



2018

INTERNATIONAL EDITION

VOJNO DELO

ISSN 0042-8426 ■ UDK 355/359

INTERNATIONAL EDITION

INTERDISCIPLINARY SCIENTIFIC THEORETICAL JOURNAL

VOJNO DELO

8

2018

MINISTRY OF DEFENCE OF THE REPUBLIC OF SERBIA

---

# VOJNO DELO

INTERDISCIPLINARY SCIENTIFIC  
THEORETICAL JOURNAL

Vol. 70, Issue 8/2018, (November-December 2018)

---

---

MINISTRY OF DEFENCE OF THE REPUBLIC OF SERBIA

---

UNIVERSITY OF DEFENCE IN BELGRADE

---

Rector

Major General *Goran Radovanović*, PhD

---

INSTITUTE OF SCIENTIFIC INFORMATION

---

Director

*Silva Dobrić*, PhD, Professor

---

VOJNO DELO

Editor

Lt Col *Milan Tepšić*

e-mail: [milan.tepsic@mod.gov.rs](mailto:milan.tepsic@mod.gov.rs)

tel: +381 11 33 49 497

---

EDITORIAL BOARD

---

Major General *Mitar Kovač*, PhD, Professor, (Head of the Editorial Board); Assistant Professor *Zoran Kilibarda*, PhD, (Deputy Head of the Editorial Board); Major General *Mladen Vuruna*, PhD, Professor; Professor *Jan Marček*, PhD, retired Colonel; Professor *Božidar Forca*, PhD, retired Major General; Professor *Dragan Jovašević*, PhD; Professor *Dragan R. Simuč*, PhD; Professor *Zoran Dragišić*, PhD; Professor *Tanja Miščević*, PhD; Assistant Professor *Jovanka Šaranović*, PhD; Assistant Professor *Vladan Jončić*, PhD; Assistant Professor *Stanislav Stojanović*, PhD; *Zoran Jeftić*, PhD; Lt Colonel *Milan Tepšić* (Secretary of the Editorial Board)

---

Address: VOJNO DELO, Braće Jugovića 19, 11000 Beograd, Serbia \* e-mail:

[vojno.delo@mod.gov.rs](mailto:vojno.delo@mod.gov.rs) \* Subscription to print edition: e-mail:

[pretplata@odbrana.mod.gov.rs](mailto:pretplata@odbrana.mod.gov.rs), tel/fax: +381 11 32 41 009; account: 840-312849-56 \*

---

Manuscripts are not returned

The first printed issue of the *Vojno delo* appeared on 1st February 1949.

Printed by Vojna štamparija – Beograd, Resavska 40b

e-mail: [vojna.stamparija@mod.gov.rs](mailto:vojna.stamparija@mod.gov.rs)

<i>Ilija Kajtez</i> <i>Srdjan Starčević</i> <i>Bojana Ružičić</i> The Essence of Phenomenon of Peace and the Notion of Peace Buildin .....	5–23
<i>Vladislav B. Sotirović</i> Fragility of Belarussian National Identity .....	24–37
<i>Andrijana Maksimović</i> <i>Zoran Milosavljević</i> Sovereignty in Islam – A Reflection of Tradition and Contemporariness in Modern Political Systems .....	38–46
<i>Dragan Jovašević</i> The Criminal Responsibility for the Genocide and the Crime against Humanity According to the Rome Statute (View on the New Serbian Criminal Code) .....	47–70
<i>Saša T. Bakrač</i> <i>Emilija Klem</i> <i>Miško Milanović</i> Assessment of Ecological Damage from the NATO Bombing of the Republic of Serbia in 1999 .....	71–81
<i>Goran Obradović</i> <i>Marko Trajković</i> Compulsory Labour as a Civic Duty .....	82–89
<i>Sladjan Vlajić</i> The Army Chaplain Assistant – a Review of the US Model .....	90–96
<i>Vinko Žnidaršič</i> <i>Csaba A Bakos</i> Formation Variants Analysis of Four-Man Infantry Section Fire Team .....	97–108
<i>Dejan Indjić</i> <i>Ivan Petrović</i> <i>Negovan Ivanković</i> <i>Djordje Djukić</i> Chemical Accident Area Reconnaissance by Unmanned Aircraft .....	109–127
<i>Ivan Petrović</i> <i>Saša Sretović</i> <i>Milan S. Kankaraš</i> The Prioritization of Criteria for the Selection of Radar for the Air Traffic Control and Protection by Multi-Criteria Decision - Making Application in the Fuzzy Environment .....	128–137

<i>Vitomir A. Stanković</i> The Development of Serbian Aviation and Aviation Signal Stations and Their Significance on the Salonica Front .....	138–154
<i>Dragan Radoman</i> <i>Mirko Kulić</i> <i>Jelena Gluščević</i> Participation of the Montenegrin Metropolitan Visarion in the First Phase of Negotiations between Montenegro and the Holy See about Concordat .....	155–163
<i>Srdjan Starčević</i> Book Review "Wisdom and Sword, Volume III" by Ilija Kajtez .....	164–166

# THE ESSENCE OF PHENOMENON OF PEACE AND THE NOTION OF PEACE BUILDING\*

*Ilija Kajtez\*\**

University "Union – Nikola Tesla",  
Faculty of International Politics and Security, Belgrade

*Srdjan Starčević*

University of Defence in Belgrade, Military Academy

*Bojana Ružičić*

University of Belgrade, Faculty of Political Sciences

Peace, as well as its inevitable companion and rival – war, are extremely complex notions and important socio-historical phenomena. This is why the study of peace, and its proper understanding, requires a wise philosophical view and a bold scientific and intellectual synthesis. Peace and war are complex notions and seductive phenomena, which can easily lead us to various dilemmas, blind alleys, simplifications, and also intellectual and ethical antinomies. What truly peace is represents a great question and it is unknown whether it is tranquility, respite, stagnation or absence of life, antithesis of war, oasis of human happiness or perhaps renouncement of any happiness. Dealing with peace shares a similar problem with artistic description of happiness, where we often lack the right words and appropriate sublime and dynamic action – on the other hand, an artist is eloquent, inspired, emotional and profound when describing misfortunes and suffering of nations and men. Peace has been mostly perceived as a necessary rest between wars and bloody battles throughout history. We think that it is necessary to abandon the often dominant Manichean image of the world, represented by dual dialectic and a black-and-white connection between peace and war, and that it is time for us to open ourselves to, among other things, wisdom from the East, which speaks about complementing, reciprocity and contrast between Yin and Yang, much like Galtung, the founder of the peace studies.

There is virtually no human activity that has not touched, in its own particular way – through commonsense, teleologically, mythically, epically, scientifically, intellectually, spiritually, with heart and soul, the questions and phenomena of war and peace because both peace and war are so crucially important for man, society and the overall humankind. Peace building is the necessity of the highest order because if the planet Earth

\* Translated by Dragan Stanar, PhD, Faculty of International Politics and Security, University "Union – Nikola Tesla", Belgrade.

\*\* Professor Ilija Kajtez, PhD, [ilijasbm@ptt.rs](mailto:ilijasbm@ptt.rs)

is not in the state of sustainable peace, we fear that there will be no man left on it. Hence, peace and peace-building are not merely ethical, scientific, esthetic, diplomatic or theological issues, even though they are all of these, but primarily the issues of destiny of humans and human society. Peace is an issue of the highest order, a requirement of all requirements, and hope before all other human hopes.

Key Words: *peace, war, man, society, peace studies, peace building, philosophy*

*"A tree as great as a man's embrace springs from a small shoot;  
A terrace nine stories high begins with a pile of earth;  
A journey of a thousand miles starts under one's feet."*  
(Lao Tze)

*"There is no 'way to peace,' there is only 'peace'"*  
(Mahatma Gandhi)

Peace is one, singular and indivisible. The essence of peace and the notion of peace building are very complex and multilayered, and they comprise many layers of personal, human, social, historical and cosmic mystery<sup>1</sup>. Using the wisdom of intellectual cognition, Greek philosophers claim that "nature prefers to stay hidden". Scientists<sup>2</sup>, philosophers and sages know that the essence, existence and being of the Mystery are in the fact that it likes to playfully conceal itself from explorers, travelers and the curious. This is precisely why the study and understanding of the essence of peace and the process of peace building requires a wise philosophical approach and a bold scientific and spiritual synthesis rather than a partial, isolated and one-sided approach<sup>3</sup>. This is the model of behavior for all leaders of non-violence and all fighters for peace and peace building in our restless world. One-sidedness (theoretical and practical) does not lead to profound wisdom. On the contrary, it blurs the essence and the valuable totality of the observed phenomenon of nature, society and man. If only one science or social theory<sup>4</sup> deals with the essence of the phe-

<sup>1</sup> See more about peace in: Ilija Kajtez, *Wisdom and Sword, Volume I, Ancient and Medieval Philosophers on the Secrets of War and Peace* (Lambert Academic Publishing, 2016) 32-45.

<sup>2</sup> "Most profound thinkers of scientific world... do not separate their work from their life... they take both their work and life too seriously to allow for such a division, and it is their desire to use their work in order to enrich their life, and life to enrich their work..." C. Wright Mills, *The Sociological Imagination*, quoted in Мирослав Печујлић, *Методологија друштвених наука* (Савремена администрација, 1982) 813.

<sup>3</sup> "...when... men... research without any philosophical thought... for whom talent would be just an obstacle... Men with such mediocre abilities dedicate all their abilities and all their skill to only one limited scientific field, in which they can accomplish complete knowledge under the condition that they remain perfect ignoramuses in all other fields. They resemble workers in watchmakers' workshops, in which the first one makes only wheels, the second one only springs, and the third one only chains". (Schopenhauer) According to Лав Николајевич Толстој, *Пут у живот II*, (Златна књига, 2009) 45-46.

<sup>4</sup> "Our experience with those theories in which peace depends only on one factor is generally negative. Kant laid all his hopes on the republican solution and democracy, liberals on free market and democracy, Marxists on social manufacture and guided democracy, mondialists on the powerful United Nations. Peace never followed their hopes." Johan Galtung, *Мирним средствима до мира, Мир и сукоб, развој и цивилизација*

phenomenon of peace and long-term social process of peace building, it will most certainly not yield great results<sup>5</sup> in the research of these important and complex socio-historic processes. There are general notions, which stun every human thought, every power of reason, the ability of intellect and intellectual power of man – they are so ontologically, gnoseologically, historically, ethically, axiologically, socially, anthropologically and esthetically deep, complex and mysterious. Both peace and war are universal notions. Dragana Dulić writes: "...war and peace can (and ought to) be placed in the semantic field of philosophy<sup>6</sup>, and thus in the plain of ontology, axiology, praxeology, epistemology, existential analytics, even formal logic. They can also be studied from the perspective of military sciences, anthropology... sociology, culturology, mediology, psychology, pedagogy... irenology, polemology, criminology, international law and politics, as well as numerous theories which exist within these academic disciplines."<sup>7</sup> All the aforementioned clearly indicates and leads us to the conclusion that the notions of war and peace are complex, dynamic, contradictory and ontological problems of the Universe, World and Man, and that Man has coalesced with them more than with any other phenomenon – he is so interested in war and peace because they are a necessary presumption of his essence, persistence and life existence. Moreover, not just individuals, families, social groups and classes, but also different civilizations, cultures and nations understand general (universal) notions (good and evil, peace and war, necessity and coincidence, life and death, freedom and religion) identically, sometimes similarly, and they often have different and opposite interpretation and valuation of these notions. Peace and war<sup>8</sup> are complex, important and seductive notions that can lead us to numerous dilemmas, blind alleys, simplifications<sup>9</sup>, intellectual and ethical antinomies. Men have attempted to interpret war and peace in many ways and from the perspective of dif-

---

(Службени гласник, Београд, 2009) 16. (opr. Johan Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*, International Peace Research Institute Oslo&SAGE Publications, 1996).

<sup>5</sup> "One who studies peace must seek for causes, conditions and contexts in different spheres – sphere of Nature, Man, Society, World, Time, Culture. This transdisciplinary specter makes peace studies simultaneously demanding, intellectually complex and problematic in practice. On the other hand, every narrower, limited approach is doomed to failure." Galtung, Ibid. 13.

<sup>6</sup> "Thinking about war and peace has always been in the focal point of philosophical discussions, since the very beginnings of philosophy, and Hobbes even considered it to be its integral element. From Heraclitus till today, peace and war have been discussed in a purely speculative way, without need to rely on empirical research. This is because war and peace possess certain characteristics like transcendence and noumenality, as well as because they can represent metaphors of earthly and cosmic order." Драгана Дулић, Бранко Ромчевић, *Етика рата, хрестоматија*, (Факултет безбедности, Београд, 2010) 15.

<sup>7</sup> Дулић, Ромчевић Ibid.

<sup>8</sup> War is a topic that has been studied the most: "Since the time of Thucydides, so much ink has been spent on this subject, so many library shelves have been filled with works about war! How many scientists, from how many specialized fields have applied their expertise on this unsolvable problem! Mathematicians, meteorologists, sociologists, anthropologists, geographers, physicists, politicologists, philosophers, theologians and legalists are just some of the most obvious categories that come to mind when we see rows of those seeking for a formula for permanent peace, or who at least hoped to reduce the complexity of international conflict to an organized structure, to develop a theory that would allow us to explain, understand and control a phenomenon that, if not eradicated, could eradicate us." Michael Howard, *The Causes of War and Other Essays* (Harvard University Press, 1983) 7-22.

<sup>9</sup> "... there is only one idea of peace in minds of ordinary people, which could lead to a singular understanding of peace; an example would be a classic child's drawing of a field, blue sky, sun and animals and children playing, with or without the lion and the lamb." Galtung, (n 6) 32.



ferent scientific disciplines. It is important to know that we, when speaking about war, necessarily speak from the position of tripartite dialectic (and-and) about peace (peace building), too and vice versa. On the battlefield shared by two armies that had been warring for years, there is only one thought in the heads of generals and regular soldiers – to end war and achieve peace as soon as possible – and as far as soldiers are concerned, permanent peace is preferred. It is impossible to talk about war without talking and thinking about peace, just like it is impossible to speak about darkness without thinking about light, or about a man without thinking about a woman. This is the general law of the cosmic and created world. Heraclitus<sup>10</sup> recognizes dialectics even in struggle and competition, not only in war, and he sees the general principle of human and world existence in it. Heraclitus ("the Obscure"), in his famous 53rd Fragment, writes about war: "some he has shown forth as gods and others as men, some he has made slaves and others free". As we have seen, war and peace can be analyzed from the perspective of all social sciences and philosophical disciplines. In their pursuit to explain the ethical dimension of war, men have reached at least two opposite positions – one is the position of the absolute moral apologetics of war, and the other one is the position of absolute moral negation of war. Extremes are never good in explanation of any complex social phenomenon (finally, they boil down to the same thing), and they are not scientifically fruitful. However, we must keep in mind that the notions of war and peace have a very rich tradition, and that interpretation of these notions belongs to different scientific and ideological contexts<sup>11</sup>. Absolute moral negation of war rates every war as evil and unjust, without discussing reasons, causes and goals of war. Theoreticians of absolute moral negation of war (in the broadest sense we can refer to them as pacifists) consider war for justice and freedom, defensive war and war against slavery to be unjust wars. Pacifists see moral values only and exclusively in peace, and they only accept peaceful methods of conflict resolution. The basic problem of pacifism is that, despite its name, it lacks "interest in peace"<sup>12</sup> – in its achievement and defense, in the mode of organization and preservation of peace as a globally desired state. However, world, war and peace, and man living in them and with them, are not as simple and unquestionable as pacifists tend to see and interpret them – just like the extreme militarists. Still, the authors who claim that "Peace must be planned and worked on"<sup>13</sup> are right. Peace research<sup>14</sup> requires action, and it aims to put the gained knowledge into practice, to find optimal solutions for the existing problems using critical thinking, and to encourage change of consciousness both in individual communities and on a global scale. Some authors think

<sup>10</sup> See more about Greek philosophers views about war and peace in: Kajtez (n 3) 157-217.

<sup>11</sup> Дулић, Ромчевић, (n 8) 17-18.

<sup>12</sup> Јован Бабић, *Етика рата и „Теорија праведног рата“* (footnote 72), <http://www.rastko.rs/rastko/delo/15243,20/11/2017>.

<sup>13</sup> Pinchas, Lapide, *The Sermon on the Mount: Utopia od program for Action?* (Maryknoll, Orbis, 1986) 35.

<sup>14</sup> "In the beginning of the 1960s, peace research grew in popularity, and today it represents a full-fledged discipline. Peace studies formalized during the late 1950s, and in the beginning of 1960s, when special research institutes were formed, as parts of many universities or as independent institutions, first being: Peace Research Institute Oslo (PRIO) founded by Johan Galtung in 1962; University of Michigan Center for Research of Conflict Resolution, USA; Stanford Center on International Conflict and Negotiation, Stanford University, USA; and the Canadian Peace Research Association. Relying on works of influential intellectuals between two world wars, such are Quincy Right, Lewis Richardson, Pitrim and Sorokin, researchers of peace in the 1950s and 1960s founded this discipline formally." Дулић, Ромчевић (n 8) 66.

that reconciliation is about enabling local society to build common future, in which differences represent resources for peace building, not war. History of a society that has been in war cannot be altered, differences between enemies cannot disappear overnight, and the process of reconciliation can enable local society to live with its inherited history and actual differences in its effort to rebuild and heal itself from the consequences of war conflicts. Process of reconciliation has two basic elements: how to approach history, and how to turn from history to the peaceful and common future.

When we discuss peace, it is necessary to keep in mind that peace is differently, not necessarily oppositely, perceived by the western and eastern civilization. Ishida Takeshi<sup>15</sup>, whose perception of peace is similar to Galtung ones, proposes such a distinction. The core attributes of the western understanding of peace, or western "social cosmology"<sup>16</sup>, are that the western notion of peace derives from "ancient-Judeo notion *Shalom*, Greek notion *Eirene*, and Latin notion *pax*. Their semantic differences can be ignored due to all those elements they have in common: 1) peace is absence of war in the world; 2) peace is justice in the world; 3) peace is world order. Hence, peace is a global/social category of justice, prosperity, stability and order, with order meaning the rule of law... The western notion of peace is primarily understood as an attribute of a social system required for prosperity. Meanwhile, the eastern notion of peace accentuates order and *spiritual tranquility, internal balance*, in accordance with external order. Here, order is equally cosmic and political, and it is achieved by individual adherence to norms, customs... as outcomes of individual internal harmony."<sup>17</sup> Therefore, a possible conclusion is that the western perspective of peace (over)accentuates social and political aspect of peace, whilst the eastern insight in the phenomenon of peace places emphasis on internal harmony, spiritual and cosmic dimension of peace. Both perspectives have their own advantages and disadvantages, and only together they optimally describe peace. However, a justified issue is raised, whether notions such as war and peace possess something universal, undoubtable and ontological for all men and all nations in all times and epochs, or perhaps notions of peace and war greatly depend on social, historical, cultural and civilizational specificities. Dragana Dulić states, in her previously mentioned work: „Our understanding of peace is a product of our culture and upraising. Notion of peace varies depending on cultures and civilizations, level of historical development, different ideologies, philosophies and religions, it is equally determined both by internal circumstances in a given state and by geopolitical circumstances. Besides the existing differences in understanding of peace, from an inter-cultural perspective, there is also a difference of opinions about peace between members of the same culture. Interpretation of this notion is also not immune to political implications...“. Understanding of relativity of peace is further explained by the author, when speaking about peace as a historical category<sup>18</sup>. Despite all abovementioned, it seems that there must be an understanding of peace that is anthropologically founded in the very ontological essence of man as a reasonable and rational being. Ivan Ilich points out an epochal and cultural diversity of the

---

<sup>15</sup> Ishida Takeshi, 'Beyond the Traditional Concepts of Peace in Different Cultures', *Journal of Peace Research*, (1969) 6 (2).

<sup>16</sup> See more in: Johan Galtung, 'Violence, Peace and Peace Research' (1969) *Journal of Peace Research*, 6 (3).

<sup>17</sup> Дулић, Ромчевић, (п 8) 22-23.

<sup>18</sup> Дулић, Ромчевић, Ibid. 23.

meaning and essence of peace. Foremost: "war tends to equalize cultures, whilst peace represents a state in which every culture blossoms in its own unique way. This means that peace cannot be exported"<sup>19</sup>. Galtung considers which types of peace there are, and rather successfully aims to determine a universal notion of peace: "*Peace in Nature* is cooperation, not battle of species. *Direct positive peace* would consist of verbal and physical goodness, good for the body, mind and spirit, for Ourselves and Others; it refers to all basic needs, survival, welfare, freedom and identity. Love is the embodiment of this: unity of body, mind and spirit. *Structural positive peace* would represent the substitution of repression with freedom and exploitation with equality... This also applies to *internal peace*- the goal is to achieve harmony of body, mind and spirit. The key: external and internal dialog. *Cultural positive peace* would represent substitution of legitimized violence with legitimized peace; in religion, law, and ideology; in language and science; in schools, universities and media; construction of a positive peace culture. In the internal sphere of I, this means openness for different human inclinations and abilities, not repression."<sup>20</sup> Relativity of the notion of peace is somewhat justified in the process of interpretation of peace from the standpoint of a civilization, era or an ideological paradigm, and it fails to answer the basic question of general understanding of the notion of peace as peace in general. The same goes for war. Relativity of understanding peace and war cannot fully satisfy human curiosity and their unquenchable desire for complete knowledge. Man always tends to grasp the world as a totality, both the world around him and the world inside him.

Is peace absence of full-blooded life, hibernation in which there is no true life? Could peace perhaps be a synonym for a life on a cemetery, and is peace actually giving up and reconciling with the disappearance of human freedom? Is peace a social state of numbness and somnolence in which man has no desire for hot dreams, in which a sailor no longer seeks Utopia, and in which a human being settles for mediocracy of non-eventfulness and motionlessness, is peace perhaps simply a contrast to terrors of war and fatal suffering, is peace truly a desired oasis of happiness<sup>21</sup> or total abandonment of the pursuit of happiness? There are many questions about peace, and only a few answers. The same goes for its eternal rival and the negative side of peace – war<sup>22</sup>. Our previous philosophical, scientific and life experience, along with human anthropology, clearly teaches us that neither scientists nor sages can fully determine and completely

<sup>19</sup> I. Illich, *Право на заједништво*, (Печат, Београд 1985). 166.

<sup>20</sup> Galtung, (n 6) 55.

<sup>21</sup> "Peace being a desired state does not necessarily mean that it is a moral state. Peace based on domination, strength of one and weakness of the other is a prison-type of peace, full of inhumane inhibitions and moral deviations; war and peace ought to be seen in their content, facticity and as processes, their basis must be understood before judging them." Илија Пријић, Славко Пријић, 'Етика и рат' (1992) Социолошки преглед, 26 (1-4) 27.

<sup>22</sup> Definition of war may include: "any active enmity or struggle between living beings, as well as a conflict between opposing powers or principles. (*The Oxford Dictionary*) ... There are many definitions of war, depending on their author's position; thus, we have rationalistic (Carl von Clausewitz and John Keegan), demographic (Thomas Malthus), sociological (Eckart Kehr and Hans-Ulrich Wehler), Marxist (V.I. Lenin), behavioristic (E.F.M. Durban and John Bowlby), economic (Woodrow Wilson) and psychological (Konrad Lorenz) theories of war. Each of these shines light on a specific aspect of war, but not a single one is comprehensive enough". Дулић, Ромчевић, (n 8) 19.

define what peace and war are. However, this revelation is not a sufficient reason for us not to aim to reach this goal (complete knowledge), or at least to get as close to it as possible. Furthermore, magnificent human life is more than just what is real and certain, and it is also about dreams, hopes and desires.

Dealing with peace shares a similar problem with artistic description and expression of health and happiness, as well as creative depiction of a content man, because we always lack appropriately powerful words and appropriate sublime action. On the contrary, when speaking or writing about misfortune, illnesses and suffering of men and nations, an artist is so eloquent, creative, wise and intellectually deep. Peace, health, freedom and happiness of man, family, group and community are often, unfortunately, conceived only as a short and necessary pause, much-needed regrouping, calming and gathering of precious strength in the face of new challenges and life misfortunes, winds of history and future competitions of opposite human wills and quarrelling nations. Besides that, peace has been understood, throughout history, only as a pause and break between conflicts, wars and bloody battles. In this sense, every advocacy of peace is merely utopian as men of war propose that violence is determined by "human destiny". In the state of nature of Thomas Hobbes, all men have equal rights to all things, and thus the state of nature is the state of *bellum omnium contra omnes*, in which human life is "solitary, poor, nasty, brutish, and short"<sup>23</sup>. Glorious Hegel<sup>24</sup> states that the world history is not a stage of happiness, and that "periods of happiness are empty pages". Peace, as a prerequisite of happiness, is not as historically important for civilization as war, seen by Hegel almost as an instrument of progress<sup>25</sup>. Many interpret the great Hegel as an apologist for war. However, one must be aware of Hegel's profound intellectual depth before giving such arbitrary and categorical qualifications. Probably the most well-known definition of war is the one offered by the renowned Prussian theoretician of war, Clausewitz<sup>26</sup>, in his seminal work *On war*<sup>27</sup>. Niccolo Machiavelli is probably the most famous representative of those who thought that a ruler's prerogative is to wage war whenever he finds it appropriate and desirable<sup>28</sup>. From the dawn of civilization there has not been a single society that has not known war. Research, which claims that some early gathering societies have never waged wars have been proven wrong. Radomir Milašinović states that all assumptions regarding the existence of „non-conflict societies” were shown to be „ill-founded”<sup>29</sup>. War used to be a companion of man even before the first civilizations rose, and it still perseveres today, proving that nothing is quite as *constant* in history as human aggression.<sup>30</sup> Possibility of war and peace is a possibility of human freedom or human free choice.

<sup>23</sup> Thomas Hobbes, *Levijatan*, (Naklada Jesenjski i Turk, 2004) 92.

<sup>24</sup> See more about opinions of German Classical Idealism philosophers about war and peace in: Ilija Kajtez, *Wisdom and Sword, Volume II, Philosophers of the New Age on the Riddles of War and Peace* (Lambert Academic Publishing, 2017) 113-158.

<sup>25</sup> G.W.F. Hegel, *The Philosophy of History*, (Batoche Books, 2001) 41.

<sup>26</sup> See more about Clausewitz understanding of war in: Kajtez (n 29) 158-202.

<sup>27</sup> "...war is not a mere act of policy, but a genuine political instrument, continuation of political activities using other means". Carl von Clausewitz, *On War* (Princeton University Press, 1976) 87.

<sup>28</sup> See more in: Niccolo Machiavelli, *The Prince*, (Hackett Publishing Company, 2008).

<sup>29</sup> Радомир Милашиновић, Срђан Милашиновић, *Основи теорије конфликта* (Факултет безбедности Београд, 2007) 16.

<sup>30</sup> Lawrence H. Keeley "thinks that approximately 90-95% of societies known to history, at least occasionally, waged wars, while some were in constant war". According to: Дулић, Ромчевић (n 8) 16.

According to Christian teachings, God does not wish to force men into making peace or waging war because men would lose the most precious thing we have – freedom and free choice. Out of his love for men, God wishes not to take the possibility of free choice from us, regardless of all terrors and challenges of war. Professor Babić notices this in a particularly good and accurate manner: "Possibility of war, not its reality, is an implication of freedom and a part of its cost"<sup>31</sup>. Humans and human societies always have a choice. War is not human destiny. The only thing that is human destiny is our focus on free choice.

War and peace are *unique* phenomena. Men who wisely understand mysteries of man and world can easily recognize that human happiness can bear bitter fruits, if one takes it frivolously, irresponsibly and carelessly, because corruption and extremeness creep up on a happy man gradually and sometimes even subconsciously<sup>32</sup>. It is precisely happiness, along with leisurely and hedonistic life that usually accompanies it, that represents a tremendous life challenge, a challenge that hides perils of decay and potential downfall of moral, intellectual, and social aspect of men, families and nations, along with their health and values. Dragana Dulić writes that: "Not all men are thrilled with the idea of peace. For some, peace has more negative than affirmative meanings... for them, an individual's peace is related with conformism, spiritual numbness, triviality, boredom and passivity, opportunism... and, from a political perspective, peace relates with conservative regimes which are interested in keeping *status quo*, in safeguarding the existing models of international domination, in disinclination to structural reforms, and which are against determination of peace as a category of social justice. This is the angle often adopted by those who enjoy a privileged status and comfortable life, unlike those who suffer injustice or famine, and who prioritize change of life conditions over advocacy of peace." By recognizing dangers, challenges and possible downfalls a responsible and loving man does not take a standpoint against peace and human happiness, his inner and outer community. His worry about the possibility of long-term peace and irresponsible happiness of an individual, family and community is rightfully present and justified, as they may be in a deceptive and perilous field of potential problems, blind alleys, and challenges for morally sound and healthy human life, and long existence of his community<sup>33</sup>. If human happiness is truly to be found in struggle, as Marx claimed, is this fighter a man who dislikes peace or he is a truly creative, historical being of gender fighting for just peace, equality, freedom<sup>34</sup> and human dignity. Here, struggle and happiness must

<sup>31</sup> Јован Бабић, *Морал и наше време* (Службени гласник, 2005) 148.

<sup>32</sup> Soldiers and their commanders are particularly aware that peace, not war, represents a state of emergency and danger for any army, as it bleeds and becomes undisciplined in peace, followed by physical and moral decadence. The same goes for a healthy, happy man who becomes too much accustomed to welfare of abundance and many life conveniences. This could be a deadly trap of decay, moral downfall and deviations, as well as inability to display all potentials residing in humans, beings of tremendous abilities.

<sup>33</sup> Livy often commented on dangers of peace and claimed that Tullus Hostilius: "in his belief that a state weakens in peace, sought for ways to encourage wars, everywhere". This understanding was accepted even by the earliest Latin poet of love poetry, Catullus. "For you, Catullus, peace is suffering, you enjoy peace, and your desires grow too great; peace destroyed many kings and happy cities before you". If we accept that Rome is a synonym for wars and combat, these objections to peace are not unfounded, especially if we know well human nature and its fallen, instinctive side.

<sup>34</sup> We must be shortly reminded that glorious Hegel thought that the purpose of man as a being is precisely freedom, and that we cannot truly speak about man without acknowledging his attribute of freedom, just like it

primarily be thought of in a Heraclitus-like, ontological sense, that is not limited only and exclusively to war and armed conflict. Struggle also implies an inner (psychological), personal and interpersonal, social, and also a cosmic competition and battle of oppositions. Ought we to advise a man, a friend, a nation to always be a calm citizen, loyal subject and obedient<sup>35</sup> to social order, or should we encourage and teach them to always and constantly search for deceptive and difficult paths of human freedom, justice, equality, personal self-affirmation, social change and reevaluation of everything in existence, like Prometheus? Can primal and original human intentions and eternal human desires be realized only in boundaries, ideas, rights, and given limits of social, agreed or imposed peace? Can we perceive social peace only as a pause, state of immobility of every motion, or should we perhaps speak of peace in a more humanistic way, as a process of accomplishing ever greater rights and freedoms of men and citizens<sup>36</sup>? A legitimate question comes to mind – does intellectual and spiritual peace necessarily require the absence of all internal struggles, personal battles and life pitfalls? If there is no inner intellectual and spiritual struggle, various life temptations, defeats and personal and collective victories, is there any real human maturing, life experience or individual wisdom? People tend to imagine peace as a description of heaven on the Earth, where there is neither conflict nor competition; if so, there is a big problem in such peace, because it lacks true, real life, meaning that there is no authentic man, and only a utopian image and the world deprived of men. This is not a good image of peace. Perhaps people, in their overwhelming desire and steaming imagination, in which they flee from the harsh world of suffering, cataclysm and horrors of war, picture peace as an overemphasized state of harmony, which is not a faithful image of human and social life. Peace (social and political) is neither the field of cemeteries nor a state of social relations in which some people are slaves, but rather an organism that is very much alive, an active social process, where naturally there is human ideological disagreement, conflict, different interests, and opposed opinions (this is a characteristic of free men). However, people should, being rational, humane and responsible beings, avoid dreadful armed conflicts, systemic inequalities and social injustices in peace, and particularly all forms of “structural violence”, as Galtung puts it, as much as possible.

We think that it is necessary to abandon the dominant Manichean world image, a two-partite dialectic and a black-and-white relations between peace and war, because in this case this eternal couple is observed in a mechanical<sup>37</sup>, i.e. exclusive way as opposi-

---

is impossible to discuss matter without acknowledging its extensiveness. According to Hegel, freedom is the essential characteristic of world spirit, which moves history.

<sup>35</sup> “You can remain invincible forever, if you do not enter any combat in which victory does not depend on you.” Епиктет, *Обрасци воље и среће, Стоички требник*, (Слободна књига, 2001).

<sup>36</sup> It seems that the Agenda for peace provides the determination of peace broad and dynamic enough to capture the essence of what peace ought to achieve in a political, social and historical sense: “Peace is more than just a non-violent conflict resolution, it is a balance of social structure, in which all members of society can live harmoniously”. See more in: *An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peacekeeping*, Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992; A/47/277-S/24111, 17 June 1992.

<sup>37</sup> Thomas Kuhn, in his classical work *The Structure of Scientific Revolutions*, showed that intellectual and scientific progress consists of removing the paradigm that has grown incompetent of explaining new or new-found facts and of replacing it with a paradigm which better explains those facts. He specifically and clearly

tion, exclusivity and an irreconcilable difference. Therefore, Galtung's approach seems wise, fruitful and worth mentioning. It is based on the philosophy of the Far East: "Yin/Yang opposition or contradiction is... more lifelike. Yin and Yang oppose each other, but in the sense of complementarity, existence of one in the other, not triumph of one over the other. By one balancing the other, rather than dominating over it, a state of balance is achieved. However, this balance is not stable. The aspect that is lagging will start to draw level with the other, until it surpasses it, leaving it behind, making it now the one that must catch up, take the lead again... An overall peace... will not be achieved... what can be achieved is a better relation between peace and violence, meaning more better peace... and... (less evil) violence – improvement of human position"<sup>38</sup>. This is an excellent cosmic and anthropological understanding of dichotomy of peace and war, or war and peace. Neither a final victory of peace, nor a final triumph of war is possible. Only their constant competition and eternal struggle is possible. As we have seen, Galtung substituted the historical, ancient and accepted dichotomy war-peace with the peace-violence pair<sup>39</sup>. Galtung is completely aware of the world we live in, and therefore claims: "We live in a militarized world in which our first option is direct violence, followed by structural and cultural violence... of institutionalized military-bureaucracy-corporation-intelligence complexes and firmly embedded militaristic ideologies... *direct violence* occurs in the realm of personality, society and consciousness, it is intentional, conducted by individuals... *structural violence or indirect violence* is... violence embedded into personality, society and consciousness, and it is not intentional; function of *Cultural violence* is to legitimize direct and structural violence, by motivating actors to perform direct violence or not to confront structural violence... Direct violence can be divided into verbal and physical violence, or violence conducted over the body, mind and soul... Structural violence can be political, i.e. repressive and economic, i.e. exploitative; cultural violence manifests itself through religion, law, ideology, language, art, empirical/formal sciences, cosmology/deep culture..."<sup>40</sup>. Moreover, Galtung thinks that Peace studies founded by him should aim not to accomplish unreal and complete peace on Earth, and an absolute triumph of good over evil, but rather to enable better interpersonal and international relations in our complex world, less suffering for all those who are at the receiving end of violence. We consider this to be a rational, reasonable, non-utopian and realistic under-

---

claims: 'In order to be accepted as a paradigm, a theory must appear better than its rivals, but it doesn't have to, actually it never does, explain all the facts it is facing' while another author, John Lewis Gaddis says that: 'Finding a path in uncharted territory usually requires some sort of a map...' Печулић, (n 4) 813.

<sup>38</sup> Johan Galtung, (n 6) 35.

<sup>39</sup> "Peace and violence must be seen in their totality, in all levels of life organization (not just human life). International violence is important, but violence between peoples and generations is even more important. Same goes for violence inside an individual, as well as inside a spirit... and inside a body... Conflict is much more than just direct violence, something that is determined as a problem at first glance. There is also violence petrified into structures, as well as a culture legitimizing it. In order to transform a conflict, much more is needed than just a new architecture of relations between conflicting sides. In order for the conflict to stop repeating itself indefinitely, participants themselves must transform... Human behavior is not directed by the ideas pulling us forward, but cosmology, a code, a collective program that pushes us. This does not mean that ideologies, individual or collective systems of belief, which we consciously follow, are irrelevant. But, far from it that only they manage human actions". Galtung, Ibid. 10.

<sup>40</sup> Galtung, Ibid. 51. and 54.

standing of peace, violence and war. It is fairly easy for peace and war to be in harsh opposition, and to completely exclude each other, but this will surely neither lead us to proper and deep understanding nor place us a step closer to the truth of these extremely complex, dynamic, layered, contradictory notions and socio-historic phenomena, of the outmost importance for humans. Therefore, a step further has to be made, and these notions must be analyzed in a creative, dialectical and reciprocal manner; naturally, in this process the differences and different content must not be denied, and also, we must not fall into the trap of complete exclusiveness, separateness, and hostility; what transcends both war and peace, with its power, logos and laws, is the very mystery of life and the mystery of their struggle. Unity and struggle of peace and war is permanent, undeniable and eternal in mankind history. Man is mistaken when and if he observes these two cosmic, ontological and eternal rivals (war and peace, and man caught between them) unilaterally, from only a single scientific position and from an exclusive point of view; in this situation he completely and utterly chooses one or the other dialectic couple, not realizing that this is essentially impossible and that they are one whole, an inseparable oneness, and that it is never possible to speak of war without peace, evil without good, or life without death. The greatest objection to all exclusive followers of only the rule of good or only of the empire of evil, of the overall triumph of war or absolute victory of peace is that their exclusiveness most certainly fails to reach the chambers of life's logos, meaning universe, social truth and mystery of human life. Human right, desire and advocacy of complete elimination of drastic and unacceptable forms and manifestations of the rule of evil and human violence, war destruction<sup>41</sup> and pillaging, are one thing, but the understanding that a complete triumph of good and peace in a created (real) world is simply incompatible with logic of universe, life and nature of Man. Human thoughts often impose the rule of man's desires and dreams. People have thought about war and fantasized about oases of happiness from the beginning of time, at least as breathers between battles<sup>42</sup>. However, we wonder who the sages that truly glorified peace and periods of peace are<sup>43</sup>, and where all those poems, odes and hymns dedicated to those who spent their lives peacefully, diligently, uneventfully, without turbulent changes and important historical events are<sup>44</sup>. Philosopher Immanuel Kant advocated

---

<sup>41</sup> "...What keeps war going? Many factors. Three of which being patriarchate (rule of male humans), state's system, with its monopoly of violence, and a system of super-states or superpowers with their supreme monopoly of hegemony". Galtung, Ibid. 19.

<sup>42</sup> Under the influence of Heraclitus Plato spoke about naturality, universality and inevitability of war, saying that what we call 'peace' is nothing but a name. Plato, *Collected Dialogues* (Princeton University Press, 1961) 1227.

<sup>43</sup> Peace was never a focal point in ancient Greek philosophy, but it was present in their consciousness. Greek philosophers saw war as a part of divine order. What drives warriors into combat, in ancient Greece, was their desire for glory and immortality, making war a part of society, which gave birth to Homeric epic, in which the greatest prizes and honors are given to heroes, resulting in a state of constant war. However, war brings pain and suffering, and therefore the god of war was represented as a monster of slaughter on Achilles' shield, while Zeus considered Ares to be the "worst of all gods". It is known that in the time of the Olympics, the Olympic truce was proclaimed in Zeus' temple, but it did not stop war, it merely guaranteed protection for all competitors and observers traveling to the Olympics.

<sup>44</sup> "There are many encyclopedias about wars, revolutions, great victories and losses, and so little of those... in which thoughts about peace, tolerance, agreements and reconciliations are collected... Is this caused by human indifference towards... precious ideas and values of self-preservation like ideals of peace, or is man... an aggressive being of war, not a being of peace? This 'indifference' is probably explained by the fact that



peace in his famous and concise work *Perpetual peace*, in which he wrote that our “direct duty” is peace. This implies that education about peace is also our duty, even if perpetual peace is only a possibility, and even if it is unlikely to happen, we humans have a duty to work on the gradual establishment of genuine peace as our path to the ultimate goal, i.e. perpetual peace<sup>45</sup>. World humanists including Kant are dedicated individuals, who keep the fire of reason and steady hope burning in an, often unreasonable, world of humans and our arrogant leaders.

War and peace are important and eternal phenomena for humankind, dealt by many men throughout history, in all areas of thought and creativity, ensuring that war and peace are understood as anthropological, religious, mythical, philosophical and sociological phenomena, as political, historical and social notions; poets wrote about war and peace, writers, painters and musicians explained good and evil gifts of peace and war, they were studied both by natural and old sciences: astrology, cosmogony and theogony. There is virtually no human activity that has not touched, in its own particular way – through commonsense, teleologically, mythically, epically, scientifically, intellectually, spiritually, with heart and soul, the questions and phenomena of war and peace because both peace and war are so crucially important for man, society and the overall humankind. What human history has proved so far, when it comes to peace and war, is that wars and conflicts dominate<sup>46</sup>, war endeavors and heroes are glorified, while peace was discussed only by individuals, incidentally and shyly as of peace being only a rest and a desired state; peace has never had its own persistence without the shadow and overlines of war and military conflict. Human history, to date, shows that when we speak about peace the notion of war is always the “big brother” – something that is a necessary condition of talks about peace and conclusions about peace, much like when we speak about human health because the notion that stands ominously as a shadow and that is the unavoidable fate of understanding health and that seriously questions any human

---

humanity was never a whole, until the XX century, never a corpus with common destiny... Large world wars and emergence of nuclear weapons and... means of mass destruction of humans began to develop consciousness about common destiny, as well as the possibility of human disappearance... Global peace keeping institutions were created... League of Nations followed by the Organization of United Nations. International law and many global international institutions were primarily meant to protect peace as the most precious value, without which world risks its survival... Words of the Ephesian philosopher from VI century B.C, Heraclitus the Obscure, that war (polemos) is father of all things and king of all were laid into the foundation of an anthropology of human aggressiveness and combat as natural life principle... But, there were those in human history who did not accept such a view – from Aristophanes, Stoics, first Christians, Buddhists, to humanist Erasmus of Rotterdam, philosophers Kant and Russel, politician... Gandhi, writers... Leo Tolstoy and Bernard Shaw, scientist Albert Einstein, and many apostles and advocates of peace...” Драгољуб Мићуновић, Предговор, *Светска енциклопедија мира*, Том I, (Завод за уџбенике и наставна средства, 1998) V-VI (org. World Encyclopedia of peace, Volume I, (Pergamon Press, 1986).

<sup>45</sup> Имануел Кант 'Вечни мир', Данило Баста(ед) *Ум и слобода, Списи из филозофије историје, права и државе* (Идеје, 1974) 161, 168-169.

<sup>46</sup> “Hegel rejected Christian and Enlightened ideas of war as absolute evil, and related war to freedom, inseparably connected with development of human history. He indicated that states need war – sacrificing of their own citizens – even when they are not directly threatened by other states. Reason being simple: nation, like an organism, only exists on the foundation of emotional unity of its citizens, and nothing fortifies this unity like war. Hegel thought that the force of negativity is a dialectical tension which resists peace and stagnation. Accordingly, he thought that Kant's perpetual peace, *foedus pacificum*, is a phantom construction...” Дулић, Ромчевић (n 8) 45.

health as transient and short-lived is human death; when it comes to social peace, then those notions are war and violence. We are aware that whenever we seriously discuss peace, happiness and health, chances are that we will be soon expected to introduce, perhaps in our next sentence, or in our next paragraph, those eternally present notions such as illness, misfortune, death, war and violence, notions that faithfully follow health, happiness and peace. Perhaps the reason for this is that health, happiness and peace are exceptions in human state and community life, or perhaps it is because they are so normal that all words would be superfluous, or maybe the point is that man does not glorify freedom as long as he enjoys it limitlessly, or health as long as he does not feel all the gruesome consequences of illness; likewise, people neither elevate nor specially accentuate all the blessings of peace until they feel the terrors of war, destruction, death, annihilation of people and loss of freedom. Hence it is either negative human anthropology at work or negative dialectic, or perhaps war and illness are simply a rule, or the ever-present domination of war and talk of war is a product of existing antagonistic and violent (aggressive) human history – the future will show the best. That negative anthropology and realistic pessimism, which are still at play is best shown by our modern world, and the position man holds in it. “The first decade of the 21<sup>st</sup> century commenced with terrorist attacks on New York and Washington, it continued with a preventive, second war in Iraq, in order for the end of this decade to be marked by the largest financial crisis in half a century... optimism from the beginning of the 90s dwindled, which predicted a certain bright future of humanity, to be marked by mutually beneficial cooperation of men and nations, and material welfare of a dominant majority of people...”<sup>47</sup> Unfortunately, there is almost nothing that modern man has not stultified, abased and discouraged; himself, scientific accomplishment and dedication of excellent individuals, which is why the world searches for new Christ-like love, that will provide hope for humankind and reassure it that it is not in certain decadence. It is wise to remember the words of Epicurus, who said that in order for men to live peacefully: “... man must do to relations what a musician does to his strings, i.e. to tune the untuned and to arrange everything in order and harmony.” Is modern man, steeped in egoism and hedonism, ready for such a step – it remains to be answered. Common life in peace requires the art of politics, economic and spiritual balance of power; diligent labor in the path of reconciliation and the path of stable and sustainable peace, if truly Kant’s perpetual peace is impossible.

To tell the truth, social peace<sup>48</sup> and spiritual peace of an individual are always a desired state men dream of because every war is waged with unquenchable hope of reaching peace as soon as possible, regardless of duration of a war, it is only natural that there will be human casualties, material destruction, political and military defeats and triumphs. Hence, albeit war has indisputably been dominant in human history, it still shel-

---

<sup>47</sup> Драган Р. Симић, 'Лабудови иза хоризонта', Магазин Одбрана (Београд, 15. фебруар. 2013) 13.

<sup>48</sup> In order to accomplish and secure social peace, men would like to build the culture and philosophy of peace. In the Hague Agenda for Peace and Justice for the 21<sup>st</sup> Century there is a following sentence: “Culture of peace will be realized when citizens of the world begin to understand global problems, when they acquire skill needed for conflict resolution, when they fight for justice non-violently, when they live in accordance with international standards of human rights and equality, when they respect cultural diversity, the Earth and each other. Such knowledge is only achievable through systematic education for peace”. *Hague Agenda for Peace & Justice for the 21<sup>st</sup> Century*, <http://www.vmppeace.org./pages/hague-agenda-for-peace.htm>

ters an ontological defect and a fundamental flaw<sup>49</sup> in its basis, foundation and essence – it is not self-sufficient, it is not its own purpose or goal, and therefore it is transient, unwanted, offhand and instrumental because war only represents a possible path, journey and primal human aspiration for a new state of peace. When a notion or a social phenomenon lacks its ontological foundation, it is superficial and transient by its nature, and it is unworthy of the status of the basis of life and human existence. This is the case with war, but not peace as peace has its own ontological foundation because it is the purpose of every war and every life. Moreover, no one dreams more sublimely about peace and gifts of peace than great warriors; unfortunately, peace in its nature is something that asks for little words and celebration, since it always appears only as a short pause before a new bloody contest of enemies in conflict, battle and war. This is a paradox of human life. However, it is not the only one. The inevitable conclusion would be that neither of these states, historical processes and social occurrences (peace and war) can be observed in isolation, separated from the other, because in their deepest essence they are One, they are Dual-One, they are Whole-One. The similar case is with dialectic pairs of man and woman, light and dark, life and death. Of course, every rational, reasonable, good and biophilic human must favor peace because it represents our destiny and our only hope; this does not lessen the significance, place and meaning of war, struggle, evil and violence as important places in human life, in human community and in all mankind.

When we move from an ontological standpoint on war and peace to an ethical one, then we can surely claim that: "The most devastating invention for elimination of misunderstandings between men, nations and states is war, considered to be a total eclipse of the mind. Peace is the most authentic choice of human self-realization, self-determination and freedom. Paradox or the relationship between war and peace is that from the beginning of time everybody prepares for war, but everybody "wants" peace... History of peace is a true native history of humankind. Permanent peacebuilding and development of the idea and practice of peace as practices of constant liberation of man and world. A better and more righteous world ought to be created, a world of peace, a world of freedom and human rights, humanism and progress. World of peace should be a world full of human nativeness, freedom, personal dignity and self-determination"<sup>50</sup>. Peace and its essence, as well as the problem of peace, study of irenology<sup>51</sup> and peacebuilding, are in a way to a large extent and foremost a description of desired states in human relations and human communities<sup>52</sup>. Men and nations dreamt about peace, they

<sup>49</sup> "If we look carefully, we can see that there is a hidden assumption in celebrating war: war is always understood as something in the past... This clearly reflects the key characteristic of war, a defining characteristic – that war, by its nature, is something temporary, something that is supposed to end, as quickly as possible. War is not imagined as a permanent state..." Јован Бабић, "Теорија праведног рата и морални статус неизвесности његовог исхода" a part of the lecture that author delivered to professors of Portland State University, Portland, Oregon, USA, 25<sup>th</sup> July 2007

<sup>50</sup> Павле Б. Бубања, *Философија мира*, (25. мај, 1987) 6.

<sup>51</sup> Irene is a name derived from the Greek word εἰρήνη, meaning peace, and hence irenology is the science of peace.

<sup>52</sup> "Despite the overwhelming dominance of structural violence, many cultural traditions identified goals which are closer to positive peace than to its negative relative. Greek notion, *Irene*, in a narrower sense, means harmony and justice, as well as peace. Similarly, Arabian word *salad'am* and Hebrew word *shalom* mean not just a negative peace, but also welfare, totality and harmony between individuals, within a community, and among

spoke and beautifully sang about peace, especially when there was no peace and when its older rival – war – spread its ominous wings bringing its evil gifts and taking a bloody toll. Such understanding of peace contributes to absolutizing it, just like any other exaggeration in human life is ill-advised. In order to optimally study peace and in order to fortify its strengths in its conflict with strengths of war some authors suggest implementing a philosophy of peace: "Introduction of the notion... of philosophy of peace is justified by the author's conviction that a) peace, as a notion, an object, a value, and a theory and practice 'belongs at the very pinnacle of magnificent human genius' and that it is a term of magical power 'without whose creative and universal existence the most enormous tragedies of senselessness... human civilization and culture were realized; b) 'only in the world of peace, a suitable world of justice and freedom, always and for all, does the world stand a chance of being a world of genuine meaning, beauty, truth and good' and c) authentic cultural history of mankind can be completely developed only under the assumption that '... rule or realm of peace is the fact of human history as human work'... therefore it is necessary to mobilize all wise and practical people in the quest to finally outbalance causes of war. It is... a necessary condition of humankind survival, because: 'Architectonics of contemporary world, driven economically, politically, legally, ideologically, and in every other socio-cultural sense, postulates an idea of peace and peace as *conditio sine qua non*, not only in its own sense, but as its own perspective and in accordance with its cultural and historical powers'<sup>53</sup>. Nothing needs to be added here, except that this is a step towards the Utopia of peace, dreaming about places that do not exist, and in which it is possible to completely transcend all causes of war and warfare in human history, human nature and his community – this is truly only a human dream and social Utopia. To transcend drastic, extreme and unsustainable manifestations of human evil, inequality and mindlessness is quite a different goal, achievable for people. We can say about peace what Wolfgang Goethe said about people: "Treat people as they are what they are supposed to be, and you will help them become what they can be". We shall add that also the culture of peace, along or besides philosophy and education about peace, essentially means an ethical approach to life<sup>54</sup>. We do not help peace by writing poems about it. We have to patiently and persistently work on strengthening those social powers and global peace organizations, mostly the United Nations, in order to achieve peace. An example of such peacebuilding: "is represented by a huge social experiment in which western models of social, economic and political organization are being applied on war-torn states, or those in which war just ended"<sup>55</sup>. However, Dragana Dulić highlights that: "state of peace must be differentiated from technics used to merely avoid conflicts or use non-violent ways to manage or shorten them." Theoretical founda-

nations. Sanskrit word *shanty* signified not only peace, but also spiritual fulfillment, integration of internal and external human life, just like the Chinese word *ping*, which signifies harmony and adjustment, realization of unity of differences (this can be compared with the ancient understanding of integration of what seem to be opposed elements, represented by the classical principles of Yin and Yang). Russian word *mir* means both peace and world, accentuating the notion that only world peace would be a complete and fundamentally whole peace." David P. Barash, *Introduction to Peace Studies* (Wadsworth, 1991) 5-28.

<sup>53</sup> Бубања, (62) 7.

<sup>54</sup> Дулић, Ромчевић, (п 8) 71.

<sup>55</sup> Paris Roland, 'Peacebuilding and the Limits of Liberal Internationalism' (1997) *International Security*, (22) 54.

tion of peacebuilding is important too, but also practical actions and persistent endeavors of peace activists and peacemakers, as well as action of peace organizations, which build, fortify and nurture peace. Peace is the most precious gift to which people must pay the greatest attention and devote their best abilities.

Peace is so important for every political and human community that, accordingly, all social and political sciences have contributed to understanding peace: "Peace can be defined as a state of positive, cooperative, constructive and non-violent relations between people... nations and social groups, layers and classes and between individuals. Peace is more than just the absence of conflict or violence, it is a necessary condition and... prerequisite for preservation of... positive values, processes, relations, institutions such are: understanding, tolerance, cooperation, friendship, development, democracy, rule of law, social state. Peace has been for humans, from the dawn of men, one of the most precious values, because... war meant suffering, death, and sometimes, even disappearance of an entire society or nation"<sup>56</sup>. In another, a bit different, understanding of peace, peace is recognized primarily as a state of non-violence between various social actors: "A state in state-relations without coercion. Resolution of conflicts and quarrels... is achieved in a non-coercive manner. In a broader, metaphorical, meaning peace is the absence of severe conflicts and violent behavior in society... Peace has been negatively defined for a long time, as the absence of war... It wasn't before the mid XX century that peace, unlike conflict and war, became the object of a wider and deeper study, and a new separate scientific discipline was created... International and national research of peace brought together politicologists, legalists, sociologists, historians, psychologists, but also natural scientists. Besides attempting to shed some light on causes of war, to explore all the ways to resolve conflict, etc. study of peace also focused on searching for a positive content of the notion of peace"<sup>57</sup>. These peace definitions indicate that there is the firm cornerstone in understanding peace, but that every science and scientific discipline particularly emphasizes one of many veils of the mystery of peace; this is the level of complexity, dynamism, and mysteriousness of peace, as well as its pair war – they are as mysterious as life itself. It is also highlighted that study of peace is still in its infancy, just like all those young sciences and scientific disciplines that tend to study peace in a positive way, not only as the state without violence and war. What goes in favor of peace studying sciences is the understanding formulated by the excellent Quincy Wright, who said that: "the opinion that war is not good is more widespread in XX century than ever before in history. Far from it that war is generally accepted as an instrument of state's policy condemned only by the few; in modern period war is starting to be recognized as a problem." We sincerely hope that our XXI century will continue as Wright optimistically predicted, and that values and imperative global need for peace and peaceful coexistence among people and nations will be even more powerfully affirmed.

It must be known that peace, in itself, harbors perils and contradictions of life logic, primarily the lack of motion, constant competition, rise and redistribution of human strengths and social powers. To a great extent, peace reminds people of a state of ended struggle and improvement, dangerous statics resembling petrified life or a state of death vestibule,

<sup>56</sup> *Енциклопедија политичке културе* (Савремена администрација, 1993) 668.

<sup>57</sup> *Социолошки лексикон* (Савремена администрација, 1982) 368.

religious grasp of paradise as a state of absolute harmony and non-eventfulness. Dynamics of peace is rarely displayed because we do not recognize this dynamics in the architecture of peace, represented as an oasis of happiness and idyllic non-eventfulness. Harbor of peace is all too boring, monotonous, droning, stiff and tedious for those who can see it or who live in it, making it uninteresting for exploration, life and intellectual understanding. If the world was in the idyllic utopian peace, non-eventfulness and utter harmony, people would get bored<sup>58</sup>, which would make them settle for the existing, and to give up on courageous adventures and desired land of Utopia because satisfaction with peace and non-eventfulness leads to degradation and arrears due to the lack of the other side of life – pain, misfortunes, suffering, troubles and injustices, which strengthen and encourage men and human community to make new efforts, to accept important challenges and cosmic endeavors. Of course, we know that our world is miles away from the state of boring and stiff peace. However, it is necessary to have in mind the other side of social peace and human inaction, when considering peace. If we speak of peace as a social process in which drastic social and human inequalities and dangerous differences are broken, then we must completely agree with the desired and coveted state of peace.

Peace<sup>59</sup> has always been human aspiration, his dream and desire; particularly on a global scale, it gained importance and actuality after two global cataclysms in the form of world wars that claimed lives of tens of millions of people, and that questioned all optimistic images and visions of History. In the beginning, peace was possible only in territories of empires, and one of the most important empires the world has ever seen, the Roman Empire, even bore the name of peace (Pax Romana). Since it was the peace of slavery, no philanthropist can support such peace and such a social order. Since after two world wars the entire planet was strictly divided in order to protect peace, or at least in order to attempt to protect it, global organizations were formed, the most important one being the League of Nations and United Nations<sup>60</sup>; their principal task was to protect

---

<sup>58</sup> What all living beings are interested in: "... and what keeps them moving is their aspiration to exist. But, if their existence is secured, they are unable to start anything: therefore, the other thing moving them, aspiration to liberate themselves from the burden of existence, to make it insensible, to 'kill time', or to escape boredom." Теодор Адорно, *Minima moralia, Рефлексije из оштећеног живота*, (Веселин Маслеша, 1987)

<sup>59</sup> "Peace belongs to a Pleiad of great ideas such are justice, freedom, humanism, solidarity, progress. Its supremacy is reflected in the fact that it defends the mentioned values from disappearance and depreciation... Peace defends man from the apocalypse in a demonic, destructive sense. Today, when man can eliminate life from the planet, peace is an opportunity for the planet to keep people on it" Бубања (n 62) 5.

<sup>60</sup> "A complex, difficult and almost unsolvable world problems and terrible challenges of today can be overcome through unanimous action of nations, cooperation beyond national confines and century-old borders, because humanity now surely is on a new Noah's ark. Unfortunately, the United Nations are less and less in control of this biblical vessel of salvation. Contemporary world is left without much choice faced with horrible global concerns, and we can only hope that humanity, educated by our own costly mistakes, devastation and evil, wars, threat of nuclear cataclysm and power of globalization, is finally beginning to understand that it is one ship in the ocean of Existence, one destiny and one hope. Our era's challenges require a decisive, just and efficient global organization, wisdom of world leaders, good will of the powerful and negotiating talent of masters, implementation of fruitful solutions under the vaults of the global house of peace and hope for all nations of the world. Earth is too precious of a place for life of all of its inhabitants for individuals, powerful elite or great powers to toy with survival of the only world us humans have. People of Earth do not have another Planet to go to and rest from worries of this world, nor an organization that could successfully replace the UN, with all its infirmities, imperfections and weaknesses." Илија Кајтез, 'ОУН – огледало несавршеног света' (Магазин Одбрана, November, 1<sup>st</sup> 2005) 54.

peace. Still, Galtung's wise conclusions and recommendations must not be lost sight of, that if peace movements are to expand and to become at least as influential as the anti-colonial movement and abolitionism, because to be anti-war is a morally right position, but the issues of alternatives of war and conditions for abolishing war will not solve itself. Serious efforts must be invested in solving them. Hence, without man and his decisive strength, commitment and readiness to sacrifice himself for his ideals, goals and ideas it is impossible to do anything in social reality and human communities because peace, as Gandhi, global synonym of political non-violence, said – requires “action of the brave”. Peace seeks its fighters and people of the outmost commitment – they are apostles of peace because world of violence, war and inequality will not go down without a fight. Logic of the existing world is logic of struggle and competition, not Kant's perpetual peace. The future of the world is opened both to peace and war. Creative role of people is irreplaceable as world faces future days of fear and hope.

It has to be known and always kept in mind that there is no true reconstruction of human beings, no moral, spiritual, economic, or intellectual change without rethinking, redirecting of human beings, as a human effort, according to Solzhenitsyn, to self-limit, to self-restrain, to educate, internal, one's own will, one's own freedom. It is the basic question of life's philosophy essence: the question of reconstruction of human spirit, human body, human society and community. World peace is primarily a question of humanity's health, genuine human solidarity, true love and deepest philanthropy. Human peace in global community surely leads to restraint of all things instinctive, corporal and fallen in a man; it builds harmony and order in a man, his soul and human community.

## Bibliography

- [1] Ilija Kajtez, *Wisdom and Sword, Volume I, Ancient and Medieval Philosophers on the Secrets of War and Peace*, Lambert Academic Publishing, Germany, 2016.
- [2] Rajt Mils, *Socioloska imaginacija*, Vuk Karadzic, Beograd quoted in Мирослав Печујлић, *Методологија друштвених наука*, Савремена администрација, Београд, 1982.
- [3] Лав Николајевич Толстој, *Пут у живот, II*, Златна књига, Лесковац, 2009. (орг. Лев Николаевич Толстой, *Путь жизни*)
- [4] Johan Galtung, *Peace by Peaceful and Civilization*, International Peace Research Institute Oslo&SAGE Publications, London 1996.
- [5] Драгана Дулић, Бранко Ромчевић, *Етика рата, хрестоматија*, Факултет безбедности, Београд, 2010.
- [6] Michael Howard, *The Causes of War and Other Essays* Cambridge, Mas.: Harvard University Press, 1983.
- [7] Јован Бабић, *Етика рата и „Теорија праведног рата“* (footnote 72), <http://www.rastko.rs/rastko/delo/15243>, 20/11/2017.
- [8] Pinchas, Lapide, *The Sermon on the Mount: Utopia, program for Action?* Maryknoll, N.Y.: Orbis, 1986.
- [9] Ishida Takeshi, 'Beyond the Traditional Concepts of Peace in Diferent Cultures', *Jurnal of Peace Research*, vol. 6, No 2, 1969.
- [10] Johan Galtung, 'Violence, Peace and Peace Research' (1969) *Journal of Peace Research*, vol 6, No 3, 1969.

- [11] I. Illich, *Право на заједништво*, Печат, Београд, 1985.
- [12] Илија Пријић, Славко Пријић, 'Етика и рат', Социолошки преглед, Београд, 1992.
- [13] Thomas Hobbes, *Levijatan*, Naklada Jesenski i Turk, Zagreb, 2004.
- [14] Ilija Kajtez, *Wisdom and Sword, Volume II, Philosophers of the New Age, the Riddles of War and Peace*, Lambert Academic Publishing, Germany, 2017.
- [15] G.W.F. Hegel, *The Philosophy of History*, Batoche Books, Kitchener, 2001.
- [16] Carl von Clausewitz, *On War*, Princeton University Press, Princeton, 1976.
- [17] Niccolo Machiavelli, *The Prince*, Hackett Publishing Company, Indianapolis/Cambridge, 2008.
- [18] Радомир Милашиновић, Срђан Милашиновић, *Основи теорије конфликта*, Факултет безбедности Београд, 2007.
- [19] Јован Бабић, *Морал и наше време*, Службени гласник, Београд, 2005.
- [20] Епиктет, *Обрасци воље и среће, Стоички требник*, Слободна књига, Београд, 2001.
- [21] *An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peacekeeping*, Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992; A/47/277-S/24111, 17 June 1992.
- [22] Plato, *Collected Dialogues*, Bollingen Series LXXI, Princeton University Press, New Jersey, 1961.
- [23] *Светска енциклопедија мира*, Том I, Завод за уџбенике и наставна средства, Београд, 1998. (org. World Encyclopedia of peace, Volume I, Pergamon Press, Oxford – New York – Beijing – Frankfurt – Sao Paulo – Sydney – Tokyo – Toronto, 1986.)
- [24] Имануел Кант 'Вечни мир', Данило Баста(ed) *Ум и слобода, Списи из филозофије историје, права и државе*, Идеје, Београд, 1974.
- [25] Драган Р. Симић, 'Лабудови из хоризонта', Магазин Одбрана Београд, 15. фебруар. 2013.
- [26] *Hague Agenda for Peace & Justice for the 21<sup>st</sup> Century*, <http://www.vmppeace.org./pages/hague-agenda-for-peace.htm>
- [27] Павле Б. Бубања, *Философија мира*, "25. Мај", Крушевац, 1987.
- [28] David P. Barash, *Introduction to Peace Studies*, Wadsworth, 1991.
- [29] Paris Roland, 'Peacebuilding and the Limits of Liberal Internationalism' (1997) *International Security*, No, 22.
- [30] *Енциклопедија политичке културе* (Савремена администрација, Београд, 1993.
- [31] *Социолошки лексикон* (Савремена администрација, Београд, 1982.
- [32] Теодор Адорно, *Minima moralia, Рефлексије из оштећеног живота*, Веселин Маслеша, Сарајево, 1987.
- [33] Илија Кајтез, 'ОУН-огледало несавршеног света' Магазин Одбрана, 1. новембар, Београд, 2005.



# FRAGILITY OF BELARUSSIAN NATIONAL IDENTITY

Vladislav B. Sotirović

Mykolas Romeris University, Faculty of Politics and Management,  
Institute of Political Sciences, Vilnius, Lithuania

Belarus is a country also known as Belorussia (White Russia, Weißrussland) in Eastern Europe, which was occupied by the Polish-Lithuanian common state for centuries until it became a part of Tsarist Russia in the late 18th century.<sup>1</sup> Belarus faces many identity problems, but the most important one is the ethnolinguistic challenge to separate Belarussian<sup>2</sup> national feature. This research paper investigates the focal problems of Belarussian ethnolinguistic, historical, political and national identity features using the methodology of text description and analyzing some relevant academic literature and historical sources. Historical and geopolitical background of Belarussian ethnonational identity question deserves special attention in the paper, which is supported by theoretical framework for ethnic and national identity research by eminent scholars. The fundamental conclusion of the paper is that Belarussian ethnonational identity has been historically developed outside of Belarus as a product of political Russophobia and therefore it is extremely fragile among the people of Belarus today.

Key Words: *Belarus, Belorussia, national identity, Russia, Poland, Slavs, Eastern Europe, Lithuania*

## National identity

Common national identity is a focal element for the creation of a national state since a psychological sense of common solidarity cannot be developed without common identity that is based on a fundamental element of group identity. However, such solidarity is a *sine qua non* of a voluntary decision to live with the others in the same house (i.e., a national state). In other words, the inner stability of each state primarily depends on the level of developed solidarity among citizens. If the level of solidarity is not properly developed then the possibility for self-destruction of a state is an open option. The recent case of

<sup>1</sup> Jan Palmowski, *A Dictionary of Contemporary World History from 1900 to the Present Day*, Oxford–New York: Oxford University Press, 2004, 56.

<sup>2</sup> In this article I use the adjective *Belarussian*, and not *Belarusian* since the second option is, in fact, the artificial politicized Russophobic construction. In German historiography, for instance, only the first option (*Weißrussische*) is used [Prof. Dr. Hans-Erich Stier at al. (eds.), *Westermann Großer zur Weltgeschichte*, Braunschweig: Westermann Schulbuchverlag GmbH, 1985, 160].

ex-Yugoslavia is probably the best example of self-destruction based on the lack of common national solidarity since common national identity of Yugoslavs was never properly developed by state authorities. However, an example of ex-Yugoslavian fragile national identity is not only in contemporary history and the present-day politics. For instance, Europe is currently dealing with the same „Yugoslav syndrome“ in Spain concerning the „Catalan Question“. In Eastern Europe, the same problems of national identity are faced by Ukraine and other countries, as well, like Belarus.

It is commonly understood that for the creation and stable existence of an ethnic state (i.e., based on common ethnic group identity) a native language is the most important factor since it is the most natural one among all other factors of common ethnic identity. It is given by birth and it can not disappear or be replaced. It can be suppressed (for instance, by the state authorities) but, nevertheless, it will exist in some form. The language acquisition is the most difficult and the longest process in ethnonational assimilation and it can last for several centuries and generations as, for instance, the story of old Prussian language tells us. Since language is a focal factor of ethnonational identity, every nation with pretension to exist on ethnic (not political) basis tries to prove that it possesses its own language, which has to be internationally recognized as such. If it is such case, a nation, at least according to the political philosophy of German romanticists, has natural and democratic rights to establish its own ethnonational independent state. Furthermore, the „value“ of a nation is measured according to its historically long existence of national statehood as the „historical“ nations are more valuable in comparison to „non-historical“ nations. Those are the reasons why national historiography and philology try to prove that their ethnic groups are historically statehood nations that have separate ethnonational languages. However, in many cases this is not possible due to the lack of historical evidence in sources and therefore „academicians“ have to activate the instruments of politicized historical interpretation that is usually followed by the creation of fake national historiography. The case of Belarus is, in this matter, only one example among many.

According to some social investigations and surveys in Belarus, only about 20% of the citizens have a strong belief in the survival of Belarus identity. However, probably the most important fact is that it is possible to keep Belarussian identity in practice while speaking Russian since the so-called Belarussian language is not a live language in the full sense of the meaning any more.<sup>3</sup> Therefore, the crux of the matter is what the Belarussian language is at all – a separate language, the Russian dialect, the artificial political construction or the native language of Belarussian people? Answering these questions automatically leads to a solution to more important problem: do Belarussian people exist as a separate ethnic nation if they speak Russian?

In many cases religion is one of the most fundamental factors of national identity, even the only fundamental one in some cases (like in the case of Bosnian-Herzegovinian Muslims). Belarus as a country, like Ukraine, was historically situated between Russia and Poland-Lithuania and therefore it is viewed as a borderland territory in which Christian Orthodox believers are mainly associated with the Russians while Roman Catholic Christians with the Poles. The fragile Belarussian identity is, in

<sup>3</sup> Grigory Ioffe, „Understanding Belarus: Belarusian Identity“, *Europe-Asia Studies*, Vol. 55, No. 8, 2003, 1241.

essence, originally, shaped within the framework of the Uniates – Greek Catholic believers, who use Orthodox rites, and recognize the dogmatic *filioque* and the supremacy of the Pope in the Vatican. Henceforth, Belarussian national identity is historically created as the transitional halfway between Russian Orthodoxy and Polish/Lithuanian Roman Catholicism since Belarus is a transitional country on the halfway between Orthodox Russia and Roman Catholic Poland-Lithuania, changing sides according to historical events as the result of the relations between Moscow/ Saint Petersburg and Cracow/Vilnius. Nevertheless, the majority of those who declare themselves as Belarussian today are, in fact, atheists or not strong believers, who do not care much about organized and institutionalized religion.<sup>4</sup>

A geographic, political and historical location of a country determines in many cases the identity of its people, which is exactly the case of Belarus. Even the ethnonym of a country is a reflection of its historical development and therefore for the majority of Belarussian citizens to squeeze their national identity between Russians and Poles continues to be the historical realm of reality. However, during the last century Belarussian nationalism succeeded to rally people around several constructed markers of Belarussian identity: language, history and ethnicity. The case of Belarussian identity is today probably the best example in Eastern Europe of an effective policy for the creation of national identity that is according to Benedict Anderson founded on the „imagined community“ feelings.<sup>5</sup> Nevertheless, the belief in common identity of a certain group, no matter whether such belief has any foundation in reality, has in many cases very important consequences for the creation of a national state or a political association of such imagined ethnonational community.<sup>6</sup>

## Ethnonym

The ethnonym Belarus/Belorussia (White Russia/White Rus') dates back to historical sources (chronicles) at the end of the 14th century.<sup>7</sup> Since the origin of the term is not

<sup>4</sup> The President of Belarus, Alexander Lukashenko has declared himself an "Orthodox atheist", i.e., the atheist with Christian Orthodox background.

<sup>5</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Revised edition, London: Verso, 2016.

<sup>6</sup> Max Weber, "What is an Ethnic Group", Montserrat Guibernau, John Rex (eds.), *The Ethnicity. Reader. Nationalism, Multiculturalism and Migration*, Maiden, MA: Polity Press, 1999, 18.

<sup>7</sup> Lithuanian historiography uses for parts of Belarus and Ukraine annexed by the Grand Duchy of Lithuania the term *Gudija*, which was populated by East Slavs (*gudai*), who were in such a way separated from Russians (i.e., by Belarussians and Ukrainians today) [Arūnas Latiška et al., *Didysis istorijos atlasas mokyklai nuo pasaulio ir Lietuvos priešistorės iki naujausiųjų laikų*, Vilnius: Briedis, without a year of publishing, 84]. The Lithuanian historian Zigmantas Zinkevičius declaratively claims that the ethnonym *Baltarusija* (in Lithuanian) (*Belorussia* in English) is the product of Russian propaganda [Zigmantas Zinkevičius, *Lietuviai: Praeities, Dydė ir Sunykimas*, Vilnius: Mokslo ir enciklopedijų leidybos centras, 2013, 125]. The ethnonym *Ruthenians* "is the name given to those Orthodox East Slavs who were ruled by non-Orthodox sovereigns. Since its speakers were Orthodox Christians, the Ruthenian language was influenced by Church Slavonic. It was spoken in the territory of contemporary Belarus and Ukraine, and it is the precursor of the modern Belorussian and Ukrainian languages, as well as modern Rusyn" [Barbara Törnquist-Plewa, „Contrasting Ethnic Nationalisms: Eastern Central Europe“, Stephen Barbour, Cathie Carmichael (eds.), *Language and Nationalism in Europe*, New York:

clarified by the experts its interpretations are (mis)used by many people including Belarussian nationalists for political and national purposes. However, the most realistic interpretations of the origins of the ethnonym Belarus/Belorussia are:

1. Belarus (White Rus') originally meant those people of historical Kievan Rus', who did not have obligations to pay tribute to the Tatars of the Golden Horde in the 12th century as opposed to Black Rus', who had such obligations. According to this interpretation, White Rus' were, in essence, free Rus' out of the Tatar hegemony.

2. However, Russian linguist Oleg Trubachev offered a different interpretation. According to the results of his research, there were three groups of the Rus' people: a) Malaya Rus' (Russia Minor) – the original homeland of ethnic Russians where the expansion started; b) Velikaya Rus' (Russia Major) – the territory of colonization from Russia Minor; and c) White Rus' (Alba Russia) – West Russia according to the ancient color-tradition of orientation.

There is an unprovable opinion (by Mikolo Ermalovich) that the original term for the present – day Belarus was, in fact, Litva. However, in the course of time the term was usurped by neighboring Slavs and transformed into White Russia. Nevertheless, such hypotheses have not been officially proven in order to become formal academic theories. However, they serve well to certain national-political propaganda orientation. In other words, for the contemporary Belarussian nationalists, the etymology of the term Belarus is not connected with Russia, but rather with the West and therefore the natural destiny of Belarus is not to be in closer political-economic relations with Russia but with Europe

---

Oxford University Press, 2000, 193]. The ethnonym Ruthenians is derived from the Latin term *Rutheni* and it is historically and today very politically applied in order to separate them from the same ethnolinguistic group of East Slavs within Russia called *Moscovitae* (i.e., those under the administration of Moscow). Ruthenians are, for example, called *Rusénai* in Lithuanian historiography – East Slavs living in Lithuania, Poland and Hungary [Alfredas Bumblauskas, *Senosios Lietuvos istorija 1009–1795*, Vilnius: R. Paknio leidykla, 2007, 218]. Hereby, the Western historiography does not leave space for the Russians as an ethnolinguistic group in the Middle Ages since East Slavs were only composed of Ruthenians or *Moscovitae*. “However, the Ruthenians called themselves *ruskije* in their own language, the same name *Moscovitae* gave themselves. Both groups inherited this name from the period when they were united within Kievan Rus' between 800–1240” [Barbara Törnquist-Plewa, „Contrasting Ethnic Nationalisms: Eastern Central Europe“, Stephen Barbour, Cathie Carmichael (eds.), *Language and Nationalism in Europe*, New York: Oxford University Press, 2000, 193]. As a matter of fact, Kievan Rus' was the first ever established state to politically organize East Slavs with Kiev as its capital. Today there are three modern nations, which trace or pretend to trace, their ethnolinguistic origins back to Kievan Rus': Russians, Belarussians and Ukrainians. Nevertheless, the original name of the state is in the modern history best preserved in the form of Russian ethnonym that is telling a lot about which contemporary nation has the most historical, ethnic, linguistic, cultural and moral rights to Kievan Rus' heritage. For instance, the most important law code (codex) of Kievan Rus' is called *Russkaya Pravda* (1016), and not *Ukrainian* or *Belarus pravda*. This codex later became the foundation of the law system in Russia [Jevgenij Anisimov, *Rusijos istorija nuo Riuriko iki Putino: Žmonės. Įvykiai. Datos*, Vilnius: Mokslo ir enciklopedijų leidybos centras, 2014, 40]. The ethnonym Ruthenia survived in contemporary history only for the tiny territory in post-WWI Czechoslovakia (in fact in Slovakia). However, in 1945 Subcarpathian Ruthenia was separated from Czechoslovakia and annexed by the Soviet Socialist Republic of Ukraine, where it became renamed into the Transcarpathian Oblast [Chris Hann, „Nation and Nationalism in Central and Eastern Europe“, Gerard Delanty, Krishan Kumar (eds.), *The SAGE Handbook of Nations and Nationalism*, London–Thousand Oaks–New Delhi: SAGE Publications, 2006, 401] with a full degree of Ukrainization of the ethnic Ruthenians (i.e., Russians). It is worth to mention that for some Ukrainian historians the epoch of GDL occupation of the biggest part of Ukraine today (1320–1569) is “the darkest time of Ukrainian history” [Andrijus Blauca *et al.*, *Ukraina: Lietuvos epocha, 1320–1569*, Vilnius: Mokslo ir enciklopedijų leidybos centras, 2010, 10].

(NATO and European Union). Nonetheless, as a matter of historical fact, there was clear absence of a single ethnonym for the territory of Belarus today (and Ukraine) before the Soviet time since, *de facto*, the Soviet authorities established the modern national identities of both Belarus and Ukraine.<sup>8</sup>

## Vilnius

An idea of Belarussian ethnonational identity, as autonomous from both Russians and Poles, was born in the mid-19th century at Vilnius University in Roman Catholic Lithuania by several professors, who claimed that Belarussian self-awareness can be advocated taking into consideration literary and official state documents of the Grand Duchy of Lithuania (GDL) before the Union of Lublin (signed between Poland and Lithuania in 1569). The essence of their claims was that Slavic inhabitants of GDL inherited cultural-historical legacy and tradition enough to be different from those of neighboring Western Slavic Poles and Eastern Slavic Russians. However, since at that time the present-day territory of Belarus was part of Tsarist Russia, and not of Poland (which did not exist as an independent state at that time), it is not so difficult to conclude that Vilnius-based idea of a separate Belarussian identity, culture, nation and history was primarily designed as an anti-Russian political project. The idea of Belarussian ethnic distinction from Russian national identity was further developed by Vilnius-based literary circle around the journal *Nasha Niva* (1909–1915).

It can be said that Belarussian nation as „imagined community“ was ideologically created and politically framed in Vilnius – the capital of GDL, and subsequently, it is not of any surprise that after the dissolution of the USSR all active leaders of Belarussian (Russophobic) nationalism (like Ukrainian one) enjoy great sympathy and open financial and political support by Lithuanian authorities. Vilnius is today transformed into both the main refugee camp for Russophobic dissidents from Belarus and propaganda center against the legitimate President of Belarus – A. Lukashenko, who is demonized in Lithuania as „the last European dictator“<sup>9</sup> or „tyrannical President Aleksandr Lukashenko“.<sup>10</sup> As a matter of fact, due to historical relations between Lithuania and Belarus, Belarussian opposition leaders consider themselves to be heirs of GDL and therefore using its coat of arms (called Vytis in Lithuanian) as the national and historical insignia of Belarussian nation also tells us very much about their pro-EU/NATO political aspirations.<sup>11</sup> However, on the

<sup>8</sup> On the creation of Belarussian nation see [Nickolas Vakar, *Belorussia: The Making of a Nation*, Cambridge, USA: Harvard University Press, 1956]. Similarly to the Soviet case, Yugoslav communist authorities created after 1945 three new nations: Montenegrins, Macedonians and Muslims (Bosniaks today).

<sup>9</sup> There is the common Western propaganda pattern that “it is really only the former Soviet republic of Belarus that remains outside the democratic family” [David Gowland *et al.*, *The European Mosaic: Contemporary Politics, Economics and Culture*, Third Edition, Harlow, England: Prentice Hall, 2006, 421].

<sup>10</sup> M. Donald Hancock *et al.*, *Politics in Europe: An Introduction to the Politics of the United Kingdom, France, Germany, Italy, Sweden, Russia, and the European Union*, Third Edition, Houndmills: Palgrave Macmillan, 2002, 462.

<sup>11</sup> Belarussian pro-Western political opposition welcomed Minsk-Brussels signature on the EU Partnership and Cooperation Agreement in 1995. However, this agreement “did not come into force because of the deteriorating situation” [David Gowland *et al.*, *The European Mosaic: Contemporary Politics, Economics and Culture*, Third Edition, Harlow, England: Prentice Hall, 2006, 514]. After the dissolution of the USSR, however, Belarus

other hand, the majority of Belarussian citizens consider themselves as Belarussians in geographic-political terms and/or ethnolinguistic Russians – the fact which basically confirms their pro-Russian political and economic orientation.

## History

Historically, as situated between Poland-Lithuania and Russia, Belarussian Roman Catholics identified themselves as Poles from ethnonational point of view while Belarussian Christian Orthodox believers were self-denominated as Russians and therefore there was no room for Belarussian identity except for those who did not belong to any of these two groups. The advocates of separate Belorussian ethnonational identity have been essentially promoting their nationalism in opposition to both strong neighbors of Belarus, but today Belarussian nationalism, as well as Ukrainian, is a part of well-orchestrated and sponsored Western policy of „Russophobia Vulgaris“.

In the interwar period (1919–1939) the contemporary territory of Belarus was annexed by Poland and the Soviet Union. At that time Polish authorities recorded only Christian Orthodox believers as of Belarussian ethnonational identity, and not those of Roman Catholic denomination, who were considered as Poles. Such asymmetry in Polish policy of ethnonational identity obviously went in favor of Polonization and de-Russification of North-East Poland. At the same time, the Soviet authorities implemented the policy of Belarussification of Russian Orthodox speakers in East Belarus, which was at that time a part of the USSR in the form of the autonomous Soviet Socialist Republic of Belarus.

## Language

All spoken Slavic languages in Eastern Europe belong to East Slavonic group of languages, which have many similarities.<sup>12</sup> Regardless of the fact that Russian, Belorussian and Ukrainian languages are traditionally written in the Cyrillic alphabet, there are voices of Belarussian and Ukrainian nationalists to switch to Western Latin graphemes in order to be allegedly more European and less Russian.<sup>13</sup> The same voices also try to negate a philological

---

became “Russia’s closest partner” and therefore these two countries signed in 1995 a treaty of friendship and cooperation, in 1996 they established a “deeply integrated Community” and in 1997 the Community was converted into the Union which would, according to the project, involve common legislative space and single citizenship [M. Donald Hancock *et al.*, *Politics in Europe: An Introduction to the Politics of the United Kingdom, France, Germany, Italy, Sweden, Russia, and the European Union*, Third Edition, Houndmills: Palgrave Macmillan, 2002, 452–453].

<sup>12</sup> According to Belgrade University-based Professor Predrag Piper, the Russian language is today spoken by 159 million speakers, Ukrainian by 42.5 million speakers and Belorussian by 9.3 million speakers [Предраг Пипер, *Увод у славистику*, Књига 1, Београд: Завод за уџбенике и наставна средства, 1998, 25].

<sup>13</sup> The same “alphabetic schizophrenia” has already been applied into practice in Montenegro after its proclamation of independence in 2006. Hereby, the Latin alphabet is, in fact, in use by all state authorities rather than traditional and national Cyrillic, which is the same as Serbian Cyrillic. About the language as a principal national flag in ex-Yugoslavia see [Victor A. Friedman, *Linguistic Emblems and Emblematic Languages: On Language as Flag in the Balkans*, Columbus, USA: The Ohio State University, 1999].

fact that both Belorussian and Ukrainian languages originate in the old Russian language like Russian itself.<sup>14</sup> A proto-Russian language existed from the 8th century onwards and became fragmented on the regional basis by the 13th century. A political division of Belarus and Ukraine between Poland-Lithuania and Muscovy-Russia finally broke up the linguistic unity of all East Slavs and therefore Ukrainian and Belorussian languages became separately standardized in the 19th century more on political than on philological foundations. In Belorussian case, the poetry of Yanka Kupala (1882–1942) and Yakub Kolas (1882–1956) formed the basis for standardized deviation of Belorussian language from Russian, and Vilnius-based journal *Nas-ha niva* created before WWI necessary alphabetical, orthographic and grammatical norms for the Belorussian language. This deviation was soon recognized in the Soviet Union as a separate Belorussian language, formally different enough from Russian, and it was further standardized and promulgated. As a consequence of such de-Russification, according to the 1989 Soviet census, there were 77.9% of Belorussians who officially spoke Belorussian as their first language and only 13.2% of the local population speaking Russian as the first language. However, these official figures might be misleading in practice as, for instance, according to a survey in 1992, 60% of Belorussian inhabitants preferred to use Russian in everyday life and 75% favored Belorussian-Russian bilingualism in public life and state institutions.<sup>15</sup>

## Statehood

The possession of a national state is the most important fact of historical pride of any ethnic group and, moreover, in Anglo-Saxon political philosophy, the term „nation“ is directly linked to the state or in other words, terms „nation“ and „state“ are basically synonyms. Therefore, only those ethnic groups that have their own state, or at least are in the process of striving to create/recreate it, can be called real nations. The others are only ethnic groups living as minorities in not their own political organizations. Subsequently, there are stateless ethnic groups<sup>16</sup> and statehood nations. Hereby, it is of focal importance to many ethnic groups to „prove“ that they historically belong to the category of statehood nations rather than to stateless minorities. The case of Belorussians is one of the most characteristic examples of this matter and it is in a direct connection with the problem of Belorussian national identity.

At this point it is important to notice that the modern term *nation* or *natio* authentically comes from the Latin word *nasci* that originally meant „to be born“. From the very cultural point

<sup>14</sup> Предраг Пипер, *Увод у славистику*, Књига 1, Београд: Завод за уџбенике и наставна средства, 1998, 144.

<sup>15</sup> Burant S. R., „Foreign Policy and National Identity: A Comparison of Ukraine and Belarus“, *Europe-Asia Studies*, Vol. 47, No. 7, 1995, 1125–1144.

<sup>16</sup> Today the Kurds are probably the largest stateless ethnolinguistic group in the world (up to 30 million). On „stateless nations“ see: [Julius W. Friend, *Stateless Nations: Western European Regional Nationalisms and the Old Nations*, London–New York: Palgrave Macmillan, 2012; Mikael Bodlore-Penlaez, *Atlas of Stateless Nations in Europe: Minority Peoples in Search of Recognition*, Y Lofa, 2012; James Minahan, *Encyclopedia of the Stateless Nations: Ethnic and National Groups Around the World*, I–IV Vols., Second edition, Westport, Connecticut–London: Greenwood, 2016]. On the Kurdish Question see [Merhard R. Izadi, *The Kurds: A Concise Handbook*, New York: Taylor & Francis, 1992; Gerard Chaliand, *A People Without Country: The Kurds and Kurdistan*, Interlink Publishing Group, 1993; Kevin McKiernan, *The Kurds: A People in Search of Their Homeland*, New York: St. Martin's Press, 2006; Susan Meiselas, *Kurdistan in the Shadow of History*, Second edition, Chicago: University of Chicago Press, 2008; Michael M. Gunter, *The Kurds: A Modern History*, Princeton, New Jersey: Markus Wiener Publishers, 2016].

of view, a nation is a group of people who are bonded together by a common language, religion, history, customs and traditions. However, from political point of view, a nation is a group of people who regard themselves as „natural“ members of their own political community – the state, and this is historically expressed by the common desire to establish and maintain political sovereignty or at least autonomy (like, for instance, the Catalans in Spain or the Scots in UK). Therefore, if the state is composed of its „natural“ members, they are expected to express the highest degree of patriotism or, literally, love of their own fatherland that is, basically, psychological attachment of loyalty based on group solidarity to the national state or the political community by birth.<sup>17</sup> Subsequently, from the very psychological viewpoint, a nation is a group of people who share loyalty to each other in the form of patriotism.<sup>18</sup> However, a group of stateless people can lack national pride due to being „inferior“ in comparison to historical (statehood) nations regardless of the fact that they share a common cultural and historical identity usually founded on a belief in common descent.

It is very difficult for Belarussian nationalists to find deeper historical foundations of their national statehood, at least before the time of Russian Bolshevik Revolution and Russian Civil War of 1917–1921, when in 1918 the so-called Belarussian People's Republic was formally proclaimed under German military occupation. At the same time, the First Belarussian Congress was convened, but it never took place as it was thwarted by the Bolsheviks, who finally won the civil war and established the Soviet Republic of Belorussia composed of contemporary eastern and central parts of Belarus while its western parts were annexed by reborn Poland according to Bolshevik-Polish Peace Treaty of Riga on March 18th, 1921.<sup>19</sup> Hereby, the Soviet Belarussia became a founder republic of the USSR in 1922 and therefore it can be treated as the first national state of Belarussians.

We have to keep in mind that the Soviet authorities established a separate socialist republic for each recognized ethnic nation as its national state within the federation system of the Soviet Union. In political theory, „the state is a political association that establishes sovereign jurisdiction within defined territorial borders...a state is characterized by four features: a defined territory, a permanent population, an effective government and sovereignty“.<sup>20</sup> Theoretically, it is quite clear that a state is a synonym for a country meaning that formal international recognition of territorial „independence“ is not necessary for it to be treated as a state. Hereby, according to the 1933 Montevideo Convention on the Rights and Duties of States, there are three criteria of statehood:

1. It possesses a stable government.
2. It controls a definite territory.
3. It enjoys the acquiescence of the population.<sup>21</sup>

<sup>17</sup> The word „patriotism“ is derived from the Latin „patria“ (land of a father).

<sup>18</sup> On patriotism see [Igor Primoratz (ed.), *Patriotism*, New York: Humanity Books, 2002; Charles Jones, Richard Vernon, *Patriotism: Key Concepts in Political Theory*, Cambridge, UK: Polity Press, 2018].

<sup>19</sup> The Peace of Riga in 1921 is a consequence of the Bolshevik-Polish War of 1919–1921 started by Piłsudski-led Poland in order to annex eastern territories of the pre-1772 Poland not included into the post-WWI Republic of Poland according to the project of the Curzon Line. The treaty was signed after the decisive victory of Józef K. Piłsudski in front of Warsaw in 1920 („Miracle of the Vistula“) [Jan Palmowski, *A Dictionary of Contemporary World History from 1900 to the Present Day*, Oxford–New York: Oxford University Press, 2004, 557].

<sup>20</sup> Andrew Heywood, *Global Politics*, Printed in China: Palgrave Macmillan, 2011, 114.

<sup>21</sup> *Ibid.*, 341.



It is obvious that all those three criteria were applicable in the case of Soviet Belorussia and therefore it can be concluded that the Bolshevik-established Soviet Belarussian Republic within the USSR was historically the first national state of Belarussians. Nevertheless, all crucial forces in fighting for Belarussian statehood were, in fact, of external nature, and not internal, which means that Belarussian statehood is of artificial (in essence Russophobic) nature.

## Mythology

After the Russian Civil War of 1917–1921 the split of Belarussian identity continues within two camps:

1. The pro-Western nationalists, who gained support from Belarussian activists from Poland for the sake to separate Soviet Belarussia from the USSR.

2. The pro-Russian orientation citizens, who advocated Russophile stance, taking into consideration the focal fact that most citizens of Belarus were of Christian-Orthodox cultural background like Russians and therefore Russian role as a fundamental cultural donor to Belarus had to be respected.

Nevertheless, in the interwar time from 1921 to 1939, according to the internal passport record of ethnicity, Belarussians existed only on the Soviet, but not on the Polish side.

In search of appropriate historical background of Belarussian national statehood, Belarussian nationalists went to the area of mythology as the only instrument to be used in order to „prove“ their artificial claims.<sup>22</sup> The case of Belarussian nationalists is a good example how people or some political groups are willing to be engaged in a nation-building process, but without previous assurance that their national history is glorious and of statehood nature. Due to the fact that Belarussian history was not adequate at all in regard to Belarussian statehood, it was quite necessary to involve appropriate myths for the sake of „finding“ a national state in historical sources. The final purpose was, in fact, to show that Belarussian state independence after the collapse of the USSR is not a new one, and rather the revival of older Belarussian statehood.

In principle, national myths and academic mythology are very useful for the creation of recombination of real history, or it would be better to say, for its rewriting according to political goals and national wishes.<sup>23</sup> It is clear that academic historians, philologists, linguists, ethnologists or folklorists play a crucial role in the process of creating and spreading myths about national identity regardless of the fact that not much of their work is, in fact, scientifically tested truth.

<sup>22</sup> Similarly to Belarussian nationalists, their Croatian colleagues, for instance, did the same in search of long-standing Croatian statehood, which, according to their writings, existed after 1102, when, in fact, Croatia with Slavonia became an integral part of the Kingdom of Hungary on the volunteer basis expressed by Croatian nobility. As a classic example of rewriting Croatian history in this matter, one can offer the following “academic” publications [Ivo Perić, *Povijest Hrvata*, Zagreb: Centar za transfer tehnologije, 1997; Dragutin Pavličević, *Povijest Hrvatske. Drugo, izmijenjeno i znatno prošireno izdanje sa 16 povijesnih karata u boji*, Zagreb: Naklada P.I.P. Pavičić, 2000]. Compare with much more academic and scientific approach in [László Kontler, *Millennium in Central Europe: A History of Hungary*, Budapest: Atlantis Publishing House, 1999].

<sup>23</sup> As a good example how history textbooks are rewritten in an ethnocentric way see [Christina Koulouri (ed.), *Clio in the Balkans: The Politics of History Education*, Thessaloniki: Center for Democracy and Reconciliation in Southeast Europe, 2002].

As a result of Belarussian statehood mythology, the book by Orlov and Saganovich under the title: *Ten Centuries of Belarussian History (862–1918)*<sup>24</sup> was published in 2001 in Vilnius. The book is just one (but remarkable) example of the writings, which direct historiography in a way to be acceptable to the pro-Western orientation of the politics by Belarussian nationalists, who cannot find any Belarussian in the medieval chronicles and other historical sources to understand the Grand Duchy of Lithuania (GDL) not only as the precursor of the modern state of Belarus, but even as the heyday of Belarussian national statehood taking into consideration that at least more than 50% of GDL inhabitants were East Slavs.<sup>25</sup> Even after the 1569 Union of Lublin, the Slavs were the majority in GDL. However, according to Belarussian nationalists, they were exactly Belarussians and therefore the East Slavonic language spoken and being in official use by the state authorities in GDL (at least before 1569, when it started to be Polonized) was proclaimed to be the „Old Belarussian“.

The question of language, since a language is considered to be the prime marker of national identity, is of crucial importance for Belarussian nationalists, whose most important task is to „prove“ in historical sources that Belarussians used to have and still have a separate language from Russian. In reality, Belarussian language (speech/dialect) was traditionally the rustic or peasant vernacular, which used to be more Russian or Polish as a person became urbanized and searched for a higher social position as the language was refined by urban lifestyle and personal education.<sup>26</sup> The case of pre-WWII Vilnius is, in this matter, very illustrative: one-third of its inhabitants spoke Yiddish, Polish was spoken in the streets, schools and churches while Belarussian was spoken in the countryside around the city. In 1939 almost no one spoke Lithuanian in Vilnius.<sup>27</sup>

The crucial task for Belarussian camp of the nationalists was to find the precursor of a modern independent language of Belarus as proof of separate Belorussian nationhood. This search for a major prominent writer, who used Belarussian language led them to Frantsisk Skaryna (a. 1490–a. 1552), who was well-known for the long period of time as a translator of religious texts into „the simple Russian language“ – the language which became appropriated by Belarussian nationalists as the precursor of modern Belarussian. There are international encyclopedias and other relevant academic publications in which F. Skaryna is clearly labelled as Russian and a translator of the Bible into Russian, and

<sup>24</sup> The book was originally published in the Belarussian language and it consists of 200 pages. Similarly to this Belarussian case, the contemporary Croatian historiography claims „thousand years of Croatian statehood“.

<sup>25</sup> Lithuanian academic historiography claims that, for instance, „in the mid-16th century Lithuanians constituted about one-third or more of GDL, whose total population may have reached 3 million people...More than half of the population were Slavs, who at various times had lived in the Eastern and South-Eastern lands annexed by GDL“ [Zigmantas Kiaupa et al., *The History of Lithuania before 1795*, Vilnius: Lithuanian Institute of History, 2000, 162]. However, according to Lithuanian history textbooks, in 1430 there were 72% of East Slavs and in 1569 there were 63% of them out of total GDL population [Ignas Kapleris, Antanas Maištas, *Istorijos egzaminas: Nauja programa nuo A iki Ž*, Vilnius: Briedis, 2013, 123]. The GDL capital Vilnius (est. 1323) was settled by a community of Russian Orthodox believers even before Lithuania introduced (Roman Catholic) Christianity in 1387 [Stasys Samalavičius, *An Outline of Lithuanian History*, Vilnius: Diemedis leidykla, 1995, 101].

<sup>26</sup> Grigory Ioffe, „Understanding Belarus: Belarussian Identity“, *Europe-Asia Studies*, Vol. 55, No. 8, 2003, 1246.

<sup>27</sup> Timothy Snyder, *Tautų rekonstrukcija: Lietuva, Lenkija, Ukraina, Baltarusija 1569–1999*, Vilnius: Mintis, 2008, 17.

not into any kind of Belarussian.<sup>28</sup> The Balarussification of F. Skaryna and his work is an order of the day for Belarussian nationalists as he is, in fact, seen as a father of modern Belarussian national language and therefore, at the same time, of a contemporary Belarussian nation as a separate ethnolinguistic group (especially from Russians).

During the last quarter of a last century, Belarus has also faced with the question of national symbols, which reflect the national identity and political orientation features to a high degree. The politics of national symbols (flag & coat of arms) are supported by different mythologies and political orientation – pro-Western and pro-Russian. The first group insists on the use of the symbols more related to GDL while the second camp supports the use of the state symbols from the Soviet era officially introduced in 1995 and therefore the current Belarussian flag and national emblem are the only ex-Soviet insignia in the official use. As a result, Belarussians are today the only post-Soviet nation that returned to its Soviet emblems for two reasons:

1. It confirms historical fact that Soviet Belarus was, in fact, the first and therefore authentic national state of Belarussians.

2. It shows the wish of the majority of the population to direct Belarussian political and national orientation towards the East (Eurasian integration) rather than towards the West (NATO/EU integration).

## Between West and East

It has to be explained why today the majority of Belarussian citizens have quite positive attitudes towards Russia – the country viewed as the most reliable partner of Belarus. As a matter of fact, Belarus was after WWII one of the Soviet republics, which mostly benefited from its membership in the USSR for the very reason that it was properly industrialized despite its lack of mineral resources (similarly to the Baltic republics). Belarus peacefully gained its internationally recognized independence as a consequence of the August 26th Coup in Moscow in 1991 followed by the dissolution of the Soviet Union. Since the post-Soviet Russia is a legal successor of the USSR, many Belarussians consider it natural to have as good relations as possible with the country from which they quite benefited in the recent past taking also into consideration very close ethnic, linguistic and cultural ties with Russia and Russians. Therefore, among all ex-Soviet republics Belarus is attached to Russia to the greatest degree, which is also seen as a Belarussian protector from Western economic and political policy of brutal liberal-democratic imperialism experienced by all East-Central and South-East European countries after 1991. The Russian language was introduced as equal with Belarussian according to the results of the 1995 plebiscite followed by Belarus joining the Union with Russia in 1999 with the aim to create customs and currency single area, a common parliament and a common judiciary.<sup>29</sup>

On the other hand, it is quite obvious that Belarussian nationalists try to establish popular legitimacy of their own (pro-Western and anti-Russian) version of Belarussian nati-

<sup>28</sup> According to Snyder, F. Skoryna was an East Slavic Renaissance actor [*Ibid.*, 24].

<sup>29</sup> Jan Palmowski, *A Dictionary of Contemporary World History from 1900 to the Present Day*, Oxford-New York: Oxford University Press, 2004, 56.

onal mythology, especially within the domain of historiography for at least three fundamental political reasons and national tasks:

1. To dissociate Belarus from Russia and Russians.<sup>30</sup>
2. To propagate alleged national, historical, political, linguistic, economic and cultural harm inflicted by Russia to Belarus.
3. To create the atmosphere of political Russophobia in Belarus in order to turn the country to the Western direction (NATO/EU).<sup>31</sup>

For the purpose of the pro-Western political orientation of Belarus, GDL has been chosen by many ultranationalists in Belarus as, allegedly, a national state of Belarussians based on three claims:

1. GDL was established and governed not by ethnic Lithuanians, but rather by ethnic Belarus (i.e., *Беларусь*)
2. The ethnonym *Lithuanian(s)* is derived from the ethnonym of ancient East Slavs (i.e., Belarus) – *Litvinais (Licvinais)*, who have nothing in common with the Baltic people since they were Belarus Slavs.<sup>32</sup>
3. GDL as a national state of Belarus means that Belarussians are one of the oldest and most powerful European historical nations.

The proponents of anti-Russian and pro-Western course of Belarussian politics use the well-known Western sponsored fake-news propaganda cliché to accuse the legitimate Belarussian President of autocratic governing style, suppression of political opposition, restriction of freedom of speech, closing and controlling non-governmental media and even of sponsoring death squads, which murder the members of political opposition.<sup>33</sup>

## Conclusions

As the most important conclusions of this research paper, the following has to be emphasized:

1. There is still no single Belarussian ethnolinguistic identity to be accepted by the majority of Belarussian citizens today.

<sup>30</sup> For the same reason, Lithuanian historiography and political sciences do not consider, in fact, ethnic Russians to exist in the territory of historical GDL calling its East Slavic inhabitants *gudai* – the term used by GDL authorities and administration for its East Slavs. However, the leading contemporary Lithuanian historian, Edvardas Gudavičius, recognizes that *gudai* are nothing else but, in fact, the Russians: “Rusų lietuviai vadino gudais” (in English: Lithuanians called Russians Gudai) [Edvardas Gudavičius, *Lietuvos istorija I tomas: Nuo seniausių laikų iki 1569 metų*, Vilnius: Akademinių skautų sąjūdžio Vydūno fondas Čikagoje–Lietuvos Rašytojų Sąjungos leidykla, 1999, 436].

<sup>31</sup> Similarly to Belarus' case of orchestrated Russophobia, in Soviet Lithuania “both the Poles and the Lithuanians unfavorably judged the Russians (or more precisely Russian-speakers) who arrived from the other Soviet republics as undesirable competitors who worsened the social position of the local inhabitants. (The incomers had priority in obtaining work, living space, etc.)” [Vitalija Stravinskienė, “Between Accommodation and Resistance: Interethnic Relations in East and Southeast Lithuania (1944–1953)”, Vida Savoniakaitė (ed.), *Contemporary Approaches to the Self and the Other*, Vilnius: Lithuanian Institute of History, 2014, 180].

<sup>32</sup> Zigmantas Zinkevičius, *Lietuviai: Praeities, Didybės ir Sunykimas*, Vilnius: Mokslo ir enciklopedijų leidybos centras, 2013, 125.

<sup>33</sup> The same cliché was used by the West in the cases of Saddam Hussein, Muammar Gaddafi or Slobodan Milošević.

2. The cultural-political leadership of Belarus is sharply divided into two opposite and antagonistic camps: a) Pro-Westerners; and b) Pro-Russians.

3. Pro-Westerners build up Belarussian ethnogenesis on the foundation of the Grand Duchy of Lithuania as a national state of Belorussians and therefore they struggle for Belarussian inclusion into the Euro-Atlanticist integration framework.

4. Belarussian pro-Westerners blame all focal setbacks of their policy for Moscow crafted Russification of Belarus rather than understanding that the majority of citizens wants as close ties with Russia as possible, but not with NATO and EU.

5. Pro-Russians view Belarussians as the ideological supporters of West-Rusism and therefore they accept political, economic and cultural pro-Moscow orientation.

6. Belarussian nationalistic public workers succeeded to formulate Belarussian separate identity as non-being Polish and Russian. However, they have totally failed to formulate what historically Belarussian exceptional ethnonational identity is.

7. To be Belarussian today is much more political-geographic identity expression than ethnolinguistic one.

## Bibliography

- [1] Alfredas Bumblauskas, *Senosios Lietuvos istorija 1009–1795*, Vilnius: R. Paknio leidykla, 2007.
- [2] Andrew Heywood, *Global Politics*, Printed in China: Palgrave Macmillan, 2011.
- [3] Andrijus Blauca et al., *Ukraina: Lietuvos epocha, 1320–1569*, Vilnius: Mokslo ir enciklopedijų leidybos centras, 2010.
- [4] Arūnas Latiška et al., *Didysis istorijos atlasas mokyklai nuo pasaulio ir Lietuvos priešistorės iki naujausiųjų laikų*, Vilnius: Briedis, without a year of publishing.
- [5] Barbara Törnquist-Plewa, „Contrasting Ethnic Nationalisms: Eastern Central Europe“, Stephen Barbour, Cathie Carmichael (eds.), *Language and Nationalism in Europe*, New York: Oxford University Press, 2000.
- [6] Burant S. R., „Foreign Policy and National Identity: A Comparison of Ukraine and Belarus“, *Europe-Asia Studies*, Vol. 47, No. 7, 1995, 1125–1144.
- [7] Charles Jones, Richard Vernon, *Patriotism: Key Concepts in Political Theory*, Cambridge, UK: Polity Press, 2018.
- [8] Chris Hann, „Nation and Nationalism in Central and Eastern Europe“, Gerard Delanty, Krishan Kumar (eds.), *The SAGE Handbook of Nations and Nationalism*, London–Thousand Oaks–New Delhi: SAGE Publications, 2006.
- [9] Christina Koulouri (ed.), *Clio in the Balkans: The Politics of History Education*, Thessaloniki: Center for Democracy and Reconciliation in Southeast Europe, 2002.
- [10] David Gowland et al., *The European Mosaic: Contemporary Politics, Economics and Culture*, Third Edition, Harlow, England: Prentice Hall, 2006.
- [11] Dragutin Pavličević, *Povijest Hrvatske. Drugo, izmijenjeno i znatno prošireno izdanje sa 16 povijesnih karata u boji*, Zagreb: Naklada P.I.P. Pavičić, 2000.
- [12] Edvardas Gudavičius, *Lietuvos istorija I tomas: Nuo seniausių laikų iki 1569 metų*, Vilnius: Akademinio skautų sąjūdžio Vydūno fondas Čikagoje–Lietuvos Rašytojų Sąjungos leidykla, 1999
- [13] Gerard Chaliand, *A People Without Country: The Kurds and Kurdistan*, Interlink Publishing Group, 1993.
- [14] Grigory Ioffe, „Understanding Belarus: Belarusian Identity“, *Europe-Asia Studies*, Vol. 55, No. 8, 2003. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Revised edition, London: Verso, 2016.

- [15] Ignas Kapleris, Antanas Maištas, *Istorijos egzamino gidas: Nauja programa nuo A iki Ž*, Vilnius: Briedis, 2013.
- [16] Igor Primoratz (ed.), *Patriotism*, New York: Humanity Books, 2002.
- [17] Ivo Perić, *Povijest Hrvata*, Zagreb: Centar za transfer tehnologije, 1997.
- [18] James Minahan, *Encyclopedia of the Stateless Nations: Ethnic and National Groups Around the World*, I–IV Vols., Second edition, Westport, Connecticut–London: Greenwood, 2016.
- [19] Jan Palmowski, *A Dictionary of Contemporary World History from 1900 to the Present Day*, Oxford–New York: Oxford University Press, 2004.
- [20] Jevgenij Anisimov, *Rusijos istorija nuo Riuriko iki Putino: Žmonės. Įvykiai. Datos*, Vilnius: Mokslo ir enciklopedijų leidybos centras, 2014.
- [21] Julius W. Friend, *Stateless Nations: Western European Regional Nationalisms and the Old Nations*, London–New York: Palgrave Macmillan, 2012.
- [22] Kevin McKiernan, *The Kurds: A People in Search of Their Homeland*, New York: St. Martin's Press, 2006.
- [23] László Kontler, *Millennium in Central Europe: A History of Hungary*, Budapest: Atlantis Publishing House, 1999.
- [24] M. Donald Hancock et al., *Politics in Europe: An Introduction to the Politics of the United Kingdom, France, Germany, Italy, Sweden, Russia, and the European Union*, Third Edition, Houndmills: Palgrave Macmillan, 2002.
- [25] Max Weber, "What is an Ethnic Group", Montserrat Guibernau, John Rex (eds.), *The Ethnicity Reader. Nationalism, Multiculturalism and Migration*, Maiden, MA: Polity Press, 1999.
- [26] Merhard R. Izadi, *The Kurds: A Concise Handbook*, New York: Taylor & Francis, 1992.
- [27] Michael M. Gunter, *The Kurds: A Modern History*, Princeton, New Jersey: Markus Wiener Publishers, 2016.
- [28] Mikael Bodlore-Penlaez, *Atlas of Stateless Nations in Europe: Minority Peoples in Search of Recognition*, Y Lolfa, 2012.
- [29] Nickolas Vakar, *Belorussia: The Making of a Nation*, Cambridge, USA: Harvard University Press, 1956.
- [30] Prof. Dr. Hans-Erich Stier et al. (eds.), *Westermann Großer zur Weltgeschichte*, Braunschweig: Westermann Schulbuchverlag GmbH, 1985.
- [31] Stasys Samalavičius, *An Outline of Lithuanian History*, Vilnius: Diemedis leidykla, 1995.
- [32] Susan Meiselas, *Kurdistan in the Shadow of History*, Second edition, Chicago: University of Chicago Press, 2008.
- [33] Timothy Snyder, *Tautų rekonstrukcija: Lietuva, Lenkija, Ukraina, Baltarusija 1569–1999*, Vilnius: Mintis, 2008.
- [34] Victor A. Friedman, *Linguistic Emblems and Emblematic Languages: On Language as Flag in the Balkans*, Columbus, USA: The Ohio State University, 1999.
- [35] Vitalija Stravinskienė, "Between Accommodation and Resistance: Interethnic Relations in East and Southeast Lithuania (1944–1953)", Vida Savoniakaitė (ed.), *Contemporary Approaches to the Self and the Other*, Vilnius: Lithuanian Institute of History, 2014.
- [36] Zigmantas Kiaupa et al., *The History of Lithuania before 1795*, Vilnius: Lithuanian Institute of History, 2000.
- [37] Zigmantas Zinkevičius, *Lietuviai: Praeities, Didybė ir Sunykimas*, Vilnius: Mokslo ir enciklopedijų leidybos centras, 2013.
- [38] Предраг Пипер, *Увод у славистику*, Књига 1, Београд: Завод за уџбенике и наставна средства, 1998, 25.

# SOVEREIGNTY IN ISLAM – A REFLECTION OF TRADITION AND CONTEMPORARINESS IN MODERN POLITICAL SYSTEMS

Andrijana Maksimović

State University of Novi Pazar

Zoran Milosavljević

Institute for Political Studies, Belgrade

Sovereignty in Islam means *hakemia* in Arabic and it is related to a holder of supreme power in a society, called *hakem*. In Islamic political and legal theory, a holder of sovereignty is God. God is a holder of supreme power, and above all, a legislator. Thus, in Islamic countries, a secular concept of a state regulation and having nation as a holder of sovereignty, man's rights and freedom of political organization is unacceptable. Moreover, when there is such a regulation in legal and political acts, it contains the previous fact that the sovereignty holder is God, and a nation's sovereignty is limited. Despite numerous changes that have happened in Islamic world during history, this view and understanding of sovereignty has not changed. Until recently, Islamic countries have not had any laws except those regulated by religious authorities. Even when the leaders used their power to proclaim regulations of a laic character, they had to give religious legitimacy to those regulations, and God has been and still is the only holder of sovereignty. Having showed how traditional Islam has treated sovereignty, the aim of the authors is to show how it is treated today. In fact, the authors' intention is to examine whether the idea of God's sovereignty is still present. As previously said, in essence, nothing has changed. Or more precisely, the theory on God as an exclusive sovereignty holder has not changed in almost the entire Islamic world. However, something else has been done, and it is contained in the fact that this view has been wrapped in contemporariness. The paper analyses the issue of sovereignty in Islam through two approaches: the first approach represents a thesis on unity of religion and politics in Islam, while the second one deals with the analyses of political praxis of Islamic states. On the basis of the analyses of Constitutional texts and practice, it is possible to divide Islamic states into three groups. The first group is the one where, by the Constitution, is clearly determined that God is a sovereignty holder; the second one, where a nation or a state has been determined as sovereignty, either as independent holders of sovereignty or in a community with its leader. The third group of states is the one that determines its sovereignty and holder in a similar way as it has been done in Europe and America. According to the Constitutional provision of these states on Islam as a state religion, conclusions on sovereignty of nations and borders have been drawn.

Key Words: *Islam, sovereignty, God, Constitution*

*“This religion (Islam) is a serious, dynamic and practical way of life (man haj). It has come with its aim to arrange life in its practical form and to subdue a concrete reality of a man to its own criteria: to approve it, correct it or change from its roots. Therefore, its regulations are related to only real situations in a society that from the very beginning acknowledges only one power, the power of God” (Kulenović, 2008, stated to: Kutb, 1996: 30)*

The primary question this paper should start with is why during studying the influence of religion on the entire social relations the influence of Islam is treated more importantly than the influence of other religions. The answer to this question is contained in the fact that in a number of countries of other traditions, there has been secularization of religion, and religion has been put into a private sphere of an individual. In difference to this, in a great part of Islamic world, Islam has been determined as a state religion by its Constitutional norm or as a primary law source. In Islamic nation languages, there is no difference between sacred or world or time order. Even in a translation case, it is not possible to find appropriate terms (Nasr, 1967).

The universality of Islam has been reflected in the fact that this is not a religion in a traditional sense directed towards a community, but rather the life philosophy. Thus, it differs from other religions and non-religious ideologies. Religion (*dyne*) for Islam means a complete concept: theory, ideology, philosophy, law, and a way and life system. It is usual to underline three different meanings of the word *dyne*: a) judgment, reward, b) a custom, habit and c) religion, faith. *Dyne* thus includes: obligation, obedience, reward. Regardless of its origin, there is an idea on a debt to be paid (therefore obligation), and a way that has been directed or to be followed in a complete heart obedience. *Dyne* means obligations equal with judgment, and when taken as a debt to be paid, *dyne* must be translated with faith, having the most common meaning (Smalagić, 1990). This is the system of the entire life and thus Islam seeks complete devotion from a man to God. It rejects division of people into religious and world ones. In that sense, pursuant to Islamic teaching, as we can see, there is no division of the world by religion, since in essence, everything is religion, and has the smell of God (Nasr, 1982). All of these have to serve Islam. If we reconsider technical and institutional resources of traditional Islamic societies, we can notice they assume literacy, urban life, long-distance trade and a central power (Gellner, 2000). The central power did not possess adequate technical and organizational resources for efficient submission of tribes.

In Islam the situation is completely different from European-American context, where law has been shown as a product of political struggle in the Parliament. Law is the most typical manifestation of religious teaching in Islam. Actually, the concept of law itself, as a system of norms being sanctioned by a state, is unknown in Islamic teaching. Islamic law is a result of putting effort into the Quran and Sunnet and derivation of practical regulations from the ones. Sheriah is a God's proclamation and fikh<sup>1</sup> is human work. It is necessary to allow the complete Islamic right, so as Islam would be practiced in its complete

---

<sup>1</sup> *Fikh* is a word that has meant understanding, knowledge and realization in the beginning and it has been applied to all branches of knowledge. It has also become a professional term that serves for determination of law sciences, the science of religious law on Islam. In its broadest sense, this word covers all forms of religious, political and private life (Smalagić, 1990).



sense. It is not possible to enforce law without a state, and it forces citizens, by means of force, to respect religious dispositions and to apply sanctions if they have been violated. Thus, if law is a functional expression of Islam, then it is clear that we need a state for it, since there is no law without a state. And this means there is no Islam without an Islamic state (Jevtić, 2008). The state power is the only one to secure the application of regulations. Here, we can find the essence of relation of Islam and a state. Religion serves a state to accomplish its aim, and thus, by its nature, it is religious and all its actions are religious ones. In Islam, politics is inseparable from religion, and in that sense, accomplishment of Islam is accomplishment of Islamic politics and Islamic state.

From all previously stated, it can be noticed that in the states with Islamic population, religion has been built into the foundations of a political system. Therefore, Islam has survived throughout history as a primary source of ideology and legitimacy all has been called upon (Jevtić, 1989). Pursuant to Islamic teaching, a secular concept of a state regulation is unacceptable, as well as a nation as a holder of sovereignty, rights of a man, freedoms of political organization and everything else derived from this concept.

In this paper, we shall present how sovereignty has been understood by this great world religion. After presentation of how traditional Islam has treated sovereignty and its holders, the authors' intention is to show how it is treated today.

## The Principles of Early Islamic Politics

Sovereignty has been determined as a factual characteristic of the state power that consists of its legal limitlessness, i.e. non-existence of legal means for its limitation (Lukić, 1960). Sovereignty in Islam has been determined by the term *hakemia* and it is related to the holder of supreme power in a society called *hakem*.

Among Islamic political philosophers, there is an agreement that the only sovereignty holder is Allah and all power belongs only to Him. The very word Islam means obedience to God, and a Muslim is the one who obeys Him. Thus, the only legislator is God, and leaders are His representatives on Earth, and they are limited in their actions by the Shariah. Since sovereignty only belongs to God, his law has been sent (Sheriah) to govern, and thus, the authority is the law itself. God directly governs a state by the laws that have been proclaimed to people in the Quran (Jevtić, 2002).

The obedience to the proclaimed law and disclaimer of own freedom in replacement for it has been called Islam in the Quran (Mevdudi, 1982). The Quran indeed proclaims freedom of a man to decide on issues where Allah and His Prophet have already decided upon. And the one who does not obey Allah and His Prophet is the one that has turned from the right path (Koran, Ayet 36). The Muslim society, established by the arrival of Islam and the state it has formed by overtaking political power, has been founded upon clear principles. The most significant among them are the following:

- Sovereignty belongs to God and an Islamic state is a governorship, where no one has the right to power, and everyone has to be obedient to the Law and live pursuant to the Law,
- All Muslims in a state have equal rights regardless of race, color or language. No individual, a group or nation has special privileges, since these differences could determine a position of someone as a lower one,

- The Sheriah is the highest Law and everyone must obey it, from the lowest one to a leader of a state,

- The government, its power and goods are entrusted to God to keep them and Muslims should be afraid of God, merciful and justified; no one has the right to use them, to punish them or to be disobedient to the Sheriah,

- A leader of a state shall be appointed based on mutual consultations of Muslims and their agreement. The one shall organize administration and overtake legislative work within the limits provided by the Sheriah,

- The Caliph or Amir should be obedient to everything being righteous and correct, and no one has the right to determine obedience serving to sin and

- The main task of the Caliph or Amir and his government is introduction of Islam and assistance to good, and prevention of evil (Šarif, 1990).

The power of previous Caliphs has been based on the stated principles. Each member of a community has been brought up under the care of the Prophet, and He has known what type of power is suitable to the one's needs. Although the Prophet has not solved the issue of His heir, the members of the community have no doubts that Islam demands a democratic solution of the issue. Therefore, no one had the right to establish hereditary power, use force to conquer it or to appoint the one to be the Caliph. On the contrary, people have chosen four persons where only one should overtake leadership by free will. The first four Caliphs have not performed their administrative or legal duties without consulting the Community of Wisemen. Thus, the ones who advised them had the right to express their opinion freely, with no fear.

The righteous Caliphs have not thought of themselves to be above the law. They claimed they have been equal to any other citizen. They appointed judges, and a judge once being appointed could have a trial against them, like against anyone else. The characteristic of the early Islam is that everyone had equal and righteous treatment pursuant to the principles of the Islamic spirit, since a society has been free of all types of tribal, racial or parochial prejudices. The period of the righteous Caliphate has been described as a bright tower, where all scholars and religious people of later centuries have been viewed as a symbol of religious, moral, political and social system of Islam of *par excellence*.

The entire political philosophy of the Quran is based on its fundamental understanding of the universe and one should have this in mind when understanding and correctly evaluating the Koran. Based on this concept of the universe, the Quran emphasizes that a real sovereign of people is the one who is the sovereign of the entire universe. Only His power is legal in human actions and other works of creation. Sovereignty of God has been determined in physical sphere of the universe, regardless of whether the obedience is voluntary or not. In this area of one's life, even a man has no choice to act differently. However, in a willing life sphere, a man has been given a certain amount of free will and God does not force the one into blind belief. The Quran says that obedience with no objections belongs only to God. His law has the highest power, and obedience to others or fulfilling someone's will against God's law is not the righteous path. Thus, the Quran says that Prophets are the only source of our knowledge of God's law. They are persons chosen by God to interpret the meaning of these proclamations.

The real form of power for people, pursuant to the Koran, is the one where a state gives its sovereignty to God, and then after admitting legal supremacy of God and His

Prophet, accepts the position of the Caliphate under the righteous rule of a supreme leader. The powers of the true Caliphate have not been given to any individual, race or community, but to those who believe in God. In this aspect, Islamic Caliphate is different from any kingdom, oligarchy or theocracy. It is even different from modern democracy. There is a fundamental difference between the two. Democracy was born from the seed of a nation's sovereignty, while in Islamic Caliphate, people themselves give their independence to God's sovereignty, and they voluntarily limit their powers, and the promise on governorship shall be given only if they are morally good. The reign of a state is based on understanding that absolute obedience cannot be asked from a nation. This one is obliged to obey until it uses its powers pursuant to God's law proclaimed in the Holy Book. Islamic power represents the reign of divine law above people, and as it has been emphasized by Ernest Gellner, Muslim societies are resistant to secularization from the very reason (Hantington, 2000).

Islamic presentation of religion and politics is based on reading or interpreting the Koran, Muhammad practice and early Islamic community, together with Islamic teaching that spiritual belief and action are two sides of the same medal. Therefore, pursuant to the words of Espozito, Muslims believe that their basic act of belief is the struggle to interweave God's will with their private and public life. Being a Muslim meant not only belonging to a religious community, but to an Islamic state, where Islamic laws have been applied, at least in theory, and not always in practice (Espozito, 2003). When presenting an ideal Islamic state, the purpose of a political authority is to implement divine message into all life spheres. Thus, an ideal Islamic state is the community governed by God's law, instead of theocracy or autocracy that gives power to a priest or leader.

## A Reflection of Sovereignty in Contemporary Political Systems

In almost entire Islamic world, the theory on God as an exclusive holder of sovereignty has not been changed, and it should be said that this teaching is wrapped in contemporariness. The decrease of Caliphate's power in 19<sup>th</sup> century and its final end at the end of 20<sup>th</sup> century, has been interpreted as a negative theophany or as "God's anger" towards the Muslims for leaving the righteous path. This explains Islamic revivalism in 20<sup>th</sup> century and its deep power in certain societies. Religion entering politics happens after certain events that have been catalysts for all of this (Espozito, 2000). Pursuant to the words of Abdullah Omer Nasif: "Islam, in essence, represents a unity of religion and a state. This is the first and most significant one. All previous social-historical systems that Islam has developed in its lap have failed when the Caliphate failed too, when a unique Islamic state has failed. The first duty and a task of modern Ulema are to regain and rebuild these Islamic social institutions and systems among Muslims. And these systems, the experiences and understanding are useful for non-Muslims, either. The current social systems being ruled in the world have not been established pursuant to God's law" (Preporod, 1991).

A number of Islamic states were a consistent part of colonial empires. New states that accepted Islam as a primary source of ideology and legitimacy were formed by the process of decolonization in traditional Islamic areas (Jevtić, 2009). This meant an obli-

gation to adopt Islamic law and political theories. Together with this process, the efforts of colonial leaders in these areas, brought the mixture of tradition and contemporariness, and this resulted in the creation of political systems that reflected this fact. The elements of tradition are in the fact that Islam is the frame how this new system shall be built, while contemporariness is reflected in the condition to give up the traditional way that had not used any other legislation except a religious one. This is best seen in the fact that Islamic states did not have Constitutions before, and almost all of them have it today. The only exception in this sense is Saudi Arabia that does not have Constitution, i.e. as it has been stated by its representatives, and there is no need to have an act like this, since they already possess it and it is the Koran.

Having all of this in mind, it is particularly interesting to define the term of sovereignty in these states. On the basis of the analyses of Constitutional texts and practice, there is a possibility to divide Islamic states into three groups. The first group of states is the one where it has been clearly defined that God is the holder of sovereign power by the Constitution. The second one, where the governor is a nation or a state, either as independent holders of sovereignty or in a community with a leader, the nation can exercise its rights pursuant to the laws that have been given by the only real holder of sovereignty – God. And the third group of states is the one where sovereignty and its holder have been determined in a similar way as it has been done in Europe and America. According to the Constitutional provision of these states on Islam as a state religion, it can be concluded that sovereignty of nations and boundaries are within its framework.

The first group of states that determine God as the sovereignty holder included Libya until the revolution led by Gaddafi, Iran after having Ayatollah Khomeini for its leader, Afghanistan in the period of Taliban reign and Pakistan. In Libya, pursuant to its Constitution from 1951, there has been an emphasis on the fact that sovereignty belongs to God and according to the will of the Mighty one the sovereignty is entrusted to a nation, and the nation entrusts it to a king, again. However, by accepting to be obedient to God, a nation becomes aware that a demand of time must be responded to, and it must be given a new, modern form. Still, by the Constitution, it has been clearly determined that no new law shall be opposite to God, and it is clear that people of Liberia experienced God as a real sovereign. The situation is similar in Pakistan. The very idea of Pakistani state has been conducted since realization of Muslim ideologists that it is impossible in the unique India to accomplish the idea of God's sovereignty. In the period of Taliban reign in Afghanistan, the ruling laws stipulated absolute sovereignty of God.

Besides these two groups of states, there is a very interesting case of Iran. Complete supremacy of Islam has been proclaimed in it over public life, and as a democratic society, it allows regular voting. The Islamic state that was formed in Iran after 1979 was based on the concept of reign of an Islamic lawyer (*velayat-e-fagih*). The Imam Khomeini undoubtedly rejected monarchy as a form of governing, since he considered it unrelated to the principles of Shiites Islam. The institution of *velayat-e-fagih* must have been chosen in order not to have negation of Marja'iat Doctrine (Potežica, 2006). Pursuant to this Doctrine, believers follow rules, instructions and decisions brought by Islamic scholars with deep knowledge of Islam and the highest moral virtues in everyday life. Everything else from religious-political teaching of Khomeini was difficult to translate into Constitutional and institutional categories and terms.

At referendum held on 30<sup>th</sup> and 31<sup>st</sup> March 1979, the nation voted against monarchy and for the creation of Islamic Republic. After it, an election for the Parliament of Experts started, whose task was to adjust the final version of the Constitution. Since there were 73 MPs, 55 representatives were of Shiites clergy, for the first time, the Islamic Ulema in Iran directly participated in performing power and was able to create history independently, free of the influence of secular structures.

Therefore, it can be concluded that in these states God has been determined as the sovereignty holder, and this reminds of traditional Islamic teaching. However, there is a significant difference compared to traditional teaching in the fact that the Constitution has been made and numerous laws have been adopted by the National Parliament. Thus, these states leave traditional forms of legislation based on religious authority and adopt Constitution as the highest legal act. Still, this has not meant the complete acceptance of the European concept of sovereignty.

The second group of states, pursuant to determination that the sovereignty holder is a nation, alone or in a community with another leader, the laws where the only real sovereignty holder is God entail Afghanistan, Iraq, Kuwait, Syria, Yemen, Jordan, Malaysia, Morocco and others. Indeed, understanding of sovereignty, i.e. its holder has been determined in this group in a way to be adapted to the spirit of time, and the power of Islam has been so great that in the very constitutions there have been limitations, and they disabled accomplishment of the supreme power of a nation. This clearly emphasizes that sovereignty of a nation is limited and in the places where there are strong Islamic norms, there cannot be regulations to be brought opposite to the ones. Thus, the Constitution of Iraq from 1965 (Jevtić, 2009), stipulates that the Parliament has legislative power, and at the second place of the Constitution, it is said that Islam is a state religion and the very base of the Constitution. From this group of states, the case of Malaysia is particularly interesting. In the Article 11 of the Malaysian Constitution, it has been stated that each person has the right to proclaim their religion, to practice and promote it, and in the Article 4 of the stated Constitution, it has been emphasized that the state law can control promotion of any religion among the members of Islamic religion. If we have in mind the percentage of population in Malaysia that consists of Chinese and Hindi people, then this fact is more than significant. It is more than clear that Islamic proselytism among non-Muslims has been allowed.

It seems that the term sovereignty in the second group is closer to the term of sovereignty in Europe and America, but having a detailed reconsideration, it can be seen that a relation of nation and sovereignty is practically levelled as within the first group of states. Furthermore, what is more interesting, numerous solutions related to the first group of states are more appropriate to the current flows than the characteristics related to the second group of states.

Finally, the third group of states involves Egypt, Tunisia, Algeria and Mauritania. This group of states is characteristic for proclaiming a nation for the sovereignty holder. From this determined sovereignty, it can be said that traditional Islamic teaching on God as the sovereignty holder has disappeared. If we conduct more detailed analyses of this issue, we shall see that if these states have adapted to the modern world, they could not escape from the traditional Islamic Doctrine. This is especially visible through the Constitutional provisions on Islam as a state religion. Thus, it can be said that the idea of God's

sovereignty is still alive. However, what seems as the necessity is an attempt to reconstruct understanding of inter-national relations in the early period of Islam, reform methodology, replace the old legalistic approach by a political one and secure the respect of the basic principles of Islamic law in this new process of the creation of foreign politics of the Muslim states (Glasnik Rijaset, 1990). Most states have kept an Islamic mask, and kept recalling to Islam in their Constitutions, for instance that a leader must be a Muslim, or the Sheriah is one of the sources of the law. A deeper presentation of modernization of Islam has been drawn from the process that started in betrayed expectations of Muslims and their disappointment with the ideology fallacy of 20<sup>th</sup> century. Religious masses have seen their way out in Imams preaching. The consequence of this is the revitalization of Islam in Muslim politics, and this represents a thrown glove to the face of those who believed that religion should be in the very edge of public life, not in its center (Ali-bašić, 2004). It should be said that there is more honest Islamization in already formed national states. What is a paradox in Islamic world is that Islamists are trying to conquer power in a democratic way. This represents a way of their liberalization from those who opposed progress. Islamism is now put as a propitiator of a state vision and its development, and the ways the very society sees itself and its aims (Espozito, 2002).

## *Conclusion*

All human beings and cultures that have been developed have the same needs, customs, impulses and wishes that organized as persons determine their way towards their own and social aims. Since human nature is the same, the primary law of cultural development and failure remains always the same. However, since different circumstances, different cultural groups have been developed differently in all parts of the world, and thousands of years of their experience give them their own social and psychological character, and their character creates all differences in their life as the answer to the influence of these circumstances. The Islamic society forms a unique cultural group. It has been obedient to the same laws of growth and failure as in any other cultural group, and it has also developed its own specific characteristics. Therefore, anyone who wants to understand a political system of this part of the planet, must have in mind the role of Islam as the integral ideology in accomplishing sovereignty, since otherwise, the one has no chance to understand true essence of events in this part of the world. There is always a possibility to accomplish something positive in the area of activities that are truly pursuant to traditional principles, under the condition to reveal and accept the truth, above all.

Special attention has been paid not to destroy teaching on God as the only legislator. In the meantime the Caliphs as supreme interpreters of the Sheriah have given their representatives to interpret and apply the Islamic laws. Thus, a theoretical concept of God as sovereign has stayed undestroyed, and in practice, it has been moved more towards their earthly representatives. More recent history has put challenges to Islamic concept of sovereignty. During its struggle to be freed from colonial power, there has been a break of modernistic ideas, which resulted in the acceptance of the European models by the Islamic states.

It is obvious that the Islamic world and political organization of this part of the planet is very specific, and if we want a fair understanding of events in these areas, we need detailed analyses of the ones. In that sense, the paper has been constructed as a concrete step towards filling a gap in our political and law science, the ones that primarily deal with the term of sovereignty. Thus, there is a tendency that dominates in this part of the world and it does not go towards balancing differences of the sovereignty term, on the contrary, towards making a deeper gap and differences.

## Literature

- [1] Alibašić, A. (2004). *Političke prilike u muslimanskim zemljama*. Sarajevo: Atlas islamskog sveta.
- [2] Gellner, E. (2000). *Muslim Society*. Cambridge: Cambridge University Press.
- [3] *Glasnik* (1990). Rijaset IZ SFRJ, br. 6/1990.
- [4] John L. E. (2000). *Political Islam and West*. JFQ. Spring.
- [5] Espozito, L. J. (2002). *Oksfordska istorija islama*. Beograd.
- [6] Espozito, L. J. (2003). *Što bi svako trebao znati o islamu*. Zagreb.
- [7] Jevtić, M. (1989). *Islam kao izvor ideologije u legitimitetima u savremenim političkim sistemima*. Arhiv za pravne i društvene nauke. br. 4/1989.
- [8] Jevtić, M. (2002). *Religija i politika, Uvod u politikologiju religije*. Beograd: Institut za političke studije.
- [9] Jevtić, M. (2008). *Ideja islamske transformacije sveta*. Politička revija, br. 4/2008.
- [10] Jevtić, M. (2009). *Politikologija religije*. Beograd: Centar za proučavanje religije i versku toleranciju.
- [11] Jevtić, M. (2009). *Politikologija religije*. Beograd.
- [12] Kulenović, T. (2008). *Politički islam: Osnovni pojmovi, autori i skupine jednog modernog političkog pokreta*. Sarajevo.
- [13] Lukić, R. (1960). *Teorija države i prava*. Beograd: Naučna knjiga.
- [14] Mevdudi (1982). *Zakonodavstvo i idžtihad u islamu*. GVIS br. 2/1982.
- [15] Potežica, O. (2006). *Islamska Republika Imama Homeinija*. Beograd: Filip Višnjić.
- [16] *Preporod* (1991). Novi Pazar.
- [17] Prijevod Kur' ana. (2005). Novi Pazar.
- [18] S.H., N. (1967). *Religion and secularism, their meaning and manifestation in Islamic history*: Islamic studies. Beirut.
- [19] Sejid, H. N. (1982). *Religija i sekularizam-njihovo značenje i manifestovanje u muslimanskoj istoriji*. GVIS br. 5/1982
- [20] Smailagić, N. (1990). *Leksikon islama*. Sarajevo: Svjetlost.
- [21] Hantington, S. (2000). *Sukob civilizacija*. Podgorica: CID
- [22] Šarif, M. (1990). *Hitorija islamske filozofije s kratkim pregledom drugih disciplina i savremene renesanse u islamskim zemljama I i II*. Zagreb.

# THE CRIMINAL RESPONSIBILITY FOR THE GENOCIDE AND THE CRIME AGAINST HUMANITY ACCORDING TO THE ROME STATUTE (VIEW ON THE NEW SERBIAN CRIMINAL CODE)

*Dragan Jovašević\**

University of Niš, Faculty of Law, Republic of Serbia

International criminal law, as a system of legal regulations found in acts of the international community and criminal legislation of individual states, establishes criminal liability and punishments for crimes against international law. These acts represent a breach of the laws and customs of war (international humanitarian law) that violate or threaten peace among nations and the security of mankind. Penalties prescribed for these criminal offences stand for the most severe penalties in contemporary criminal legislation. In some cases, international judiciary (supranational) institutions such as the Hague Tribunal (ICTY) and the other international military and ad hoc tribunals or courts have primary jurisdiction over perpetrators of these criminal offences.

Crime against humanity defined in paragraph 371. of the New Criminal Code of the Republic of Serbia (2005), represents a newly introduced criminal offence,<sup>1</sup> whose establishment is related to the Statute of the International Military Tribunal from 1945 and the Nürnberg Judgment. It is a serious crime against international law that threatens characteristic values of the entire mankind, or values that are considered as generally humane. The development of the concept of crime against humanity was predominantly influenced by the idea of the need to protect fundamental human rights and freedoms. Crime against humanity (*crimen iuris gentium*) is based upon violations of fundamental laws of humanity, i.e. each person's right to life and the right of each ethnical group to exist as such. In legislation, theory and practice, this term can be interpreted in the

\* Dragan Jovašević, Ph. D, Full Professor.

<sup>1</sup> Previous absence of this incrimination has been justified by the fact that it has been covered by the crime of genocide. However, contemporary practice related to the civil war in the territory of former Yugoslavia indicates that some crimes against civilian population cannot be treated as genocide since they are not aimed to destroy, in whole or in part, a national, racial, religious or ethnical group, whereas the time of their perpetration does not allow them to be considered as war crimes against civilian population.



broader sense, as well. In this paper the author has analyzed theoretical and practical aspects of crime against humanity in international criminal law and new criminal law of the Republic of Serbia (former FR Yugoslavia).

Key Words: *international law, humanity, crime, court, responsibility, penalty*

## Preface

In the legal system of the Republic of Serbia, crimes against international law are enumerated in the Chapter Thirty Four of the Criminal Code<sup>2</sup>, entitled "Criminal Offences against Humanity and Other Rights Guaranteed by International Law". These criminal offences actually represent acts that constitute violations of international treaties, agreements and conventions and threaten and entrench peace among nations, the security of mankind and other values protected by international law or are in breach of the rules of war related to the treatment of war prisoners, wounded, sick and civilians by the parties to the conflict.

The origination of these criminal offences is related to the establishment of international rules organizing relations between states in time of war and relations between the parties to the conflict in view of commencement and conduct of armed conflict. International law of war emerged as the consequence of cruel and inhumane comportment throughout the long history of wars and armed conflicts between nations and states, with the intention to humanize this most inhumane means of resolving international and inter-state disputes.

Along with the expansion of the international law of war, the process of gradual limitation of the rights that belong to the parties to the conflict started, as well as the process of controlling not only the acts committed against non-combatants, but also those related to the commencement and conduct of war. State's right of absolute freedom to commence and conduct a war will gradually be reduced by prohibiting certain acts that include unnecessary devastation, killing and torture. Breaches of the laws and customs of war constitute crimes under the laws of war. Having accepted international obligations by signing and ratifying numerous international conventions, certain states included several criminal offences against humanity and other rights guaranteed by international law in their criminal legislation. Such criminal offences are committed by violating rules contained in international conventions. Their source lays in the prohibitions proclaimed in international legal documents (acts)<sup>3</sup>.

The subject of protection according to international criminal law<sup>4</sup> consists of humanity and other universally recognized and generally accepted values protected by international law. The protection of humanity pertains to the protection of essential human rights such as life, physical integrity, honor, reputation, personal dignity and other fundamental human rights and freedoms. Additional rights that belong to natural persons, individual states and the entire international community are also of general, universal significance and therefore protected and guaranteed by international law.

<sup>2</sup> Official Gazette of the Republic of Serbia, No. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 104/2012, 108/2014 and 94/2016. More: D. Jovašević, *Krivični zakonik Republike Srbije sa uvodnim komentarom*, Beograd, 2007.

<sup>3</sup> S. Zadnik, *Kaznena djela protiv vrijednosti zaštićenih međunarodnim pravom i novine u zakonodavstvu u svezi sa tim djelima*, Hrvatska pravna revija, Zagreb, No. 12, 2003. pp. 83-86.

<sup>4</sup> D. Jovašević, *Leksikon krivičnog prava*, Beograd, 2011, p. 345.

The majority of crimes against the international law<sup>5</sup> can be committed only in a certain period of time determined by the law: during war, armed conflict or occupation. These criminal offences are most commonly committed in an organized manner with the aim to implement certain governing group's or party's politics. Being considered as an aspect of organized, planned criminality, these offences are most frequently committed by the order of superior military or political leaders. Due to that, it is necessary to determine individual criminal responsibility of organizer, order-giver and offender.

These criminal offences can be committed only by premeditation. Some of the criminal offences in this group are not subject to limitations on criminal prosecution and limitations on enforcement of penalty: genocide, crime against humanity, war crimes and other criminal offences that pursuant to ratified international treaties cannot be subject to limitations.

## The system of international crimes

The theory of international criminal law recognizes several sorts of crimes against international law. They are most commonly divided into two categories<sup>6</sup>: 1) crimes against international law in the narrow sense (genuine or pure crimes against international law) and 2) crimes against international law in the broader sense, or transnational crimes (counterfeit or mixed). This classification was adopted for the first time at the 14th Congress of the International Criminal Law Association that took part in Vienna in 1989. The criterion of the division is the jurisdiction of international criminal courts, which is established only in the case of crimes against international law in the narrow sense.

Crimes against international law<sup>7</sup> in the narrow sense belong to the first group of these criminal acts. These crimes against international law represent violations of laws and customs of war (meaning the rules of international law of war and international humanitarian law). They are incorporated in the Judgments of the Nürnberg and the Tokyo Tribunal, and they are also known as criminal offences under general international law (or *crimina iuris gentium*).

The following criminal offences can be placed in this category<sup>8</sup>: 1) crime against peace, 2) war crimes, 3) genocide and 4) crime against humanity. In legal theory, there are opinions suggesting that these criminal offences should be referred to as international crimes *stricto sensu* that are prohibited by cogent rules of international law such as the Hague or the Geneva Conventions<sup>9</sup>.

The following features of crimes against humanity in the broader sense (core crimes) are pointed out in legal theory<sup>10</sup>:

1) These international crimes have double-layered nature. Their commission draws the following consequences:

---

<sup>5</sup> D. Jovašević, *Međunarodno krivično pravo*, Niš, 2011. pp. 45-57.

<sup>6</sup> More: Ch. M. Bassiouni, *Crimes against Humanity in International Criminal Law*, Dordrecht, 1992.

<sup>7</sup> B. Petrović, D. Jovašević, *Međunarodno krivično pravo*, Sarajevo, 2010. pp. 252-258.

<sup>8</sup> D. Jovašević, V. Ikanović, *Međunarodno krivično pravo*, Banja Luka, 2015. pp. 272-278.

<sup>9</sup> V. Đ. Degan, B. Pavišić, *Međunarodno kazneno pravo*, Zagreb, 2005. pp. 186-187.

<sup>10</sup> D. Radulović, *Međunarodno krivično pravo*, Podgorica, 1999. p. 103.

- a) Individual criminal liability, either of a perpetrator, or of an accomplice, or of a superior (on the grounds of superior liability), on the one hand, and
- b) The responsibility of a state under international law, on the other.
- 2) International crimes violate essential (fundamental) human rights and they are therefore prohibited as repression against the same crimes committed by the opposite party.
- 3) International crimes are not subject to limitations on criminal prosecution and limitations on enforcement of penalty.
- 4) General international law imposes as an erga omnes obligation on the states not to breach the basic rules that prohibit these acts.

## The genocide and the crime against humanity according to the rome statute

The Rome Statute of the International Criminal Court, adopted on OUN diplomatic conference that took part in Rome on July 17 1998, states that the court will exercise jurisdiction over conducting criminal procedure, determining criminal liability and imposing criminal sanctions on persons, who have committed crimes recognized as the most serious by the international community as a whole.

Paragraph 5 of the Statute proclaims the jurisdiction of the Court with respect to the following crimes<sup>11</sup>: 1) the crime of genocide, 2) crimes against humanity, 3) war crimes, and 4) the crime of aggression.

According to Paragraph 77, the Court may impose one of the following penalties on the perpetrator of some of these criminal offences<sup>12</sup>:

- 1) imprisonment for a specified number of years, which may not exceed a maximum of 30 years,
- 2) a term of life imprisonment when justified by the extreme gravity of the crime and the individual circumstances of the convicted person,
- 3) a fine under the criteria provided for in the Rules of Procedure and Evidence and
- 4) forfeiture of proceeds, property and assets derived directly or indirectly from the crime committed.

## The notion and basic characteristics of genocide

The crime of genocide<sup>13</sup> is defined in Paragraph 6 of the Statute. This criminal act<sup>14</sup> is committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group<sup>15</sup>, in one of the following ways<sup>16</sup>:

---

<sup>11</sup> D. Jovašević, *Krivično pravo*, Opšti deo, Beograd, 2016. pp. 70-75.

<sup>12</sup> V. Đurđić, D. Jovašević, *Međunarodno krivično pravo*, Beograd, 2003. pp. 78-87.

<sup>13</sup> A part of legal theory does not consider genocide as an autonomous criminal offence, and only as a type of crime against humanity.

<sup>14</sup> Genocide is determined as "the crime above all crimes". The prohibition of committing this criminal offence or of inciting others to do so represents *ius cogens*. Therefore, unlawfulness of the genocidal activities, as well as the actual criminal character of these acts, is generally accepted as indisputable by the international community.

- 1) by killing members of the group<sup>17</sup>,
- 2) by causing serious bodily or mental harm to members of the group,
- 3) by deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part,
- 4) by imposing measures intended to prevent births within the group and
- 5) by forcibly transferring children from one group to another<sup>18</sup>.

## The notion and basic characteristics of crime against humanity

Paragraph 7 of the International Criminal Court Statute<sup>19</sup> is dedicated to crime against humanity<sup>20</sup>. The Rome Statute makes distinction between this criminal offence and the crime of genocide, although in the times when crime against humanity entered the system of international incrimination, there were standpoints in legal theory that treated these two terms as identical. Crime against humanity includes acts committed as a part of a widespread or systematic attack<sup>21</sup> directed against any civilian population<sup>22</sup>.

For the purpose of this criminal offence, an attack can consist of the following acts<sup>23</sup>:

- 1) murder,
- 2) extermination,
- 3) enslavement – the exercise of the powers attached to the right of ownership over a person,
- 4) deportation or forcible transfer of population- forced displacement of the persons from the area in which they are lawfully present,
- 5) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law,
- 6) torture – the intentional infliction of severe pain or suffering, whether physical or mental, upon a person deprived of liberty,
- 7) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence,

---

<sup>15</sup> This incrimination provides protection only for stable groups of permanent character, whose member one can become by birth, while excluding unstable (inconsistent) groups, where membership is based upon individual decision. This is also the standpoint of the International Criminal Tribunal for Rwanda in the Akayese case.

<sup>16</sup> D. Jovašević, *Krivično pravo, Posebni deo*, Beograd, 2017. pp. 280-282.

<sup>17</sup> A larger number of victims are not essential for the completion of genocide. Actually, killing one or several persons is considered as sufficient. Genocide can be committed by a single individual, as well, as long as he acts with the genocidal intent, provided that his behavior, correspondent to other similar behaviors, is of such character that makes it suitable to contribute to the extermination of the entire group.

<sup>18</sup> B. Pavišić, T. Bubalo, *Međunarodno kazneno pravo*, Rijeka, 2013. pp. 283-291.

<sup>19</sup> More: I. Josipović, D. Krapac, P. Novoselec, *Stalni međunarodni kazneni sud*, Zagreb, 2001.

<sup>20</sup> D. Jovašević, *Međunarodna krivična dela – odgovornost i kažnjivost*, Niš, 2010. pp. 242-244.

<sup>21</sup> It is deemed that such attack consists of the attack committed within the state's politics or in order to complete the aims of some other organization. The attack does not necessarily have to be of military nature. This criminal offence can be perpetrated in times of war, as well as in times of peace. Consequently, isolated and individual attacks are not covered by this incrimination.

<sup>22</sup> The victim of this crime is not an individual person, but the entire mankind.

<sup>23</sup> P. Novoselec, *Opći dio kaznenog prava*, Zagreb, 2004. pp. 499-500.

8) persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law – deprivation of recognized fundamental rights of a group,

9) causing disappearance of persons (enforced disappearance of persons),

10) the crime of apartheid – inhumane acts committed in the context of an institutionalized regime and

11) other inhumane acts intentionally causing great suffering, or serious danger to mental or physical health<sup>24</sup>.

## The genocide and the crime against humanity according to the criminal code of the republic of serbia from 2005

### *The system of international crimes in the Serbian criminal law*

Chapter 34 of the new Criminal Code of the Republic of Serbia from 2005 contains the following “genuine” crimes against international law<sup>25</sup>:

1) genocide (Paragraph 373),

2) crime against humanity (Paragraph 371),

3) war crime against civilian population (Paragraph 372),

4) war crime against the wounded and sick (Paragraph 373),

5) war crime against prisoners of war (Paragraph 374), and

6) organization and incitement to genocide and war crimes (Paragraph 375).

### *Genocide – notion and basic characteristics*

The crime of genocide<sup>26</sup>, from Paragraph 370 of the Criminal Code of the Republic of Serbia, consists of ordering or committing the following acts: killing or causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, forcibly transferring children of the group to another group, with intent to destroy, in whole or in part, a national, ethnical, racial or religious group of people.

The word “genocide” is a compound, created from a Greek word *genos*, meaning nation or tribe, and a Latin word *caedes*, which means killing or slaughter (massacre). When translated literally this word stands for the extermination of an entire nation or tribe. Genocide was proclaimed as “a crime against international law, which is in contra-

---

<sup>24</sup> More: A. Cassese, P. Gaeta, J. R. W. Jones, *The Rome Statute of the International Criminal Court – Commentary*, Oxford, New York, 2002.

<sup>25</sup> V. Đurđić, D. Jovašević, *Krivično pravo, Posebni deo*, Beograd, 2012. pp. 322-345.

<sup>26</sup> B. Petrović, D. Jovašević, *Krivično (kazнено) pravo II, Posebni dio*, Sarajevo, 2005. pp. 39-42.

diction with the spirit and the aims of the OUN and condemned by the entire civilized world" by OUN General Assembly Resolution 96/1 from 11 December 1946<sup>27</sup>.

In spite of the fact that it initially emerged as a "subspecies of crime against humanity", genocide rapidly obtained autonomous status and contents as one of the most serious crimes today. Nowadays, it is also called "the crime above all crimes". As a crime against international law, genocide is determined by three elements<sup>28</sup>:

- 1) the objective component – *actus reus*,
- 2) the subjective component – *mens rea* and
- 3) the subject of the act – the victim (the group).

The source of this incrimination is found in Convention on the Prevention and Punishment of the Crime of Genocide from 1948, which defines the contents and the elements of this crime against international law.

In legislation, theory and practice this term has a more extensive interpretation. Namely, this expression includes not only killing, but also extermination, committed in any other way, of a particular group that forms a consistent entity based upon national, ethnical, racial or religious foundation. The subject of protection includes humanity and international law.

The subject of attack is a national, ethnical, racial or religious group. A national group is comprised of people who have the feeling of sharing the legal bond of the same citizenship accompanied by reciprocal rights and obligations. An ethnical group consists of the members who are bound by the same language and culture, whereas a racial group is a group based upon hereditary physical characteristics, which is often associated to a particular geographical area regardless of linguistic, cultural, national, or religious factors. A religious group includes members, who share the same religious convictions, the same name of the confession or the same means of conducting religious ceremonies. In fact, the terms such as national, ethnical, racial or religious group are still studied widely and precise definitions that would be universally and internationally accepted have not been found yet. Thus, each of these terms has to be assessed in the light of an actual political, social and cultural milieu.

Although the act<sup>29</sup> is committed by destroying individuals, it is not intended to eliminate those individuals as separate persons, but as members of a group. Therefore, the aim of the act is to destroy a group, in whole or in part, whereas elimination of an individual simply represents means of its accomplishment. The size of a group is of no significance for completion of the criminal offence. It is essential that a group is present as an entity that has specific characteristics, and that it is intended to be destroyed as such.

---

<sup>27</sup> Official Gazette of the SFR Yugoslavia, No. 56/1950.

<sup>28</sup> B. Petrović, D. Jovašević, A. Ferhatović, *Krivično pravo* 2, Sarajevo, 2016. pp. 305-309.

<sup>29</sup> Depending on the actual subject, genocide can appear as national or ethnical (ethnocide) if the subject is a national or ethnical group. In the case of racial genocide, the criminal act is directed against a particular racial group or against several groups of that kind. Religious genocide is directed against the members of one or more religious groups. The group is not to be determined in accordance with an objective or static criterion. Instead, the way the perpetrator perceives the members of the group is of fundamental importance for the definition of this term, which is also the standpoint of the ad hoc tribunals. The lack of definitions of genocide that would include cultural genocide comprised of destroying the language or the culture of a particular group is often stressed in legal theory.

The objective of incrimination is to guarantee the right to life, i.e. existence and development for each group that has specific national, ethnical, racial or religious features, regardless of spatial cohesion of its members.

The act consists of several acts that can be classified in a number of groups. These are the following acts<sup>30</sup>:

- 1) killing or causing serious bodily or mental harm to members of a specific national ethnical, racial or religious group,
- 2) inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part,
- 3) imposing measures intended to prevent births within the group (the so-called biological genocide) and
- 4) forcible transfer of children from one group to another intended to cause the loss of their group identity.

All these acts contribute to physical and biological completion of genocide. To complete this act, it is enough to commit any of the acts precisely pointed out in the law, with the intent to exterminate (destroy), in whole or in part, a group as a social entity. Genocide represents a typical example of criminal offences that rest upon the „depersonalization of the victim“, which means that the victim does not represent the objective (aim) of the act due to its individual qualities or features, but and solemnly for being a member of a certain group.

The perpetration can be completed in two ways<sup>31</sup>: 1) by ordering and 2) by directly conducting certain acts.

Giving orders to commit the abovementioned acts represents a special and autonomous act of genocide. In fact, ordering is a form of incitement. However, in this case ordering is not characterized as complicity, but as a special way to perpetrate this criminal offence. The crime of genocide is usually committed in an organized manner and in accordance with a previously arranged plan giving particular authority to the order of a superior, which causes the autonomous nature of their responsibility. Therefore, the superior will be responsible only for having given the order to commit genocide, even if the subordinate refuses to obey or in any other way manages to avoid executing such order<sup>32</sup>.

The consequence of the act is manifested as threatening the survival of a certain national, ethnical, racial or religious group. It can be accomplished through causing a smaller or larger number of individual consequences comprised of injuries (of life, physical integrity, a fetus) and threats (by inflicting on the group unbearable living conditions). The number of individual acts committed is of no significance for completion of this criminal offence. This means that only an act of genocide will be committed when one, as well as several relevant acts, has been conducted. The fact that a larger number of acts causing various individual consequences have been committed has an impact on determination of sentence. This indicates that planned and systematic extermination of human groups constitutes the essence of the crime of genocide<sup>33</sup>.

<sup>30</sup> L.J. Lazarević, B. Vučković, V. Vučković, Komentar Krivičnog zakonika Crne Gore, Cetinje, 2004. pp. 1021-1023.

<sup>31</sup> B. Pavišić, V. Grozdanić, P. Veić, Komentar Kaznenog zakona, Zagreb, 2007. pp. 419-421

<sup>32</sup> D. Jovašević, Lj. Mitrović, V. Ikanović, Krivično pravo Republike Srpske, Posebni deo, Banja Luka, 2017. pp. 359-365.

<sup>33</sup> K. Turković et al., Komentar Kaznenog zakona, Zagreba, 2013. pp. 133-137.

Any person can be the perpetrator of this act, and, when guilt is concerned, direct premeditation (*dolus coloratus*)<sup>34</sup>, including the genocidal intent, is required. Instead of applying the theory of intent, the assessment of such intent is based upon experience. The punishment prescribed for this act is minimum five years' imprisonment or thirty to forty years' imprisonment. The Criminal Code explicitly points out that this criminal act cannot be subject to limitation for criminal prosecution and enforcement of penalty.

### *The crime against humanity – notion and basic characteristics*

Crime against humanity<sup>35</sup>, defined in Paragraph 371 of the New Criminal Code of the Republic of Serbia (2005)<sup>36</sup>, represents a newly introduced criminal offence,<sup>37</sup> whose establishment is related to the Statute of the International Military Tribunal from 1945 and the Nürnberg Judgment<sup>38</sup>. It is a serious crime against international law that threatens characteristic values of the entire mankind, or values that are considered as generally humane. The development of the concept of crime against humanity was predominantly influenced by the idea of the need to protect fundamental human rights and freedoms.

Crime against humanity (*crimen iuris gentium*) is based upon violations of fundamental laws of humanity, i.e. each person's right to life and the right of each ethnical group to exist as such.

Accordingly, the acts in question are directed against the conditions that are essential for the survival of a human being, individual human groups and mankind as a whole. Therefore, legal theory points out the following elements of crimes against humanity<sup>39</sup>:

- 1) the latter are considered as particularly abhorrent violations that seriously offend human dignity and cause humiliation of one or several persons,
- 2) these crimes are not isolated or sporadic cases, and are committed as a part of certain state governmental politics or as an extensive or systematic practice, which is tolerated, pardoned or accepted, either by the official government or by the unofficial (de facto) regime,
- 3) the acts in question are prohibited and punishable whether committed in war or in peace, and

---

<sup>34</sup> F. Bačić, *Krivično pravo, Posebni deo*, Zagreb, 1986. p. 316.

<sup>35</sup> V. Đ. Degan, B. Pavišić, V. Beširević, *Međunarodno i transnacionalno krivično pravo*, Beograd, 2013. pp. 304-316.

<sup>36</sup> Official Gazette of the Republic of Serbia, No. 85/2005, with more novels to 2016. More: D. Jovašević, *The Criminal code of the Republic of Serbia with commentary*, Belgrade, 2007.

<sup>37</sup> Previous absence of this incrimination has been justified by the fact that it has been covered by the crime of genocide. However, contemporary practice related to the civil war in the territory of former Yugoslavia indicates that some crimes against civilian population cannot be treated as genocide since they are not aimed to destroy, in whole or in part, a national, racial, religious or ethnical group, whereas the time of their perpetration does not allow them to be considered as war crimes against civilian population.

<sup>38</sup> It is assumed that one of the first judgments dealing with crime against humanity is the judgment of the Special Court of Cassation of Holland from 1949, saying that the characteristics of the crimes of this category include gravity and ferociousness, large extensions, the fact that they represent a part of the system aimed to spread terror or a link to politics deliberately conducted against some groups of population.

<sup>39</sup> D. Jovašević, *Krivično pravo, Posebni deo*, Beograd, 2017. pp. 324-325.



4) the victims of this crime can be civilians, or, if committed during an armed conflict, persons who do not participate or who no longer participate in the conflict, as well as the combatants of the opposite party, in accordance with international customary law.

This criminal offence is committed if a person, in violation of the rules of international law, as part of a wider<sup>40</sup> and systematic<sup>41</sup> attack against civilian population<sup>42</sup> orders or commits: murder, inflicting on the group conditions of life calculated to bring about its complete or partial extermination<sup>43</sup>, enslavement, deportation, torture, rape, forcing to prostitution, forcing pregnancy or sterilization aimed at changing the ethnic balance of the population, persecution<sup>44</sup> on political, racial, national, ethical, sexual or other grounds, detention or abduction of persons without disclosing information on such acts in order to deny such person legal protection, oppression of a racial group or establishing domination of one group over another, or other similar inhumane acts that intentionally cause serious suffering or serious endangering of human health.

The subjects of protection are humanity and international law.

The subject of the attack is civilian population, i.e. members of the entire non-combatant population regardless of their citizenship, who found themselves on the occupied territory or territory under the regime of the opposite party. Although this criminal offence is committed by conducting certain acts against individuals, its aim is not to eliminate those individuals as particular persons, but to contribute to the conduct of a wider or systematic attack directed against the entire civilian population.

Accordingly, the intent is to destroy (exterminate) the entire or the majority of civilian population, whereas the elimination of individuals represents only means of accomplishing this intent. Namely, it refers to acts repeatedly committed against civilians on grounds of or with the intent to realize particular state's politics or the politics of a certain organization (e.g. a political party or similar organization). The aim of this incrimination is to ensure every person's right to life along with providing respect of fundamental human rights and freedoms.

The criminal act is comprised of a series of diverse acts that can be divided into several categories<sup>45</sup>:

1. Killing another person-murder,
2. Inflicting on population or its part conditions of life calculated to bring about its complete or partial extermination<sup>46</sup>,

<sup>40</sup> The term "wider attack" should be interpreted as the fact that an armed conflict takes place in a broader territory.

<sup>41</sup> The term "systematic attack" should be interpreted as a planned attack, where an arrangement has previously been achieved and certain directions given. The plan can be incorporated in a broader military or political plan, and it can also be related to particular operations.

<sup>42</sup> The attack directed against civilian population signifies the behavior that includes repeated perpetration of the acts enumerated in the law against any civilian population, on the grounds or with the aim of certain state's politics or the politics of an organization to commit such attack.

<sup>43</sup> Extermination includes deliberately imposing such conditions, especially deprivation of access to food and medicaments, which can cause the destruction of a part of population.

<sup>44</sup> Persecution can be related to any group of people or community on political, racial, national, ethnical, cultural, religious, sexual, or other grounds, which is universally recognized as unacceptable in international law with regard to any criminal act. This situation includes deliberate and severe deprivation, or denial of fundamental human rights and freedoms due to the membership in a particular group of people or community, which is in contradiction to international law.

<sup>45</sup> B. Petrović, D. Jovašević, krivično (kazneno) pravo II, Posebni dio, Sarajevo, 2005. pp. 42-44.

3. Enslavement or compulsory deportation of the population
4. Torture,
5. Rape, forcing to prostitution, forcing pregnancy or sterilization aimed at changing the ethnic balance of the population
6. Persecution<sup>47</sup> grounded on political, racial, national, ethical, cultural, sexual or other grounds,
7. Detention or abduction of persons without disclosing information on such acts in order to deny such person legal protection,
8. Oppression of a racial group or establishing domination of one group over another,
9. Other similar inhumane acts that intentionally cause serious suffering or seriously endanger human health.

The criminal act can be perpetrated in two ways<sup>48</sup>: 1) by ordering and 2) by directly committing the act. Giving order to commit the previously mentioned acts represents a particular and autonomous act of crime against humanity.

In general, ordering represents a form of incitement. However, in this case it is not treated as complicity, but as a special way to commit this criminal offence. This criminal offence is usually committed in an organized and systematic manner in accordance with a previously designed plan, giving special power to the order of a superior, which causes the autonomous nature of its criminal responsibility. To be exact, the superior will be responsible for having ordered crime against humanity to be committed even if the subordinate refused or in any other way avoided to obey such order.

It is essential for the criminal act that one or more acts are committed repeatedly<sup>49</sup>: 1) by violating rules of international law and therefore unlawfully, which the perpetrator has to be aware of and 2) as part of a wider and systematic attack directed against any part of civilian population.

Taking into consideration grammatical interpretation of this paragraph, one might conclude that this criminal offence can be committed only during an armed conflict („within the attack“), which is incorrect. It is more appropriate to assume that crimes of this kind can be committed during, as well as after an armed conflict, as long as the criminal acts are being perpetrated in the context of wider or systematic attack directed against civilian population<sup>50</sup>.

The consequence of the act emerges as an injury or deprivation of fundamental human rights and freedoms of civilian population. It can be completed by causing a

<sup>46</sup> Extermination includes deliberately imposing such conditions, especially deprivation of access to food and medicaments, which can cause the destruction of a part of population.

<sup>47</sup> Persecution can be related to any group of people or community on political, racial, national, ethnical, cultural, religious, sexual, or other grounds, which is universally recognized as unacceptable in international law with regard to any criminal act. This situation includes deliberate and severe deprivation, or denial of fundamental human rights and freedoms due to the membership in a particular group of people or community, which is in contradiction with international law.

<sup>48</sup> Z. Pajić, Tumačenje zločina protiv čovečnosti u nimirskom procesu, Godišnjak Pravnog fakulteta u Sarajevu, Sarajevo, 1991. pp. 123-133.

<sup>49</sup> D. Jovašević, Međunarodna krivična dela – odgovornost i kažnjivost, Niš, 2010. pp. 263-265.

<sup>50</sup> M. Milojević, Zločin protiv čovečnosti u rezolucijama Generalne skupštine UN, Godišnjak Pravnog fakulteta u Sarajevu, Sarajevo, 1978. pp. 225-243.

smaller or larger amount of individual consequences. The number of individual consequences does not influence the existence of criminal offence. However, it has an impact on the determination of punishment.

Each person can be the perpetrator of this criminal offence, and, when guilt is concerned, direct premeditation is required.

The punishment prescribed for this criminal act is minimum five years' prison or thirty to forty years' prison.

The Criminal Code of the Republic of Serbia explicitly points out that this criminal offence is not subject to limitations on criminal prosecution and limitations on enforcement of penalty.

## The responsibility in international criminal law

### *Responsibility of a natural person – notion and elements*

Criminal responsibility<sup>51</sup> of individuals as natural persons under international criminal law includes a group of subjective circumstances that determine the mental state of the perpetrator and his psychological attitude towards the crime against international law he has committed. Due to such circumstances, the perpetrator can be considered as mentally competent and guilty. Accordingly, criminal liability under international criminal law is also comprised of three elements (Paragraph 25 Subpart 1 of the Rome Statute from 1998). These are<sup>52</sup>: 1) being above the age of 18, 2) mental competence and 3) guilt.

These elements of criminal responsibility are assessed in each individual case according to the time of conduct of the actual criminal offence. As such, they represent the grounds of subjective and personal (individual) criminal responsibility, which is a precondition for the enforcement of penalty to the person, who committed some of the crimes against international law.

Furthermore, it is prescribed in Paragraph 27 of the Rome Statute that it shall apply equally to all persons without any distinction based on their official capacity. In particular, official capacity as a Head of State or Government, a member of Government or Parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility nor shall it, in and of itself, constitute a ground for reduction of sentence. Therefore, immunities based upon national or international laws (in accordance with the provisions of the Vienna Convention) do not represent an obstacle for the International Criminal Court to exercise its jurisdiction<sup>53</sup>.

Mental competence represents a group of subjective or intellectual elements (elements of consciousness) and elements of will that enable the perpetrator under international law to reason (to understand the significance of his act) and to make decisions (to control his acts). It is the foundation (basis) of guilt and stands for "general previous capability" of a person to be responsible for the crime against international law he has

<sup>51</sup> More: N. A. Combs, *Guilty pleas in International Criminal Law*, Stanford, 2007.

<sup>52</sup> N. Jorgensen, *The Responsibility of States for International Crimes*, Oxford, 2000. pp. 45-58.

<sup>53</sup> D. Radulović, *Međunarodno krivično pravo*, Podgorica, 1999. p. 91.

committed. Nevertheless, mental competence can be excluded or more or less significantly diminished, depending on the presence of particular mental disorders and their impact on the psychological capabilities of the perpetrator. Legally relevant mental disorders include the following: 1) permanent or temporary mental illness, 2) temporary mental disorder and 3) mental retardation.

If it is confirmed that the perpetrator under international law was mentally capable at the time of conduct, which is the precondition for the enforcement of punishment, the presence of his guilt should also be assessed. Guilt is a psychological relation of the offender towards the committed crime against international law as an act of his own. Guilt is present when the offender is aware of the act, the consequence and the causal relation between them, as well as of all the essential characteristics of the committed criminal offence.

Depending on the forms of perpetrator's consciousness and will, legal theory is familiar with two forms of guilt<sup>54</sup>: 1) premeditation and 2) negligence.

In Paragraph 30 of the Rome Statute the psychological element is defined within the frames of individual criminal responsibility (which is set in the provisions of Paragraph 25 of the Statute) by saying that criminal responsibility exists if criminal offence is committed with intent and knowledge. This means that the perpetrator has to own consciousness and knowledge about the circumstances of his act or about the fact that the consequence of the act will emerge from the expected sequence of events. This provision indicates that the Rome Statute is familiar only with premeditation as a form of guilt of the offender against international criminal law. Still, the institution of responsibility of a superior allows the military or civil superior to be responsible even when acting negligently for the criminal offences committed by his subordinates (persons under his control or supervision).

Premeditation<sup>55</sup> (*dolus*) is comprised of two fundamental elements. These are: a) consciousness, awareness, knowledge of the committed criminal offence, i.e. of all the characteristics of its essence and b) will or determination to cause the foreseen consequence of the act. The majority of crimes against international law are committed by premeditation as the form of perpetrator's guilt. However, some crimes against international law can be committed only by premeditation in the narrow sense, i.e. direct or special premeditation.

This type of premeditation includes the intent of the perpetrator as the highest and the most intensive form of conscious and willing determination of a person's act towards causing the consequence. At the end, it is worth saying that, besides mental capacity and guilt, the Rome Statute explicitly determines the age of the perpetrator (above 18 years) at the time of conduct as a precondition for criminal responsibility of the offender against international criminal law.

## Grounds for excluding criminal responsibility

The precondition for the offender against international criminal law to be liable for punishment is the presence of his criminal responsibility at the time of conduct. Nevertheless, the Rome Statute is familiar with several circumstances (grounds) that exclude

---

<sup>54</sup> Lj. Lazarević, Komentar Krivičnog zakonika Srbije, Beograd, 2005. pp. 67-71.

<sup>55</sup> D. Jovašević, Krivično pravo, Opšti deo, Beograd, 2016. pp. 185-187.

criminal responsibility. Among these grounds, one can also find some circumstances that particular national criminal legal provisions generally do not consider as grounds for excluding criminal responsibility, and as grounds for excluding criminal act in general or as grounds for remittance of punishment.<sup>56</sup>

The Rome Statute is familiar with several grounds for excluding criminal responsibility. The following grounds are enumerated in Paragraph 31<sup>57</sup>: 1) mental incompetence, 2) intoxication, 3) self-defense, and 4) extreme necessity.

In Paragraph 32, the Rome Statute describes mistake of fact and mistake of law as grounds for reducing criminal responsibility of the offender against criminal law, whereas in Paragraph 33 two more grounds of this kind are mentioned. These are: 1) superior orders and 2) prescription of law.

## Mental incompetence

Mental incompetence is the first ground for excluding criminal responsibility, not only under national, but under international criminal law, as well. This term means that an offender against international criminal law was unable to reason (i.e. to appreciate the unlawfulness of his act) and to make decisions at the time of conduct due to mental illness or disorder that disabled him from appreciating the unlawfulness or the nature of his behavior, as well as from coordinating his behavior with the behavior that is legally acceptable.

The aforesaid indicates that mental incompetence is comprised of two fundamental elements<sup>58</sup>: 1) biological and 2) psychological.

The biological element of mental incompetence consists of mental disorder, i.e. certain forms of disorders that affect normal conduct of perpetrator's psychological processes. Such mental disorder can emerge as<sup>59</sup>: 1) permanent or temporary mental illness, 2) temporary mental disorder and 3) mental retardation.

<sup>56</sup> In legal theory, the following circumstances are also considered as grounds for reducing criminal responsibility: 1) an offence of minor significance, since jurisdiction of international criminal courts (tribunals) is established only for grave, serious, and long-lasting violations of international humanitarian law, 2) the fact that the offender against international law is under 18, when international judiciary authorities cannot have jurisdiction over such offender, and national judiciary authorities can, 3) the fact that a criminal offence is not prescribed as such by the law, when the act is not considered as punishable under national or international criminal law if at the time of conduct it has not been prescribed as such by criminal law (national criminal legislation) or by an international legal document, 4) the fact that criminal offence has been committed with victim's consent, if such criminal offence includes the absence of victim's consent as its essential element (for example, rape, forced labor, forced deportation of population) and 5) the fact that criminal offence has been committed under coercion, i.e. duress (meaning that the victim was coerced by threat of grave and permanent (irreversible) consequence such as murder or bodily harm and had no actual power to prevent the consequence of the offence). The following circumstances are also pointed out as grounds for reducing criminal responsibility for a crime against international law: 1) the consent of the victim, 2) diplomatic immunity, 3) military necessity during an armed conflict, 4) lawful repression-*contra* measures and 5) the *tu quoque* argument.

<sup>57</sup> B. Petrović, D. Jovašević, *Krivično (kazneno) pravo Bosne i Hercegovine, Opći dio*, Sarajevo, 2005. pp. 223-233.

<sup>58</sup> Lj. Jovanović, D. Jovašević, *Krivično pravo, Opšti dio*, Beograd, 2003. pp. 154-157.

<sup>59</sup> D. Jovašević, *Međunarodno krivično pravo*, Niš, 2011. pp. 59-63.

The psychological element of mental incompetence includes two types of incapacity (incapability/incompetence)<sup>60</sup>: 1) incapacity to reason-being unable to understand the factual, legal and social significance of the committed criminal offence against international law or, as it is called in the Rome Statute, "incapacity to appreciate the unlawfulness of one's conduct" and 2) incapacity to make decisions-being unable to control one's conduct to conform to the requirements of his consciousness.

Such incapacity (incompetence) is assessed during criminal procedure with the help of findings and opinion given by psychiatric expert witness (Paragraph 31, subpart 1, point "a" of the Rome Statute). Here should be pointed out that although the Rome Statute intends to define a considerable amount of fundamental terms and institutions of the general part of international criminal law, it fails to mention the institution of "substantially diminished mental competence" (recognized by the majority of contemporary national criminal legislation).

Substantially diminished mental competence is a psychological condition of the perpetrator at the time of conduct that, due to a certain form of mental disorder, leads to substantial (significant) diminishment (but not to complete exclusion) of the capacity to reason or make decisions. The fact that the Rome Statute is not familiar with the institution of substantially diminished mental competence does not represent an obstacle for the Court Chamber to take this circumstance (i.e. grade of guilt) into account when determining the punishment for the perpetrator and treat it as an extenuating circumstance in accordance with Paragraph 78, subpart 1 of the Rome Statute (which has generally been applied in the practice of the Hague Tribunal so far).

## Intoxication

The second ground for reducing criminal responsibility under international criminal law is defined in Paragraph 31, subpart 1, point "b" of the Rome Statute. It includes intoxication or inebriation (meaning the presence of contemporary mental disorder of the perpetrator, which has been induced in a specific manner). This ground is fulfilled when the perpetrator was brought to the condition of intoxication or inebriation (by alcohol or drug abuse or otherwise) that destroyed his capacity to appreciate the unlawfulness or the nature of his conduct, or his capacity to control his conduct to conform to the requirements of law.<sup>61</sup>

In this case, offender's capacity to reason or to make decisions at the time of conduct is not excluded because one of the forms of mental disorder is indicated due to the intoxication or the inebriation of the offender himself. Namely, perpetrator's mental competences (capacities) are excluded because of the effects of alcohol, drugs or similar intoxicating substances. This means that at the time of conduct the perpetrator is in the condition of intoxication, i.e. inebriation, in which he does not possess a completely preserved capacity to understand the significance of his act or to control his conduct. However, the use of this institution under international criminal law requires that the perpetrator was brought to the condition of intoxication without his guilt and without his active contribution<sup>62</sup>.

---

<sup>60</sup> B. Ivanišević, G. Ilić, T. Višnjić, V. Janjić, Vodič kroz Haški tribunal, Beograd, 2007. pp. 157-164.

<sup>61</sup> V. Đ. Degan, B. Pavišić, Međunarodno kazneno pravo, Zagreb, 2005. pp. 468-470.

<sup>62</sup> M. Goreta, Osvrt na koncept smanjene ubrojivosti koji se primenjuje na međunarodnom kaznenom sudu za područje bivše Jugoslavije, Društveno istraživanje, Zagreb, No. 1, 2003. pp. 247-258.

Actually, the Rome Statute explicitly forbids this institution to be applied if the perpetrator voluntarily caused his state of intoxication and committed a criminal offence in such state. In such situation, there is an institution in legal theory known as *actiones liberae in causa* (acts that have been voluntarily caused, but not voluntarily committed), which means that the perpetrator voluntarily brought himself to such condition, being familiar with the risk of commencing the act that represent a crime against international law, but disregarding it due to intoxication. Criminal responsibility of such perpetrator cannot be excluded.

## Self-defense

Self-defense is a ground for excluding criminal responsibility provided by Paragraph 31, subpart 1, point "c" of the Rome Statute. There is self-defense if the perpetrator committed a crime against international law in order to repel a concurrent unlawful attack on his person or another person. In view of that, self-defense, as a ground for excluding criminal responsibility, is interpreted as "individual self-defense" and not as "collective self-defense" that is recognized as the right of every state by Paragraph 51 of the UN Charter. This ground for reducing criminal responsibility requires that the following conditions are met<sup>63</sup>:

1) That crime against international law is committed by a person, who acts reasonably (rationally),

2) That the person committed the offence in order to defend himself or another person or, in the case of war crimes, in order to defend property, which is essential for their survival or property, which is essential for accomplishing a military mission.

Therefore, this institution is applied not only in the case of self-defense, but in the case of "necessary help", i.e. defense of another person, as well. Moreover, the use of this institution has been expanded, since it does not refer only to the protection of life and physical integrity, but also to the protection of property (however, not in all situations, but only when the protection of such property is of existential importance or essential for accomplishing a military mission, which indicates the use of "war necessity"),

3) That the offence is committed with the intent to protect the mentioned values from an imminent (actual or impending) and unlawful (illegal) use of force and

4) That the offence is committed in a manner proportionate to the degree of danger to the person or the other person or property protected.

However, the fact that a person was involved in a defensive operation conducted by military forces does not in itself constitute a ground for excluding criminal responsibility. Accordingly, the use of self-defense under international criminal law differs from its use under national criminal legislation in two aspects<sup>64</sup>: 1) international criminal law allows this institution to be used not only in the case of personal rights' protection, but also when the property of the perpetrator or another person (presumably a person who is close to him) is protected and 2) the character of a military mission is irrelevant for the use of this institution.

<sup>63</sup> D. Jovašević, Nužna odbrana i krajnja nužda, Niš, 2008. pp. 67-85.

<sup>64</sup> D. Jovašević, T. Hašimbegović, Osnovi isključenja krivičnog dela, Beograd, 2001. pp. 58-69.

## Extreme necessity

The institution of extreme necessity<sup>65</sup> is defined in Paragraph 31, subpart 1, point “d” of the Rome Statute. It represents a particular ground for excluding criminal responsibility under international criminal law. Extreme necessity is present if the perpetrator committed a criminal offence in order to repel from his person or another person a concurrent unprovoked danger that could not be otherwise repelled, and the damage inflicted does not exceed the damage threatened<sup>66</sup>. This means that a person who commits a crime against international law under the following conditions is not considered as criminally responsible<sup>67</sup>:

1) That the perpetrator was under duress resulting from a threat of imminent death or of continuing or imminent serious bodily harm against him or another person. Such duress may either be made by other person or persons or constituted by other independent circumstances that are beyond perpetrator's control,

2) That the duress should either have occurred or be imminently threatening the perpetrator or another person. Namely, the duress that is repelled in this manner can come from other persons or from other circumstances that are beyond perpetrator's control, and

3) That when repelling the duress the perpetrator acts necessarily and reasonably provided that the harm he caused is not greater than the one sought to be avoided in this manner.

## Mistake

The Rome Statute deals with mistake of fact and mistake of law in Paragraph 32. Both cases include an incorrect or incomplete knowledge (awareness) of a particular circumstance. Mistake of fact is present when the error refers to a factual circumstance that constitutes the essence of a crime against international law. On the other hand, mistake of law represents a misconception related to the unlawfulness of the committed crime against international law.

Mistake of fact excludes criminal responsibility if the perpetrator does not hold a correct and complete perception of the psychological element, i.e. the element of intention or consciousness that constitutes the essence of a particular crime against international law. Accordingly, mistake of fact excludes perpetrator's premeditation. It can appear in two forms<sup>68</sup>: 1) as an error related to a particular circumstance that represents an essential characteristic of a crime against international law-mistake of fact in the narrow sense and 2) as an error related to a particular circumstance that excludes the unlawfulness of

---

<sup>65</sup> M. Babić, *Krajnja nužda u krivičnom pravu*, Banja Luka, 1987. pp. 78-108.

<sup>66</sup> Extreme necessity is used under international criminal law when the following conditions are met: 1) that a person committed a criminal offence under the circumstances that include a direct threat of grave and permanent consequence for life or physical integrity of that person, 2) that there was no other appropriate means to repel such threat, 3) that the damage inflicted does not exceed the damage threatened, and 4) that the person did not willfully contribute to the situation that forced him to act under extreme necessity or coercion.

<sup>67</sup> L.J. Bavcon, A. Šelih, *Kazensko pravo, Splošnij del*, Ljubljana, 1987. pp. 151-156.

<sup>68</sup> B. Petrović, D. Jovašević, *Krivično (kazneno) pravo Bosne i Hercegovine, Opći dio*, Sarajevo, 2005. pp. 163-166.



the act. Such circumstance, known as mistake of fact in the broader sense, stands beyond the essence of a criminal offence, but it is of criminal legal nature. If it existed in reality, it would exclude the unlawfulness of the committed criminal offence.

Mistake of law or mistake in the use of law (provided by Paragraph 32, subpart 2 of the Rome Statute) is related to perpetrator's decision upon whether his behavior represents a crime against international law. It can exclude criminal responsibility in the following cases<sup>69</sup>: 1) when perpetrator's mistake can exclude his premeditation, i.e. if the perpetrator was not aware or did not appreciate at the time of conduct the psychological element required by a particular criminal offence and 2) when the mistake excludes perpetrator's guilt, i.e. in the case of superior orders or prescription of law (Paragraph 33 of the Rome Statute).

## Superior order and prescription of law

The last ground for reducing criminal responsibility under international criminal law is provided by Paragraph 33 of the Rome Statute. It includes: 1) superior order and 2) prescription of law.

To be more precise, according to this explicit provision, the fact that a crime against international law has been committed by a person pursuant to an order of a military or civil state authority or prescription of law does not relieve that person of criminal responsibility unless: 1) the person was under a legal obligation to obey orders of the Government or the superior in question, 2) the person did not know that the order was unlawful and 3) the order was not manifestly unlawful.

However, it is explicitly pointed out that orders to commit genocide or crimes against humanity are to be considered as manifestly unlawful, which means that it is not possible to apply this ground for reducing criminal responsibility when dealing with the gravest crimes against international law. Still, this ground can be applied when excluding criminal responsibility for war crimes.

## The responsibility of a superior (the command responsibility)<sup>70</sup>

### *Notion and elements of command responsibility*

Under international criminal law as well, subjective criminal responsibility, based upon age, mental competence and guilt, represents a precondition for the enforcement of criminal sentences to the offenders against international criminal law. This is personal (individual) subjective responsibility that excludes criminal responsibility for the acts of another person, i.e. objective responsibility. After having taken into consideration all the examined personal and material evidence, the international criminal judiciary authority in charge has to assess whether all psychological elements (elements of consciousness

<sup>69</sup> D. Jovašević, Lj. Mitrović, V. Ikanović, *Krivično pravo Republike Srpske, Opšti deo*, Banja Luka, 2017. pp. 211-227.

<sup>70</sup> There are authors who prefer to use terms such as "commanding" responsibility, responsibility of a superior, responsibility of a commander and responsibility for the act of another person instead of the term "command" responsibility.

and elements of will) were encompassed by the offender (perpetrator or accomplice) at the time of conduct in each particular case. That is the rule.

However, the nature and character of crimes against international law caused one more ground for punishing the perpetrators of these criminal offences known as the responsibility of a superior. A consistent terminological definition of this term has not yet been established in legal theory. Hence, the following terms are being used: superior responsibility, responsibility for conduct of subordinates, indirect superior responsibility, responsibility for failure to act and liability of a commander for the acts of his subordinates. This form of criminal responsibility under international criminal law is nowadays provided by Paragraph 28 of the Rome Statute<sup>71</sup>.

Further theoretical and practical development of responsibility of a superior<sup>72</sup> under international criminal law is linked to the case of General Tomoyuki Yamashita, the commander of Japanese forces at Philippines, who was accused by the USA Military Commission in 1945 of crimes committed on the battlefields in the Far East during the World War II, since "the crimes were so widespread that Yamashita must have known about them, but he neglected and failed to fulfill his duty as a commander to supervise the conduct of his army by allowing it to commit serious crimes and violate the laws of war". The court found General Yamashita guilty as charged and sentenced him to death by hanging executed on February 23<sup>rd</sup> 1946.

Former Yugoslav Manual on implementation of the provisions of the international law of war in the armed forces of former SFR Yugoslavia adopted in 1988<sup>73</sup> was familiar with the same form of responsibility for the acts of subordinates. Some cases of responsibility for the acts of subordinates are enumerated in Paragraph 21 of the Manual<sup>74</sup>:

1) A military commander is personally responsible for the violations of the laws of war if he knew or could have known that forces or individuals under his command were preparing to breach those laws, but failed to undertake measures to prevent it.

2) A military commander is personally responsible if he knows that the breach of the laws of war has already been committed, but fails to accuse the persons responsible for such violations of laws.

3) A military commander, who is not empowered to accuse these persons and who failed to report them to the military commander in charge is also personally responsible.

4) A military commander is responsible as a perpetrator or as an inciter if, by failing to undertake measures against the perpetrator under international law, enables his subordinates to continue the commission of such criminal offences.

<sup>71</sup> Ž. Burić, *Zapovjedna odgovornost*, Hrvatska pravna revija, Zagreb, No. 11, 2004. pp. 75-79.

<sup>72</sup> When the nature of responsibility of a superior is concerned, a consistent standpoint has not yet been established in legal theory. Therefore, according to the theory that originates from common law, responsibility of a superior is considered as a form of responsibility for a crime committed by another person (i.e. by a subordinate). This standpoint is adopted in the practice of the Hague Tribunal and the Rwanda Tribunal, as well. According to another standpoint, responsibility of a superior represents responsibility for a particular criminal offence that differs from the crime committed by a subordinate. Actually, this is the case of responsibility for failure to act, i.e. for failing to conduct the necessary supervision by the commander.

<sup>73</sup> Official Military Gazette of the SFR Yugoslavia, No. 10/1988

<sup>74</sup> I. Brkić, *Zapovjedna kaznena odgovornost i načelo zakonitosti u međunarodnom kaznenom pravu*, Hrvatska pravna revija, Zagreb, No. 8, 2001. pp. 80-82.

## The command responsibility according to the Rome Statute

The entire Paragraph 28 of the Rome Statute from 1998 is dedicated to responsibility of commanders and other superiors. A military commander or person effectively acting as a military commander is criminally responsible for crimes against international law committed by forces under his effective command and control, as a result of his failure to exercise control properly over such forces, in two situations<sup>75</sup>: 1) when he either knew or, owing to the circumstances at the time, should have known that his forces committed or were about to commit such crimes or 2) when he failed to take all necessary and reasonable measures within his power to prevent the commission of such crimes or to submit the matter to the competent authorities for investigation and prosecution.

The superior shall also be criminally responsible for the criminal offences committed by his subordinates under his effective control, as a result of his failure to exercise control properly over such subordinates in the following cases<sup>76</sup>: 1) when the superior either knew, or consciously disregarded information, which clearly indicated that his subordinates committed or were about to commit such crimes, 2) when the crimes concerned activities that were within the effective control and responsibility of the superior and 3) when the superior failed to take all necessary and reasonable measures within his power to prevent the commission of the crimes or to submit the matter to the competent authorities for investigation and prosecution.

According to the standpoints adopted in legal doctrine, several conditions have to be fulfilled cumulatively in order to constitute responsibility of the superior<sup>77</sup>:

1) that an individual or an entire military unit, subordinated to a particular military superior or political superior in the state hierarchy, committed a crime against international law within the jurisdiction of the permanent International Criminal Court, whose seat is at the Hague,

2) that the subordinate (who is the direct perpetrator) was under his superior's effective control at the time of conduct, i.e. that the superior had actual power over the subordinate,

3) that the superior neither ordered the commission of a crime against international law nor participated in it as a co-perpetrator or an accomplice,

4) that the superior either knew or, owing to the circumstances at the time, could have known that his subordinate committed or was about to commit a crime against international law and

5) that the superior failed to undertake all the necessary and reasonable<sup>78</sup> measures within his power to prevent the commission of a crime against international law or to initiate criminal prosecution of the perpetrator if the criminal offence had already been committed.

<sup>75</sup> D. Derenčinović, Kritički o institutu zapovjedne odgovornosti u međunarodnom kaznenom pravu, Zbornik Pravnog fakulteta u Zagrebu, Zagreb, No. 1, 2001. pp. 23-44.

<sup>76</sup> F. Bačić, Zapovjedna odgovornost, posebno sa osvrtom na ratne zločine prema Ženevskim humanitarnim konvencijama, Hrvatski ljetopis za kazneno pravo i praksu, Zagreb, No. 2, 2001. pp. 139-146.

<sup>77</sup> B. Kozjak, Zapovjedna odgovornost u međunarodnom i hrvatskom kaznenom pravu, Odvjetnik, Zagreb, No. 5-6, 2001. pp. 37-40.

<sup>78</sup> This is a special form of failure to act comprised of failing to undertake necessary and reasonable measures against the direct perpetrator of crimes against international law.

## Responsibility of a superior according to the criminal law of the Republic of Serbia

Criminal legal system of the Republic of Serbia decisively supports the standpoint according to which criminal responsibility as a personal (individual) and subjective responsibility of a perpetrator or an accomplice represents the ground for enforcement of penalties and other criminal sentences. Apart from subjective criminal responsibility, the latest Criminal Code from 2005 is familiar with the institution of responsibility of a superior, as well.

Actually, responsibility of a superior as a form of "objective" responsibility is also provided by the Statute of the permanent International Criminal Court and can be applied by national judiciary authorities in criminal proceedings against the persons who committed some of the criminal offences from Chapter 34 of the Criminal Code entitled "Criminal Offences Against Humanity And Other Rights Guaranteed by International Law"<sup>79</sup>.

In accordance with these solutions, the new Criminal Code of the Republic of Serbia from 2005 actually stipulates criminal responsibility and liability for punishment in the case of "responsibility of a superior" in Paragraph 384 under the title "Failure to Prevent Crimes against Humanity and other Values Protected under International Law". In fact, this provision stipulates a particular crime against international law that is comprised of failure to act. There are several forms of this criminal offence.

This legal provision also stipulates a particular form of criminal responsibility of a person, who does not undertake the necessary measures to prevent the commission of the following criminal offences against humanity and other rights guaranteed by international law<sup>80</sup>: 1) genocide, 2) crime against humanity, 3) war crime against civilian population, 4) war crime against the wounded and sick, 5) war crime against the prisoners of war, 6) employment of prohibited means of warfare, 7) unlawful killing and wounding of enemy, 8) unlawful appropriation of objects from bodies, 9) violation of protection granted to bearer of flag of truce/emissary, 10) cruel treatment of the wounded, sick and prisoners of war and 11) destroying cultural heritage.

These acts actually represent preparation for commission or commission of the gravest criminal offences today.

The first form of this criminal offence can be committed by a military commander or a person, who discharges such function in practice. It is therefore a criminal offence that can be committed only by a perpetrator with particular characteristics, i.e. *delicta propria*. This criminal offence includes the following three elements<sup>81</sup>: 1) that the perpetrator was aware or conscious of the fact that other persons conducted preparations or directly committed the enumerated crimes against international law, 2) that crimes against international law were committed by the persons, who entered the forces within the perpetrator's command or control and 3) that the perpetrator did not undertake (failed to undertake) the measures that he could have and was obliged to undertake in order to prevent the commission of the above-mentioned crimes against international law, which actually resulted in their commission.

<sup>79</sup> V. Đurđić, D. Jovašević, *Krivično pravo, Posebni deo*, Beograd, 2006. pp. 336-337.

<sup>80</sup> D. Jovašević, *Međunarodna krivična dela – odgovornost i kažnjivost*, Niš, 2010. pp. 182-188.

<sup>81</sup> B. Ivanišević, G. Ilić, T. Višnjić, V. Janjić, *Vodič kroz Haški tribunal*, Beograd, 2007. pp. 133-151.

The punishment prescribed for this criminal offence is the same punishment that would be imposed on the direct perpetrator of some of the enumerated crimes against international law.

Hence, the fact that some of the abovementioned criminal offences were committed by a subordinate does not absolve his superior from criminal responsibility.

The second form of this criminal act from Paragraph 384 of the New Criminal Code of the Republic of Serbia is related to the failures of other superiors to act, which resulted in the commission of the mentioned crimes against international law. This criminal offence requires that three following elements are met<sup>82</sup>: 1) that the perpetrator knew or was aware of the fact that other persons prepared or directly commenced the commission of the enumerated crimes against international law, 2) that these crimes against international law were committed by perpetrator's subordinates, i.e. the persons who were subordinated to him in the execution of their tasks and 3) that the perpetrator did not undertake (failed to undertake) the measures that he could have and was obliged to undertake in order to prevent the commission of the abovementioned crimes against international law, which actually resulted in the commission of these acts<sup>83</sup>.

The punishment prescribed for this criminal offence is the punishment of imprisonment that can be imposed on the direct perpetrator of one of the enumerated crimes against international law. If one of the forms of this criminal offence was committed by negligence as a form of guilt, an imprisonment of six months to five years is prescribed.

## Conclusion

Established within the frames of international law of war and international humanitarian law, international criminal law obtained its "citizenship" at the beginning of the third millennium as the newest criminal legal discipline. When the Rome Statute of the International Criminal Court came into force, this branch of law was finally inaugurated in substantial, procedural and executive sense. Even earlier than that, this branch of law had evolved through the development of basic criminal legal terms and institutions within a series of international legal documents (of universal and regional character) or contracts between individual states, as well as through the practice of the courts (first of all, the practice of the Nürnberg and Tokyo Tribunals).

The latter includes the following: 1) crime against international law (which differs from a criminal offence with an international element) that can emerge in two forms: as a crime against international law in the narrow sense (genuine) or as a crime against international law in the broader sense (counterfeit or mixed), 2) criminal responsibility of the perpetrator (the precondition for criminal responsibility is the fact that the perpetrator is more than 18 years old), who can appear either as one person or include several persons or even a legal person such as a state or an organization, and 3) the system of

<sup>82</sup> P. Novoselec, Temeljne crte novele Kaznenog zakona (Zapovjedna odgovornost), Hrvatski ljetopis za kazneno pravo i praksu, Zagreb, No. 2, 2003. pp. 258.276.

<sup>83</sup> D. Kos, Zapovjedna kaznena odgovornost, Zbornik radova, Aktuelna pitanja kaznenog zakonodavstva, Zagreb, 2004. pp. 42-60

criminal sentences, i.e. punishments that are being imposed by the supranational judiciary authorities. These fundamental terms and institutions of international criminal law are discussed in this paper.

Due to the nature, character and hazard of crimes against international law, this branch of law is familiar with a special form of objectified responsibility besides individual criminal responsibility. It is the responsibility of political and military superiors for the crimes against international law committed by their subordinates, known as the responsibility of a superior, which is entering national criminal legislation through relevant international standards. Accordingly, the Criminal Code of the Republic of Serbia from 2005 with several novels also includes this institution.

## Literature

- [1] Official Gazette of the Republic of Serbia, No. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 104/2012, 108/2014 and 94/2016.
- [2] D. Jovašević, *Krivični zakonik Republike Srbije sa uvodnim komentarom*, Beograd, 2007.
- [3] S. Zadnik, Kaznena djela protiv vrijednosti zaštićenih međunarodnim pravom i novine u zakonodavstvu u svezi sa tim djelima, *Hrvatska pravna revija*, Zagreb, No. 12, 2003.
- [4] D. Jovašević, *Leksikon krivičnog prava*, Beograd, 2011.
- [5] D. Jovašević, *Međunarodno krivično pravo*, Niš, 2011.
- [6] Ch. M. Bassiouni, *Crimes against Humanity in International Criminal Law*, Dordrecht, 1992.
- [7] B. Petrović, D. Jovašević, *Međunarodno krivično pravo*, Sarajevo, 2010.
- [8] D. Jovašević, V. Ikanović, *Međunarodno krivično pravo*, Banja Luka, 2015.
- [9] V. Đ. Degan, B. Pavišić, *Međunarodno kazneno pravo*, Zagreb, 2005.
- [10] D. Radulović, *Međunarodno krivično pravo*, Podgorica, 1999.
- [11] D. Jovašević, *Krivično pravo, Opšti deo*, Beograd, 2016.
- [12] V. Đurđić, D. Jovašević, *Međunarodno krivično pravo*, Beograd, 2003.
- [13] D. Jovašević, *Krivično pravo, Posebni deo*, Beograd, 2017.
- [14] B. Pavišić, T. Bubalo, *Međunarodno kazneno pravo*, Rijeka, 2013. pp. 283-291.
- [15] I. Josipović, D. Krapac, P. Novoselec, *Stalni međunarodni kazneni sud*, Zagreb, 2001.
- [16] D. Jovašević, *Međunarodna krivična dela – odgovornost i kažnjivost*, Niš, 2010.
- [17] P. Novoselec, *Opći dio kaznenog prava*, Zagreb, 2004.
- [18] A. Cassese, P. Gaeta, J. R. W. Jones, *The Rome Statute of the International Criminal Court – Commentary*, Oxford, New York, 2002.
- [19] V. Đurđić, D. Jovašević, *Krivično pravo, Posebni deo*, Beograd, 2012.
- [20] B. Petrović, D. Jovašević, *Krivično (kazneno) pravo II, Posebni dio*, Sarajevo, 2005.
- [21] Official gazette of the SFR Yugoslavia No. 56/1950.
- [22] B. Petrović, D. Jovašević, A. Ferhatović, *Krivično pravo 2*, Sarajevo, 2016.
- [23] Lj. Lazarević, B. Vučković, V. Vučković, *Komentar Krivičnog zakonika Crne Gore*, Cetinje, 2004.
- [24] B. Pavišić, V. Grozdanić, P. Veić, *Komentar Kaznenog zakona*, Zagreb, 2007.
- [25] D. Jovašević, Lj. Mitrović, V. Ikanović, *Krivično pravo Republike Srpske, Posebni deo*, Banja Luka, 2017.
- [26] K. Turković et al., *Komentar Kaznenog zakona*, Zagreba, 2013.

- [27] F. Bačić, *Krivično pravo, Posebni deo*, Zagreb, 1986.
- [28] V. Đ. Degan, B. Pavišić, V. Beširević, *Međunarodno i transnacionalno krivično pravo*, Beograd, 2013.
- [29] Official Gazette of the Republic of Serbia No. 85/2005, with more novels to 2016.
- [30] D. Jovašević, *The Criminal code of the Republic of Serbia with commentary*, Belgrade, 2007.
- [31] Z. Pajić, Tumačenje zločina protiv čovečnosti u nirmberškom procesu, *Godišnjak Pravnog fakulteta u Sarajevu*, Sarajevo, 1991.
- [32] M. Milojević, Zločin protiv čovečnosti u rezolucijama Generalne skupštine UN, *Godišnjak Pravnog fakulteta u Sarajevu*, Sarajevo, 1978.
- [33] N. A. Combs, *Guilty pleas in International Criminal Law*, Stanford, 2007.
- [34] N. Jorgensen, *The Responsibility of States for International Crimes*, Oxford, 2000.
- [35] Lj. Lazarević, *Komentar Krivičnog zakonika Srbije*, Beograd, 2005.
- [36] B. Ivanišević, G. Ilić, T. Višnjic, V. Janjić, *Vodič kroz Haški tribunal*, Beograd, 2007.
- [37] M. Goreta, Osvrt na koncept smanjene ubrojjivosti koji se primenjuje na međunarodnom kaznenom sudu za područje bivše Jugoslavije, *Društveno istraživanje*, Zagreb, No. 1, 2003.
- [38] D. Jovašević, *Nužna odbrana i krajnja nužda*, Niš, 2008.
- [39] D. Jovašević, T. Hašimbegović, *Osnovi isključenja krivičnog dela*, Beograd, 2001.
- [40] M. Babić, *Krajnja nužda u krivičnom pravu*, Banja Luka, 1987.
- [41] Lj. Bavcon, A. Šelih, *Kazensko pravo*, Splošnij del, Ljubljana, 1987.
- [42] Ž. Burić, Zapovjedna odgovornost, *Hrvatska pravna revija*, Zagreb, No. 11, 2004.
- [43] Official Military Gazette of the SFR Yougoslavia No. 10/1988.
- [44] I. Brkić, Zapovjedna kaznena odgovornost i načelo zakonitosti u međunarodnom kaznenom pravu, *Hrvatska pravna revija*, Zagreb, No. 8, 2001.
- [45] D. Derenčinović, Kritički o institutu zapovjedne odgovornosti u međunarodnom kaznenom pravu, *Zbornik Pravnog fakulteta u Zagrebu*, Zagreb, No. 1, 2001.
- [46] F. Bačić, Zapovjedna odgovornost, posebno sa osvrtom na ratne zločine prema Ženevskim humanitarnim konvencijama, *Hrvatski ljetopis za kazneno pravo i praksu*, Zagreb, No. 2, 2001.
- [47] B. Kozjak, Zapovjedna odgovornost u međunarodnom i hrvatskom kaznenom pravu, *Od-vjetnik*, Zagreb, No. 5-6, 2001.
- [48] P. Novoselec, Temeljne crte novele Kaznenog zakona (Zapovjedna odgovornost), *Hrvat-ski ljetopis za kazneno pravo i praksu*, Zagreb, No. 2, 2003.
- [49] D. Kos, Zapovjedna kaznena odgovornost, *Zbornik radova, Aktuelna pitanja kaznenog za-konodavstva*, Zagreb, 2004.

# ASSESSMENT OF ECOLOGICAL DAMAGE FROM THE NATO BOMBING OF THE REPUBLIC OF SERBIA IN 1999

Saša T. Bakrač  
Serbian Armed Forces, Military Geographical Institute  
Emilija Klem  
Ministry of Defence, Republic of Serbia  
Miško Milanović  
University of Belgrade, Faculty of Geography

In 1999, NATO bombed the Republic of Serbia, which inflicted irreparable environmental damage on ecosystems and habitats. The topic of this paper is the method of determining and analyzing the assessment of inflicted ecological damage. Its quantification is possible, but it requires an integrated approach, since the exact value can be estimated only on a case-by-case basis. The financial valorization of environmental damage is an open and complex issue and it implies moral and ethical parameters.

The paper presents in general the assessment of ecological damage, and also the assessment of the damage inflicted on endemic and other types of habitats and ecosystems. A special emphasis is paid on the environmental damage assessment and the assessment of human health consequences that have arisen from the use of munitions with depleted uranium.

The problem of determining ecological damage and its consequences for ecosystems, habitats and humans due to the NATO bombing of Serbia in 1999 is particularly pointed out.

Key Words: *environment, environmental damage, ecological consequences, depleted uranium, human health*

## Introduction

The ecological damage to biodiversity, caused in particular by the NATO bombing, is generally irreparable, and the losses inflicted on rare and endemic species are non-renewable. It should be said that industrial and other facilities of high ecological risk were destroyed in a deliberate and planned manner, which had an immediate negative ecological effect, primarily from aerial contamination. In rural and other less populated areas, the main impact of negative ecological effects of the war was seen on the developed vegetative cover, forests and other plants, aquatic ecosystems and soil, so that the immediate negative effect on humans was mitigated. However, the delayed



negative effect increased through the food chain and bioaccumulation of toxic and carcinogenic substances. The bombing period coincided with the period in the reproductive cycle of most plants and animal species, which contributed to the increase in negative ecological effects. Since this was the period of return of migratory birds from the south, natural migratory birds routes were threatened. The migration of large game (bear, deer, wild boar, etc.) has been recorded, and presumably the migration of some rare species of birds (griffon vulture, eastern imperial eagle, etc.).

## Assessment of ecological damage

Irreparable ecological losses are inflicted on nature by warfare. Fertile land is destroyed, forests, meadows and water disappear, as well as numerous species of flora and fauna. A special problem is a man's and human population health, that is, the increase in the risk to human health (Bakrač, 2017).

Ecological or environmental damage arises from ecological values, i.e. from the results of assessment of natural resources, from the evaluation of the most widely understood social and economic resources from nature (World Bank, 2011).

Major ecological damage may affect:

- human health,
- plants and animals,
- global ecological balance,
- natural and cultural resources,
- economic goods.

Ecological damage is an indicator that points to the integrated value of consequences, since the exact ecological damage can be estimated only on a case-by-case basis. Indicators that are most often used to determine ecological damage are the following:

- assessment of the hazard for organisms,
- assessment of the usefulness of the measure,
- remains in underground and surface waters, in soil and on plants,
- impact on biodiversity,
- amount of consumption and
- application conditions.

The assessment of ecological damage is the research of the scope of the danger that the possible state of the environment contains.

In order to assess ecological damage, it is necessary to create a database of quantitative indicators that are comparable, which is a prerequisite for establishing a value system. The possibility to include quantitative indicators is enabled by the market system. There is no assessment of ecological damage without determining their source and scope (Aleksić, 2012).

The scope of ecological damage is expressed by quantitative indicators, real or value, or qualitative, comparative ones. In doing so, one should start with the following criteria for identifying:

- type, quantity or characteristics of emissions from a particular source;
- type, quantity or characteristics of emission of produced or disposed waste;

- contents of substances harmful to the environment: in raw material, semi-finished product or product;
- the scope of ecological damage that can be determined after an appropriate ecological analysis that includes:
  - pollution cadastre – identification of sources of pollution and its levels,
  - identification of changes in the environment that arose as a result of pollution,
  - determination of the scope of the impact of environmental changes on economy, the quality of life and work,
  - calculation of environmental costs.

Formula for assessment of ecological damage to habitat

$$ED = UP \text{ CORINE} * CCPA * CISPNG * CPDR * SD$$

<b>ED</b> –	ecological (biological) damage
<b>UP CORINE</b> –	unique price according to the CORINE habitat classification system per 1 ha of space
<b>CCPA</b> –	coefficient by category of protected area
<b>CISPNG</b> –	coefficient of the international status of protected natural goods
<b>CPDR</b> –	coefficient of protection degree regime
<b>SD</b> –	surface of damage

Determining the source and degree of emission of pollutants, duration and spatial impact, the display of changes in the middle are shown using the scale. Comparisons include pollution of water, air, plants and the functioning of ecosystems. The scope of ecological damage is expressed by quantitative and qualitative indicators.

In many countries, before making a decision on the environmental impact, the Environmental Impact Study is mandatory. This study is believed to be a natural method of ecological damage assessment. This includes a detailed description of environmental impact, alternative solutions, unavoidable impact, resource use/pollution analysis, environmental evaluation and impact assessment with protection measures.

In order to introduce the economic evaluation of the environment, the same principles as when evaluating the products of human work should be followed. These are the "principle of willingness to pay" (WTP) and the "principle of willingness to accept compensation" (WTA) for ecological damage or environmental degradation. When these parameters can be measured, then economic evaluation allows ecological damage and benefits to be expressed financially. For example, in order to determine the value of different pollution control scenarios, there is also the possibility of assessing ecological net benefits and damage to society as a whole (Aleksić, 2012).

The financial valorization of ecological damage is an extremely complex issue that includes moral and ethical norms. Problems in the assessment of ecological damage arise mainly from the very nature of flora and fauna. Direct damage to flora and vegetation is relatively easy to assess whereas the problem with animals is much greater. Damage to flora and fauna, as well as habitats, is much more difficult to notice in

the field and prove exactly. It is therefore acceptable to determine the damage on representative samples. Much damage is latent, long-term and can be recorded only in the offspring (World Bank, 2011)

Research on war damage from the NATO bombing done in 1999 to the diversity of bird fauna in Serbia has shown that they are neither small nor negligible. Over 1,000 bombarded sites and facilities were registered in Serbia at that time (Federal Ministry of Development, Science and Environment, 2000). Estimates say that the number of dead birds or those who did not breed due to war destruction is up to 100,000 birds within 120 species. When this number gets a monetary expression through the existing damage price list, the damage to bird fauna has been roughly estimated to be 10-20 million dollars. Evaluation data refer to around 30% of the total familiar species diversity of bird fauna in Serbia, and other bird species that otherwise, by air, water, or soil were subjected to some sort of negative impact. The assessment of ecological (biological) war damage on the biodiversity of Serbia is possible using a unique formula and price list. This is done on the basis of the unique price according to the CORINE classification system, the coefficient depending on the category of protected area, the coefficient of the international status of protected natural goods, the coefficient depending on the natural goods protection regime and the surface of the damage. The estimated damage according to this model amounts to US \$ 3,130,427,166 (Federal Ministry for Development, Science and Environment, 2000).

The main sources of ecological pollution caused by bombing are:

- industrial and other facilities of high ecological risk that have been hit,
- direct action of the military forces through three different ecological aspects:
  - impact of aviation motors and cruise missiles on nature,
  - impact of special ammunition (especially depleted uranium missiles),
  - action of defensive land forces.

## Assessment of ecological damage inflicted on endemic and other species

Warfare results in significant ecological damage in areas where there are the only habitats and population of endemic endangered species. Since the bombardment included 75% of the total territory of Serbia, it can be concluded that there have been negative changes in the habitat of almost all endemic species and the negative trend of their population can be expected. For example, a monotypic species, hoverfly *Cheilosia griseifacies terra typica*, is known only from several sites in the Pannonian Basin and periphery. It is assumed that the entire population has suffered a change since the area of its habitat around Novi Sad was exposed to intense warfare for about 40 days.

It is considered that endangered species, whose part of the world population was located in Serbia, were exposed to intense warfare. Among them is the bee fly *Cheilosia Clama Claussen & Vujic*, 1995, located on Kopaonik, as well as Pančić wormwood *Artemisia pancicii*, located only in Deliblato Sands, and it experienced warfare for about 50 days. This area was exposed to great air and soil pollution due to the destruction of Pančevo industrial plant.



Picture 1 – *Picea omorika* Purkyne, Serbian spruce

Red lungwort *Alkanna pulmonaria* Griseb was found only on the border with FYR Macedonia. In addition to air strikes, its habitat was also exposed to land warfare.

*Lutra lutea* otter, the natural rarity of aquatic ecosystems, is an ichthyophagous species and it is located at the top of the aquatic ecosystem chain. It is estimated that the exposure to the 130-day attacks has resulted in at least 50% of the impact of the warfare.



Picture 2 – *Aquila heliaca*, eastern imperial eagle eagle

The warfare took place during the breeding period of the globally endangered species of eastern imperial eagle *Aquila heliaca*.

Prickly saltwort *Salicornia europaea* L. is an indicator of sensitive halophilic ecosystems and changes in its population indicate changes in their sustainability.

The least horseshoe bats, *Rhinolophus*, feed insects and they can serve as indicators of the vitality of ecosystems. They were exposed to warfare for about 30 days.

## Assessment of ecological damage inflicted on habitats and ecosystems

Before the beginning of the bombing about 500 hectares of the territory of Serbia was protected or a procedure for protection of the area was initiated, which represents 17% of the total area. Some of these areas are known as biodiversity centers, and some of them are of international interest and importance. Since the warfare encompassed a large part of the territory of Serbia, the ecological damage inflicted on ecosystems rich in species can be assessed as serious and long-lasting (Damjanov, 2001).

The areas of amphibians and reptiles of high diversity (with over 30 species) suffered the greatest damage in the central and southern parts of Serbia, while the areas of middle diversity were the worst hit in the western Serbia. Areas of international and national significance for the conservation of birds have been exposed to warfare of varying intensity.

Sensitive ecosystems and areas where endemic species live are hardly sustainable even in peacetime conditions. An example of sensitive highland ecosystems, whose indicator is salamander, was exposed on Prokletije for less than 30 days. The exposure to warfare on the Šar Mountains was more than 30 days. Having in mind the small surface of these ecosystems, it is estimated that there have been significant changes in their vitality. With regard to the exposure to warfare, it is considered that over 50% of preserved aquatic ecosystems have undergone smaller or greater changes.

## Assessment of ecological damage caused by the use of munitions with depleted uranium

The negative effects of depleted uranium in humans and other organisms result from alpha radiation and they carry a high risk by direct ingestion as an internal source of radiation. Radioactive contaminated soil when using munitions with depleted uranium includes room, whose boundaries are defined as follows:

a) when hitting the target with "hard" substrate, the boundary of radioactive contaminated land is, regardless of the direction of the ground wind, the circle with 100 m radius around the facility that has been hit, and the degree of radioactive contamination is greater than 0.5  $\mu\text{Gy/h}$ , which is measured at or within the facility that has been hit, the land in the immediate vicinity of the facility that has been hit or on the parts of the missile that have been found;

b) when hitting the target with "soft" substrate (earth), metal uranium in a small percentage goes into the phase of insoluble aerosols, which are deposited in the circle with 10-20 cm radius around the holes in the ground. Metal uranium will be found in the soil to a depth of about 1m, so it is possible to interact with water from underground and surface currents. The boundary of radioactive contaminated land is defined by the circle with 5m radius, and the degree of radioactive contamination is greater than 0.5  $\mu\text{Gy/h}$ .

The degree of radioactive contamination is measured within the hole in the ground, at 10-20 cm around the opening or on the bare part of the soil, which has been formed by a ricochet projectile. Radiologically contaminated atmosphere does not exist except in the cases of fire in the affected region. The total area of contaminated land is equal to the sum of individual contaminated surfaces. Radioactive contaminated atmosphere, when using munitions with depleted uranium includes space in the direction of wind blowing, in which aerosols of depleted uranium can be detected. The radioactive effect of depleted uranium can be caused by external or internal irradiation. External irradiation is significant, first and foremost in the cases when the whole core or part of it is found near humans.



Picture 3 – Corroded penetrator found on Pljačkovica

Penetrators of depleted uranium, if they do not burst when hitting hard surface, strike at soft soil to a depth of one up to three meters. Then it is very difficult to detect them. Unfortunately, if they stay on the surface or strike at the ground, penetrators quickly corrode, uranium oxidizes and oxides that are soluble in water are formed. Thus depleted uranium can reach groundwater, and through them drinking water, as well. If different uranium compounds are inserted into the body via water or food, one part remains in the body and settles in bones, liver, kidneys, and it results in various illnesses. Uranium belongs to a group of heavy metals that are chemically highly toxic, and the insertion of relatively large amounts of uranium into the organism causes reactions similar to other chemical poisoning within a few hours after the insertion.

## Assessment of consequences (damage) to human health

The consequences of the NATO bombing for human health can be considered from the aspect of all environmental problems that arose in the 1999 conflict (Bakrač, 2017). From pollution of water, air and soil, as well as noise, the exposure to depleted uranium is one of special and emphasized problems. *Ten million citizens of Serbia were found in March, April and May 1999 in the zone of radiation risk, and they are still located in that zone* (Čikarić, 2017). Uranium is considered not to be a physiological ingredient of organism and it should always be treated as a result of contamination. Depleted uranium contamination does not recognize the borders of bombarded areas. For example, the zone of exposure after bombing targets in the Persian Gulf and in the Balkans with depleted uranium missiles is 2,400 miles (Morett, 2006).

During the explosion of a bomb containing depleted uranium, the temperature is 3,000 degrees Celsius. On that occasion, the release of micro and nano particles occurs. At a higher temperature, the particles are finer, allowing them greater penetrability.



Picture 4 – Removal of munitions with depleted uranium

After the exposure to depleted uranium particles, the dominant way of human exposure is inhalation (Đurović, 2011). The assessment of the consequences of the NATO bombing for human health (Institute of Public Health of Belgrade, 1999) is virtually impossible to valorize. It can only be presented through several factors that have a direct or indirect effect on human health. This may be the occurrence of the following conditions:

- disorder of the central nervous system,
- increase in malignant diseases (cancer of the lungs, thyroid, ovaries and digestive organs) and leukemia,
- psychological problems,
- digestive disorders,
- disorders of the natural balance of the environment,
- disturbance of climate in limited areas and to a limited extent,
- destruction of flora and fauna,
- destruction of the ozone layer,
- pollution of air, soil, water and underground streams,
- genetic disorders,
- increase in sterility in both sexes.

Depleted uranium, as a carcinogenic substance, has a latent period for leukemia and lymphomas on average 7.5 years, while for solid tumors (cancer of the breast, cervix, lungs and colon) it is on average 15 years (Čikarić, 2017). This substance is most often deposited in the lungs, significant doses in the bronchial lymph nodes, and somewhat lower doses in the extratorous respiratory tract, lymph nodes, kidneys, liver

and bones. There is the interaction between alpha particles and immune lung cells, which results in the formation of Lupus erythematosus (LE) cells. A ten-year research (1992-2002) of 225 samples of bronchoalveolar lavage of pediatric patients exposed to depleted uranium particles from the territory of central Serbia, Vojvodina, Bosnia and Herzegovina and Montenegro resulted in 47 positive LE samples found (Žunić, 2016). This indicated the *In vivo* Petkau effect, that is, the destructive effect of small, slow, repeated doses of depleted uranium  $\alpha$  particles, bearing in mind the large exposure to depleted uranium nano particles that was repeated every four years (the Gulf War in 1991, the war in Bosnia and Herzegovina in 1995, the war in FR Yugoslavia in 1999 and the war in Iraq in 2003).

In order to provide the conditions for high-quality and efficient implementation of ionizing radiation protection measures and nuclear safety measures in carrying out radiation and nuclear activities, the Serbian Government established in 2009 the Serbian Radiation Protection and Nuclear Safety Agency as an independent regulatory organization that exercises public authorization in accordance with the law. There are reports of this Agency on radiation monitoring from 2010 to 2015.

In order to assess the environmental vulnerability and health risk for population, special attention is paid to the control of environmental radioactivity at the sites that were affected by the NATO bombing. The control included testing the content of radionuclides (radioactive atoms) in the samples of water, plants and soil. "The measured values of total alpha and total beta activities in the water samples are below the limits stipulated by the Rule book. The content of radionuclides gamma radiation emitters in the water samples is low and in most of the tested samples it is below the limits of detection. The content of radionuclides in the plants samples from locations where depleted uranium has been used corresponds to the content of radionuclides that is characteristic for plants from other locations in Serbia. The highest concentration of radionuclides in soil was measured in the samples from the Bratosele site. Although the measured values are several times higher than the values measured in other locations, the isotope activity ratio confirms that uranium in the tested samples is of natural origin", it is written in the report of the Agency, which also provides tables of the measured values.

At the end of this document, the assessment of the vulnerability of the population is stated, i.e. the following is concluded: "According to the overall results of measuring the environmental radioactivity in the territory of the Republic of Serbia in the period 2011-2015, it can be concluded that the activity of both natural radionuclides and long-lived radionuclides of artificial origin (mainly from Chernobyl precipitation) in different types of samples (air, precipitation) moved at low levels. On the basis of the value of the effective dose of manufactured radionuclides received by an average citizen of the Republic of Serbia in 2015 by ingestion (food intake) and inhalation (breathing) and which is less than 0.01 mSv, it can be concluded that the radiation risk for the population from manufactured radionuclides is negligible."

The data of the Public Health Institute in Vranje correspond to the findings of the Radiation Protection Agency. The number of malignant diseases patients does not increase any more, actually it slowly decreases. Thus, in 2009 435 cases were reported, in contrast to 2005, when there were 758 cases (Table 1).

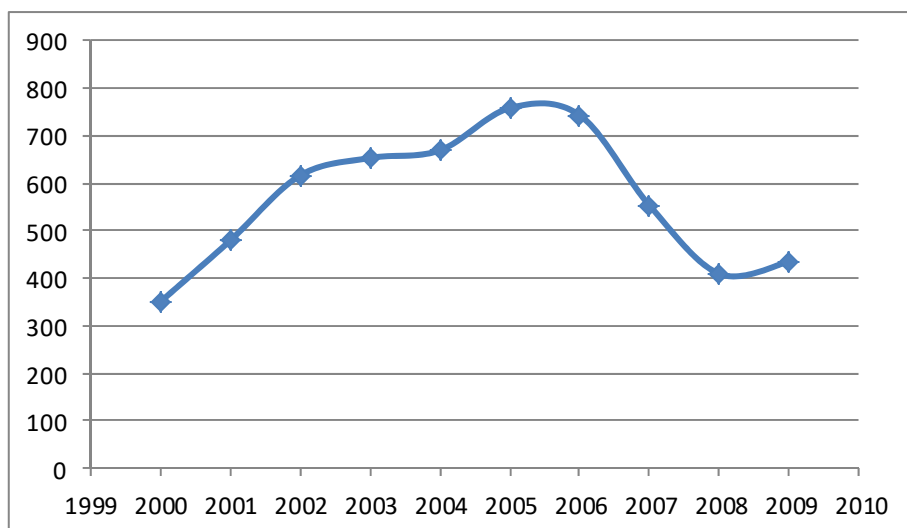


Table 1 – Review of the ratio of the number of newly infected with malignant neoplasms (all locations) in the municipality of Vranje in the period 2000-2009.

(Source: Antić, 2010)

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
No. of infected	350	479	616	653	669	758	743	553	409	435

It is believed that the number of infected with malignant diseases is directly linked to the bombing by munitions with depleted uranium. However, to date, there are no official reports on monitoring the health of soldiers and civilians in Serbia, who were exposed to the impact of depleted uranium during the bombing.



Picture 5 – Graph of the total number of newly infected with malignant neoplasms (all locations) in the municipality of Vranje in the period 2000-2009.

(Source: Antić, 2010)

## Conclusion

During the NATO bombing of Serbia in 1999, flora and fauna, humans and ecosystems suffered great ecological damage. It is difficult to determine the extent of the inflicted ecological damage, and it is even more difficult to estimate it because it also implies moral and ethical norms. If it is known that damage is most often latent and long-term, this means that it can only be recorded by the offspring.

The bombing destroyed industrial and other facilities of high ecological risk. This had an immediate negative ecological effect meaning pollution of water, air and soil, as well as other physical and chemical damage. A special segment of the negative ecological effects of this

warfare is related to the use of munitions with depleted uranium. It is believed that the use of this ammunition has led to enormous ecological consequences, causing great ecological damage and the risk to human health. Credible data are required for an objective and professional assessment of ecological damage. Thus, for damage caused by the use of depleted uranium missiles data on the number and type of projectiles, number of locations and areas that were hit, analytical data on uranium activity and its offspring in the environment (air, water, soil, plants, sediment, foods of plant and animal origin, food for livestock) are required. In addition, data on urine and blood of directly and indirectly exposed persons and certain hematological and cytogenetic parameters are also necessary.

So far, the expert public has presented and published various opinions and data on the scope and consequences of the NATO bombing. Taking into account the past time distance, the authors of this paper think that multidisciplinary scientific research should be conducted in order to determine inflicted ecological damage and assess the consequences of the bombing.

## References

- [1] Алексић, Ј., Драгосављевић, З., Аџековић, М. 2012. *Методологија процене еколошке штете*. Београд: Факултет за примењену екологију Футура.
- [2] Антић, Е., 2010. *Анализа појединих показатеља здравственог стања становништва града врање у 2010. години са предлогом мера за његово побољшање*, Завод за јавно здравље Врање, стр. 3.
- [3] Бакрач, С. 2017. Процена ризика по човеково здравље, стање и перспективе у Р. Србији, *Војно дело*.
- [4] Бакрач, С., Клем, Е., Милановић, М. 2017. Еколошке последице ратних дејстава, *Војно дело јесен Општевојни научно теоријски часопис*.
- [5] Дамјанов, В., Вукићевић, А., Грозданов, Ј. 2001. Effects of Nato airraids on human environment and health of the population of Serbia, *Environmental recovery of Yugoslavia*, стр. 357-365.
- [6] Чикарић, С., 2017. За пораст броја умрлих и оболелих од рака кривац је осиромашени уранијум којим смо бомбардовани током Нато агресије, *Нова српска политичка мисао*, часопис за политичку теорију и друштвена истраживања, Београд.
- [7] Ђуровић, Б., Спасић, В., Петовић, С., Фортунa, Д., Селаковић, В., Атлагић, Н. 2011. *Осиромашени уранијум, методе детекције, санирање непосредних ефеката и превенција касних последица*. Београд.
- [8] Жунић, С., Ракић, Љ. 2016. *Depleted Uranium Induced Petkau Effect – Challenges for the Future*. Nova Science Publishers, Inc. New York USA.
- [9] Institute of Public Health of Belgrade and Serbian Chemical Society, 1999, The environment and health consequence of NATO aggression on Yugoslavia, 17-th Conference, Belgrade, October.
- [10] Moret. L. 2006. U.S. Weapons Poison Europe. Radiation from Iraq War detected in UK atmosphere. American free press. net. Issue 10/11. Available at: [www.americanfreepress.net/html/weapons\\_poison\\_europe.html](http://www.americanfreepress.net/html/weapons_poison_europe.html).
- [11] Савезно министарство за развој, науку и животну средину, 2000. Последице НАТО бомбардовања на животну средину СР Југославије- Извештај, стр. 1-87.
- [12] World Bank. 2011. *Methodology for calculating environmental damage assessment and relevant compensation*. Washington, DC: World Bank. <http://documents.worldbank.org/curated/en/804831468331771041/Methodology-for-calculating-environmental-damage-assessment-and-relevant-compensation>

# COMPULSORY LABOUR AS A CIVIC DUTY\*

Goran Obradović\*\* Marko Trajković\*\*\*  
University of Niš, Faculty of Law

This paper deals with compulsory labour as one of the fundamental civic duties in the function of the country's defence. The authors, considering the current regulations of the Republic of Serbia, as well as the ratified international treaties, endeavour to present the most significant aspects of this issue in a concise manner. Analysing the normative framework, also providing adequate comments and suggestions, the authors pay particular attention to the character of this obligation.

Key Words: *defence, labour, compulsory labour*

## Introduction

One of the fundamental duties of a citizen of any country with free self-governance is to take part in its defence, in the event it is threatened. Hegel pointed out that an organised society veiled in the concept of state represents an idea of the revitalization of religion-and-ratio relation wherein what is specified as rational will bring us to its submission.<sup>1</sup> State is, in his opinion, "absolute authority and majesty", but not a majesty to be simply "subjugated" to, but a majesty we believe in.<sup>2</sup> The duty to participate in the country's defence is based on citizenship, which is a relation of solidarity, kinship, and closeness of a person and the state. That personal bond of people with their state is not dependent on its territoriality, and citizens consider their state their own common cause, for the interest and survival of which they fight for.<sup>3</sup>

A citizen may perform the duty to defend their country in several ways. Basically, these are: performing military service, compulsory labour, or requisition, as well as par-

\* The paper is a result of the research on the Protection of Human and Minority Rights in the European Legal Space project (no. 179046), of the Faculty of Law of the University of Niš, supported by the Ministry of Education, Science and Technological Development of the Republic of Serbia.

\*\* Goran Obradović, Ph.D., Full Professor, obrad@prafak.ni.ac.rs

\*\*\* Marko Trajković, Ph.D., Full Professor, marko@prafak.ni.ac.rs

<sup>1</sup> G.W. F. Hegel, *Osnovne crte filozofije prava*, Veselin Masleša-Svijetlost, Sarajevo, 1989, p. 371 (Hegel, *Elements of the Philosophy of Right*)

<sup>2</sup> G. W. F. Hegel, *Enciklopedija filozofskih znanosti*, Veselin Masleša-Svijetlost, Sarajevo, 1987, p. 435 (Hegel, *Encyclopedia of the Philosophical Sciences*)

<sup>3</sup> R. Lukić, *Uvod u pravne nauke*, Zavod za izdavanje udžbenika Narodne Republike Srbije, Beograd, 1960, p. 48 (R. Lukić, *Introduction to Jurisprudence*)

ticipating in the civil defence. The Law on Defence of the Republic of Serbia<sup>4</sup> exactly stipulates these ways of participation of its citizens. The primary way of a citizen's contribution to the country's defence is to perform their military service. It involves, by its nature, any person capable of military service. The Serbian Armed Forces, pursuant to the Serbian Law on the Armed Forces<sup>5</sup>, consist of permanent and reserve composition, where the permanent composition of the Serbian Armed Forces consists of the professional Serbian Armed Forces personnel and conscripts. Their reserve composition consists of reserve officers, reserve non-commissioned officers, and reserve soldiers.

Compulsory labour involves all the citizens capable of labour, who do not have wartime deployment in the Serbian Armed Forces, and are from 18-65 years of age (60 for women). The manner of exercising this civic duty is regulated in more details in the Law on Conscription, Compulsory Labour, and Requisition<sup>6</sup> and the Directive on the Manner and Procedure of Performing Military Service, Compulsory Labour, and Requisition,<sup>7</sup> and the grounds for its existence can be found in the Constitution of the Republic of Serbia<sup>8</sup>, which stipulates that labour or services during war or state of emergency will not be considered forced labour.<sup>9</sup>

## The term of compulsory labour and compulsory labour registrants

The term of *compulsory labour* is specified in the Law on Conscription, Compulsory Labour, and Requisition, as follows: "Compulsory labour is the right and duty of the Republic of Serbia citizens which they fulfil at their workplaces or at the specified jobs and tasks during state of emergency and at wartime in accordance with the Republic of Serbia's Defence Plan."<sup>10</sup> Therefore, compulsory labour may exclusively be resorted to in the event of wartime or during state of emergency. The only derogation from this regulation is for the purpose of testing the readiness for execution of mobilisation, within the framework of planned exercises, and for controlling the organisation of defence preparations.<sup>11</sup>

Compulsory labour registrants are, as above stated, all citizens capable of work, from 18-65 years of age (60 for women), who do not have wartime deployment in the Armed Forces. Noticeably, the lower age limit for exercising compulsory labour is higher than the one for establishing employment relationship (age of 15) and coincides with the age limit for acquiring the capacity to recruit. Additionally, the upper age limit for women is five years lower. This discrepancy in the upper age limit is conditioned by the discrepancy of the age for exercising the right to old-age pension. However, it is necessary to note that the five-

<sup>4</sup> Official Gazette of RS, no. 116/2007, 88/2009-other law, 104/2009-other law, 10/2015 and 36/2018, art. 47.

<sup>5</sup> Official Gazette of RS, no. 117/2007; 88/2009; 101/2010-other law, 10/2015; 88/2015-decision of the Const. Court, and 36/2018, art. 5.

<sup>6</sup> Official Gazette of RS, no. 88/2009; 95/2010, and 36/2018.

<sup>7</sup> Official Gazette of RS, no. 100/2011 and 60/2015.

<sup>8</sup> Official Gazette of RS, no. 98/2006.

<sup>9</sup> Article 26, Paragraph 4 of the Constitution.

<sup>10</sup> Article 82, Paragraph 1 of the Law.

<sup>11</sup> Article 83a of the Law on Conscription, Compulsory Labour, and Requisition.

year discrepancy between men and women had existed before including 2014, and since 2015 the age limit for women has gradually been lifted. In 2018, an insured woman had to be 62 for exercising the right to old-age pension; whereas, from 2032, women will be allowed to retire only at the age of 65, i.e. as insured men.<sup>12</sup> Despite the fact that the reasons for lifting the age limit for retirement of women are conditioned by the sustainability of the pension and disability insurance system, we believe that it would not be wrong if the age limit for women in regard to performing compulsory labour was lifted.

Those exempted from compulsory labour are as follows: a spouse/cohabitee or any other adult member of the family household; a guardian/foster parent of a child before turning 15 or a juvenile child with developmental disorders (if the guardian/foster parent is engaged in defence duties); a woman during pregnancy; a person whose spouse/cohabitee is a beneficiary of care and assistance service and a person incapable of working. In this regard, a question of the manner of releasing from the obligation of compulsory labour on the grounds of *cohabitation* can be raised in practice. The status of being married is established on the basis of a credible document – marriage certificate, which is not possible for cohabitation. On the other hand, bigamy is legally banned, but the existence of several cohabitations is not. Consequently, the inevitable conclusion is that releasing on those grounds is only possible with the statements by witnesses; and also (theoretically) this right may be used by several persons (several cohabitees), as there is no legal limitation.

## The manner of performing compulsory labour and its content

Compulsory labour may be performed in three ways prescribed by the Law on Defence, Law on Conscription, Compulsory Labour, and Requisition, and regulated in more details by the Directive on the Manner and Procedure of Performing Military Service, Compulsory Labour, and Requisition. They are: performing duties in a state body, business, other legal entity, and with an entrepreneur, at their own workplace and in the labour service units. The state bodies, legal entities and entrepreneurs, where compulsory labour is performed, are specified by the Government's act. Thus, they are only those subjects that are specified for manufacturing objects and rendering services significant for the country's defence.<sup>13</sup> The specificity in regard to performing compulsory labour duty refers to law enforcement officers, who perform their compulsory labour duty at their workplace.<sup>14</sup> It means that those persons cannot be deployed in another state body or employer, and in a labour service unit.

If the compulsory labour duty is performed in a state body or legal entity,<sup>15</sup> the deployment of labour registrants is considered to be their wartime deployment; and their

<sup>12</sup> See the Law on Pension and Disability Insurance of the Republic of Serbia (Official Gazette of the RS, no. 34/2003, 64/2004-decision of the Const. Court, 84/2004-other law; 85/2005, 101/2005-other law, 63/2006 decision of the Const. Court, 5/2009, 107/2009, 101/2010, 93/2012, 62/2013, 108/2013, 75/2014, 142/2014 and 73/2018.

<sup>13</sup> See Art. 29 Para 4 of the Directive.

<sup>14</sup> Article 51 Paragraph 2 of the Law on Defence.

<sup>15</sup> Inherently, these will be the state bodies, legal entities and entrepreneurs performing activities of special significance for defence, protection and rescue. See Art. 84 of the Law on Conscription, Compulsory Labour, and Requisition.

deployment is determined, primarily, by their place of work or the place of residence. There will be an exception in a situation where there is no sufficient number of registrants for the wartime systematization in the registered seat of state body or legal entity. The authorisation for deploying compulsory labour registrants depends on where it is performed. If it is performed in the entities where those registrants are deployed, then they are deployed by the authorised person of that entity; whereas, the deployment of registrants who perform their compulsory labour duty in state bodies or legal entities out of their workplace is done by a regional centre of the Ministry of Defence. The regional centre will also deploy registrants registered in the records of territorial organs, the National Employment Service and the Republic Pension and Disability Insurance Fund.

The manner of performance is different in labour service units than in state bodies and legal entities. First of all, these units are formed from compulsory labour registrants having no wartime deployment, i.e. who are not deployed in that state body or legal entity. The purpose of these units is the performance of unpostponable work for the needs of defence, the Armed Forces and civil protection at wartime and during state of emergency. What type of work is classified as "unpostponable" is defined in the Directive on the Manner and Procedure of Performing Military Service, Compulsory Labour, and Requisition; whereby a possibility is left to also declare other work significant for the country's defence by such an act of the Ministry.<sup>16</sup> Although the Law on Conscription, Compulsory Labour, and Requisition, or the Directive, does not particularise where the deployment of registrants deployed in labour service units is determined, interpreting the general norm of the Law on Defence<sup>17</sup>, a conclusion may be drawn that the same rules are also applied when compulsory labour is performed in state body or legal entity. In other words, the deployment of compulsory labour registrants will be primarily determined at their place of residence and some other place only if there is no sufficient number of persons skilled for performing specific types of work.

<sup>16</sup> The Directive, in Art. 35 Para 3, classifies what unpostponable work is, as follows: 1) maintenance of roads, bridges, railway lines, airports, run-up areas, heliports, ports, harbours, seaplane bases and anchorages; regulation and maintenance of water structures and points of crossing water and other barriers and construction and maintenance of warehouses, bases, dugouts and medical structures that are significant for defence; 2) participation in temporary teams that perform special tasks during mobilisation, de-conservation and activation of mobile equipment for special purposes in war reserve, distribution of war material reserves and assistance in transferring mobile equipment from warehouses to mobilisation assembly sites and other regions significant for the Serbian Armed Forces; 3) loading and unloading of mobile equipment for special purposes in ports, harbours, airports, railway stations, and gathering centres significant for defence; 4) assistance in transporting the injured and diseased and battlefield sanitation; 5) assistance in fire extinguishing, clearing ruins, flood defence and defence against other natural disasters, and repairing buildings; 6) loading and unloading commodity reserves and mobile equipment of state bodies, as well as of any legal entities specified by the Government's act to manufacture equipment and render services significant for defence; 7) dislocation of production facilities, raw materials, and other material goods of legal entities having special significance for defence; 8) assistance in performing agricultural work on state and cooperative farms and rural estates owned by families of killed soldiers, disabled persons, and families whose members are engaged in the Serbian Armed Forces and civil protection; 9) regulation of settlements and structures for accommodation of displaced persons; 10) assistance in exploitation of forests, mining and other resources significant for defence; 11) regulation and construction of shelters and other fortification structures for protection of civilians; 12) displacement of facilities and documents having historical, artistic and cultural values.

<sup>17</sup> Article 53.

## Duties and rights of compulsory labour registrants

All the capable citizens, under conditions laid down by the Law, are obliged to complete their compulsory military service, compulsory labour and requisition.<sup>18</sup> Regarding compulsory labour registrants, there are certain differences in relation to whether compulsory labour duty is performed at one's workplace, in state body or legal entity, or in a labour service unit. Employed persons are obliged to continue doing their work at their workplace, unless summoned to serve in the Serbian Armed Forces or assigned to other jobs and tasks. If they are summoned, they are obliged to act pursuant to the orders they receive.<sup>19</sup>

A compulsory labour registrant is obliged to act pursuant to the decision on deployment in state body or legal entity in the activity having special significance for defence. The failure to act accordingly means that the employment relationship of that employee ceases.<sup>20</sup> This reason for the termination of employment relationship is not prescribed by the Law on Labour<sup>21</sup>, being a general regulation regulating labour. Explicitly, this reason for the termination of employment relationship is also not prescribed by the Law on Civil Servants<sup>22</sup>, being a special regulation. However, enumerating all the ways of terminating employment relationship with civil servants, the Law also provides for "another way specified by this or a special law."<sup>23</sup> This reason for the termination of employment relationship can be, by its nature, classified as the grounds for the termination of employment relationship by the law. Then the termination of employment relationship occurs independently of the will of their subjects: the employer and the employee. The termination of employment relationship represents a consequence of the occurrence of certain fact, which cannot be challenged, conditioned, delayed, or prevented in any other way.<sup>24</sup>

An employee, whose compulsory labour duty is not determined, is obliged to respond to the invitation of state body or legal entity in which they are employed, as well as upon the invitation of a territorial body for the purpose of engagement in performing their compulsory labour duty.

Activities related to the country's defence, including compulsory labour represent a citizen's duty, and also their right. The right to compensation on the grounds of work engagement is also recognised to compulsory labour registrants, in compliance with the law and other regulations that regulate employment relationships. This norm, obviously, refers to the application of the Law on Labour in relation to determining compensation on

<sup>18</sup> Article 47 of the Law on Defence and Art. 82 of the Law on Conscription, Compulsory Labour, and Requisition.

<sup>19</sup> Article 51 of the Law on Defence.

<sup>20</sup> Article 87 of the Law on Conscription, Compulsory Labour, and Requisition.

<sup>21</sup> Official Gazette of RS, no. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 – decision of the Const. Court, and 113/2017.

<sup>22</sup> Official Gazette of RS, no. 79/2005, 81/2005-corr., 83/2005-corr., 64/2007, 67/2007-corr., 116/2008, 104/2009, 99/2014, and 94/2017

<sup>23</sup> Article 126, Paragraph 1, Item 5 of the Law on Civil Servants.

<sup>24</sup> Lj. Kovačević, *Valjani razlozi za otkaz ugovora o radu*, the Faculty of Law of the University of Belgrade, Belgrade, 2016, p. 102. (Kovačević, Valid reasons for termination of employment agreement).

the grounds of labour engagement of a compulsory labour registrant, i.e. they are entitled to the right to the so-called adequate salary, determined in compliance with the law, general act and employment agreement. Considering the fact that the employee is entitled to equal salary for the same work or work of equal value, the compulsory labour registrant is also entitled to the same right.<sup>25</sup>

Compulsory labour registrants are also entitled to be provided with the conditions and means for performing compulsory work duty, and that is the duty of state bodies, businesses, and other legal entities, as well as entrepreneurs, where they are deployed with.<sup>26</sup> Compulsory labour registrants are also entitled to the right that their deployment, by default, is determined in the place of residence, as well as to have their health status established for the performance of their compulsory labour duty.<sup>27</sup>

## Character of compulsory labour

Participation in the country's defence including performing compulsory labour is, as it has already been said, the right and also the duty of a citizen. Non-performance of the prescribed duties necessarily entails certain consequences for a citizen.<sup>28</sup> Considering that circumstance, the question arises whether compulsory labour in the function of defence can be considered forced labour.

Essentially, forced labour is the negation of freedom of work and it is considered to be a new manifesting form of slavery. Yet, unlike slavery, which represents the deprivation of an individual of all personal and other rights, a person on forced labour is not deprived, and they are forced to perform certain work against their own will and under certain arrangement that is imposed to them and they do not receive salary for it.<sup>29</sup> Freedom from slavery and forced labour are part of classical right to freedom and independence of

<sup>25</sup> "Work of equal value" is considered to be work for which the same degree of professionalism, i.e. education, knowledge and skills is required, where the same contribution is made along with equal responsibility. For more details: Article 104 of the Law on Labour.

<sup>26</sup> Article 53, Paragraph 4 of the Law on Defence.

<sup>27</sup> Article 54 of the Law on Defence.

<sup>28</sup> Article 116 of the Law on Defence prescribes a fine in the amount of RSD 10.000-50.000 for citizens if: 1) they do not act in accordance with their orders to undertake other duties at wartime and state of emergency following the decision of the competent authority; 2) following the declaration of wartime or state of emergency they fail to continue their work at their workplaces; 3) following the declaration of war or state of emergency they refuse to act in accordance with the altered deployment or assignment to another legal entity; 4) they fail to act in accordance with the orders of the competent authority when military service, compulsory work, requisition, i.e. compulsory participation in the civil protection have been determined.

<sup>29</sup> B. Šunderić, *Pravo međunarodne organizacije rada*, the Faculty of Law of the University of Belgrade, 2001, p. 165 (Šunderić, *International Organisation Labour Law*) Speaking about this "new manifesting form of slavery", it is necessary to point out that it differs from the so-called "old slavery." Commonly, slavery is deemed to be a matter of ownership, and it depends a lot on what we mean by this term. Therefore, in the past slavery meant legal possession of one person by another. However, in contemporary world it is absolutely different and slavery does not mean legal possession (as it is prohibited all over the world), but exercising control over another human being and use of violence to exercise that control. More about it in: K. Bales, K., *Disposable people-New Slavery in the Global Economy*, University of California Press, Berkeley/Los Angeles, London, 2012, p. 5.



personality.<sup>30</sup> Among numerous international treaties that prohibit forced labour, the Convention no. 20 on forced labour adopted by the International Labour Organisation in 1930<sup>31</sup> is particularly important. It is significant, *inter alia*, because its definition of forced or compulsory labour, provided later in it, is to a greater or less extent, broadly accepted. "Forced or compulsory labour" within the meaning of the Convention no. 29 means all performance of work or rendering services, which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. Thereby, the expression "penalty" does not only signify criminal sanctions, but also various forms of fear, violence, keeping personal documents, denunciation (often to immigration authorities) or non-payment of salary. "Penalty" can also have a form of any loss of rights or privileges.<sup>32</sup>

Despite the general prohibition of forced labour, the Convention provides for two types of exceptions. The first one refers to the possibility of using forced labour during a transition period in a member state, while the other type of exception is permanent by its nature.<sup>33</sup> The latter group of exceptions comprises five different forms of performing work without previous registration or agreement of the person, and which are not considered forced labour. They are: (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character; (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country; (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations; (d) *any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population*; (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

The Constitution of the Republic of Serbia<sup>34</sup>, prohibiting slavery, forced labour and human trafficking, also contains exceptions, following the idea of the Convention no. 29; so, *inter alia*, labour or service of military personnel, or labour or services during war or state of emergency in accordance with the measures prescribed on the declaration of war or state of emergency, are not considered forced labour. Therefore, performing compulsory labour as a civic duty in the event of wartime or state of emergency is not, from legal viewpoint, forced labour.

<sup>30</sup> L. Betten, L., *International Labour Law-Selected issues*, Kluwer, Deventer-Boston, 1993, p. 125.

<sup>31</sup> Official Gazette of FRY – International Treaties, no. 13/02.

<sup>32</sup> ILO, *Combating Forced Labour: A Handbook for Employers & Business*, International Labour Organization, 2008, p. 8.

<sup>33</sup> J. M. Servais, *International Labour Law*, Kluwer Law International, The Hague, 2005, p. 130.

<sup>34</sup> Article 26.

## Conclusion

A part of usual civic duties to the state is also participation in its defence. Performing compulsory labour is one of the manners for citizens to perform that duty. The current legislation of the Republic of Serbia regulates the manner of performance of this duty in a comprehensive manner, through the Constitution, laws, and by-laws. The interests of country's defence and the rights of compulsory labour registrants are, in priority, taken into account equally. Although the performance of this obligation, pursuant to the Convention no. 29 on forced or compulsory labour of the International Labour Organisation is not considered to be forced labour, and the conditions in which it is performed and, particularly, the rights of registrants, do not allow any comparison with forced labour.

## Bibliography

- [1] Bales, K., *Disposable people – New Slavery in the Global Economy*, University of California Press, Berkeley/Los Angeles, London, 2012.
- [2] Betten, L., *International Labour Law – Selected issues*, Kluwer, Deventer-Boston, 1993.
- [3] Hegel, G. W. Hegel, *Enciklopedija filozofskih znanosti*, VeselinMasleša-Svijetlost, Sarajevo, 1987.
- [4] Hegel, G. W. Hegel, *Osnovne crte filozofije prava*, VeselinMasleša-Svijetlost, Sarajevo, 1989.
- [5] ILO, *Combating Forced Labour: A Handbook for Employers & Business*, International Labour Organization, 2008
- [6] Kovačević, Lj, *Valjani razlozi za otkaz ugovora o radu*, Pravni fakultet Univerziteta u Beogradu, 2016.
- [7] Lukić, R., *Uvod u pravne nauke*, Zavod za izdavanje udžbenika Narodne Republike Srbije, Beograd, 1960.
- [8] Servais, J.M., *International Labour Law*, Kluwer Law International, The Hague, 2005.
- [9] Šunderić, B., *Pravo međunarodne organizacije rada*, Pravni fakultet Univerziteta u Beogradu, 2001.

## Regulations:

- [1] The Constitution of the Republic of Serbia (Official Gazette of the RS, no. 98/2006
- [2] Law on Defence (RS Official Gazette, no. 116/2007, 88/2009-other law, 104/2009-other law, 10/2015, and 36/2018.
- [3] Law on the Serbian Armed Forces, RS Official Gazette, no. 117/2007; 88/2009, 101/2010-other law, 10/2015; 88/2015-decision of the Const. Court, and 36/2018,
- [4] Law on Conscription, Compulsory Labour, and Requisition, Official Gazette of the RS, no. 88/2009, 95/2010 and 36/2018.
- [5] Law on Labour, RS Official Gazette, no. 24/2005, 61/2005, 54/2009, 32/2013, 75/2015, 13/2017-decision of the Const. Court, and 113/2017.
- [6] The Law on Public Servants, (Official Gazette, no. 79/2005, 81/2005-corr., 83/2005-corr., 64/2007-corr., 116/2008, 104/2009, 99/014, and 94/2017
- [7] Law on Pension and Disability Insurance of the Republic of Serbia (Official Gazette of the RS, no. 34/2003, 64/2004-decision of the Const. Court, 84/2004-other law; 85/2005, 101/2005-other law, 63/2006 decision of the Const. Court, 5/2009, 107/2009, 101/2010, 93/2012, 62/2013, 108/2013, 74/2014, 142/2014, and 73/2018.
- [8] Law on the Ratification of Convention, no. 29 on forced or compulsory labour of the International Labour Organisation, Official Gazette of the RS-International Treaties, no. 13/2002.
- [9] Directive on Conscription, Compulsory Labour, and Requisition, Official Gazette of the RS, no. 100/2011 and 60/2015.

# THE ARMY CHAPLAIN ASSISTANT – A REVIEW OF THE US MODEL –

Sladjan Vlajić\*  
Serbian Armed Forces

The institution of the army chaplain assistant is the specificity developed within the US Armed Forces, combining military and religious authority in one person. Following the US model, the army chaplain assistants have also been introduced to the chaplaincy service in the Serbian Armed Forces. This review examines the institutional framework, the history of development, the sphere of activity and authority, as well as the status of the army chaplain assistants according to international law. The advantages and disadvantages of the US model are presented, as well.

Key Words: *army chaplain assistant, authority, religious needs, Geneva Convention*

## Introduction

In all official documents, the US Armed Forces (the Army, Marine Corps, Navy, Air Force, and Coast Guard) pay great attention to meeting the religious needs of their personnel. The basis for this can be found in the Constitution that guarantees religious freedom to all citizens. On July 29, 1775, the Continental Congress defined that the army chaplains were an integral part of the Armed Forces in the US units and they should be paid their remuneration. Therefore, the existence of the army chaplains is considered to be a tradition, and also the need, since history has confirmed the positive impact that they have on the morale and mental health of the members of the units in which they operate.

The guarantee of religious freedoms used to be and still is one of the main foundations of the US society and the reason for the emigration of a large number of first immigrants from Europe to the colonies at that time, and then the newly-established United States.<sup>1</sup> It also guarantees the right of those who declare themselves as atheists to be and remain so. This principle of guaranteeing religious freedoms is assumed by the Armed Forces, although they introduce the possibility of their temporary suspension.<sup>2</sup> Restrictions on exercising religious rights in the Armed Forces are conditioned by military needs, that is,

\* Sladjan Vlajić is the Chief Military Priest of the Serbian Armed Forces. In 2015 he completed training for the army chaplain in Fort Jackson, North Carolina, USA.

<sup>1</sup> The First Amendment to the US Constitution

<sup>2</sup> The First Amendment to the Constitution and Army Regulation 165–1

they are present in the case of: the impact on the combat readiness of a unit or an individual, the unity of a unit, discipline, health and/or security of a unit and an individual.<sup>3</sup>

The religious support in all branches of the US Armed Forces is organized on the basis of a unit ministry team (UMT) in brigades or lower organizational units and religious section (RS) in formation above brigade. UMT, which represents the basic unit, consists of at least one chaplain and one chaplain assistant, although it may be of a more complex form. Their task is to provide religious, spiritual and moral support to soldiers and their family members, and other employees in the Armed Forces that are part of their unit.<sup>4</sup> More precisely, the teams operate in three directions:

- Unit support. This covers the unit to which a chaplain and a chaplain assistant are assigned or attached and it is normally the first priority of support.

- Area support. This covers soldiers, members of the joint force, and authorized civilians who are not a part of the assigned unit, but who operate within that unit's area of operations.

- Denominational or distinctive faith group support. This covers soldiers and other authorized persons of the chaplain's denomination.

UMTs adapt to the needs of a unit and its members.<sup>5</sup> Due to the specific nature of the work they perform, UMT members can cooperate with the choir, the orchestra, religious teachers or the leaders of different religious groups while carrying out their activities. Furthermore, a chaplain and his assistant have clearly defined powers in order to have the ability to cover wider areas of action.<sup>6</sup>

Focusing its work on three basic core competencies: nurture the living, care for the wounded and honor the dead, the religious support in the US Armed Forces "constantly, thoroughly, systematically and responsibly takes care of meeting the religious needs of all."<sup>7</sup> The specifics of these competencies cause and imply different activities.<sup>8</sup> It is therefore necessary to approach their conduct with due respect, professionalism and a sense of religious specificity.

---

<sup>3</sup> Processing Religious Accommodation Requests Requiring a Waiver to Army Uniform or Grooming Policies, Army Directive 2016-34, Secretary of the Army, Washington, Oct. 6, 2016

<sup>4</sup> According to FM 1-05, the religious support encompasses five spheres: worship according to one's faith; seeking religious counsel and care; keeping holy days and observances; participating in rites, sacraments, and ordinances; practicing dietary laws.

<sup>5</sup> Religious Support to the Army, FM 1-05, headlines 1-8, 5 October 2012, p. 1-2.

<sup>6</sup> Religious Support: Army Chaplain Corps Activities, Army Regulations 165-1, Headquarters Department of the Army, Washington DC, Dec. 3, 2009, p. 10.

<sup>7</sup> Ibid.

<sup>8</sup> The support includes various counseling and assistance in crises before, after, or when getting married, divorced, attempting or committing suicide of members of the Armed Forces or their family members, and in all other situations that can lead to the loss of self-esteem or self-confidence. Guided by the idea that the success of each military mission requires the commitment that exists only if there is self-confidence, and self-confidence cannot exist without the faith in yourself or God, the advocates of the religious clergy in the Armed Forces seek to involve chaplains and their assistants in as many trainings and seminars as possible, in order to help soldiers and officers, especially when they are engaged in missions abroad.

Care for the wounded refers to the support to the wounded, and their family members to cope with the situation, to accept and overcome the difficulties it implies. In case of wounding that will inevitably have a fatal outcome, the religious needs that are present when members of various religions are parting and preparing for death are met.

In addition, honoring the deceased/fallen soldiers, which includes military funerals, memorial ceremonies and commemoration, and cremation, is the most visible and the most sensitive form of the chaplaincy service, whether it is the service in chapels or near a graveyard, and they are paid special attention.

## The US model

What distinguishes the US model of the chaplaincy service from the model of many other states is precisely the specificity of the army chaplain assistant. In addition, the position, powers and role of chaplains and their assistants are prescribed in detail by the bylaws issued by the Department of Defense.

Of course, the development of the institution and the expansion of the powers and duties of the chaplain assistant has taken place gradually. In the 19<sup>th</sup> century, that is, in 1866, it was determined that chaplains should choose and educate soldiers, who appear to be capable of mastering and then teaching elementary school subjects, to help educate soldiers in their units. In addition, the task of these people, was to take care of the official property of chaplains, to perform administrative tasks and to assist them in educational, religious and entertainment programs.

This method of selecting an assistant existed until December 28, 1909, when by the General Order No. 253 the chaplain assistant became a separate category of soldiers, who had to have high moral qualities. At the end of the war in Korea it became necessary for assistants to complete at least basic training for the chaplain assistant that lasts four weeks. This training was preceded by basic combat and basic administrative training that last nine weeks each. In 1966, the schools for the training of the army chaplain assistants were placed under the authority of the Center and school for the training of the army chaplain assistants, and in 1972 they were integrated into the NCO Education System (NCOES).

According to the definition contained in the US Army Job Description, the chaplain assistant is a person (male or female, without distinction), who provides daily assistance to the chaplain in performing rites and forming basic UMTs as a tactical element. These are daily activities in the country and during missions abroad. The activities of the army chaplain assistants can be divided into three basic groups: integrated support to the chaplain for all religious activities, initial spiritual work and guidance and establishment of basic contact with members of the unit and their families members.

So, the army chaplain assistants are soldiers, that is, non-commissioned officers with special expertise and competencies. According to this model, they have two duties: to assist in performing rites and other religious activities and building and strengthening trust with members of their unit and their families, and as the armed soldiers to protect the basic unit (UMT) they form with the chaplain. The exact description of the duties of the chaplain assistant as an armed member of the team or soldier is the following: "protection for UMT during movement; additional protection during the conduct of religious activities in the area of operation; additional defense, when necessary, of friendly units and positions; defense of wounded soldiers and caregivers while providing life-saving; and not participating in combat operations."<sup>9</sup> Supervision over this operation is carried out by the chaplain, so that his assistant would not endanger the basic team and the reputation of a religious unit by exceeding authority. In other words, the assistants are those who carry weapons and protect chaplains and other protected categories

---

<sup>9</sup> Religious Support Handbook for the Unit Ministry Team, Training Circular (TC) 1-05, Headquarters Department of the Army, Washington DC, May 10, 2005, p. 2-8.

during combat (since these categories are protected under international law), while out of combat they help in providing spiritual support.

In order to perform both aspects of their duties equally well, the army chaplain assistants complete two levels of training. The first level is the basic combat training that is the same for all US Armed Forces soldiers, and the second one is the training of a religious administrative worker which includes: keeping records according to the military regulations, having certain typing speed, and training in the sphere of religious-moral-psychological assistance lasting for eight weeks.

However, due to the large amount of work and unforeseen circumstances that require their presence and expertise, the assistants will rarely, and only with the consent of the chaplain, be appointed for regular military tasks.

The duties of the army chaplain assistants include: coordination, provision of data and analysis that they submit to the chaplain in their unit; informing the commander of the unit and senior officers about the religious specifics of the area in which the unit is located; care for the protection and preservation of the status of privileged communication (confidentiality in communication) of soldiers, non-commissioned officers and officers and members of their families with UMT; intervention in the case of crisis; coordination of treatment in the case of events with traumatic consequences; providing counseling in the case of posttraumatic stress disorder (PTSD); assistance in performing urgent religious rites; assessment of the unit morale; care of property and equipment for carrying out religious rites, as well as the multipurpose space for performing religious rites of all religious groups.

The army chaplain assistants are not officers, which brings them closer to other soldiers, because they are more open for communication. They are the first instance for soldiers to turn to for advice or support. According to the assessment of the army chaplain assistants, the soldier will, according to the type of assistance that he needs, be sent to the psychological team, his military adviser or chaplain.

At the same time, it is important to emphasize that the assistants do not have rank or the function of representative of a religious group. This means that a person, who outside the Armed Forces performs the function of a preacher or chaplain of certain religious group, can apply for the army chaplain assistant, but from the moment of joining the army, completing training and taking over the role of the assistant, he is the soldier and he cannot preach in the name of and/or for the benefit of his religious group, and he cannot perform religious rites (prayers, weddings, funerals, etc.) that are the area of responsibility of the chaplain, regardless of the fact that if he had stayed in the civilian life he would have been authorized for this. Exceptionally, in his free time and under the condition that this does not affect the performance of his regular duties, the assistant may participate in the rites or activities of the religious group he belongs to, but as a layman and with the consent of the responsible chaplain. If the unit, where he serves, needs assistance of a representative of the religious group, which the assistant belongs to, the approval for the assistance of the army chaplain assistant may be exceptionally required, but he will then act as a layman and under the conditions that are the same for all representatives of religious groups, whose assistance is required.

To perform the duty of the army chaplain assistant it is necessary to know and respect the religious customs of different religious groups, whereby neither personal

religious convictions of the assistant are important nor the religious affiliation of the chaplain that he assists. Namely, the duty of UMT is to help each individual in meeting his religious needs. This includes various religious activities, the organization of services and ceremonies, the procurement of religious literature, the provision of adequate food or assistance in establishing contact with the representatives of a particular religious group. This care for the needs of members of all recognized religious groups (as long as they are not violent or destructive) to the advocates of this model leads to the real equality of members of different religions and religious groups.<sup>10</sup>

The army chaplain assistants are armed and they wear a uniform. They cannot receive compensation or gifts for their engagement in addition to regular income they receive through the salary paid by the Armed Forces they belong to.

Furthermore, they are both responsible to the chaplain, whose assistants they are and directly to the assistant of the chief chaplain according to the command line of the army chaplain assistants.<sup>11</sup>

## Advantages and disadvantages of the US model

Every established model of the chaplaincy service that exists today including the US one has its advantages and disadvantages. First of all, when it comes to the advantages of this model, it should be emphasized that in this way it is possible to provide continuous assistance and support in meeting all and different religious needs of every individual who serves in the Armed Forces as a civilian or serviceman or a member of the family of such a person. Bearing in mind that a large number of members of the US Armed Forces are in war zones, daily availability and the possibility of requiring and obtaining religious consolation is of great importance.

The scope of work of the chaplain and his assistant is clearly and completely differentiated. The chaplain is always an officer and his duties are rather religious ones. The chaplain assistant is a soldier or non-commissioned officer, and his duties encompass providing support and physical protection of the chaplain. In the society that is totally class conscious and divided, the fact that the assistant is not an officer helps soldiers to ask him for advice or help more easily.

The assistant performs all administrative and logistic tasks, leaving the chaplain freedom to devote himself to religious and advisory work, which is the greatest contribution of this system to the work of the chaplain.

Although the scope of activities of the chaplains and their assistants is extremely wide, it is precisely the number of accepted religious groups and denominations that make this work much more complex. Namely, in addition to officially recognized religions and religious groups, the Armed Forces also recognize and enable religious rights and freedoms to the marginal groups such as Nordic pagans, vegans, animalists and similar groups.

---

<sup>10</sup> Today 120 religious groups and religions enjoy the status of the recognized religious group in the US Armed Forces.

<sup>11</sup> Ibid, p. 14.

Despite respect for religious beliefs that the US Armed Forces propagate and guarantee to all its members, there is an exception: the army chaplain assistants are the only category that does not have the possibility to be conscientious objectors, that is the possibility not to carry and use weapons, since they are expected to protect members of their team and all privileged categories, and above all the chaplains, who are unarmed. In this case the religious principle is annulled for the sake of the higher interest – guarantee of life and security of a team member; that is, there is the principle of supremacy of the military over the religious. Therefore, according to the Geneva Convention, and unlike the chaplains, their assistants do not enjoy protection because they are armed members of the military units. With the obligation to consider their personal religious convictions to be of secondary importance, the army chaplain assistants may find themselves in a situation to assist the chaplain, whose religious group or convictions differ or are completely confronted with their own religious beliefs. However, neither the chaplain nor his assistant have the right to object to such a situation.

When it comes to the disadvantages of this system, it means the constraints the army chaplain assistants encounter. Namely, their function is described in two words: provide and advise. Although their field of activity is broad and includes both military and religious aspects, the assistants are in both of these fields conditioned by the consent of the chaplain they form the team to undertake any independent action or initiative.

## *Conclusion*

For more than hundred years, the system of the army chaplain assistants has been officially established and developed in the US Armed Forces. This long-standing practice has precisely defined the powers and obligations of members of this specific profession within the Armed Forces. Certainly, the systemic support to the equality of religious groups and the funds for meeting various religious needs within the budget have contributed to this development.<sup>12</sup> Therefore, the chaplains and their assistants are expected to be open to accept new teachings or religious choices, to spread the ideas about co-operation and equality of all, and also to adapt to the changing conditions they work in. Moreover, they can act during regular activities in peacetime, and also during armed conflicts in distant and unknown areas, within one of the warring parties or as members of peace support missions and humanitarian assistance forces.

The advantages of this system are undoubted because the chaplain is free from administrative work and he has the freedom of pastoral work. Therefore, the idea of the army chaplain assistant has been transferred to other states and their Armed Forces including Serbia.

The main disadvantage of this model is the fact that the absolute equalization of all leads to the situation that individuals, groups or churches are brought into a truly inequitable position. Namely, the teaching of some churches and religious groups does not

---

<sup>12</sup> According to certain data, 120 different churches, groups and movements enjoy the status of the recognized religious group in the US Armed Forces, and the annual budget of a UMT totals around 1.5 million dollars.



allow the use of multipractic or the so-called multipurpose rooms for religious rites and it is against the participation of women in ceremonies. Nevertheless, in the US military bases, all communities that have given consent to their clergy for joining the army in the ranks of the chaplains have agreed to such space. Furthermore, all denominations will unconditionally accept the female assistant to the chaplain in the US Armed Forces. This is another example of a canonical and necessary conflict, which has been resolved by accepting the most practical solution.

Once again, it should be emphasized – the army chaplain assistants are always and only soldiers, that is, non-commissioned officers with special authority, whose personal religious convictions are of secondary importance.

### *References*

[1] Processing Religious Accommodation Requests Requiring a Waiver to Army Uniform or Grooming Policies, Army Directive 2016-34, Secretary of the Army, Washington, Oct. 6, 2016

[2] Religious Support: Army Chaplain Corps Activities, Army Regulations 165-1, Headquarters Department of the Army, Washington DC, Dec. 3, 2009

[3] Religious Support, Field Manual (FM) 1-05, Headquarters, Department of the Army, Washington DC, Oct. 5, 2012

[4] Religious Affairs in Joint Operations, Joint Publication (JP) 1-05, Joint Chiefs of Staff, Washington DC, Nov. 13, 2009

[5] Religious Support Handbook for the Unit Ministry Team, Training Circular (TC) 1-05, Headquarters Department of the Army, Washington DC, May 10, 2005

[6] Feiler, A: „Being a chaplain assistant is an act of good faith“, APG News, February 10, 2014, [https://www.army.mil/article/119867/being\\_a\\_chaplain\\_assistant\\_is\\_an\\_act\\_of\\_good\\_faith](https://www.army.mil/article/119867/being_a_chaplain_assistant_is_an_act_of_good_faith), July 30, 2017.

[7] Davis, K: „100 Years of the Chaplain Assistant: A Centennial Celebration 1909 – 2009“, June 2, 2009, [https://www.army.mil/article/22002/100\\_Years\\_of\\_the\\_Chaplain\\_Assistant\\_\\_A\\_Centennial\\_Celebration\\_1909\\_\\_2009/](https://www.army.mil/article/22002/100_Years_of_the_Chaplain_Assistant__A_Centennial_Celebration_1909__2009/), July 25, 2017.

[8] Powers, R: „US Army Job Description: 56M Chaplain Assistant“, Updated September 08, 2016, <https://www.thebalance.com/56m-chaplain-assistant-3346048>, July 24, 2017.

[9] MOS 56/M Chaplain Assistant Duty Descriptions, <http://www.armywriter.com/NCOER/56M.htm>, July 24, 2017.

# FORMATION VARIANTS ANALYSIS OF FOUR-MAN INFANTRY SECTION FIRE TEAM

Vinko Žnidaršič\*

University of Defence in Belgrade, Military Academy

Csaba A Bakos\*\*

National University of Public Service, Budapest, Hungary

In comparison with previous periods, in the process of professionalization of the Armed Forces small units have gained confidence and therefore greater responsibility to act more independently in order to be able to complete their assigned tasks. This fact came as a result of the implementation of new doctrines in which the number of troops is optimized and it fits to new missions. To be able to compensate the reduced number of soldiers, these troops are supplied with weapons and equipment that allows them greater mobility and effectiveness. According to simplified conclusions, this means that a smaller number of soldiers could be assigned with greater number of tasks, which they may accomplish by use of more advanced weapons and other systems.

The conducted research has been performed with the aim to establish acceptable method for analysing formation of small units. The conducted process satisfies basic requirements and determines formation variants, which will help in the decision-making process for the selection of formation to be used in operational use.

*Key Words: formation, fire team, infantry section (squad), small units tactics*

## Introduction

Fire teams of infantry section have a prescribed size and a specific combat or support role within a larger military organization. To be able to perform every given role soldiers and weapons systems are organized in order to basically provide safety, maneuver capability, fire support and control. Particularly, when ordered to go to a specific facility they form formation that provides security to soldiers, manoeuvre capability for fire team, fire support and control by a team leader. Of course, every single formation has the characteristic that it can only correspond to the specific task and the conditions of the environment if it is chosen properly.

\* Major Vinko Žnidaršič, PhD

\*\* Lieutenant Colonel IN, Csaba A Bakos, Course Director ORCID: 0000-0002-7326-9639

The armed forces periodically implement new weapons and equipment in their units. This circumstance also requires a change in formation, so that the unit can adapt and perform old and new tasks. Besides traditional formation like line, column or row, which has been in operational use forever or at least from the period before World War II, there is also formation that, although not widely used, proves that it can be successful in solving specific tasks.

The fact that fire teams in infantry usually consist of four soldiers does not mean that their specified duties, weapons and equipment are the same in every combat or non-combat situations.

Formation of four-man fire team has different capability when instead of only automatic rifles soldiers are armed with machine gun, grenade launcher, sniper rifle and/or other weapons systems.

In the new environment, in order to successfully manage their units, which are now equipped with advanced weapons and other systems with less soldiers, small units commanders need to clearly see the possibility of deploying soldiers and weapons, so that they can perform assigned tasks.

By exploring the restrictions and good characteristics of weapons systems and the soldiers' duties it is possible to select useful variants of the formation of fire team and establish acceptable method for formation analysis.

## Material and Methods

Using, as the case study, current organization and possible formation of infantry section of the Serbian Armed Forces (SAF)<sup>1</sup>, the analysis has been carried out with the aim to determine formation variants, which will help in the decision-making process for the selection of formation to be used in operational use.

For research purposes, data are collected from open resources and the ones classified in nature, and that have been authorized for research. The research has been directed at fire teams as part of the infantry section. Fire team equipment is determined on the basis of what most units are issued with.

The whole research process has been done in the following order:

1. Defining fire team organisation and weapons systems that soldiers use.
2. Defining four-man fire teams' formation by reviewing the best practices of the other armed forces and comparing lessons learned from their engagement.
3. Marking soldiers' positions for each formation.
4. Marking weapons system and duties for each formation.
5. Creating a list of formation scenarios.
6. Defining the evaluation criteria for duties in a fire team.
7. Evaluation and selection of formation scenarios from a list of variants of the first and second orders.

Instead of selecting and evaluating only one or few formation scenarios, all formations are put in a single list. All listed formations have been analysed using criteria and many have been selected as non-valid and put aside. Remaining scenarios are called variants of formation and they are classified in the first and second order.

---

<sup>1</sup> GŠ VS, Komanda za obuku. *Pravilo vojnik-odeljenje pešadije*, (Belgrade, 2016), point 17.

Formation variants of the first order include scenarios, where soldiers are deployed in the most optimal way and fulfil all the criteria. Formation variants of the second order include scenarios, where deployment of soldiers is sometimes applied in practice, and it is not described as the rule, or it is in a conflict with regulations.

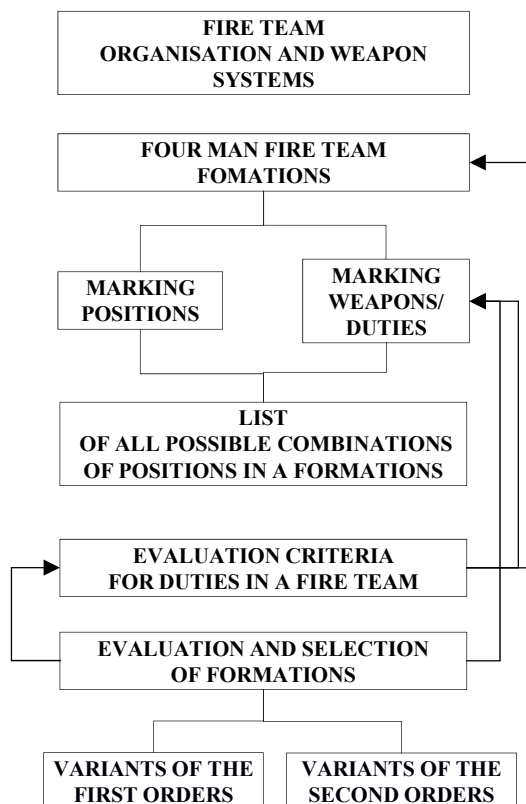


Figure 1 – Research process

## Fire Team Organization and Weapons Systems

The research has been directed to formation of the fire team as a sub unit of infantry section. The organisation of infantry section has been taken from the Rule of the Infantry soldier – the section of the Serbian Armed Forces from 2016. According to this Rule, infantry section consists of nine soldiers, who, prior to the execution and depending on the situation, can be divided into two or three fire teams with the strength of three or four soldiers.<sup>2</sup> Therefore, the formed unit has a temporary character, it is formed for each

<sup>2</sup> GŠ VS, Komanda za obuku. *Pravilo vojnik-odeljenje pešadije*, (Belgrade, 2016), point 17 and 91.

concrete case and adapts to the type and characteristics of the task, the conditions of combat and the characteristics of the terrain.<sup>3</sup>

The section leader or other superior officer decides which activities, such as cleaning trenches, breaching obstacles, destroying certain objects, fighting vehicles, firing positions, reconnaissance, combat security, ambush, patrol and others may be executed by fire teams independently.<sup>4</sup>

Soldiers in such a formed fire team can be armed with three different types of weapons: (1) 7.62 mm M70 or 5.56 mm M21 assault rifles; (2) 7.62 mm M84 general-purpose machine gun; and (3) 7.9 mm M76 semi-automatic sniper/designated marksman rifle. In any case, they can carry hand grenades, as well.<sup>5</sup> A soldier armed with a sniper rifle can move as an automatic rifleman within the formation of the fire team.

According to the practice in the Serbian Armed Forces machine gunners are commonly assigned as team leaders; however, in certain situations the section leader or other superior officer may delegate leadership responsibilities to others in order to create the required grouping of resources for the assigned tasks.<sup>6</sup> Due to such formulation and illustrations,<sup>7</sup> machine gunner is required to possess the skills that are rather demanding for a man. For a machine gunner it is difficult to act as an operator of the team's most lethal weapons and lead his fire team simultaneously, including duties such as observe the battlefield and the enemy in order to exercise situational awareness, communicate with neighbours and superiors and make decisions for the employment of his fire team. For these reasons, and for clarity in the research, it has been decided that the duty of the fire team leader is assigned to a rifleman, who is qualified and has completed the leadership course.

## Four-Man Fire Team Formation

Fire teams can operate independently, and mostly they are embedded in the formation of infantry section. Therefore, fire teams' leaders should have knowledge of formation for every situation. Formation of lines and columns or files,<sup>8</sup> are basic and most commonly used in the Serbian Armed Forces. In the current rules for three-soldier fire team the deployment of soldiers is described and illustrated in the form of line formation that is discontinuous and oblique to the terrain, and folder formation.<sup>9</sup> Since no description has been given for the four-soldier fire team in the SAF, the NATO solution has been considered. As a representative example, in the US Army, infantry squad (section) consists of two fire teams and they are elements of the infantry platoon formation. The basic formation of these fire teams seems to be similar for the first view: file and wedge formation (right and left)<sup>10</sup> instead of line formation (Table 1).

<sup>3</sup> Adamović, Branko et al. . *Taktika. Borbena dejstva taktičkih jedinica KoV JNA i teritorijalne odbrane*. (IV U-135-1, Beograd: Vojnoizdavački zavod, 1981), strana 38.

<sup>4</sup> GŠ VS, Komanda za obuku. *Pravilo vojnik-odeljenje pešadije*, (Belgrade, 2016), point 18. and 95.

<sup>5</sup> *Ibid*, point 17.

<sup>6</sup> GŠ VS, Komanda za obuku. *Pravilo vojnik-odeljenje pešadije*, (Belgrade, 2016), point 91.




<sup>7</sup> *Ibid*, image 18, 19, 21, 22, 23

<sup>8</sup> *Ibid*, point 95.

<sup>9</sup> *Ibid*, point 95.

<sup>10</sup> U.S. Army Field Manual FM 3-21.8: *The Infantry Rifle Platoon and Squad* (Washington D.C, 2007), Page 3-8.

Table 1 – US infantry fire team formation

Formation	Column	Wedge	
		Left	Right
Four man fire team			

In addition to those basic formations in the movement of units, there are others which can be used: column<sup>11</sup>, staggered column<sup>12</sup>, wedge<sup>13</sup>, vee<sup>14</sup>, echelon (left, right)<sup>15</sup>, box, diamond, Y-T<sup>16</sup>.

By analysing all possibilities in formation, the following list has been determined for specified four-soldier fire team: line, file, staggered column-1, staggered column-2, wedge-left, wedge-right, vee-left, vee-right, echelon-left, echelon-right, box, diamond, Y and T (Figure 1).

## Marking Soldiers Positions

Solders positions are marked with a number in specified formation in order to be able to monitor positions. (Figure 1)

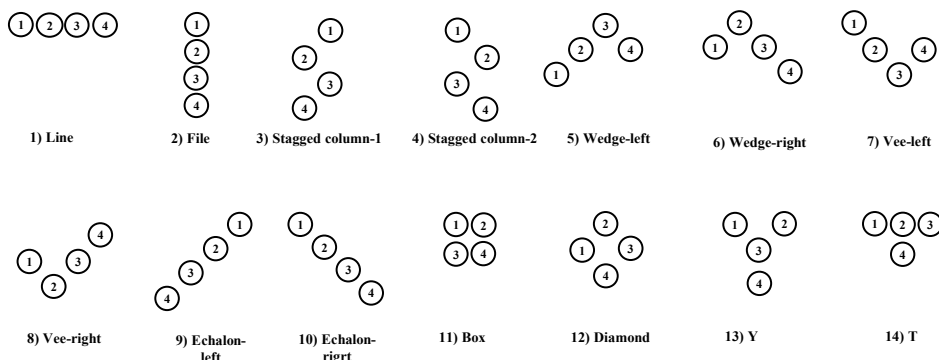


Figure 1 – Marked positions of soldiers in specified formation

<sup>11</sup> Uprava pešadije GŠ JNA, *Pravilo pešadijska (brdska, planinska) četa-vod* (Vojna štamparija: Split, broj 1770, 1977), tačka 163, strana 65. and U.S. Army Field Manual FM 3-21.8: *The Infantry Rifle Platoon and Squad* (Washington D.C., 2007), Point 3-29. Page 3-6..

<sup>12</sup> U.S. Army Tactics, Techniques, and Procedures, *ATTP 3-21.71 (FM 3-21.71) Mechanized infantry platoon and squad (Bradley)*, (Washington D.C., 2010), Chapter 3.

<sup>13</sup> Uprava pešadije GŠ JNA, *Pravilo pešadijska (brdska, planinska) četa-vod* (Vojna štamparija: Split, broj 1770, 1977), tačka 163, strana 65. and U.S. Army Field Manual FM 3-21.8: *The Infantry Rifle Platoon and Squad*, (2007), Point 3-29.

<sup>14</sup> U.S. Army Field Manual FM 3-21.8: *The Infantry Rifle Platoon and Squad*, (Washington D.C., 2007), Point 3-29.

<sup>15</sup> Uprava pešadije GŠ JNA, *Pravilo pešadijska (brdska, planinska) četa-vod*, Point 163, Page 65. and U.S. Army Field Manual FM 3-21.8: *The Infantry Rifle Platoon and Squad*, Point 3-29, Page 3-6.

<sup>16</sup> U.S. Army Field Manual, *FM 7-98 Operations In A Low-Intensity Conflict*, (Washington D.C., 1992 October 19), Point C-17, Page S-14.

## Marking Soldiers Duties

Accordingly, based on function they have and type of weapons system they use, for specified four-soldier fire team, the soldiers duties are determined to be: a team leader (L), a machine gunner (M), an assistant machine gunner (A) and an automatic rifleman (R).<sup>17</sup>

## Creating a List of Formation Scenarios

Marked duties are placed on marked positions and their combination is recorded in a list of formation scenarios. In this case, distribution of positions and duties involved places four duties on four positions (Table 2).

Table 2 – List of all possible formation scenarios

Formation	Position-1	Position -2	Position -3	Position -4
1	(L) Team leader	(M) Machine gunner	(A) Assistant machine gunner	(R) Automatic rifleman
2	(L) Team leader	(M) Machine gunner	(R) Automatic rifleman	(A) Assistant machine gunner
3	(L) Team leader	(A) Assistant machine gunner	(M) Machine gunner	(R) Automatic rifleman
4	(L) Team leader	(A) Assistant machine gunner	(R) Automatic rifleman	(M) Machine gunner
5	(L) Team leader	(R) Automatic rifleman	(M) Machine gunner	(A) Assistant machine gunner
6	(L) Team leader	(R) Automatic rifleman	(A) Assistant machine gunner	(M) Machine gunner
7	(M) Machine gunner	(L) Team leader	(A) Assistant machine gunner	(R) Automatic rifleman
8	(M) Machine gunner	(L) Team leader	(R) Automatic rifleman	(A) Assistant machine gunner
9	(M) Machine gunner	(A) Assistant machine gunner	(L) Team leader	(R) Automatic rifleman
10	(M) Machine gunner	(A) Assistant machine gunner	(R) Automatic rifleman	(L) Team leader
11	(M) Machine gunner	(R) Automatic rifleman	(L) Team leader	(A) Assistant machine gunner

<sup>17</sup> GŠ VS, Komanda za obuku. *Pravilo vojnik-odeljenje pešadije*, (Belgrade, 2016), Point 1 (rifelman), Point 4 (sniper), Point 13 и 14 (fireteam leader).

### Formation Variants Analysis of Four-Man Infantry Section Fire Team

Formation	Position-1	Position -2	Position -3	Position -4
12	(M) Machine gunner	(R) Automatic rifleman	(A) Assistant machine gunner	(L) Team leader
13	(A) Assistant machine gunner	(L) Team leader	(M) Machine gunner	(R) Automatic rifleman
14	(A) Assistant machine gunner	(L) Team leader	(R) Automatic rifleman	(M) Machine gunner
15	(A) Assistant machine gunner	(M) Machine gunner	(L) Team leader	(R) Automatic rifleman
16	(A) Assistant machine gunner	(M) Machine gunner	(R) Automatic rifleman	(L) Team leader
17	(A) Assistant machine gunner	(R) Automatic rifleman	(L) Team leader	(M) Machine gunner
18	(A) Assistant machine gunner	(R) Automatic rifleman	(M) Machine gunner	(L) Team leader
19	(R) Automatic rifleman	(L) Team leader	(M) Machine gunner	(A) Assistant machine gunner
20	(R) Automatic rifleman	(L) Team leader	(A) Assistant machine gunner	(M) Machine gunner
21	(R) Automatic rifleman	(M) Machine gunner	(L) Team leader	(A) Assistant machine gunner
22	(R) Automatic rifleman	(M) Machine gunner	(A) Assistant machine gunner	(L) Team leader
23	(R) Automatic rifleman	(A) Assistant machine gunner	(L) Team leader	(M) Machine gunner
24	(R) Automatic rifleman	(A) Assistant machine gunner	(M) Machine gunner	(L) Team leader

Analysing in this way, this means that there are  $1 \times 2 \times 3 \times 4 = 24$  variants for each considered formation. By multiplying them with 14 specified formations, this means that there are 336 possible scenarios of deploying soldiers in formations.



## Evaluation Criteria for Duties in a Fire Team

Obviously, not all combinations of positions in formations are applicable and that is why the assessing criteria for positioning duties in a formation have been defined. The assessing criteria are determined from the legal point of view (based on regulations), experience (based on practice) and logic (based on conclusion).<sup>18</sup>

Regulations indicate that certain duties could be placed and be regulated to perform tasks in a certain way, but practice and lessons learned suggest that there are situations in which it would be better to depart from the regulations. At the last, in certain scenarios, logic could prevail in relation to the regulations and practice.

The most important evaluation criteria, for positioning duties in formation, for selected case of the SAF infantry section, have been defined in Table 3.

Table 3 – *Evaluation criteria for positioning duties in formation, for selected case of the SAF infantry section*

Duties	Evaluation criteria
Team leader (T)	His position is to act as point man, in front of his soldiers, in the middle of the formation in order to allow him a better look at all the soldiers in the formation and he can issue orders.
Machine gunner (M) and assistant machine gunner (A)	They move together in order to be able to open fire as a crew. The assistant's position is on the right side of machine gunner, or behind him.
Automatic rifleman (R)	Has the ability to achieve solid fire at smaller distances and his position is not related to other duties in the formation.

## Evaluation and Selection of Formation Variants

In order to make it easier to understand the whole process, the example in which all steps are visible is given.
























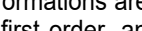
In particular, four-man fire team line formation will be followed from the beginning to the end of the process of formation analysis.

The formation analysis includes the following seven steps:

1. Fire team organisation: four-man fire team.
2. Formation: line.
3. Positions for line formation: as marked in Figure 1.
4. Duties: team leader (L), a machine gunner (M), an assistant machine gunner (A) and an automatic rifleman (R).
5. List of combinations of positions in a formation: as listed in Table 2.
6. Criteria for duties in a fire team: as indicated in Table 3.
7. Evaluation and selection of formation:
  - Formation of the first order: formation number 19 (RLMA),
  - Formation of the second order: formation number 9 (MALR) (Table 4).

<sup>18</sup> Ritchey, Tom, *General Morphological Analysis: A general method for non-quantified modelling* (1998), page 6.

Table 4 – Four-man fire team line formation analysis

Formation	Position				Formation – visually	Formation evaluation of line formation
	1	2	3	4		
1	L	M	A	R		x
2	L	M	R	A		x
3	L	A	M	R		x
4	L	A	R	M		x
5	L	R	M	A		x
6	L	R	A	M		x
7	M	L	A	R		x
8	M	L	R	A		x
9	M	A	L	R		2
10	M	A	R	L		x
11	M	R	L	A		x
12	M	R	A	L		x
13	A	L	M	R		x
14	A	L	R	M		x
15	A	M	L	R		x
16	A	M	R	L		x
17	A	R	L	M		x
18	A	R	M	L		x
19	R	L	M	A		1
20	R	L	A	M		x
21	R	M	L	A		x
22	R	M	A	L		x
23	R	A	L	M		x
24	R	A	M	L		x

Using the criteria based on regulations, practice and logic, a set of 24 formations has been evaluated. Only two of those 24 formations are marked as eligible. Formation number 19 is marked as formation of the first order, and formation number 9 is marked as formation of the second order (Table 4).



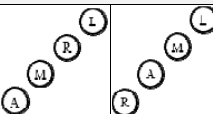


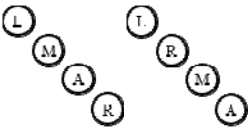
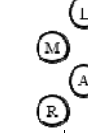
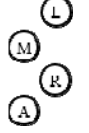
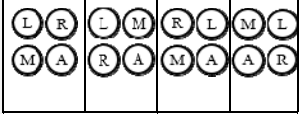
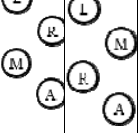
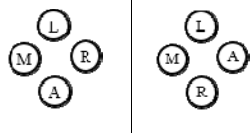
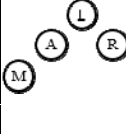
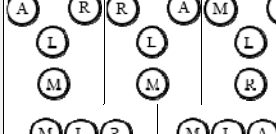
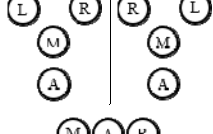
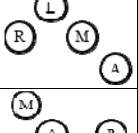
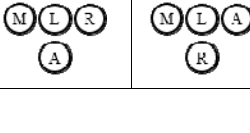
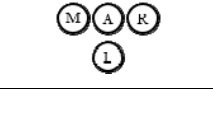

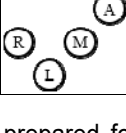
Following the adopted procedure, all selected formations have been evaluated and the results are shown in the table (Tabela 5).

Table 5 – Four-man fire team formation scenarios analysis

Formation		Scenario																							
		01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Formation	1	L	L	L	L	L	L	M	M	M	M	M	M	A	A	A	A	A	A	R	R	R	R	R	R
	2	M	M	A	A	R	R	L	L	A	A	R	R	L	L	M	M	R	R	L	L	M	M	A	A
	3	A	R	M	R	M	A	A	R	L	R	L	A	M	R	L	R	L	M	M	A	L	A	L	M
	4	R	A	R	M	A	M	R	A	R	L	A	L	R	M	R	L	M	L	A	M	A	L	M	L
Line		x	x	x	x	x	x	x	x	2	x	x	x	x	x	x	x	x	x	1	x	x	x	x	x
File		1	x	x	x	2	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Staggered column-1		1	2	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Staggered column-2		x	1	x	x	1	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Wedge-left		x	x	x	x	x	x	x	x	x	2	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Wedge-right		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	1	x	x	x	x	x	x
Vee-left		x	x	x	x	x	x	x	x	1	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Vee-right		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	2	x	x	x	x	x	x
Echelon-left		2	x	x	x	2	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Echelon-right		1	x	x	x	1	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Box		x	1	x	x	1	x	1	x	x	x	x	x	x	x	x	x	x	1	x	x	x	x	x	x
Diamond		x	x	x	x	x	x	1	1	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Y		x	x	x	x	2	x	x	x	x	1	x	x	x	x	x	x	1	x	2	x	x	x	1	x
T		x	x	x	x	x	x	1	1	x	2	x	x	x	x	x	x	x	x	x	x	x	x	x	x

Those formation variants are in the end of processes separated into formation of the first and second order (Table 6).

Table 6 – Scenarios (formation variants) separated into the first and second order

Four man fire team					
Formation	First order formation	Second order formation	Formation	First order formation	Second order formation
Line			Echelon-left		
File			Echelon-right		
Staggered column-1			Box		
Staggered column-2			Diamond		
Wedge-left			Y		
Wedge-right			T		
Vee-left					
Vee-right					

This material is prepared for decision-makers in order to support their process of deciding what formation variants will be accepted and applied for future operational use.

Therefore, the further research has to be conducted and in this future study the result will be formation of fire team for one situation.

## Conclusion

The result of conducted research has not been the only one and the best formation, but the set of possible variants of formation.

From 14 considered formations, the results show that except 3 formations: Wedge-left, Vee-right and Echelon-left, all other 11 formations have the possibility of deploying soldiers in formation of the first order.

This process is not complicated, but it requires competence in theory and practice of weapons systems, duties and needs of fire teams.

If they were put into operational use a large number of formation variants would certainly be a factor that would confuse both soldiers and leaders. Therefore, this research is only one part of much greater problem solving process, which aims to clarify and simplify formation for fire teams, sections and platoons as the final goal.

This has been the research focused on the topic of finding all possible and usable formations and their variants, which can be put in operational use. Therefore, the variants of the first and second order are the initial material for determining several formations that would apply to most situations. It is up to decision-makers to consider all other indicators and decide which formation variants will be accepted.

## Literature

[1] Adamović, Branko et al. *Taktika. Borbeno dejstva taktičkih jedinica KoV JNA i teritorijalne odbrane*. (IV U-135-1, Belgrade: Vojnoizdavački zavod, 1981), strana 38.

[2] Generalštab Vojske Srbije, Komanda za obuku. *Pravilo vojnik-odeljenje pešadije*, (Belgrade, 2016).

[3] Ritchey, Tom, *General Morphological Analysis: A general method for non-quantified modelling* (1998).

[4] U.S. Army Field Manual, *FM 3-21.8: The Infantry Rifle Platoon and Squad* (Washington D.C., 2007).

[5] U.S. Army Field Manual, *FM 7-98 Operations In A Low-Intensity Conflict* (Washington D.C., 1992 October 19), point C-17, page S-14.

[6] U.S. Army Tactics, Techniques, and Procedures, *ATTP 3-21.71 (FM 3-21.71) Mechanized infantry platoon and squad (Bradley)* (Washington D.C., 2010), Chapter 3.

[7] Uprava pešadije Generalštaba Jugoslovenske narodne armije, SSNO, *Pravilo pešadijska (brdska, planinska) četa-vod* (Vojna štamparija: Split, 1977), tačka 163, strana 65.

# CHEMICAL ACCIDENT AREA RECONNAISSANCE BY UNMANNED AIRCRAFT\*

Dejan Indjić, Ivan Petrović, Negovan Ivanković, Djordje Djukić  
University of Defence in Belgrade, Military Academy

Chemical accidents, as unexpected events, occur in contemporary society relatively often, and the resulting consequences can be different – from very small to catastrophic. Within the integrated response to chemical accidents, chemical reconnaissance of the accident area takes a significant place.

This paper presents the possibility of prioritizing the criteria and attributes of the criterion for selecting unmanned aircraft for reconnaissance of the chemical accident area. By analyzing the content of the available literature, the criteria for evaluating the alternatives of the offered "mini-unmanned aircraft" are set out.

This paper deals with testing using the questionnaire, processing the obtained data and prioritization of the criteria and attributes using the fuzzy AHP method and examination of the results consistency by the consistency degree. Testing of the obtained results and selection of optimal unmanned aircraft using the TOPSIS method has been carried out, as well.

Due to the extreme danger that personnel are exposed to during the chemical reconnaissance of the accident area (high concentrations of dangerous chemicals, long-term wearing of protective equipment, increased psychophysical stress, etc.), this paper considers the possibility of using unmanned aircraft. Furthermore, this paper suggests the way of selecting optimal UA as an element for reconnaissance in a particular chemical accident.

*Key Words: chemical accident, integrated response, chemical reconnaissance, unmanned aircraft, fuzzy AHP method, TOPSIS method*

## Introduction

As chemical substances are naturally aggressive in relation to humans and the environment, their uncontrolled release can lead to unforeseeable consequences. The risk of such accidents exists in the chemical industry, devices, installations and equipment, transport facilities and others, where chemical substances are produced,

\* This paper is the result of the project VA-DH/3/17-19 "Calculation of Long-term Financial Sustainability of the Duty Forces of Air Defense System of Serbian Armed Forces in Performing the Airspace Control and Protection in Peace", funded by the Ministry of Defence of the Republic of Serbia.

processed, stored, transported or otherwise use hazardous chemical substances (hereinafter TC). Chemical accidents represent a particular price for the industrial development of the modern society. Chemical accident represents the sudden, unexpected and uncontrolled release of large amounts of toxic, flammable or explosive substances into the atmosphere, watercourses and the soil, which may have a harmful effect on humans, material goods and the environment. The consequences that can arise (great human and material losses, disturbance of regular activities, environmental degradation, etc.) have imposed the need for implementing adequate measures of the integrated response to the chemical accident (Indjić *et al.*, 2015).

One of the initial (and the most important) measures of the integrated response to the chemical accident is reconnaissance of the place where the accident occurred. In the Republic of Serbia, these tasks are mainly performed by the forces (teams) of the Sector for Emergency Management (the Ministry of Internal Affairs), the Public Health Institute (the Ministry of Health), the local government (municipalities – the city where chemical accident occurred) and the specialized units of the Serbian Armed Forces (primarily NBC units) (Indjić, 2014).

When performing this extremely complex task, the people that are involved are at great risk due to the following specificity of chemical accident:

- extremely high concentrations of TC in the hot spot of an accident (deadly for humans);
- high temperatures and possibility of explosion – fire (depending on the type and characteristics of released TC), (Rajić *et al.*, 2013);
- long-term wearing of protective equipment (several hours in the case of major chemical accidents), (Jovanovic *et al.*, 2016);
- increased psychophysical stress (Karkalić *et al.*, 2015), etc.

Bearing in mind the mentioned hazards to the humans, this paper considers the possibility of using unmanned aircraft (UA) for this task. Of course, the advantage of UA is the ability to collect 3D information from the airspace that is hardly accessible from the ground (Roca *et al.*, 2016).

The terminology used today for non-human crews is still not completely defined. The name that has been most frequently used in the development of these devices in numerous professional publications is "Unmanned Aerial Vehicle" (UAV). In the Republic of Serbia, the term "unmanned aircraft" (UA) is most often used for this type of device, so we will use this term. This paper offers the following definition: "Unmanned aircraft is a type of aircraft controlled by a computer that is on an aircraft or whose flight is remotely operated by an operator on the ground". (Law on Emergency Situations, 111/2009, 92/2011 and 93/2012) In order to acquaint yourself with the method of choosing UA for the performance of the task of chemical reconnaissance of the accident area, the paper presents scheme of integrated response to chemical accidents in the Republic of Serbia, UA categorization, methodology of evaluating the criteria for selecting optimum UA using the fuzzy AHP method, estimation of criteria prioritization for UA selection, as well as UA selection using scientific methods: fuzzy AHP and TOPSIS.

Having in mind the aforementioned, the research has been carried out with the overall goal: evaluation of criteria for selection of modern BV for reconnaissance of the chemical accident area by using scientific methods: fuzzy AHP and TOPSIS.

The application of these scientific methods enables group decision-making process by taking into account the uncertainties of the evaluation of the experts, which makes the research scientifically and methodologically justified. In its essence, this procedure can be applied in any case of evaluating the criteria for the selection of various systems that can be used in emergencies, as well as when choosing a wide range of technological solutions in other spheres of social life, which makes this research practically justified.

## Integrated Response to Chemical Accident

In order to perform optimum engagement of the forces of the society (chemical companies, local government, health institutions, police, army, etc.) in an integrated response to the chemical accident, it is necessary to apply the appropriate methodology in the decision-making process of selection of forces to be used in such situation (Figure 1) (Indjić, 2014).

The diagram below shows the asymmetric strategy of the integrated response to chemical accidents according to  $O^3$  methodology: discovery –  $O^1$ , decide –  $O^2$ , disable (enable) –  $O^3$ , in relation to the NATO decision-making process in combat conditions according to  $D^3$  methodology: Detect –  $D^1$ , Decide –  $D^2$ , Destroy –  $D^3$  (Mučibabić, 2003; Kelemenšić, 2016).

In the NATO methodology, the focus is given on the superior technique where the goal is first detected, then the decision on optimal use is made and in the end there is the effective destruction of the chosen target.

In the Serbian Armed Forces (SAF) the term destroy is replaced with the term disable (enable), due to the restrictions that the SAF have (primarily material, technical and financial constraints). This kind of strategy prevents the enemy from achieving the goal in a certain area when using weapons of mass destruction, i.e. enabling the survival of its own units during the execution of various tasks in such complex conditions.

Considering these two methodologies of modeling the forces for integrated response to the chemical accident, we can conclude that the use of the  $O^3$  methodology is quite acceptable because chemical accidents mostly happen in peace. Therefore, the term Destroy<sup>3</sup> is replaced by the expression Enable<sup>3</sup> meaning that the forces participating in the integrated response must create adequate conditions for the implementation of assigned tasks of removing the consequences of the accident.

In this paper, the focus is on the first segment of the integrated response *Discovery* –  $O^1$ , i.e. the examination of the consequences of chemical accident.



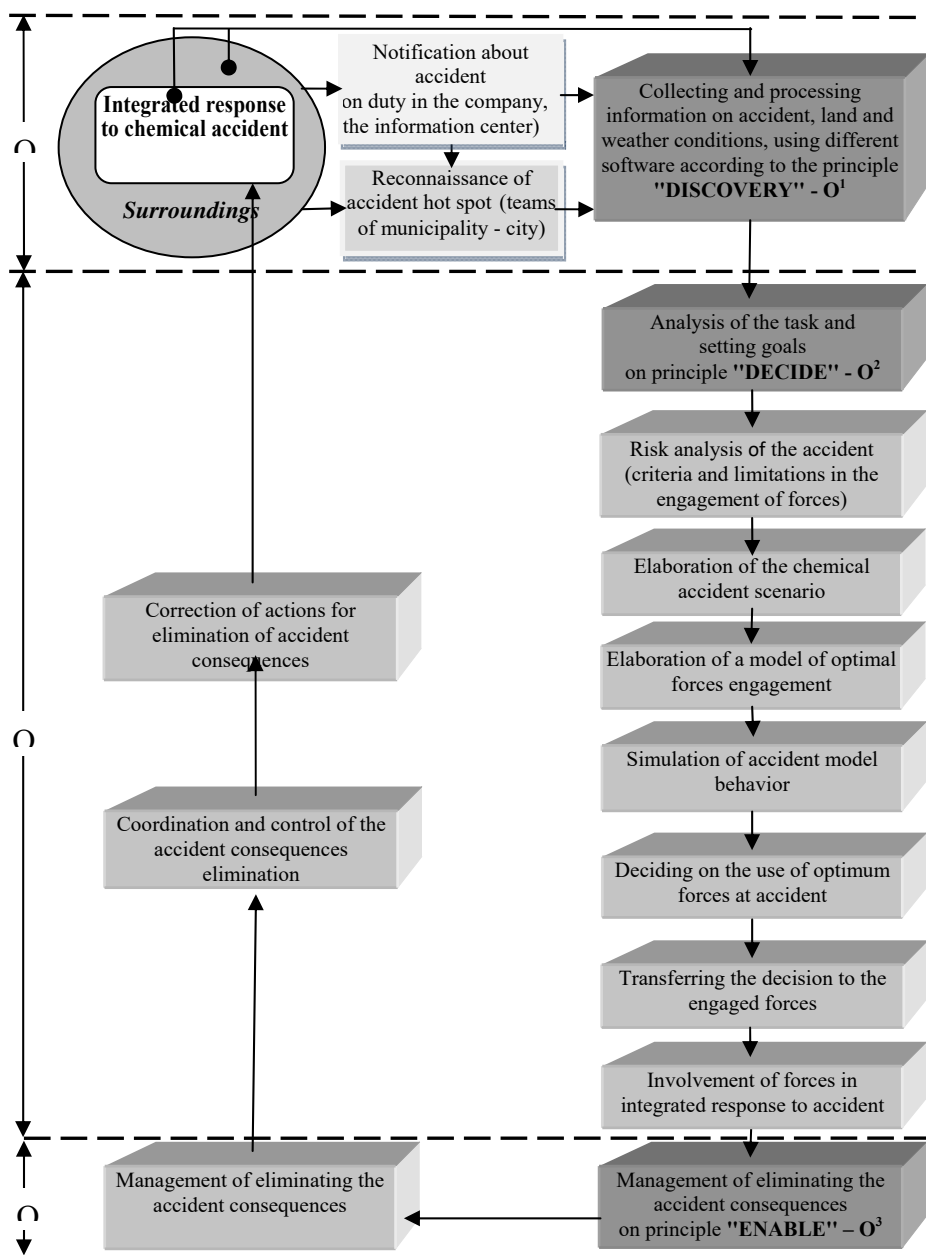


Figure 1 – Model of engaging the society forces in the integrated response to the chemical accident according to the O<sup>3</sup> methodology: discovery – O<sup>1</sup>, decide – O<sup>2</sup>, disable (enable) – O<sup>3</sup> (Indjić, 2014)

## Categorization of Unmanned Aircraft

In order to establish the choice of UA for the task of accident area reconnaissance, the initial parameters must be considered. If we consider UA from the same category, certain restrictions apply to: height and flight speed, range, load capacity, possibility of sensor installation (detectors), costs, etc.

In order to examine and select the optimal UA model for accident area reconnaissance, we have conducted an analysis of their classification by different methodologies, such as NATO (North Atlantic Treaty Organization), EUROCONTROL (European Organization for the Safety of Air Navigation) and UAVS (Unmanned Aerial Vehicle Systems Association).

The UA classification in the NATO Alliance is shown in Table 1.

Table 1 – Classification of UA according to NATO methodology ([www.globalsecurity.org](http://www.globalsecurity.org))

Class	Category	Level of application	Maximum flight altitude(ft)	Range (km)	Basic command support.	Representative
Class 1 (under 150 kg)	Micro < 2kg	Team - squad, individual	Beneath 200	5	Team - squad	Black Widow
	Mini 2-20kg	Unit of the company level	Beneath 3000	25	Platoon/company	Raven
	Small > 20kg	Tactical unit	Beneath 5000	50	Battalion	Hermes 90
Class 2 (150 до 600 kg)	Tactical	Tactical formation	Beneath 10000	200	Brigade	Hermes 450
Class 3 (over 600 kg)	Operative	Operative	Beneath 45000	Unlimited	Staff	Predator
	Strategic	Strategic	Beneath 65000		Joint staff	Global Hawk
	Combat					

The UA classification according to the EUROCONTROL methodology is shown in Table 2.

Table 2 – Classification of UA according to EUROCONTROL methodology ([www.eurocontrol.int](http://www.eurocontrol.int))

Class	Maximal weight (kg)	Range	Range (km)	Maximum flight altitude (ft)
Class 0	Under 25	Small range	Beneath 10	1000
Class 1	25 – 500	Short range	10 – 100	15000
Class 2	501 – 2000	Medium range	100 – 500	30000
Class 3	Above 2000	Long range	Over 500	Over 30000

According to the UAVS, UA are classified in the manner shown in Table 3.

Table 3 – Classification of UA according to UAVS methodology (Kolarek, 2010)

Category name	Abbreviation	Aircraft weight (kg)	Range (km)	Maximum flight altitude (m)	Endurance (h)
micro	micro	<5	<10	250	1
mini	mini	25-150	<10	150-300	<2
small range	CR	25-150	10-30	3000	2-4
short range	SR	50-250	30-70	3000	3-6
medium range	MR	under 1250	70-200	5000	6-10
durable medium range	MRE	under 1250	>500	8000	10-18
deep penetration at low altitudes	LADP	under 350	>250	50-9000	0,5-1
long durability at low altitudes	LALE	<30	>500	3000	>24
durability at low altitudes	MALE	under 1500	>500	14000	24-48

In the Republic of Serbia, the UA flight is regulated by the Rulebook on Unmanned Aircraft. The same Rulebook has done the UA classification according to three criteria: the management mode, the purpose and the operating mass and performance. (Rulebook on Unmanned Aircraft, 2015)

According to the management mode, UA are classified in the following way:

- unmanaged UA;
- automatically managed UA;
- remote controlled UA, operated by a pilot located in a station or on-board cabin.

According to the purpose UA are classified in the following way:

- UA used for economic purposes;
- UA used for non-commercial purposes (models used for scientific, educational and other purposes).

According to the operating mass and performance, UA are classified into:

- category 1 – includes UA whose operating mass is less than 0,5 kg, with a maximum flight height of up to 50 m, a maximum flight speed of up to 30 m/s and a maximum range of up to 100 m;
- category 2 – includes UA with an operating weight of 0,5 kg to 5 kg, with a maximum flight height of up to 150 m, a maximum flight speed of up to 30 m/s and a maximum range of up to 2500 m;
- category 3 – includes UA with an operating weight of 5 kg to 20 kg, with a maximum flight height of up to 500 m, a maximum flight speed of up to 55 m/s and a maximum range of up to 2500 m;
- category 4 – includes UA whose operating weight is from 20 kg to 150 kg, without limitation of height, flight speed and range.

If a particular UA in terms of the operating mass or some of the performances (flight height, flight speed or range) belongs to different categories of UA, it is considered to belong to a higher category.

Finally, Table 4 gives a review of UA categories with the examples of characteristic aircraft (systems) for each category. Ceiling (m) Autonomy (h) Range (km)

Table 4 – Overview of unmanned aircraft categories (Bento, 2008)

Groups	Category (acronym)	Maximum weight (kg)	Maximum flight altitude (m)	Autonomy (h)	Range (km)	EXAMPLES	
						Mission	Aircrafts (systems)
Micro/ mini	Micro	0,10	250	1	< 10	Scouting, NBC sampling, surveillance inside buildings	Black Widow, MicroStar, Microbat, FanCopter, QuattroCopter, Mosquito, Hornet, Mite
	Mini	< 30	150-300	< 2	< 10	Film and broadcast industries, agriculture, pollution measurements, surveillance inside buildings, communications relay and EW	Mikado, Aladin, Tracker, DragonEye, Raven, Pointer II, Carolo C40/P50, Skorpio, R-Max and R-50, Robo-Copter, YH-300SL
Tactical	"Closed" range	150	3,000	2-4	10-30	RSTA, mine detection, search and rescue, EW	Observer I, Phantom, Copter 4, Mikado, RoboCopter 300, Pointer, Camcopter, Aerial, i AgriculturalIRMax
	Short range	200	3,000	3-6	30-70	BDA, RSTA, EW, mine detection	Scorpi 6/30, Luna, Silver Fox, EyeView, Firebird, R-Max Agri / Photo, Hornet, Raven, Phantom, GoldenEye 100, Flyrt, Neptune
	Medium range	150-500	3,000-5,000	6-10	70-200	BDA, RSTA, EW, mine detection, NBC sampling	Hanter B, Mücke, Aerostar, Sniper, Falco, Armor X7, Smart UAV, UCAR, Eagle Eye+, Alice, Extender, Shadow 200/400
	Long range	–	5.000	6-13	200-500	RSTA, BDA, communications relay	Hanter, Vigilante 502
	High authority	500-1.500	5.000-8.000	12-24	> 500	BDA, RSTA, EW, communications relay, NBC sampling	Aerosonde, Vulture II Exp, Shadow 600, Searcher II, Hermes 450S/450T/700
	Medium height, high authority	1.000-1.500	5.000-8.000	24-48	> 500	BDA, RSTA, EW weapons delivery, communications relay, NBC sampling	Skyforce, Hermes 1500, Heron TP, MQ-1 Predator, Predator-IT, Eagle-1/2, Darkstar, E-Hunter, Dominator
Strategic	High altitude and authority	2.500-12.500	15.000-20.000	24-48	> 2.000	BDA, RSTA, EW, communications relay, boost phase intercept launch vehicle, airport security	Global Hawk, Raptor, Condor, Theseus, Helios, Predator B/C, Libellule, EvroHawk, Mercator, SensorCraft, Global Observer, Pathfinder Plus

Groups	Category (acronym)	Maximum weight (kg)	Maximum flight altitude (m)	Autonomy (h)	Range (km)	EXAMPLES	
						Mission	Aircraft (systems)
For special tasks	Lethal	250	3.000-4.000	3-4	300	Anti-radar, anti-ship, anti-aircraft, anti-infrastructure	MAli, Harpy, Lark, Marula
	Decoys	250	50-5.000	< 4	0-500	Aerial and naval deception	Flyrt, MALD, Nulka, ITALD, Chukar
	Stratospheric	TBD	20.000-30.000	> 48	> 2.000	-	Pegasys
	Exo-stratospheric	TBD	> 30.000	TBD	TBD	-	MarsFlyer, MAC-1

Considering the purpose of UA for reconnaissance of the accident area, the UA analysis of the "mini-unmanned aircraft" category has been carried out. In order to choose the optimal model of UA, and in accordance with the described categorizations, criteria for the selection of the optimal model of unmanned aircraft are defined.

On the basis of the collected data from the experts, the criteria for choosing the optimal UA in this paper are the following: load capacity(A), flight height (V), autonomy (S), range (D), possibility of upgrading (E), economy (F) and usage simplicity (G) (Kutnjak, 2017).

## Evaluation Methodology of Criteria for Unmanned Aircraft Selection

The fuzzyAHP (Analytic Hierarchy Process) method has been used to evaluate the criteria for choosing optimal UA. In order to form an initial matrix of even comparisons, the data have been collected by the questionnaire, which was formed by Saaty in the form of nine-point scale of importance between two elements (Saaty, 1980). Prioritization, or determination of the relative weight of the elements based on their values, has been performed using the geometric mean method (Dağdeviren *et al.*, 2009). The questionnaire was filled in by six experts, who made a comparison of the criteria. Bearing in mind the small number of experts and dispersion of the obtained values, the crisp values (the integral mean value of the received expert responses) have been processed using the triangular fuzzy number (application of one of the approaches to group decision-making).

The procedure of fuzzy process has been carried out in the following way:

The fuzzy set A for each real number  $a$  has a value  $\mu(a)$ , where  $\mu(a)$  is the degree of affinity  $a$  for the triangular fuzzy number  $A'$  and moves in the interval  $[0,1]$ . In general, the fuzzy set is represented in the following way  $A = \{a, \mu(a)\}$ .

For each crisp value  $a_{ij}$  two values are assigned by which the fuzzy number is formed, and it can be displayed in the following vector form:

$a'_{ij} = \{a_{ij} - \alpha, a_{ij}, a_{ij} + \alpha\}$ , где  $\frac{1}{2} \leq \alpha \leq 1$ , where, in this case, it is equal to 0.6 (Zhu *et al.*, 1999).

The mentioned fuzzy number characteristics are shown in Figure 2.

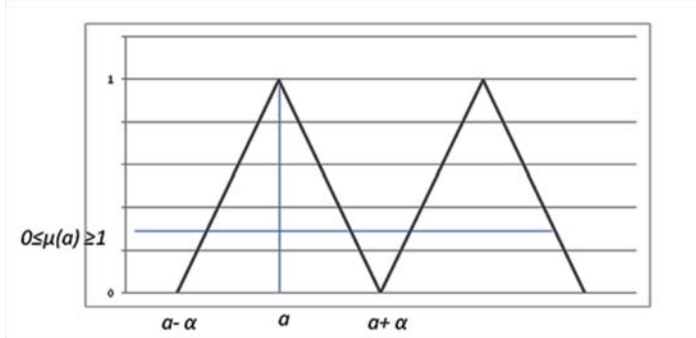


Figure 2 – Construction of the fuzzy numbers in a matrix

Bearing in mind that the calculation was performed using the geometric mean method, the rules in the work with fuzzy number are as follows:

$$1/a_{ij} = \left\{ \frac{1}{a_{ij} + \alpha}, \frac{1}{a_{ij}}, \frac{1}{a_{ij} - \alpha} \right\}, \quad (1)$$

$$a'_1 \oplus a'_2 = \{a'_{11} \oplus a'_{21}, a'_{12} \oplus a'_{22}, a'_{13} \oplus a'_{23}\}, \quad (2)$$

$$a'_1 \div a'_2 = \{a'_{11} \div a'_{23}, a'_{12} \div a'_{22}, a'_{13} \div a'_{21}\}, \quad (3)$$

where

$$a'_1 = \{a'_{11}, a'_{12}, a'_{13}\}$$

$$a'_2 = \{a'_{21}, a'_{22}, a'_{23}\}$$

Defining fuzzy numbers into the crisp value  $w$  was done as follows:

$$w = \frac{(w'_{11}, w'_{12}, w'_{13})}{3} \quad (4)$$

The consistency of all the obtained results was tested at the initial crisp value from the matrix of even comparison as follows (Pamučar, 2017):

$$CR = \frac{CI}{RI} \quad (5)$$

$CI$  – consistency index

$$\text{where } CI = \frac{\lambda_{\max} - n}{n - 1} \quad (6)$$

$\lambda_{\max}$  – maximum own value of the comparison matrix (formula number 7):

$$\lambda_{\max} = \frac{1}{n} \sum_{i=1}^n \lambda_i \quad (7)$$

$$\lambda_i = \frac{b_i}{w_i} \quad (8)$$

The value is calculated as follows (formula number 9):

$$\begin{bmatrix} b_1 \\ b_2 \\ b_n \end{bmatrix} = \begin{bmatrix} a_{11} & a_{12} & a_{1n} \\ a_{21} & a_{22} & a_{2n} \\ a_{n1} & a_{n2} & a_{nn} \end{bmatrix} \begin{bmatrix} w_1 \\ w_2 \\ w_n \end{bmatrix} \quad (9)$$

$RI$  - random index, which depends on the number of rows – columns of matrix  $n$  (Saaty, 1980). If  $CR \leq 0.10$  then the result meets the needs of the research.

After prioritization of the criteria, the optimal type of UA was selected using the TOPSIS method (four UA types were offered).

## Estimation of Criteria Prioritization for the Selection of Unmanned Aircraft

On the basis of the described procedure, the initial matrix of the even comparison was formed according to the experts' response. The average matrix of the even comparison is obtained by finding medium of corresponding answer values, which were added the values of  $\alpha$  and then the rule 1 was applied. In this way the procedure of fuzzy process of crisp values into triangular fuzzy numbers has been done.

Table 5 – Average matrix of even comparison

c	A	B	C	D	E	F	G
A	(1,1,1)	(1.77,2.17,2.77)	(0.25,0.3,0.37)	(0.32,0.4,0.53)	(0.27,0.32,0.39)	(1.4,2,2.6)	(0.73,1.33,1.93)
B	(0.36,0.46,0.64)	(1,1,1)	(0.21,0.24,0.28)	(0.34,0.43,0.58)	(0.23,0.27,0.33)	(0.9,1.5,2.1)	(0.41,0.5,0.71)
C	(2.77,3.33,3.93)	(3.57,4.17,4.77)	(1,1,1)	(1.07,1.67,2.27)	(0.73,1.33,1.93)	(3.4,4,4.6)	(2.23,2.83,3.43)
D	(1.9,2.5,3.1)	(1.73,2.33,2.93)	(0.44,0.6,0.94)	(1,1,1)	(0.57,0.85,1.76)	(1.9,2.5,3.1)	(1.07,1.67,2.27)
E	(2.57,3.17,3.77)	(3.07,3.67,4.27)	(0.52,0.75,1.36)	(0.57,1.17,1.77)	(1,1,1)	(3.4,4,4.6)	(1.4,2,2.6)
F	(0.38,0.5,0.71)	(0.48,0.67,1.11)	(0.22,0.25,0.29)	(0.32,0.4,0.53)	(0.22,0.25,0.29)	(1,1,1)	(0.41,0.55,0.81)
G	(0.52,0.75,1.36)	(1.4,2,2.6)	(0.29,0.35,0.45)	(0.44,0.6,0.94)	(0.38,0.5,0.71)	(1.23,1.83,2.43)	(1,1,1)

On the basis of the values of the triangular fuzzy numbers given in Table 5 the values of the relative weight coefficients in the form of the triangular fuzzy number  $w_i$  (Table 6) were obtained using the following formulas (Dağdeviren *et al.*, 2009):

$$w'_{i1} = \frac{\left( \prod_{j=1}^n a'_{ij1} \right)^{1/n}}{\sum_{i=1}^n \left( \prod_{j=1}^n a'_{ij3} \right)^{1/n}} \quad (10)$$

$$w'_{i2} = \frac{\left( \prod_{j=1}^n a'_{ij2} \right)^{1/n}}{\sum_{i=1}^n \left( \prod_{j=1}^n a'_{ij2} \right)^{1/n}} \quad (11)$$

$$w'_{i3} = \frac{\left( \prod_{j=1}^n a'_{ij3} \right)^{1/n}}{\sum_{i=1}^n \left( \prod_{j=1}^n a'_{ij1} \right)^{1/n}} \quad (12)$$

$$w_i = (w'_{i1}, w'_{i2}, w'_{i3}) = \frac{\left[ \left( \prod_{j=1}^n a'_{ij1} \right)^{1/n}, \left( \prod_{j=1}^n a'_{ij2} \right)^{1/n}, \left( \prod_{j=1}^n a'_{ij3} \right)^{1/n} \right]}{\sum_{i=1}^n \left[ \left( \prod_{j=1}^n a'_{ij1} \right)^{1/n}, \left( \prod_{j=1}^n a'_{ij2} \right)^{1/n}, \left( \prod_{j=1}^n a'_{ij3} \right)^{1/n} \right]} \quad (13)$$

In this case  $j = i = 7$

The same table shows the crisp value determined by formula 4 and the final values of the relative weights  $W_i$  of the criteria obtained after the normalization of the crisp values.

Table 6 – Weighting coefficients for criteria

$c$	$w_i$	$w_i$	$W_i$	Ранг
A	(0.06,0.1,0.16)	0.11	0.10	5
B	(0.04,0.06,0.1)	0.07	0.06	6
C	(0.17,0.28,0.44)	0.30	0.27	1
D	(0.1,0.17,0.31)	0.19	0.18	3
E	(0.13,0.23,0.38)	0.25	0.23	2
F	(0.04,0.06,0.1)	0.06	0.06	7
G	(0.06,0.1,0.18)	0.11	0.11	4



Based on the formula 7, we get  $\lambda_{\max} = 7.12$  and  $CI = 0.02$ . For  $n = 7 \Rightarrow RI = 1.35$  (Saaty, 1980). Using formula 5, value  $CR = 0.01$  was obtained, which is less than 0.1. Based on the abovementioned, it has been concluded that the results are consistent (the experts are consistent in the even comparison of the criteria significance).

## Selection of Optimal Unmanned Aircraft

After the prioritization of the criteria, the optimal type of unmanned aircraft was selected using TOPSIS method (Technique for Order of Preference by Similarity to Ideal Solution) (Hwang and Yoon, 1981). This method is based on ranking alternatives in relation to the ideal and negative ideal solution. The ideal solution maximizes the criteria of benefit type and minimizes criteria of cost type, while the negative ideal solution maximizes criteria of cost type and minimizes the criteria of benefit type. The offered alternatives are ranked on the basis of distance from the ideal solution.

The optimal alternative, in the Euclidean sense, is the one closest to the ideal and the farthest from the negative ideal alternative (Srđević *et al.*, 2002).

The first step in applying the TOPSIS method is the formation of a quantitative initial decision - making matrix, and then the normalization of the matrix value is carried out as follows (Pamučar, 2017):

$$x_{ij} = \frac{r_{ij}}{\sqrt{\sum_{i=1}^n r_{ij}^2}} \text{ for elements of matrix that belong to criteria of benefit type,}$$

$$x_{ij} = 1 - \frac{r_{ij}}{\sqrt{\sum_{i=1}^n r_{ij}^2}} \text{ for elements of matrix that belong to criteria of cost type. (14)}$$

In the next step, the multiplication of the normalized matrix values with values of the relative weight of the criteria is carried out:

$v_{ij} = x_{ij} w_j$ ;  $i = 1, 2, \dots, n$ ,  $n$  - number of alternatives;  $j = 1, 2, \dots, m$ ,  $m$  - number of criteria (15)

Based on previous relations, a new weighted normalized matrix with elements is obtained.

The ideal solution is the following vector (Hwang and Yoon, 1981):

$$A^* = \left\{ \left( \max v_{ij}, j \in G \right), \left( \min v_{ij}, j \in G^- \right) \right\} = \{v_1^*, v_2^*, \dots, v_m^*\}.$$

Negative ideal solution represents the following vector:

$$A^- = \left\{ \left( \min v_{ij}, j \in G \right), \left( \max v_{ij}, j \in G^- \right) \right\} = \{v_1^-, v_2^-, \dots, v_m^-\}.$$

$G$  – criteria which are maximizing,

$G^-$  – criteria which are minimizing.

In the next step, the distance of alternatives from the ideal are determined using the following formula (Hwang and Yoon, 1981):

$$S_i^+ = \sqrt{\sum_{j=1}^m (v_{ij} - v_j^+)^2}, i = 1, \dots, n \quad (16)$$

$$S_i^- = \sqrt{\sum_{j=1}^m (v_{ij} - v_j^-)^2}, i = 1, \dots, n \quad (17)$$

In the next step, for each alternative, relative closeness to the ideal solution is determined (Hwang and Yoon, 1981):

$$Q_i^* = \frac{S_i^-}{(S_i^+ + S_i^-)}, 0 \leq Q_i^* \leq 1 \quad (18)$$

In the last step, alternatives are ranked. The optimal alternative is the one that has the highest value  $Q_i^*$  (Hwang and Yoon, 1981).

In this paper, optimal UA is selected from four offered alternatives, as shown in Table 7.

Table 7 – Characteristics of offered alternatives to unmanned aircraft

Model UA (mini unmanned aircraft)	Load capacity (kg)	Height of flight (m)	Autonomy (min)	Range (km)	Sensor fit-out <sup>1</sup>	Possibility of upgrading	Economy	Easy of usage
Model 1	1	50	10	0,1	1 camera	small	60\$	easy
Model 2	1	200	10	0,5	1 camera	no	50\$	easy
Model 3	2	6000	25	2	1 camera	medium	300\$	medium
Model 4	2	6000	30	5	1 camera	high	400\$	medium

<sup>1</sup> Since each unmanned aircraft has a built-in camera (at least one), it is not taken as a criterion for selection of unmanned aircraft.

Quantitative and qualitative characteristics of UA are given by the manufacturer. The possibility of upgrading and ease of usage represent qualitative characteristics that are arranged using the Likert scale (Table 8).

Table 8 – *Likert scale for alternatives evaluation*

No	Linguistic designation	Numerical value	Possibility of upgrading	Ease of usage
1.	Very good (VG)	5	High	Easy
2.	Good (G)	4	-	-
3.	Medium(M)	3	Medium	Moderately
4.	Bad (B)	2	Small	-
5.	Very bad (VB)	1	-	Complex

Based on the data in Tables 7 and 8, a quantitative initial matrix of decision is formed (Table 9).

Table 9 – *Quantitative initial matrix of decision*

Type	A 0.10	B 0.06	C 0.27	D 0.18	E 0.23	F 0.06	G 0.11
A1	1	50	10	0,1	2	60	5
A2	1	200	10	0,5	1	50	5
A3	2	6000	25	2	3	300	3
A4	2	6000	30	5	5	400	3
Criterion	max	max	max	max	max	min	max

After normalizing values (Formula 14), a weighted normalized matrix was obtained using formula 15 (Table 10).

Table 10 – *Weighted normalized matrix of decision*

Type	A	B	C	D	E	F	G
A1	0.032	0.000	0.065	0.003	0.074	0.053	0.067
A2	0.032	0.001	0.065	0.017	0.037	0.054	0.067
A3	0.063	0.042	0.163	0.067	0.110	0.024	0.040
A4	0.063	0.042	0.195	0.166	0.184	0.013	0.040

Ideal solution is:

$$A^* = \{0.063, 0.042, 0.195, 0.166, 0.184, 0.013, 0.067\}$$

Negative ideal solution is:

$$A^- = \{0.032, 0, 0.065, 0.003, 0.037, 0.054, 0.04\}.$$

Using the formulas 16 and 17, the Euclidean distances of alternatives to the ideal and negative ideal solution were obtained (Table 11).

Table 11 – *Euclidean distance of the alternatives*

Type	$S_i^*$	$S_i^-$
A1	0.24514	0.04549
A2	0.25580	0.02983
A3	0.13153	0.15026
A4	0.02668	0.26398

The relative proximity of alternatives to the ideal solution is calculated by using formula 18, and then the ranking of the alternatives has been performed (Table 12).

Table 12 – *Ranking of alternatives*

Type	$Q^*$	Rank
A1	0.15653	3
A2	0.10444	4
A3	0.53324	2
A4	0.90820	1

## Discussion

On the basis of the obtained results, the optimal variant is the A4 (the unmanned aircraft *model 4*). Of course, it is necessary to install a modern sensor or a chemical detector on the selected UA, by which we will determine the type and quantity of TC, the spread direction of the contaminated cloud, certain meteorological parameters, etc.

The best example for this is the National Aeronautics and Space Administration (NASA), which developed a sensor that is easily converted to a chemical detector by simply connecting it to the "iPhone". According to the producer, currently this sensor successfully detects the presence of ammonia, chlorine and methane (Kutnjak, 2017).

The chip used for detection is made of silicone. It is extremely small in size (the size of a postage stamp) and can easily be installed on unmanned aircraft. In addition to detection, the chip is equipped with an alarm that informs the user of the danger (Hsu, 2009).

Due to its small dimensions, it does not represent load during installation on a particular UA, and in the subsequent period the focus is on increasing the number of TCs that the chip can detect.

The idea is that the massive use of these and similar detectors increases the security of the population, and that the authorities responsible for responding in crisis situations provide quick information about the site, the time of the accident, the type of contaminant, etc. The existence of such devices will significantly improve the system of response to the crisis caused by chemical accidents, i.e. to facilitate the work of teams in the integrated response to the accident.

Furthermore, modern UA can be equipped with sensors that can provide precise information about the weather conditions of interest to the end user. In this way, it is possible to quickly obtain the necessary data for the assessment of the consequences and information on the degree of ecological vulnerability of the area, where the chemical accident occurred (Gaston and Anderson, 2013).

The prioritization of the criteria and attributes of the criteria for the selection of UA for the reconnaissance of the accident area, has not been the subject of the scientific research so far. To some knowledge, the evaluation of criteria and attributes (total of 7 criteria) using the AHP method is carried out (Kutnjak, 2017). According to its results, the most important criterion is "autonomy" with a relative weight of 0.244, while the least important criterion is "economy" with a relative weight of 0.054. In this research prioritization has also been done for seven criteria (load – A, height of the flight – V, autonomy – S, range – D, possibility of upgrading – E, economy – F and ease of usage – G).

In this paper, the most important criterion is "autonomy", while the least important criteria are "height of the flight" and "economy".

Prioritization has been done using the fuzzy AHP method, which is one of the group decision-making tools, where the number of respondents is small (in this case six). It is also necessary to emphasize that the paper refers to the need for prioritization of the criteria for the selection of UA for reconnaissance of the chemical accident area from the point of view of use in peace (chemical accidents can also occur in combat conditions). The criteria for selection of UA are the following: autonomy – 0.27, possibility of upgrading – 0.23, range – 0.18, ease of use – 0.11, load capacity – 0.10, height of the flight – 0.06 and economy – 0.06.

On the basis of the results of the research, it can be concluded that the experts, nevertheless, consider that the "autonomy" and the "possibility of upgrading" UA (hardware and software components) have a major influence on the selection and application of UA (bearing in mind the work of UA over a long period of time and different types of built-in sensors). It is also interesting to note that greater significance is given to "range" of UA than to "simplicity of use" and "load capacity", while "flight height" and "economy" are the last. It is obvious that the experts consider that the tendency for the acquisition of UA for the reconnaissance of the accident area is to be focused on the procurement of aircraft that can operate independently and with as many built-in sensors (for collecting data about TCs, meteorological conditions, monitoring of contamination,

etc.), which would protect the people engaged in the integrated response to the chemical accident and at the same time reduce the impact of TCs. A possible explanation for the small significance of "ease of usage" and "load capacity" is that the management of UA is carried out by trained service personnel and this is a category of "mini-unmanned aircraft" that normally carries very small load. The explanation for the significance of the "height of the flight" criterion would be relatively quickly falling to the ground in case of chemical accident, even when they are carried by wind (and even then they do not go to high altitudes because they are exposed to terrestrial currents). Regarding the criteria "economy", it is at the last place considering the scope of possible consequences for people, material goods and the environment.

By the precise implementation of the scientific method TOPSIS we have obtained the following order of alternatives, i.e. the UA models from the category "mini unmanned aircraft".

- A4 (fourth alternative) – 0.90820 (1st in ranking),
- A3 (third alternative) – 0.53324 (2nd in ranking),
- A1 (first alternative) – 0.15653 (3rd in ranking),
- A2 (second alternative) – 0.10444 (4th in ranking).

From this we can conclude that the fourth alternative, model 4, has the highest total value (0.90820), so it is the most favorable (optimal). This UA model is quite acceptable because it meets the most important criteria for choosing UA, which are "autonomy", "upgradability" and "range" and it has the best results compared to other considered UA models.

The next alternative is UA model 3 (best in terms of "height of the flight" and "load capacity"), then UA model 1 (best according to "ease of usage" criterion) and finally UA model 2 (best according to "economy" criterion).

On the basis of the results of the research it can be concluded that the aim of the research is completely fulfilled. The proposed model can be improved by applying more fully-qualified, modified methods of multi-criteria decision-making.

## *Conclusion*

The paper discusses the possibility of using UA for reconnaissance of the chemical accident area within the integrated response of the state (society) to the accident situation. The choice of optimal UA for use in a particular chemical accident is shown on the basis of the criteria defined by the experts in the subject area.

After a comprehensive analysis, it can be concluded that for the needs of reconnaissance of the chemical accident area UA can be efficiently used.

The use of UA as an element for reconnaissance, within the integrated response to the accident, has many advantages:

- UA can be used in the contaminated environment without fear of the TC effects on persons, who collect data on the substance that caused the chemical accident,
- UA can carry a sensor for measuring a wide range of parameters that can be entered into the responsive monitoring software for prediction of the spread of the contaminated zone. In addition to using the most modern sensors for research, it is

important to emphasize minimizing costs and maximizing simplicity for the purpose of different parameters monitoring (Valavanis and Vachtsevanos, 2014),

- UA can carry modern optoelectronic devices, thermal and 3D cameras, as well as other devices for operation in different exploitation conditions,

- monitoring measured parameters changes in order to make estimating the spread of the contaminated clouds faster and more realistic, so the design of the contaminated zone spread and the time for making the decision to take concrete measures is much better and faster.

The selection of optimum UA for reconnaissance of the chemical accident area within the integrated response to accident situation is presented in the final part of the paper, based on defined criteria and using the FUZZY - AHP and TOPSIS methods.

In this way, we have demonstrated one of the ways to choose the optimum UA for the needs of reconnaissance of the chemical accident area, of course with the previous upgrading of a particular sensor or chemical detector to UA (a means by which we will determine the type and amount of TC, the meteorological parameters, direction of the spread of the contaminated cloud, etc.).

In further studies, it is necessary to verify the results stated in the paper through practical research in real-life conditions (on the ground), where the results obtained by mathematical models using the unmanned aircraft would be checked in practice. With regard to this, it should develop and optimize the number of UA, which participate in the realization of  $O^1$  phase and overflow their performance in  $O^2$  phase.

## References

- [1] Bento, M. (2008), "Unmanned Aerial Vehicles: An Overview", working paper, Inside GNSS, january/february, pp. 54-61.
- [2] Dağdeviren, M, Yavuz, S. and Kılınç, N. (2009), "Weapon selection using the AHP and TOPSIS methods under fuzzy environment", *Expert Systems with Applications*, Vol. 36 No. 4, pp. 8143–8151.
- [3] Gaston, K. and Anderson, K. (2013), "Lightweight unmanned aerial vehicles will revolutionize spatial ecology", *Frontiers in Ecology and the Environment*, Vol. 1 No. 3, pp. 138–146
- [4] Hsu, J. (2009), "NASA Scientist Converts iPhone into Chemical Sniffer", available at: <https://www.popsci.com/technology/article/2009-11/nasa-scientist-converts-iphone-chemical-sniffer> (accessed 21 December 2017).
- [5] <http://www.globalsecurity.org>
- [6] <https://www.eurocontrol.int>
- [7] Hwang, C. and Yoon, K. (1981), *Multiple attribute decision making: methods and applications*, Springer, Berlin
- [8] Indjić, D. (2014), *Model of engagement of NBC units on the elimination of consequences of a chemical accident – PhD thesis*, Military Academy, University of Defense, Belgrade
- [9] Indjić, D., Terzić M., Zigić S. and Rutić S. (2015), "Engagement of the Serbian Army in helping civilians in the event of nuclear and chemical accidents", *Military Technical Courier*, Vol. 63 No. 3, pp. 215-239
- [10] Jovanović, D., Stojisavljević, P., Cvetanović, S., Rajić, D., Karkalić, R., Ivanković, N. and Senić, Z. (2016), "Testing of the functional garments with microencapsulated phase-change material in simulated high temperature conditions", *Chemical Industry*, Vol. 70 No. 5, pp. 573-579

- [11] Karkalić, R. Jovanović, D., Radaković, S., Rajić, D., Petrović, B., Ivanković, N. and Senić, Z. (2015), "The influence of the passive evaporative cooling vest on a chemical industry worker physiological strain level in hot conditions", *Chemical Industry*, Vol. 69 No. 6, pp. 587-594.
- [12] Kolarek, M. (2010), "Unmanned aerial vehicles for photogrammetry", *Ekscenar*, No. 12, pp. 70-73.
- [13] Kelemenš, K. (2016), *Political dimension of crisis management – PhD thesis*, Faculty of Political Science, University of Belgrade, Belgrade
- [14] Kutnjak, D. (2017), Possibilities of using unmanned aerial vehicles in chemical accident area reconnaissance – MSc work, Military Academy, University of Defense, Belgrade
- [15] Law on Emergency Situations (2009), "Official Gazette of the Republic of Serbia", No. 111/2009, 92/2011 and 93/2012
- [16] Mučibabić, S. (2003), *Decision-making in conflict situations*, Vojnoizdavački zavod, Belgrade
- [17] Pamučar, D. (2017), *Operational research*, Rabek, Belgrade
- [18] Rajić, D., Kamberović, Z., Karkalić, R., Ivanković, N. and Senić, Y. (2013), "Thermal resistance testing of standard and protective filtering military garment on the burning napalm mixture", *Chemical Industry*, Vol. 67 No. 6, pp. 941-950
- [19] Roca, D., Martínez-Sánchez, J., Lagüela, S. and Arias, P. (2016), "Novel Aerial 3D Mapping System Based on UAV Platforms and 2D Laser Scanners", *Journal of Sensors*, Vol. 2016, Article ID 4158370, pp. 1-8
- [20] Rulebook on Unmanned Aircrafts (2015.) "Official Gazette of the Republic of Serbia", No. 108/2015
- [21] Saaty, T. (1980), *The analytic hierarchy process*, McGraw-Hill, New York
- [22] Srdjević, B., Srdjević, Z. and Zoranović, T. (2002), "PROMETHEE, TOPSIS and CP in multi-criteria decision-making in agriculture", *Chronicle of Scientific Papers*, Vol. 26 No. 1, pp. 5-23
- [23] Valavanis, K. and Vachtsevanos, G. (2015), *Handbook of Unmanned Aerial Vehicles*, Springer Publishing Company, New Delhi
- [24] Zhu, K.-J., Jing, Y. and Chang, D.-Y. (1999), "A discussion on extent analysis method and applications of fuzzy", *European Journal of Operational Research*, Vol. 116, pp. 450-456



# THE PRIORITIZATION OF CRITERIA FOR THE SELECTION OF RADAR FOR THE AIR TRAFFIC CONTROL AND PROTECTION BY MULTI-CRITERIA DECISION - MAKING APPLICATION IN THE FUZZY ENVIRONMENT\*

Ivan B. Petrović

University of Defence in Belgrade, Military Academy, Republic of Serbia

Saša Sretović

Serbian Armed Forces, Air Force and Air Defence

Milan S. Kankaraš

University of Defence in Belgrade, Military Academy, Republic of Serbia

The prioritization of criteria for the selection of radar for the air traffic control and protection by multi-criteria decision - making is presented in the paper. By analyzing the content of the available literature, the criteria and attributes of the criteria, on whose basis it is possible to evaluate the radar for the air traffic control, have been separated. The mutual influence of the criteria and attributes has been exerted by testing a group of experts using a questionnaire (the AHP questionnaire). The obtained values are fuzzified in triangular fuzzy numbers. The processing of the gathered data – triangular fuzzy numbers and the prioritization of the criteria and attributes has been carried out by the AHP method. The consistency of the results has been tested by the ratio of consistency. On the basis of the results, the model that enables the selection of optimal radar for the air traffic control and protection has been proposed.

**Key Words:** *Fuzzy-AHP, Air Traffic Control, Multi-Criteria Decision - Making, Radar*

## Introduction

The expansion of the air traffic during the twentieth century resulted in a significant increase in the number of airspace users, different categories and types, which has led to the increase in the probability of emergencies in the airspace and threats to security.

\* This paper is the result of the project VA-DH/3/17-19 "Calculation of Long-Term Financial Sustainability of the Duty Forces of Air Defense System of Serbian Armed Forces in Performing the Airspace Control and Protection in Peace". The project is funded by the Ministry of Defence, and the Project Manager is Assistant Professor Ivan Petrović.

The airspace control and protection is the right and obligation of every country. The airspace control involves the continuous detection of all objects in the airspace, as well as their monitoring and observation of all airspace activities. The air traffic control and protection is also a very profitable activity, whose improvement has been continuously done, as written by numerous authors (Petrović et al., 2014; Menon et al., 2004; Chen et al., 2017, etc).

It is necessary to understand that the support of air traffic management and the efficiency and effectiveness of the airspace control and protection depends to a large extent on the radar capability. The importance of radar and other air defence components in preventing the airspace violation and neutralizing the security threat from the air in peace has increased particularly since 9/11 (Petrović et al., 2015).

The Republic of Serbia is a small country in both qualitative and quantitative terms (about 8 million inhabitants, small area – 88,361 km<sup>2</sup>, small gross domestic product, relatively poor economic development, complex geostrategic and geopolitical position), which significantly impacts its equipment with the modern devices including radar. A special influence has been exerted from the territory of the country, as well as the current availability of air force and air defence on the selection of military radars (Gordić & Petrović, 2014).

Bearing in mind the aforementioned, the research has been conducted with the general objective: the prioritization of the criteria for the selection of radar for the airspace control and protection in accordance with the capabilities of the country by the fuzzy-AHP method.

The abovestated research objective gives rise to the following general hypothesis:

On the basis of the fuzzy-AHP method, it is possible to evaluate the criteria for the selection of radar for the airspace control and protection in accordance with the capabilities of the country.

The application of the fuzzy-AHP method enables multi-criteria decision - making process by taking into consideration the uncertainties of the expert opinion, which has the impact on the scientific and methodological justification of the research. This procedure can, in its essence, be applied for the choice of a wide range of technological solutions in other spheres of social life, which makes this research practically justified.

## Review of Literature

There is a lot of literature that deals with the evaluation of the criteria for the selection of weapons and military equipment. Mavris & DeLaurentis (1995) investigated the concept of the "overall evaluation criteria" ("OEC") for determination of criteria for selecting the combat aircraft. The prioritization of the criteria for the combat aircraft by the AHP method was researched by Vlačić (2013). The application of the modified AHP method using the fuzzy numbers in the research of the defence system problems was researched by Božanić et al. (2015).

The possibilities and goals of improving the air defence system including anti-aircraft units were researched by Petrović et al. (2015). The determination and evaluation of the criteria for the selection of anti-aircraft missile systems by the DEMATEL method were researched by Petrović & Kankaraš (2017). The significant contribution to the application of conventional methods in the fuzzy environment for selection of the weapon was given by Dagdeviren et al. (2009).

However, the prioritization of the criteria for the selection of radar in the fuzzy environment has not been fully researched by any scientific paper.

## Criteria for Selection of Radar

On the basis of previously analyzed contents of literature, the criteria and attributes within each criterion have been determined, on whose basis it is possible to carry out the optimal selection of radar for the airspace control and protection (Sretović, 2018). The criteria are adapted to the overall evaluation criteria for the selection of the combat system (Mavris & DeLaurentis, 1995). The radar selection criteria are as follows: affordability (A), spatial performance (B), time performance (C), safety (D), and radar support capability of air defence weapons (E).

The attributes of the affordability are: disposal costs (A1), training costs (A2), operating costs (A3), acquisition costs (A4) and logistics support (A5).

The attributes of the spatial performance are: the primary radar air surveillance zone (B1), the secondary radar air surveillance zone (B2), the fighter aircraft navigation zone (B3) and the number of necessary radars for organization of air surveillance fields (B4).

The attributes of the time performance are: the required time for the detection of an object in the airspace (C1), the required time for the 3D position determination (C2), the required time for identification of airplane (C3), the required time for the course, speed, size of group and membership determination (C4) and the required time for data-processing of reconnaissance information (C5).

The attributes of the safety are: force protection (D1), maneuver ability (D2), remote control ability (D3), sensitivity to electronic attack (D4) and frequency agility (D5).

The attributes of the possibility of radar support for air defense weapons systems are: overall ability of navigation (E1), capability of simultaneous instrumental navigation (E2), ability of ground-air communication equipment (E3) and the ability of providing radar surveillance information to anti-aircraft missile systems (E4).

## Methodology

For the purpose of prioritization of the criteria and attributes by the AHP (the analytic hierarchy process) method, the data has been gathered by the questionnaire, which has been adapted to the scale of relative importance [1/9, 9] (Saaty, 1980). The prioritization of the weights of elements based on their values has been carried out by the eigenvector (EV) method (Saaty, 1980). Four experts have performed pairwise comparison of criteria and attributes within each criterion. Bearing in mind the small number of experts and dispersion of the obtained values, the fuzzification of the crisp values has been done using the triangular fuzzy numbers (one of the group decision approaches has been applied).

The procedure of fuzzification has been carried out as follows:

Fuzzy set  $A$  for every real number  $a$ , has value  $\mu(a)$ , where  $\mu(a)$  is degree of membership  $a$  to triangular fuzzy numbers  $A'$  and can be in discrete interval  $[0,1]$ . Fuzzy set can be presented as follows  $A = \{a, \mu(a)\}$ .

To each crisp value  $a_{ij}$  two values are assigned and the triangular fuzzy number is formed, which is presented as a vector:

$$a'_{ij} = \{a_{ij} - \alpha, a_{ij}, a_{ij} + \alpha\}, \text{ where is } \frac{1}{2} \leq \alpha \leq 1, \text{ in this case it is equal to 1.}$$

The aforementioned triangular fuzzy numbers characteristics are shown in Figure 1.

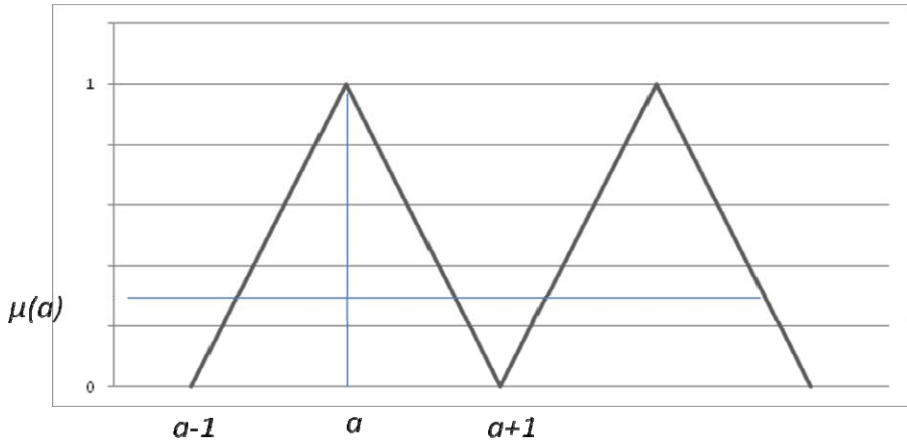


Figure 1 – Construction of the triangular fuzzy number

Bearing in mind that the calculation has been done using the eigenvector method, the rules of calculation with the triangular fuzzy numbers are as follows:

$$\frac{1}{a'_{ij}} = \left\{ \frac{1}{a_{ij} + \alpha}, \frac{1}{a_{ij}}, \frac{1}{a_{ij} - \alpha} \right\}, \quad (1)$$

$$a'_1 \oplus a'_2 = \{a'_{11} \oplus a'_{21}, a'_{12} \oplus a'_{22}, a'_{13} \oplus a'_{23}\}, \quad (2)$$

$$a'_1 \div a'_2 = \{a'_{11} \div a'_{23}, a'_{12} \div a'_{22}, a'_{13} \div a'_{21}\}, \quad (3)$$

where is:

$$a'_1 = \{a'_{11}, a'_{12}, a'_{13}\}$$

$$a'_2 = \{a'_{21}, a'_{22}, a'_{23}\}$$

Defuzzification into the crisp value has been done as follows:

$$w = \frac{(w'_{11}, w'_{12}, w'_{13})}{3} \quad (4)$$

The consistency of the results has been tested by the consistency ratio applying the following equation (Pamučar, 2017):

$$CR = \frac{CI}{RI} \quad (5)$$

$CI$  - Consistency index.

$$\text{Where is } CI = \frac{\lambda_{\max} - n}{n - 1} \quad (6)$$

$\lambda_{\max}$  - Maximum eigenvector of the matrix of comparison (equation 7):

$$\lambda_{\max} = \frac{1}{n} \sum_{i=1}^n \lambda_i \quad (7)$$

$$\lambda_i = \frac{b_i}{w_i} \quad (8)$$

Value  $b_i$  have been calculated by the equation 9:

$$\begin{bmatrix} b_1 \\ b_2 \\ b_n \end{bmatrix} = \begin{bmatrix} a_{11}a_{12}a_{1n} \\ a_{21}a_{22}a_{2n} \\ a_{n1}a_{n2}a_{nn} \end{bmatrix} \begin{bmatrix} w_1 \\ w_2 \\ w_n \end{bmatrix} \quad (9)$$

$RI$  - Random index, which depends on the number of rows - columns of the matrix  $n$  (Pamučar, 2017). If  $CR \leq 0.10$  then the result is consistent.

## Prioritization of Criteria for Selection of Anti-Aircraft Missile System

On the basis of the described procedure, the initial preference matrix for the criteria has been established: affordability (A), spatial performance (B), time performance (C), safety (D), and radar support capability of air defence weapons (E).

Table 1 – Pairwise comparison matrix

K	A	B	C	D	E
A	(1,1,1)	(2,3,4)	(2,3,4)	(4,5,6)	(3,4,5)
B	(0.25,0.33,0.5)	(1,1,1)	(2,3,4)	(4,5,6)	(1,2,3)
C	(0.25,0.33,0.5)	(0.25,0.33,0.5)	(1,1,1)	(1,1,1)	(2,3,4)
D	(0.17,0.2,0.25)	(0.17,0.2,0.25)	(0.25,0.33,0.5)	(1,1,1)	(4,5,6)
E	(0.2,0.25,0.33)	(0.33,0.5,1)	(0.25,0.33,0.5)	(0.17,0.2,0.25)	(1,1,1)

On the basis of the values from the preference matrix according to equation 4, a matrix of normalized values has been calculated (Saaty, 1980):

$$a''_{ij} = \frac{a'_{ij}}{\sum_{j=1}^n a'_{ij}} \quad (10)$$

Where is:

$$a''_{ij} = \{a''_{ij1}, a''_{ij2}, a''_{ij3}\},$$

$$a''_{ij1} = \frac{a'_{ij1}}{\sum_{j=1}^n a'_{ij3}}, a''_{ij2} = \frac{a'_{ij2}}{\sum_{j=1}^n a'_{ij2}}, a''_{ij3} = \frac{a'_{ij3}}{\sum_{j=1}^n a'_{ij1}} \quad (11)$$

Table 2 – Normalized pairwise comparison matrix (for criteria)

K	A	B	C	D	E
A	(0.39,0.47,0.53)	(0.29,0.59,1.06)	(0.2,0.39,0.72)	(0.28,0.4,0.58)	(0.15,0.26,0.45)
B	(0.09,0.15,0.26)	(0.14,0.19,0.26)	(0.2,0.39,0.72)	(0.28,0.4,0.58)	(0.05,0.12,0.27)
C	(0.09,0.15,0.26)	(0.03,0.06,0.13)	(0.1,0.13,0.18)	(0.07,0.08,0.09)	(0.1,0.2,0.36)
D	(0.06,0.09,0.13)	(0.02,0.03,0.06)	(0.02,0.04,0.09)	(0.07,0.08,0.09)	(0.21,0.33,0.54)
E	(0.07,0.11,0.17)	(0.04,0.09,0.26)	(0.02,0.04,0.09)	(0.01,0.01,0.02)	(0.05,0.06,0.09)

From Table 2, the relative values  $W$  have been calculated by the equation 2, 4, and 12, which are shown in Table 3.

$$w_i = \frac{\sum_{j=1}^n a''_{ij}}{n}$$

(12)

Table 3 – Weight values of criteria

K	A	B	C	D	E	$w_i$
A	(0.39,0.47,0.53)	(0.29,0.59,1.06)	(0.2,0.39,0.72)	(0.28,0.4,0.58)	(0.15,0.26,0.45)	0.42
B	(0.09,0.15,0.26)	(0.14,0.19,0.26)	(0.2,0.39,0.72)	(0.28,0.4,0.58)	(0.05,0.12,0.27)	0.25
C	(0.09,0.15,0.26)	(0.03,0.06,0.13)	(0.1,0.13,0.18)	(0.07,0.08,0.09)	(0.1,0.2,0.36)	0.13
D	(0.06,0.09,0.13)	(0.02,0.03,0.06)	(0.02,0.04,0.09)	(0.07,0.08,0.09)	(0.21,0.33,0.54)	0.12
E	(0.07,0.11,0.17)	(0.04,0.09,0.26)	(0.02,0.04,0.09)	(0.01,0.01,0.02)	(0.05,0.06,0.09)	0.07

On the basis of equation 7, it is calculated  $\lambda_{\max} = 5.45$ , and  $CI = 0.11$ . For  $n = 5 \Rightarrow RI = 1.11$  (Saaty, 1980). On the basis of equation 5, it is calculated  $CR = 0.09$ , and it is lower than 0.1, so the result is consistent (there is no need for corrections of the comparison). The final ranking of the criteria for the selection of radar for the airspace control and protection is shown in Figure 2.

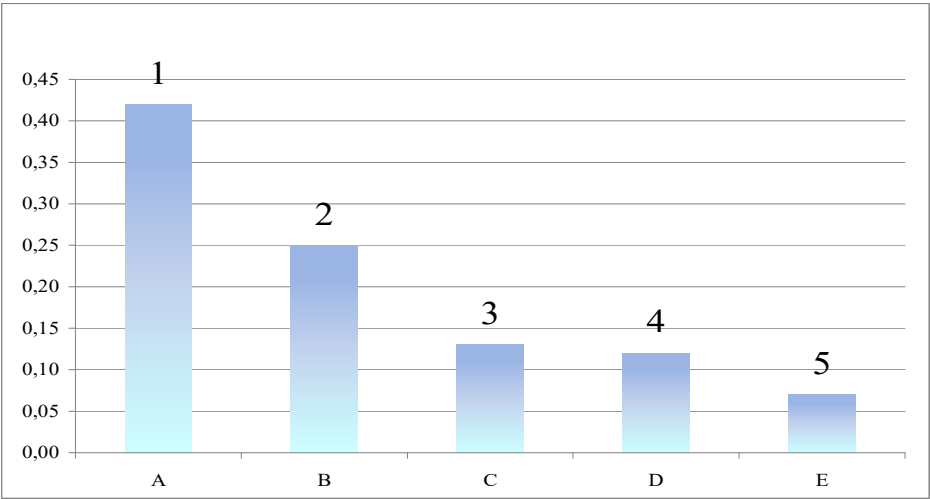


Figure 2 – Weights of radar selection criteria

By applying the same procedures, the weights values of attributes have been calculated, which are shown in Table 4, where the proposed model of criteria and attributes with weight values is presented.

Table 4 – *Proposed model for selection of radar for the airspace control and protection*

The weights values of attributes						$w_i$
A	A1	A2	A3	A4	A5	0.42
a $w_i$	0.03	0.1	0.08	0.12	0.11	
B	B1	B2	B3	B4		0.25
b $w_i$	0.12	0.02	0.05	0.06		
C	C1	C2	C3	C4		0.13
c $w_i$	0.04	0.06	0.01	0.02		
D	D1	D2	D3	D4	D5	0.12
d $w_i$	0.02	0.02	0.01	0.04	0.03	
E	E1	E2	E3	E4		0.07
e $w_i$	0.025	0.02	0.02	0.005		

The consistency ratio for all the criteria and attributes is less than 0.1.

## Discussion

The prioritization of the criteria and attributes of the criteria for the selection of radar for the airspace control and protection has not been the topic of any scientific paper so far. Most of the papers are related to the improvement of certain radar characteristics, the creation of new technological solutions and the modernization of the existing radar systems. However, there are some studies that have researched the evaluation of criteria and the selection of optimum weapons and equipment systems. For example, in his research, Župac (2013), by applying the AHP method, evaluated the criteria and attributes of anti-aircraft missile system. Petrović & Kankaraš (2017) researched the weights of criteria for the selection of anti-aircraft missile system by the DEMATEL method. In this research, prioritization was carried out by four criteria (economy, effectiveness, maintenance, and combat abilities of the anti-aircraft system).

However, despite these studies, in this paper, for the first time, prioritization has been carried out by the fuzzy-AHP method, which is one of the tools for multi-criteria decision - making, where the number of respondents is small (less than 10, in this case only four experts), and where uncertainty, during gathering data, has very important influence, which was not the case in previous papers. In this paper, the selection of experts from specialists has been carried out, which reduced the inconsistency in the decision-making



process (the influence of stronger factors on the weaker). It is also necessary to emphasize that the paper relates to the need for prioritization of the criteria for the selection of radar for use during peacetime. The criteria for radar selection are as follows: affordability with the weight of 0.42, then spatial performance with the weight of 0.25, then time performance with 0.13, safety with 0.12 and and the radar support capability of air defence weapons with the weight of 0.07.

On the basis of the results of the research, it can be concluded that the experts think that the economic aspect, especially procurement conditions, have a great influence on the selection and financial sustainability of equipping and exploiting radar (bearing in mind the relatively small domestic gross product of the country). It is also interesting that spatial performance has more importance than time performance, while the importance of safety, as well as the radar support capability of air defence weapons is relatively small (because the procurement of radars is aimed at performing tasks in peace). It is obvious that the experts believe that the tendency of the radar acquisition should be focused on increasing spatial performance, which would reduce the number of radar units. Moreover, according to the expert opinion, it is necessary to significantly increase the ability of time performance, or rapid reaction of the entire air defence system in the case of aviation violation (Petrović et al., 2015).

On the basis of the aforementioned research results, it can be concluded that the aim of the research is fulfilled and that the general hypothesis is positively verified. The proposed model can be upgraded by applying highly qualified multi-criteria decision - making methods, taking into consideration the degree of confidence of the experts (TOPSIS, VIKOR, MAICRA, etc).

## *Conclusion*

The selection of optimum radar is one of the most important tasks of air force and air defense in the future. This is the consequence of the influence that operations, which are carried out by air force and air defence units have on modern armed conflicts, as well as the significance of the air defence system in performing the airspace control and protection in peace. The task of the airspace control and protection is an irreplaceable segment of air traffic management, whose conduct is impossible without modern radar resources.

The future research can also focus on improving the model for the selection of not only radar, but also other weapons and equipment systems, taking into consideration technological-economic analysis. The selection of weapons and equipment systems for the air force and air defence is a complex process, which in the long-term directs the development of the organizational and functional structure of air force and air defence units. Therefore, it is necessary to provide an interdisciplinary approach with respect to both professional and academic public.

## *Literature*

[1] Božanić, D., Pamučar, D. & Bojanić, D. (2015). Modification of the analytic hierarchy process (ahp) method using fuzzy logic: fuzzy ahp approach as a support to the decision making process concerning engagement of the group for additional hindering. *Serbian Journal of Management*, 10 (2),151–171.

- [2] Chen, J., Chen, L., & Sun D. (2017). Air traffic flow management under uncertainty using chance – constrained optimization. *Transportation Research, Part B* 102, 124-141. doi.org/10.1016/j.trb.2017.05.014
- [3] Dagdeviren, M., Yavuz, S. & Kilinc, N. (2009). Weapon selection using the AHP and TOPSIS methods under fuzzy environment. *Expert Systems with Applications*, Vol. 2009, No. 36, 8143–8151. preuzeto sa: [www.elsevier.com/locate/eswa](http://www.elsevier.com/locate/eswa)
- [4] Mavris, D. & DeLaurentis, D. (1995). An Integrated Approach to Military Aircraft Selection and Concept Evaluation. *The 1st AIAA Aircraft Engineering, Technology, and Operations Congress*, Los Angeles (1-11). American Institute of Aeronautics and Astronautics
- [5] Menon, P. K., Sweriduk, G. D., & Bilimoria, D. (2004). New Approach for Modeling, Analysis, and Control of Air Traffic Flow. *Journal of Guidance, Control, and Dynamics*, September, 27 (5), 737-744. doi: org/10.2514/1.2556
- [6] Pamucar, D., Petrovic, I. & Cirovic, G. (2018). Modification of the Best-Worst and MABAC methods: A novel approach based on interval-valued fuzzy-rough numbers, *Expert Systems with Applications*, 91, 89-106.
- [7] Petrović, I. & Kankaraš, M. (2017). Determination and Evaluation Criteria for Equipping the Small Country with Anti-aircraft Missile System. ICMNEE 2017. Beograd.
- [8] Petrović, I., Kankaraš, M. & Cvetković, K. (2015). Significance and Prospects of the Development of Defence System. *Vojno delo*, Vol. 67, No. 6, 86-98. doi: 10.5937/vojdela1506086P
- [9] Petrović, I., Kankaraš, M., & Gordić, P. (2014). Model proračuna dugoročne finansijske održivosti izvođenja operacije kontrole i zaštite vazdušnog prostora (Long-term Financial Sustainability of Airspace Control and Protection Operation – Calculation Model). *Vojno delo*, 66 (6), 219-226. doi: 10.5937/vojdela1404219P
- [10] Saaty, T. L. (1980). *The analytic hierarchy process*. New York. McGraw-Hill.
- [11] Vahdani, B., Tavakkoli-Moghaddam, R., Meysam Mousavi, S., & Ghodrathnama. A. (2013). Soft computing based on new interval-valued fuzzy modified multi-criteria decision-making method, *Applied Soft Computing*, 13, 165–172
- [12] Vlačić, S. (2012). Definisanje kriterijuma za izbor višenamenskog borbenog aviona za potrebe Vazduhoplovstva i protivvazduhoplovne odbrane Vojske Srbije [in Serbian] (Defining the criteria for selecting a multirole combat aircraft for the purposes of the Air Force and Air Defense Defense of the Serbian Armed Forces). Beograd: Univerzitet odbrane.
- [13] Gordić, M. & Petrović, I. (2014). Raketni sistemi u odbrani malih država [in Serbian] (Anti-aircraft missile systems in defence of small countries). Beograd: MC Odbrana.
- [14] Sretović, S. (2018). Određivanje i vrednovanje kriterijuma za izbor radarsko-računarskih sredstava za potrebe kontrole i zaštite vazdušnog prostora [in Serbian] (Determination and evaluation of criteria for selection of radar for the purpose of airspace control and protection). Univerzitet odbrane. Beograd.
- [15] Župac, G. (2013). Model određivanja i evaluacije kriterijuma za izbor raketnog sistema protivvazduhoplovne odbrane srednjeg dometa [in Serbian] (A model for determination and evaluation of the criteria for selection of a middle-range anti-aircraft missile system). Beograd. Univerzitet odbrane

# THE DEVELOPMENT OF SERBIAN AVIATION AND AVIATION SIGNAL STATIONS AND THEIR SIGNIFICANCE ON THE SALONICA FRONT

Vitimir A. Stanković

University of Defence in Belgrade, School of National Defence

The development of human society and human conscience has contributed to the general progress in different spheres. Man, observing the surroundings, has always tended to adjust the environment to his needs. Thus, at one point, looking into the sky, he experienced a desire to fly in the vast space above him and be free like a bird. Such ideas have not just been a dream, but represented a need to test the human capabilities, too. Hence he has started, initially in a primitive way, and later with more sophistication, to contrive mechanisms, which would take him into free and yet unexplored sky. The first balloon flight was performed out in the long gone year of 1783, when the Montgolfier brothers flew over Paris. George Cayley, an English engineer, carried out several flights between 1804 and 1853. He was the first to construct a flying machine with fixed wings and separate systems for take-off, motion and control.

In 1874 Felix du Temple de la Croix, a navy officer, constructed a flying device resembling the wings of a bird, with a wheel retracting into the base, a propeller and a 6 HP motor. Clement Ader, a French engineer, constructed in 1890 a flying device called Eole powered by a steam engine with four cylinders, 20 HP and four propellers. Otto Lilienthal, a German civil engineer, managed to perform the first safe flight in history. His scientific approach was adopted by the Wright brothers. Orville and Wilbur Wright constructed the first "successful" airplane in the world, whose flight on 17 December 1903 was fully controlled. Later on, they developed a fixed airplane wing and introduced electronic adjustments in the airplane.

Key Words: *ideas about flying, balloons, controlled flight, airplane with a motor, fixed-wing*

## Introduction

The first ideas and practical attempts to promote aviation in Serbia and to introduce its use in the military were recorded as early as in the middle of the 19<sup>th</sup> century. Matija Ban's article "*Aviation*", published in *Serbian Newspaper* in September 1844 is the first written document about aviation in Serbia. The ideas related to aviation were dis-

seminated by the Serbian officers and professionals educated in Russia and the West. The first hot - air balloon flew over Belgrade in 1873 whereas over Pančevo in 1880. The balloon was operated by the Frenchman Bede, who toured many European cities, at that time, demonstrating the art of flying a balloon. The introduction of aviation into the Serbian Armed Forces was initiated by King Aleksandar I Obrenović in 1893, via his order to organize within divisions, if possible, *"aviation and bicycle units using personnel trained for these activities in the peacetime"*. At the beginning of the 20<sup>th</sup> century France, Germany, Russia and Great Britain were the countries that took the lead in the development of aviation, while the Kingdom of Serbia took measures to establish the Air Force. One of the best educated Serbian officers at the time, Miloš Vasić, in the capacity of the Minister of the Military, foreseeing the formation of the Air Force units, decided in 1900 to commence with educating aviation experts, so that a group of officers and non-commissioned officers was sent to attend school abroad.

The creation of the Serbian Air Force at the beginning of the previous century in a small and poor country like the Kingdom of Serbia was conditioned by the danger posed by Austria-Hungary, as well as the Serbian preparations for completing the liberation from the Ottoman Empire. In such international circumstances, despite the harsh economic conditions, Serbia had to equip its military with modern armament. During the opening years of the 20th century, modernization of the outdated armaments began in Serbia, and even the possibility of introducing balloons was considered, following the model of the militaries of larger European states. In February 1901, engineering captain Kosta Miletić was sent to attend school in Russia, thus becoming the first officer trained in handling free and tied balloons, and in pigeon mail organization.

During the annexation crisis, at the end of 1908 and the beginning of 1909, Serbia acquired two balloons. The first six pilots completed training in France before the beginning of the First Balkan War, and the Field Marshal Radomir Putnik signed a document, which established the Air Force Command in Niš. This event entered the history books as the date of the formation of the military aviation of our country. In March of the following year, our airplanes appeared above the besieged Skadar, while sergeant pilot Mihajlo Petrović, in the course of his first combat flight, became the first victim of the Serbian military aviation.

At the onset of World War I, with a small number of airplanes and balloons, the Serbian pilots provided the Supreme Command with valuable information on the movement of the enemy troops, while at the beginning of 1915 they introduced armaments into their planes. Until the Mackensen's offensive Serbian and French pilots maintained dominance in the air and offered valuable data to the Serbian Supreme Command, at the time when the fateful decision on the army's retreat via Albania was made. During the retreat, the French pilots were the first in the world, who transported the sick and the wounded by plane. Together with Serbian pilots, they maintained communication between the parts of the army retreating along the Albanian coast toward Durrës and Vlorë.

In 1915, the Supreme Command of the Serbian Armed Forces ordered the formation of permanent airplane signal stations with the aim of organizing surveillance of the air-space, thus beginning to establish the air defence system within the Serbian military. The Serbian aviation and its pilots, aided by the newly established airplane signal stations and their crews, gave immeasurable contribution to the breakthrough at the Salonica Front. Its presence had a special positive effect on the morale of our soldiers and commanding officers.

After the reorganization on Corfu, the Serbian airmen joined the ranks of five French squadrons, which the Allied conference held in March 1916, allocated as the support to the Serbian Armed Forces in the strategically most important sector of the Salonica Front. The Serbian Supreme Command retained under its control the headquarters of the Serbian airplane squadron and the airplane depot in Mikra, preserving the nucleus of its own nascent aviation. Towards the end of the war, the Serbian squadrons were armed with the most modern airplanes, and together with the allies took initiative, fully demonstrating the power and potential of air dominance, as well as air support to the troops on the ground.

The unstoppable onslaught of the Serbian army pushed the enemy troops about 600 kilometers in just 45 days resulting in liberation of the fatherland. During the preparation for the breakthrough at the Salonica Front, the First and the Second squadrons combined into one squadron of 40 airplanes that carried out surveillance, made photographic records and bombed the enemy infrastructure. The fighter airplanes safeguarded the activities of the surveillance and bombing aviation and provided air protection to the Serbian forces. About thirty German and Bulgarian airplanes were taken down in the area fights, while the anti-aircraft defence gunned down five airplanes. After the liberation of Skopje in October 1918, all fighting squadrons, airplane squadrons and airplane depot with the airplane park, were gathered in the mentioned town. Our first airplanes flew over to Niš on 18 October 1918, and they immediately took part in combat missions. In late November and early December 1918 Serbian aircraft flew to Novi Sad via Belgrade.

At the Salonica Front our pilots carried out about 600 combat flights, and witnessed the end of the war operating 60 modern airplanes manned by 70 pilots and over 300 mechanics and other specialists. This formed the basis for creating the military and civil aviation of the new state.

## Use of Military Aviation in Our War Theater in the Balkan Wars

The ideas and practical attempts to introduce aviation in Serbia were documented in the mid-19<sup>th</sup> century. The first written document about aviation in Serbia was Matija Ban's article "*Aviation*", published in *Serbian Newspaper* in September 1844. In addition to this article and similar writings in newspapers later on, the ideas related to aviation were disseminated by the Serbian officers and professionals educated in Russia and the West. The first hot-air balloon flew above Belgrade in 1873 and above Pančevo in 1880. The balloon was operated by the Frenchman Bede, who toured many European cities, at that time, demonstrating the art of flying a balloon. Nikola Tesla in his projects and patents also paid great attention to conceptual and technical solutions for flying devices. His drawings from 1886 are original documents in which he presented his ideas about aviation. The beginning of the 20<sup>th</sup> century was marked by the vigorous development of aviation, and the countries which took the lead in that development were: France, Germany, Russia and Great Britain. It took the Kingdom of Serbia more time to establish the Air Force as part of the Serbian military. The introduction of aviation into the Serbian Armed Forces was initiated by King Aleksandar I Obrenović in 1893, via his order to organize within divisions, if possible, "*aviation and bicycle units using personnel trained for these activities in the peacetime*". Nothing

concrete was done in the Serbian military at that time, but in the period, which followed, there were numerous thematic articles in the military paper "The Warrior", which has certainly contributed to the introduction of aviation into the Armed Forces soon after.

Along with the establishment of the Serbian state, the Serbian army was created, which was a guarantee of its safety and survival. The military became an organized institution with its internal structure and functional scheme. There was the need for training and professional development, as well as the need for new equipment and armament. The division into regular and standing armed forces was implemented, ranks were introduced and leading officers' status was reaffirmed. As the state and its institutions grew stronger, new ideas emerged such as the necessity to protect the military and its troops from airborne surveillance and actions. Following the example of contemporary militaries of that era, officers and specialists were trained and educated in Russia and the West.

The first successful flight on a device heavier than the air with its own motor called *airplane* or *avion* was carried out by the Wright brothers<sup>1</sup> on 17 December 1903 in the United States of America. That is the beginning of the era of airplanes, which have first gradually and during the World War I completely pushed aside balloons and blimps. Namely, before airplanes, during a period of over 100 years, balloons were developed (the first one flew in 1783) and a little later huge airships - blimps, the oldest of which was Zeppelin<sup>2</sup>. A means of transport by the air was a great novelty, and also great challenge in terms of its potential use for the military purposes. In less than a decade from the appearance of airplane as a new flying device, its military use and development into one of the most powerful weapons the man has ever made began.

All that happened in the field of aviation at the beginning of the 20<sup>th</sup> century had an echo and a lasting effect in our region, as well. The enthusiasm and fascination with this revolutionary novelty was especially apparent on the pages of the newspapers, which followed with great attention the successes and failures of the first aviators, encouraging people with a daring spirit to experience aviation themselves.

Right at the beginning of the aviation, a strong aviation movement developed in Serbia manifested through flight demonstrations by the most well - known pioneer airmen of that time. From 1909 until the beginning of World War I, a very active group of young enthusiasts functioned in Serbia, initially building flying models and organizing competitions, and from 1910 onwards Branislav Nušić, Dragoš Aleksić and Deroko brothers built gliders, too.

Among the Serbian aviation pioneers are Vladimir Aleksić, PhD, Ivan Sarić and Mihajlo Merćep. On 17<sup>th</sup> October 1909 Vladimir Aleksić, PhD, from Pančevo performed a trial flight with a double winged glider set in motion using a tightened rubber cord. On that occasion he reached the height of 15 meters, but the glider collapsed because of strong winds and

---

<sup>1</sup> 17 December 1903 was entered into the history of aviation as the day when the first successful flight on an airplane with a combustion motor was carried out by Orville and Wilbur Wright near a small town Kitty Hawk, North Carolina. The fourth and the last flight that day lasted 59 seconds covering the distance of 259.7 meters. The Wright brothers continued with their endeavors despite the troubles which they experienced, establishing the pilot school in the process. When on 9 September 1908 their airplane managed to fly an hour and two minutes, even the last doubts disappeared. The era of accelerated development of aviation began. Airplanes soon found their use in air traffic. When on 23 October 1911 Italian captain Carlo Piazza flying on his *Bleriot* airplane carried out surveillance of Turkish and Arabic troops in the Italian-Turkish conflict of 1911/12 the use of airplane for the military purposes began. The first military airplane flight sets in motion the speedy development of a new weapon, which shall entirely change the modern strategy and tactics in the 20<sup>th</sup> and 21<sup>st</sup> centuries.

<sup>2</sup> Named after famous German constructor Ferdinand Zeppelin.

insufficient stability. Aleksić suffered light injuries, but soon he continued with his experiment planning to install a motor into the glider, but he was prevented by premature death. The man from Subotica, Ivan Sarić, had his first contact with airplanes in June 1909 at the airfield near Paris, where he met Louis Bleriot. The airplanes fascinated him and he secretly took a photo of Bleriot's monoplane, collected literature and, having received a friend's promise to give him a motor, rushed to Subotica, where he built his own airplane. In June and July 1910, he performed his first flights, while on 16 October 1910 he had a public flight with a new 50 HP motor before a crowd of 7,000 people. The full-scale five-cylinder motor from his airplane is kept today on display in the Museum of Aviation in Surčin.

Mihailo Merćep spent his childhood in Serbia at his father's estate, awarded to him by Prince Mihajlo for his services during the defense of Belgrade in 1862. Later on, he attended school in America, where he attentively followed the developments in the field of aviation, the achievements of the Wright brothers, Henri Farman and others. He collected a considerable amount of notes, plans and useful literature, and in 1909 he started to construct an airplane. Together with a Slovenian Edvard Rusijan, he came to Belgrade to show his airplane and perform a public flight. Rusijan took off from the field in the Lower Town near Kalemegdan, flew around the railroad bridge over the Sava River and landed. However, while the enthusiastic audience was awaiting the landing, a strong wind blew and tore the airplane wings apart, causing Rusijaan to crash and die. Branislav Nušić, a writer, gave a farewell speech in front of Hotel Moscow, and the funeral turned into a great patriotic manifestation.

Mihajlo Merćep was a Serb from Dubrovnik who lived in Zagreb, where he had a shop for manufacturing airplanes. In May 1912 he delivered to the Serbian patriots from Belgrade a commissioned airplane "Merćep-komitski", which was used in combat during the campaign for liberation of the southern Serbian regions. When World War I broke out, the Austro-Hungarian authorities destroyed Merćep's shop, and treated him inhumanely for the sole reason of being a Serb.

Several foreign pilots flew in Belgrade at that time. The Czech Rudolph Simon had a few flights on Banjica, but his biplane was wracked during one of the flights. The Russian pilot Boris Maslenikov had over 20 flights in December 1911 and January 1912 using the opportunity to fly member of the Royal family, officers and citizens in his *forman*. The Czech Jan Cermak and Italian Gianni Widmer further strengthen public belief in the validity of airplane as a new transportation and military device.

The press pointed out the significance of aviation in the future wars and stressed the need to train personnel and acquire airplanes in timely fashion, and urged sending officers to attend professional training in France.

One of the best educated Serbian officers at the time, Colonel Miloš Vasić, in the capacity of the Minister of the Military, foreseeing the formation of aviation units, made a decision in 1900 to begin schooling aviation experts. In February 1900 the Serbian Ministry of the Military sent engineering captain Kosta Miletić to attend school in Russia, where he mastered handling free balloons and became familiar with the workings and organization of pigeon mail. Upon return to Serbia, Miletić made a proposal to create one balloon unit, but the proposal ended up in the archives because of insufficient interest of the superiors. Serbia, nevertheless, gained its first educated aviation officer.

The events of 1908/09 following the illegal annexation of Bosnia and Herzegovina demonstrated the need for modernization of the Serbian military, so two balloons were acquired, one free called Serbia, and one tied called Bosnia and Herzegovina, which had its unequivocal

meaning. Due to the lack of financing, a Hydrogen station was not built, so the functioning of the Balloon unit was interrupted, and the balloons were stored into warehouses in Niš. The operation of this unit was reestablished before the beginning of the First Balkan War. Serious preparations for pilot education began only after it became clear that the war with Turkey was imminent. Three officers and three non-commissioned officers were sent in May 1912 to attend school in France. Upon the completion of officers training, the Serbian government commissioned and brought in France eight modern airplanes: three Farmans, three Blériots and two Deperdussins. Along with the airplanes, mountable hangars, necessary instruments and spare parts were delivered, too, and additionally, three cameras for photo surveillance were purchased, as well. The airplanes were the most sophisticated ones that France had at its disposal. In October 1912, at the beginning of the First Balkan War, two Turkish REP type K airplanes were captured, while two Dux airplanes were received from Russia as a donation. Thus, Serbia had 12 airplanes in 1912, which was a considerable number at the time. As additional help to our pilots, four volunteers (three pilots and one mechanic) arrived from France and two pilots from Russia.

The developments on the front, and already completed material, technical, organizational and personnel preparations, ultimately resulted in implementing the decision on establishing the Serbian Air Force. *The order of the Minister of the Military Radomir Putnik of December 24<sup>th</sup>, 1912 established the formation of the Air Force Command, the first Air Force unit of the Serbian Military consisting of: Airplane section, Balloon section, Hydrogen plant, and Pigeon mail.*

Even though being a part of the Corps of Engineers, given the significance in the actual situation, the Air Force Command was directly subordinated to the Supreme Command of the Serbian Armed Forces. Major Kosta Miletic<sup>3</sup> was named its Commander. It is apparent from the structure of the Air Force Command that there were no indications about formation of any instruments for the surveillance of the air space.



Figure 1 – Captain Kosta Miletic

<sup>3</sup> Captain Kosta Miletic attended the Technical Aeronautics School in Russia from 14 February 1901 to 12 November 1902. He was trained to be a pilot of tied and free balloons and for handling pigeon mail. Upon his return to the country, he worked on the practical establishment and organization of the pigeon mail, the purchase of the first balloons and the formation of the balloon department. He flew the first balloon, which was named "Serbia" immediately after the purchase on 19 April 1909. It was the first flight of the Serbian military aircraft with Serbian emblems. After the outbreak of the First Balkan War, he participated in the Kumanovo battle, as a battalion commander. He was promoted to the rank of major due to his courage. Upon the establishment of the airborne command he was appointed its commander and remained the head of the Serbian aviation until 1916.



That was completely understandable because in the First Balkan War only the Serbian military airplanes took part, and the danger to our forces from airborne activities was not still apparent. The Balkan wars witness a rather widespread use of the Serbian aviation, especially for air surveillance, where the Serbian Air Force carried out 21 surveillance missions. During the siege of Skadar, from February to April 1913, surveillance missions were conducted daily, while in March, the Turkish positions were bombed using bombs and hand grenades loaded in a Blériot. In February 1913, the Littoral Airplane Unit was formed, which carried out combat missions above Turkish positions. By performing combat aerial operations in the First Balkan War, Serbia became one of the first five nations in the world to use aviation for war purposes. The bombing near Skadar was the first airborne bombing on the European soil. The combat sorties of the Serbian Air Force in the First and the Second Balkan Wars were observed by the military envoys from France, the USA, England and Spain and, based on that experience, innovated doctrines on the use of their aviation in war.

Right after the establishment of the Air Force Command, keeping in mind the beginning of the ceasefire on the battlefield, additional training, practice and preparation of pilots for combat duties were organized. Taking into account that foreign airplanes frequently flew over the Serbian territory, while Austria-Hungary banned Serbian, Russian and Italian airplanes from flying over its territory, on March 3<sup>rd</sup>, 1913 the Serbian government issued the *Decree on Traffic by Devices Moving through the Air*.

The decree established the legal basis for the sanctions that the Serbian authorities could use against the foreign (primarily Austro-Hungarian) airplanes and pilots, who would cross the state borders without authorization. The decree is the first legal document on the air traffic published in Serbia, and among the first in the world. This document reflects the necessity of controlling the airspace, not only at the time of war, but in peacetime, as well, and clearly indicates the need to establish an agency for surveillance and control of the airspace during peace and war.

In the Second Balkan War, the Serbian Air Force, in addition to airplanes, began to use balloons, as the hydrogen plant was operating. The first experiences in the use of balloons and airplanes were gained during the Balkan wars. Some shortcomings in organization, command and utilization were identified. However, technical problems, insolvable at the time due to the fact that the aviation was still in its infant stage, resulted in the lack of understanding and resistance toward a wider use of aviation for the military purpose.

## Use of Aviation in World War I in Our Theater of War and Organization of Air Defence

After the Balkan wars, while the Air Forces of Austria-Hungary undertook comprehensive preparations for war, the Serbian Air Force was, after the great efforts and losses, completely inactive. Before the start of World War I, the Serbian Air Force had four airplanes and two balloons at its disposal. The aircraft were in poor condition and

the pilots were out of practice. Upon the mobilization of 25 June 1914, the Airplane squadron in Niš was ready in seven days, and the Balloon section in twelve days. Aware of poor conditions in the Air Force, the Ministry of the Military and the Government undertook urgent measures to acquire airplanes and obtain experienced pilots in the allied countries, France<sup>4</sup> and Russia. However, the acquisition process progressed very slowly because the aviation capacities of those countries were engaged to meet their own needs. Thus, the Serbian military had to rely on its own modest Air Force potential during the first nine months.

According to the initial concept of the Supreme Command of the Serbian Army, the aviation was supposed to provide aerial surveillance of the front facing Austria-Hungary. Due to the limited capacity, the emphasis was put on the Drina River in the zone of the Third Serbian Army. For that purpose, the Air Force Command was relocated from Niš to Valjevo and subordinated to the Command of the Third Army. The surveillance flights carried out during this period had great significance for the overall actions of the Serbian Army. The information obtained through the aerial surveillance revealed with certainty that the main attack of the Austro-Hungarian Forces would take place across the lower course of the Drina River. The surveillance flights of the Serbian aviation<sup>5</sup> contributed greatly to the magnificent victories of the Serbian Army on Cer and Kolubara.

In the initial phases of World War I Austro-Hungarian Air Force established the absolute dominance in the air, which enabled it to survey the territory in depth and to bomb Serbian positions and even towns. After the great successes of the Serbian Army toward the end of 1914 and the liberation of Belgrade on December 15<sup>th</sup> of the same year, measures were undertaken, with the French assistance, to strengthen the Serbian Air Force. The French government sent a complete airplane escadrille, staffed with the best pilots, surveyors, mechanics, photographers and other specialists. The escadrille boarded a ship on 3 March 1915 and departed from Marseille to Thessaloniki, then further to Niš, where it arrived on 15 March 1915. The flying units continued to Belgrade, while the technical section went to Smederevska Palanka.

The French escadrille was subordinated to the Supreme Command of the Serbian Military and it was in charge of section of the front from Smederevo to Loznica, with the outer surveillance zone to the line: Alibunar - Slankamen - Novi Sad - Bačka Palanka - Bijeljina - Loznica. Serbian airplane escadrille was stationed at the airport near Požarevac and was in charge of the front section from Smederevo to Golubac, with the outer surveillance zone to the line: Petrovo Selo - Vršac - Bela Crkva - Golubac.

---

<sup>4</sup> The French escadrille had 99 men: nine officers, 18 non-commissioned officers and 72 corporals and soldiers. It consisted of 8 pilots, 5 reconnaissance officers, one doctor, 16 mechanics and 16 drivers. The escadrille was equipped for longer operations. It had 12 new airplanes type Maurice Farman MF, 11 designed for multiple use, and 6 were armed with machine guns. The airplanes were equipped with a radio station, which enabled the correction of artillery fire, target pointer, and an aerial photographic camera. In addition to the aircraft, the escadrille had 10 prefabricated fabric hangars, two trucks, two passenger cars, spare aircraft engines, a portable mechanical and carpentry workshop with a large amount of materials. The airplanes were made of wood and glued fabric. The commander was Major Roger Vitre.

<sup>5</sup> Surveying the Drina River crossings.



Figure 2 – The first Serbian armed airplane „Oluj“ (Storm) 1915

In April 1915 Serbian airplane squadron obtained two Blériot airplanes from the French. One of the two had a built-in infantry machine gun and that was the first Serbian armed airplane named *Oluj* (Storm). The tasks assigned to the Air Force units by the Supreme Command of the Serbian Military were: to survey the enemy territory from the air with the aim of recording the distribution and the movement of the enemy troops, to act offensively against the Austro-Hungarian river vessels on the Danube River, to fight for the air superiority by engaging in combat against the enemy airplanes in the air and the air bases, to bomb the enemy infrastructure and troops. It can be noticed from the aforementioned tasks that there was a need for reconnaissance of the airspace<sup>6</sup>, not only in order to protect our troops from the air attacks, but also for the purpose of directing our airplanes against the enemy airplanes in the struggle for the air supremacy. According to the Serbian Supreme Command plans, continuous in-depth reconnaissance missions over the enemy territory were carried out, as well as photo recording of the front lines, and the bombing of the enemy air bases and river navy vessels on the Danube River. The air supremacy was already established with frequent air combat in the first half of 1915. However, in accordance with the development of the situation on the front, the activities of the enemy Air Force increased, so the Supreme Command of the Serbian military took steps to establish the system of anti-aircraft defence. Therefore, the camouflage of the units was improved, while the Military Technical Institute in Kragujevac modified several cannons for shooting air targets and trained the crews. Based on the proposal of the French pilots, surveillance of the airspace began in May in order to "suc-

<sup>6</sup> The order of the Drina Division on reporting on the appearance of enemy airplanes of 29 May 1915, addressed to the Commander of the Army Artillery Regiment, stated: *According to the order of the Supreme Command, I order that in case of the enemy airplane crossing the border, the division headquarters be reported as soon as possible on the time of their crossing of the border and direction of the flight, so that our French airplane command could take steps to pursue enemy airplanes in a timely manner.*

cessfully chase the enemy airplanes". The system of visual survey of the airspace was initially established according to the agreement between the French military pilots and the division commanders of the Serbian military.

## Establishment, Purpose, Tasks and Work Methods of the Airplane Signal Stations

Based on the previous experience, the Supreme Command of the Serbian Military, by means of its order of 18 June 1915 initiated the formation of permanent airplane signal stations in the areas controlled by Drina second call division, Timok<sup>7</sup> division and combined division. In such way, by organizing observation of the airspace as a basis, the system of anti-aircraft defense in the Serbian military started to be established.

The key elements of visual surveillance of the airspace were airplane signal stations. The primary purpose of airplane signal stations was to observe the appearance of enemy airplanes, to signal their presence, and to indicate the direction of their movement for the benefit of the Serbian military pilots. The need for establishing airplane signal stations arose from the necessity to alarm, lift and direct the Serbian military airplanes in timely fashion, by tracing the direction of flight of the enemy planes<sup>8</sup>.

As the enemy airplanes carried out surveillance and offensive combat activities, the signal stations had a prominent role in alarming the Serbian army troops too, enabling them to undertake measures to counter enemy surveillance and offensive actions from the air. By establishing the anti-aircraft artillery units in the Serbian army, the signal stations gained even greater significance, resulting in increasing their number and types.

An airplane signal station was not a standard formation, and the personnel and equipment were allocated according to the order of division commander, drawn from certain units and according to the set criteria. Each airplane signal station had its commander, three full-time signal soldiers engaged in stretching the signal sheet, and two telephone operators. From such division commander's order, as well as from his other orders, it is apparent that great attention was paid to the selection of a station commander, who had to have both general and military education. Depending on the location of a station within a given combat disposition, two cavalry messengers would be allocated if needed, for the purpose of maintaining communication with the closest telephone station or command in charge.

A signal station had to have the following equipment:

1. Two white signal sheets 5 meters long and 1 meter wide. At each end, along the narrow sides of the sheet, two laths were attached to facilitate handling during the placement;
2. A compass for indicating the direction;
3. Parts of topographic map of the area, scale 1:75.000. Map was supposed to be used by the station commander. Station commander was supposed to have a wristwatch.

---

<sup>7</sup> The order of the commander of Timok division for determining the composition of the signal stations specifies the strength of the station, one reliable and reasonable officer, a student (commander of the station), who should be familiar with reading map, then four soldiers and telephone operators.

<sup>8</sup> „The most successful pursuit of the enemy airplanes possible“

4. Binoculars – if possible;
5. Tools for sending information on the passing of the enemy airplanes to the regiment command (telephone, tool for telegram writing);
6. Set of information for correct distinction between its own and enemy airplanes (airplane pictures and similar);
7. A listening device – introduced as part of equipment of certain signal stations.

The stations were set up in such a way that the sheet for marking the direction of the airplane movement could be seen not only when the airplanes would be flying directly above, but also to the side. Generally, when choosing location for the station, a wooded area should be avoided.

At the location chosen for setting up the signal station, the area for positioning the signal sheet should be cleared of bushes, weeds, etc. At the location cleared in such a way, 1.5 meter or so high post should be set, and a circular area, 5 to 7 meters in radius should be grooved. Within that circle, using compass and rope, spreading out from the post, directions indicating east, west, north, south, northeast, northwest, southeast and southwest should be marked.

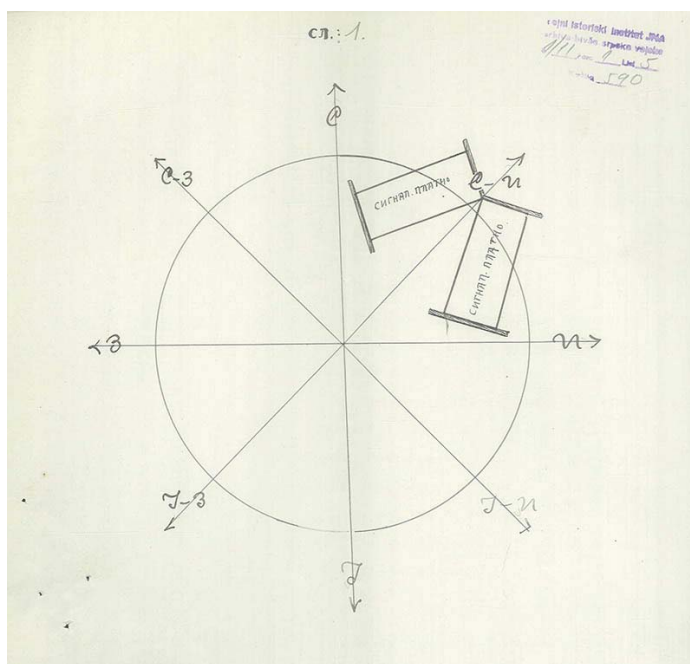


Figure 3 – Positioning sheets for indicating airplane flight – from the order of the commander of Timok division

At a distance of eight meters from the center of the circle, the marked directions east, west, north, south, northeast, northwest, etc. were to be additionally marked by eight wooden posts and plates denoting each direction. The plates with those marks need to be oriented

toward the pivot, whereas the posts should be one meter high above the ground. While positioning the signal sheet, care should be taken to indicate the latest direction of the movement of the enemy airplane, and not the direction of a circular flight. The signal is created simply by setting the sheets on the ground to create an arrow in the direction of the airplane movement.

Airplane signal station should, if possible, be connected to its command by telephone while, in absence of such a connection, infantry or cavalry rallies are used. The division command is being informed (via division telephone station) about the appearance of enemy airplanes, which then informs the Army Command. The laid sheets remain on the ground until its own airplanes fly by, i.e. a half an hour to an hour at least. The information is sent in a written form if rallies are used, otherwise via telephone.

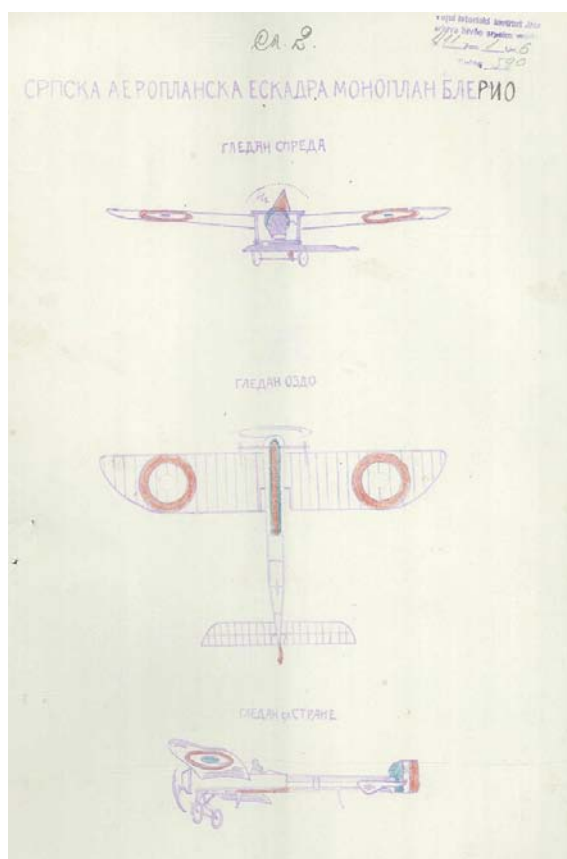


Figure 4 – Markings of our and enemy airplanes given in orders by means of pictures and a corresponding text<sup>9</sup>

<sup>9</sup> Our airplanes are of a "Monoplane" type, with simple wings, which have circular tricolors on the bottom, while the front of the body is painted in red and blue, with two winglets at the tail painted in tricolor. The enemy airplanes

Airplanes of that time were mainly constructed out of wood and canvas, and metal to a lesser degree. The flight speeds were around 100 kilometers per hour.

The chart provides typical examples of the airplanes of the period and their basic characteristics:

Airplane type	Purpose	Crew	Speed
R.E.P. type K	surveillance	2	115 km/h
Dux	surveillance	2	86 km/h
Henri Farman 20	surveillance	2	105 km/h
Farman F 40	surveillance	2	135 km/h
Bleriot XI-2A	surveillance	2	120 km/h
Deperdussin	surveillance	2	115 km/h
Nieuport XI C.1	fighter	1	152 km/h
Dorand AR.2 A2	bomber	2	153 km/h
Breguet XIV B.2	bomber	2	176 km/h

If the signal station had no telephone connection with its command, two cavalry messengers would be allocated for the purpose of maintaining communication with the closest telephone station. Both at the signal and the telephone stations, one of the horsemen had always to be ready to depart to the telephone station or vice versa.

Upon appearance of the enemy airplane, the procedure was the following: when the station observer on duty notices a flying airplane, he immediately informs the station commander, who establishes whether the plane was allied or enemy (performs identification). In case it is an enemy plane, the commander defines the direction of the flight and orders placement of the sheets accordingly, to show to his airplanes the direction to pursue. Immediately after that, via telephone, he informs the superior command's telephone station or the designated one, which conveys the information to the chief of staff or the officer on duty, so that the division and army commands and adjacent troops could be informed.

The division station records the time, place and the direction of flight of the enemy airplanes, and informs other signal stations. Upon receiving the mentioned information, the commanders of other signal stations undertake measures to detect the enemy airplanes themselves and to position the signal sheets. The signal sheets should be positioned in the mentioned direction, even when the airplanes cannot be observed from that particular station, as our pilots could possibly see only the signals from that station. Such procedure applies even when the division telephone station receives the information on the movement of the enemy airplanes from some other unit or adjacent troops. When there is no telephone connection with the division telephone station, the written report is sent via cavalry messenger to the subordinate telephone station, and the rest of the procedure is the same. Alarming and lifting of our own airplanes takes place according to the orders and instructions issued by the army command and division command in real time.

The division commander orders a regiment commander to choose one officer in the rank of captain-lieutenant, to pick locations for placing the signal stations, handle their setting up, train the crew, pay visits and control their operation. An officer-supervisor is

---

are of a type "Biplane", with double wings, which have crosses at the outer edges of the upper wings, while all the wings edges are painted in red. There are two swallow tail wings at the airplane wing also painted in red.

designated to control the operations of all signal stations, and he pays a visit to each of them at least once a week. The signal station commander is responsible for the performance of the station, he reports to the supervisor during his visit, informing him about everything that happened at the station. There is always, day and night, one observer on duty, who surveys the skies for airplane movement. Crew lodging takes place in a tent near the signal circle. All the signal units are supplied by the regiments they belong to. Airplane signal stations are organized either as permanent or movable. The minimal distance between them should not be less than seven kilometers. During movements and operations the stations are to function as described.

By means of using airplane signal stations, a system of observation and reporting the activities in the airspace was established. That system functioned in the territory of the Kingdom of Serbia until autumn 1915 when the Air Force of Austria-Hungary and Germany achieved air dominance. A large number of Serbian airplanes was lost or not combat ready. French personnel, who had come before the war to aid the Serbian aviation went back to their country on 28 December. During the retreat over Albania our remaining aviation performed surveillance for the Supreme Command, medical and other transport; airplane signal stations network was not developed, and surveillance of airspace for the purpose of protective measures was carried out by visual observers organized by separate units for their own needs.

## Use of Aviation and Airplane Signal Stations on the Thessaloniki Front

During the Serbian Golgotha – the retreat through Albania, the Serbian Air Force retreated to Corfu along with the Serbian Army. In January 1916, the Serbian Government signed an agreement, which provisioned France supplying the Serbian military with five airplane squadrons and the accompanying units. The decision was materialized when the Serbian Army was transported from Corfu to the posts near Thessaloniki. Based on the agreement and the Allied decision of 30 May 1916, the French East Army Aviation (seven squadrons) and the Serbian Army Aviation (five squadrons) were established. The three Serbian Armies received the support of one squadron each, while the remaining two were under direct orders of the Serbian Supreme Military Command. The units were directly involved in the surveillance and reporting system through the reestablished system of airplane signal stations and by visual observation within the units themselves. Their development was primarily geared towards protection of the Thessaloniki port and the forces distributed around it. However, the enemy aviation was very active along the full length of the Salonica Front. The enemy penetrated deep into our territory in swarms, bombing our ammunition depots, hospitals, camps and other important targets. The enemy tactics was precisely defined, thus insuring success. In order to prevent the actions of the enemy aviation, the Command of the allied forces on the Salonica Front issued on 2 March 1917 instruction for the use of allied aviation. The instruction specifies the methods of coordinated functioning and greater unity of action by the French, British, Serbian and Italian aviation. The future actions were envisaged as joint activities under unified command.



The instructions regulated the principles of aviation usage, ordering active defensive measures and transitioning into offensive. That includes not only combat during the interception of the enemy airplanes, but pursuing when retreating and attacking the enemy airstrips. The active defensive required perfect organization of the information network i.e. system of airspace surveillance.<sup>10</sup>

Accordingly, the first reports of the oncoming enemy aircraft were to originate from the front lines with the goal of timely take-off of our airplanes, followed by continued reporting from the area behind the front lines for the purpose of chasing the enemy away. It was necessary to organize the network of stations in the background, which has not always been done. The attached excerpt from the order of the Third Army testifies to that. For good functioning of the signal station network over such depth, in addition to the connections via telephone stations, radio-telegraph connections were introduced. Radio-telegraph connections were organized due to the need to correct the artillery fire.

The aviation-radio service was also introduced for the purpose of correcting the artillery fire. Radiotelegraphers were trained for both purposes. The use of radio telegraphy provided a new quality to the work of the visual surveillance stations. By the end of the war, a tightly coordinated activity between our airplanes and the visual signal stations was maintained. After the effective dismantlement of the Thessaloniki front, the signal surveillance stations were organized to a smaller degree as the activity of the enemy aviation became ever less present.

## *Conclusion*

In the Balkan wars, the use of aviation in the Serbian military has not reached larger proportions, but the very knowledge that the Serbian military had aviation had a considerable effect on the morale of the military and the nation.

The Serbian military aviation came into existence at the beginning of the 20<sup>th</sup> century, when the military glory of Serbia was created by the Field Marshal Radomir Putnik, Živojin Mišić, Stepa Stepanović and Petar Bojović, along with many clever and brave Serbian officers and soldiers. The Balkan wars were the first conflicts in which the aviation was used on the European soil. Aviation had already encompassed elements, which resulted in the establishment of current branches such as the Air Force and Air Force Defense. Serbia was among the first fifteen states in the world which had aviation, and among the first five using it in an actual war. During the first airplane and balloon activities the expectations were greater than the objective capabilities, primarily because of technical imperfections of airplanes, lack of reliability, meteorological conditions, yet non-existent usage of principles and tactics, as well as insufficient training and experience of pilots. Yet, aviation had a great effect on the morale of the Serbian troops, and it became apparent that aviation played an important role in conducting a war, hence a need for its more vigorous development. Until World War I, aviation was used primarily for surveillance and artillery preparations. However, by the end of 1918, the Serbian aviation, using

---

<sup>10</sup> The part of the order by the commander of the Third Army No. 7692 from 9 March 1918 aiming to eliminate shortcomings in organization of airplane signal stations. The order was issued based on the instruction of the commander of the allied forces at the Thessaloniki front, and it refers to the tactics of our aviation.

its hard experience, carried out the duties of surveying the enemy territories for the purpose of detecting the distribution and the movement of the troops, combat actions against the war ships on the Danube, actions against the airborne enemy aircraft and their land bases, as well as bombing the enemy infrastructure and troops. Aviation carried out other missions too, including securing the dominance in the airspace, bombing, close air support and areal transport. Accelerated efforts were made to improve the flying characteristics of the airplanes (air dynamics and the motors), machine guns were mounted on the plain, which turned it into a very powerful and dangerous weapon.

The Serbian Air Force had, within its ranks, French airmen too, commander and squadron commanders. Such mixed Serbian-French units with five squadrons, through their sacrifices and efforts in 1916, and especially in 1917 and 1918, achieved extraordinary results and received well deserved recognition, as testified by the documents of the Supreme Command, section Commander, and Serbian Minister of the Military.

The fighting power of all armies in the preceding times was based on cooperation between artillery and infantry, which caused initial misunderstanding and opposition to introduction of airplanes into the arsenal. However, in all battles in which aviation participated, in addition to combat effects, it significantly affected the morale and fighting spirit of the ground forces. That especially holds true when talking about the main operation during the breakthrough of the Salonica Front. From the start, using aviation for military purposes required establishing airspace surveillance for the purpose of organizing anti - aircraft defense and air combat. The first airplane signal stations in the Serbian military were primarily organized for the needs of timely taking off and consequently directing our own airplanes to confront the enemy planes. In the Serbian military, three basic components of the Air Defense were formed: aviation, artillery units of anti-aircraft defense, and units for airspace surveillance. The coordinated development of all three components was a precondition for efficient anti - aircraft defense of the territory and the troops in certain periods. The Serbian aviation and airplane signal stations, through their activity, made a significant contribution to achieving a breakthrough of the Salonica Front. The Serbian airmen conducted around 3000 combat flights at the Salonica Front, participating in all major operations. At the end of the war the joint unit numbered over 60 modern airplanes. Within its ranks there were around 70 pilots, 40 scouts, and over 300 mechanics and other aviation specialists. These airplanes, equipment and personnel with immense experience formed the basis for creating military and civil aviation of the new south Slav state.

By means of organizing permanent observation stations and surveillance from the air, possible surprise actions by the enemy aviation were avoided. Our aviation's very presence in the air gave additional willpower and greatly increased faith in final victory and return home. Many members of the aviation units and the airplane signal stations were among those who gave their lives for freedom and honor of the fatherland. Those who survived, realizing the significance of aviation and airspace itself, continued to develop and strengthen the Air Force and Air Force Defense, and were always the first to defend the countries' honor and freedom.

In its efforts to maintain freedom and independence in such a delicate region, Serbia has often been, in the course of its turbulent history, in a position of not being able to avoid events which, by the rule, have brought wars and destruction. In such circumstances, the armed forces in general, and more recently aviation too, have been of great

importance. In 1893 ideas on the use of aviation were considered, and in 1912 the Kingdom of Serbia established its aviation, which greatly contributed to the victories in the Balkan Wars and World War I.

The bright pages of our turbulent history have always been written in blood of our soldiers, amongst them the aviators too, who in the ensuing events of World War II and towards the end of the previous century gave birth to great heroes as well, such as pilots Života Đurić, Zoran Radosavljević and Milenko Pavlović. Even though they knew they were pursuing an impossible mission, they have not yielded. On the wings of their youth, not worrying for their lives, they flew directly into a legend, leaving all of us with a sense of pride.

### *Literature*

[1] Rajic Bošković, retired colonel: Sky at the palm, century of area surveillance and reporting, Press the Official Gazette, 2017.

[2] Zlatomir Grujić: Ninety years of Air Force and Anti Aircraft Defense, New Gazette 6/2002.

[3] Zlatomir Grujić: Ninety years of Air Force and Anti Aircraft Defense, Military 34/2002

[4] Group of authors: Serbian Aviatrics 1912-1918, Belgrade, 2000.

[5] Vladeta D. Vojinović: Serbian Aviation at the Thessaloniki front 1916-1918, Belgrade, 2000.

[6] Vladeta D. Vojinović: Serbian Aviation 1916-1917, per book titled "Memorandum no.1", Belgrade, 2000.

[7] Zlatomir Grujić: Serbian and Yugoslav Aviation 1901-1994, NIU Military, Belgrade 1997.

[8] Čedomir Janić: Eight decades of Serbian Aviation, "Military", Belgrade, 1992.

[9] Group of authors: Initiators of Aviation, Illustrated History of Aviation, IZO Vuk Karadžić, Belgrade 1988.

[10] Group of authors: Sky Warriors, Illustrated History of Aviation, IZO Vuk Karadžić, Belgrade 1987.

[11] Đorđe Milinović: From Icarus to Mars, Belgrade, 1980.

[12] Group of authors: Guardians of Sky, The AF and AAD Command, Belgrade 1977.

[13] Military-Historic Institute of YPA, Yugoslav Volunteer Corpus in Russia 1914–1918, VIZ "Vojno Delo", 1954.

[14] Savo Mikić: History of Yugoslav Aviation, Belgrade, 1933.

# PARTICIPATION OF THE MONTENEGRIN METROPOLITAN VISARION IN THE FIRST PHASE OF NEGOTIATIONS BETWEEN MONTENEGRO AND THE HOLY SEE ABOUT CONCORDAT

*Dragan Radoman*

Seminary of Saint Peter of Cetinje, Cetinje

Prof. *Mirko Kulić*, PhD

University Business Academy in Novi Sad,

Faculty of Law for Commerce and Judiciary, Novi Sad

*Jelena Gluščević*, PhD

University Business Academy in Novi Sad,

Faculty of Contemporary Arts, Belgrade

Immediately after acquiring state independence at the Berlin Congress, in 1878, Prince Nikola initiated negotiations with the Vatican for concluding a Concordat, which would regulate the position of the inhabitants of the Catholic faith in Montenegro. The first mediator was Bishop Strossmayer, and from the summer of 1881 the negotiations continued through the personal envoy, the bishop Visarion Ljubiša, the last metropolitan of Montenegro. The paper gives a synthetic presentation of the participation of this Orthodox ecclesiastical dignitary in defining the first draft of Concordat, as well as his role in negotiations with the highest representatives of Curia, during which his adherence to principles and high awareness of the importance of the task entrusted to him by the highest state authority were expressed.

*Key Words: Concordat, Montenegro, Vatican, Visarion Ljubiša, Prince Nikola, Strossmayer, Austria, Pope, Cardinal, Nuncio*

From the beginning of the pontificate of the Pope Leo XIII (February 1878), the Roman Curia took a special position towards Eastern Europe, which was expressed in an increased interest in local Christian nations. Efforts were made in order to stimulate dialogue with the Orthodox world and make the unification of the Catholic and Orthodox Church possible in the future. The Concordat that the Holy See concluded with the Principality of Montenegro, a small Balkan country, on August 18, 1886, could seem like a modest and marginal event. The view of long and arduous road, which led to the arrangement of the relations between Rome and Cetinje, however, gives a completely different picture. A search for mutually acceptable agreement lasted for eight years and it included, on the one hand, people from the top of the Catholic Church, Pope Leo XIII and his state secretaries, first of all Cardinal Nino, then his successor Jakobini, and, on

the other hand, two most impressive representatives of the South Slavic world at that time: Prince Nikola Petrović Njegoš and Bishop Josip Juraj Strossmayer. After all, it could not have been otherwise, bearing in mind that the Concordat of 1886, in fact, was the first Concordat aimed at arranging relations between the Holy See and an Orthodox state, with all the problems of political, legal and religious nature, which followed its creation, and with all the hopes and expectations it aroused in both contracting parties.<sup>1</sup>

The sequence of the events that led to the Concordat of 1886 was caused by major crisis that hit the Balkan Peninsula in the second half of the seventies. At that time, the small Principality of Montenegro, with its ruler, Prince Nikola Petrović Njegoš, attracted the attention of European offices and international public opinion, at the beginning by providing support to the Christian people, who rebelled against the Ottoman authorities in Bosnia and Herzegovina, and then by the main role in the series of victorious war endeavors against the Sultan's army. These successes on the battlefield were crowned at the political and diplomatic level in 1878, at the Berlin Congress, where Montenegro gained its independence, and when several important territories from the Ottoman Empire were ceded to it. Despite the fact that these ceded territories did not fully satisfy the expectations of Prince Nikola and were somehow darkened by transferring the governance over Bosnia and Herzegovina to the Habsburg Monarchy, nevertheless, they enabled this Balkan state to double its territory, extending from all sides the historical core of the old Montenegro and Hills, and providing it access to the sea through Antivari, that is, Bar.

Despite its limited resources, during the rule of the Petrović Njegoš dynasty, Montenegro was accredited as the force worthy of respect on the Balkan scene, and it could expect a central role in the process of uniting Serbs, and even all the South Slavs.<sup>2</sup>

With the territorial expansion and increase in the population of Montenegro, the ethnic and religious composition of the population also changed. It ceased to be, almost entirely, a nationally and religiously homogeneous state, since its borders included Turks and Albanians, Muslims and Catholics. This change caused problems, since the Montenegrin identity was firmly rooted in the cruel struggle, which the Orthodox Slavic brotherhoods and tribes waged against the Muslims for centuries, but it was to a certain degree stirred up by the lack of confidence against 'Latin', which was, after all, to a great extent double-sided. In such conditions, the arrangement of the position of new national and religious minorities was set up as one of the priorities of Prince Nikola. It was not just about fulfilling the clauses from the Berlin Congress, which clearly stipulated that the new independent states in the Balkans including Montenegro had to implement the policy of religious tolerance in the territories granted to them by the Ottoman Empire. Even if these international obligations were ignored, it was clear that finding a balanced solution, which could guarantee the strengthening of the central government over non-Slavic people, and which, at the same time, could respond to some of its legitimate needs and avoid the outbreak of tensions, would represent one of the parameters for evaluating the ability of the Montenegrin authorities to change traditional structures of brotherhoods and tribes and at least partially modernize the state.<sup>3</sup>

<sup>1</sup> Francesco Kakamo, the Concordat with Montenegro and the policy of the Holy See towards the East. [http://www.montenegrina.net/pages/pages1/religija/konkordat\\_sa\\_cg.htm](http://www.montenegrina.net/pages/pages1/religija/konkordat_sa_cg.htm) (August 9, 2018)

<sup>2</sup> Rados Ljusic. *History of Serbian Statehood – Serbia and Montenegro*, Vol. 2, Novi Sad 2011, 337-354.

<sup>3</sup> [http://www.montenegrina.net/pages/pages1/religija/konkordat\\_sa\\_cg.htm](http://www.montenegrina.net/pages/pages1/religija/konkordat_sa_cg.htm) (August 9, 2018)

Concerning specifically Catholic population in Montenegro, it was not more than a few thousand people, from 4,000 to 6,000, according to some estimates, and it mostly consisted of Albanians, and to a lesser extent Slavs. In spite of its numerical insignificance and ethnic fragmentation, this Catholic component caused considerable problems. While it was easy to anticipate that the international community would not take much care of fulfilling the obligations to Muslims determined by the Berlin Congress, the situation was different in relation to Catholics, who counted on diplomatic protection and financial help from powerful Catholic countries, such as Austria-Hungary, France, and Italy, as it was the case during the previous centuries under the Turkish rule. In addition, it was obvious that the attitude of Prince Nikola and his administration towards them would significantly influence the future of Montenegro.<sup>4</sup>

The conclusion of Concordat between the Vatican and Montenegro was a long process, which went through several phases. Since it was the first Concordat that the Holy See concluded with an Orthodox country, it was necessary to harmonize many factors and interests. Many eyes of those with good intentions and even more of those with not good intentions, carefully watched the progress of creating this legal agreement. Bearing in mind that during this period Austria-Hungary sponsored the Catholic Church in the territory of a larger part of the Balkan Peninsula, it was clear that its political plans did not correspond to concluding the Concordat between the Holy See and Montenegro. On the other hand, having in mind the modest intellectual and administrative capacity of the persons, who surrounded Prince in Cetinje, it is clear that for such important question he had to find a person, who had his absolute confidence on the one hand, and on the other hand, the one who, at the same time, had the ability to come face-to-face with an extremely delicate task and interlocutors from the Vatican diplomacy and Curia, who were inviolable in diplomatic negotiations. Having no great choice of associates, and having confidence in the loyalty to the interests of the Orthodox faith and state-legal continuity based on medieval Nemanjić-Crnojević heritage, several facts made Prince Nikola include Visarion Ljubiša, the bishop of Zahumlje and Raška, in the process of preparation and conclusion of the Concordat and entrusted him with drafting the text of the Concordat.<sup>5</sup> He was born in the Littoral region and therefore he learned Italian as part of elementary and theological education.<sup>6</sup> Serving in monastic rank in monasteries in the Bay of Kotor and Paštrovići, he had enough insight

<sup>4</sup> Radoslav Raspopovic, *Diplomacy of Montenegro 1711-1918*. Historical Institute, Podgorica 1996, 487-488; [http://www.montenegrina.net/pages/pages1/religija/konkordat\\_sa\\_cg.htm](http://www.montenegrina.net/pages/pages1/religija/konkordat_sa_cg.htm) (August 9, 2018)

<sup>5</sup> Metropolitan Visarion was born on January 14, 1823 in Sveti Stefan, Paštrovići. After completing monastic education, he was a teacher in the monasteries Praskvica, Reževići and Savina, and then a parish and a teacher in Perast. After coming to Montenegro, he became the head of the Morača monastery, with the title of Archimandrite. He was set to Bishop of Zahumlje-Raška, with the center in Ostrog Monastery, on September 8, 1878. He became the Metropolitan of Montenegro and Hills on December 6, 1882.

His work on the reform of church-educational life was interrupted by his death, on April 14, 1884, in Cetinje, where he was buried. Sava, Bishop of Šumadija, *Serbian Hierarchs from the 9th to the 20th century*, Belgrade 1997, 88-89.

<sup>6</sup> In addition to the primary school in Budva, Visarion finished one - year preparatory school in Italian, in Šibenik, 1838/39, and from the preserved diploma, it can be seen that, in addition to the Italian language and literature, he also studied Latin and literature with writing. The original diploma is kept in the personal legacy of the Metropolitan Visarion Ljubiša, the Archives of the Praskvica Monastery.

The Italian language, as the official language at that time, was a compulsory subject in the School of Clergy – Seminary, which Visarion attended in Šibenik and Zadar, 1839-1844. The original diploma is in the State Archives of Montenegro – Department in Budva, Legacy of Ljubiša family.

into the spirit and structure of the Roman Catholic Church, at least at the local level. After all, during these years, at the beginning of the 1880s, the state administration in Montenegro had just begun to form, and it consisted mostly of people born and educated abroad, but they came with good will to serve the interests of the 'Serbian Sparta', as they affectionately called Montenegro. The other, and a very important reason, which induced Prince Nikola to involve Bishop Visarion in negotiating process for the Concordat and entrust him with the leading role on the Montenegrin side in this work, was to secure, from the Orthodox side, domestic and even more Russian, acceptability of the drafted contract. The powerful Russia was especially sensitive to any contact with the Vatican, and especially to such important question as it was defining the legal position of the Catholic Church in a dominantly orthodox country, which has survived for three centuries, mostly owing to the political protection and material help of the Russian Empire.<sup>7</sup>

Undoubtedly, the process of drafting the Concordat required a certain period of preparation, during which Bishop Visarion had to be acquainted with the contents of, at least, some of the most important Concordats that the Holy See had concluded with some of the European countries. The result of his work was the draft Concordat, which consisted of 34 articles. Since Prince Nikola became acquainted with its content and approved it, the negotiations with the Roman Curia could begin. That is why Bishop Visarion, under the order of Prince Nikola, went to Rome with the draft Concordat and wide permissions to negotiate with the representatives of the Roman Curia about the harmonization of the text of the Concordat, on June 14, 1881.<sup>8</sup> The main topics of the negotiations were the question of the legal position of the Catholic Church, its attitude towards the Prince Nikola's government and the question of mixed marriages (Catholic-Orthodox), as well as the question of the competencies of the Prince Nikola's authority regarding the appointment of the Archbishop of Bar. In the organization of the Bishop Visarion's journey to Rome, as well as the process of drafting the Concordat, the Italian Minister in Montenegro, Durando, was also involved. In his report submitted to the Ministry of Foreign Affairs of Italy, on July 2, 1881, Durando stated that Bishop Visarion started his journey to Rome on June 28 (June 14 according to the old calendar, which was valid in Montenegro) with the Concordat project, which he characterized in this way: 'It cannot be more liberal.'<sup>9</sup> During the summer of 1881, Visarion spent a month in Rome, negotiating with the State Secretary of the Holy See, Cardinal Ludovic Jakobini, but without success.<sup>10</sup> During his stay in Rome, he was not allowed to meet with Pope Leo XIII because of protocol reasons that were incompatible with his position as

<sup>7</sup> Pavle Kondić, *Metropolitanate of Montenegro and the Littoral in the second half of the 19th and early 20th century (1851-1920)*, Belgrade 2014, 158-163. Manuscript, a copy in the Metropolitanate Library, in Cetinje.

<sup>8</sup> Visarion was in Italy in the summer of 1872, as it can be seen from the passport that is kept in the personal legacy of the Metropolitan Visarion, the Archives of the Praskvica Monastery. Passport for the trip to Rome was issued to him on June 16, 1881 under no. 482. *Itemized protocols of issued passports in Principality of Montenegro (1879-1883)*, Vol. II, the State Archives of Montenegro, Cetinje 2013, 68.

<sup>9</sup> Gligor Stanojević, 'Contributions to Diplomatic History of Montenegro from the Berlin Congress until the end of the XIX century', *Historical Journal*, Vol. 11 (1960), 166

<sup>10</sup> Ludovic Jakobini (1832-1887), Italian, is one of the influential prelates of the Roman Curia in the middle and the second half of the XIX century. He was a Titular Archbishop in Thessaloniki since 1874 and a Cardinal since 1880. He performed a number of responsible duties in the diplomacy of the Holy See, at the place of Nuncio in Vienna in 1874-1880 and in Roman Curia in the post of Secretary of State 1880-1887. [http://en.wikipedia.org/wiki/Luigi\\_Jacobini](http://en.wikipedia.org/wiki/Luigi_Jacobini); <http://www.catholic-hierarchy.org/bishop/bjaco.html> (June 20, 2018)

an Orthodox Archbishop.<sup>11</sup> At that time, and all the time until the reform of the Roman Catholic Church at the Second Vatican Council (1963-1965), the ceremonial Pope honoring by kneeling, with unveiled head and kissing the ring on his right hand, which was a compulsory form of showing respect and submissiveness, for all bishops, priests and people, was in effect.

There are several modern testimonies to the participation of the Bishop Visarion at the initial stage of the negotiations with the Roman Curia about the position of the Roman Catholic Church in Montenegro in the documents of Bishop Josip Juraj Strossmayer, who led these negotiations with Prince Nikola. Through his correspondence with Prince Nikola on this occasion, for a long time from 1879 to 1886, there was a trace of Visarion's mission, even though it was kept in strict confidentiality.<sup>12</sup> In the letter, which dates back to the second half of September 1883 that was the answer to Strossmayer's letter of September 10, Prince Nikola stated the attitude of the Concordat in unusually poor and precise way: '... I am very sorry that, answering your kind letter of September 10, of this year, I must say, as it seems to me, that the Holy See would like to make the appointment of the Catholic bishop in Bar dependent on the conditions proposed to the reverend Mr. Ljubiša during his stay in Rome. If that were the case, now I would be obliged to state once again that, with the proposal of the Concordat which was then submitted to the Holy See by the bishop of Montenegro, we come to the final limits in the concessions that Montenegro can make to the Catholic Church, without buying the contract with the Holy See at the price of its dignity. These concessions truly set up a Catholic church, which has a maximum of 4,000 souls, perfectly at the same level of equality with the Orthodox Church, to which the vast majority of my people belong.'<sup>13</sup>

The intermediary role of Bishop Strossmayer in contact establishing and defining the text of the Concordat can be seen from the contents of the correspondence he conducted with the papal nuncio in Vienna, Archbishop Serafino Vannutelli.<sup>14</sup> In the report that dates back to May 25, 1883, which he sent to the State Secretary Cardinal Jakobini, besides describing the conversation with Prince Nikola regarding the establishment of the Concordat, among other things, Vannutelli stated the following: 'I am very sad that the mission with the Holy See, for which I put in charge the Metropolitan of our church, for two years or less, did not succeed.'<sup>15</sup> And in the letter that dates back to July 10,

<sup>11</sup> Nina Hitrova, 'The Concordat of Montenegro with the Vatican (1886) and Russia', Historical Records, yr. LXXIII, no. 1-2, (2000), 180.

<sup>12</sup> Our search in the archives of the Metropolitanate of Montenegro and the Littoral, on this occasion, did not give the results because there was not a single note or document related to the topic. We have borne in mind the published sources and discussions so far. The documents from the State and Palace Archives in Cetinje were used by Risto Dragičević in the discussion 'The contract between the Holy See and the Principality of Montenegro 1886', Records, vol. 13, Vol. 24, (1935), 81-86.

<sup>13</sup> Records, yr. 8, Vol. 13, (1935), 102-103.

<sup>14</sup> Serafino Vannutelli (1834-1915), the Italian prelate, built very successful career in the diplomacy of the Roman Curia. After the diplomatic service in South America, he was the papal Nuncio in Brussels (1874-1880) and Vienna (1880-1893), Archbishop in Bologna (1893-1899) with the title of Cardinal and then the Great Penitentiary of the Roman Curia, until the death in 1915.

[http://en.wikipedia.org/wiki/Serafino\\_Vannutelli](http://en.wikipedia.org/wiki/Serafino_Vannutelli); <http://www.catholic-hierarchy.org/bishop/bvan.html> (June 20, 2018)

<sup>15</sup> *Correspondence Josip Juraj Strossmayer – Serafino Vannutelli 1881-1887*. Edited J. Balabanic and J. Kolanovic, Zagreb 1999, 259.



1883, which Strossmayer sent to Cardinal Jakobini, through the nuncio Vannutelli, the participation of the Metropolitan Visarion during the negotiations was stated: 'We vividly convinced ourselves of it, when the Metropolitan of the mentioned Prince appeared in Rome, in front of the Holy See, with various chapters, most of which were superfluous and confusing, and some of them unacceptable.'<sup>16</sup>

From this negative assessment of the defined participation of the bishop, and then the Metropolitan of Visarion, in the negotiations, one can undoubtedly conclude that he was very principled and did not change his opinion in the positions he was guided with, based on the canon law of the Orthodox Church. On the same occasion, Strossmayer also wrote the letter to the Vatican Nuncio Vannutelli, which was forwarded to the State Secretary of Vatican, Cardinal Jakobini. The letter dates back to October 13, 1883, and he gave a number of objections to the draft Concordat given by Prince Nikola in cooperation with Metropolitan Visarion. However, bearing in mind the fact that this is the first legal act – an agreement between the Vatican and an Orthodox country, which could be a bridge and model for concluding the same or similar Concordats between the Vatican and other Orthodox countries, primarily having in mind the mighty Russian Empire, Strossmayer suggested the acceptance of this draft, which consisted of 34 articles.<sup>17</sup> He made the following proposal about the act of signing: 'If the Holy, Apostolic See, considers my script worthy, and if the Montenegrin Prince agrees with the alteration and the mentioned omitting, I think that the contract itself should be completed by the solemn signature in Vienna, so that, in that regard, Your Excellency, on behalf of the Holy See, and Visarion, the Bishop of Zahumlje, on behalf of Prince of Montenegro, receive the preliminary authorization and permission. And the reason for this is the following: 'when, approximately two years ago, abovementioned the Bishop of Zahumlje was in Rome, at the same time when I was in Rome, he was denied access to the Holy Father as a non-Catholic bishop.'<sup>18</sup> Strossmayer emphasized that, after the ratification of the Concordat, it would be good to allow Bishop Visarion to meet the Pope, hoping that this audience would have a great impression of the Orthodox archpriest, who would, on return to his country, by the power of his authority, influence the people in Montenegro to change the attitude towards Roman Catholics and their head of the church.<sup>19</sup>

In correspondence with his closest and the most confidential associate, Canon Franjo Racki, Strossmayer expressed the most sincere thoughts about poor success of the initial phase of negotiations. He wrote to Racki: 'If I can appraise – at least something – mistrust in me, caused by someone else's influence on the Montenegrin Prince that the thing did not succeed, then the clumsiness, the arrogance and one-sidedness of Rome justified by nothing were to blame for that. The guilty, especially from this side, was the

<sup>16</sup> *Ibid*, 267.

<sup>17</sup> *Ibid*, 289-299.

<sup>18</sup> *Ibid*, 281-282.

<sup>19</sup> *Ibid*, 283. It is interesting that Strossmayer, in the official correspondence of the highest rank, in letter of October 13, 1883, addressed Visarion with the title he had in 1881. It is not possible that he, who carefully followed the church life in wide areas, did not know that Visarion was appointed and took over the service of the Metropolitan of Cetinje in November 1882. However, in the context of the given topic, it is not as important as emphasizing the far-sightedness of the Bishop of Djakovo in terms of Catholic-Orthodox relations in Montenegro and the entire Balkans.

secretarius status. You know, in Rome, they hesitated to receive a Metropolitan of Montenegro. It was the arrogance which cannot be justified by anything in the world. Would Jesus do the same in similar circumstances?<sup>20</sup>

The name of the Metropolitan Visarion as one of the participants in the Concordat negotiations appeared shortly after the ratification of this act in the professional public. In the review published in the Journal of the History of Diplomacy (*Revue d'histoire diplomatique*, Paris), no. 4, from 1887, it was stated that the main negotiators from the Montenegrin side were Bishop Visarion and J. Sundečić, who, on behalf of the Montenegrin Government, signed the agreed text of the Concordat with Cardinal Jakobini, the State Secretary of the Holy See, on August 18, 1886.<sup>21</sup> And Cesare Tondini, a Catholic priest and a member of Barnabites, the Monastic Order, who, as the representative of Bishop Strossmayer, participated in negotiations with the representative of the Montenegrin Prince, Protoiereus Jovan Sundečić, who at that time had the title of Prince's Secretary, stated in one discussion: 'after the expansion of the Montenegrin territory and the recognition of its autonomy at the Berlin Congress, Prince Nikola sent to Rome a Montenegrin Bishop, Mr. Visarion, who will become the Metropolitan of Cetinje, to resolve the position of Catholics in the Principality with the Holy See. The services of Mr. Durando, the representative of Italy in Montenegro at that time, contributed to this. Mr. Durando co-operated on a project that was led by Monsignor Visarion, which was then used as a starting point on the way to this Concordat'.<sup>22</sup>

Duke Simo Popović, although a contemporary and witness, and a participant in one part of establishment and conclusion process of the Concordat, who could not have been unacquainted with the role of the Metropolitan Visarion, in his extensive Memoirs, left the poor note about this: 'In Russia, they were not satisfied with Prince regarding this job. Holy Synod, precisely Pobedonostsev, the most eminent person on the imperial court, was bitter toward Prince and scolded him that he opened 'the gate of Montenegro' wide to the enemy of Orthodoxy. Prince defended himself against indictments by proving that he had to conclude the agreement with Rome because of Austria, taking away its patronage of the Roman Catholic clergy and population in Montenegro, and the possibility to use them for its own politics. He was pleased with his own success. The Croats and the rest of the Catholic world were full of praise for him, and even more, when in next 1887, he asked for service in Old Slavic language in the Archdiocese of Bar, which was approved, with the Glagolitic Missal, by the council and confirmed by the Pope on March 31. The Montenegrin Catholics were indifferent to it. All but the ones in Bar speak only Albanian language. They understood neither the service in Slavic nor the one in Latin language'.<sup>23</sup>

<sup>20</sup> *Correspondence Racki – Strossmayer*, Vol. 3, F. Sisic, (ed.), JAZU, Zagreb 1930, 23-24. About the beginning of the negotiations on the establishment of the Concordat, Strossmayer informed Racki via letters and during the meetings when he was giving him the documentation regarding the issue. *Correspondence Racki – Strossmayer*, Vol. 2, F. Sisic, (ed.), JAZU, Zagreb 1929, 224; 227; 231-232.

<sup>21</sup> Quoted by: Ljubomir Durkovic Jaksic, *The Serbs and the Vatican 1804-1918*. Kraljevo 1990, 329. About this also see *Diplomacy of Montenegro*, by Radoslav Raspopovic 1711-1918. Historical Institute, Podgorica 1996, 487-488.

<sup>22</sup> Cesare Tondini de Quarenghi, *De la Reunion des Eglises*, Societe de Saint Augustin, Lille 1892, 2.

<sup>23</sup> Duke Simo Popovic, *Memoirs*, ed. J. Bojovic and H. Rakocevic, Historical Institute, Cetinje 1995, 604.

The fact that the Concordat, which dates back to 1886, represents a compromise that has matured over time and which respects the interests of the contracting parties represented its stronger side. In the next half of the century, the agreement with Montenegro was a necessary starting point for all negotiations that the Holy See had with predominantly Orthodox countries. Taken as an explicit model for the Concordat with Serbia from 1914, it continued with such an influence until the period between the two world wars and until the Concordat with Romania in 1927 and Yugoslavia in 1934. Such function of it came completely to the end after World War II, when the communist regime in Eastern Europe made any agreement with the Catholic Church impossible. In this context, as it can be seen from the historical sources, the role of bishop – Metropolitan of Visarion Ljubiša is of great importance for the final outcome of the negotiations and the formulation of the text of the Concordat between the Holy See and Montenegro. Although many documents and testimonies have not been preserved, which is implicit in such a delicate diplomatic mission, an undoubted conclusion about the unique attitude of Prince Nikola and his representative in negotiations, Bishop Visarion Ljubiša, the famous figure in Montenegrin society at the end of the 19th century, who, besides the church service, was also remembered as the first minister of education in Montenegro, can be deduced from this presentation.<sup>24</sup>

## Literature

- [1] Archive of Metropolitanate of Montenegro and the Littoral (AMML)
  - Cetinje Metropolitanate Fond (CM)
  - Personal files of Metropolitans: Ilarion, Visarion and Mitrofan
- [2] Archive of the Praskvica monastery
- [3] The Royal Museum of King Nikola
  - Archives and Library Departments Fond (ALDRM)
  - Nikola I Fond (NI)
- [4] State Archives of Montenegro, Cetinje (SAM)
  - Ministry of Education and Church Affairs Fond (MECA)
  - Department in Budva, the Legacy of Ljubisa family
- [5] Duke Simo Popovic, *Memoirs*, ed. J. Bojovic and H. Rakocevic, Historical Institute, Cetinje, 1995, 604.
- [6] Gligor Stanojevic, 'Contributions to diplomatic history of Montenegro from the Berlin Congress until the end of the XIX century', *Historical journal*, vol. 11 (1960), 166.
- [7] Dionisije Mikovic, *Metropolitan of Montenegro Visarion Ljubisa*, Novi Sad 1886.
- [8] Durkovic Jaksic, *Serbs and Vatican 1804-1918*, Kraljevo, 1990.
- [9] Djoko Slijepcevic, *History of the Serbian Orthodox Church*, Vol. 2, Bigz, Belgrade, 1991.
- [10] *Correspondence Josip Juraj Strossmayer – Serafino Vannutelli 1881-1887*, ed. J. Balabanic and J. Kolanovic, Zagreb 1999, 259, 267, 281-282, 283, 289-299.
- [11] *Correspondence Racki - Strossmayer*, Book 3, F. Sisic, (ed.), JAZU, Zagreb 1930, 23-24.
- [12] *Correspondence Racki - Strossmayer*, Book 2, F. Sisic, (ed.), JAZU, Zagreb 1929, 224; 227; 231-232.

<sup>24</sup> Metodije Ostojic, 'Catalog – Diptych of Metropolitans of Zeta, Montenegro and Littoral' in: *Monastery of the Birth of the Most Holy Mother of God 1484-2014*, Cetinje, 2014 461-465.

[13] Ljubomir Durkovic Jaksic, *Serbs and Vatican 1804-1918*, Kraljevo 1990, 329.

[14] Metodije Ostojic, 'Catalog – Diptych of Metropolitans of Zeta, Montenegro and Littoral' in *Monastery of the Birth of the Most Holy Mother of God 1484-2014*, Cetinje, 2014, 461-465.

[15] Pavle Kondic, *Metropolitanate of Montenegro and the Littoral in the second half of the 19th and early 20th century (1851-1920)*, Belgrade 2014, 158-163. Manuscript, a copy in the Metropolitan Library, in Cetinje.

[16] Pavle Kondic, *Seminary in Cetinje and its spiritual and educational light*, Seminary of Saint Peter of Cetinje, Cetinje, 2005.

[17] Rados Ljusic. *History of Serbian Statehood – Serbia and Montenegro*, Vol. 2, Novi Sad 2011, 337-354.

[18] Radoslav Raspopovic, *Diplomacy of Montenegro 1711-1918*. Historical Institute, Podgorica 1996, 487-488.

[19] Sava, Bishop of Sumadija, *Serbian Hierarchs from the 9th to the 20th century*, Belgrade 1997, 88-89.

[20] Francesco Kakamo, the Concordat with Montenegro and the policy of the Holy See towards the East, [http://www.montenegrina.net/pages/pages1/religija/konkordat\\_sa\\_cg.htm](http://www.montenegrina.net/pages/pages1/religija/konkordat_sa_cg.htm) (August 9, 2018).

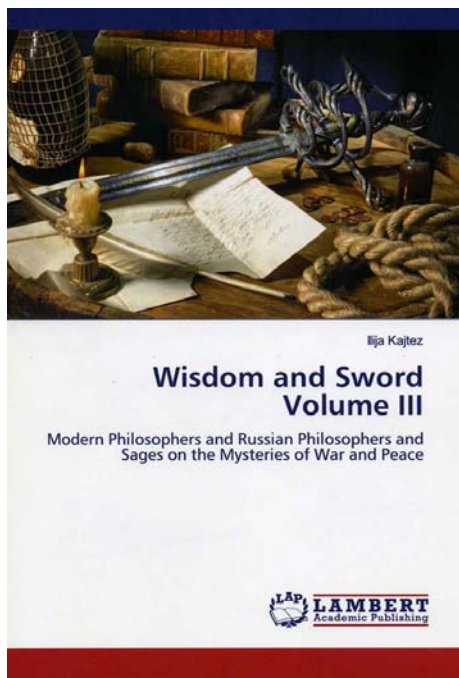
[21] [http://en.wikipedia.org/wiki/Luigi\\_Jacobini](http://en.wikipedia.org/wiki/Luigi_Jacobini); (June 20, 2018).

[22] <http://www.catholic-hierarchy.org/bishop/bjaco.html> (June 20, 2018).

[23] Cesare Tondini de Quarenghi, *De la Reunion des Eglises*, Societe de Saint Augustin, Lille 1892, 2.

# BOOK REVIEW „WISDOM AND SWORD, VOLUME III“ BY ILIJA KAJTEZ

Srdjan Starčević  
University of Defence in Belgrade, Military Academy



*Wisdom and Sword, Volume III*; Ilija Kajtez;  
Lambert Academic Publishing, Beau Bassin,  
2018, 226 pages

In the romantic antiquity of France there is a local Burgundian saying: whenever a son is born in the noble family d'Avout with martial ancestry stretching back to the Crusades, a sword leaps from its scabbard – precisely the one intended to be the sword of a newborn military leader. As an introduction to the presentation of the book „Wisdom and Sword“, by Ilija Kajtez, one could make a bold parallel with this French legend: when a talented, questionable and worthy man, destined to be a scientist, is born, the first page of a new significant book opens. Like the sword that waits for the future courageous and talented military leader to take it, a good book awaits its writer.

In the opinion of the author of these lines, the book "Wisdom and Sword" is, at least for now, the central work of Ilija Kajtez, a retired colonel and full professor of sociology at the University of Defense in Belgrade, and professor at the Faculty of International Relations and Security of the University "Union – Nikola Tesla" in Belgrade. In this book, the author, who taught philosophy and sociology for a quarter of a century at the Military Academy, systematizes the most valuable knowledge of humanity and the deepest thoughts of sages, philosophers, sociologists and politicians, artists and military theorists on the phenomena of war and peace, with inevitable personal reflections on these issues. Decades of devoted intellectual work have been invested in this book and in its contents one can find hundreds of other books and a whole man – the author himself. Hegel said that nothing great in the world could happen without passion. Hence, it is not surprising that this book is a product of author's great passions – from the passion for collecting the pearls of wisdom to the passion for writing and creating. It could be said that the best advertisement for this book is the fact that after only five years since the

Media Center "Odbrana" published the book "Wisdom and Sword" in the Serbian language, this comprehensive, theoretical, philosophical and sociological book has found its way to the publisher of international renown and, divided into three volumes, to the world's audience.

In 2018, Lambert Academic Publishing completed the publication of the entire book, announcing the third volume of "Wisdom and Sword" in the extraordinary translation of the young Serbian philosopher Dragan Stanar. This volume contains three major chapters: "Russian philosophers and sages on the secrets of war and peace", "Contemporary notion of peace and globalization of war", and "Final thoughts on war and peace – where the ship called 'Earth' is sailing to?"

In the first chapter, the author presents three most important approaches of the Russian thought of war: the one that emerged from the Russian religious philosophy (Solovoy, Berdyaev, Leontiev and in addition Dostoyevsky), the one from the pen of Leo Tolstoy and the one derived from the thought and action of the leader of the October Revolution, Vladimir Ilyich Lenin to the readers. The relation of spirituality and war, Christianity and war, history and war, man and war, revolution and war, are just some of the great questions that the author deals with, analyzing and critically observing the works of the Russian intellectual giants.

The second chapter is dedicated to peace and war in the era of globalization. The author considers the relations between world peace and the globalization of war and asks the provocative question whether peace (the greatest value for many theologians and philosophers) and non-violence (as the opposite of the destructive power of violence) can triumph over war and violence. The author offers a mosaic response, composed of brief analyses, philosophical miniatures about the giants of the modern human thought such as George Orwell, Jean-Paul Sartre, Martin Luther King Jr., Mahatma Gandhi, Erich Fromm, Albert Camus, Bertrand Russell and Herbert Marcuse.

Kajtez offers his thoughts on peace and war to the readers in the third, final chapter of "Wisdom and Sword", which is at the same time a kind of synthesis of his decades-long engagement with these social phenomena. Instead of inaccurate and dangerous simplification, in this chapter Kajtez brings peace and war to the eyes of readers in their complexity, stratification and secrecy. In his opinion, war is not simply entry of evil to a historical stage, but a complex phenomenon, whose secrets cannot be discovered even when our approach combines different positions: when we examine its origin, development, structure, form, functions, significance and meaning. "War, the most exclusive clash of life and death, encompasses everything: myth and religion, history and heritage, mass psychology and mindlessness of crowds, soldier's discipline and a hero's courage, a general's genius and traitor's cowardice, (mis)use of truth, deceits and war trickery, various interests, human heroism and shameful downfalls. War is all that, and more than that, not even the wisest and most eloquent mages of written word and oral traditions can fully intellectually understand, verbally formulate or ingeniously describe it", noted the author (pages 217 and 218). Therefore, Kajtez will never fall into the trap to cancel the status of excellence to war, as well as peace, because war and peace both lie in the ontological level of human existence. "War and peace are a never-ending and perpetual story of human existence, they are in constant competition and eternal and inextricable connection and necessary complementarity, because neither peace can be fully under-

stood without war nor can war last without sublime dreams of peace; one cannot exist without another, nor can they exist separately for they are One, they are whole One, they are two-parted-One." (pages 208 and 209).

The book should be specifically recommended to students of the Military Academy, as well as students from other faculties of the "security sector" as wider literature that will give them superior approach to understanding peace and war; officers in their professional development throughout life, and also to all others, interested in philosophical, sociological, anthropological and political aspects of peace and war.

Graphic design editor  
*Nebojša Kujundžić, MA*  
nebojsa.kujundzic@mod.gov.rs

Copy editing  
*Zvezda Jovanović*

Proofreader  
*Borjanka Popović*

Printed by Vojna štamparija – Beograd, Resavska 40b

---

CIP – Catalogisation in the publication:  
National Library of Serbia, Belgrade