always be possible in the complex periods of great changes like it is now in this turbulence of the new order which is trying to be created.

Every process is manifested in its best, but with abundant problems as well. Viewed from this context, the process of Globalization has improved the living standards of hundreds of millions of people, but the increasing scarcity of resources is likely to turn it into a victim of its success.<sup>3</sup> Deficiencies of food, energy, water, soil and natural resources are elements that can cause zero competition between countries in the process, thus increasing poverty, state fragility, economic instability, inflation and strategic competition between major powers.<sup>4</sup> Huntington says the relationship between states and groups will not be narrow and will often be antagonistic.<sup>5</sup> The developments of this clash dimension and the actors that emerge on the ground through it are unpredictable and faster than the State's own opportunities to face them. Existing policies have a huge inconsistency with the pattern of the new order and they are not even falling somewhat in time and place concerning each country or society. To walk with time has become difficult. Reformulation of policies and their adaptation, the created situations, is a slower process than the situations itself. Some of these policies emerge at the same time of risk exposure, thus, turning insufficient to manage and keep under control the situations that shake the circles of international security. The development of appropriate legality and new strategies for addressing and managing current security challenges, through continuous systematic analysis of the security spectrum is a necessary issue, for the development of new security accesses.<sup>6</sup> Fukuyama says that the critical weakness, which has overthrown strong states, was primarily the lack of legitimacy.<sup>7</sup>

International security, dangers and threats that challenge it are not only the subject of all issues, but also the main problem of all other commitments in the world, in the conception and assurance of security at the swelled crossroads of Globalization. According to Robert O. Keohane and Joseph D. Nye, globalization is a state of the world of interconnection networks at multinational distances.<sup>8</sup> Networks that can be interconnected through streams and the influence of capital and wares, ideas and information, people and strength<sup>9</sup>. These developments create realistic opportunities to achieve economic prosperity, to spread political freedom, and to promote peace. However, they also produce powerful forces of social fragmentation, thus creating critical weaknesses, and sowing the seeds of violence and conflict. One should never forget,

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<sup>1</sup> Warum Krieg?, Albert Einstein, Sigmund Freud, a card exchange with an essay from Isaac Asimov, Diogenes Verlag, 1972, pages. xx - xx

<sup>2</sup> Wise folk word

<sup>3</sup> Alex Evans, Globalization and Scarcity, Multilateralism for a world with limits, November 2010, fq.5, <http://www.globaldashboard.org/wp-content/uploads/Globalization-and-Scarcity.pdf>

<sup>4</sup> Exactly there

<sup>5</sup> Huntington. Samuel P. The Clash of Civilizations and the Remaking of World Order Logos A, 2004, page. 291

<sup>6</sup> Reinhard Meier-Walser / Alexander Wolf (hrsg.), Neue Dimensionen Internationaler Sicherheitspolitik, Berichte und Studien 93, page. 8, [http://www.hss.de/uploads/tx\\_ddeventsbrowser/BS-93.pdf](http://www.hss.de/uploads/tx_ddeventsbrowser/BS-93.pdf)

<sup>7</sup> Fukuyama, F. The End of History and the Last Man, Zenit, Prishtinë 2006, page. 35

<sup>8</sup> Joseph D. Nye and John D. Donahue, Governance in a globalizing world, Brookings Institution Press, Washington D.C. 2000, page. 2

<sup>9</sup> Exactly there

the great distance of east and west as the birthplace of globalization and the growth of economic crises in this relationship. These are aspects that refer to "globalization," and they all have implications<sup>1</sup>.

Security, in general, is not a static state and depends on many parameters. Of particular importance are the state and the opinion of the individual, and society in general regarding the perception of existential threats, their appreciation and willingness to deal with them. It also depends on the dynamics of developments and changes in environmental conditions, the nature of threats, political, economic and health problems, threats of terrorism, threats from cyber-attacks and interstate aggression like the current one of Russia in Ukraine, the wars (Iraq, Libya, Syria), the US-North Korea clashes, climate change, the huge wave of refugees, as well as the collapse of financial systems or their getting out of control. International security is a challenging social situation which will consistently be among the most important topics in the international relations roundtables.

### **Challenges of international security in the crossroads of globalization**

*Saving our planet, getting people out of poverty, advancing economic growth ... these are all one and in the same war. We need to link the points between climate change, lack of water, lack of energy, global health, and food safety and empowering women. The solutions of a problem should be a solution for everyone.*

Ban Ki-Moon

The world is facing old and new security challenges that are far more complex than the managing capabilities of our institutions.<sup>2</sup> The international security dimension nowadays no longer looks like it did in the last century. Globalization is the most important feature in transforming the international security landscape.<sup>3</sup> It has grown the linkage between societies, and states but at the same time led to shrinking space and time, thus creating more global challenges. It has also brought global public goods.<sup>4</sup> One of the great challenges of this process in our swinging world is that it cannot achieve the same effect on every corner of action during its extension. The diversity of political-, economic-, security- systems, well-being and conceptual ideological, religious differences of national societies are at a great juncture trying to find the "best" or desirable way out. No less disturbing are the inequalities that this process bring.<sup>5</sup> Networking of many factors through this process despite the benefits it brought in some areas, it sneakily enabled the misuse of these networks for illegal activities as well, such as terrorism, organized crime, nuclear contraband as well as human and ware smuggling.

Such abuses should be understood as common problems, manifested through the process of globalization and not be seen as separate problems. If globalization brought these activities and security threats, the fight against them should be done on the same level as well.

The use of networks in illegal activities as well as the creation of secretive norms (Keck and Sikkink 1998), while supporting negative phenomena such as terrorism, drug trafficking, human being trafficking, nuclear smuggling, etc., are the true illustrators of the consequences of globalization in the epistemological picture of international security (Slaughter 2012).<sup>6</sup>

But not only these are left as dangerous consequences of the globalization process. Our world has changed. It is facing real crises and dangers. Daily newspapers around the world are overfilled with headlines: Syrian Civil War, Fighting in Ukraine, Turkish-Kurdish Conflict, terrorist attacks in Paris, Brussels, Berlin, large crowds and long refugee rows in the Mediterranean Sea towards Europe, major outbreaks of the population in North Africa, dangerous diseases and epidemics,

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<sup>1</sup> Lynn E. Davis, Globalization's Security Implications [http://www.rand.org/content/dam/rand/pubs/issue\\_papers/2005/IP245.pdf](http://www.rand.org/content/dam/rand/pubs/issue_papers/2005/IP245.pdf) seen on 31. 10. 2016

<sup>2</sup> Alex Evans, Globalization and Scarcity, Multilateralism for a world with limits, November 2010, <http://www.globaldashboard.org/wp-content/uploads/Globalization-and-Scarcity.pdf>, Introduction

<sup>3</sup> Anne-Marie Le Gloannec, Bastien Irondele and David Cadier, New and evolving Trends in international Security

<sup>4</sup> Anne-Marie Le Gloannec, Bastien Irondele and David Cadier, New and evolving Trends in international Security

<sup>5</sup> Sandra J MacLean, Globalization and the New Inequalities: Threats and Prospects for Human Security, CGPE Working Paper 04-02, January 2004, page.. 11. Seen on. 07. 11. 2016 <http://www.sfu.ca/cgpe/pubs/Gbbalization%20and%20the%20New%20Inequalities-WP.pdf>

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NATO-Russia tensions, Brexit, the US tensions with North Korea, etc. What remains as hope for the people in all this mess? Insecurity and that just for a safer future.

There are wars and war conflicts taking place in the world. Researchers talk about 409 conflicts, of which 223 are manifested by violence.<sup>1</sup> Our world is filling with various problems every day, problems that will fill the cup one day and overload the capacities of international politics together. Institutions with insufficient capacities will be forced to engage with greater intensity in facing new challenges by storing old ones in drawers. Too many patients with multiple complaints at the doors of few doctors cause overload in the diagnosing process and determining the right medication, even more so when a medication does not react the same on all the patients although they all have the same diagnosis. The release of new medicines dims the old ones, but the possibility of the erroneous diagnosis in some patients should not be overlooked either. As broad as the intersection of globalization appears to be, its escapes are narrow. Turning frequently around it just blows the situation even further, whereas the expansion of exit routes around the junction is not a successful solution either. Every delay is a delay, which then turns the solution into a non-solution. Complex problems impose complex solutions. The international security architecture is in a real stress test. The insufficiency of adequate mechanisms and tools that move along with the developments makes it difficult to design effective policies and strategies for detecting, identifying, and quickly targeting the situation which stings the international security. The emergence of risks and threats as well as the confrontation with them in a deeply changed environment, requires tedious running and efficient action. The 21st century rules for international security are not even roughly defined, despite the obvious progress that has been made.<sup>2</sup> Security parameters have changed; they are no longer as in the past. In the past, security was characterized by border security and the limited control of the movement of people and wares. This lasted until the end of the East West conflict.<sup>3</sup> This embodied the idea of specific internal and external security spheres. The police, administration, judiciary and civil protection dealt with the inner problem, whereas the diplomacy and the armed forces dealt with the outside ones, and their main responsibility was to avoid risks and possible military attacks. Now, through the process of globalization, security belongs to a new era. The world is undergoing a deep rebalancing of economic power and wealth. It is experiencing many insecurities, the same way as it did 100 years ago. Foreign investment and global supply chains are linking governments, nations as well as markets,<sup>4</sup> thus establishing a kind of Global Village, but to what extend is this Village an ideal oasis? It certainly is not a romantic place.<sup>5</sup> The diversity of interdependence does not always bring good; it also has its hurtful sides. The roads and channels of action within this village do not only contribute to freedom and well-being. Through them circulate as well as organized crime, terrorist groups and many other dangers. Then the products of globalization process are not equally divided among the villagers, and inequalities within them stimulate other security threats. Political, economic and social disparities in this village have a major impact on the international system by fluctuating the wroth, religious, cultural, ideological nodes.<sup>6</sup>

### International Security in a Globalized World - Is It Possible?

One of the biggest challenges in the security field at a global level is dealing with the conceptual security complexity.<sup>7</sup> At this level, international security is closely interlinked with interstate security. The security requirements of a state are not sufficient if the requirements of other states are not taken into consideration in the same way.<sup>8</sup> Unilateral actions do not contribute to security. Globalization has made profound changes that have affected the international space. It is presented to the global achievements of information technology or as we encounter it in literature (distressing distance), the emergence of the global market, and the spread of democracy, which reflects a seemingly global situation in the east. A number of international system democracies have achieved a substantial growth, even the height of economic growth, but

<sup>1</sup> Alle Kriege auf der Welt in einer Karte, <http://www.swp.de/um/nachrichten/politik/alle-kriege-auf-der-welt-in-einer-karte-12238860.html> seen on 02. 11. 2016.

<sup>2</sup> Garies SVEN BERNHARD, Informationen zur politischen Bildung Nr. 326/2015, page. 9

<sup>3</sup> *ibidem*, page. 5

<sup>4</sup> Globalization and World Order

[https://www.chathamhouse.org/sites/files/chathamhouse/field/field\\_document/20140521LondonConference1.pdf](https://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/20140521LondonConference1.pdf) seen on 20. 11. 2016

<sup>5</sup> Garies SVEN BERNHARD, Informationen zur politischen Bildung Nr. 326/2015, page. 5

<sup>6</sup> *ibidem*, page. 5

<sup>7</sup> McSw eeney, Bill. Security, Identity and Interests: A Sociology of International Relations, Cambridge University Press, 1999.

<sup>8</sup> UN Chronicle, National Security versus Global Security, <https://unchronicle.un.org/article/national-security-versus-global-security> seen on. 20. 11. 2016

not including Africa.<sup>1</sup> But looking at the other side the problems that this process brings as risks and threats to international security are just as obvious, such as international organized crime, mass migration, ideological, religious, cultural and ethnic conflicts, spatial degradation, and various pandemics that do not contribute to security. Not less harmful is also the gap that is widening between the rich and old-turning north and the depleted, poor youthful south.<sup>2</sup> The post Cold War period is no longer stable as well as less predictable. The threats we face nowadays are multidimensional and widespread. The world today is unsafe.<sup>3</sup> The international security system that has been built during the last century is no longer sufficient. It was designed to protect states and their sovereignty by strengthening security between states. The new system under construction is proving almost the opposite. There are no adequate tools and policies for such a system. Old-fashioned state systems do not withstand the flow of new processes. They cannot catch up with the dynamic developments on the ground. Long peace might have put the state's preventive mechanisms to sleep. The sack of risks and violent threats is fully packed and about to burst. The weak states are among the serious problems that emerge. They have become good nests for the new type of terrorism that can stretch its claws to the developed world.<sup>4</sup> The Southern and Northern clashes continue to be big. The South represents a permanent threat for the North. It is not treated otherwise from the opposite side either; the only difference is the context. The northern intervention in the south on the pretext, to re-design security strategies, and the real interests of the south to reduce poverty and increase the development of this part of our globe are not perceived as presented. Northern strategies do not match the perceptions of the south, and they differ from region to region.<sup>5</sup> There is also a lack of an adequate concrete platform for the approximation of the minds of these poles, therefore the gap between north and south continues to exist and widen further. The interventions to combat negative phenomena such as terrorism seem to have added more long-term problems than they have made quick solutions. Problems like these can deepen the divisions even more and undermine the efforts to achieve international security in the process of globalization. Existing regimes and rules often do not reflect the new threats well, but they are also not able to handle them adequately. Achieving an alternate governing in a global level is still far away. It is as if the hope for a peaceful world has evaporated. The fall of bipolarity left behind a vacuum of security policies "A new global complexity" for which a political pattern has not yet been developed.<sup>6</sup> There is still a lot of work to do in the positive and negative outcomes about globalization for national security and the impact of globalization on the capacities of some international and national stakeholders as well as institutions for ensuring human security.<sup>7</sup> The challenge for international security knows no stop, and this lets us understand that peace and stability are no longer an implicit issue.

## Conclusion

A final definition of the international security dimension in such circumstances remains in permanent endeavor. It is at the great juncture of creating a new order. Globalization as a process is still far from universalism and is heavily loaded with globalization ghettos but it is still apparent as a broad spectrum trend. The main problem in this process was the fact that the world was not prepared for activities of such magnitude. The process preceded the preparations thus creating a great distance and detachment between these two. The linking of some areas of international relations has not only brought benefits that are not to be denied. It also brought a negative phenomenon as well as a lot of freedom that certainly did not have the same positive effect on everyone. The misunderstanding of this notion made the situation very difficult and sometimes even led it out of control. Even the chocolate in the empty belly hit counterfeit.

Globalization caused dependence between states and this instead of bringing the states together it actually did the opposite. Differences in achievements through the process of globalization awakened many problems, especially in the states that did not benefit as much as the other states. These clashes did not contribute much to their security nor the international level security. North and South differences continue to be and will remain a major concern for international security, because

<sup>1</sup> Rob McRae & Don Hubet, *Human Security and the New Diplomacy*, McGill-Queen's University Press 2001, page. 14

<sup>2</sup> Rob McRae & Don Hubet, *Human Security and the New Diplomacy*, McGill-Queen's University Press 2001, page. 15

<sup>3</sup> Exactly there, page 15

<sup>4</sup> Fukuyama, Francis, *State Building*, AiiS, Tirane, 2008, page 175

<sup>5</sup> Friedrich Ebert Stiftung, *Dialogue on Globalization, Regional Renaissance? Security in a Globalized World*, page.3

<sup>6</sup> *Ibidem*, page 1

<sup>7</sup> *Security Studies: An Introduction* published by Associate Professor Elliott School of International Affairs Paul D Williams, Routledge London & New York 2008, page. 235

of the big gap between them. It is as if the crossroads of globalization have confused the entries and exits. Security policies are overly justified; their retrieval takes time and there is no time. Today has become unachievable, and tomorrow is followed up by a new day, of which we know nothing. The interstate alliances are unstable as well. Creating new alliances in the future would seriously undermine international security. States that are trying to produce and possess nuclear weapons are unbalancing the current state of affairs in this regard. The global village is more likely seen as an unmanaged territory rather than a promised land. Our world is really surrounded by many crises and dangers which leads us to asking a very serious and heavy question:

Can a globalized world be managed, and if yes, by whom?

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## Protests in Europe in Times of Crisis -The Case of Greece, Ireland and Portugal

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### Abstract

The year 2008 was marked by a financial crisis that started in the United States but quickly spread to the rest of the world. Subprime-related, this crisis was linked to property speculation, leveraged by the banking sector. This crisis quickly spread to Europe due to exposure of European economies to international markets. To avoid economic collapse the States decided to intervene in the banking sector, nationalizing some banks and injecting capital in others. Some European countries not to enter bankruptcy had to ask for external financial support between 2010-11, was the case of Greece, Ireland and Portugal. The aid granted by the *Troika* (European Union, European Central Bank, International Monetary Fund) to European countries referenced advocated a drastic austerity plan. Faced with such a scenario of crisis, austerity, unemployment and precariousness, Europeans came to the streets to demonstrate their discontent with the crisis but also with politicians and policies implemented to solve the economic problems. Throughout Europe there were large protests, especially in the countries that received international aid. From a *corpus* taken from newspapers and from a theoretical framework of social movements we intend to verify if there was a direct relationship between crisis and contestation in the three countries that had external aid and if this crisis returned the centrality to materials on European social movements.

**Keywords:** crisis, protests, Europe

### Introduction

The year 2008 was marked by a global economic and financial crisis. The crisis originated in the subprime mortgage market of the United States of America (USA), although it quickly spread to the rest of the world. Initially, those in Europe thought that the collapse of the “real estate bubble”, which led to widespread bankruptcy and the terminal decline of investment firms, was confined to the USA, but the truth was soon revealed. Indeed, the exposure of European economies to the international markets globalised the crisis (Mason, 2016), revealing that the European real estate and financial sectors were also on the verge of ruin. Virtually all of Europe was affected by the crisis, although some countries showed greater capacity to manage it than others. Certain countries, in order to avoid bankruptcy, had to request external financial support, namely Greece, Ireland and Portugal.

In general, European citizens blamed deregulated capitalism and the neoliberal policies pursued by certain governments worldwide for the dire economic situation they found themselves in. The crisis of 2008 highlighted the vulnerability of capitalism in the globalised world, as well as the inability of statesmen to adequately tackle the problem. The financial crisis brought austerity, unemployment and precariousness to Europeans, which provoked a great deal of popular discontent, as demonstrated by the wave of protests that erupted across Europe between 2011 and 2013, especially in those countries that had received international aid.

Collective action has been a constant phenomenon throughout the history of Europe, although it has taken different forms (Tilly, 1986, 2004). However, the 2008 financial crisis and the subsequent austerity programme unleashed a new wave of protests encompassing the characteristics of both the “old” and the “new” social movements (Silva, 2012), which brought material issues back to the forefront. Since the goals of the nineteenth-century workers’ movement have been met, other goals have been identified, goals that are more related to social and cultural issues than to materialistic issues, while the social actors have been more pluralistic and less class-based than those involved in the early labour movement. The events

that transpired in the countries investigated in the present study revealed the coexistence of material goals with other social and cultural goals, which were coupled with the use of new technologies. Structurally, a return to economic issues on the basis of social mobilisations can be observed, albeit with a more ethical and less classist character. The protests were not solely aimed at the acquisition of rights, as was the case for the workers' movement, but rather against the subjugation of rights and human dignity to economic interests. Edward Thompson (1979) suggested that the basis of the eighteenth-century subsistence riots was the rupture of what he called the "moral economy". It was not simply the breaking of the rules of market functioning that caused people to riot, but also the breaking of moral values (Thompson, 1979). Here, as with the 2008 financial crisis, it was the failure of the "moral" management of politicians and their defence of the interests of large financial groups ahead of the rights of individuals that upset people, causing them to feel that their honour has been tainted.

Thus, the present study aims to verify whether there was a direct relationship between the 2008 crisis and the unrest seen in the three countries that received external financial aid, as well as whether the crisis returned centrality to the material problems associated with European public protest, particularly because, in temporal terms, modern society is seemingly far removed from the typical conflict affecting industrial and post-industrial societies (Habermas, 1984; Touraine, 1983) due to the development of an information society and networked communication (Castells, 1999). Hence, this study examines a corpus sourced from European newspapers and analyses the various theories of social movements.

## **2. The protests in the countries that received international aid:**

### **2.1. Greece**

The economic crisis began in Greece in late 2009/early 2010, when rating agencies (Moody's, Fitch and Standard & Poor's) were alerted to the problematic growth of the country's public deficit. Greece's level of indebtedness had grown over the previous decade, driven by increased public spending, civil servants' salaries, pension spending and tax evasion. Its deficit was already more than 3% prior to the crisis of 2008 (Grigoriadis, 2013); after that, the deficit increased considerably and fostered distrust in the markets in relation to public debt. This increased interest rates, thereby rendering the repayment of loans more onerous. The level of indebtedness was such that there was real fear Greece would fail to service its external debt. The Greek situation threatened to contaminate the entire eurozone. In order to minimise this threat, the Greek government adopted certain containment measures intended to control public spending and increase revenue. However, as the deficit did not decrease, the executive had to resort to requesting foreign aid in April 2010.

Greece joined the European Economic Community (EEC) in 1981, at a time when the country was experiencing a period of economic growth after having freed itself from a military dictatorship. In 2001, Greece was accepted into the eurozone and, hence, it was considered safe for investments, which led to a growth in the GDP (gross domestic product), but also in national expenditure. After 2008, the financial situation became uncontrollable. External financial aid was provided by the European troika (International Monetary Fund [IMF], European Central Bank [ECB] and European Commission [EC]), but it was not without stipulations. Greece was required to adopt austerity measures. To comply with the rescue agreement, the Greek government announced a series of "draconian" measures, including tax increases, wage and pension reductions, privatisations, etc., the social impact of which was such that it brought the Greeks out onto the streets and squares of major cities to demonstrate and protest against austerity (Grigoriadis, 2013).

From 2010 to 2012, there was constant social upheaval, since the first rescue package proved insufficient and rendered a new rescue packet necessary, which was accompanied by more restrictions. The crisis was becoming uncontrollable and the protests in Syntagma Square and other squares across the country seemed permanent, with spontaneous movements of citizens who gathered in defence of democracy, as their ancestors had once met in the *agora* to exercise democracy, organising mass demonstrations. Between 2010 and 2013, these organised movements, which were led by the trade unions, resulted in nine general strikes that practically brought the industry, commerce, public administration and transport sectors to a stop, thereby aggravating the already weak Greek economy (Lima & Artiles, 2014).

Demonstrations took place in the largest squares and streets of Athens, as well as in major cities across Greece. Syntagma Square was the scene of the largest demonstrations, many of which ended in violence. Demonstrators, especially young men, threw rocks and bombs at the authorities, smashed windows and set fire to rubbish bins and buildings. In an attempt to contain the situation, the police retaliated with tear gas and arrested some demonstrators (Jornal Sol, 06/15/2011). In 2012, the dispute increased due to Greece's need for a second bailout, as well as the fact that the parliament had to approve more austerity measures in order to receive it. The protests became even more violent, with clashes between

protesters and police resulting in fires in several buildings in central Athens and some arrests (El País, 12/02/2012). In April 2012, the suicide of a retired pharmacist, 77, who killed himself in the middle of Syntagma Square, and who had left behind a handwritten letter expressing his desperation due to austerity measures, further escalated the protests (El Mundo, 04/04/2012).

Although the youths stood out due to their rebelliousness and irreverence, there were people of all ages involved in the protests, including unemployed adults who could not afford to support their families, pensioners whose pensions had been considerably reduced and youngsters who either had no job or else lived precariously.

In addition to the obvious economic problems, Greek citizens were disgusted by the lack of adequate response from their political institutions. Relatedly, Estanque (2014) considers the inefficacy of public policies to be the fundamental cause of the conflict seen in recent years.

## 2.2. Ireland

In November 2010, it was Ireland's turn to call for international financial aid, although the economic development seen in the country during the last few decades meant that this situation was not predictable. However, the reasons that led Ireland into crisis were not the same as those observed in Greece. It was not structural reasons, but rather over-exposure to the real estate market and the US banking system, which brought the Irish economy to its knees.

Since the 1990s, a number of government economic development programmes had been implemented in Ireland. The industrial, commercial, fiscal and educational sectors were all restructured and increased. The result was that the country, which in 1973 had entered the EEC as one of the poorest in the group, was described as the "Celtic Tiger" during the 1990s. This level of apparent financial growth was achieved thanks to the dynamics and development of Ireland's economy, which grew by an average of 7% per year (Lane, 2011), leading to an analogy being drawn with the Asian Tigers, that is, the "emerging economies" of Hong Kong, Singapore, Taiwan and South Korea. Shifting from a protectionist policy to a more liberal one in terms of taxation and bureaucracy attracted significant foreign investment, with Ireland being considered a real "paradise" for investors. The creation of the single European market further intensified the country's links with the outside world.

This climate of prosperity in Ireland led to growth in investment in real estate. The population also increased, while interest rates decreased, which were further factors that stimulated the demand for real estate. Construction companies proliferated and the economy ended up leveraged in this sector, rendering the country's finances vulnerable. The increasing demand for houses substantially increased prices, although as banks kept interest rates attractive, the real estate business continued to grow. Yet, from 2005 onwards, demand fell sharply. Economic weaknesses began to emerge when, in 2008, the international financial crisis was triggered by the subprime mortgage crisis in the USA. As the Irish economy's exposure to the international markets was significant, a reflection of what happened in America was soon seen in Ireland, which led to economic chaos (Lane, 2011).

The uncontrolled loans offered in previous years created a "real estate bubble" and the real estate and financial sectors were left on the brink of ruin. The situation worsened following the collapse of Lehman Brothers, which the Irish banking sector was heavily exposed to. The crisis settled. The Irish GDP fell by 7% in 2009 and it did not change in 2010. The deficit soared to 32% (Lane, 2011). The Irish government stepped in to save the banks from collapse, while at the same time it had to bail out the unemployed, thereby leaving the public accounts totally unbalanced. The solution (as of the end of 2010) was to seek help from the ECB and the IMF, as well as to implement a drastic austerity plan.

The Irish financial crisis resulted from a combination of unfavourable internal and external environments. The collapse of the construction and real estate sectors, which resulted from weak financial regulation, added to the global economic crisis and the commercial slowdown. From an economic crisis, the situation in Ireland quickly became a social crisis and, as in Greece, protestors soon took to the streets, albeit in a less aggressive way when compared to those in Greece or even Portugal.

Kieran Allen, national secretary of the SWP (Socialist Work Party), explained that the relative passivity of the Irish was due to the significant growth seen during the 1990s, when the title "Celtic Tiger" produced a "pro-capitalist culture", since many workers saw their quality of life increase with little need for collective struggle (Esquerda.net, 12/18/2011). In addition, tripartite agreements (certain trade unions, employers' associations and the government) aligned the policy of the Irish

trade union movement with the needs of national capitalism, thereby neutralising some of the key organisational support for workers (Esquerda.net, 18/12/2011).

Nonetheless, there were demonstrations from the end of 2010 onwards, with the intensity of the protests increasing in 2011. Institutional citizens' movements, such as the Enough Campaign, which incorporated political organisations, parliamentarians, trade unions, social movements and independents, were formed. Further, more spontaneous movements also developed, such as Occupy Dame Street (which occupied the square in front of the Central Bank in Dublin) or the movement of university students who occupied the streets of Dublin, singing songs like "No if, no buts, IMF cuts" in protest of budget cuts in the field of education and the exponential increase seen in tuition fees.

Here, too, there was a combination of organised movements and other partisans engaged in marches against austerity, including the emergence of groups such as the Alliance Against Austerity, which aimed to promote marches and demonstrations such as the one organised in front of the parliament building on December 6, 2011 (Esquerda.net, 18/12/2011).

In Ireland, as in other European countries, the aim of the protestors was to enforce their democratic rights and demand an end to austerity. Portugal likewise participated in the protest movement.

### 2.3. Portugal

Portugal resisted the global financial crisis for a few months more than the countries previously mentioned, but on April 6, 2011, it also had to resort to foreign financial aid in order to solve the financial crisis into which it had plunged. The government, then headed by José Sócrates, tried to institute various Stability and Growth Plans (PECCSs), including cuts in public investment, privatisations and wage deflation, intended to contain the crisis (Costa & Caldas, 2013), albeit without success. The Portuguese inability to pay its public debt and lower the public deficit, as well as the need to obtain funds to inject into technically bankrupt public enterprises, left the prime minister with no alternative but to sign a memorandum of understanding with the troika. The measures agreed between the troika (IMF, ECB and EC) and the Portuguese government provided for extreme austerity, which prompted Portuguese citizens to protest on the streets.

In the elections of June 5, 2011, José Sócrates was defeated and gave way to Pedro Passos Coelho, leader of the Social Democratic Party, although the impossibility of ruling as a parliamentary minority led to a governance agreement with the Popular Party, led by Paulo Portas. Following the already agreed upon external intervention, the government of Pedro Passos Coelho decided to adopt new measures to meet the deficit target in 2011.

On June 30, 2011, the prime minister, breaking his electoral pledge not to raise taxes, announced in parliament an extraordinary tax on income, which was equivalent to 50% of the Christmas subsidy. In the following months, the price of public transport as well as VAT on gas and electricity also increased. A further announcement was made concerning a cut in the holiday and Christmas subsidies given to civil servants and pensioners, with a rate of more than 1000 euros, throughout the duration of the troika programme.

Then, on November 20, 2011, the Portuguese parliament approved a 25% increase in the release rates on interest, dividends and capital gains on individual income tax and collective income tax. In 2012, the entry into force of the new budget imposed a number of new measures. Health expenses were deductible by the individual income tax, but only at a rate of 10%. Housing expenses were also deductible, but to only 15% of their value rather than 30%. The government further restructured and "rationalised" the lists of goods and services subject to VAT, and it allocated an intermediate rate of 13% to those sectors that Pedro Passos Coelho classified as "crucial" for domestic production, not including the catering sector. It also increased the price of electricity, the tax on vehicles (ISV), and the municipal tax on real estate as well as on cigarettes. On February 1, 2012, public transport prices rose again.

Finance Minister Vítor Gaspar announced on April 30, 2012, that the government had foreseen that holiday and Christmas subsidies, which had been suspended, would begin to be awarded again by 2015, at a rate of 25% per year. In July of that year, the Portuguese Constitutional Court declared the suspension of vacation and Christmas subsidies to be unconstitutional due to violating the principle of equality, although the judgment would only have effect from 2013 (Público, economia -7-09-2012). As a result of this judgement, the prime minister announced an increase in the contribution of all workers to the social security programme.

Such measures led to Portugal being the scene of conflict, which it had not been for a many years. Demonstrations in public spaces actually began before prior to foreign intervention with the “Scratch Generation” movement, which was already motivated by employment and social justice issues (Estaque et al., 2013). On October 15, 2011, many Portuguese took to the streets in about nine cities and shouted: “Out, out of here, hunger, misery and the IMF.” On October 15, the Portuguese joined the Global Day of Action, an international demonstration in favour of global change. This protest took place in 82 countries, with the largest demonstrations in Europe being seen in Spain, Italy and Portugal. This movement was not as spontaneous and non-partisan as the “Scratch Generation” movement, since it was convened by 41 collectives, many of them linked to the radical left, and although the organisation claimed that about 100,000 participants were involved, this was far from the numbers involved in the previous movement.

Among the various protests, some were organised by the trade unions. On November 24, 2011, there was a general strike in Portugal, with the demonstration being organised by the General Confederation of Portuguese Workers (in portuguese CGTP) and General Union of Workers (UGT) for reasons related to the austerity measures foreseen in the October 2011 State Budget. The budget included wage cuts and the elimination of the increase in working hours. This organised protest involved the participation of spontaneous movements such as Precarious as well as students (Soeiro, 2014, p. 69), which reveals the coexistence of “old” and “new” forms of action.

In 2012, the cycle of protests began again, incorporating new modalities in the repertoire of action (Tarow, 1995), including the use of new technologies to mobilise the action. On May 12, 2012, the so-called “Global Spring” movement was organised by the “Indignados” movement, which mobilised citizens in more than 250 cities around the world to protest against austerity measures and demand real democracy, social justice, the redistribution of wealth and public ethics (Jornal Sol). Despite the union organisation, attendance at the demonstration in the capital did not exceed 1000 people. Most participants were young people, holding signs protesting against their precariousness state of living and critical of the government of Passos Coelho (Esquerda.net)

The most significant anti-austerity demonstration in Portugal took place on September 15, 2012, named “to hell with Troika! we want our lives”. On that day, thousands of people gathered in the most emblematic squares of every Portuguese city (Babo & Silva, 2016). It is estimated that about one million Portuguese took to the streets. In Lisbon alone, the protestors were said to number approximately 500,000 people (Babo & Silva, 2015, p.358). It was hence the biggest protest seen in the country after the revolution of April 25, 1974. The protestors were taking action against the austerity measures imposed by the troika, which were considered to be overly harsh, and which were driving both Portuguese citizens and the country as a whole towards poverty and degradation. According to the demonstrators, “whoever resigns to govern under the troika memorandum delivers the fundamental instruments for the management of the country in the hands of speculators and technocrats, applying an economic model that is based on the law of the jungle, the strongest, despising our interests as a society, our living conditions, our dignity” (queselixaetroikablogspot.pt).

In this movement, values such as dignity and democracy were emphasised, an approach that was repeated during the following mobilisations. It was a movement that was not exhausted through a single collective action, but which rather followed the whole repertoire of a social movement: campaign, action and demonstrations of Wunc (worthiness, unity, numbers and commitment) (Tilly, 2004). This showed the application of the modular character (Tarow, 1998) used in other movements and contexts in the Portuguese case, albeit without losing its national singularity (Babo & Silva, 2016, p. 188).

On October 13, 2012, the “To hell with Troika” movement organised new protests and cultural demonstrations, which mobilised many artists in various Portuguese cities, and joined the Global Noise protest against austerity measures. The organisers emphasised how people overcame fear on September 15 and called for participation “in all forms of resistance and pressure that will take shape in the next 15 days until we overturn this budget, this policy and this government” (queselixaetroikablogspot.pt).

On November 14, 2012, the CGTP organised a general strike aimed at safeguarding the interests of both the workers and the people, and 15 days later the European Trade Union Confederation marked a day of action for the same date, involving 40 union organisations. Their motto was “for employment and solidarity in Europe, not austerity.” The CGTP general strike had greater visibility, since other unions and social movements that did not support the CGTP initiative joined the European Union action (Dias & Fernandes, 2016, p. 47). In this way, the CGTP joined the UGT as well as movements such as the Inflexible Slums, the Intermittents of the Show, the Students for the Strike, the Platform October 15, the Citizens for Dignity



and the Movement March 12 (Soeiro, 2014, p. 71). The protests ended in violent clashes between police and protesters outside the parliament building.

### 3. Discussion

In Greece, Ireland and Portugal, that is, the three European countries that received external financial aid, the level of dispute was intense between 2011 and 2013. Ortiz et al. (2013) showed that there was an increase in worldwide protests during this critical period of crisis. They examined 843 protests worldwide, in a total of 84 countries and covering 91.9% of the population, and concluded that the vast majority of protests occurred in countries with a higher level of development, most notably in Europe (Ortiz et al., 2013). Most of the protests (n=488) were anti-austerity and in favour of economic justice.

In the countries analysed in the present study, the direct cause of many protests was the economic crisis and the austerity measures adopted by governments in an attempt to solve it. Measures that suppressed certain rights won over time by the actions of various social movements. However, a structural analysis showed that the dissatisfaction was much more deeply rooted and related to the political-economic model of contemporary European society. The protests certainly emerged in part due to the crisis, but they were also the result of the responses offered the political systems to the crisis (Della Porta, 2012). In the investigated countries, as well as in others, posters appealing for real democracy were erected by demonstrators, thereby demonstrating that representative democracy was privileging the elites, that is, 1% of the population rather than 99%. Hence, those who were overburdened by the austerity measures, those who were unemployed, the poor, or those who could not find a first job took the streets to shout "we are 99%". They were the 99% who were dissatisfied with the responses of both institutions and public policies to economic problems, as well as those who were dissatisfied with the current democratic model.

As Slavoj Žižek (2013) noted, "what unites these protests is the fact that none of them can be reduced to a single issue, because they all deal with a specific combination of (at least) two issues: an economic one, of greater or lesser another political-ideological" (p.1).

### 4. Final Reflection

The response to the 2008 economic and financial crisis associated with new communication technologies contributed to the spatio-temporal dissemination of collective action in Europe between 2011 and 2012.

In the analysed demonstrations seen in Greece, Ireland and Portugal, there was a direct relationship between the economic and financial problems experienced in those countries and the intensity of austerity, as well as the wave of protest that swept through their territorial spaces, bringing thousands of people to the streets and squares of their cities. It also emerged that economic problems once again formed the basis of citizens' concerns, since they again took centre stage in the dispute, albeit with characteristics distinct from those that existed during the early labour movement. The actual worsening of living conditions, which manifested in wage reductions, the deregulation of labour relations and cuts in social benefits, brought groups to the streets that could be mobilised by institutional organisations (unions, parties, etc.), as well as those who were mobilised spontaneously through social networks: the young, the precarious, the unemployed.

Many of those who protested were people with a high level of education, corresponding to a middle class who wanted to enjoy the economic benefits equivalent to their level of training, although that desire was limited in terms of their rights and expectations; hence, the deep sense of frustration and injustice following the redefinition of status introduced by austerity (Estanque, 2014, p. 54).

Economic problems were the immediate cause of the investigated collective action, although disenchantment and dissatisfaction with political systems and representative democracy were the remote causes, as demonstrated by the protesters demanding real democracy, which requires not only good governance and representation, but also direct participation and a society in which the principles of freedom and equality are not confined to laws and institutions, but are effective values in daily life (Ranciere, 2006).

In the case of Greece, Ireland and Portugal, these countries were certainly part of the identified European and global protest tendency that replaced the material issues at the centre of the protests. The same innovative repertoire of actions was used, in which the collective actions programmed and conducted by specific actors coexisted with new forms of social action, often without leaders, without organisation and without physical space, and wherein social networks were used as a form of mobilisation.

The collective action was not restricted to the national scale or to specific organisations or groups, but instead became global through the sharing of difficulties and the search for common values, thereby inspiring later protests.

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## Trafficking in Georgian Criminal Law

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### Abstract

Trafficking is global and one of the most important problems in the modern world. Every year, due to various reasons, both on their own and in other countries, many people become victims of exploitation. Trafficking prevents the development of a democratic and humanitarian society. Individual states and international organizations are trying to combat this crime. Human trafficking is one of the fastest growing and most important profitable criminal act. Today, it is placed beside drug dealing. If we take a look at the modern world practice, fighting against trafficking is carried in three directions: A) criminal liability of the perpetrators; b) crime prevention; C) Protection of trafficking victims; The basic content of our topic will focus on criminal responsibility and its regulation issues in Georgian legislation.

**Keywords:** crime, criminal responsibility, trafficking.

### 1. Introduction

The modern globalization process poses a lot of challenges to the civilized world, including the fight against international crime. Trafficking takes a significant place in this regard. Trafficking is an important challenge to the modern civilized world. This transnational crime is characterized by two important problems:

First, this is the scale of this crime: in particular, if we look at different data chronologically, we will see that every year more than two million people are victims of this crime. (There are different data on the trafficking, but the fact that it is a crime you can see at reference 17; Badzagua, M., 2010, p. 5; Shagulashvili, T., 2008, p. 140)

1. In addition, such a crime is not usually carried out within one country but often it starts in any country and continues to be in other countries, so the area of action of criminals and the number of victims is quite large.

2. Second, these are the gravest causes of these offenses. It hinders the process of development of the civilized world, grossly violates human rights and basic values. It violates and destroys such good things as human life, health, safety, freedom, dignity, and honor. The necessary sign of trafficking is an exploitation that often leads to a slavish condition of the human being. Slavery is a continuous process in its contents. The hard social-psychological condition caused by such a situation makes the victim a non-existent; in a moral sense, the person loses his/her ability to perceive himself/herself as a person who is disintegrated, stigmatized, disgusted, and intimidated by the society. People in such a situation "do not get hurt or worry about anything." The victim of human trafficking "experiences physical and psychological forms of violence and destructive influence of these forms. The use of these forms puts a risk to life, freedom, security and free development" (Meskhi, M., 2014, p. 276). People with such severe psychological stress often need a long psychological course to rehabilitation."

In view of all these factors, in conditions of modern globalization, international organizations and separate states should actively fight against and avoid any trafficking offense.

### 2. Analysis

Fighting against trafficking has been the focus of the whole world, however, according to recent data, trafficking still continues to be an important part of the "profitable business"(For statistics of trafficking in Georgia see ref. 16). It is noteworthy that if in the past trafficking was limited to slavery, nowadays, "together with the development of medicine, people are using organs for transplantation and surrogate motherhood and, in parallel to technological improvement the victims become the source of the more profitable activity" (Badzagua, M., 2010, p.3). It holds an honorable place between

narco-business and weapon trade. High level of economic interest is characterized by the nature of this crime as well (M. Lekveishvili, N. Todua, G. Mamulashvili, 2014, p. 244).

In most cases, trafficking is caused by the low socio-economic backgrounds associated with poverty, unemployment, low level of education, corruption, discrimination or lack of prospect. Trafficking is not a new offense. At different stages of human development, it was manifested in various forms, and sometimes it got very steep and wide scales (For example, we can name the trafficking in Georgia in the 16<sup>th</sup> and 18<sup>th</sup> centuries. The Georgian Orthodox Church has alarmed the bells on the sale of the victims. In the middle of the sixteenth century the Church Council was invited by the Catholicos of Kartli Malachia and the spiritual leader of Western Georgia Evdemon I, where the Church Council discussed and punished the people involved in these dirty affairs, (Dolidze, I., Vol. III; Kantaria, B., 2011, p. 72). In December 1759, the church meeting was invited by the King of Imereti Solomon I, which was attended by the secular feudal, in fact, it was a meeting of State Governors. A rigid verdict on people who directly or indirectly contributed to or participated in the sale of prisoners was made. This law punished all the people who were considered to be the victims of the sale of prisoners ... regardless of the social and theological hierarchy. Those who were directly involved in the murder were also strictly executed (see essays of Georgian history, Vol. VI, 1973, pp. 640-641). The Georgian film "Mamluk" has been made on this topic). The civilized society was trying to make a proper legal assessment of the trafficking offense and to determine its legal concept. In terms of fighting against similar criminal acts in the past, a lot of normative acts of international or internal legal significance have been created (1926 Convention on Slavery, the 1945 Convention on the Exploitation of Human Trafficking and Prostitutes; 1989 Convention on the Rights of Children, etc.). However, the definition of this crime and fighting against it was not given a due attention.

In terms of fighting against trafficking, 2000 year is considered to be an important stage of development when the UN Convention and the Protocol were signed to fight against transnational organized crime in the city of Palermo: "The Protocol on Prevention, Prohibition and Punishment of People, especially Women and Children". This Protocol is the first international legal document where the concept of trafficking was first interpreted (Meskhi, M., p. 257; Bakakuri, N., 2004, p. 111; Criminal Court Practice Comments: Crimes against Human, Chapter XXII-XXIV of the Criminal Code of Georgia,., 2008, p. 115). This document is very important in the sense that it defined the legal mechanisms for fighting against trafficking.

An important legal document in the international jurisdiction is also the Convention of the Council of Europe on the Fight against Human Trafficking (March 16, 2005), which was ratified by the Parliament of Georgia on December 22, 2006.

Modern mechanisms for fighting against trafficking, which can be strengthened by various international legal acts, can be divided into three directions: the criminals' responsibility, the prevention of crime and the protection of trafficking victims.

All three mechanisms are very important in terms of fighting against trafficking, but the distinguished place is still held by the criminal responsibility of the criminals. Perhaps, this fact should be explained by the circumstance that the notion of trafficking in the Georgian legal space was first defined in criminal law in 2003, and later in 2006 the Parliament adopted a law on "Resistance to Fighting against Human Trafficking" where the third and fourth chapters of this law focus on the prevention of trafficking and rehabilitation of victims (see ref. 18).

Trafficking crimes in the Criminal Code of Georgia are placed in the chapter of the crimes against constitutional rights and freedoms. Judging by placing crimes in the Criminal Law Code, the Georgian legislator discusses them as the crimes against human freedom. The offense of trafficking is presented in three compositions: Trading with humans (trafficking) (Article 143<sup>1</sup>), trade with children (trafficking) (Article 143<sup>2</sup>), and using the service of victims of human trafficking (Article 143<sup>3</sup>). The first two of these crimes belong to a particularly hard category of crime, and the third is less serious. It should be noted that trafficking was first introduced in 2003 in two articles, and the third article was added in 2007. In addition, in 2006 the amendments were introduced in Article 143<sup>1</sup> and 143<sup>2</sup> of the Criminal Code of Georgia, according to which the responsibility of legal entities was defined and the composition of the crimes was perfectly specified. New qualifying (aggravating) marks were also formulated in a new way (Lekveishvili, M., Todua, N., Mamulashvili, G., 2014, p. 244).

Until 2003, before the definition of trafficking in Georgia, the Georgian criminal law legislation had been responsible for similar types of anti-social acts under various compositions, such as involvement in prostitution, imprisonment, violence, etc. However, the qualifications of these articles do not necessarily reflect the social-legal content of trafficking, and the penalty applied according to these articles did not comply with the load of the offense. The current Georgian legislation is

perfectly complete in this regard. It almost completely prohibits all forms of manifestation of trafficking and establishes a relevant sentence according to the severity of the offense committed.

According to the relevance of the abovementioned issue, it can be said that Georgia carried out legal reform in the field of trafficking in a very short time, in particular, determined the trafficking offenses in the Criminal Code, adopted and launched "the law on fighting against the human trafficking" which represents the legal basis of preventing and fighting against the crime. In addition, Georgia has ratified the "UN Convention Protocol on Transnational Organized Crime" and "the Convention of Council of Europe on the Fight against Human Trafficking". Due to the implementation of effective measures against trafficking, Georgia was positively assessed (Badzagua, M., 2008, p. 134) by the 2007 report of US Department of State that it was among the first states to fight against trafficking (Public Defender's Report of Georgia on the State of Human Rights and Freedom Protection in Georgia, 2008, p. 271; Parsadanashvili, N., 2010, p. 168, 170). According to the Georgian Criminal Code, the name of trafficking is "human trading (trafficking)" (The use of two names for this article, especially the second name in the parenthesis to make it clearer to specify the main name, we think is too much. This article can be called an ordinary trafficking that has been firmly established in Georgian legal thinking).

This article consists of four parts. The **first** part defines the concept of trafficking as the main composition of the criminal act, as follows: "Convincing, transferring, concealing, renting, transporting, transferring, harboring, or receiving a human being for the purpose of exploitation via buying or selling of a human being, or carrying out other illegal transactions, as well as threats, violence or other forms of coercion, abduction, blackmail, fraud, deception, helpless condition or abuse of power, by giving or receiving a benefit or acceptance of the consent of the person who can influence the other person".

By the second, third and fourth parts of the same Article 9 paragraphs of aggravating circumstances are envisaged. In the **second** part, the same action is punishable committed a) against the pregnant woman preliminarily recognized by the offender; (b) against the person in the helpless condition or the materially or otherwise dependent person on the offender preliminarily recognized by the offender; c) using official position. According to the **third** part, the same action is punishable committed a) repeatedly; b) against two or more persons; c) by taking the victim abroad; d) by the threat on life or health, or with the use of such violence. The **fourth** part shall be punishable for the action envisaged by the first, second and third parts of the same article: a) committed by an organized group; b) causing the death of the victim or any other grave consequence.

In general evaluation of the given article, first of all, it should be noted that the definition of trafficking in the Article 143<sup>1</sup> of the Criminal Code of Georgia does not repeat the verbal definition of trafficking internationally recognized by the 2000 protocol of the Palermo, although it is in compliance with this notion. In the Georgian criminal law, there is an attempt to make the notion of trafficking more clarified on the basis of certain signs, for example, such signs as blackmailing, hiring and transmission, as well as objective signs characteristic of this criminal action, such as buying, selling or other illegal deals. Buy-selling is a general economic activity that involves purchasing certain goods or services. But as for trafficking, we mean here a person as an object of selling, which, like "economic activity", can be expressed in the payment of money, in debt, the exchange of goods, etc. These methods of buying and selling are not different from similar forms of economic activity; the only difference is in the object of the transaction. As for the sign of illegal transaction during trafficking, it can be expressed in getting certain benefits, such as promising treatment during the transaction, repairs, assistance in business, etc. The content of such transaction will be restricted to the fact that a person entered into an illegal deal can influence the future victims of trafficking. Therefore, this method is absolutely possible to be one of the signs of the objective side of trafficking.

In order to make a more clear impression on the harmonious compatibility of national legislation with international definition of trafficking, we should also underline the fact that at both national and international legislation levels, we can distinguish between three phases of implementation of this crime: selection and recruitment of victims, transit, and operation.

For the recruitment of victims of trafficking, which is expressed in selecting future victims, contacting with them and recruiting them, the criminal may apply to different methods described in Article 143<sup>1</sup> of the Criminal Code of Georgia. In addition, these methods can be both, intellectual, for example, deception, fraud, pay or benefit to a person who can influence others or coercive, for example, abduction, threats, violence or others, or even simultaneously be reflected in the offense committed, such as blackmail, abuse of power, and so forth. In a word, the legislator describes the signs in which the first stage of trafficking can be recruited quite extensively and thoroughly.

In terms of ensuring victims of trafficking, the disputed mark of the objective composition may be the use of a vulnerable state. This is the case when the person is not able to resist because of his/her physical or mental state. That person should be able to recruit the other person and put him/her into exploitation. It is correctly mentioned in this method, in the literature that "such a case is very atypical for human trafficking" (Lekveishvili, M. Todua, N., Mamulashvili, G. 2014, p. 249).

A commitment to trafficking is often accompanied by the movement of the victim or transit. The transit can be done both within and outside the country. In addition, crossing the border can be both legitimate and illegal. In the first case when the victims move inside the country with the purpose of exploitation, this means the victims' movement on the territory of their residence. In regard to this type of trafficking, I agree with the researchers who call it "internal trafficking". The opinion that trafficking should be considered only in the transnational context, and for this it is necessary to assess only cases where trafficking victims are transferred to a foreign country, I think, is not correct (Comment of Criminal Court Practice: Crimes against Human, Chapter XXII-XXIV of the Criminal Code of Georgia, 2008, p. 124; Bakakuri, N. 2004, p. 114; Glonti, C. 2008, p.127). Transferring victims during the trafficking can be accompanied by signs of objective composition, such as hiring, hiding, transferring, packing or receiving the law. During the transit of victims, they are not just moving, but the main essence of moving and carrying out all accompanying activities lies in reaching the main goal towards the displaced person - turning into trafficking exploitation victim. That is why the legislator tries to list such signs exhaustively.

The third stage of trafficking as a complex action is to provide exploitation. Exploitation is one of the important elements for the qualification of trafficking offense. It is correctly mentioned in the literature that the concept of exploitation compared to the Palermo protocol is more widely interpreted in Georgian legislation (Meskhi, M. 2014, p. 265). This explanation is provided in the note of Article 143<sup>1</sup> of the Georgian Criminal Code. It consists of two parts, and the first part is divided into four paragraphs and four sub-paragraphs. According to the first part of the Article 143<sup>1</sup> of the Criminal Code, the exploitation for the purpose of trafficking is considered to be: a) labor or services or b) enforcing sexual services; c) involving a person in criminal activity, prostitution, pornography or other anti-social action; d) transplanting or removing the organ of the body or tissue of the human body, or using otherwise; e) putting a person in a condition similar to human slavery or in modern conditions of slavery. Putting a person in the modern conditions of human slavery implies the creation of such conditions when he/she is paid, with inadequate compensation or without any remuneration at all, performing a job in the favor of another person or providing a service and cannot change this circumstance because of his/her dependence on this person. Depending on the person may be caused by: e.a) seizure, control or intentional infringement of the person's ID document; e.b) restriction of freedom of movement or control of free movement; e.c) by restricting communication with a family member or other person or controlling correspondence and telephone communication between them; e.d) by creating a forced or terrifying environment.

According to the second part of the same note, the consent of the person for premeditated exploitation of trafficking does not necessarily have any sense, or we will face the trafficking of the victim, regardless of the consent of the future victim of trafficking.

It should be noted that the Georgian legislator interprets the concept of exploitation quite widely and in details. The exploitation during trafficking can be expressed not only by the manifestation of individual types of human slavery or individual forms of prostitution but also it can be related to the transplantation or other use (Human trafficking for the purpose of taking organs - Under International Legal Regulation, 2011, p. 127-155) of human organs, which obviously increases the threat of this criminal act. Such actions are directly related to the deprivation of human life and health.

During trafficking, a person most frequently becomes the victim of sexual service and labor exploitation, which stipulates that he/she is in a state of slavery. At the same time, such offenses take place in the territory of transit or recipient state in terms of general practice. The victim's presence in a foreign state creates additional difficulties related to unlawful migration and illegal crossing of the border. Fighting against trafficking as a transnational crime implies not only imposing liability but also the creation of tools such as taking into account the interests of the victims. In this regard, it is necessary to specifically emphasize the right decision of the Georgian legislator, when, in case of the illegal crossing of the border (344 m) and the preparation, application or selling of fake document, stamp, seal or document form, (362 m.), he/she releases the victim from liability if the offense is committed by a person trafficked during the time of being victimized (the Administrative Offenses Code of Georgia, Articles 172<sup>3</sup> and 185). The introduction of such norms by the legislator not only serves to protect the interests of the victims but also it is in compliance with the general law policy in terms of fighting against trafficking.

Trafficking is a formal crime. For its completion, it is not necessary to put the trafficked person into the exploitation and any material result to be reached, but it is sufficient to carry out the act determined by the correspondent law.

Such is the general content of the objective side of the trafficking offense (or, part I of the Article 143<sup>1</sup> of the Criminal Code of Georgia), which can be characterized by a detailed consideration of each of its signs, although this cannot be available due to the size of the present paper.

As for the composition of the subjective side of trafficking, it is expressed in direct intention. In terms of motivation, as a rule, the criminal is basically acting on the motives of the selfishness; however, it does not matter for the qualification of crime. Therefore, trafficking can also be committed with other motives, such as revenge, careerism, misunderstanding of friendly compassion and so forth. As for the purpose of trafficking, the offender should act for the purpose of exploitation. However, it should also be noted that the issue of purpose along with the signs of objective side of trafficking, like buying, selling, or illegal dealing causes different opinions in legal literature. According to some authors we have the case of trafficking whether or not the offender was responsible for exploitation. We think this approach is correct to understand the essence of trafficking if buying a person is not connected to the freedom of the victim himself. But when a person is the sales object or illegal transaction, and therefore, "a person is treated like a thing ... this action is unlawful and here the purpose shall not be important" (Lekveishvili, M., Todua, N., Mamulashvili, G. 2014, p. 255; Meskhi, M., 2014, p. 271-272; Criminal Code of Georgia, 2008, p. 131-132).

The following composition of the trafficking, defined by Article 143<sup>2</sup>, is trading with juveniles (trafficking). In its contents, this article is similar to the article discussed above. In particular, the legislator also speaks here about selling and buying the juvenile, or to carry out other illegal transactions, as well as recruiting, transferring, hiring, hiding, transporting, transmitting, or exploiting the juvenile. Unlike the previous composition, when dealing with a minor, the legislator does not specifically describe those signs by which the recruitment of the juvenile can be available. It is natural that this offense can also be revealed by all the signs of human trafficking.

We believe that there is no basis for the separation of trafficking of a juvenile as a separate article. The Georgian Criminal Code does not recognize similar practice with regard to other crimes. Therefore, the positions of the authors on this issue who think that the trafficking of juvenile should be established as one of the circumstances qualifying human trafficking are correct (Glonti, C. 2010, p. 8). There is no theoretical or practical basis for forming it as a separate type. One of these circumstances can be explained by the fact that the UN Convention against the Transnational Organized Crime and its Additional Protocol describe fighting against human trafficking, particularly fighting against women and children trafficking. Because of the vulnerability of children in the international legal context, the main attention is paid to them. However, in fighting against juveniles, it is not necessary to separate these compositions in the national legislation. According to this logic, we should separate the case of trafficking against women, because if we take into consideration the vulnerability of women and the scales of trafficking in comparison with men, these cases may also require similar approaches. Moreover, the above-mentioned protocol and other international documents discuss the special attitudes towards women as well.

The current Georgian Criminal Code, as we have already mentioned, was added by another new composition in 2007, which deals with the use of victims (victims) of human trafficking. The introduction of this article was conditioned by the requirement of Article 19 of the Convention of the Council of Europe, which states that the States acceded to the Convention shall commute the use of the service of the trafficking victims as a crime. Introduction of this article is one more step forward in terms of fighting against trafficking, as the increase in trafficking is often caused by the use of victims of trafficking. Consequently, Georgia is trying to get acquainted with the modern civilized world and create its own tools to fight against this crime.

### 3. Conclusion

So, based on the above analysis, we can make some conclusions. First of all, it should be noted that trafficking is still a great problem for the modern world; that the scale of this crime is extensive and the results are quite severe. Georgia, as a part of the civil world, has taken immediate steps to fight against this crime. It shared the international experience and created appropriate tools for the purpose of responsibility for the crime of trafficking, prevention of crime and the rehabilitation of victims. In this regard, Georgia is among the first countries in terms of reforms. In terms of criminal responsibility, Georgia has established three new articles that comply with international approaches to this issue, but it formulates a number of issues, using its own scientific or practical potential, by which it seeks to contribute to improving



the criminal activities of trafficking. In this respect, the issue of trafficking is more relevant now in terms of separation from similar criminal actions.

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## Fluctuating Definition of 'Consent' in Cases of Rape in the Southeastern Region of Kosovo

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### Abstract

This research provides specific analysis on rapes and sexual assaults conducted in the South Eastern Region of Kosovo 2004-2013, aiming to shed light on social implications of this phenomenon and actions law enforcement entities put into effect. Rapes and sexual offenses certainly interrelate with existence of agreement/consent in sexual intercourse, therefore the typical definition of rape is considered when there is forced sexual intercourse without permission or agreement. In Kosovo's context, pre-war legislations have identified a significant number of offenses disregarding the expressed will from the victim, but with the deployment of UN Interim Administration such trend has evolved regulating the issue of consent in compliance with the international norms and standards. Nowadays, penal-judiciary focuses on offenses against sexual integrity primarily on (non)existence of consent. With the purpose to complementing international benchmarks, substantial legal reform is needed, in expanding the definition of rape and sexual offenses, compatible to EU standards such as clear delineation of consent amongst married couples etc. Obviously, the definition of what sexual offense infers, varies from social background, and perceptions, therefore viewpoints differ from cultural context, social development level, and/or socio-cultural perception Kosovar society has for sexuality is pivotal. But, another factor is prejudices and stereotypes society has for educational and socio-economic perspective on sexual offenses. Data and rationale on rapes, and other sexual offenses (sexual exploitation, jealousy, orgies, sexual assaults on interethnic hate), is provided but motives are explored describing and analyzing socio economic status of perpetrators, interethnic identity, employment status, educational and family background.

**Keywords:** consent, rape, sexual offense/assault, perpetrator, victim.

### 1. Introduction

It's essential to emphasize that due to seizure of Kosovo's autonomy from the oppressing regime of Serbia in 1989 Kosovo lacked legal judiciary instruments to regulate fundamental aspects that relate to criminal offenses including rape and sexual assaults. Under the brutal regime of Milosevic, Kosovo was undeveloped in many aspects. There was lack of information among Ethnic Albanians whereby Serbian legislation indirectly supported criminal assaults including ethnic rapes which clearly ended unreported, as victims were subject of threat from perpetrators. The treatment of victims in the criminal justice system of former Yugoslavia was questioned and impossible to process legally. Typically, during that time Kosovo had many cases of random rapes and assaults, where a stranger would show up from hiding in the bushes violating sexually a woman by using excessive force and in absolute terms all these offenses ended unreported from the fear of intimidation. With the deployment of United Nations Mission in Kosovo soon the Criminal Code and other related laws were promulgated regulating all criminal offenses including rapes which occurred prior, during, and after 1999 War in Kosovo. Under such circumstances, the Provisional institutions of United Nations Interim Governance in Kosovo followed by Kosovo Government promulgated Criminal Code regulating issues on Sexual Offenses against sexual integrity in the first years after the 1999 conflict in Kosovo. In the post war Kosovo, International Provisional Entities and Kosovo Institutions, adopted laws and set the foundation for implementation of these laws, thus legally channeling all criminal offenses, rapes and sexual assaults cases.

The rationale for this research work (period 2004-2013) is the bulk period as it offers sufficient statistics, data, evidences to study rapes and sexual assaults to analyze, compare, and understand the characteristics of phenomenon, therefore this period has been chosen as research topic aiming to provide contribution to the subject matter. Southeastern Region of Kosovo has been taken as a target area of this research being very representative and authentic for Kosovo, in many

aspects being a multiethnic, socially peaceful, and being typically representative to address issues and concerns that relate to the topic.

Obviously there has been an evolving process from 2004 onward, both legally and socially when it comes to implementing the law and criminal code in this region of Kosovo. The evolution process was apparent in cases that implied rapes and sexual assaults too, such progress is obvious not only in legal aspect but also in mental, medical and victim's socialization.

Before putting a major highlight on the analysis results and specific legal aspects of sexual assaults, the medical and social aspects are considered accordingly in the southeastern region of Kosovo by enabling access to counseling, psychotherapy and shelter to the victims of sexual assaults at the Center for Protection and Rehabilitation of Women and Children in Gjilan Municipality, a center which is established in 2004 by International Donor Agencies, but unfortunately providing limited services to victims from rapes and sexual assaults. In overall terms, statistics obtained from relevant institutions in Kosovo, prove an increasing public trust Kosovo citizens have with Law enforcement institutions, believing in fair trials and perpetrators are sentenced to jail accordingly.

#### 4. Overview

To address social and legal challenges that relate to rapes and sexual assaults it's important to determine the scope and nature of the crime depending on how rapes are defined and measured. In overall terms, from the legal point of view most state jurisdictions define RAPE, sexual assault, and all forms of sexual violations, conducted by a perpetrator against a victim, via intercourse that needs inevitably prior consent. The most commonly referred definition probably all researchers use is the Wikipedia<sup>1</sup> which defines Rape as type of sexual assault usually involving sexual intercourse or other forms of sexual penetration carried out against a person, though different legislations, be it in Europe or overseas (U.S. Department of Justice) define rape as "Penetration by a sex organ of another person, without the consent of the victim"<sup>2</sup> which concludes that crucial to legal processing sexual violations is defining clearly whether the victim provided prior consent for such an action, or not. In line with these updated legal trends, Kosovo as a new country, has blended fairly with International standards by establishing legal foundation, adopting laws that regulate criminal offenses against sexual integrity. Kosovo's Criminal Code, chapter on sexual offense describes rape, as penetration of sexual organ of a person or with any object or another part of the body, followed with specific provisions on consent, specifying;

No consent is obtained when there is: lack of agreement to engage or to continue sexual act; the agreement was obtained by deception, fear or intimidation, the use of force, serious threat or exploitation; or when person is incapable of agreeing to the sexual activity because of diminished mental or physical capacity.

In many respect, the issue of consent/non-consent is key to proper legal analysis therefore the Criminal Code of Republic of Kosovo defines RAPE as an action "whoever subjects other person to a sexual act without such person's consent shall be punished by imprisonment". From practical point of view for every specific case judge has to examine carefully the motives affirming agreement was expressed by word or conduct. The criminal code of Kosovo substantially encompasses modern concepts related to all criminal sexual offenses and human rights<sup>3</sup> whereby individuals decide freely on their respective sexual behaviors in respect to the Right on Dignity and Sexual Integrity of Human Beings<sup>4</sup>. That being said, Kosovo has progressed significantly, as in pre 1999 cases of sexual assaults were processed through customary law, in absence of legislation under dictatorship regime of Serbia. Post war time marked extensive progress in adopting laws and set the foundation for implementation of these laws, thus legally channeling all criminal offenses, rapes sexual assaults cases, regulating all criminal offenses accordingly.

Given the socio-economic context, Kosovo is considered a conservative society, thus punishment of rapes and sexual assaults often are often two folded; perpetrators receive the second punishment after imprisonment as these people face social public humiliation and somehow receiving the second "isolation" from community, perhaps not to a great extend in capital city but in regions and small municipalities such practice is applicable.

<sup>1</sup> <https://en.wikipedia.org/wiki/Rape>

<sup>2</sup> An updated definition of rape taken from the archives of the United States Department of Justice source: <https://www.iustice.aov/archives/opa/boa/updated-definition-rape>

<sup>3</sup> Article 23, Constitution of Republic of Kosovo, Prishtina, June 15, 2008.

<sup>4</sup> Salihu, Ismet, Zhiti, Hilmi, Hasani, Fejzullah, *Komentari i Kodit Penal të Republikës së Kosovës, botimi 1, Prishtinë, 2014, fq. 605.*

For information and perusal, find herewith the overall statistics on criminal offenses against sexual integrity for the period 2004-2013

**Table 1:** figures on all reported criminal offenses in the Southeastern Region of Kosovo (period 2004-2013)<sup>1</sup>

<b>CRIMINAL OFFENSES AGAINST SEXUAL INTEGRITY 2004-2013</b>	
<b>Southeastern Region of Kosovo</b>	
Rape	12 cases/incidents
Rape attempt	11 cases/incidents
Sexual assault	16 cases/incidents
Sexual offense with persons with disability and diminished or physical capacity	9 cases/incidents
Sexual offense with mistake of fact as to age of victim with children under 16 yrs old.	32 cases/incidents
Sexual offense by using the authority, public post or profession	1 case/incident
Incestuous relations	2 cases/incidents
Sexual offense by harming reputation	1 case/incident

The reported figures against sexual integrity in the southeastern region of Kosovo are considered far above the ground and very high. From the comparative point of view with the cases prior to 1999 and until 2004 (informal statistics) these figures are appalling, considering the total number of population of Kosovo (average 1.800 million citizens). The growing number of rapes and sexual assaults is noticed among college age (females) up to 16 years old, total 32 cases, which is an alerting situation, as high figures force decision makers to plan undertaking preventive actions.

Needles to say, but for each category as reported in table 1, presumably 20-25% are unreported incidents which is typical in under-developed countries like Kosovo. Current legislation applies strong penalties for rape assaults as article 229 of Criminal Code finds the sexual offenses of this kind criminally liable because of a mistake of fact under Article 25 of this Code<sup>2</sup> if, for justifiable reasons, did not know and could not have known that the victim was under the age of sixteen (16). Imprisonment from 2 to 10 years, from legislative authorities is an adequate legal prevention instrument to potentially downsize sexual offense cases with mistake of fact as to age of victim with children under 16 yrs old.

In cases when perpetrator is under 16 years, imprisonment is not applied, which potentially brings the need to amend legislation in lowering the age to find offenses criminally liable as a substantial number sexual offenses are registered in schools among the school mates. Perhaps a practice taken by some countries of European Union in lowering the age to 14 yrs old is to be considered seriously by legislators to halt this type of assault among juveniles and enable legislators to undertake concrete measures in preventing sexual assaults in schools.

Kosovo Government, Law Enforcement Institutions and all other relevant entities with the mandate to address the issue among juveniles have taken substitute preventive measures and applied information campaigns to diminish the growing rate of sexual assaults, but still it remains gangrene for Kosovar Society. However, the challenges ahead, prove that preventing rapes and all sorts of sexual assaults is a very sophisticated and complex process. It's rather a delicate process requiring reviewing carefully specifics and needs via multidisciplinary analysis to administer and manage properly such a delicate process.

Obviously rape entails a broad scope of complex processes that needs professional and skilled qualified experts to deal with it. Apparently this type of sexual assaults require more instruments post verdict as strong foundation via social improvement programs to address this critical society problem. Southeastern Region of Kosovo has limited practical

<sup>1</sup> Statistical report on criminal Offenses, Kosovo Police, RID Regional Investigation Department, reporting period 2004-2013.

<sup>2</sup> <http://www.assembly-kosova.org/common/docs/ligjet/Criminal%20Code.pdf>

resources to handle this growing numbers of rapes and sexual assaults in one Center, a center for Protection and Rehabilitation of Women and Children who primarily accommodate victims of domestic violence but unfortunately do not cover directly victims of sexual assaults. However, lack of educational programs and campaigns informing students in the primary and secondary schools is another piece that leads to the increasing number of sexual assaults with juveniles.

Sexual offense cases/incidents with persons with disability and diminished or physical capacity in the region are surprising and a very concerning issue for the community. In non-developed countries like Kosovo, which leans more to a typical traditional society, sexual offenses with disable people are rare phenomenon that in the past was not noticed, perhaps, it was unreported due to social delicacy and the harsh contradiction faced in society. From the social point of view Kosovar society still treats sexual assaults with persons of disability as the most disgraceful offense socially unacceptable and intolerable. In typical cases the social penalty results to isolation and abundance community imposes on perpetrator regardless of the court verdict, after finishing imprisonment.

From a statistical point of view rapes, rape attempts and sexual assaults (totally 39) as reported for this period of time, are considered rather high. From the overall observations a number of social factors contribute to this growing number of cases/incidents. Obviously, the adolescence time has dropped therefore nowadays in primary schools, girls that physically look grown-up are subject of sexual assaults and rapes. Sexual maturity among girls have reached to the levels of adulthood in a very accelerated pace that visually spurs and encourages males to seeking sexual intercourse, but it's not only the appearance that as primary motivation to conduct sexual assaults and rapes but also misleading signals that perpetrators wrongfully conclude to receiving consent from the partner, colleague or a friend.

Many of rape assaults definitely lack agreement or consent for sexual intercourse and very often the agreement of the victim is obtained by deception, fear of intimidation and other ways of using force, or threat for exploitation. Obtaining consent or having no agreement in a willingly sexual intercourse interlinks mostly with the motives perpetrators have in conducting sexual offense of any kind therefore, key to unlock this challenge is analyzing concisely and thoroughly the existence of consent/agreement in a sexual intercourse. Identifying true motives is key to definition of consent or agreement in cases of rape or sexual assaults in the southeastern region of Kosovo.

Enlisted below are the identified motives that led to criminal offenses against sexual integrity.

**Table 2:** Motives on reported criminal offenses in the Southeastern Region of Kosovo (period 2004-2013)<sup>1</sup>

<b>Motives identified leading to criminal offense against sexual integrity</b>			
<b>in the Southeastern Region of Kosovo</b>			
<b>Reporting period 2004-2013</b>			
<b>No.</b>	<b>Description</b>	<b>Number</b>	<b>Remark</b>
1	<b>Sexual Motives</b>	59	
2	<b>Sexual exploitation</b>	8	
3	<b>Jealousy</b>	1	
4	<b>Sexual Orgies</b>	2	New in the Kosovo context
5	<b>Ethnic hate</b>	1	A group of local Serbs sexually assault native Ethnic Albanian girl to openly express interethnic hate against Albanians
6	<b>Money benefit</b>	2	
7	<b>Love motive</b>	3	Perpetrator exhausts all the chances in receiving love from the partner, thus to reach out its objective conducts criminal offense to win the heart of the

<sup>1</sup> Statistical report, Kosovo Police, RID Regional Investigation Department, reporting period 2004-2013.

			partner justifying the offense claiming to commit such action to receive deserving love
8	Low sexual motives	3	
9	Pedophilia	1	
10	Marriage motives	2	Similar to offenses with love motive, but the only the final objective is to conclude the process with marriage

Application of sexual orgies is definitely new in Kosovo context; such phenomenon was never reported in the past. Probably, this is a reflection of copy paste syndrome youth tries to replicate in Kosovo, from what they see on TV or what they believe is a trend in the western world. Such phenomenon, probably, comes as influence from internet as a vast majority of youth follows porn sites and try to apply sexual orgies considering a common and fancy. Kosovo is a traditional oriented society leaning more towards national conservatism therefore such social gatherings that encompass open sexual intercourse are socially unacceptable and prohibited.

Yet another category that is considered sensitive in the eyes of the community is the criminal offense against sexual integrity conducted on basis of ethnic hate. These incidents are very sensitive as people still live with the flashbacks of rape and sexual assaults prior and during 1999 conflict that paramilitary and military forces committed against innocent females in Kosovo.

Fact wise, during the reporting period of this research, criminal offense against sexual integrity on basis of ethnic hate is only one offense that engages two ethnicities (Serb and Albanian) as all other offenses are conducted within the same ethnic community.

Chart 1<sup>1</sup> shows the breakdown of numbers divided per ethnic background of perpetrators engaged in rapes and sexual assaults. Majority of perpetrators are Kosovo Ethnic Albanians as they are dominating community in social life of Kosovo. Under category other foreign citizens are engaged in criminal offense.

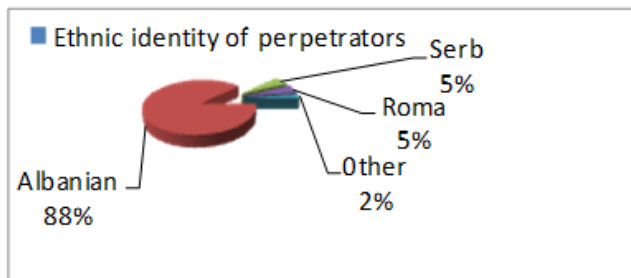


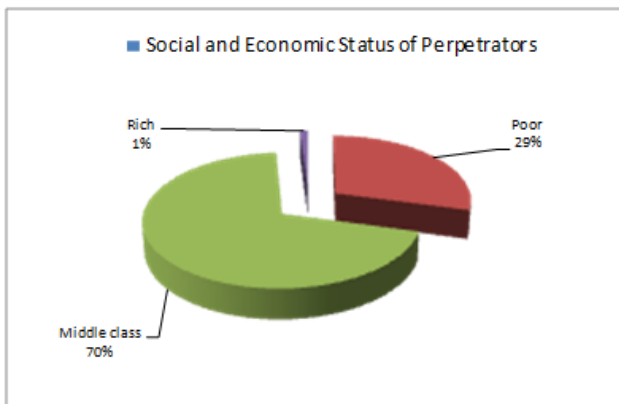
Chart 1: Motives on reported criminal offenses in the Southeastern Region of Kosovo (period 2004-2013)

Yet the main motive identified leading to criminal offenses against sexual integrity in the Southeastern Region of Kosovo is the sexual stimulus. Perpetrators enter forcibly to an intercourse to fulfill sexual desires and fantasies, but in most cases sexual assaults occur because they find the female sexually attractive, but also a decent percentage of perpetrators find themselves bossy and macho despite the fact that their social status is very low.

Find herewith the table describing the social/economic status of perpetrators:

<sup>1</sup> Breakdown of figures per ethnicity, Kosovo Police, RID Regional Investigation Department, reporting period 2004-2013.

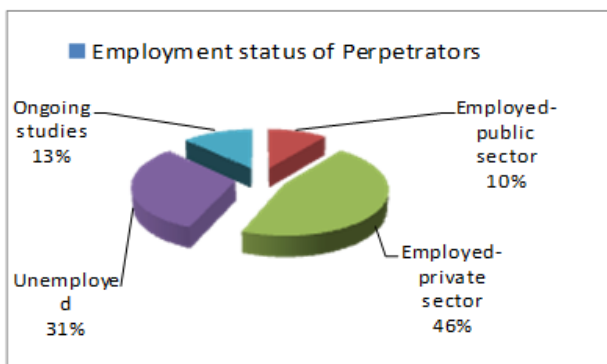
**Chart 2.1** The statistics unveil a fact that majority of perpetrators belong to middle class category of people and almost half of them also being poor. Poor social and economic status definitely sets certain impediments and barriers in male – female relations perhaps this is the reason of having such a big gap with rich people.



**Chart 2:** Social and Economic Status of perpetrators in the Southeastern Region of Kosovo (period 2004-2013)

In overall terms most of the perpetrators are of provincial mindsets that act quickly. Their tough lifestyle makes them too aggressive in reaching personal milestones in sexual life, therefore as soon as they read “misleading signal” or flirt from females they are ready to undertake sexual offense, without having a second thought. Tough social life they undergo is an indicator that they become more violent and perhaps social frustration is more dominant in their character.

**Chart 3;** Employment status of perpetrators prove that out of total number of perpetrators as reported 30 of them are unemployed and a vast majority employed in the private sector have poor social and economical status



**Chart 3:** Data on Employment status of Perpetrators (period 2004-2013)<sup>2</sup>

The reason of having few sexual offenses only 10 in the public sector is that Central and Local government and other public institutions apply code of conduct and code of ethics based on which all public servants are supposed to respect it accordingly. Apart of legal sanctions in case of sexual assault employees of the public sector, lose their job and also face double public humiliation. The restraining instruments applied from public state institutions (administration, schools,

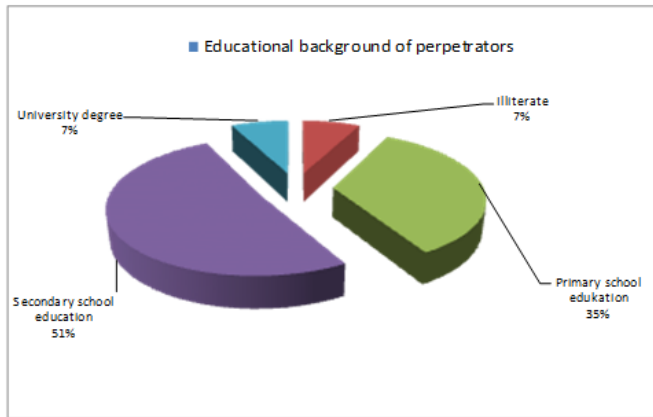
<sup>1</sup> Socio-economic status of perpetrators, Kosovo Police, RID Regional Investigation Department, reporting period 2004-2013.

<sup>2</sup> Employment status of perpetrators, Kosovo Police, RID Regional Investigation Department, reporting period 2004-2013.

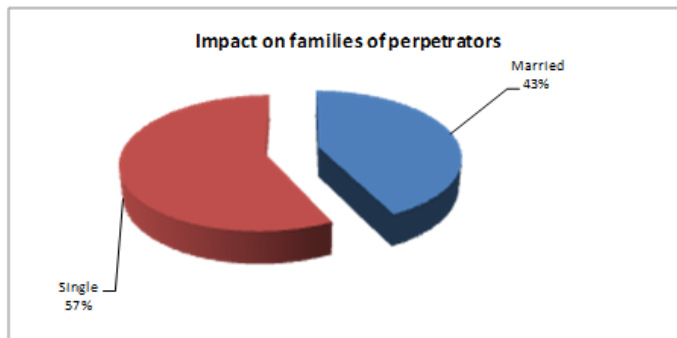
hospitals etc) have contributed in downsize number of rapes and sexual offenses but unfortunately private sector remains yet untouched.

**Chart 4** on educational background of perpetrators is evidence that perpetrators have limited educational background and most of their offenses are conducted on basis of limited knowledge on consequences and the negative impact this offense brings in life.

Perpetrators educational background is an indication that sexual motive is the primary reason why they engage in such process.



**Chart 4:** Data on Employment status of Perpetrators (period 2004-2013)<sup>1</sup>



**Chart 5:** impact on families of Perpetrators (period 2004-2013)<sup>2</sup>

Data on sexual offenses (see chart 5) family impact gives an idea of the weight family members carry as they face stigmatization from community. The most affected group of the family are children totally 84 in the southeastern region of Kosovo that are stigmatized on daily basis, in schools, playground, neighborhood etc.

<sup>1</sup> Educational background of perpetrators, Kosovo Police, RID Regional Investigation Department, reporting period 2004-2013.

<sup>2</sup> Impact on Families; Report, Kosovo Police, RID Regional Investigation Department, reporting period 2004-2013.



The data on impact of families highlight a new trend which in the past it was a belief that only single men were potential to conducting sexual assault but apparently the figures show almost the same numbers of perpetrators that marriage didn't impede them to conduct criminal offense against sexual integrity.

## 5. Conclusions

Legal and judiciary framework in processing the phenomenon of rapes and sexual assaults mark a considerable progress in Kosovo, but social and cultural trend in meeting international standards yet remain subject of improvement. Sexual offenses indicate more than the perception itself on social aspect and viewpoints on consequences this phenomenon brings to society. The most serious consequences to reflect in public life are psychological and social aspects. Consequences may be of ruinous nature and affect work performance, setting impediments in personal development, restrictions and problems in family relations due to social stigmatization from community and perhaps the lack of courage to discuss and report sexual assaults at the relevant authorities.

All the-afore mentioned difficulties in Kosovo context, produces nervous breakdown, damaging psychological health which may result to psychological disorder. This sort of bad mental health certainly affects family relations and the welfare of the children as descendants of the family.

In conservative society like Kosovo, presumably reporting figures on sexual offenses and rapes are low, and it is vital to highlight a number of factors that contribute to low reporting rates: initially, very often sexual offense is viewed as unimportant totally neglecting the need to report regardless of the crime weight. It is to admit, that there are cases victims do not report offenses from the fear of losing the job, not letting alone reporting sexual harassment which cases must be reported based on code of ethics.

The root causes of sexual assaults may be numerous, but in current context enlisted find herewith major causes that lead to sexual assaults and offenses: sexist tone addressed to females in social environments, portraying females as source of sexual exploitation (sometimes in media outlets), gender domination and other circumstances that are created in working environment. It is true, that consequences of sexual assaults may be immense for both perpetrator and victim; life disorganization, stress, depression, health problems, social disintegration, isolation, public abundance, pressure, divorce, internal conflicts to dismissal from work etc.

It is of high importance to reach an enhanced awareness point among community in informing them on disincentives of sexual assaults and disadvantages such criminal offenses bring to society. Awareness campaigns of this kind may contribute substantially in reducing the number of sexual assaults in every sphere of life. Another key instrument to be used in disseminating information on halting sexual offenses in community are media outlets and their influence they have via public debates, publishing reports on sexual assaults etc. Apparently, the necessity is to mobilize citizens in preventing sexual assaults by all means starting in family, schools, workplace, media outlets, not letting alone genuine efforts should be made to act in such spirit at the law enforcement institutions, police, attorney office, in particular at judiciary to sentence maximum penalties for perpetrators. If judicial verdicts are maximal the chances of repetition are minimal and vice versa.

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# The Effects of Territorial Reform in Albanian Government in 2015: Case Study Gjirokaster County

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## Abstract

According to the initiation of the classical Albanian politics, the functioning of local government in Albania has been realized in its historical context. This has occasionally resulted in different cartographies of local government in their own way of being organized and their own way of functioning as well. Despite the specific conditions of our country, it naturally needs to revise the model of organizing and functioning of the government by adapting the model of local government reform. During 2015 such reforms were more than necessary, as far as the inefficiency of local government in services was evident in poor financial conditions. The fragmentation was a real obstacle in investment taking into account the high level of corruption.

**Keywords:** The Effects of Territorial Reform in Albanian Government in 2015: Case Study Gjirokaster County

## 1. Introduction

This paper deals with the issue of assessing the efficiency of administrative and territorial reform in Albania in terms of achieving the goal of decentralization as a common consequent of the reform goal undertaken by a number of Eastern European countries in the last decades. The paper aims to evaluate the impact that the recent administrative-territorial reform has been approved by the Albanian Parliament on 23<sup>rd</sup> June of 2014.

Through the research we have tried to analyze the whole reform model in the Gjirokastra Region with the aim of evaluating and judging this reform. This topic may be considered premature to some people of certain extend, but often after a reform implementation are results that speak loudly about the efficiency. During the course of the study different materials have been used to analyze this process, how the administrative and territorial reform has been perceived and concretized at the national level and especially at the local level in Gjirokastra region, without ignoring the studies done for this purpose by institutions such as WB, UNDP, IMF etc. assessing the efficiency. Its are ed to talk about.

### 1.1 Questions of Research

1. Has Albania's administrative and territorial reform brought an increase of the efficiency of local government?
  - a. Has the financial strength budgets of the local units been increased?
  - b. Have the *per capita* income increased in LGU?
  - c. Is the cost per capita in LGU reduced?

### 1.2 Research hypothesis

H1: The functional area model implemented by the Albanian Government is the most appropriate model for local government reform, which increases *per capita* income, and reduces administrative expenses /*per capita*.

H1.a: Increasing the size of the functional area has a positive correlation about *per capita income*.

H1.b: Increasing the size of the functional area has negative correlation with administrative spending/ *per capita*.

Objectives: This paper aims to show de-facto data on local unit budgets in order to be more efficient after the reform of local units.

## 2. Literature Review

Politicians generally believe that the largest municipalities exhibit a great efficiency. References offers little support for unit size and efficiency relationships, and therefore, little concrete evidence, but guaranteed on a case-by-case basis for reform at different locations. Gabler 1971, Katsuyama 2003, Mabuchi 2001, Byrnes & Dollery 2002, discuss the boundaries of a size of local government units at such limits:

- There is little general correlation between size and efficiency, in municipalities with a population between 25,000 and 250,000.
- There is a U-shape curve relationship between size and efficiency in one overall level.

Efficiency increases with the size of the population to about 25,000 inhabitants, in which the point is stable to about 250,000 inhabitants, and decline thereafter.

The study results suggest that large cities tend to hire and spend more for residents than small towns "(Gabler, 1971). Postwar reforms in Japan also showed U-shape functioning, but in different levels of the population, indicating that 115,109 persons were the population's limit of an efficient local unit (Mabuchi, 2001).

In a survey in the countries that provide local services in Iowa (Koven and Hadwiger, 1992), authors see that there is no evidence for "Bigger, Better". Factors such as service quality, clumsy organizational system, and residents' willingness to pay for services should be taken into account in order to draw definitive conclusions about the advantages of structural reorganization plans.

Australia has adopted many unions of local government units, based on the general principle that larger municipalities will exhibit greater economic efficiency.

Bodkin and Conklin, 1971 suggest that very small municipalities, even those with a population ranging from 5,000 to 10,000 people, which can provide fire protection, security, waste disposal, health preservation, local low priced services than large municipalities. Boyne, (2003) presents an empirical review of public service performance studies. He points out, "There are few arguments about the relationship between organization size and service performance." Generally, management variables have a significant impact on performance (Mera, 1973).

## 3. Methodology

In order to get results over this study, descriptive methods of statistical analysis were used, with quantitative data obtained from the archives of the prefecture of Gjirokastra region.

The first step: Collecting data

Second Step: Data processing through SPS program

The third step: Analyzing the results of statistical processing

Fourth Step: Conclusions

## 4. The data for the analysis

All comparisons have been made between the pre-and post- reforms from 2014 to 2016. The economic indicators for current municipalities for 2014 have been calculated according to the 2014 budget data of units depending on their territory today. Data were received from the Gjirokastra Prefecture for all local units, with the exception of local minority units, for which there were no data in the prefecture.

All comparisons have been made between the pre-2014 and post-reform reforms for 2016. The economic indicators for current municipalities for 2014 have been calculated according to the 2014 budget data of units that they are subordinated to their territory today. Data were received in the Gjirokastër Prefecture for all local units, with the exception of local minority units, for which there were no data in the prefecture.

**Table 1:** Data of local units 2014 in 000 lek

Municipalities	The population	TR. persons	Grant	Total TR	TR/per capita	Cost Admin	Cost Operations	Cost Total	Counselors	C/per capita	invest
B. Tepelena	4334	21500	35624	64919	14.979	16339	5708	22047	1900	5.0869866	7630
Q. Tepelena	3179	8226	17175	26000	8.178673	7685	5065	12750	3012	4.0106952	1590
K. Lopes	723	1827	7188	9015	12.46888	5400	2400	7800	900	10.788382	100
K. Kurvelesh	705	3978	15825	19944	28.28936	8711	4370	13081	1310	18.55461	1630
Total	8941	35531	75812	119878	13.40767	38135	17543	55678	7122	6.2272676	10950
B. Memaliaj	2647	2227	38260	40487	15.29543	11090	10432	21522	2214	8.130714	1200
K.F. Memaliaj	1606	2900	11765	14665	9.131382	5815	3400	9215	3000	5.737858	1387
K. Lufinjë	1734	3000	16005	23877	13.7699	7797	3100	10897	1505	6.2843137	7320
K. Qesarat	1379	2890	9131	12358	8.961566	5555	3794	9349	1366	6.7795504	1479
K. krahes	2554	2100	13369	15769	6.174236	7717	3500	11217	1562	4.3919342	1550
K. Buz	737	4860	9912	14772	20.04342	6062	2316	8378	1610	11.367707	2170
Total	10657	17977	98442	121928	11.44112	44036	26542	70578	11257	6.6226893	15106
B. Përmet	5945	48008	38406	86414	14.53558	18348	5294	23642	2245	3.9767872	2800
K. Q. piskove	1742	4238	18772	24700	14.1791	6988	4150	11138	1560	6.3938002	150
K. Frasher	387	1700	11391	15885	41.04651	5797	4432	10229	1223	26.431525	2900
K. Petran	1622	6429	17279	26227	16.16954	7452	3326	10778	1557	6.6448829	6279
K. Carshovë	918	3422	17279	20701	22.55011	6980	3210	10190	1523	11.100218	3400
Total	10614	63797	103127	173927	16.38656	45565	20412	65977	8108	6.2160354	15529
B. Kelcyrë	2651	16792	15362	35081	13.23312	7990	2700	10690	2225	4.0324406	2561
K. Dishnice	1159	2500	15190	19379	16.72045	7547	3722	11269	1683	9.7230371	1800
K. Ballaban	1047	2779	10820	15037	14.36199	5474	3403	8877	1324	8.47851	3075
K. Suke	1256	2513	11389	15670	12.47611	5350	2205	7555	1412	6.0151274	700
Total	6113	24584	52761	85167	13.93211	26361	12030	38391	6644	6.2802225	8136
B. Gjirokastrë	19836	87543	105518	319324	16.09821	45262	22583	67845	2775	3.4202964	107117
K. Antigone	998	7558	6992	14550	14.57916	7552	1460	9012	1211	9.0300601	4415
K. Lunxheri	1941	8300	12928	25231	12.99897	9569	6222	15791	1368	8.1354972	5728
K. Pëcar	937	5996	14007	20003	21.34792	8194	3614	11808	1211	12.601921	5350
K. Cepo	1727	15246	16151	36398	21.07585	10755	7303	18058	1350	10.456283	5550
K. Lazarat	2801	9944	11140	23119	8.253838	13206	4147	17353	1008	6.1952874	2100
K. Odrië	433	3524	6618	10142	23.42263	7757	3369	11126	1000	25.69515	0
Total	28673	138111	173354	448767	15.6512	102295	48698	150993	9923	5.2660342	130260
B. Libohovë	1992	7115	13098	20213	10.14709	12884	3442	16326	875	8.1957831	1000
K. Q. Libohovë	1264	2527	13816	21322	16.86867	12878	4440	17318	901	13.700949	5496
K. Zagori	432	2131	14777	16908	39.13889	10231	3201	13432	862	31.092593	1223
Total	3688	11773	41691	57152	15.49675	35993	11083	47076	2638	12.764642	7719

## 5. Analysis of Findings

### 5.1 Empirical analysis

According to the calculations only the reduction of the number of councilors expends 23 (twenty-three) million new leks as a result of reform.

From the data of the table shows the calculation of expenditures in relation to the weight gained in the income for the years 2014 and 2016: Libohovë 72% to 47%, Këllirë 38% to 28%, Tepelena 40% to 20%, 40% to 24%, Memaliaj 38% to 29%, Gjirokastra 68% to 12%, The weight of budget expenditures has decreased considerably, because mountain municipalities spent a lot on administrative expenses.

Investments in relation to the expenditure weights in 2014 and 2016: Libohova 16% to 19% , Këllita 21% to 38% , Tepelena 19% to 61% , 23% to 60% , Memaliaj to 21% to 45% Gjirokastra 68% to 112% , it turns out that investments have been increased by spending in 2016, because mountain municipalities spent a lot on administrative expenses. Services in relation to the expenditure varying from 2014 and 2016: Libohova 32% to 124% , Këllira 45% to 116% , Tepelena 58% to 209% , 68% to 204% , Memaliaj 34% to 108% , Gjirokastra 78% to 207% , The increase comes from saving the expenses by joining the municipalities and by reducing the number of local administration. The service growth ratio in 2016 is roughly 3 times bigger than in 2014.

### 5.2 Local Unit Revenue Analysis

Being economical efficiency is the key element of reform, and also the most empirical variable.

In the table below are the revenues for each pre-reform local government unit that are counted as part of the new municipalities for 2014.

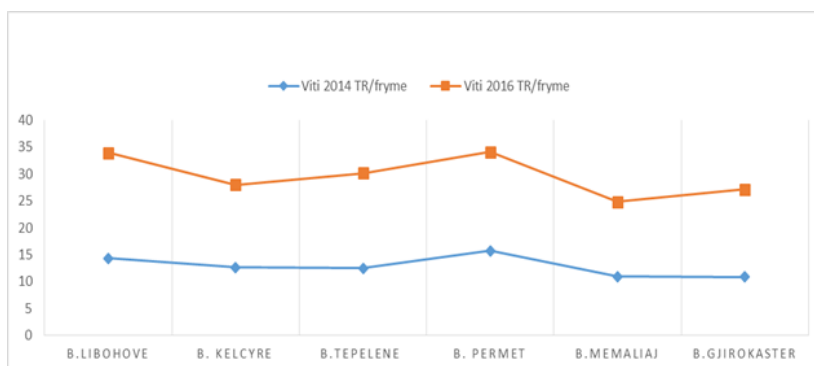
**Table 2:** Revenues for 2014 in 000 lek

Municipalities	The population	TR. persons	Grant	Total TR	TR/per capita
B.Libohove	3688	11773	41169	52942	14.35520607
B. Kelcyre	6113	24584	52761	77345	12.65254376
B.Tepelene	8941	35531	75812	111343	12.45308131
B. Permet	10614	63797	103127	166924	15.72677596
B.Memaliaj	10657	17977	98442	116419	10.92418129
B.Gjirokaster	28673	138111	173354	311465	10.86265825

The following table provides the independent budgets of the new units for 2016, from the table that the per capita income for 2016 is higher than 2014.

**Table 3:** Revenues for 2016 in 000 lek

The population	The population	TR. persons	Grant	Gr.spec	Total TR	TR/per capita
B.Libohove	3688	29060	35241	7735	72036	19.53253796
B. Kelcyre	6113	32520	48235	12881	93636	15.31752004
B.Tepelene	8941	36596	62243	59237	158076	17.67990158
B. Permet	10614	57300	85975	51470	194745	18.34793669
B.Memaliaj	10657	27000	82220	38931	148151	13.90175472
B.Gjirokaster	28673	179800	147445	139202	466447	16.26781293



**Figure 1:** Comparison of income per capita

In the graph we compare the income per capita for the period before the administrative-territorial reform for 2014 and the per capita income for the period after the reform for 2016

Gjirokastra Municipality with a growth difference of 5.4 million ALL / 30% , Memaliaj Municipality with a 3.3-billion- *per capita* increase or 25.3% , the Municipality of Tepelena with a growth differential of 5.2 thousand leke *per capita* or 44.1% , the Municipality of Parma with a growth difference of 3.2 thousand Leke *per capita* or 23% , Këlcyra Municipality with a rise of 3.3 thousand Lek *per capita* or 24% , Libohovë Municipality with a growth difference of 4.8 thousand Lek *per capita* or 32 percent.

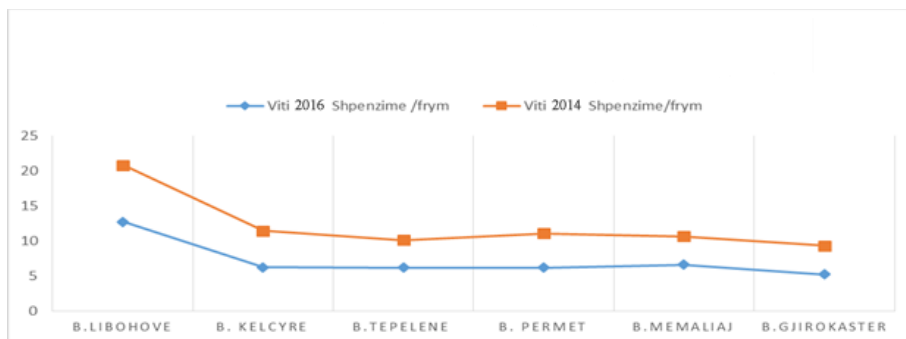
**Table 4:** Descriptive Analysis for TR between 2014-2016

	N	Minimum	Maximum	Mean	Std. Deviation	COV
TR /per capita 2014	6	10862.658250	15726.775960	12829.07444000	1918.003978677	0.14950447
TR /per capita 2016	6	13901.754720	32207.826180	20433.51297500	6162.305871955	0.301578386
Valid N (listed)	6					

The table above provides descriptive income / inflation analysis in the Gjirokastra Region, which compares the 2014 years before the reform with 2016 after the reform. From the market it is clear that the average income in 2016 has increased to 66.9% compared to 2014, the standard deviation from the average has increased from 2014 to two times for 2016.

The main indicator is CoV coefficient of covariance, respectively 0.1495 for 2014 and 0.3015 for 2016. So it is 2 times higher, with a positive increase towards 1 covariance coefficient. This shows that the reform has achieved the goal of increasing the financial strength and *per capita* income in all Gjirokastra district government units.

### 5.3 Analysis of local unit expenditures Gjirokastra region



**Figure 2:** Comparison of per capita expenditure

In the graph we compare the spending per capita, for the period before the administrative-territorial reform for 2014 and the expenditure *per capita* for the post-reform period for 2016.

**Table 5:** Expenses for 2014 in 000 lek

Municipalities	The population	C.ad.	C. op	Expenses Total	Expenses /per capita
B.Libohove	3688	35993	11083	47076	12.76464208
B. Këlcyre	6113	26361	12030	38391	6.280222477
B.Tepelene	8941	38135	17543	55678	6.227267643

<b>B. Permet</b>	10614	45565	20421	65986	6.216883362
<b>B.Memaliaj</b>	10657	44036	26542	70578	6.622689312
<b>B.Gjirokaster</b>	28673	102295	48698	150993	5.266034248

**Tabela 6:** Expenses for 2016 in 000 lek

Municipalities	The population	C. ad	C.op	Costo Total	C /per capita
<b>B.Libohove</b>	3688	21245	8490	29735	8.062635575
<b>B. Kelcyre</b>	6113	23569	8100	31669	5.180598724
<b>B.Tepelene</b>	8941	27195	7867	35062	3.921485292
<b>B. Permet</b>	10614	39482	12300	51782	4.878650839
<b>B.Memaliaj</b>	10657	32143	11231	43374	4.070000938
<b>B.Gjirokaster</b>	28673	88039	29360	117399	4.094409375

Municipality of Gjirokastra with a decrease of 1.2 thousand ALL / capita or 15% , Memaliaj Municipality with a decrease of 2.6 thousand Lek per capita or 42% , Municipality of Tepelena with a decrease of 2.8 million Lek per capita or 51.% , Municipality The population with a reduction difference of 1.4 thousand leke per capita or 43% , Këlcyra Municipality with a difference of 1.1 thousand leke per capita or 12% , Libohovë Municipality with a difference of 4.3 thousand leke per capita or 31 percent.

This comparison was made by comparing the difference in the amount of expenditure for all units in new units, before and after reform for 2014 and 2016.

**Table 7:** Descriptive Expenditures / Per capita Analysis Between 2014-2016

	N	Minimum	Maximum	Mean	Std. Deviation	COV
Year 2014	6	5266.034248	12764.642080	7229.62318700	2749.261889807	0.380277342
Year 2016	6	3921.485292	9327.006508	5245.35861267	2061.907289680	0.393091768
Valid N (listed)	6					

The above table provides descriptive expenditure /per capita analysis in the Gjirokastra Region, which compares the 2014 years before the reform with 2016 after the reform. From the market it becomes apparent that the average expenditure in 2016 has decreased to 29% compared to 2014, the standard deviation from the average has decreased from 2014 to 32% for 2016. The main indicator is COV covariance coefficient, respectively 0.38 for 2014 and 0.39 for 2016. It is therefore 1% higher, with a positive increase to 1 of the covariance coefficient value. This shows that the reform has achieved the goal of reducing the expenses per capita in all the local government units of the Gjirokastra region.

5.4 Analysis of Local Unit Services

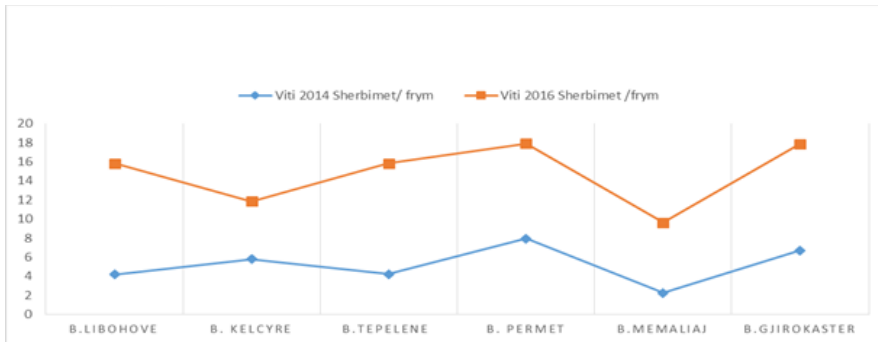


Figure 3: Comparison of services for the years 2014-2016

In the graph we have a comparison of the services for the period before the 2014 administrative-territorial reform and the services for the post-2016 reform period.

Table 8: Services for 2014 in 000 lek

Municipalities	The population	Education	Services	Culture	Sport	Roads	water	The Amount	Service/per capita
B.Libohove	3688	2420	4573	200	0	8212	0	15405	4.17706074
B. Kelcyre	6113	4732	17323	175	1700	6660	4886	35476	5.80336987
B. Tepelene	8941	11105	16910	4395	3000	1800	700	37910	4.2400179
B. Permet	10614	15275	32155	6690	4861	18764	6527	84272	7.93970228
B. Memaliaj	10657	4970	9790	1050	2891	4779	600	24080	2.25954772
B. Gjirokastrer	28673	32299	59250	23194	21451	42820	12977	191991	6.69588114

Table 9: Services for 2016 in 000 lek

Municipalities	The Population	Fire remains	Forest Admin	Water+drainage	Ar. Pr. univ	Education e.g.	Culture	Sport	Service	Road	Total service	Service/per capita 2016
B. Libohove	3688	0	613	2198	2409	9648	760	0	3167	24156	42951	11.64615
B. Kelcyre	6113	0	613	2198	2321	7749	1200	1000	8978	12890	36949	6.0443318
B. Tepelene	8941	7729	613	2198	9267	46857	5537	6340	19190	5873	103604	11.587518
B. Permet	10614	7729	2452	2198	8644	23752	7650	4000	37972	11554	105951	9.9821933
B. Memaliaj	10657	0	613	2198	6036	30066	3120	3000	21314	12021	78368	7.3536643
B. Gjirokastrer	28673	25327	2453	8255	22048	81120	40492	23835	50021	67000	320551	11.179542

Municipality of Gjirokastra with a growth of 5.1 million *Lek/per capita* or 81% , Memaliaj Municipality with a growth difference of 5 thousand *Leke per capita* or 87% , the Municipality of Tepelena with a growth difference of 7.6 million *Leke per capita* 44.3% , Municipality of Permet with a growth difference of 2 thousand *Leke per capita* or 29.5% , Kelcyra Municipality with a growth difference of 1.6 thousand *lek per capita* or 12% , Libohova Municipality with an increase of 7.5 million *lek per capita* or 53% .

Table 10: Descriptive Analysis of Services /per capita between 2014-2016

	N	Minimum	Maximum	Mean	Std. Deviation	COV
Year 2014	6	2259.547715	7939.702280	5185.92993967	2035.717386567	0.392546257
Year 2016	6	6044.331752	11646.149670	9632.23315167	2385.814236928	0.247690665
Valid N (listed)	6					

The table below provides descriptive analysis of the services / per capita in the Gjirokastra region, making the comparison of 2014 before the reform with 2016 after the reform.



From the data, it is clear that the average of the services *per capita* in 2016 has increased to 86% compared to 2014, the standard deviation from the average has increased by 2014 to 15% for 2016. The main indicator is CoV coefficient of covariance, respectively 0.39 for 2014 and 0.25 for 2016. So it is 0.14 lower to the 1 value of the covariate coefficient.

This shows that the reform did not achieve the goal of increasing the services *per capita* in all the local government units of the Gjirokastra region. The reason is that local governments are focusing on urbanization of the streets rather than services in rural areas, and despite the fact that grants have been increased but they are going further in expenses to set up new administrations for services from government.

Finally we can say that the first hypothesis on the effects of territorial reform is proven to increase financial strength, *per capita* income, *per capita* expenditure, in order to increase services in all new municipalities.

## 6. Conclusions

1. The administrative-territorial reform has increased the financial strength of the units created by the elections of 2015, according to the law adopted on 31 July by the Parliament of the Republic of Albania.
2. Administrative-territorial reform has increased the *income per capita* of the units created.
3. Administrative-territorial reform has reduced *administrative per capita* expenses.
4. Administrative-territorial reform has increased the *services per capita*.

If we take into account the basis of economic efficiency, exactly the *per capita* of residents of each municipality show the results that the administrative-territorial reform for the units studied has been reduced because after the reform the state does not compensate the mountain municipalities that have already been added to the new municipalities (see table 1).

The reform has also brought the opportunity of decentralization by passing some powers to local government: fire protection, pre-school and primary education, pre-university education, forest management, irrigation system. This specific grant that was given to 2016 local governments is in the value of 14% of the total grant allocated to local government by the central government.

It is emphasized that the distribution of this specific grant given by the central government in some unconsolidated municipalities is in zero value because they did not have inherited such institutions for obtaining it. This is noted for the municipalities of Belsh, Bulqize, Drago, Delvine, Devollë, Divjake, Dropull, Finiq, Fushë Arrëz, Has, Himarë, Kamëz, Këllirë, Klos, Kolonjë, Krutjë, Kurbin, Libohovë, Librazhd, Maliq, Mallakastra, Memaliaj, Patos, Peqin, Pogradec, Polican (Official Journal December 2015).

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## Structural and Cultural Barriers for Women to Leadership: Case of Albania

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### Abstract

This research investigates the structural and cultural barriers that hinder women's career advancement, including mindsets, emotional intelligence gender culture, and how these differences impact leadership. This study found out that women face many difficulties during their career path due to multi-factorial reasons which have existed for many generations by making them deep-seated in society. Thus, this research focuses on the barriers of access to leadership roles that women have encountered during their path to success as well as the strategies to overcome the existing obstacles. To obtain the information is used a mixed methodology approach comprising of quantitative and qualitative data. In order to gain the required data, a purposive sample of 300 women who hold important positions in the municipalities, companies, ministries and other public entities is used. The study involved a self-completion questionnaire with closed and open questions, which included various questions in relation to the barriers that women face to advancement in leadership and the strategies that should be considered to improve their progress. This research found out that there are three main types of barriers: structural barriers, cultural barriers and mindsets that women encounter in their professional life and create difficulties for them to advance. For this reason, the study gives some recommendation for improvement of the situation and offers opportunity for further studies.

**Keywords:** Women's Success, Barriers, Leadership, Inequality, Career Path

### 1. Introduction

#### Brief Historical Overview

The role of women in the Albanian society has changed rapidly and dramatically in the last 40 years. However, the country still faces many challenges in terms of fully displaying and utilising the women's potential in the labour market and economy (UNDP Albania, 2018). In order to analyse the current situation, it is relevant to have a retrospective view of historical data that would give a better perspective of Albania's transitional period from the collapse of communist regimes until the recent governmental structural changes.

After the fall of communism, government began to have feminism and gender issues as part of the discussions in the plenary sessions. In that time, there are formed groups for public debate, social pressure and developed gender-oriented programs like the "Minerva" association, which brought in attention the gender issues (Calloni, 2002).

Since 1992 when Albania became a pluralist state, one of the basic objectives has been the EU Accession. Facilitating progress towards gender equality is a key component of the European Union's (EU) accession agenda of Albania as a mechanism of further democratic development (Kocaqi, Plaku, & Wittberge, 2016).

In 1994, it is ratified the "Convention on the Elimination of all Forms of Discrimination against Women", in which the main purpose was to define the discrimination against women and to come up with an agenda for national policy to end such discrimination (United Nations Treaty Collection, 1994). Still no major changes or improvements were recognized and women were still subject of different kinds of discrimination and hindered from any opportunity to succeed either in professional or social life. Their duty was to look after their family and their opinion was still irrelevant and barely taken in

consideration. Many cities, especially in northern areas, were still obeying and accepting “Kanun of Leke Dukagjin” as a binding law, which is the first and oldest law in Albania (Vataj, 2016). The awareness of citizens for gender quality and elevation of women’ role was considered an important step; therefore in 2000-2002 government conducted a project called “Promotion of Social and Economic Status of Women in Albania” which was supported by UNDP (United Nations Development Programme) (Calloni, 2002). Slight improvements were noticed given that in 2005 for the first time a woman was appointed as the speaker of the Albanian Parliament, but in the general population, still was visible a large gender gap. Another progressive element in the society holds in the fact that during this period, a considerable number of women had a paid employment, apart from their family-based obligations. However, this working variation was partly negatively oriented as women were assigned to positions that were considered more appropriate and adaptable with females’ traits such as assistant, secretary, sanitary cleaner, cooker or similar positions. This can be considered an institutional mindset including stereotypes and gender biases within an institution which usually makes comparisons between women and man role mostly based on congruent theory. Accordingly, women are less effective when the leader role is masculinised, and men are less effective when the role is feminized (Andrews, 2016).

The new era of development begins in 2008 with the first law on gender equality, Law No 9470 ‘On Gender Equality in Society’ (Picari, 2008). In general, the law seemed well structured but it lacked guidance on the execution of the law and this is why its content remained mainly written rather than practiced. Women’s participation in political and economic decision-making remained limited for a while until it progressed with improvements in electoral codes and processes. In December 2008, Electoral Code was revised for a better and fair electoral campaign which was expected to be held on May 2011. For the first time the quotas were presented which brought a progress to gender distribution candidates in political participation. Many organizations on protection of women rights were involved in the discussions of the Electoral Code draft amendments regarding the gender quota (UN Women, 2013). It claims that “at least 30% of the multi-name list and one of the first three names on the multi-name list shall belong to each gender”. In case the parties do not act in accordance with the law, and if quotas are not reached, fines are to be applied. For parliamentary elections, a fine of 1 million Albanian Lek (approximately 7500 Euros) will be charged as well as additional sanctions such as adjustment of the list until the gender quota is reached (The Electoral Code of Republic of Albania, 2008). The approved amendments marked a positive step by firming the requirement for increment of women’s political participation at the national level (UN Women, 2013).

Currently, there is still a huge gender gap in different sectors, whether political, economic or social. This mostly derives from the notion that men are considered more appropriate for high positions and do not need extra training. All this can be related in what is called “the glass ceiling”, that refers to the invisible or artificial barriers that prevent women for further achievements or advancement (Johns, 2013). This consequently raises the research question of this paper: Which are the barriers that prevent women to leadership?

## **2. Research Methodology**

### *2.1 Research Design*

This paper is an exploratory study based on quantitative and qualitative results of the open and closed questions in the surveys. The research is cross-sectional given that it studies a particular phenomenon (barriers of women to leadership) at a particular time (2017).

### *2.2 Study Population*

The study population is comprised of 300 females who are currently in the decision-making position in the city of Tirana, Kukes, Durres and Korca. The target cities are chosen based on the study of INSTAT, according to which Tirana (capital of Albania) is ranked first as the city with the greatest number of females as entrepreneur, administrator and similar work positions. Korca (positioned in the southeast of Albania) has a relatively low number of women having high working positions and being followed by Kukes city (in the northern part of Albania) which is the least city having the lowest number of females holding leading positions. Meantime, Durres is a developing city, which according to INSTAT is considered to have many opportunities and job possibilities for females (INSTAT, 2017).

### *2.3 Research Instruments*

Questionnaires were used to collect data. It was a self-completion questionnaire, which was designed to be completed by the respondents without the intervention of the researcher. It is composed of 10 questions (open and closed ones).

The questionnaire consists of 2 sections. The first one covers general information of the surveyed women such as: working city, working position, and qualifications. Second section covers the main questions related to the objective of the research about the barriers that women face, their perceptions about Albanian legislation support in regard with this issue, stereotypical views among the citizens and their suggestions for reducing existing gender gap. For the participant's selection process, a purposive sampling technique is used. The selected women had to fulfil the following criteria: (a) women serving in high administrative positions (i.e. directors, chief cabinet); (b) women working with men in the same office or environment; (c) women being involved in political decision-making positions.

#### 2.4 Data collection & Analysis

There have been carried out 300 surveys in total, distributed in each city, Tirane, Kukes, Korce and Durres depending on the number of women who work in the respective cities. The survey is firstly conducted in Tirana where questionnaires are carried out among women in Parliament, public entities and big enterprises with females as owner/administrator. Same approach is followed also in Kukes, Korce and Durres. For local entities, a prior permission from the director/head was required and then proceeding with the survey. Helpful data that directed the sample frame of the survey are found at National Business Centre and INSTAT.

Identity of surveyed female participants and institutions where they work is anonyms in respect of their privacy and confidentiality.

The data of the questionnaire is generated by SPSS Program, for translating statistical data and charts.

### 3. Results and Discussion

This study aimed to investigate main barriers that restrain women in Albania to advance in professional aspect as well as stepping into leadership roles. Data gathered from the survey conducted in Tirana, Durres, Kukes and Korce are discussed and analysed as following.

Firstly, it should be emphasized that the majority of the surveyed women (37.3%) hold a doctorate degree, followed by 31.3% of women possessing a master degree, 24.2% graduated in bachelor degree while the result of the education of other women is omitted due to low percentage. However, the surveyed women are required to specify their current job position which is illustrated in the below chart.

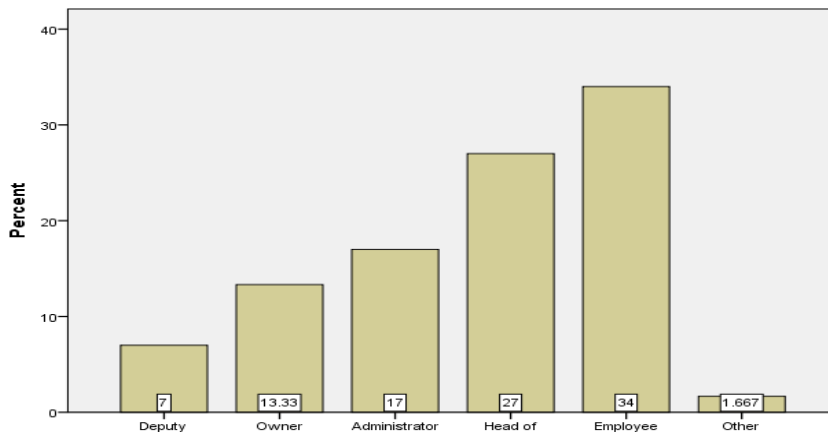


Figure 3.1: Current job position of the surveyed women

As it is evident from the chart, even though the majority of the surveyed women possess a doctorate degree, 34% of them still work as simple employees, without having a leading or decision-making position. However, only 27% of them are head

of any department depending on the company or institution that they are surveyed. This is followed by 17% of women being administrator or chief executive of the company while a very small percentage (13%) of women being owner or founder of companies. It should be emphasized that even though we could survey only 7% of the female deputies, the number of the females in the Albanian Parliament in 2017 is only 39 out of 140 deputies, which is quite smaller compared with men as deputies. Still, this is the highest number of female deputies since 1992 (Lumezi, 2017).

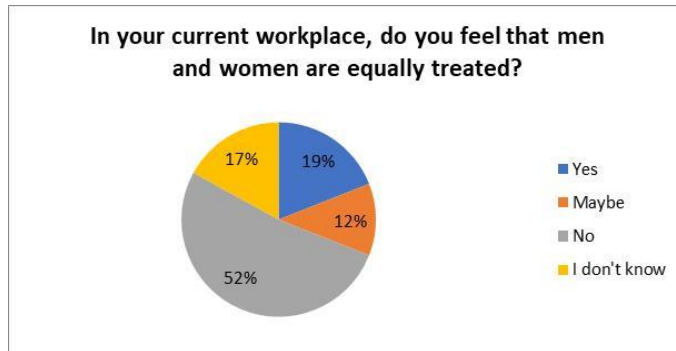


Figure 3.2: Gender Equality

Another aspect worth of discussing and helpful for revealing important findings in the study, was the treatment that women get in the same working environment compared to men. According to the survey, 52% of the surveyed females feel unequally treated compared to men co-workers, even though they work at the same environment and similar positions. Resultantly, even though they have satisfying position in the workplace, they do not consider being treated equally as men. Subsequently, the respondents were asked to argue in regard with unequal treatment in the work environment. Majority of them related it with the pay gender gap given that 64% of them assert that are not paid same as men, meanwhile 32% claim that do not have freedom in terms of expressing their opinion or flexibility in the work without being subject of gender-based discrimination or harassment. These are considered great obstacles for further development or having a sustainable career.

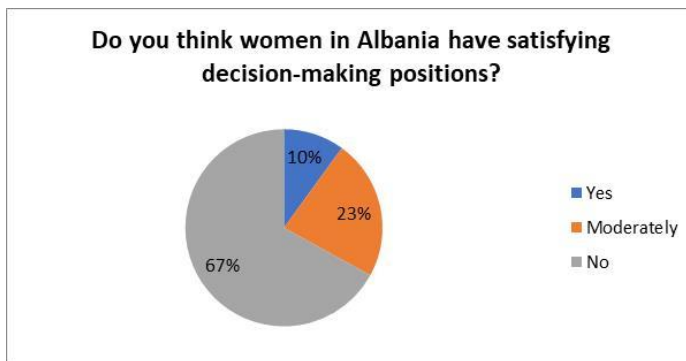


Figure 3.3: Women's decision-making power

It was considered important to perceive the opinion of women about themselves which is a significant element in a democratic regime. Even though nowadays women are more visible in public life compared to 20 years ago, still the majority of the surveyed women (67%) do not think that women in Albania have satisfying decision-making positions. Despite of many efforts, this indicates that Albania still has features of a patriarchal country which needs progress in regard of women empowerment and elevation.

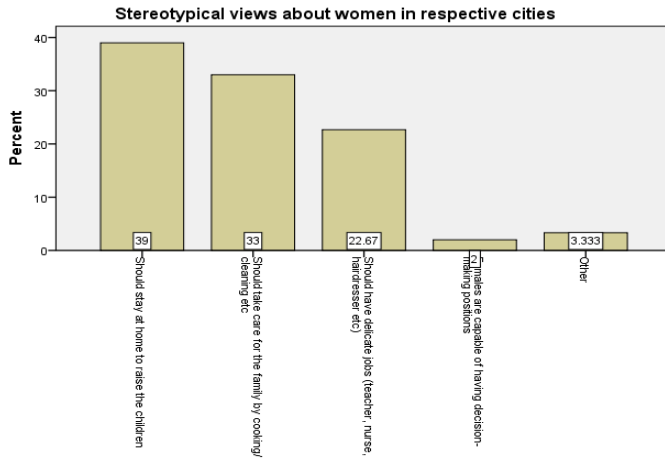


Figure 3.4. Stereotypical views about women

Among many years, Albanian culture or mentality has continuously empowered males as successful leaders which made it very difficult for women to fit into masculine archetypes of leadership. Every time a woman succeeds in her career, she is seen as the exception and often as socially and/or professionally deviant. Can female leaders escape from these role-traps?

This is the reason why it was considered crucial to understand stereotypes that exists in respective Albanian cities as the main barriers that prevent these women to express themselves and succeed in their career.

This study found out that in our society and culture is still present the mindset according to which women should stay at home to raise children (39%); take care of the family by cooking and cleaning (33%) and only 2% might really consider women capable of having decision-making positions. As it can be noticed, these stereotypes associate the image of women with duties and obligations within family framework. Hence, female is considered as fragile and incapable of doing other jobs rather than those limited inside the family framework. This may come as result of individual or institutional mindset which consists on thoughts, beliefs or gender biases which are deep-seated in society by consequently constraining women empowerment and elevation to leading roles. Ultimately, the fact that these role-traps continue to thrive in our collective unconscious and is daily faced by all, means that Albania still have too much work to progress in gender equality and abolishment of such stereotypes can be achieved only by giving to females the voice needed to be heard in social media or different awareness programs.

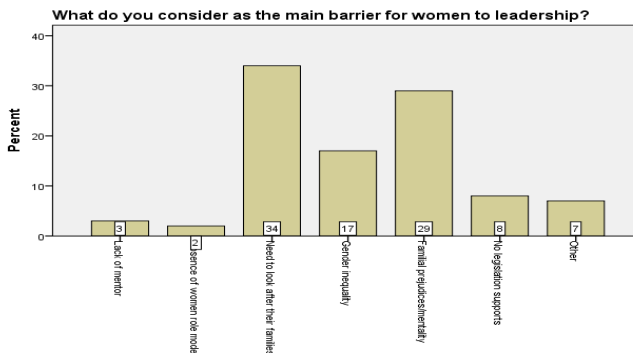


Figure 3.5: Barriers of women to leadership

Many factors are pointed out as barriers for women to leadership, as they are seen as vulnerable part of the society who are tied up to household duties.

Furthermore, this study resulted that main barriers for women to leadership are the need to look after their families (34%) and familial prejudices (29%). This is strongly related with the above-mentioned stereotypes which associate women image within family framework boundaries. They are considered only as housewife who should stay at home to take care for family and therefore are not assisted by their husband or partner. This makes it more difficult for them to find a balance between home and work life which consequently obliges women to make a choice between family and work. In the era of globalization and modernization, these mind-set barriers might be perceived as inappropriate by developed countries, as they genders equality obstacles might rely on the absence of a role model, unconsciousness bias etc. which are more coherent with the present progressive period (Parfitt, 2015). In general, these barriers seem of a different level compared to Albanian mindset - women in developed countries have very high perspectives and do not consider any more the option of being restrained within family framework duty.

An important obstacle that should have created facilities for women to empower during all these years is legislation and government policies. According to survey findings, 44% of women assert that legislation does not support them and this matter should be taken at a high relevance by entities or other public institutions

#### 4. Conclusion

The overall result of the research has achieved the objective to identify the most significant barriers that women face during their path to leadership by referring to the cities of Tirana, Durrës, Korça and Kukës.

To conclude, it can be claimed that women face huge gender gap compared to men, which is why they experience difficulties in the advancement of their careers. Albania is a developing country which needs to progress in certain aspects of the society where the empowerment and elevation of women should be considered as one of the most important features.

Some good recommendation may include:

- *Promoting positive stereotypes related with females' role in the society since early age.*

Considering that values and ideas start to be shaped since infant age, it is important for children to be positively educated regarding the women role in the society. This could be achieved with the support of Ministry of Culture and Education, who can prepare different awareness programs according to different age groups. This would serve to educate and guide children about positive mindsets regarding women role in family, work and society and most importantly how they should be treated. Methods should be chosen carefully in order to effectively deliver the message and to give the proper definition of "powerful women" without being limited only to family framework.

- *The promotion of the women role models in social media*

Despite having a huge gender gap existing in Albanian society, still there are many women that have fought against barriers and stereotypes in order to have a decent place in the society where their work and contributions would be valued and appreciated. These women should serve as role models; therefore, their efforts should be promoted through different methods and channels in order to reach all women in Albania and inspire them to do the same.

- *Strengthening institutional frameworks for gender equality*

This country still needs to strengthen its institutional and legislative framework pertaining to gender equality and non-discrimination. Sweden, Norway or Finland can serve as good example for their strong legislation related to gender equality, which within a short time have achieved to lower gender gap. Government should improve monitoring and accountability of public offices towards women as well as ensuring gender mainstreaming in public policies.

It is important for government to put sanctions and restrictions in order to make laws more effective in practice rather than staying only as a set of written clauses. This could be achieved by strengthening the mechanisms and requiring accountability for gender equality or discriminations in the work environment.

In conclusion, Albania has still a long journey for improving current situation and increasing women participation and involvement in important decision-making positions.

Important is that all women should be aware of their values, importance and power as human being and future leaders of this country.

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## Achieving Social Equality for Women in Vietnam Today: Some Lesson Learned

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### Abstract

Achieving social equality for women is one of the most crucial Millennium Development Goals in many countries all over the world. In contemporary Vietnam, social justice is taken into consideration in various angles, in which women's social justice is an issue mattered to the Party and the State. In fact, Vietnam has made remarkable achievements in the implementation of social justice for women in many fields such as economics, politics and education. This study, however, also addresses many challenges faced by Vietnam in implementing social justice for women, which include (1) The difference in the proportion of men and women participating in economic activities, management leadership at all levels participation is still quite high; (2) Women's more disadvantage than men and their lack of receiving necessary conditions to contribute to their worth; (3) Women's social injustice through the smaller percentage of girls in primary and secondary school in comparison to boys, especially in poor and ethnic minority areas, etc. By analyzing the underlying influencing factors of the situation in Viet Nam, the article suggests core solutions to improve social justice for women and girls in contemporary Vietnam, which include training women with essential skills, sharing women's workload by infrastructure and services, strengthening the implementation and the supervision of Law on Gender Equality and the National Strategy for Gender Equality, focusing on more effective propaganda and education on gender equality, As a result, women will fully realize their potential and, therefore, contribute more to social life.

**Keywords:** social equality for women, women's social justice, Social justice for Vietnamese women

### 1. Introduction

On November 26th 2017, "Resolution 62/10" was unanimously adopted by the United Nations General Assembly in the 62th session addressing the annual 20th of May, starting from 2009, to be "World Day of Social Justice". This shows special and universal concern of the society upon this subject. In Vietnam recently, social justice is taken into consideration from various angles, in which social justice for women is an issue mattered to the Party and the State. The Party and the State is taking positive steps in promoting social justice, contributing to realize the goal of "rich people, strong nation; democratic, equitable and civilized society".

### 2. Some Fundamental Achievements in Performing Social Justice for Women in Vietnam

*In terms of economics:* Women participate in all stages, procedures and sectors in producing both material and spiritual possessions for family and society. The female labor force participation rate is moderately high. According to a report by General Statistics Office, the national labor force aged above 15 consists of 54.61 million workers (updated to February 1st 2016), in which male makes 51.7% and female 48.3% (Tran, 2015). Vietnamese women have participated in nearly all professions and areas including man-predominant fields such as research, engineering application and advanced technology (female participation rate in science is approximately 40% and female scientist reaches 6%) (People's Army Newspaper, 2017). Moreover, women account for a great portion in the work force of many careers, for example, 60.9% in education, 57.52% in medical and healthcare, 50.32% in industry, 65.5% in commercial service, 51.75% in finance and credit (Vietnam Women's Union, 2011)... There is no big distinction between male and female workers in the average hour pay rate. Vietnam is one of the leading countries in women's participation in economic activities with the rate of over 60%

of the labor workforce are females managing household economy; 70% working in the textile and garment industry; 80% taking part in food and fishery industry and 50% in finance and banking, information and communication, commerce and tourism, etc. There are an increasing number of women holding executive positions in big corporations. Vietnam currently ranks 7th in the percentage of female CEO with 31.4%, higher than China (with 30.9%) and the USA (with 30.7%) (Thuy, 2017). The Global Gender Gap Report published by the World Economic Forum (WEF) in 2016 has shown that Vietnam ranks 33th among the top 144 countries with the greatest success in closing the gap between women and men in economics (Truc, 2017).

*In politics:* Nowadays, more and more female representatives are joining the executive board in the Party system, the State Administrative Agencies and the people's elected bodies. The Vice President has always been a female in Vietnam since 1999. The rate of having women as Ministers, Deputy Ministers or Director Generals is also rising rapidly. At various local levels, women's attendance rate in the People's Council or People's Committee increases in local governments and some even have female presidents. The percentage of female participation in National Assembly has always been considerably high. From an overall view, in recent years, Vietnam is one of few countries of the Asia-Pacific region in which women accounts for over 25% of the parliamentarians. The number of women with major responsibilities in National Assembly increases promptly in recent tenures. For instance, in the Fourteenth National Assembly, among 496 people elected, there are 133 women, who make 26.80%, increasing by about 2% from the last tenure (24.4%). Especially in 2016, the National Assembly of the Socialist Republic of Viet Nam welcomed the first chairwoman: Nguyen Thi Kim Ngan (Bui, 2016).

*In education:* Vietnam has generally eradicated gender gap. Women and young girls are encouraged to enhance their cultural and educational background equally to men. According to many statistics, Vietnam has succeeded in raising the rate of female students at various levels of education. Specifically, at the moment, the percentage of girls studying in elementary schools is 91.5%, 82.6% in secondary and 63.1% in high schools; while it is respectively 92.3%, 80.1% and 53.7% with boys. Female university graduates is 36.24%, Masters: 33.96% and PhDs: 25.69% (Dang, 2015).

*In family:* women's role is being promoted remarkably. Women are respected and involve more in making essential decisions and incomes. In urban-area families, men and women are holding equal positions by sharing mutual tasks in household chores or children upbringing. Nowadays, it is normal for husbands to go shopping for food, to cook or to wash the dishes. Social awareness of male and female's functions is raised. Vietnam is acknowledged as a country which has successfully protected women against domestic violence by carrying out gender mainstreaming programs, policies and laws in order to support women's power and financial independence; fighting for women's rights and freedom; establishing Caring Centers for abused victims such as Mental Therapy Center or Women's Health Care Center, which are operating effectively.

Vietnam's Communist Party and State's effort in maintaining gender equality has been internationally recognized. In United Nations' 2016 report on gender inequality index, Vietnam ranks 65th over 144 countries. We also achieved the Millennium Development Goals of gender equality and women position promotion before due in the year 2015 (Minh, 2015).

### 3. The Challenges

Despite being highly recognized as one among many countries in East Asia with the most extensive change in eliminating gender gap, achieving gender equality is still facing numerous obstacles due to various reasons.

*In economics,* the number of women participating in economic activities is still lower than men. Work quality of women is not yet stable and sustainable. That almost all female workers are employed in poor qualification or insecure areas is stated in the research of the Institute of Labor Science and Social Affairs (Ministry of Labor, Invalids and Social Affairs). Women working in textile and garment, service, etc. make 70% of the workforce. The proportion of female workers in informal sectors is quite high, with 62.4% working in unpaid and self-employed families, 41.1% doing simple jobs (Hang, 2017). The monthly average salary of female workers (about 4.58 million VND) is lower than that of male workers (5.19 million VND). The rate of unemployed women after the age of 35 is quite high which should be taken into consideration. A recent study by the Institute of Laborers and Trade Union of Vietnam found that up to 80% of women over 35 years of age in industrialized areas were laid off or quit the jobs, of which 59.6% receive low payment which is not enough to live on; 39.1% were dismissed due to work pressure and job retrenchment, 22.65% suffer forced leave. The study also found that the higher the age, the greater the likelihood of job loss (Anh, 2017).

*In politics*, even though Vietnam ranks high in congresswoman rate, there is still a big gap between the percentage of male and female leadership and management at various levels, especially in executive positions (men are 3 times as much as women). Disapproval coming from family or the society prevents women from taking part in social and political activities, especially in mountainous areas, ethnic minorities communities, electing female representatives to people-elected agencies is a significant impediment.

*In education*, gender gap is still significant, especially in remoted areas, areas with difficulties. The rate of female students in mountainous areas is low (the rate of illiteracy among women aged from 15 to 40 is higher than that of men, especially in Northern midland and mountainous).

There is a great gender disparity at higher levels of education. According to data from the Central Vietnam Women's Union, in 2013, the proportion of women with university degrees nationwide is accounted for 36.24% ; Masters: 33.95% , PhD: 25.69% . The percentage of women who get the title of Associate Professor and Professor over the years is much lower than that of men. From 2011 to 2015, only 23.06% female professors, associate professors are recognized (Nguyen, 2016). Currently, the proportion of male professors and associate professors is male accounted for 83.5% and females accounting for only 16.5% .

With reference to the course book system, there are still many vivid illustrations of gender inequality; for instance, teaching females that household chores and raising children should be their responsibility while going out and socializing is just for male or using pictures and posters with discrimination acts on which the father watches TV and the mother does all the housework.

*In family*, attaining equal treatments for women and men remains insufficient as domestic violence is not yet eliminated entirely in places like the countryside. The stereotypes of women who must stay home and take care of everyone, give birth to a boy and are not allowed to make important decisions still exists along with gender prejudice.

#### **4. Fundamental Causes of the Shortcomings**

*First*, the culture of patriarchy and the promotion of the traditional role of men are invisible barriers that have profound implications for the realization of social justice for women.

Gender stereotypes and male preferences ideology in society with specific manifestations such as: preferring sons to daughters; taking care of the family, the children and the parents are considered as women' responsibilities; men are family's breadwinners who can shoulder and solve all big issues in the family... lead to the fact that women are in a more disadvantaged position and inequality than men. In many organizations, women are not promoted to managerial positions (even if they are qualified), because many still think that only men can take up important tasks, while women should only do light work to have time for their family. This idea is not only in the people, but also in leaders, especially in a group of women who are also prejudiced with women. So, in elections, the men who beat women off the electoral roll are not men, but women.

*Second*, there remains a gap between legal provisions on equality and justice for women and the enforcement of those rules in practice.

According to international standards, Vietnam has a fairly comprehensive legal system and policy framework for gender equality. However, there are still legal barriers to women. For example, the regulation saying "First-time public servant appointment must not exceed 55 years old for men and 50 years old for women" restricts the opportunity for women to be appointed to the position of leadership, management, whether they have the capability as men. Or the retirement age regulation of 60 for men and 55 for women is also a hindrance for women in their process of striving, working, and dedicating.

Commenting on this, a research stated three issues relating to such retirement age to be considered by organizations and employers. First, taking into consideration the effectiveness of investment, fostering a female cadre is not beneficial to a male cadre, as the working time of men is longer than 5 years. Second, in terms of numbers, the higher the managerial position, the fewer female candidates for that position than male candidates. Third, in terms of correlation, considering two male and female candidates on the same terms, female candidates are more restrictive than men in terms of experience, simply because they are 5 years younger. Thus, the age regulation places women on an unequal "race" with terms that

discriminate against women, and the winners are always male, since at the final state, men have no competitors because their female competitors are eliminated 5 years before (Nguyen, 2013).

As another example, the Law on Marriage and Family of Vietnam bans violent acts among family members and premature marriage. However, the phenomenon of maltreatment, mental abuse of men to women in the majority of families has not been severely punished according to law. Premature marriage in rural, mountainous and ethnic minority areas is quite common. According to a current survey, up to 40 out of 53 ethnic minority groups have an average rate of premature marriage of more than 20%, in which 10 groups have a higher rate of premature marriage (20-30%), 11 groups at 30-40%, 13 groups at 40-50% and 6 groups at 50-60% (Mai, 2017). One of the reasons is that 37% of interviewees do not know about the Marriage and Family Law; 63% say they have heard but do not know what the law says.

In addition, although there are policies and regulations that provide incentives for women workers, those policies and regulations have not been implemented or difficult to implement in practice. For example, the tax incentives for businesses employing more female workers, or the regulation of enterprises employing more female workers must have kindergartens or support payments for women whose children are at kindergarten age are not implemented by business owners. Most businesses admit that they cannot arrange time for their female workers' contingency professional training (Government Decree No. 23/CP, 1996).

Although Vietnam has a policy system to create favorable conditions and opportunities for women, in practice, the policy monitoring and implementation for female workers is still limited. Many enterprises still violate the law on working time and rest time for female workers but not being handled. According to a survey conducted by the Labor Protection Committee and the Women's Union of the Vietnam General Confederation of Labor, up to 76% of female workers work overtime, of which 300-400 hours of overtime work per year in textile, garment, seafood enterprises is quite popular. In quite a number of businesses, female workers have to work from 500 to 600 extra hours per year (Hoang, 2011).

Due to low income, female laborers have to work extra hours to increase their income. However, based on this, many employers require female workers to sign overtime agreements, many of whom are required to work overtime from 31 to 60 hours per month. Due to work pressure, many female workers do not even have time to go to rest-rooms, drink water or have enough food... Many women workers do not have a rest time in during their period. Many women workers who are coming to the birth month still have to work in loading and unloading bricks or stoves, where there is smoke, dust, exhaust gas....

*Third*, work pressure coming from family and society is a barrier, so women have to "accept being left behind" compared to men.

In fact, in order to fulfill at the same time both family and work responsibilities, many women have double responsibilities and time to work in comparison to men (average working time of women is 13 hours per day while men's time is only about 9 hours). Thus, women have less time to study, relax, enjoy and participate in social activities than men.

The burden of family work prevents women from having time to improve their professional capability so that they can be further promoted in their career. Especially, in the period of industrialization - modernization and current vigorous and deep international integration, like men, women need to have good professional knowledge, foreign language and computer skills as well as sensitivity, flexibility, creativity in work... To do that, women need more time. Meanwhile, the work of the family is still considered a heavy responsibility of women. That easily explains why many well-educated women give their way to and back up their husbands in taking care of their family, just to keep their "happiness". Many women accept lag or strive to be modest only at the level of accomplishment for family reasons. It is also the same reason why at similar level of education, men develop better, have higher positions and have more opportunities for professional training than women. This is one of the main reasons leading to the fall of women in education, training, science and technology, and in leadership and management in Vietnam. In order to fulfill their role, women have to shorten their time for leisure, culture activities and skill improvement. This is a disadvantage and unfair in opportunities for women.

Addressing these underlying causes, our research wants to show that if governments of various levels and sectors join hands and have positive, realistic and effective policies in place ensuring equality for women; if the implementation of the Law on Gender Equality and the National Strategy for Gender Equality is better controlled and monitored; if the promotion of gender equality is more effective enabling women be free from prejudices and social barriers; if women are given equal opportunities to men and women are given equal access to various types of training and fostering; if women are supported

in doing housework by improving the infrastructure and services and sharing with men, they can definitely develop all capabilities, qualities, promote their potentials, participate in contributing to the development of society like men. This is social justice for women.

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## Negotiations between Kosovo and Serbia from Rambouillet to Independence 1999-2008

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### Abstract

"We agree that we disagree" this may be the summary finding of almost the entire Kosovo-Serbia negotiating process on the final status of Kosovo. The basic purpose of this paper consists with a need that through the chronology of the Kosovo-Serbia negotiations to present some of the new experience, failures, or recommendations arising from these negotiations not only for the direct participants in these talks but also for the international organizations and diplomacy that were the initiators, the organizers and the facilitators of the said negotiations. The paper begins with the 1999 Rambouillet Conference, continues with the elaboration of the 17 rounds of these negotiations and 25 expert level meetings initially organized by the United Nations Security Council through the Special Envoy Mr. Marti Ahtisaari and his UNOSCE office, and later by the Contact Group through "Three": Frank Vizner, as US representative, Wolfgang Ischinger as EU representative and Alexander Bocan-Harcenko as the representative of Russia. At the end of the paper, the last phase of the negotiations is reflected when the International Community in particular the United States estimated that this way of negotiations cannot bring the outlined conclusions and decided not to obstruct Kosovo through its Parliament on February 17, 2008 to unilaterally announce its Independence ...!

**Keywords:** Negotiation. Kosovo, Serbia, International Community, Independence

### 1. Introduction

Kosovo is the last state created during the process of dissolution of the former federation of Yugoslavia. It was one of the eight federal units of the federation and actually it is the last state that became independent in the mentioned process (dissolution) that was a process with the atrocities and ruining which were not seen in Europe since the Second World War. The dissolution of the former Yugoslavia was also a process in which various international factors were involved and without that involvement the consequences of the dissolution could have been much worse. The international engagement was of various types and forms as well. This international engagement related to Kosovo has initiated various academic debates about the creation of new states, self determination, etc.

By this paper author by using the qualitative methodology explains and makes analysis of the process from a conference held in France where Serb and Kosovo Albanian delegations met in order to find a peaceful solution about the future of Kosovo and relations with SRJ/Serbia.

For the needs of the paper there are used the following methods:

Method of historic analysis by which the process is explained from the historic point of view. Method of systemic analysis which explains the position of the norms (national and international) on the entire system. Method of political analysis is used to explain the meaning of the norms and the political process during the process of negotiations.

Author by the research questions strives to justify the hypothesis which goes that the independence of Kosovo would not have happened without the deep engagement of the international community.

### 2. The Historical Context of Kosovo-Serbia Negotiations

Kosovo-Serbia negotiations for solution of Kosovo future status were more deeply continued at the International Conference in Rambouillet, France, on February 06, 1999, where under the pressure of NATO threats with the air strikes, the delegation of Serbia was pushed to attend the Conference, initially headed by Ratko Markovic, the Deputy Prime Minister of the

Government of Serbia, followed by Serbian President Milan Milutinovic and Kosovo Albanian delegation led by KLA<sup>1</sup> representative Hashim Thaci.

The Conference in Rambouillet reflected intentionally at the beginning with the welcoming speech of the French President, Jacques Chirac, who among the other emphasized: "There are rare moments when history is in the hands of few people. Such a case is today for you to make decisions on the negotiating table. The framework of these talks is clearly defined by the Contact Group- the principles of substantial autonomy. We have the solution between the continuance of the tragedy from the past and hope for the future. We do not accept the cycle of violence to threaten anymore the entire stability of South East Europe"<sup>2</sup>

Regardless of such a reflection of the historic responsibility the negotiators had in this Conference, "... the beginning of the talks during the first week was almost a failure, as the Serbian delegation did not consider negotiations seriously and, of course, and it took part in the negotiations only because of the pressure and concrete international threats, whereas, Albanians on the other side, insisted on their right to hold the final referendum on independence, who was stubborn as a mule."<sup>3</sup>

As evaluated by the organizers of this Conference the "soft" approach toward the two negotiating parties would not achieve the alleged conclusions, therefore they decided to finalize the negotiations and conclude them in form of an ultimatum, for what the negotiating parties were individually informed through the US Secretary of State Ms. Madeline Albright, who had initially talked with Serbian President Milan Milutinovic. As she has written in her book, the Serbian President said: "The political solution which we had presented was good for his country. It would demilitarize the KLA, keep Kosovo within Yugoslavia, and allow its army to continue patrolling the border. The presence of the leading NATO peacekeeping force - would help and would not damage, because it would also protect the human rights of the ethnic Serb minority in Kosovo. Otherwise, I said another Chechnya would be created within your borders. At the same time, you will find yourself in an even more difficult situation facing the international community and NATO. This should not happen. By taking advantage of the opportunity given to you for peace, you have the opportunity to enter into Europe and the West."<sup>4</sup>

Likewise, the meetings of Ms. Albright with the Albanian delegation were also difficult ... She summarized her own talk in the autobiographical book "Secretary of the State":

*My message to Albanians contained the same arguments that I had presented to Serbs: "You are the leader. You are elected to represent your people. Think well before you condemn them with a warlike future. The agreement we have proposed will give you self-government, NATO protection, economic aid, the right to educate your children in your mother tongue, and the ability to exercise control over your life. If you accept it, you will move toward a prosperous future, democracy, and European integration. If you reject it, as a consequence, you will be involved in a war which you will lose, and with it also the international support."<sup>5</sup>*

In the other words, to the Albanian delegation there was presented in a soft form an ultimatum with this content: "If you sign the agreement, we will be with you, whereas if you reject it, you will remain alone"<sup>6</sup>

This was the message of Ms. Albright, so interpreted by one of the participants of the Kosovo delegation at the Rambouillet Conference, Rexhep Çosja:

*"... in terms of your issue, so that you can govern yourself, we agree. I think that your issue should be viewed as a matter of human rights rather than as the independence. If the Serbs withdraw from the deal, NATO will use the air force, if you withdraw, you will lose our support. We will undertake the necessary measures so that you cannot get help from anyone. We shall conclude that you are not interested in self-government but want a war and change of boundaries and this is in contradiction with the attitudes of the international community. My message is clear: either*

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<sup>1</sup> KLA – Kosovo Liberation Army (in Albanian) UÇK – Ushtria Çlirimtare e Kosovës

<sup>2</sup> Gjeloshi, Nikë, Kosova 1999, "Si republikë e proklamuar, si autonomje imponuar". Tiranë, 2002, pg. 274.

<sup>3</sup> Albright, Madeleine, "Zonja Sekretare", SHB "Dudaj", Tiranë, pg. 462-464.

<sup>4</sup> Ibid. pg. 462-464

<sup>5</sup> Ibid. pg. 462-465.

<sup>6</sup> Milo, Paskal, "Ditari një Ministri të Jashtëm. Konflikti i Kosovës 1997-2001", SHB "Toena" Tiranë, 2009, fq. 149.

*fight yourself or sign the peace agreement and America will be with you<sup>1</sup>" Albright's Presence at the Conference was first made clear by her spokesman, who stated: "She is not here to negotiate, she is here to demonstrate that we are ready to return the diplomacy by force, by participating in peace-making, if we have an agreement or by showing the NATO threats about the attack on Serbian targets, in case the Serbs are the cause of the failure of the talks."<sup>2</sup>*

Since the delegation of Serbia led by Serbian President, Milan Milutinović refused to sign the offered international agreement that led to the failure of the first International Conference on resolving the Kosovo issue. With the failure of the Rambouillet Conference, the situation in Kosovo aggravated further since Serbian military, police and paramilitary forces intensified attacks against the defenseless and innocent Albanian population, at the same time commenced with ethnic cleansing of Kosovo and the deporting of nearly one million Albanians from their homelands. Such created situation in Kosovo couldn't wait and did not enable the international factor to resolve the problem of Kosovo in relation to Serbia to insist on diplomatic resolving or otherwise through negotiations, because the situation in Kosovo was heading towards a humanitarian disaster on the one hand, and on the other side it endangered the spread of conflict in almost the entire Balkans ... "Likewise, particularly after the Srebrenica Massacre, the US, in particular, did not want to let this happen again by all means. This kind of outbreak of the events on the field in Kosovo forced the International Forces to begin with 78-days NATO strikes, which resulted with the final withdrawal of Serbian military and paramilitary forces from Kosovo, which meant the end of the armed war in Kosovo.

The end of the war imposed on the United Nations, respectively the UN Security Council, the adoption of the Resolution 1244<sup>3</sup> by which Kosovo was put under United Nations interim administration through the United Nations Interim Administration Mission (UNMIK).<sup>4</sup> UN Secretary-General Ban Ki-Moon thus defined the mandate of UNMIK as: "it is understandable that the responsibility of the United Nations International will be limited to an extent of an operational control".<sup>5</sup> Since UNMIK was not sufficiently efficient in carrying out the duties and responsibilities set out under Resolution 1244<sup>6</sup>, Kofi Annan, UN Secretary-General, that on April 24, 2002, requested from SESG)<sup>7</sup> Mr. Steiner to develop referral points where the measure would be the progress achieved by the UNMIK mission in Kosovo. Based on this request, Mr. Steiner SRSG in his presentation to the Security Council concludes as follows: "I offer you this as an exit strategy, which in reality is an entry strategy for the European integration process."<sup>8</sup>

All of these international commitments about Kosovo did not offer clear solution to the Kosovo problem, but only hold an unstable "status quo" that reflected with mass protests or riots on March 16, 2004...! These disturbances were the result of the accumulation of major economic, social and inter-ethnic problems from which only the moment was expected to break out. This cause for March riots<sup>9</sup> came with the death of three Albanian children who died in the Ibër River in Mitrovica as a result of the violence and prosecution by several groups of Serbs, three Albanian children who from the threat and fear escaped from Serbs entered into the river where they were found dead ...! After these events in March 2004, the International Community began to understand that the reluctant and irreconcilable approach to finding the final status solution for Kosovo should be changed. Regarding this aim, the UN Secretary-General appointed the Permanent Norwegian Ambassador to NATO, Kai Aide, as his Envoy for assessing the standards that were installed by the UN as a condition for starting the process of resolving the political status of Kosovo.<sup>10</sup>

<sup>1</sup> Qosia, Rexhep. "Paqia e Përcaktshme". Toena. Tiranë 1999. pa.158 - 159

<sup>2</sup> Albright arrives in Paris with direct message for Kosovo negotiators, "International News Section, Agence France Presse, 14 February 1999.

<sup>3</sup> Approved by the Security Council at its 4011 meeting on 10 June 1999

<sup>4</sup> United Nations Mission in Kosovo

<sup>5</sup> UN-Secretary-General's, Report on UNMIK, S/1999/799, 12 July 2008, p. 15. [www.unmikonline.org/SGR\\_Reports/S1999/799-.pdf](http://www.unmikonline.org/SGR_Reports/S1999/799-.pdf)

<sup>6</sup> This resolution was appreciated by the good acquaintance of the circumstances with these words: "This was not a document designed to outline the long-term future of Kosovo but was a diplomatic deal struck to end the bombing campaign." Tim Judah: Kosovo and its Status, in: Dimitrios Triantaphyllou (Eds.): What status for Kosovo? Chaillot Paper Nr.50, Institute for Security Studies, Paris October 2001, p. 55

<sup>7</sup> Special Representative of the United Nations, Secretary-General for Kosovo

<sup>8</sup> Steiner, Michael, Speech to the Security Council, 24 April 2002, Press release SC/7375, 24 April 2002. Security Council

<sup>9</sup> According to OSCE Mission in Kosovo, Human Rights Challenges Following the March Riots in 2004, p.4 of these riots, more than 51,000 people were involved in 33 different incidents throughout Kosovo, with 19 defected (11 Albanians and 8 Serbs) 954 wounded people, 4,100 displaced persons, 550 homes and 27 burnished churches.

<sup>10</sup> Weller, Marc "Shtetësia e kontestuar", Koha, 2009, Prishtina, pg. 309



Ambassador Aide reported in the mid of 2005 to the UN Security Council and among the other stressed that despite all the obstacles to meeting some of the standards, the status quo is unacceptable, so the talks on resolving the final status should be started carefully.<sup>1</sup>

The report of Kai Aide, with his recommendations and findings, has pushed Secretary-General Ban Ki-Moon to express and declare that he has ordered the beginning of negotiations on the final status of Kosovo<sup>2</sup>. This seems to be a moment when the status quo, created a few years in Kosovo, is also unlocked.

The process of negotiations between Kosovo and Serbia on its final status we can say that it began on October 31, 2005 with the appointment of the former President of Finland, Mr. Martti Ahtisaari as the UN Special Envoy for finding and recommending the final Status of Kosovo.<sup>3</sup>

Mr. Ahtisaari in this mission claimed not to prejudice the final status without making the utmost effort to reach a compromise agreement between the two negotiating parties: Kosovo and Serbia on this issue<sup>4</sup>.

Therefore, on November 21, 2005, Special Envoy Martti Ahtisaari and his Deputy, Alber Rohan conducted their first visit on the region. They visited Prishtina and Belgrade, as well as Tirana, Podgorica, and Skopje. Subsequently, the Special Envoy and his Deputy with his technical staff many times visited the region to carry out the negotiations and to assist on technical issues of the dialogue. In January 2006, the Kosovo Contact Group<sup>5</sup> established the general principles of the Kosovo - Serbia dialogue, which were based on:

- a. No return to status before 1999<sup>6</sup>
- b. There is no division of Kosovo
- c. There is no accession of Kosovo to any third country.

On January 31, 2006, the Contact Group met in London, where they were more closely assigned to Kosovo's future status, pointing out that *"all possible efforts must be made to reach an agreement negotiated during 2006 and that agreement should be acceptable for the people of Kosovo..."*<sup>7</sup>

In 2006, UNOSEK<sup>8</sup> held 15 rounds of direct talks with the negotiating teams of Prishtina and Belgrade<sup>9</sup>, and that: On February 20, 2006 formal negotiations between Kosovo and Serbia began on the first topic of decentralization of the power in Kosovo and the transfer of competences from various fields of the daily life and so on. During the period February-September 2006, Ahtisaari and his team organized 17 rounds of high-level meetings that imply meetings at the level of presidents and prime ministers and 24 expert level meetings and many other meetings at the level of international diplomats involved or interested in these negotiations<sup>10</sup>..! The dialogue ended without a concrete agreement.

Appreciating that this way of dialogue is not bringing the expected results, the Contact Group on September 20, 2006 authorizes Mr. Martti Ahtisaari to draft a proposal for the solution of the future status of Kosovo and for that reason, on October 19, 2006, the UN Security Council<sup>11</sup> continues mandate to their envoy Martti Ahtisaari by June 2007. The reporting of Kosovo status proposal foreseen at the end of 2006 was postponed to February 2007 due to Elections in Serbia. On February 2, 2007 Martti Ahtisaari handed over his 63-page proposal to the leaders of Serbia (Boris Tadic - President of

<sup>1</sup> [www.unosek.org](http://www.unosek.org). - Report Kai Aide, October 2005

<sup>2</sup> *Ibid.*

<sup>3</sup> For more information, see UNOSEK. Source: [www.unosek.org](http://www.unosek.org)

<sup>4</sup> Gerard M. Malluci. *Plani i Ahtisaarit dhe Veriu i Kosovës/Ahtisaari Plan and the North of Kosovo* Burimi: <http://www.transconflict.com/approach/think/policy/ahitisaari-plan-north-kosovo/plani-i-ahitisaarit-dhe-veriu-i-kosoves/>

<sup>5</sup> The Contact Group was initially formed due to the war in Bosnia and consisted of representatives of the United States, Great Britain, France, Germany, Italy and Russia

<sup>6</sup> Contact Group Statement September 22, 2004; <http://2001-2009.state.gov/p/eur/rls/or/37535.htm>

<sup>7</sup> Kosovo Contact Group Statement, London, January 31, 2006. <http://www.consilium.europa.eu/ueDocs/pressdata/en/declarations/88236.pdf>

<sup>8</sup> UNOSEK – United Nations office of Special Envoy Martti Ahtisaari

<sup>9</sup> UNOSEK - [unosek.org](http://www.unosek.org)

<sup>10</sup> For more see UNOSEK - [www.unosek.org](http://www.unosek.org)

<sup>11</sup> United Nations Security Council

Vojislav Kostunica - Prime Minister and Kosovo (Fatmir Sejdiu-President and Agim Çeku-prime minister) in which the proposal explicitly does not mention its independence, but in its content has the attributes of an independent state and its attachment to International Organizations.

Regarding the proposal – Comprehensive Proposal for Solution of Kosovo Status (known as Ahtisaari Plan) of the UN Special Envoy, Martti Ahtisaari about the final status of Kosovo, and UNOSEK organized a new two-weeks round of additional negotiations in February 2007. From the conclusions of these negotiations, Martti Ahtisaari completed with his team the initial version of the proposal and submitted them for evaluation and approval to the leaders of Kosovo and Serbia, who at the next meeting of 10 March 2007 were informed that this process of negotiations ends that day with the acceptance or rejection of the proposed Proposal for the Kosovo Final Status Settlement.

Since Kosovo and Serbia could not reach any compromise on this issue, Martti Ahtisaari sent the proposal to the Secretary-General of the United Nations, Ban Ki-Moon together with a four-page report reflecting on its views on the dialogue process and the final status of Kosovo. On March 26, 2007, Ban Ki-Moon sent for the review both Ahtisaari's documents to the Security Council by expressing his full support to Martti Ahtisaari's proposal and report.

On April 3, 2007 Martti Ahtisaari presented his Plan for the final status of Kosovo in presence of the Security Council, but this report was not voted for approval either for its rejection.<sup>1</sup> Even after this unsuccessful negotiating process, as Russia rejected the adoption of the Resolution on Kosovo's Supervised Independence, the Odyssey of these negotiations continued, as the UN Security Council authorized the Contact Group to engage in Kosovo's affair. The Contact Group immediately appointed Frank Wisner (US representative) Wolfgang Ischinger (EU representative) and Aleksandar Bocan-Harcenko (Russia's representative) as a mediator for new Kosovo-Serbia negotiations regarding the final status of Kosovo.

Prior to the beginning of direct negotiations between Kosovo and Serbia, these mediators, named by the media and international diplomacy as "trio", organized two separate meetings with representatives of Kosovo and Serbia, and on August 31, 2007, in Vienna, Austria and September 18-19 in London. Understandably, no compromise agreement was reached even though the delegation of Serbia proposed autonomy for Kosovo, whereas the "three-way" negotiator in Prishtina delegation submitted a proposal for a good neighborly relations agreement between two independent states: Kosovo and Serbia.

The highest-level direct talks led by the presidents and prime ministers of Kosovo and Serbia continued on September 28, 2007 at EU offices in New York, where Serbia insisted on their vision for a Kosovo with broad autonomy within Serbia, whereas Kosovo, on the other hand, continued to maintain its position on cooperation and good neighbourhood relations, between two independent states ....! On this occasion, in this meeting both Kosovo and Serbia accepted the so-called "New York Decalogue", according to which both parties are obliged that during the negotiation process will refrain from any provocative acts that could endanger stability and security of the region ...

Negotiations continued with the second round of talks on October 14th in Brussels, where both delegations continue to reflect the same views and attitudes as at almost all previous meetings, Serbia offered autonomy within Serbia, Kosovo offered its proposal for good interstate relations as two independent states guaranteeing the full rights for minorities in Kosovo.

Not only the organizers but also the negotiating parties began to realize that these talks were lose of time and that they were being held only because of the pressure and persistent insistence of the international factor, particularly the US. In Vienna, on September 22, they continued the third round of talks where the Serbian side presented its proposal with 14 principles for the continuation of talks where the Kosovo status issue should be the dominant topic of the talks from now on. These rounds of talks were tense and very difficult to be facilitated by the organizer.

Noting that this way of conversation is not yielding results, the international "trio" of the two parties presents their 14-point proposal in which, according to previous talks, it was considered that Kosovo and Serbia could agree. But in this international proposal, both negotiating parties found many issues which were unacceptable to them.

On November 5, the fourth round of facilitated talks by the international "trio" was held in Vienna, Serbia's negotiating team led by the mayor and their prime minister proposed that the final status of Kosovo be discussed, the model of Hong Kong,

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<sup>1</sup> Yearbook of the United Nations, 2007. Volume 61. United Nations Publications, 2007. p/398 - 401

which was refused by the Kosovo team immediately. Even in the fifth round of talks held on 20 November, the Serbian side came with their proposal from the previous round but with some additional inputs to which they had also offered the Overseas Water Option in Finland, so this agreement could be in force for 20 years whereas, afterwards other forms of the solution for solving the final status of Kosovo could be found. Again, Serbia's proposals rejected the Kosovo side and reflected its view that Kosovo agrees only with Kosovo's internationally supervised independence, as Marti Ahtisaari proposed.

On November 28, 2007, the negotiations continued. These were the recent talks between Kosovo and Serbia since the Kosovo delegation warned that it would no longer continue the talks and that it would soon declare Kosovo's independence on the other hand. Serbia's delegation obviously opposed to the announcement of Kosovo Independence and expressed the willingness and interest that negotiations to continue so after December 10, to find a solution to the Kosovo status choice accepted by both negotiating parties, even though they themselves and the Kosovar side, especially the international ones were aware that a compromise or joint agreement is impossible.

The direct highest-level talks led by the Presidents and Prime Ministers of Kosovo and Serbia continued on September 28, 2007 at EU offices in New York, where Serbia insisted on their vision for a Kosovo with broad autonomy within Serbia while Kosovo, on the other hand, continued to maintain its position on cooperation and good neighbour relations but as two independent states....! On this occasion, in this meeting both Kosovo and Serbia accepted the so-called "New York Decalogue", according to which both parties are obliged that during the negotiation process will refrain from any provocative acts that could endanger stability and security of the region ...

Talks continued with the second round of talks on October 14, in Brussels, where both delegations continue to reflect the same views and attitudes as at almost all previous meetings, Serbia offered autonomy within Serbia, Kosovo offered its proposal for good interstate relations as two independent states guaranteeing the full rights of minority communities in Kosovo.

Not only the organizers but also the negotiating parties began to realize that these negotiations were of no result and that they are being held only because of the pressure and persistent insistence of the International Community, particularly the US. In Vienna, on September 22, they continued the third round of talks where the Serbian side presented its proposal with 14 principles for the continuation of talks where the Kosovo status issue should be the dominant topic of the talks from now on. These rounds of talks were tense and very difficult to be facilitated by the organizer.

Noting that this way of conversation is not bringing any results, the international "trio" of the two parties presents their 14-point proposal in which, according to previous talks, it was considered that Kosovo and Serbia could agree. But in this international proposal, both negotiating parties found many issues which were more than unacceptable to them...

On November 5, the fourth round of the facilitated talks by the international "trio" was held in Vienna. Serbia's negotiating team was led by President and Prime Minister and they proposed that the final status of Kosovo should be further discussed, offering the model of Hong Kong, which was immediately refused by Kosovo delegation. Even in the fifth round of talks held on 20 November, the Serbian side came with their proposal from the previous round but with some additional additions to which they had also offered the option of Oland Islands in Finland, and this agreement would last for 20 years afterwards to look at other forms to resolve the final status of Kosovo. Again, Serbia's proposals were rejected again from the Kosovo side and reflected its view that Kosovo agrees only with internationally supervised Independence of Kosovo as Marti Ahtisaari had proposed.

On 28 November 2007, the negotiations continued ... These were the recent talks between Kosovo and Serbia since the Kosovo delegation warned that it would no longer continue the talks and that it would soon declare the Independence of Kosovo. On the other hand the delegation from Serbia was obviously opposed to the announcement of independent Kosovo and expressed the willingness and interest that such talks continue after December 10 to find a solution to the Kosovo status choice accepted by both negotiating parties, even though the Kosovar side they, particularly the international ones were aware that such a compromise or joint agreement is impossible.

On June 10, 2007, was published the report of US Representatives-Frank Wisner, EU - Wolfgang Ischinger and Russia-Aleksandar Bocan-Hrcenko, which report were previously submitted to UN Secretary-General Ban Ki-moon earlier that week. In this report, the international mediation dialogue between Kosovo and Serbia concluded that the negotiating parties Kosovo and Serbia have not reached compromise agreements on the future status of Kosovo but consider the talks as

useful and successful since both sides have presented their views to resolve the issue and what was more important to the "trio", both Kosovo and Serbia have declared and warrant that they will refrain from any kind of violence or provocation that can lead to violence between these two countries and not just only between them ..

The Odyssey of these negotiations continued in 2008, respectively on 17 January of that year the UN SC held its session, where the report of UNMIK on the situation in Kosovo was reviewed. The members of the KS addressed one word the case in the first part, in that open part of the KS summit, Serbian President Boris Tadić asked the UNSC to take a decision on continuing the dialogue between Kosovo and Serbia regarding finding a solution to the final status of Kosovo, for which Serbia expresses its readiness to find a lasting compromise solution. In the continuation of this international engagement to find a solution to the Kosovo issue on January 22, the Council of Europe Parliament also discussed and approved the Resolution on the developments of the process of resolving the Kosovo status without specifying, offering or imposing any concrete solution on its part which money is virtually expected and requested by the EC. The resolution as such was presented by Lord Russel Johnston as the EU Parliament rapporteur for Kosovo. The resolution was approved but was not approved unanimously, but only by the majority of votes and that of 96 votes in favor, 48 against 24, with which at the European level reflected with different views and interests for resolving the status of Kosovo ...! The engagement of EU continued by deciding, respectively allowing on February 16, 2008 a new Mission in Kosovo with 1800 person -judges and the police experts who would replace the ongoing Mission of UNMIK in Kosovo. All this commitment and substantial interest of the highest international levels, especially of Kosovo, to find a compromise solution for Kosovo's final status, was estimated that it cannot be achieved through talks, even by the fact that Serbia 30 September 30, 2006 at a special session of the Assembly of Serbia<sup>1</sup> where were present the President of Boris Tadić and Prime Minister Vojislav Kostunica once approved the new Constitution of Serbia where in the Preamble of the Constitution, Kosovo is considered as an integral and inseparable part of Serbia. Also, this official position of Serbia on the part of the Serbian side that participated in on the day talks, whereas at "night" planned the actions that had previously determined the failure of those talks and in more institutional forms such as the organization of a Referendum to support this new Constitution, as an inseparable part of Serbia on October 28 and 29, 2006, therefore, on February 17, 2008, the Kosovo Assembly declared the Independence of Kosovo. With this action and decision Kosovo, it is understandable by the International support and in the first place of the United States, ends the non-productive dialogue - and pro forma Kosovo- Serbia-for the status of Kosovo.

### 3. Conclusions/Recommendations

Kosovo-Serbia talks on the final status of one country or province are the best case to understand how important or improbable such talks are, or similar, particularly when they are imposed and organized by the International Community and where the USA expresses its direct interest.

Such talks indicate that the accusing or the stronger party in those talks, in this case, Serbia, as early as possible the compromise would have been achieved, the more it would have agreed, since the international community initially required some institutional and legal advancement of human rights for Albanians ... When they were rejected with indifference, provocation and using state violence against civilians, the demands for compromise increase and arrive at that stage when almost everyone has estimated that cohabitation in the same state is impossible. If Serbia had accepted in the early stages numerous international diplomacy proposals of the Great Powers, the Kosovo issue would certainly have a diametrically opposite end to the one achieved!

Serbian President Slobodan Milosević has lost international and diplomatic support and friendship for hundreds of years.

Once, the case of Kosovo, although considered and treated as a "sui generis" case, imposes review, internationally reviewing the International Law and the United Nations Charter on sovereignty on human rights, humanitarian intervention, etc.

International mediators have given little importance to the national cultures of the parties in the talks.

The indecision of the international factor on time has resulted in tens of thousands of casualties in people and large refugee convoys around the world, the Srebrenica massacre, the responsibility, the lesson and the failure of the International Community.

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<sup>1</sup> [www.NarodnaSkupstinaSrbije](http://www.NarodnaSkupstinaSrbije)

The unification of world-influenced media in creating a pro or against opinion to particular issue is irreplaceable.

The case of Kosovo better than any other case testified that human rights are no longer internal issues that belong exclusively to the local legal system of any country, but they are global responsibility.

The Kosovo issue has initiated a debate over the question or dilemma of reviewing and supplementing the UN Charter and other stereotypical international justice rules with the most concrete, clear and adequate ones for the world society.

The Kosovo case has proven that in such talks the mediator should be extremely influential or otherwise the results will be missing or postponed to infinity. Definitely, The Independence of Kosovo is a story of the success of unity and International Cooperation.

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## Analysis of Some Indicators of the Social Insurance System in Albania

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### Abstract

The compulsory social insurance scheme in Albania (the state scheme) is a scheme based on the principle "pay-as-you-go", on the principle of individual responsibility for the social risks of the future and on the principle of solidarity between generations. This is a scheme funded by the contributions of employers, employees and self-employed people. Beneficial payments are guaranteed in an amount covering at least the minimum standard of living determined by the Council of Ministers. This paper analyzes the performance of the most important of individual indicators of the social insurance system (analytical indicators). There are analyzed only those analytical indicators that point to the current performance as well as those related to the prognosis of the progress of this scheme in the future such as dependency rate, replacement rate, ratio between beneficiaries to total population and coverage rate. Also, there is a quantitative analysis carried through the SPSS statistical program on the influence the coverage rate has over the pension deficit and the trend of this deficit is estimated.

**Keywords:** coverage rate, social insurance system, pensions, system indicators, rate

### 1. Introduction

The actual social insurance system in Albania started in 1993 and has undergone substantial changes over the years. Under the law, the management and administration of social security in the Republic of Albania is entrusted to the Social Insurance Institute (SII), which is an independent state public institution. The general system of social insurance consists of compulsory insurance, voluntary, supplementary and special state pensions. The system is based on the contributory principle, the principle of individual responsibility for the future risks in the social sphere, and on the principle "pay today to benefit tomorrow". So, the compulsory social insurance scheme in Albania is a scheme based on the "pay-as-you-go" principle, where current benefits are paid from current contributions. Beneficial criteria in the social insurance system are unique to all participants in the insurance scheme while the retirement amount of the pension consists of a basic benefit level for all citizens who must provide the necessary minimum subsistence and a supplement that is determined in relation to individual contributions. Almost all the elderly are covered by the pension program, mainly due to the almost complete participation in the pension system during the socialist period.

The pension system in Albania continues to suffer from a number of problems. One of the sharpest problems is related to the deficit of the scheme. The pension scheme suffers from a high deficit that makes it financially unsustainable. (Ministry of Social Welfare and Youth, 2014). In order to have a financially viable system, the contribution income should at least cover the costs of benefits. All of the social and economic changes, the country's economic power, macroeconomic stability, demographic situation, labor market developments, unemployment rates, wage levels, etc. have influenced the development of the social insurance system in Albania and the financial stability of the scheme. The impact of these indicators on the social insurance system in the early 1993 and onwards has dictated the undertaking of some reforms over the years. These reforms have changed some system parameters, in order to achieve the financial sustainability of the system as well as to achieve a unification with the European social insurance systems.

The pension reform is not only a challenge for our country but it is one of the biggest challenges facing national governments. Reforming the (PAYG) system is still under heated debate. The current global demographic changes because of the aging population are becoming more and more apparent. This long-term trend of population aging in both developed and developing countries is mainly driven by an increasing life expectancy and declining rates of fertility. Due to the increase in life expectancy and the nature of unfunded PAYG systems, most governments, both in OECD countries and in countries

with emerging market economies, have faced financial difficulties. The generosity of public pension systems has also contributed to the increase in current public pension liabilities. This way, many countries have begun to rethink their pension systems by being involved in a reform process. (Hu, 2005)

The drafting of the new social insurance law in 1993, as well as the overall economic and social developments in particular, have led to the necessity of taking a range of measures from time to time with a view to adapting the social insurance system with the economic developments of the time, standardization of the provisions and their approximation with the basic legal framework of the EU and the basic standards set by the ILO.

## 2. Methodology of the Study

In accordance with the purpose of the work, a comparative analysis of some specific indicators of the state pension scheme has been carried out in years, based on statistical data from various sources such as the Statistics of the Institute of Social Insurance in years, INSTAT, IMF, World Bank. Also, statistical data processing methods (the SPSS statistical program) have been used to determine the degree of influence of the coverage ratio at the deficit level of the scheme and to forecast the trend of the pension scheme deficit.

## 3. Comparative Analysis of the Values of the Pension Scheme Indicators (1994-2016)

The state and the performance of the social insurance scheme is characterized by two sets of indicators:

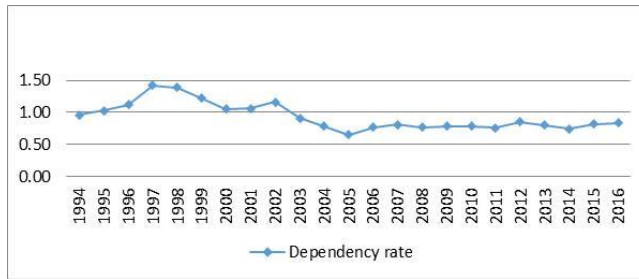
- Indicators of financial performance (synthetic indicators) of the Social Insurance Institute, which is at the same time a fund and a financial intermediary.
- These indicators characterize the financial condition of the fund for different periods of time. In terms of our analysis these indicators are: the average annual number of contributors, the average annual number of beneficiaries, income from contributions, benefits expenses, financial result and subsidy from the state budget.
- Specific (analytical) indicators of the social insurance scheme, which are indicators that characterize the social insurance scheme.
- In order to clarify the problems with the pension scheme, it is important to examine the size of some analytical indicators. In this paper are treated only those indicators which highlight the performance so far as well as those indicators related to the prognosis of the progress of this scheme in the future such as dependency rate, replacement rate, ratio between beneficiaries to total population and coverage rate.

### 3.1 Dependency rate dynamics during the period: 1994-2016

The dependency rate expresses the ratio of the number of beneficiaries to the number of contributors to the social insurance scheme.

In the 1990s, the early retirement pension was used to absorb the large number of unemployed workers that resulted from massive economic restructuring. This is made evident in the sharp decrease in the number of contributors and simultaneous increase in the number of pensioners during this period. As a result, the system dependency rate increased rapidly after 1990. (Hirose, 2011). So from 0.45 beneficiaries to 1 contributor in 1990 this indicator deteriorated from year to year until 2002 and has started an improvement in 2003 with 0.91 beneficiaries per 1 contributor. Chart 1 draws attention to the deterioration of this indicator in 1997, reaching 1.42 beneficiaries per 1 contributor. The analysis of dependency rate proves that the most worrying problem remains its deterioration in the urban area. So if in 1994 (in the urban area) for a contributor we had only 0.71 beneficiaries in 2003 this rate has deteriorated, reaching 1.07 beneficiaries per 1 contributor and after this year we have an improvement of this indicator.





**Graph 1.** Dependency Rate; **Source:** Social Insurance Institute (SII) statistics over the years

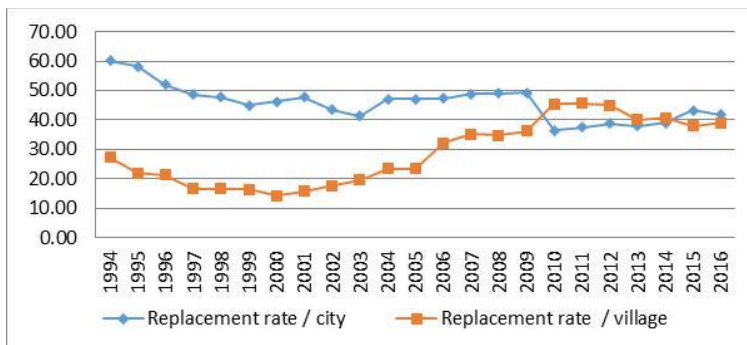
As a result of the collapse of cooperatives after 1992, the number of rural contributors dropped a lot and this is reflected in the high ratios of dependency rate in the years 1994-1999 for rural areas. After 2002 this rate regarding the village improved as a result of the increase in the number of contributors. However, referring to the data of this period it should be noted, that contributors in rural areas contribute about 15% of the necessary contribution and receive full rights in the pension system.

For these contributors the Government makes 85 percent of the contributions. As a result, they are contributors largely in name more than in substance. (Schwarz, 2006). This is the same as saying that 85% of rural sector contributors do not currently make contributions. And if we excluded these 85% rural contributors, the system dependency rate would increase more. As can be seen from Chart 1, the dependency rate continues to remain at very critical levels.

At the same time several factors have affected the magnitude of dependency rate such as: the still low number of employees, the high rate of evasion of contributions that contributes to reducing the number of contributors, and the inclusion in the scheme of some specific categories of pensions, such as early retirement. Another important factor that has an impact on this report and will have even greater impact in the future are demographic changes, which affect the reduction of active number of population compared to the number of retired people.

### 3.2 Replacement rate dynamics during the period: 1994-2016

The replacement rate expresses the ratio between average pension amount of money to average salary. It is still low in both the city and the countryside. In the city, from 60.2 % in 1994, in 2003 it reached 41.4 % and after this year has started to grow but at low rates. In the village until 2000 we have a decrease of 15.78% from 27.3 % in 1994 and after this year we have an increase of this ratio at higher rates than in the city. This growth was driven by the higher growth of the average pension increase in the village against the minimum contribution wage. In 2016 this rate reaches 41.7% in the city and 38.9% in the village.



**Graph 2.** Replacement rate (city / village)

**Source:** Social Insurance Institute (SII) statistics over the years

Graph 2 displays that the replacement rate in town and village since 1996 does not exceed in any case 50% , compared to 70-75% , which is the legal obligation. Also, the source of the above analysis data are statistics of Social Insurance Institute, in reality it is discussed that this ratio is still lower than it appears, strengthening the idea that this space should definitely be compensated by private pension schemes.

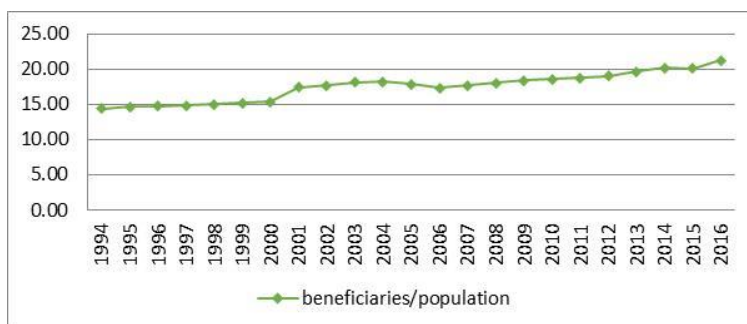
It should be remembered that promoting the private pensions is only part of the solution to ensure the adequacy of benefits paid by this plan. Policy makers also need to address other challenges facing these arrangements, such as management costs and investment risk. (Payet and Yermo, 2012).

### 3.3 The dynamics of the ratio between beneficiaries to the total number of population during the period: 1994-2016

The ratio between beneficiaries to the total population is increased from 14.5 % in 1994 to 18.2 % in 2003 and 21.3 % in 2016 (Graph 3). This trend towards increasing this ratio indicates its negative impact on the insurance social scheme. The deterioration of this indicator is caused by an increase in the number of beneficiaries and their retention for a relatively long time as beneficiaries because of the average life expectancy of the population.

This indicator should be taken into account because it results in an upward trend in the future.

Currently, Albania has a moderately young population, but one with a rapidly growing share of elderly. By 2050 Albania is expected to have 25% of its population aged 65 and older which put it well over the 2050 ECA average of 23.1% . (Guvén & Schwarz, 2013)

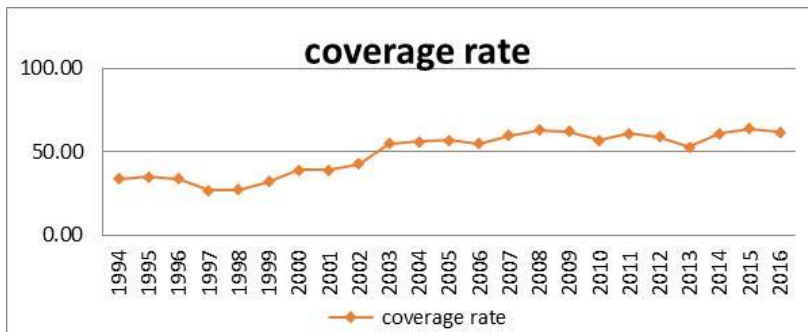


**Graph 3.** The ratio between beneficiaries to the total number of population

**Source:** Statistics of Social Insurance Institute, World Bank database, author's calculations

### 3.4 The dynamics of the coverage rate during the years: 1994-2016

The coverage rate which expresses the ratio of the number of contributors to the real number of skilled laborers, results in a significant decrease for the period 1993-1999. Specifically, this indicator is deteriorated in 1997 and 1998. It falls down to 26.8% and 27.5% , compared to 54% in 1993 and 33.8 % in 1994.(graph 4) The reduction of GDP after the 1990's (with a drastic reduction in 1997) and at a low rate of recovery over the years, definitely had an impact on the labor market.



**Graph 4.** Coverage rate

**Source:** Statistics of Social Insurance Institute, IMF, World Bank, author's calculations

The evident change of these conditions related to the labour market after 1990, had a negative impact in the inclusion of contributors in the social insurance scheme and demographic indicators. With the youngest population in Europe the labour market informality has increased, accompanied by the avoidance of the obligatory contribution payments. On the other hand, the high rate of emigration in this period has caused a considerable reduction in the workforce, and consequently the inclusion in the pension scheme. (European Commission, 2008).

After 1999, the coverage ratio is increased and this also attests to reducing the phenomenon of tax evasion. Informal employment remains a significant challenge. The informal employment decreased from 51.3 percent in 2014 to 46.8 percent in 2015. (Vidovic, Koettl, Mara, and Posadas, 2017). This is reflected in the increase in coefficient in 2015. However, this indicator remains low again and does not exceed 65%. In rural areas, this indicator is still lower, with less than 50%.

Increasing employment and reducing informality will lead to an increase in the number of contributors, and thus to the improvement of this ratio. The increase in the coverage ratio means more contributors, as a result more income from contributions and consequently a reduction in the pension scheme deficit.

#### 4. Analysis of coverage rate impact on the scheme deficit and the deficit trend

Expenditure on benefits in the pension scheme is higher than income from contributions. This means that the pension scheme results in a deficit and in the meantime this deficit continues to increase. Although the financial indicators show that the rural scheme deficit is important, the financial performance of the pension fund is dominated by the urban scheme, which accounts for 90% of spending and almost all income. So the state pension plan is currently not financially sustainable.

##### 4.1 Analysis of the relationship between the coverage rate and the pension scheme deficit

In this section of the study we analyze the hypothesis: The coverage rate values affect the deficit of the pension scheme. Undoubtedly, economic factors have an important impact on the pension scheme, and therefore its deficit. There are close links between the pension scheme and the main economic indicators in Albania. (Gjini, 2017). The deficit of the public pension scheme has been presented as a dependent variable, which, as discussed above, represents the difference between income from contributions and benefits expense. As independent variables, some economic indicators are thought to have an impact on the scheme's deficit, such as GDP, inflation, unemployment and coverage ratio. The data for these indicators have been analyzed for a period of about 20 years. The source of data for the analysis is taken from the Statistics of Social Insurance Institute, IMF, INSTAT. Initially, we will study the simple correlation between the indicators taken in the analysis.

**Table 1.** Simple correlation correlations among the main studied indicators

Indicators	GDP at current prices	GDP per Capita (in \$)	Inflation (in %)	Unemployment (in %)	Coverage ratio	Deficit (in millions)
GDP at current prices	1	#N/A	-0.585022	-0.569615	0.784276871	-0.8855751
GDP per Capita(in \$)		1	-0.535871	-0.601669	0.848072749	-0.8837343
Inflation			1	0.3469916	-0.393633304	0.3552039
Unemployment				1	-0.319370276	0.4358262
Coverage ratio					1	-0.7967266
Deficit						1

By studying the correlation coefficients that present the relationships that exist between some indicators taken into account in the analysis and the deficit of the pension scheme, we note that the value of these coefficients justifies our expectations. Thus, the correlation coefficient expresses the relationship between GDP at current prices and the deficit is  $-0.8855751$ . So there is a strong negative correlation, which means that GDP growth is associated with a decline in the deficit. The same would be said for linking GDP per Capita to deficit. From the matrix, we see that the correlation coefficient that expresses the relation between coverage ratio and deficit is  $-0.7967266$ . So there is a relatively high negative correlation, which means that the increase of the coverage ratio affects the reduction of the deficit. Meanwhile, inflation and unemployment are positively correlated with the deficit, which means that their growth affects the growth of the deficit. However, the relative correlations for these two indicators are lower than the other indicators, respectively  $0.3552039$  for inflation and  $0.4358262$  for unemployment.

Let's go back to the coverage ratio indicator. From the matrix we see that there are correlations of this indicator with all the economic indicators selected by us. Thus, we have a high positive correlation of the coverage ratio with GDP and GDP/capita ( $0.848072749$  with GDP per capita), which means that the growth of this ratio will depend heavily on the economic growth. While with inflation and unemployment it is negatively correlated and these values are smaller, respectively  $-0.393633304$  and  $-0.319370276$ .

Let's further deepen our analysis through regression analysis.

**Regression Analysis:** Deficit versus coverage ratio

The regression equation is

$$\text{Deficit} = 10088 - 35387 \text{ Coverage ratio}$$

Predictor	Coef	SE Coef	T	P
Constant	10088	2977	3,39	0,004
Coverage ratio	-35387	6126	5,78	0,000

S = 3425,25 **R-Sq = 67,6%** R-Sq(adj) = 65,6%

Analysis of Variance

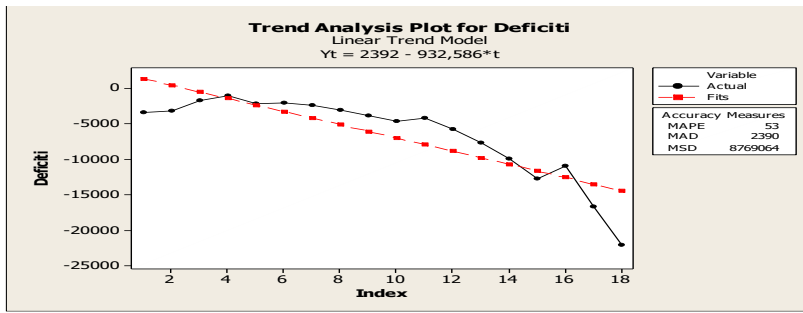
Source	DF	SS	MS	F	P
Regression	1	391503940	391503940	33,37	0,000
Residual Error	16	187717084	11732318		
Total	17	579221024			

In this model, from the regression analysis, the independent variable of the coverage ratio results statistically significant because the value  $p = 0.000$ . So the coverage ratio is an indicator with a significant impact on the deficit. From the analysis of regression data, the coverage ratio explains 67.6% of the deficit variation. An exception is only the eighteenth observation which is considered unusual with a large standardized waste (error prediction).

At the same time, it was analyzed the combined effect of the coverage ratio and GDP (independent variables) on the deficit (dependent variables). This analysis was carried out through a multiple regression. It resulted that the coverage rate in this model was a non-important variable. This can be explained by the fact that it is an indicator that has an important link with GDP and labor force. So in this model this indicator gives its effect through GDP variables.

#### 4.2 Analysis of the deficit trend

Two models were used for the analysis of the deficit trend: the linear trend model of the deficit and the quadratic trend model of the deficit.



**Graph 5:** Deficit vs. Time / Linear Model

Quadratic Model.

$$Y_t = -4825 + 1233t - 114,0t^{**2}$$

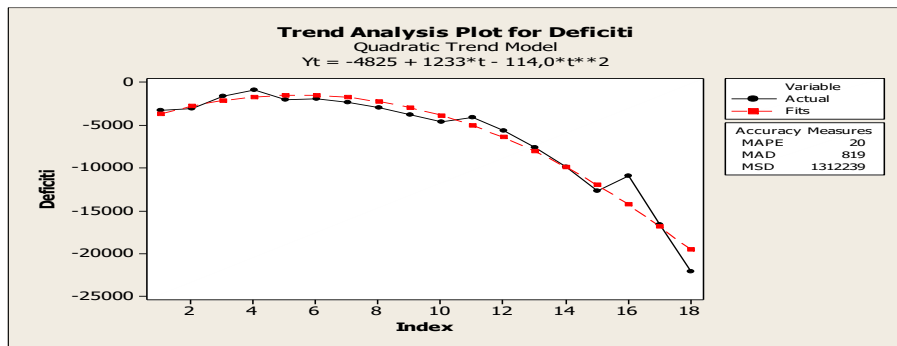
$$S = 1254,87 \quad R\text{-Sq} = 95,9\% \quad R\text{-Sq}(\text{adj}) = 95,4\%$$

Analysis of Variance

Source	DF	SS	MS	F	P
Regression	2	555600731	277800365	176,42	0,000
Error	15	23620293	1574686		
Total	17	579221024			

Sequential Analysis of Variance

Source	DF	SS	F	P
Linear	1	421377870	42,71	0,000
Quadratic	1	134222860	85,24	0,000



**Graph 6:** Deficit vs. Time / Quadratic Model

From the analysis of competitive models, it is clear that the quadratic trend model is the perfect prediction model. Specifically this model explains 95.9% of the variance while the linear trend model explains 72.7% of the variance. From the graph above we note that the real values are very close to the predicted values (or the forecast line).

## 5. Conclusions and Recommendations

The current pension scheme in Albania is not financially sustainable. It suffers from a deep deficit and according to the analysis of the deficit trend, this deficit will continue to deepen if the pension scheme is not reformed.

The ratio of beneficiaries to the total number of population is increased during the study period and it is expected that this increase will continue in the future. The growth of this ratio has a negative effect on the sustainability of the scheme, so this report should be kept under control.

The dependency rate that expresses the ratio of the number of beneficiaries to the number of contributors to the social insurance scheme continues to be high, violating the sustainability of the scheme. Other important factors that have an impact on this report and are expected to have even greater impact in the future are demographic changes. These changes will bring a reduction in the number of active population compared to the number of retired people.

In conclusion of the quantitative analysis using the simple and multiple linear regression method, the correlation of the coverage ratio with the pension scheme deficit was verified. Increasing the value of the coverage ratio would have an impact on reducing the deficit. But the growth of this report will require in the future strong economic pressures and significant administrative efforts.

The replacement rates during the study period continue to remain low. Encouragement to participate in the urban scheme continues to be low due to low replacement rate for high pay contributors. To help solve this problem, we must certainly encourage the development of private pension funds.

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