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THE LEGAL FRAMEWORK OF BILATERAL COOPERATION OF POLAND AND THE EASTERN PARTNERSHIP COUNTRIES IN COMBATING VARIOUS FORMS OF CRIME

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Abstract

This paper analyzes the provisions of agreements on cooperation in combating various forms of crime that were signed between Poland and the Eastern Partnership countries. The growing international crime, including its organized forms, and terrorist attacks in the US and in Europe as well as Poland's accession to the EU have influenced the development of bilateral cooperation in that sphere. The scope and forms of cooperation regulated in the agreements between Poland and the Eastern Partnership countries are very similar with regard to combating organized crime, preventing criminal activities and detecting offenses. Relatively widest legal regulations of cooperation are provided for in the agreements between Poland, Moldova and Georgia. Common fight against organized crime and other forms of cooperation help achieve the objectives of the Eastern Partnership. The recognition of convergent and divergent aspects of bilateral cooperation can contribute to the creation of a multilateral platform for coordinated cooperation in this field between the European Union and these countries, and within the Eastern Partnership.

Key words: *Poland, Eastern Partnership, Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine, agreements, combating crime*

INTRODUCTION

Political, economic and social changes in Poland and the Eastern Partnership countries have contributed to the development of cooperation in new areas, such as security. Other important factors include changes in the international environment, including Poland's accession to the European Union, and the increasing challenges of regional and global threats. Joint declarations expressing concern for security in Europe and around the world formed the foundations of mutual cooperation, particularly in combating organized crime and terrorism. All countries are exposed

to those risks and their transnational nature determines the development of international cooperation.

The aim of this paper is to show similarities and differences between provisions of bilateral agreements in the field of preventing and combating organized crime and other types of crime concluded between Poland and the countries of the Eastern Partnership. Threats of crime at Polish eastern border determine the development of cooperation with Eastern Partners as it is their citizens that are the dominant group of people committing crimes. This applies above all to Ukrainians and Belarusians and is connected in particular with economic and drugs crimes, illegal migration and unauthorized residence.

For the purpose of this study the institutional and legal method was mainly applied. The analysis of legal norms has important application in the study of the reality of international relations [Chodubski 2005: 126]. However, the supplementary use of the comparative method [Chodubski 2005: 125-126] has made it possible to identify similarities and differences in bilateral agreements. The recognition of convergent and divergent frameworks of bilateral cooperation can contribute to the creation of a multilateral platform for coordinated cooperation in this field between the European Union and the Eastern Partnership countries, and within the Eastern Partnership itself.

Nowadays, organized crime poses the greatest threat. It dates back to the turn of the 18th and 19th centuries [Pływaczewski 1992: 10]. As a result of the evolution of organized criminal groups, their activities today also affect the international sphere [Filipkowski 2004: 32]. The development of international crime, organized crime in particular, and its connections to terrorism have become an important problem not only for Europe. Organized crime often provides terrorists with access to infrastructure and enables them to capitalize on the created links to finance their activities. This generates challenges in terms of legal regulations, especially in the context of rapid technological development, whose solutions are easily available to the offenders [Pływaczewski 2006: 9]. National and international laws constitute one of the instruments for fighting against various forms of transnational crime. They make it possible not only to prevent and combat such crime but also to prosecute perpetrators through cooperation of governments and national parliaments, law enforcement and judicial authorities, and international institutions.

Due to the variability of the phenomenon, there has not yet been developed a single, universal definition of organized crime [Kurowski 2006: 26-43]. What differs it from common crime is its centralized, secret and monolithic system of bureaucratic structure. Acts of corruption in various areas of socio-economic life prompt the creation of many institutional links [Wójcik 2011: 23]. Given the scope of the geographic considerations, it is reasonable to refer to the European model, in which the phenomenon is defined more broadly than in the American model [Michalska-Warias 2006: 30-38]. The specific features of organized crime include: cooperation of at least two people, organized and hierarchical structure of the group, external and internal closure, division of tasks and planned and systematic activity, focus on committing crimes, use of violence, pursuit of financial profit or pursuit of power, numerous and varied spheres of influence, international scope, monopolization of the market, and money laundering [cf. Filipkowski 2004: 40 and n.; Bułat,

Czarniak, Gorzelak et al. 2007: 110 and n.; Rau 2002: 44 and n.; Mądrzejowski 2008: 16 and n.; Krajniak 2011].

Transformation processes in Poland were accompanied by an increase in different forms of crime, including the development of organized crime. This created the need for restructuring the security institutions focused on combating crime, also at international level. Poland's accession to the European Union played a significant role there. On the one hand, this was associated with the opening of borders within the Community, which facilitated criminal activities in other Member States [Pływaczewski 2006: 9,11-15; Skoczek 2006: 47, 49-50]. On the other hand, being a European Union border country Poland was faced with a task to seal the border and deepen the intra-EU cooperation in the fight against all types of crime [Gruszczak 2006: 36-37; Dudzic 2006: 38-40; Tendery-Własczczuk 2009: 141-153]. Despite the systematic development of the EU activity in the fight against organized crime, it is still hard to consider such activity as a coherent policy. The legal solutions constitute rather an expression of an ad hoc decision-making process, the reactivity of the Union, than implementation of a consistent policy [Wójcik 2011: 25]. In this context, the development of cooperation with the countries of the Eastern Partnership has become an important element of Polish security policy.

The need for bilateral and multilateral cooperation in fighting crime at Polish eastern border is further substantiated by relevant statistical data. In 2008-2013 the most frequently committed crimes involving citizens of the Eastern Partnership countries included: economic crimes, particularly smuggling of tobacco, spirits and fuel[1]. [MI 2008: 35-36; MI 2009: 106; MI 2010: 94, 174; MI 2011: 172, 184; MI 2012: 186, 188, 201; MI 2013: 176, 178, 188; 194]; transit and illicit trafficking in narcotic drugs and their precursors[2] [MI 2008: 26, 29; MI 2009: 86-87; MI 2010: 95, 128, 130, 135; MI 2011: 147]; illegal migration and related forgery of documents[3] [MI 2008: 54-55; MI 2009: 69; MI 2010: 98-99, 101,106, 111; MI 2011:

[1] In the years 2008-2013 in smuggling of cigarettes dominated brands from Ukraine and Belarus. The downward trend was observed regarding to the smuggling of Ukrainian cigarettes, but upward trend concerned the Belarusian products to 2012. The value of smuggled cigarettes from Ukraine in 2010 was 28 865 547 PLN (number of cigarettes -71 834 943). In 2011 this amount decreased to 23 856 231 PLN (number of cigarettes - 52 665 499), in 2012 to 18 158 849 PLN (number of cigarettes - 36 291 874) and in 2013 reached 16 294 755 PLN. In the case of Belarus, the value of smuggled cigarettes in 2010 was 7 013 692 PLN (number of cigarettes - 17 592 985). In 2011 it increased to 7 098 395 PLN (numerous cigarettes decreased - 15 620 756) and in 2012 to 7 238 194 PLN (number of cigarettes - 14 466 310). In 2013 their value dropped to 6 020 535 PLN. In 2012 was noted more intense illegal marketing of gas oil derived from Belarusian refineries and transported to the Polish by Latvia and Lithuania, what was also observed in 2013. In that year, on the border with Ukraine declined smuggling alcohol by 65.5% (value of 65 348 PLN) compared to 2012. The opposite effect was observed on the border with Belarus where disclosed smuggling value increased by 68.9% (value of 40 890 PLN) compared to previous year.

[2] In 2008, Polish Border Guard the most frequently has revealed drugs among the citizens of Ukraine and stateless persons. In 2010 the officers of Central Bureau of Investigation in cases involving drug organized crime has placed the charges 4 Armenians, 2 Ukrainians and 1 Belarusians. In 2011, there were accused 3 Belarusians, 2 Ukrainians and 1 citizen of Armenia.

[3] In 2008, the threat of illegal migration increased the most at the Polish-Ukrainian border by 221% (1948 events) compared to 2007.The number of persons detained by the Border Guard for attempting to cross the state border in violation of the law or crossing it were as following: on the border with Ukraine - in 2008 - 2829 persons and in 2009 - 935 people,

114-115; MI 2012: 126; MI 2013: 113-114, 116]; trafficking in human beings - mostly related to sexual exploitation and begging [MI 2008: 43; MI 2009: 76; MI 2010: 95, 110, 115; MI 2011: 126; MI 2012: 137, 139; MI 2013: 127]. An important part of crimes concerned corruption. Polish Border Guard assessed that in 2008-2013 the greatest threat of corruption was related to officers serving at the external EU borders, in particular the border with Ukraine [MI 2013: 234]. However, organized crime, especially economic and drug related, remained a particularly significant area. The number of persons investigated by the Central Intelligence Bureau (CIB) and the Border Guard increased in the period 2008-2013, as well as the effectiveness of detection of crime perpetrators and their prosecution[4] [MI 2008: 51; CBI 2009: 3; CBI 2011: 4; CBI 2012: 4; CBI 2013: 4; CBI 2014: 3]. Generally, in 2008-2013, the provinces in Poland characterized by the lowest crime risk index (with regard to criminal offenses, theft, misappropriation of or damage to property, theft of vehicles, among others) were the eastern voivodeships: Podkarpackie, Podlaskie, Lubelskie and Mazowieckie [MI, 2011: 10; MI 2012: 9; MI 2013: 11]. That was the result, among others, of the efforts of Polish security services as well as cooperation within the EU and with third countries.

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and on the border with Belarus in 2008 arrested 469 people. In 2010, 41.1% of detentions made on the border with Ukraine and 7% on the border with Belarus. During next years were observed the same trends: in 2011 were impounded 32.3% persons on border with Ukraine and 9% on border with Belarus; in 2012 it was 24.4% on border with Ukraine and 14.4% on border with Belarus; in 2013 - 25.2% on border with Ukraine and 12.1% on border with Belarus. In the years 2008-2013 among impounded foreigners dominated citizens of Ukraine and Belarus. We have also observed an increase in arrests of citizens Moldova, Georgia and Armenia. In 2008 impounded 2872 Ukrainians, 242 Belarusians, 267 citizens of Moldova, 46 Armenians and 36 Georgians. In 2009 Ukrainians accounted 44% of all foreigners. There were also 123 citizens of Moldova, 150 Belarusians, 273 Georgians and 36 Armenians. In 2010 Ukrainians who illegally crossed the border were 1269 persons (54% of the total), 97 Belarusians, 88 Georgians, and 78 people came from Moldova. In that year 556 Ukrainians were detained because the finding of illegal work. Also the most of them was linked with the falsification of stamps border controls in order to confirm the legitimacy of their periods of residence in the EU and to obtain another visa. In 2011, 1162 people who illegal crossed the border came from Ukraine, 181 of them came from Belarus, 99 came from Georgia and 47 came from Moldova. In 2012, those numbers increased among: Ukrainians to 1388 people, Belarusians to 224 people and Georgians to 217 people. In 2013, among impounded persons dominated people from Ukraine - 1444, next from Belarus - 271, from Georgia were 186, from Armenia - 41 and from Moldova - 34 persons. The most common methods of crossing the state border by foreigners against the law are: lack of a valid travel document; the lack of a valid visa or residence permit; false documents. Fairly common practice, especially among Ukrainians, were defraud D08R type visas issued on the basis of declaration on the intention to employ such nationals.

[4] In 2008, the officers of Central Bureau of Investigation and Border Guard presented allegations 132 foreigners in connection with organized crime. The most numerous group were citizens of Ukraine. In 2009, those bodies were investigating regarding 115 international groups, 15 groups of Russian, 22 groups of foreigners. The most of the defendants were citizens of Ukraine, Belarus and Armenia. In 2010-2012, the greatest group of people with the allegations were Ukrainians. In 2011-2012, there were also Belarusians.

MAJOR CRIMES COVERED BY THE AGREEMENTS

The scope of cooperation between Poland and the Eastern Partnership countries in combating criminality is not identical with regard to all these countries, but is very similar. The main domain of mutual interests connecting Poland with Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine is the fight against organized crime and terrorism. Most types of crimes and forms of cooperation are convergent. Bilateral agreements on cooperation in combating crime were executed by Poland with six Eastern Partnership countries. Between 1999 – 2008, they were concluded consecutively with Ukraine, Belarus, Moldova, Armenia, Georgia and Azerbaijan. They entered into force in the same period, except the agreement with Azerbaijan (table 1). The agreements were concluded for an indefinite period.

Table 1. Agreements on cooperation in the fight against crime concluded between the governments of Poland and Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine

	Date of Signature	Date of Entry Into Force
Ukraine	3 March 1999	24 August 2003
Belarus	8 December 2003	5 March 2005/12 May 2007
Moldova	22 October 2003	26 July 2004
Armenia	6 September 2004	7 April 2005
Georgia	31 May 2007	3 May 2008
Azerbaijan	4 June 2008	-

Source: based on Internetowy System Aktów Prawnych, [online], http://isap.sejm.gov.pl/ (dostęp 28.11.2014); *Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Republiki Azerbejdżanu o współpracy w zwalczaniu międzynarodowego terroryzmu, przestępczości zorganizowanej oraz innego rodzaju przestępczości*, sporządzona w Warszawie dnia 4 czerwca 2008 r., Agencja Bezpieczeństwa Wewnętrznego, [online] https://www.abw.gov.pl/pl/prawo/zwalczanie-terroryzmu/prawo-miedzynarodowe/289,Prawo-miedzynarodowe.html, (dostęp 1.12.2014).

The comparative analysis of the contents of the agreements is based only on the documents that have entered into force[5]. The agreements with Armenia, Belarus, Georgia, Moldova and Ukraine specified the public administration institutions competent for their implementation[6]. With the exception of Polish and Belarusian

[5] The content of the Polish-Azerbaijani agreement was only signaled in this paper.

[6] In the agreement between Poland and Ukraine were listed the following Polish institutions which are competent for cooperation: Minister of Interior and Administration, Chief of the Office for State Protection, Chief Commander of the Police, Chief Commander of the Border Guard, General Inspector of Financial. According to the other agreements competent Polish institutions are: the Minister responsible for internal affairs, minister responsible for financial institutions, minister responsible for public finances, the Head of the Internal Security Agency, Commander in Chief of Police, the Chief Commander of the Border Guard,

authorities, all the other may also conclude additional implementing agreements. The bilateral agreements established direct contacts in relations between Polish and Eastern countries authorities. However, under the relevant agreements cooperation with Belarus and Georgia is also possible through authorized representatives. The exchange of liaison officers is provided for only in relations with Belarus, while Poland and Moldova can create contact points [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007; Porozumienie z dnia 12 maja 2007].

Five bilateral agreements regulate the areas of cooperation in the field of prevention of organized crime and detection of offenders. In case of Polish-Belarusian agreement, the cooperation is formulated most generally – as regarding combating crime, including organized crime. In the Polish-Moldovan agreement the cooperation between the two countries covers prevention and detection of transnational crime [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007]. The set of crimes of particular importance for Poland and its partners is very similar. Despite some differences, the widest cooperation in fighting against diverse crimes is expressed in the agreements with Moldova and Georgia. The reason for the narrowest cooperation with Ukraine may be the fact that the bilateral agreement between Poland and Ukraine was the first one to be concluded – it was signed already in 1999.

The agreements between Poland and Georgia and between Poland and Moldova as one of the most important categories of offenses recognize international organized crime. Crimes linked to terrorist activities occupy a significant position in the cooperation between Poland and the six Eastern Partnership countries. International terrorism is most emphasized in the Polish-Azerbaijani agreement [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007; Umowa z dnia 4 czerwca 2008]. This implies that once the document will enter into force, the area might play a particularly important role in the cooperation between the two countries. On the one hand, it could be justified by bigger threat to Azerbaijan posed by Islamic terrorists, but on the other, by intensive Polish anti-terrorist policy, especially in the light of its engagement in the EU's security policy.

Bilateral cooperation of Poland with Armenia, Belarus, Georgia, Moldova and Ukraine also focuses on theft and illicit trafficking in arms, ammunition, explosives

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General Inspector of Financial Information. The Ukrainian institutions are following: Ministry of the Interior, Security Service, the State Committee for State Border Protection, the State Customs Service and the State Administration of Taxation. The Armenian competent institutions are: Police of the Republic of Armenia, the National Security Service, the State Central Committee under the Government of the Republic of Armenia. The Belarusian institutions are following: Ministry of Interior, the State Committee Border Protection Forces, the State Customs Committee, the Department of Financial Investigation of State Control Committee and the Prosecutor's Office of the Republic of Belarus. Belarusian Department of Financial Monitoring of State Control Committee was added by bilateral agreement of 2007. The Georgian institutions designated for cooperation are: the Ministry of Internal Affairs of Georgia, Ministry of Finance of Georgia, Prosecutors Office of Georgia, and Moldova are: the Ministry of Internal Affairs, the Office of the Attorney General, Information and Security Service, Centre for Combating Economic Crimes and Corruption, Customs Department and the Department of Guard Border.

and other dangerous materials, as well as their production[7]. It should be noted that the list of crimes referred to it in the agreements encompasses crimes of theft and illicit trafficking in nuclear and radioactive materials[8] and their inappropriate use or threat of use to cause harm. The weapons of mass destruction have been added to the list in the agreement with Armenia while Polish-Moldavian agreement refers to biological, bacteriological, chemical and radioactive and nuclear materials. The most precisely regulated scope of these crimes features in the Polish-Moldovan agreement, which has brought together the crimes of illicit trade and manufacturing, acquisition, possession, import, export and transit of such weapons[9]. In Polish-Armenian relations, joint combat against illegal trade applies also to advanced technologies whereas cooperation with Georgia in general regards technologies as well as goods and services of strategic importance. Furthermore, all five cooperation agreements relate to offenses of forgery or counterfeiting of means of payment and securities and putting them into circulation. Only the agreement with Moldova features also counterfeiting of postage stamps and non-monetary means of payment. All documents provide for fighting against counterfeiting or altering of documents, although in Polish-Ukrainian relations this applies to financial and other official documents. Moreover, Poland's agreements with Armenia, Belarus, Georgia and Moldova provide for cooperation in the fight against use of forged documents and their distribution. The legalization of the proceeds of crime is also covered by Poland's cooperation with the five countries. Combating illegal economic activities is regulated in the agreement with Belarus. Cooperation with Ukraine covers also crimes such as tax evasion. The range of such crimes was extended in agreements with Moldova and Georgia to include financial frauds. Banking crimes were taken into account only in the Polish-Georgian agreement. In addition to that, four of the agreements, except that with Armenia, refer to the crime of corruption; in Poland's relations with Belarus and Georgia it concerns in particular persons holding public offices [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

Four of the agreements also mention crimes related to human trafficking and illegal restraint. However, in cooperation with Armenia, Belarus and Moldova this was expanded to encompass illegal acquisition and disposal of human cells, tissues and organs. Sexual offenses were listed in four of the agreements, safe that with Ukraine. Their scope is the widest in the contract with Armenia[10], which lists pimping, sexual exploitation of minors, distribution of pornographic materials involving minors and their production for this purpose. The agreement with Moldova is limited to pimping while cooperation with Belarus regards crimes against sexual freedom and decency. The Polish-Georgian document, in addition to sexual freedom refers to integrity of a person [c.f. Umowa z dnia 3 marca 1999;

[7] In Poland's agreement with Armenia and Georgia were also listed dual-use goods.

[8] Polish-Ukrainian agreement has restricted it to steal radioactive materials, illegal trading and their misuse or improper use them threatening to cause harm.

[9] Polish-Georgian agreement also includes a transportation of nuclear materials or radioactive.

[10] These differences arise, among others, from the tradition and the role of the Christian religion in Armenia, which is the state religion since 301.

Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].
The fight against illegal migration has become a common area of interest in Poland's relations with all five countries. The cooperation with Belarus and Georgia has been extended to deal with the issue of organization of illegal migration, with Ukraine - smuggling of people, and with Moldova - illegal residence and related criminal activities [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].
Moreover, Poland and Belarus and Georgia took into account the crimes related to the smuggling of goods. Polish-Belarusian regulations were extended to cover illicit trade in alcohol, tobacco products and tobacco raw materials. Among the crimes of particular interest to the partners, listed in the four agreements, except the Polish-Ukrainian document, the following types were prevalent: offenses against life and health of people, offenses against the environment, theft of all kinds of objects, in particular cultural goods and means of transport[11], smuggling and illegal trade in such objects [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].
Another area of cooperation, common to the five partners of Poland, is combating crimes related to illicit traffic in narcotic drugs, psychotropic substances and precursors. This issue is most widely regulated in the agreements with Moldova and Georgia. The agreement with Moldova additionally refers to illegal cultivation of plants used for manufacture of such substances, their production, acquisition, possession, distribution, import, export and transit. The agreement with Georgia lists illegal crops used for manufacture of such substances[12] [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].
Only the agreements with Georgia and Moldova refer to the violation of intellectual and industrial property rights. Both of them also include computer crimes[13] [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

TYPES AND METHODS OF BILATERAL COOPERATION

Bilateral cooperation between Poland and the five countries of the Eastern Partnership involves search for persons suspected of committing crimes listed in

[11] In agreement between Poland and Moldova accurately classified offenses such as car theft and other illegal conduct to motor vehicles.
[12] Poland, Ukraine and Belarus in addition to the illicit traffic in narcotic drugs, psychotropic substances and precursors also included the fight against their production. Poland and Belarus also prosecute crimes for the possession of narcotic drugs.
[13] Polish-Georgian agreement clearly indicates that cooperation relates to the illegal production, reproduction and distribution of copyrighted items and licenses and offenses committed by means of a computer, the Internet or other means of distance communication.

the agreement or of evading punishment and search for missing persons[14]. The agreements with Georgia and Ukraine extend the range of such cooperation to include activities related to the identification of persons and human remains. Cooperation with Belarus, Georgia and Moldova involves also search for proceeds of crime and instrumentalities of crime. Only in the Polish-Armenian agreement it is stipulated that the document does not regulate the issue of extradition [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

In preventing, combating and detecting crime, partners are supposed to exchange information, including classified information, on perpetrators of crimes and suspects (including their personal details), on new types of crime, and on methods and forms of crime prevention and detection. Moreover, the agreements provide that parties are to exchange publications and research findings and share experience by organizing internships, consultations, seminars and training. There are some differences in these areas in Poland's agreements with each country. Exchange of information with Ukraine and Armenia includes information on persons belonging to organized criminal groups or suspected of belonging to them. In the agreement with Armenia, this was extended to include organizers and participants of criminal activities. Under the agreements with Belarus, Georgia and Moldova, the countries can provide each other with personal details of perpetrators. Cooperation with Belarus enables exchange of information on personal details of crime organizers and other persons involved while the agreements with Moldova and Georgia go further to include personal details of instigators and leaders of criminal activities. The agreements with these countries also assume exchange of information on criminal organizations, their structures and characteristic behavior of individuals and groups, the circumstances of crimes (time, place, manner of committing a crime, subject), violated laws[15], precautionary measures and their effects as well as modus operandi of particular criminal groups and the relationship between particular perpetrators[16]. With respect to international organized crime, the scope of cooperation with Georgia was defined more broadly than with Moldova. In addition to the exchange of information on international criminal groups, people in charge of their activities, relationships with other criminal organizations, and methods of operation, the cooperation also covers bilateral exchange of data on the means of communication, vehicles, payment cards and other tools used in crime commission. Scientific-technical cooperation between Poland and Georgia and Poland and Armenia was extended to encompass exchange of statistical data and legislation. Special interest in the transfer of information and experience in the field of forensic science and criminology is indicated in the agreements with Ukraine, Belarus, Georgia and Moldova - the last two countries are also interested in the exchange of criminal law solutions. The agreements with Belarus, Moldova and Georgia provide also for exchange of experience and information on using special equipment and its development. In the case of Moldova and Georgia such cooperation includes also the possibility of renting relevant equipment [c.f. Umowa z dnia 3 marca 1999;

[14] In relations with Belarus it is applied either to the search of suspects or accused persons.
[15] That was limited to criminal violations of the law in cooperation with four countries, except Ukraine.
[16] The last two items are not explicitly included only in the Polish-Ukrainian agreement.

Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

Four agreements, with the exception of the Polish-Armenian one, contain very similar but extended provisions on preventing and combating terrorism, drug trade and illegal border crossing. With regard to terrorism, cooperation between the parties involves exchange of information about planned and committed attacks against public order and general security and information about *modus operandi* of individual perpetrators and terrorist groups whose activities may prejudice important national interests. The parties to the agreements have also decided to undertake joint actions in the field of preventing and combating terrorism. Under Polish-Ukrainian agreement, the countries are to exchange experience in the fight against this threat. Referring to the prevention and combating of illegal border crossing and illegal migration, the four agreements provide for exchange of information in this area, especially with regard to organizers of these crimes and their methods of operation, types of documents entitling the holder to cross the border, types of seals used in such documents, and types of visas issued by a given country[17]. This issue is most precisely regulated in the Polish-Georgian agreement, according to which co-operation between the two countries in that domain includes exchange of data on means of transport used by criminals and routes of illegal migration, on production and use of falsified documents needed to cross the border, on visa requirements, and on the size of illegal migration. In addition to that, the parties have agreed to exchange experience concerning border control, migration issues and the application of the national law on the entry and residence of aliens. The partners have also provided for exchange of information on illegal trading and production of narcotic drugs, psychotropic substances and precursors, methods and locations of their preparation and storage as well as their transport, and information on the applicable legal regulations. They have also decided to share samples of new plants, synthetic materials, precursors and other hazardous substances. Moreover, the parties have recognized the importance of exchange of experience with regard to supervision of the legal trade in such drugs, substances and precursors, as well as starting substances and intermediates used in their production. Only in the Polish-Ukrainian agreement the exchange has been extended to include information on participants in drug trafficking, on drugs concealment, their transportation and sale, methods of their production, origin of such substance, trafficking routes and methods of their illegal international transportation[18]. Furthermore, Polish and Ukrainian authorities have declared to share results of research in the field of forensic science and criminology. The two countries are also the only ones that have envisaged joint operations to eliminate international drug groups and to conduct controlled supplies of drugs, psychotropic substances and precursors. The reason why Poland and Ukraine take particular interest in joint combating of narcotic drugs business is the geographical location of

[17] In the agreement with Ukraine was also added the fight against trafficking in human beings, in agreement with Belarus was omitted exchange of symbols.

[18] In agreement with Belarus information exchange includes data about the routes and destinations transported narcotics, psychotropic substances and precursors, in agreement with Georgia just this last point was regulated.

the two countries, i.e. on the main drug smuggling routes between Asia and Europe. Besides, only Poland and Ukraine in the bilateral agreement regulated extensively the issue of fight against criminals who counterfeit money and other means of payment as well as financial documents and securities and put them into circulation. Cooperation between the two countries focuses on exchange of information and experience and undertaking joint ventures in this area [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

In connection with the transfer of information and personal data, classified information in particular, Poland and its partners have regulated the issue of protection of such information [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007]. The most extensive legal basis in this field exists in the Polish-Ukrainian relations, as they are additionally supported by a treaty on mutual protection of classified information, which was signed on September 4, 2001 and entered into force March 1, 2004 [Umowa z dnia 4 września 2001]. The willingness to sign a similar agreement in the future has also been declared by Poland and Georgia, but as of the end of 2014 this did not happen. For this reason, issues related to protection of personal data are better regulated in the other agreements. The four documents define most rules of conduct in the same way, although some issues are more extensively addressed in the agreement between Poland and Moldova[19].

A crucial element of Poland's cooperation with the five countries of the Eastern Partnership is the undertaking of joint ventures. In relations with Ukraine these have been generally described as operational activities. In case of Belarus, Georgia and Moldova they concern in particular controlled purchase and delivery as well as covert surveillance. However, in the case of Moldova they have been limited to police operations. The implementation of joint undertakings requires that one of the parties submits a proposal. Polish-Armenian cooperation differs from the others in that there is a general obligation to submit proposals of cooperation and that such proposals are specified in detail in the bilateral agreement. The Polish-Azerbaijani agreement also applies to the operational cooperation of competent state authorities in combating and preventing international terrorism, organized crime and other particularly dangerous forms of criminal activity, and in detecting criminal acts. The aim of the agreement is to enhance effectiveness in fighting against crime and to reduce the number of criminal offenses, e.g. by exchanging information and carrying out joint operational activities. Personal scope includes natural persons, legal persons and entities without legal personality to the extent of their involvement in criminal activities covered by this agreement [c.f. Umowa z dnia 3

[19] In all agreements have specified the issues: the purpose and conditions of use of personal data; information on the methods and the results of their use; handing over data to other public safety entities; responsibility for the accuracy of the data and the terms and rules of their removal. In addition, in the agreements with Belarus and Moldova the institutions are obliged to register and control the transferred personal data. Only Poland and Moldova undertook to protect these data against access by unauthorized persons and unauthorized disclosure of data. These rules also apply to information collected while jointly implemented operational activities.

marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].
All agreements provide for the possibility of refusing cooperation or making it subject to certain conditions. However, this is restricted to situations where the sovereignty of one of the parties or the principles of its legal system get violated or where there is a threat to its security or other important national interests. The same rules apply to the exchange of experts, which is specifically emphasized in the agreements with Belarus[20], Georgia and Moldova. Moreover, the rules of cooperation with these three countries require that the partners provide the names of experts who are to participate in the exchange at least two weeks before the scheduled date of a visit [c.f. Umowa z dnia 3 marca 1999; Umowa z dnia 22 października 2003; Umowa z dnia 8 grudnia 2003; Umowa z dnia 6 września 2004; Umowa z dnia 31 maja 2007].

CONCLUSIONS

Poland's accession to the EU and the expansion of organized crime and terrorist attacks in the US in 2001 and in Europe in 2004-2005 boosted the development of cooperation in that sphere. These factors played an important role in determining the development of cooperation in the fight against crime with countries that in 2009 were covered by the Eastern Partnership initiative. They are also the reason why the bilateral agreements on cooperation in prevention of organized crime, investigation of offences and detection of crime perpetrators take similar forms and address similar issues Poland has signed such agreements with all the countries of the Eastern Partnership and until 2014 only the one with Azerbaijan had not entered into force.
The agreements in a very similar way classify types of criminal offenses related to economic activity, human trafficking, migration, trade and production of arms, ammunition and explosives, organized crime and terrorism. Only the agreements with Georgia and Moldova refer to violations of intellectual and industrial property rights and computer crimes. The most similar forms of cooperation in preventing, combating and detecting crimes include: search for persons alleged to have committed these crimes or those who evade punishment for them, search for missing persons, exchange of information and personal details, exchange of experience and undertaking joint operational activities. The relatively widest scope of cooperation is provided for in the agreements between Poland and Moldova and Poland and Georgia. This applies both to the list of criminal offenses and to forms of cooperation. The problem of combating drug offenses and the offences related to counterfeiting of money and other means of payment as well as financial documents and securities is regulated in the Polish-Ukrainian agreement much more extensively than in the others. Referring to the limited information on the provisions of the Polish-Azerbaijani agreement, it can be concluded that its scope and the forms of cooperation regulated by it are similar to those covered by the other

[20] In cooperation with Belarus is also allowed to propose to designate another person.

agreements. However the document places greater emphasis on the fight against international terrorism.
Common problems, similar scope and mechanisms of cooperation in the fight against organized crime and other forms of criminal activity help achieve the objectives of the Eastern Partnership. Therefore, it is important to further enhance cooperation between Poland and the Partnership countries. Due to its location on the main routes of the activity of organized criminal groups dealing mainly with economic crime, drug trafficking and illegal migration, Poland is often regarded as a transit country, though it is also a place of temporary storage of smuggled goods or final destination for illegal immigrants. That is why such types of crime are broadly addressed in the bilateral agreements. The important issue that remains to be addressed is the intensification of multilateral cooperation between the European Union and the Eastern Partnership countries that would strengthen the European Union's Eastern policy.

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REGIONAL CURRENCY AS AN INSTRUMENT TO GENERATE NEW POSSIBILITIES FOR STARVING VALLEYS

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Abstract

Significant determinant of economic sustainability and competitiveness of a state is its regional disparities. The more equally productive state`s regions are, the more stable and economically sustainable the state is. The objective of this article is to argue why the use of supplementary interest-free currency (implemented on a regional or state level) presents an efficient tool of the state to boost economic activity in regions facing extreme poverty.

Key words: *interest-free currency, supplementary currency, Silvio Gesell, theory of regional clusters*

Regions facing extreme poverty also known as *starving valleys* find themselves trapped in a vicious circle of despair. Many times the only change possible in the future of these regions is even greater decay. Optimism and innovative thought seem to have left these places. Each state is composed of smaller regional units which, nevertheless, all create its territory. According to a principle that each action causes reaction, economically inactive regions have enormous impact on economically productive regions as well as vice-versa. Many examples demonstrate that a state cannot be economically prosperous if only one of its regions is competitive and profit-producing which ensures that other regions are able to exist and survive. A state of great regional disparities can survive on the international scene only until its productive region is capable of supporting the rest. However, from a state's long-term perspective such setup is unacceptable.
Regional politics has existed in Europe for more than fifty years. At the beginning of 1930s disparities kept on deepening. The Great Depression was in its last stage. Deepening of inter-regional differences and seeking aid from the Centre, which governed the state, presented a real threat to the state itself. Economic crisis had had the same socio-political impacts as at present. In the second half of 1950s due to increasing disparities, regional politics became part of a political agenda and was included in national politics of a state. Central Government no longer had the capacity to solve systemic problems in all regions. The only option was to undergo

decentralization and transfer the exercise of power from state level to regional level, which was in Western Europe implemented in the beginning of 1980s. For many countries of Central and Eastern Europe this meant 20 years of lagging behind Western Europe. State had, therefore, become only the indicator of general direction. Regions, however, became governed from below and their incompetence and inability to develop and thrive was left to be their sole responsibility and not the state`s. The emphasis has been, therefore, recently placed on endogenous potential of regions, which is supposed to be embraced and utilized by regional self-governments. Decentralization is surely advantageous for a state; however, regional disparities and inequalities remain a problem.

Development or economic growth does not only generate positive outcomes for firms and factories but it also has an actual positive impact on living conditions of people living in these regions. Therefore, developmentcauses further heterogenic development. It also becomes the source of imbalance. Development only influences the villages or regions which contributed to the development. The rest of the regions lacking initiative remain unaffected. Therefore, current tendencies lead towards imbalance. The system is decentralized and the emphasis is put on innovative and technological development which lies in hands of educated people. Current system is based on the level and sophistication of the human factor.

States which do not reflect well and fast enough on the emergence of knowledge-based economy face the possibility of regression. The key responsibility of any government is thus to perform endogenous and exogenous analysis of the environment. According to this information, the government should then formulate strategic priority programmes for education, production etcetera, as well as create the necessary conditions for its implementation. Another necessity would be that the selected national priority could not be cancelled after next elections, which seems to be common practice in many Central and Eastern European states.

THEORY OF REGIONAL CLUSTERS AND THE USE OF COMPLEMENTARY (REGIONAL) INTEREST-FREE CURRENCY

Theory of regional clusters offers another instrument for effective administration of economy. A cluster represents a group of interconnected firms and production actors. In terms of manufacturing this kind of production is more effective if it is concentrated in narrowly determined territory in order to achieve external savings mostly in transportation and logistics. Savings can then be used for further investment and development of the company or specific sector. Main advantages of clusters are the acquired savings and decrease in spending but also increase in specialization and most of all in specialization of SMEs (Small and Medium Enterprises). Other advantages are: increase in competitiveness of the cluster externally, connection and similar specialization of companies in order to achieve better collaboration, transfer of innovation, and speeding up of restructuralization. Clusters are formed by various actors such as SMEs, firms, companies, education facilities, research centres, local representatives and representatives of the autonomous regions. Great advantage of clusters is that they are not only utilizable

in new types of industries but also in traditional industry sectors such as textile industry or wood industry.[1]

Approximately 38%, somewhere up to 50% of the European employees work in firms that are part of a cluster. Most clusters operate in countries in which science and research is included in governmental priority programmes. Using Slovakia as an example, if Slovakia wished to utilize its potential in automobile industry or machine industry, it would have to learn to widely include its citizens and create appropriate conditions in order for them to become active not only in construction or manufacturing of parts but also in innovation and research within the industry. Slovakia would have to be willing to invest substantially more in purchase of licences and development of innovation and research centres which are the sources of innovation providing output with high added value. Gradual interconnecting of educational institutions and firms is the basis of success in developed economies. The success is even greater if a state focuses its industry more on manufacturing than on services. Production is the engine of sustainable economy.

Not only in the European Union but also in Europe as a continent one can find regions which are truly unique in terms of their economic reality. However, as mentioned before, this reality is often extremely unfortunate. The primary objective of any governing body in these regions is to boost local economy. Just like there are regions with less or no productivity in every state, the EU itself is divided into regions (in this case - states) which are less productive and struggling in red numbers. These regions, in whichever scale, are characterized by more than 25% unemployment rate. In the vicinity of these regions arose the so called *starving valleys* (regions facing extreme poverty). Current instruments to battle poverty and long-term unemployment are in these regions completely ineffective. The state (or higher community such as the EU) will be able to economically function only until its productive regions are able to keep supporting the rest. Such direction is, however, unacceptable and unsustainable in the long-term perspective.

One of the possible instruments for economic recovery in villages or whole regions is the local use of a supplementary interest-free currency. Money is the turbine of economy. The faster the turbines rotate and money circulates in the system, the more economic energy is produced. Interest-free currency would represent implementation of a New Economy parallel to the existing one, which would be based on a currency that would due to a *parking fee* circulate many times faster. Income in interest-free currency could be not subjected to taxation since it would be sufficient enough for the state to choose the correct amount for the parking fee. Interest-free currency is the best stimulus to economic activity because it motivates to be economically active also students, household wives or pensioners. Current economic system is based on capital and interest. At one time, one can borrow EUR 10,000 for a 3% interest rate, at a later time for a 15% interest rate. *These differences create space for speculation.* Economies in the world are strongly interconnected so that financial crisis in the United States of America and in Greece has a direct impact on Slovakia or Iceland. Small states such as Slovakia or

[1] SWORDS, Jon, Michael Porter's Cluster Theory as a local and regional development tool – the rise and fall of cluster policy in the UK. Local Economy, 28 (4)., 2013, pg. 367-381. ISSN 0269-0942, available at: http://nrl.northumbria.ac.uk/11207/ (accessed on 8. March, 2014)

Moldova, until today strongly dependent on exogenous developments, do not have the instruments to withstand similar fluctuations and crisis.
Partial solution can be found in the implementation of new economy based on local interest-free currency which would exist parallel to the Euro currency. The inventor of the concept of interest-free currency is Silvio Gesell (1862-1930) who elaborated on the concept in his work *Natural Economic Order*.[1] The main difference between the interest-free currency and for example the Euro is the following principle: If today one borrows money, one pays interest for its use to those, who have money and lent them. In Gesell`s free economy, the principle would be reversed. Those who keep money from circulating in the system will have to pay a *parking fee* for holding them. Unlike that the parking fee will become a personal profit, in Gesell`s new economy, the profit will belong to the state. Thanks to the income from a well set parking fee, for example, the overall tax burden could be reduced.

WÄRE`S EXPERIMENT

J.M. Keynes commented on Gesell`s theory that it is equally revolutionary to Marx`s theory, but unlike Marx`s, he does not see any theoretical problem why it should not work in practice. The economy of post-war Europe was destroyed in all European countries. In this period, there were first pioneers willing to try Gesell`s theory out in practice. This article will introduce few of them which had been very successful. The first of them will be Wäre`s experiment.[2] In 1929 in a village called Schwanenkirchen, Germany, was a coal mine which was going bankrupt. Dr. Hebecker, its proprietor, summoned the miners and announced them that he was forced to close the coal mine. However, he offered them to try an experiment of which he was not sure it would work. He explained to them that he could try to issue money (the Wäre currency) and pay with this money 90% of their salary. This currency was backed by coal which remained in the mines stock. Because the miners had nothing to lose, they agreed.
Dr. Hebecker made an agreement with local owners of grocery stores in the nearby vicinity that they will accept the Wäre currency which would ensure basic survival for the miners. Based on Gesell`s theory, the banknote was valid one month. Each additional month, the banknote was valid only in the case when a stamp was applied, which was levied on paying a parking fee in the amount of 2% of the whole banknote for holding cash. Not only did the Wäre currency save the village and its miners, but soon it became accepted by more than 2,000 companies in Germany. In 1930 and 1931 more than 2.5 million people used the Wäre currency. In 1931 the village Schwanenkirchen paid all its debts. The Central Bank of Germany, however, feared losing its monopoly to issue money so it decided to forbid the Wäre currency

[1] GESELL, Silvio, The Natural Economic Order, available at: https://www.community-exchange.org/docs/Gesell/en/neo/ (accessed on 3. March, 2014)
[2] ONKEN, W. Ein vergessenes Kapitel der Wirtschaftsgeschichte, Schwanenkirchen, Worgl und andere Freigeldexperimente, available at: http://www.geschichtsverein-deggendorf.de/docs/gbl_04/gbl_04_99_116_122_wirtschaftsgeschichte_onken.pdf (accessed on 3. March, 2014)

in October 1931. Subsequently, Schwanenkirchen went bankrupt and all its workers along with Dr. Hebecker lost their jobs.

WŐRGL EXPERIMENT

The experiment in Wőrgl is another similar example. In 1932 during the Great Depression, Michael Unterguggenberger was elected the mayor of a small Austrian village called Wőrgl with only 4,500 citizens. More than 500 people in the village and 1,000 in the vicinity were unemployed. Around 200 families had absolutely no savings or income. Mayor Unterguggenberger prepared a list of projects for the village such as a new street paving, water distribution system, tree planting and more. However, the village only had 40,000 shillings which was not enough even for one project. "*The Mayor was familiar with Gesell`s theory and was willing to try it out. He decided to put the money on deposit with a local savings bank as a guarantee for issuing Wörgl's own 40,000 schilling's worth of stamp scrip. He then used the stamp scrip to pay for his first project. Because a stamp needed to be applied each month (at 1% of face value), everybody who was paid with the stamp scrip made sure he or she was spending it quickly, automatically providing work for others. When people had run out of ideas of what to spend their stamp scrip on, they even decided to pay their taxes, early.*"[1] (Lietaer, 2010)

The citizens of Wőrgl quickly accepted the currency and soon there were only two places where one could not pay with it – the railway station and the post office. During the next year a new water distribution system was built, Wőrgl citizens repaired roads and sidewalks; a bridge was built, new houses, and even a ski jump. Unemployment in the village and its vicinity vanished. Mayor Unterguggenberger met with more than 170 representatives of nearby villages telling them of their success. Soon many of them became inspired. Even the French President Daladier came to witness the miracle first hand. However, as in the previous case, in 1933 the Central Bank of Austria panicked and decided to immediately assert its monopoly rights. To issue the so called "emergency currency" was soon a criminal offence. The people were in despair and sued the Central Bank but lost twice even in the Supreme Court of Austria. It is important to point out that the currency`s principle was that it was not the projects of the Mayor which created jobs but that the currency itself naturally generated jobs and created 14 times more employment than the shillings.

HUREAI KIPPU

There are many more supplementary currencies based on Gesell`s theory of New Economy which exist in parallel to normal traditional economy. One of them is the Japanese currency of social care. Its currency unit is time. Japan is a country with increasing number of elder pensioners who are healthy but no longer productive.

[1] LIETAER, B., The Wörgl Experiment: Austria (1932-1933), March 27, 2010, available at: http://www.lietaer.com/2010/03/the-worgl-experiment/ (accessed on 4. March, 2014)

These people are not able to carry groceries or do a thorough cleaning of their house. It would seem like there is no other way but to provide social care. However, in Japan, there is another way.

This time-based currency is in Japan called *hureai kippu* translated as the *Caring Relationship Ticket Scheme*.[1] The following example will demonstrate its principle. Let`s imagine a student from Yokohama studying in Tokyo. In his free time, he helps to shop for groceries or does a little housecleaning for an elder pensioner in Tokyo. That way he earns credit within a system, let`s say 20 hours per week. Our student`s grandfather lives in Yokohama. Because his grandson lives in Tokyo, there is no one to help him. Nevertheless, thanks to the earned credit by his grandson in Tokyo a different student from Osaka who studies in Yokohama helps his grandfather. So works the principle of Caring Relationship Ticket Scheme – *hureai kippu*. This system is also applied when 60 or 70 year old Japanese citizens take care of 80 or 90 year old pensioners. They keep earning credit for years in advance so that they can use the hours later for themselves. This system first started as a private initiative, but today it widely enjoys the support of Japanese government because it saves great amount of financial means from the state`s budget.

CURITIBA MASTER PLAN

The last example of a successful supplementary currency was implemented in 1971 in a Brazilian city Curitiba when Jaime Lerner was elected its mayor.[2] This city`s population has grown in 40 years from 120,000 to one million citizens. Most of them lived in *favelas* – suburbs with dwellings made of paperboard or corrugate sheets. Due to ever increasing piles of garbage and waste, infectious diseases and rodents spread through the city. The mayor then came up with a master plan which was based on the invention of a *free return bus ticket*. The mayor ordered to extend the bus line to the edge of favelas and big containers for separated waste were installed at the bus stops. Each favela resident received a colored bag for specific type of waste. Every citizen who brought back a full bag of waste was given a free return bus ticket to the city. Children who brought bags of waste received food and school supplies. Thanks to this supplementary currency, the children were provided with school supplies and many of their parents were given the opportunity to get to the city and find employment. In a short period of time favelas were cleaned of waste. Thousands of children played with colored bags and received bus tickets, notebooks, pencils or groceries in return. Jaime Lerner is the architect of many successful projects in Curitiba. The city`s GDP has been increasing twice as much

[1] NAKAGAWA S., LARATTA R., BOVAIRD T., Hureai kippu – lessons from Japan for the « Big Society », Institute of Local Government Studies, University of Birmingham, March 2011, available at: http://www.jlgc.org.uk/en/pdfs/Hureai%20Kippu%20-%20Lessons%20from%20Japan%20for%20the%20Big%20SocietyCESedit17March2011.pdf (accessed on 4. March 2014)

[2] LERNER J., The Development of Brazil's City of the Future, available at: http://www.pbs.org/frontlineworld/fellows/brazil1203/lerner.html (accessed on 5. March, 2014)

as the GDP of Brazil. Due to Lerner`s innovative thinking, he was the governor of Brazil`s southern state Paraná from 1994 to 2002.

CONCLUSION

Bernard Lietaer, the author of *The Future of Money*, assumes that the New Economy could create 30 to 40% of a state`s GDP, which will create an environment that could develop and become more resilient toward external adverse conditions. Another reason why interest-free currency is a valid instrument for boosting the economy is that it could be further used as an instrument for state`s financial recovery. Let`s imagine that the state will pay 20% of salaries of civil servants in local non-convertible currency. These 20% could only be spent in the country where they earn salary, for example in grocery stores. Grocery stores would want to spend such currency as quickly as possible so they would not have to pay next month for not spending it. They could, however, use it to buy more groceries or other products only from local producers. These local producers could then use the currency to pay taxes or railway transport of their goods within the country. As a result, the state saves 20% of spending on civil servants. At the same time it would promote the consumption and demand for domestic goods and services.
Another reason for its practical efficiency is that supplementary currency could be used to fund large-scale public investments. In tender conditions, for example, on motorways or reconstruction of schools and hospitals could be one condition that one third of payments will be made by the state in an interest-free currency. Employees of large suppliers could choose whether they want a new long-term employment under conditions that part of their wages would be paid in local currency. To conclude, an important reason why local interest-free currency is a valid instrument is that it could become a new tool of state`s own economic policy, independent from economic policies of ever more integrated Euro area member states.

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PARLIAMENTARY SCRUTINY AND CONSTITUTIONAL REVIEW

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Abstract

The strength of the Parliamentary oversight lies with the efficiency of the tools meant to be for the parliament to scrutinise the cabinet. This principle is at the core of the parliamentary regimes. One of the tools- the vote of confidence (non-confidence) – is at large perceived as the most rigid with heavy consequences for at least one actor – the cabinet, who is expected to resign. However, there are questions to be raised, whether the very rigidity of the tool traditionally designed for the opposition is nowadays meant to be used for killing cabinets. Some of the parliaments do not provide a clear-cut line between the majority and the opposition, some of them do not even have stable factions. In such a case faction membership flexibility and loose party loyalty may produce the killing of the parliament, provoking early elections. Parliamentary oversight thus turns to be a dangerous undertaking for the parliament itself. There seem to be another oversight tool which seems to be more efficient and offers better guarantees for the stability of both rival institutions: it is the motion and the power to put forward a claim for constitutional review by the Parliament itself. Cases to be studied are drawn from the Central/European Parliaments since in these countries the constitutional review is a rather new phenomenon.

Key words: *constitutional law, Parliament, political system*

INTRODUCING THE SUBJECT

Scrutiny as well as review are tools of control mechanism, however done by different bodies. How to analyse methods of control executed by different bodies and actors by definition and yet connect them both under a related formula. Whose control of whom? The first ground for analysis is the relation between the two powers: between the power to legislate and the power to annul the legislation, between the power stemming from democratic representation and the power arising from the principle of constitutionalism, between the power of the majority and the right of counter majority.

Demands for strengthening the parliamentary scrutiny comes from the very acute feeling that the parliament is left behind the executive effective power. That the

parliament is in the deficit of information, deficit in expertise, deficit in public support, deficit in creating efficient policy communication , deficit in the impact on the salient policy areas, deficit in the European Union agenda. The stronger the call for legislative work is the more doubted the quality of pieces of legislation is and the more the parliament is in the vicious circle of legislative fragmentation. Strong parliamentary scrutiny is evoked as a must not only on the national level, not only on the EU level, but also in a way " in-between the national and EU framework". This comes particularly in response to the post-Lisbon EU setting and the overall financial and budgetary crisis. Parliaments are put into the network of "virtual" third chambers (Cooper 2011) in order to strengthen the scope of control over the proportionality and subsidiarity principles and to make them voice as actors not as much as policy-making but policy-influencing bodies. The virtual third chamber is evoked as space for communication and close cooperation among national parliaments of the EU Member States in the control of whether the EU legislative acts do not breach the scope of competences delegated to them by primary law. The main role of the national parliaments consists of scrutiny of the EU matters thus overcoming and extending the potential for scrutiny on sub-national level. In the same logics the impulses to provide the European Parliament with new powers of scrutiny on the fiscal and budgetary policies of Member States is the follow –up of the European Commission power to introduce measures towards those members who are less disciplined in their fiscal and budgetary obligations within the Eurozone. All this comes as a reaction to the overall feeling that something must be done in order to stop the "de-parlamentarization" process and to put new incentives to the re-parliamentarization. Therefore, parliamentary scrutiny is considered to be one of the efficient ways to make the parliament well established and better involved in the decision and policy making process, as well as in the EU legislative process. This may also make the parliament more aware of its representative and deliberative roles. No matter how difficult and uneasy it is to put all these good ideas and intentions into practice, there is no doubt that in general, power scrutiny and effectiveness come only when scrutiny becomes part of political and legal framework and is part of the checks and balance logics. We can even go further and suppose that both scrutiny and review might shape and cast light on what kind of government we encounter. Sonningsen (2010) observes that the functional logic between the main institutions in the EU provides insight into whether the EU "behaves" more like a parliamentary or presidential system. He suggests that the vote of confidence as developed in the interaction between the Commission and the European Parliament resembles rather the procedure of *impeachement*, since it serves as a sanction against the Commission or Commissioners for legal or ethical misconduct and along with other aspects of the censure vote (two-third majority required, for instance, or a missing power to appoint is thus compensated with the power to remove). The –mentioned arguments rightly illustrate that parliamentary scrutiny tools may not necessarily produce the same effects even if they are of the same category. Above all they may, together with other circumstances, establish different type of interaction and also different type of executive-parliament relations. Moreover, introducing the motion of censure does not directly invoke more parliamentarism or better and stronger parliamentary control over the executive.

In this article I analyse the impact of both traditional parliamentary scrutiny and constitutional review on the executive. The reasons are the following: firstly, the traditional vote of (no)-confidence together with other is directly addressed to the prime minister and the cabinet minister either collectively or individually with the main aim to discredit them on the ground of malfeasance in their specific policy area. The main objective is to make them challenged by the vote in the House with the likely strong effect of public eye´s strict watch. Secondly, the constitutional review is not directly aimed at the prime minister and the cabinet misgiving. However, since the parliamentary regimes do strongly support the cabinet role in initiating the bills in the House, we may assume that any killing of the cabinet bill by the constitutional court may manifest its severe opposition not only to the parliamentary majority but also to the government of the day. Such a Court decision does not necessarily lead to the cabinet resignation but may invoke serious harm to the government policy implementation and therefore it may provoke public resilience (or parliamentary break in confidence). While we may easily test the frequency of the number of motions introducing the vote of no confidence in the House, it is harder to assess rightly the effects of all possible defeats before the constitutional courts with witch the cabinet may be indirectly confronted.

Vanberg (2001) when assessing the model of interactions between legislatures and constitutional courts states that legislatures are non inert to the judicial rulings, that they anticipate them , react to them and make strategic choices in order to minimize unexpected implications of such rulings. The legislatures behave in such a way under the presumption that their feel obliged to observe the court rulings, given the primary purpose of the constitutional design, that even a majority is bound by the court whose power is to decide where the limits of the stronger by majority actor are. Central European constitutions were designed primarily to institutionalize Constitutional Courts and constitutional review mechanism which were until then undesired and left behind in many of the countries (with the only exception for post WW-I. in Czechoslovakia and Austria). Scholars - both legal and political science scholars, together with political elite stressed that the transition and transformation to democracy goes hand in hand with the institutionally guaranteed constitutionalism. Such constitutionalism which allows scrutiny of the people´s representation on legal grounds and legal –rule of law- principles. Such constitutionalism is strongly supported if the constitution is a result either of the general acceptances expressed in the general elections or in the referendum. Justices then may have such a strong power to annul a legislation or its sections only if they themselves are part of the overall constitutional space, where everyone is bound by the constitution. Then we do not observe any resilience towards the institutionalization of the Constitutional Courts in the EEC. Even the EEC parliaments adapted to the idea of self-restrain in case they would be confronted with the “unfriendly and strict” review from the Court. The expected influence and impact of the constitutional review was taken as it would serve good cause in the long run. Although the constitutional review has been by the layers community widely accepted at the time, since the establishing of the Constitutional Courts the ideas about its role and function have changed, and there are disagreements as to what extend and what scope of the judicial power is justified. The debate on the

power of judiciary is not therefore purely an American debate[1]. We found out that similar questions as possibly raised by American scholars are troubling constitutional lawyers in EEC as well. Unlike American debate we do not question the legality of the power over the Constitution whether it is implicit in the Constitution or not. However, we may share same worries as to the activism of the Constitutional Courts and as to the perhaps more salient question whether the activism is good and necessary or not. We can share the similar worries as to whether judicial power and democracy can be reconciled ? If the Constitutional Court is more adapted to judge and decide on constitutional compliance, is it a specific political power competing with the parliament for the public support? Even if many time the competition is not necessarily open and in most cases is rather carefully hidden under legalistic reasoning, it is not excluded neither in certain cases absent. If such power is present, what are the likely implications for democracy and for democratic principles and values to be reinforced by the specific nature of Courts rulings and power? Is not then and after all the Constitutional Court independence a myth which is presented to the voter? The aim of the paper is not to focus on the whole aspect of constitutional review, on the content analysis of the rulings and justices opinions or on the structural and personal aspect of the Courts. I rather focus on the leading cases which are of great importance for the parliament role in the constitutional framework of the country. My main interest is in two countries: the Czech Republic and Slovak Republic. Some of the examples are drawn from other countries in similar cases.

Vanberg (2001) observes that in times parliaments do evade from the decision (they may acknowledge a decision but fail to address it) of the Court and that from time to time even the public does not "punish" the legislature if it fails to comply with the Court decision. Difficult interactions between the Parliaments and the Constitutional Courts are on the following paragraph illustrated on the selected cases analysis.

RESEARCH QUESTIONS AND ANALYSIS

- Constitutional review was understood as a new transitional tool providing for better protection of constitutional rights even against the power the exclusive parliament´s powers to legislate
- Constitutional review´s goal was to protect parliamentary opposition against the parliamentary majority
- Constitutional review is a much more efficient tool to scrutinise the cabinet compared the the vote of no-confidence- (what are the good examples)?
- Constitutional review may threaten the representative (parliamentary) democracy for the sake of rule of law principles
    - Under which conditions the principles of rule of law do contradict principles of the parliamentary democracy?

[1] As mentioned by Keith E.Whittington, Princeton University in the curriculum of the subject on Theories of Judicial Review. POL 565- Theories of Judicial Review. Fall 2011.

A: The Czech Constitutional Court leading rulings

Case One:

In 2009 the Czech Constitutional Court annulated the constitutional law on early parliamentary elections to be held for the Chamber of Deputies. Usually, such a law is not required in order to hold general elections, since they are held regularly in four year term interval. This time a qualified majority of 3/5 in both chambers agreed to solve continuous tensions and open clashes between the opposition and the cabinet by passing the constitutional law providing that the term of the Chamber of Deputies is to cease by the specified date- October 9-10, 2009, which was also the schedule for the early elections. Passing of the constitutional law is a very hard and rigid procedure that requires support from both opposition and government MPs. This was the case. This type of constitutional solution was already found some ten years ago in 1998. At that time, the case was not forwarded to the Constitutional Court. Naturally, many would question, why the Parliament (both chambers) choose to call general elections by amending the constitution *ad hoc* ? One of the answers would be along with the logics of institutional reasonability: the Chamber could work until very close to the electoral day without leaving its legislative power behind and without giving up the legislative work in progress on behalf of the Senate. And the electoral campaign could easily be done on the floor. In case other solutions be chosen for holding the early elections, the Chamber would be dissolved (which is the power in the hands of the President of the Republic who is not bound to do so), a regular electoral campaign would be carried out by parties outside the Chamber and the power to legislate would pass over to the Senate. The opposition according to the different opinion survey sources was by many indicators the likely winner of the announced early elections. The opposition in the series of motion on the vote of no confidence proved to be strong enough to the defeat the PM and the cabinet in the House and the new cabinet was appointed with interim mandate. The situation appeared to be crystal clear... Except for a unique procedure entered by one of the MPs who he claimed his right to serve his mandate by the regular term of four years, and came before the Constitutional Court to decide on the compliance of the said constitutional law with the Constitution. Never was the Court in front of such a delicate situation as to decide on the constitutionality of the amendment of the Constitution which was adopted under a fair, legal and transparent procedure. After all, the Court made it clear: this law, however passed according to the prescribed procedure, is not in fact an amendment to the Constitution because it does not change in any sense the Constitution, which is always the purpose of any amendment. So legal arguments were found in order to advocate for substantive, as opposed to formal interpretation of the meaning of the principle of constitutionality. Shortly, any amendment should not contradict solutions which are provided for by the Constitution itself (instead of passing the amendment the parliament opposition should seek for regular dissolution). In this vein the Court argued that the constitutional law violates the Constitution and therefore is declared invalid immediately. Additionally, any ad hoc law is not consistent with the principles of rule of law, since according to them it is

not allowed for the legislator to make laws for particular or individual cases. For being an *ad hoc* and not a general rule, the amendment was killed.
To what extent, this ruling strengthened the position of the Court? Apart from innovating the legal interpretation of what the wording of the Constitution is (which which not the explicitly the power of the Czech Constitutional Court, unlike in the case of the Slovak Constitutional Court), the justices used their power to stop the Parliament (in whole, meaning both chambers) to hold general elections. Under the cover of the procedural protection of an individual right of a Member of the House to serve its mandate till the end of the term, it denied the right of the majority of the democratically elected representation to turn back to the voters and seek support. Under the legal arguments that an ad hoc amendment is not a true amendment and not worth of being part of the body of the Constitution, it extended its power to decide on the life and death of the House. The reaction of the Parliament was immediate: it passed a new amendment under the same format of a constitutional law with the support of the same rigid 3/5 majority of votes but with a new, this time, general, rule providing for the Parliament to call early elections on the basis of its own resolution. The core of the dispute between the "guardian" of the constitutionality and the Parliament lied in the substance of the relations between two opposing strategies of how to solve the political crisis not only between the government and the opposition but at the same time within the government majority (however tiny it was that time) between the parliamentary and party dissenters and the President in office. This time the political and institutional crisis was not solved on behalf of the electoral and representative democracy but for the sake of the "reasonably and legally" defined constitutional stability. The Court ruling had another possible impact on the Parliament strategic choices. The usage of the motion of censure, however successful it may be, does not necessarily lead to the general electoral contest. Elections and their legitimizing strength are rather to be avoided, since they may turned to be too risky in result for both the majority as well as the opposition in office. Any open contest (between the majority and the opposition) on the floor or outside the Parliament is to be carefully weighted.

Case Two:

In 2000 the Czech Parliament passed a new amendment to the electoral law in force, reforming importantly the mode of proportional representation system, in the purpose of strengthening the winner´s position and enabling the winner to establish a stronger post-electoral coalition (if necessary) majority. This electoral amendment did not, in order to be passed, require a qualified majority approval, nevertheless the votes for the bill were to be taken from both main rival big parties in the Chamber of Deputies. A group of Senators opposing the reform, brought the case to the Constitutional Court, challenging the law which changed the character of proportional representation principle in such a substantial way that it contradicts the rule of proportionality as fixed in the Constitution. The Senators did voice the minority opinion of the parties which were left over by the two big parties, Social Democrats on the left and Civic Democrats on the right. The Constitutional Court ruled in favour of those who claimed (both the group of Senators and the President of the Republic) that if the Constitution says what the specific electoral rules are for

the elections to both of the Parliament chambers, and if it outlines the difference between the principles governing the elections to the Chamber of Deputies (proportional representation) and to the Senate (single member constituency) then the difference should not be changed by any legally set alternatives reconstructing the meaning and the reasons behind the logics of different electoral systems for different chambers.
In particular, it would be misleading to ask whether Senators could use other ways of challenging the government strategy to modify electoral legislation. The Czech Senate cannot use direct parliamentary scrutiny tools as it is the case for the Chamber of Deputies. It is so because the Government is directly responsible to the Chamber and not to the Senate. In the above described situation the two big parties concluded a concordat (Government-Opposition Concordat) according to which, among other, the party in opposition would not challenge the minority Government by any vote of no confidence. For minority parties (Christian Democrats, for instance) the only efficient way how to challenge the Government reform as backed by the opposition in the Chamber, was to go through the Senators´ right to address the Constitutional Court.

B: The Slovak Constitutional Court ruling

Case One:

In 1994 the Slovak Parliament passed the bill (L.no.370/1994) by which government decisions on passing particular titles of privatization of the state assests, were declared invalid. The Parliament by its majority of 80 out of 150 votes, intended to stop previous iterim government practices to conclude contracts and sell directly state owned companies or state assets at large to private persons. Passing of this bill was considered to be in breach of the rules set up earlier in the 90´s, when privatization process was on the whole supported by many political parties. However, the Slovak government of the day changed the scheme and passed the power to decide on particular projects to the government agency (National Property Fund). The recently elected parliamentary majority backed the government proposal of the bill and used its legislative power to stop the previous government in its privatization activism in some 30 cases. It was challenged by a group of mainly opposition MPs who asked the Constitutional Court to set up on whether this law is in compliance with the Constitution, claiming that the protection of already acquired property rights should be carefully guarantied. The ruling of the Court was in favour of the claim of unconstitutionality. It stated that the legistature cannot use freely its powers to legislate and that it is bound apart from the Constitution by the constitutional principles of democratic government. Although, the Parliament is on the one hand, the only legislator in the Slovak Republic and can legislate on matters which are not explicitly mentioned by the Constitution on the other hand, it should respect other organs whose competences are legaly and constitutionally fixed and thus justified. This includes the power of the government to use its discretional powers. If the Parliament is to scrutinise the government whose responsibility before the House is provided for by the

Constitution, this scrutiny cannot be restrained to the vote of no confidence. The vote of confidence is too general as to questions which can be addressed by using it. However the scrutiny may be rather done in different ways and even by different parliamentary organs or committees. As for the variety of controlling mechanism the Constitution is rather tacit. Its wording does not speak in favor of any such control which would consist of annulation of the government decision (in a form of a resolution) via legislative procedure and by a specific piece of legislation. In other words the form of a law does not justify the power of the legislature to watch over the government activities when adopting its non-legal acts (resolutions). The governement is the supreme body of the executive and it is given full competence to act within the margins as outlined by the Constitution and laws. The government competence to decide on the privatization projects was provided for by the law (Law no.92/1991 Zb.z. as amended by the Law no 60/1994 Z.z.) and cannot be overturned by a subsequent legal act. It is in the scope of government power to decide which of the branches of the industry, agriculture, services at large would be privatize, what would be the candidate for the privatization project, or what are the conditions for the privatization legal title. Therefore, since the power to legislate is not meant to be the power to scrutinise the government, the law which invalidates the government act (a resolution, in this case) is not in accordance with the constitution. The Court accepted the idea that particular decisions by the government on to whom to sell the state owned companies enters in the category of individual legal acts and as such might be protected under the framework of citizens´ constitutional rights and freedoms.

This case clearly illustrates that the Constitutional Court interpretation of what exactly enters into the scope of legislature´s capacity to scrutinize is rather restrained and sticked to the formal wording of the Constitution. It also limits the undestanding the power of the House majority by votes and seats, which cannot use its electoral supremacy against the principle of the balance of powers in the parliamentary government. The substantive analysis of the case does not, however, introduce the reader to the complexity of privatization projects, to the low transparent standards of decision-making process and to the party in government strategies, in this case both interim government and elected government, when seeking the parliament majority support. The Constitutional Court ruled in favor of the parliamentary minority to dismantle a likely large interpretation of the importance of the parliamentary scrutiny (especially of the vote of confidence) *vis-a-vis* the government. Also, there is a temptative question to be asked: would the opposition the House be successfull if choosing to scrutinise the gouvernment by the vote of no confidence? The answer is likely evident: not it that case. Given the fresh post general elections position of the party in government, given the very strong party leadership which was especially labeled as *mečiarism,* the opposition could hardly hope for traditional and regular parliamentary procedures to let its voice heard.

CONCLUDING REMARKS

This paper focuses on the interaction between the Parliament and the Government under the aspect of the usage and the weight of traditional parliamentary scrutiny

tools compared to the newly developed skills and acquired experiences of MPs to address the Constitutional Court and to seek either the change of legislation or to stop unconstitutional behaviour. Constitutional Courts in East Central European countries were given important powers to interpret to what extent democracy goes hand in hand with the constitutional governance. Therefore even elected and representative parliaments have accepted the idea that their exclusive power to legislate, to guide the control of the government, to carry on parliamentary procedures and general elections under the close watch of the constitutional judiciary, are limited. However difficult any general assessment might be, examples drawn from the leading rulings of Court in both republic show, that for the parliamentary minority (which is not always in opposition to the Government) addressing the Constitutional Court is rather an easy procedure and efficient in terms of the awaited results. The Court rulings on the legislation in conflict are binding and for the interpretation on the constitutional principles the Court enjoys rather high authority (which is not equivalent to popularity). Vote of confidence impact in general may not satisfy its authors for several reasons:

a) If taking the vote of confidence´s objective as a tool to force the individual ministers or the whole cabinet to resign and to call early elections, it cannot be guaranteed for sure. Defeating the cabinet is not a direct way for the opposition to seek better prospects in the forthcoming electoral challenge. We have been witnessing that both in Slovakia as well as in the Czech Republic, the practice of interim cabinets when Prime ministers were to leave following the defeat in the House is better strategy,

b) The vote of confidence becomes a rigid and hard to put forward within the opposition as well as with the support of government dissenters, therefore either legislative initiative or legislative "invalidation" is used in order to challenge, to sanction, and to seek compensation in the Court,

c) The Court, when ruling the constitutionality of the parliamentary practice and procedures cares about individual rights of the Members of the Parliament, without necessarily balancing the meaning of the serving the mandate as serving the public office,

d) Under extensive individualistic aspect of protecting the rights and freedoms of the MPs, it is uneasy if not impossible to analyse executive-legislative relations upon parliamentary scrutiny criteria,

e) If parliamentary scrutiny in the whole is to be efficient, it should be considered in its unique parliamentary collective bargaining nature, developing and sharing common *esprit of the corps,* which is not possible without stable party faction structures*,*

f) Constitutional review (as briefly illustrated in the above cases) has already set up boundaries for perhaps popularly widespread illusions of parliamentary sovereignty. This trend is rather to be a continuous process. The Courts have already established their strong position *vis-a-vis* many of actors and especially towards the

parliaments, when daring to go beyond the formal interpretation of the Constitution,

g) Therefore, calls for making Parliaments more important in their function of controlling the executive and other institutional actors, should take into consideration the growing impact of Justices on the Legislators´ capacity to observe the "juridisation" of the representative mandates and of politics in general. However, the re-parliamentarisation enhances more areas then just the area of scrutiny.

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RETHINKING MIDDLE EAST WATER AND TURKEY'S WATER DIPLOMACY*

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Abstract

Turkey has rapidly descended its water resources is located in a region, in the Middle East, has very high level of competition and has occurred numerous examples of conflict in this regard. The people are living in troubled days under increasing water stress, especially even in cases of natural drought occurred in recent years, due to various reasons such as poor water management, increasing population, climate change. In this context, this study is a comprehensive evaluation related to Turkey's water resources in the context of environmental security. It is made comparative analysis of the hydro-politics of the country especially in the context of recent diplomatic initiatives occurred.

Key words: *Water, Water Security, Water Diplomacy, Turkey, the Middle East*

TURKEY AND WATER SECURITY IN MIDDLE EAST

From the ancient times in history, or even since the Sumerians declared a war alleging that their cities had the right to build water channel to the Tigris, water has taken part in the center of all conflicts. As well as arrangement authority on water is regarded as a part of the state rule, if water, as a natural resource, provides a government with economic and political power, the government with the aim of guaranteeing its citizens' access to water may consider that situation as a reason to engage in a war. Gradually decreasing water begins to become a political issue and triggers interstates competitions on water.

If it is considered that approximately 2 billion people on earth confront serious and advanced level of lack of water and that affects the regions located in the Middle East, Central Asia, India and Sub Saharan Africa most, dimension of the effect which the situation will create may be tremendous because water has the potential to be an economic and geopolitical weapon now. Especially it is not difficult to assert that the size and severity of the competitions will increase in a region like the Middle East where political stability is absent and religious hostility, dissidences,

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debates on borders and economic competitions prevail besides lack of water resources. Water insecurity is the region's well-known characteristic.

There are 14 states, in this region, and only Turkey, Iraq, Iran and Lebanon are over the critical threshold. Turkey is considered richer in water suppliers than some countries in the region. But Turkey is a country that has below average rainfall. Another important point about Turkey's water resources that has to be emphasized is the unbalanced distribution of the preparations throughout the year and among the regions. The amount of yearly preparation in the Eastern Black Sea region is estimated to be around 2500 mm/y. This amount decreases down to 230 mm in the Central Anatolia. The flow of some rivers at dry periods moves very slowly, some rivers even dry out and some rivers in high precipitation periods tend to cause floods.

To be brief, water and its resources are not adequate in terms of quality and supply in today's Turkey. It is supposed that Turkey, which has troubles about water due to various causes such as growing population and global warming, will need water more and the possibility of its being listed amidst water-poor countries will increase. Water insecurity created by such causes may obviously threaten national security with respect to the region and neighboring countries.

Therefore, the flow of the watercourses is also very important for Turkey. And what is more, the amount of water consumption per person per year for drinking and domestic purposes is 1,570 m^3 per person per year in Turkey and it may decrease in the future. Because Turkey is in the drought belt. And hence, the water scarcity problem may arise in this region and can turn into a problem of water insecurity.

The problems due to using of Tigris and Euphrates's water may sometimes occur between Turkey and its border neighborhoods, Iraq and Syria. In the course of time, especially after the 1950s, some problems related to their use have arisen due to the fulfillment of some projects by the three-states as a one-sided, as well as the strategic and geopolitical importance, and the growing of their needs. But there is not even the possibility of any conflict or war. Turkey bears no political intention to act on a political or military basis against its neighbors.

It is important to have water resources in the Middle East for both the countries there and other countries to maintain stands for a political and economic tool. That truth is considered to lie behind revived water war scenarios aimed at the Middle East. However, if the problem is to be solved and a permanent peace is to be maintained, a regional cooperation policy and strategy is needed. That policy will lessen the interference of these dominant powers with the subject.

There are 26 important hydrological basins in Turkey; two of these river basins are the Euphrates and Tigris rivers. The Euphrates and the Tigris Rivers, which flow to the sea as a single river, forming one single basin, is the most important transboundary waters in Turkey; 53 km^3/y originating from Turkey represents about 28.36% of the total domestic transboundary water potential.

About 88.7% of total water potential of the Euphrates sub-basin has originated from Turkey; the rest of its water has emerged from Syria. About 51.8% of total water potential of the Tigris sub-basin have originated from Turkey, 48.1% of its water have emerged from Iraq. This means that Turkey, as the upstream riparian of both Euphrates and Tigris, has the possibility to control this basin.

The importance of the transboundary Euphrates-Tigris basin arises from both the water potential those two rivers carry and the possibility of a conflict that may bring about because of water scarcity in the region. Turkey as an upstream country has the chance to be able to control those rivers. It resorts to have benefited trying to carry out macro-scale irrigation with hydroelectric power like other countries which have the coast of the rivers. But this position of Turkey does not suit the expediencies of Syria and Iraq, thus there are occasionally some problems rooting in water insecurity among them and these problems tend to get worse. Hydro-political problems caused by those three countries' reconstruction based on the access and allocation and the projects on water are seen.

All the arguments of Turkey about the transboundary Euphrates-Tigris basin provide the right to water. Turkey supports equitable and reasonable use of the rivers, sharing benefits and refraining from causing significant harm to the countries. Because, in addition the principle of "two rivers, one basin" is the only sine qua non, the rivers are capable of meeting the needs of only these three countries. On the other hand, Turkey is ready to discuss the question of the two rivers' waters with an integral approach and in all its dimensions. The idea that by all sizes of the rivers' water and an integrated approach, data and information exchanging, which is demanded heartily, with the other countries should be mutual is another fundamental principle.

Since 1970s when Turkey began building up big dams and institutions on the rivers, it has faced serious problems with both of two countries, especially Syria. When the Dam Karakaya as part of the Southeastern Anatolian Project (G.A.P.) was in the process of just a project, Syria oppressed international foundations, which financed the dam such as the International Monetary Fund and the World Bank liaising with Iraq and they succeeded somewhat. While the Dam Ataturk was being set up, Syria claimed that Turkey tried to put political pressure on neighboring countries, damaged neighborhood relations, led to massive loss on agriculture and affected its hydrological power and water supply in a negative way. Syria struggled for the subject's being addressed on international platform with its assertion that Turkey tried to rule the countries in the aspects of economic and politic within the framework of dependency on water and regulations' being assigned by United Nations (U.N.) International Law Commission. Saying that institutions like International Court of Justice can solve the problems of sharing water, Syria demands that there should be supervisors on the negotiations the states will organize and those should be supervisor during the process of water sharing by the U.N. However, Turkey is on the side of solving the problems by negotiating with the countries instead of carrying it to international platform.

Syria, which has supported terrorism to date, continually brought the Euphrates to the agenda. Turkey tried to prevent the demands Syria possessed on Hatay by making the problem of Orontes River internationally known. Until the death of president Hafiz Essad, this policy of Syria continued but after his son Beshar Essad became the president of the country, the policy changed a bit and Turkey- Syria relations entered a relatively recovery term. Over the reign of Beshar Essad it has been propounded that they have abandoned the idea claiming that the city of Hatay is within their borders on maps to some degree even if not official. On the relations with Turkey, those kind of concrete steps have been taken. The dam to be built up

on Orontes River is the most concrete indicator of that. In the framework of Memorandum of Understanding signed with Syria in November 2007, mutual visits and exchange of views were determined to be done to improve collaboration based on sustainable progress bottomed on water between two countries in the basin of the Euphrates and the Tigris. On the project in which the dam set-up on Orontes River foreseen to be a joint production is predicted to be carried out, common pilot irrigation projects on the district utilizing the water of the Tigris. Therefore, the matter of water seems to turn into a cooperation mean instead of a problem in the forthcoming years. But this moderate policy is at risk of altering due to delicate balances because the Euphrates-Tigris basin is a national security issue for Iraq as well as Syria and this subject constitutes high policy field.

Iraq rejects the problems derived from the Tigris being mutual negotiation subject between Syria and Turkey. It demands that the problems of the Euphrates-Tigris basin should be negotiated separately and Syria should not have a right to talk on the Tigris. For Iraq, its main reason is that the Euphrates-Tigris basin is two different basins and Iraq has the preliminary access right coming from the history. The projects of Turkey lessening the water of the Tigris also irritate Iraq. Nevertheless, because of six projects Turkey construct on the Tigris as part of the G.A.P., Iraq will not experience a significant loss of water as that river basin is not appropriate for irrigated agriculture. These dams arranging the water of the Tigris have the goal of producing electricity. Hence, this state does not give any damage to Iraq and conversely in favour of it.

A PROPOSAL FROM TURKEY: THE THREE-STAGE PLAN FOR OPTIMUM, EQUITABLE AND REASONABLE UTILIZATION OF TRANSBOUNDRY WATERCOURSES OF THE TIGRIS-EUPHRATES BASIN

In order to minimize any conflicts or tensionin the Middle East, it will be necessary for the countries allocating the transboundary waters to collaborate towards the development of common projects for joint management of the water resources, for identification of real water needs over the entire watersheds, and for effective use of water. And therefore, Turkey, in line with all these principles mentioned earlier, has developed a plan about use of the water of the Euphrates and Tigris basin: The Three-Stage Plan for Optimum, Equitable and Reasonable Utilization of Transboundary Watercourses of the Tigris-Euphrates Basin. Turkey wishes these waters to bring peace to her neighbors, and for this, has proposed to develop common scientific and technology-based strategies in a three-stage plan to Syria and Iraq. Turkey has presented its opinions and attitudes on this issue with own plan by the three countries for national and optimum use of Euphrates and Tigris water in a judicious way. However, Turkey's proposal has not been accepted by Iraq and Syria.

The Three-Stage Plan aims to reach a common goal as a result of all comparisons to equitable and reasonable utilization of water of the Euphrates and Tigris basin. Accordingly, the three-stage plan should be done among the three riparian countries, Turkey, Iraq and Syria. The first stage towards resolutions should start with developing good relations and professional contact among the hydrologists

from the riparian countries. Therefore, the inventory proceedings about water resources would be to determine the total water potential of the Euphrates and Tigris basin. The second stage, the inventory proceedings about irrigable lands, is to determine the irrigation water needed in Turkey, Iraq and Syria. The third stage is finally to allocate equitably the calculated amount of water according to the determined needs. As a result of these three stages, optimum, equitable and reasonable utilization of water of the Euphrates and Tigris basin will be enabled. But, first of all, it is necessary that Euphrates and Tigris watersheds should be regarded as a single water basin and also, to ensure for all three countries to use this water judiciously, it must be establish the common scientific and technical committees that will employ scientific methods to provide the most appropriate solutions for the single basin.

The Three-Staged Plan proposed by Turkey to Syria and Iraq since 1980's via a joint technical committee of Turkey, Syria and Iraq for the ultimate development of Tigris-Euphrates Basin in an equitable and reasonable context, could not reach a consensus. This plan is a holistic approach for the region. The scope and the goal of the plan are presented as a collaborative work to be carried out by the three countries for rational and optimum usage of this basin water in a judicious way. We hope that this plan offered by Turkey will be received positively by Iraq and Syria, and that concrete steps will be taken by the three countries in order to use these waters for the benefit of their people.

CONCLUSIONS

The Euphrates-Tigris basin besides other water resources of Turkey make up a vantage location on national and regional security in the Middle East being obtained and open a door to act as a regional power because of water insecurity is the region's well-known characteristics. Other states in the region, are aware of future importance of the water resources, also form their policies in that direction. That all states on the district see the water as a high policy is a result of that thought.

But Turkey, until now, has showed major efforts in the framework of good neighborhood relations. Turkey bears no political intention to act on a political or military basis against its neighbors. In order to meet the water demand in the region, the countries should establish cooperation and collaboration. Especially the Three Stage Plan presented by Turkey, in this context, can create an opportunity for Syria and Iraq. I hope that Turkey's plan will be received positively by these countries, countries steps will be taken by the three countries in order to use these countries for the benefit of their people. Therefore, the good will of these three countries is very important for cooperation. And so, their role must provide the cooperation between the countries in the light of such as projects and put these projects into own services. With this Plan, people of the region will use their resources for their own interests, and these regions will regain the peace, trust and welfare they long for. Moreover, it will greatly contribute to ensuring peace in the region. Turkey is always ready for close cooperation with the countries of the region

on the use of Euphrates and Tigris rivers, and it is determined not to take side in the case of conflicts arising on these rivers.
When Turkey decides on its water management policy, it should keep dominant powers in mind. They are not on that district but they have relations with the countries there and these dominant powers are interested in the regions. To have water resources on the district is important for both the countries there and other countries because to maintain them stands for a political and economic tool. That truth is considered to lie behind revived water war scenarios aimed at Middle East. However, if it is wanted that this problem should be solved and a permanent peace should be maintained, a regional cooperation policy and strategy are needed and that policy will lessen the interference of these dominant powers with the issue.

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POLITICAL RELATIONS BETWEEN POLAND AND THE REPUBLIC OF AZERBAIJAN

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Abstract

Poland was one of the first countries to recognize the independence of the Republic of Azerbaijan. However, the political co-operation between the two countries was established only at the end of the last decade of the 20th century, during the presidency of Aleksander Kwaśniewski. The next Polish president – Lech Kaczyński – intending to diversify the energy sources, maintained political relations between Poland and the Republic of Azerbaijan on very friendly terms. Despite its lesser political engagement in the issues of the Southern Caucasus region, Poland confirmed its co-operation with the Republic of Azerbaijan in the energy sector.

Key words: *Poland, Azerbaijan, international relations*

INTRODUCTION

Poland was one of the first countries to recognize the independence of the South Caucasus states and to establish diplomatic relations with them. The first of those states was the Republic of Azerbaijan, with whom Poland established such relations already on 21st February 1992. The initial contacts between the two states were rather sporadic and related mainly to the economic co-operation. Their frequency increased at the end of the last decade of the 20th century and following the execution by the EU of the Partnership and Co-operation Agreements in 1996. Mutual visits were conducted at several levels: presidential, ministerial and parliamentary.

The visits were initiated by the head of the Republic of Azerbaijan. Heydar Aliyev, following the invitation by president Kwaśniewski, paid his official visit to Poland from 26th to 28th August 1997. During the visit the parties executed 8 interstate agreements, among them the declaration on the development of friendly relations between the two states, declaration on economic co-operation and trade, declaration on avoiding double taxation, on mutual investment promotion and protection, on civil air transport, on co-operation in the field of tourism. The documents formed foundations for further co-operation between the two states. President Aliyev emphasized that the objective of the Republic of Azerbaijan was to

integrate with the European structures and to establish co-operation with NATO. The latter was to help solving the Armenian-Azerbaijani conflict in Nagorno-Karabakh. Aliyev also pointed to the need for considering the idea of regional co-operation between the Baltic States, the Black Sea States and the Southern Caucasus States. He stressed that the idea could materialize in the field of road and railway transport development. For any activities to be successful it was required to open a Polish embassy in Azerbaijan (on 23rd August 2001) and Azerbaijani embassy in Poland (on 30th August 2004) (*Rocznik Polskiej Polityki Zagranicznej* 1998: 314). Bilateral talks were continued during the first visit of Aleksander Kwaśniewski to the Republic of Azerbaijan, which took place on 27th and 28th of October 1999. The talks conducted then resulted in the execution of the following agreements: joint declarations of the President of the Republic of Poland and the President of the Republic of Azerbaijan and the letter of intent on mutual co-operation between Polish oil and Gas Company (PGNiG) and the State Oil Company of Azerbaijan Republic (SOCAR) in the field of exploration and extraction of oil and its transport to Poland (*Rocznik Polskiej Polityki Zagranicznej* 1999: 351). The agreements formed basis for further co-operation. The Polish party emphasized the need to strengthen economic co-operation between the two countries, pointing to the fact that the commercial contacts between Poland and the Caucasus States are centuries-old, dating back to the Middle Ages. The parties agreed that democratic governance, respect for human rights and free-market economy are of key significance for the development of relations between the countries. The partners advocated peaceful settlement of conflicts, in accordance with the UN Charter and relevant OSCE documents, as well as political dialogue in bilateral relations and among international organizations. Acknowledging the increasing importance of Azerbaijan in the global arena, Poland supported its efforts to become a member of WTO and the Council of Europe. It is considered that an important element of the bilateral relations was the project of TRACECA transport system - called the silk road of the 21st century – connecting Europe and Asia. The two conferences held in Baku in 1998, during which the documentation for TRACECA route was prepared, were attended by experts from Poland. Moreover, Poland expressed a wide interest in the implementation of the programme of extraction and transport of Azerbaijan oil and the construction, in co-operation with the Republic of Ukraine, of the pipeline Odessa-Brody-Gdańsk (*Wizyta prezydenta Kwaśniewskiego w Azerbejdżanie 2000*). The idea was taken up during the discussions with Vilayat Guliyev, the Minister of Foreign Affairs of Azerbaijan, in Warsaw in May 2000 (*Rocznik Polskiej Polityki Zagranicznej* 2000: 362).

In January 2005, Poland was visited by Murtuz Alasgarov- the Speaker of the National Assembly of Azerbaijan. The visit, which took place after the Azerbaijani embassy was opened in Warsaw, aimed at intensification of economic contacts by increasing the share of Polish business in the economy of Azerbaijan, e.g. construction of pipelines and gas pipelines, and restoration of the cotton industry (*Wizyta przewodniczącego parlamentu Republiki Azerbejdżańskiej 2005*). The legal foundations for the co-operation were formed during the visit of President Ilham Aliyev in Warsaw in late March. It was then that the agreements on co-operation in the sectors of defence, economic co-operation, and mutual assistance in customs matters were concluded (*Wizyta oficjalna prezydenta Republiki Azerbejdżanu z*

małżonką 2005). In the wake of the conclusion of the agreement on economic co-operation, the Polish-Azerbaijani Intergovernmental Commission on Economic Co-operation was established. During his visit to Poland, President Aliyev emphasized that inclusion of Azerbaijan in the European Neighbourhood Policy boosted the activities for the integration with EU structures, and stated that the individual co-operation with NATO was realised through the participation of Azeri soldiers in the military contingent in Iraq, Afghanistan and Kosovo (*Wizyta oficjalna prezydenta Republiki Azerbejdżanu z małżonką 2005*). During the meeting with Polish senators, Aliyev suggested establishment of contacts between the parliaments of the two countries (*Wizyta prezydenta Republiki Azerbejdżanu 2005*). In response to that suggestion, a delegation of Polish MPs, including the chairman of the Parliamentary Committee on EU Affairs – Karol Karski, visited Azerbaijan in April the following year. The delegation met with the members of the Azerbaijan-Poland parliamentary group and discussed the forms of bilateral co-operation. During the visit to Azerbaijan of the Senate Speaker – Bohdan Borysewicz – in November 2006, the discussions included also exchange of opinions on how to resolve the conflict in Nagorno-Karabakh *(Polska delegacja parlamentarna w Azerbejdżanie 2006*).

Polish approach towards the issue of the Southern Caucasus changed when Lech Kaczyński was elected the next president of Poland. The signs of that were the greater amount of time devoted to the issue and more detailed determination of the place of the region in Poland's Eastern policy. That was then reflected in the declarations of Minister Ann Fatyga regarding Poland's support for political and economic transformations in those countries and their integration with the EU structures (*Wyciszkiewicz 2008: 237-252*). The strategic aim of the Polish policy was to enhance energetic security of Poland and to diversity the sources of energy. That is why relations with Azerbaijan became so important for Poland. In February 2008, Poland was once again visited by President Ilham Aliyev. In recognition of his contribution to the development of co-operation between the two countries, the president of Azerbaijan was awarded with the Knight Cross of Order of Merit of the Republic of Poland. President Kaczyński reiterated Poland's support for Azerbaijan in the attempts to bring the country closer to European and Euro-Atlantic structures. He pointed out that the in the Central Eastern Europe the process of solving economic problems, in particular energy ones, is related to political actions (*Azerbejdżan jest strategicznym partnerem Polski 2008*). Kaczyński accepted Aliyev's invitation to hold in Kiev in spring 2009 joint talks with Ukraine on the Odessa-Brody-Gdańsk pipeline. The discussions concerning possible extension of the pipeline lasted since September 2006 and were initiated by the visit of Heydar Babajev, the Minister of Economic Development, with whom the Senate Speaker Borysewicz discussed the involvement in the extension of the pipeline to Płock and later to Gdańsk (*Wizyta ministra rozwoju gospodarczego Republiki Azerbejdżanu 2006*).

Further strengthening of the relation between Poland and Azerbaijan concerned the activities in the field of security. While paying a visit to the Southern Caucasus states in April 2007, the Minister of Internal Affairs - Janusz Kaczmarek, signed in Azerbaijan an agreement between the Polish and the Azerbaijani border guards, which enabled exchange of experience between the border guard officers (Legucka 2011: 398-415).

The significance of the Southern Caucasus states in the foreign policy of Poland increased when Anna Fotyga became the minister of foreign affairs. She attached great significance to the visit to the Republic of Azerbaijan that that took place in March 2007. According to the information provided during a press conference by the Minister Of Foreign Affairs of Azerbaijan Elmar Mammadyarov, a memorandum had been signed which provided for „establishment of a consultation mechanism between Poland and Azerbaijan, mainly in the energy sector" (*Wizyta ministra spraw zagranicznych w Azerbejdżanie Anny Fotygi 2007*). In a press interview, Mammadyarov emphasized that Poland was interested in co-operation with Azerbaijan in gas and oil sector as it needed to diversify the supplies of energy resources (*Wizyta ministra spraw zagranicznych w Azerbejdżanie Anny Fotygi 2007*). The concept was supported by the March visit of President Kaczyński to Baku and Astana, in the course of which the Polish party tried to specify in greater detail the plan of the new gas and oil security for Poland. The practical dimension of the bilateral co-operation in the field of energy was brought by the execution of an agreement between fuel sector companies, *Lotos* and *Socar*, on assistance at the expansion of the Polish company (*Kozłowski 2012: 30-58*). The Energy Congress held on 22nd May 2007 in Kraków and attended by the presidents of Ukraine (Viktor Yushchenko), Lithuania (Valdas Adamkus), Azerbaijan (Ilham Aliyeva), Georgia (Mikheil Saakashvili) and the personal representative of the President of Kazakhstan Nursultan Nazarbayev, developed a joint declaration, in which it was decided to create an international working group for energy issues and to establish a company which would handle the extension of the oil pipeline from Odessa to Płock and Gdańsk (*Sarmatia*). The outcome of the agreement signed on 10th October 2007 during the meeting in Vilnius of the presidents of Azerbaijan, Georgia, Poland, Ukraine and Lithuanian, was the establishment of *Sarmatia* consortium. It encompassed the agreements between *Perm Przyjaźń* and *OSA UKrtranssnafta* and State Oil Company of the Azerbaijani Republic (*SOCAR)*, the Georgian Oil and Gas Corporation and *AB Klaipedos Nafta*, regarding accession to Sarmatia company and assuming the construction of Euro-Asian Oil Transportation Corridor. Moreover, the representatives of the attending states signed agreements on co-operation in the field of energy and appointed *MPR Sarmatia sp. z o.o.* to be responsible for preparing the feasibility study for the project. The aim was to extend the oil pipeline Brody - Płock to Gdańsk, relying on a subsidy for the investment from the EU funds.

The III Energy Summit in Kiev in 2008 resulted in the drawing up of the following documents: 1/Joint Statement regarding Euro-Asian Oil Transportation Corridor j; 2/ Joint Statement regarding Caspian-Black Sea–Baltic Energy Transit Area; 3/Draft Plan of the Caspian-Black Sea–Baltic Energy Transit Area (Sarmatia). However, the documents did not contribute to solving the problems. The summit constituted an attempt to create energy security and to ensure independence from the supplies of oil from the Russian Federation.

During the next, the forth, visit of President Lech Kaczyński to Azerbaijan on 2nd and 3rd July 2009, the representatives of *Grupa Lotos* signed a letter of intent with an Azeri oil company *Socar*, according to which certain joint actions were to be undertaken with regard to exploitation and processing of crude oil. However, the signing of the letter had only strategic and propaganda dimensions as only a few days earlier Azerbaijan had signed a gas supply agreement with the government of

the Russian Federation. The idea of President Kaczyński to set up a standing advisory committee consisting of members of both governments failed. The committee was to initiate cooperation between the two partners and to determine its forms (*Oficjalna wizyta prezydenta Rzeczypospolitej Polskiej Pana Lecha Kaczyńskiego z małżonką w Republice Azerbejdżanu 2009*). The Azerbaijani authorities were not interested in that kind of co-operation. The visit of President Kaczyński to Azerbaijan closed the cycle of presidential contacts with the Southern Caucasus states. The problem of energy security was retaken during the visit of the Prime Minister Donald Tusk to the three Southern Caucasus capitals between 11th and 13th March 2010. The first of the capitals was Baku, where the prime minister talked about multilateral benefits of the Eastern Partnership and the EU interest in Nabucco gas pipeline, which could make Western Europe independent from supplies from the Russian Federation.

When Bronisław Komorowski became the president of Poland, the visits to the Southern Caucasus states, including Azerbaijan, became less and less frequent. The president had a more realistic attitude to contacts with the partners, which could not lead to any major changes in the political situation of in the region. The presence of Poland in the area was the indicator of the EU interest. The only visit by President Komorowski to Southern Caucasus states, in July 2011, started in the capital of Azerbaijan – Baku. During the visit, several agreements were concluded, among them agreements regulating co-operation in the fields of culture and science, economy, veterinary matters, and agreement between PAP and Azeri agency *Azer Tass*. Moreover, an agreement granting visa-free regime for diplomatic passport holders (*Prezydent z wizyta na Kaukazie 2011*) was executed. In the course of discussions with President Ilham Aliyev, Komorowski confirmed Poland's interest in the construction of pipeline and the construction of transmission systems and lines, which could solve energy problems of Poland and other EU states. President Komorowski emphasized that the dedication of financial resources for the construction of the pipelines would only be possible once the investment plans had been made more specific and more detailed. During the Azeri-Polish economic forum President Komorowski suggested that the economic co-operation should be extended beyond the energy sector and invited the president of Azerbaijan to take part in the Eastern Partnership Summit in Warsaw in 2011. (*Prezydent o współpracy z Azerami 2011*).

President Aliyev did come to the Warsaw Summit held on 29th and 30th September 2011. However, his presence did not bring about any binding decision with regard to initialling the EU association agreement. The Joint Declaration of the presidents of Azerbaijan, Georgia and Armenia made references to implementation of agreements on visa facilitation and readmission. The participation of representatives of the Southern Caucasus states in the Euronet Parliamentary Assembly was confirmed. The representatives of Azerbaijan participated also in the Eastern Partnership Business Forum that was held in Sopot, where they expressed their opinion that the level of cooperation between the states covered by the initiative was not satisfactory. It was pointed out that achieving the goals was possible as a result of signing by the partners of the agreements on partnership and free trade areas (*Gomółka, Borucińska- Dereszkiewicz 2012: 298-326*). The summit in Warsaw revealed that Azerbaijan did not show interest in executing the EU

association agreement. The promotion event accompanying the summit was the conference „The Eastern Partnership Conference: Towards a European Community of democracy, prosperity and a stronger civil society", organised by the Polish Institute for International Affairs (Stępniewski 2012:14).
During the Eastern Partnership summit in Warsaw, certain activities were undertaken to strengthen the administration in the countries covered by the initiative, and so, in September 2011, the establishment of Eastern Partnership Academy of Public Administration was announced. Its task was to educate administration officers from Armenia, Azerbaijan, Georgia, Belarus, Ukraine and Moldova. The training was to be conducted through special modules. In 2012, the Academy conducted a training on „Managing by values", which was participated by 23 people – including 5 from Georgia, Armenia and Azerbaijan each. "Economics of Public Funds" is the title of the second module, which was participated by 4 persons from Armenia and 5 from Georgia and Azerbaijan each. The third module dealt with „Security and defence policy". The programme was attended by 12 persons - 4 from Armenia, Georgia and Azerbaijan each. In the course of the subsequent edition of the training, a computer game was used that simulated management in a crisis-struck country. The participants played the roles of different internal and international entities. The simulation focused on negotiations, leadership workshops and elements of crisis management (*Warsztaty SENSE, Informacja z Akademii Administracji Publicznej Partnerstwa Wschodniego 2012*). In 2012, a total of 69 persons from the Eastern Partnership countries were educated at the Academy (*Program Akademii Administracji Publicznej Partnerstwa Wschodniego 2012*).
After 2011, the frequency of the bilateral contacts between Poland and Southern Caucasus countries decreased at the presidential level. The weight was shifted into parliamentary dimension. On 24th May, the Poland-Azerbaijan Parliamentary Group of 14 persons commenced its activities. The Group assumed co-operation with its counterpart in Azerbaijan.
The events of the Vilnius Eastern Partnership Summit of 2013 resulted in a freeze in bilateral political relations between Poland and Southern Caucasus states, Azerbaijan included. This, however, did not imply a cessation of economic relations.
An important role in the bilateral co-operation with the Southern Caucasus states was played by non-governmental organizations. The leaders of the co-operation were organisations formed at the turn of the century as well as those established at the beginning of the second decade of the 21st century. The co-operation was dominated by the following topics: promotion of democratic state, education of leaders in a society that undergoes transformations, and contacts between self-governments. Helsinki Foundation for Human Rights organised summer and winter training programmes on human rights and respect for human rights for participants from beyond Poland, including Georgia, Armenia and Azerbaijan (*Letnie zimowe szkoły Praw Człowieka*). Polish NGOs devoted a lot of attention to co-operation with local authorities of the Eastern Partnership countries. Of particular importance were the activities of the Foundation for the Development of Civic Society which conducted programmes with Azeri partner using USAID funds. Under regional East-East Open Society programme, Stefan Batory Foundation implemented the project "Increase in the engagement of public life actors in the

creation of county budgets" organizing a study visit to Poland for the local authorities of Shaki.
The Eastern Partnership initiative increased the involvement of non-governmental organizations in its implementation. The 'School for Leaders" association conducted a programme entitled "School for Political Leaders of the Eastern Partnership", the aim of which was to support the development of civic societies in the states covered by the initiatives (*Szkoła Liderów Politycznych Partnerstwa Wschodniego*). The beneficiaries of the programme that included seminars, study visits and exchange of good practices were the current and the prospective leaders of public life in those countries.

CONCLUSIONS

Poland was one of the first countries to recognize the independence of the Republic of Azerbaijan. Political relations between the two countries commenced only at the end of the last decade of the 20th century. By this time Poland had already established commercial relations with Azerbaijan, yet Poland's foreign policy did not reach that area as it concentrated on the neighbouring countries. The fact that in April 1996, Georgia, Armenia and Azerbaijan signed the EU Partnership and Co-operation agreements changed that perspective. Poland, being an EU associated country, tried to establish closer relations with the foreign partner, and during the meetings at presidential level the process of executing the agreements boosted. The establishment of bilateral co-operation took place during the presidency of Aleksander Kwaśniewski, whose main focus was co-operation with Azerbaijan. In President Kaczynski's concept, relations with Georgia played the most important role. Bearing in mind the planned diversification of the resources, the relations with the Republic of Azerbaijan were very friendly. A change in the policy towards the Southern Caucasus states occurred when Bronisław Komorowski was elected the president of Poland. His presidency has been characterised by a much more realistic approach to relations with Azerbaijan. Polish diplomacy has realised that relations with this country cannot lead to any major changes in the political situation of the region and that the presence of Poland in the area is only an indicator of EU interest. However, Poland has confirmed its interest in co-operation in the energy sector.

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TRANSFORMATION OF THE ROLE AND SIGNIFICANCE OF THE STATE IN GLOBALISATION ERA

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Abstract

The aim of this article it to outline, in a synthetic form, the changes of the role and significance of state institutions in the international arena. According to some researchers the development of globalization processes have to lead to the disappearance of national states. Such statements appear to be too categorical and radical. Nothing indicates that the states are to be vanished in foreseeable future. Modern national state as a product of industrial civilization (industrial and national revolution) comes across the new challenges, characteristic for the postindustrial era. Due to this fact and in the face of progressing globalization the processes, the roles and the operational possibilities of modern states are being transformed.

Key words: *nation state, globalization, postindustrial civilization, international relations*

National state has been the main and in principle the only fundamental subject of international reality for almost 400 years. Traditionally perceived as the unity of the three elements: territory, population and highest authorities has constituted the basic organizational form of political life, the most organized social group and the most important subject of international relations [Polak 2000: 35]. Currently, under the influence of broadly defined processes of globalization, one can hear voices questioning the necessity and even legitimacy of such defined institution of state. From about the beginning of seventies – as it is pointed by S. P. Sałajczyk – there is a growing number of researches who claim that here we witness the weakening, obsolescence, decline and even demise of the state as the participant of international relations" [Sałajczyk 1995: 160]. It is frequently pointed that one of the necessities of globalization, in its current form, is deconstruction of the power and autonomy of the state [Pinder 2011]. Being the subject of numerous disintegrating forces the national state finds itself in the centre of changes in modern global order, becoming at the same time – as it seems – one of the primary victims of these changes. Being the product of modern industrial and national revolution it encounters the whole new challenges which are relevant for the post

industrial era [Modrzejewski 2009]. The increase in the intensity of connections, rules of global economy, new forms of threats and growing significance of non-state parts result in the situation where it is more and more difficult for the state, as the territorial-political unit, to fulfill its assigned tasks. Opinions appear that national state cannot cope with some problems because it is too big for them to act effectively while it is too small for the other problems [Kennedy 1994: 152]. The conclusion is that one of the fundamental premises contributing to the limiting of the role and significance of the state in the international system is the decreasing usability of state-national scale. D. de Rougemont seeks for the reasons of failure exactly in this, saying that states are at the same time to small when considered in the global scale and to big when considering their inability of reviving regions and providing their citizens the real recognition in political life, to which they claim monopoly [de Rougemont 1995: 138]. According to some researchers entities which are smaller, like regions and cities (example: Shanghai, Hongkong, Los Angeles) and bigger entities (vide the European Union), which – when using economic jargon – possess "a major competitive advantage" especially in economic dimension and adapt more easily to new conditions. The different geopolitical and geo-economic reality shaping at the turn of the 20th and 21st centuries largely transforms the traditional state – centric international system. According to this fact individual researchers create various scenarios concerning the future of states. Let it be mentioned – some scenarios are pretty radical. For example a French political scientist and diplomat Jean – Marie Guehenno points to the fact that in the present century the era of national states is to be superceded by an era of empire, which in a way resembles the times when the Roman Empire superceded the Republic [Anioł 2002: 6]. Another interesting prognosis was proposed by R.L. Heilbroner, according to whom the state is to fall prey to great, transnational corporations (Heilbroner 1988]. These vastly skeptical visions of the future appear to be highly exaggerated (at least in the nearby future). From the other hand as it is pointed by A. and H. Toffler: "actual power leaks from nations and pulverizes among non-states, unnational groups and centers of power" [Tofflers 2000]. For it is impossible to miss that modern changes of the world order have created new non-state entities – participants of the international relations (i.e. transnational corporations, government and non-governmental organizations, international movements, churches and religious associations, local societies etc.), which by demonstrating their aspirations for a greater participation in international life begin to compete for "power and influences" with the traditional state organisms. According to some observers this situation is an analogy with the period of Middle Ages, where the world resembled a mosaic of diverse states, cities, counties, duchies, papal or imperial territories, where the particular powers coexisted or overlapped and loyalty was not bound to the principle of "nationality" but was somehow dispersed[1]. On the other hand U. Beck claims that modern global system is a specific and qualitatively new *metagame of world politics*, where old world politics – having well shaped and well known rules – is intertwined with a new one – which modifies the rules –

[1] In the seventies it was pointed by H. Bull in his book *The Anarchical Society: A study of Order in World Politics*, New York 1977. Contemporarily very interesting works on this topic were created by: J. Potulski, A. Modrzejewski, *New Tribalism in Europe*, "Perspective politice" 2014, vol. VII, no. 2, p. 5 - 12.

therefore creating a specific synthesis of passing classic national era with the rising and only just forming era of cosmopolitan politics [Beck 2005: 20]. In spite of the different and very diverse views concerning the future of national state we can accept that – as it was written by one of the researchers paraphrasing Mark Twain – the message of his early demise appears to be precocious and highly exaggerated [Anioł 2002: 6].

Without the shadow of a doubt modern civilizational processes dramatically change – like in the kaleidoscope – the logics of global order causing changes in organization, functioning and meaning of particular participants of international relations, including the states. R. Kuźniar points that it displays in at least three ways:

- due to the change of the position, role and functioning of the state;
- due to the increase in the importance of non-government participants of international life;
- due to the increase of pluralism of the subjects (actors) participating in international relations [Kuźniar 2004: 156].

In relation to state organisms globalization contributes, in the large extent, to the change of previously stabile and seemingly solid relations between their three compounds, it is the population, territory and power as well as external environment. When it comes to the territory states become more sensitive to external events and their borders become attenuated (become perforated) what increases their permeability. It concerns not only the goods and people but above all the information, ideas and cultural patterns. There is a direct connection between diminishing of the protective role of borders and the formation of new, previously unknown channels of communication and interaction such as i.e. the Internet or satellite television. It is accompanied by the increasing freedom of activity for various non-state entities (non-governmental organizations, foundations, transnational corporations, sects etc.), which in numerous cases are only branches, units or sections of some transnational entity. It all leads to the progressive deterritorialization of state organisms, it is the loss of control over the processes within their territories. In consequence the differences between internal and external politics wane, and the margin of the state independence regarding "the disposal" of its own territory is significantly narrowed. Likewise, the power of the state in regard to its population is weakened, whereas sometimes it concerns also the possibility of ensuring effective protection (especially in the situation of so called asymmetrical or hybrid war). It is fostered by the development of international and domestic normative regulations increasing the range of rights and freedom for both citizens and foreigners (which should be generally considered a positive tendency) and the increase of mobility and relative easiness of movement of the population. The specific problem appears mainly when the immigrants – usually originating from different cultures – not displaying the will of assimilation in the new environment (or being deprived of the possibility of "proper" assimilation) close themselves in their enclaves, rejecting the customs and culture, and what is worse sometimes even the existing judicial system (as an example one can give the Muslims in France or the Mexicans in the USA). The influence of the state power on such isolated communities is limited and its legitimization (in the eyes of these communities) is generally nonexistent. Another important issue is the relative ease

(due to the development of technology and unsophisticated message of so called mass culture) of influencing the consciousness of the population by external factors. Due to the transfer of ideas or cultural patterns one can – as it seems – influence to some extent not only the identity of particular individuals but also the whole communities. In the end the processes of globalization directly touch also the state power effecting in "a peculiar incapacitation of state governments" [Kuźniar 2004: 156]. The state control over its potential and instruments of politics is gradually diminishing, resulting in the situation where it is more and more difficult to creatively shape the economic, social and safety policy. "The state enforces and defends its rights stemming from the principle of sovereignty to lesser and lesser extent within its borders and due to the autonomous decisions of the highest state authorities. These decisions are, to a greater and greater extent, only adjustments to external tendencies, regulations, expectations and pressure" [Kuźniar 2000: 14]. The development of technology and broadening social and economic interactions have resulted in the situation where state organisms, or more accurately their authorities, lost the position of monopolist in regard to the control over information flow and economical or scientific-technical development. In the result of the integration processes and the growing number of international legal regulations the state narrows, and even partly loses (as it is in the case of the European Union) its monopoly and autonomy in the range of lawmaking. For example S. Clohen distinguishes 5 ranges of limitation of contemporary state authority which are:

- the loss of monopoly of information;
- inability of protecting its citizens during war;
- the loss of monopoly of lawmaking;
- inability of securing the economic prosperity of the citizens;
- autonomy of local communities [Polak 2001: 167].

However, modern civilizational processes are not limited only to the reduction of the state's freedom of action. The growing scale of connections and interaction creating "the web of mutual relations" effects in the situation where it is more and more difficult to foresee the long-term consequences of the policies pursued or even a single decision made. It is pointed – maybe in a bit too alarmist manner – by A and H. Tofflers writing that "(...) nowadays mutual relations are so tangled and complex that it is almost impossible, even for the smartest politicians and experts, to understand the primary and secondary consequences of their decisions. In other words – excluding the most direct sense – our decision makers do not know what they are doing" [Toffler 1997: 309].

The entities which are especially exposed to the negative influence of globalization in both economic and political dimension are mainly the democratic states, and being precise the democratic institutions and democracy itself[2]. It refers chiefly to the growing domination of economy over politics what makes the foundations of democracy erode. It happens because: "The power of "economy", as the matter of fact the power of great capital, is in its essence alien to the nature of democracy" [Kuźniar 2000: 15]. One can even say that "economism", the economy understood

[2] See: E. Polak, *Instytucje demokratyczne i ich słabość wobec wyzwań współczesnej cywilizacji,* „Przegląd Politologiczny" 2001, no. 1 – 2; idem, *Wpływ globalizacji na system demokratyczny,* „Gdańskie Studia Międzynarodowe" 2003, no. 1.

as a political ideology, is the feature of our times[3]. The state, once the main guarantor of order and stability, is nowadays to an increasing extent opting out of many social-economic spheres leaving their regulations to the law of the market – not always with the benefit for the citizens[4]. Moreover the fate of the state, condition of its economy and welfare of society do not yet depend only on the conscious decisions of politicians but are the resultants of plenty "external" factors. Due to this fact pursuing a constructive policy becomes more and more difficult and also less legible and intelligible for an average citizen. At the same time it is accompanied by corruption scandals, unclear connections between the world of politics and business as well as the alienation of politicians, who frequently seem to lose contact not only with their electorate but also with the whole society. It all contributes to the crisis of trust for the state and democratic institutions best manifesting itself by voting absence and (which is especially dangerous) yearning for the strong-arm government.

"Thus we are witnessing – as it says R. Kuźniar – a peculiar disaggregation of the state but not its decay. The state becomes fragmented and its particular sections become the parts of various international regimes (systems of regulation), both regional and universal: trade, financial, investment, environment protection, social matters, human rights, in the sphere of defense etc.. All of that does not create one cohesive whole but it abides by its own rules, obligations, interdependencies and dependencies, forces of various vectors which "push" the wholeness known as the state in different directions" [Kuźniar 2004: 157]. Simplifying all that, these forces may be divided into two opposite but self-determining and coexisting tendencies, it is globalization (identifying external forces) and inner disintegration (relating to the internal forces – centrifugal).

In view of the foregoing states are somewhat forced to resign to double self limitation in the sense that they have to shift some of their powers both "up" – to the international level (international institutions and organizations) and "down" – to the subnational level (local authority).

The expression of the first aspect is the participation in various integration formations and transferring of some part of its competences to international agreements while the second aspect fulfills itself by decentralization of state power, it is transferring some prerogatives from the decisive center to the lower levels – to local authorities [Polak 2002: 16]. Decentralization is especially important in case of multinational, multiethnic states or the states consisting of regions that possess rich cultural traditions and well developed regional identity. In the era of "fashion of ethnicity" (as a countertendency for progressing cultural unification) it allows to defuse the internal tensions and conflicts "at the lowest cost".

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[3] The term of "economism" is using R. Dahrendorf in his essay *Perspektywy rozwoju gospodarczego, społeczeństwo obywatelskie i wolność polityczna,* in *U podłoża globalnych zagrożeń*, ed. by J. Danecki, M. Danecka, Warszawa 2003, p. 34.

[4] R. Dahrendorf writes on this matter that the introduction of pseudo economical motives and categories to the public sphere deprives it of its basic attributes. National health service, public universal education, guaranteed minimum income become – differently called – the victims of economism, which totally loses control over itself. It comes as no surprise that public transport, environment protection and public safety suffers from it. (R. Dahrendorf, *op. cit.,* p. 42).

Globalization also brings certain reevaluations in the range of external politics and the state security. When it comes to external politics it manifests itself through the necessity of changing its methods, tools and strategy. Above all it is the result of:

- extension of the range of external relations of the state;
- extension of the range of domestic and foreign affairs which are regulated multilaterally;
- incorporation of foreign non-state organizations to politics;
- increasing importance of public diplomacy and social diplomacy [Kuźniar 2000: 24-25].

Transformations occur also in the approach to the question of security and military force. As early as a half of century ago J. Hertz pointed to the fact that under the influence of military technology the state, as a territorial-political entity, looses the possibility of effective fulfilling of its basic task, which is ensuring security and protection to its citizens, and due to this fact it should be substituted by bigger sociopolitical units [Symonides 2004: 130]. In the traditional international order strength and military potential of the state were a main determinant of the position, role and prestige in the international arena. Nowadays military potential is still an important but only just one of many factors determining the significance of the state organism. It is bound to "diversification" of threats and the change of their character – for example the possibility of international conflicts (at least regarding the majority of regions) is decreasing, however the risk of terroristic activity (asymmetric war) or exerting economical pressure is increasing and conventional armed forces are rather powerless when dealing with them[5]. Presently it is possible to distinguish at least six sectors of security, it is: military, political, economical, social, ecological and informational [Paruch 2005]. As the result of the increase of mutual connections the economical dimension of security is growing in significance [Lubbe 1997] although globalization of the threats such as: terrorism, environmental degradation, growth of organized crime, drug addiction or the possibility of spreading sinister infectious diseases that could cause pandemic also significantly determines the security policy and forces the states to coordination of actions and close cooperation. "Simplifying it a bit it might be said that the protection of the state's own territory ceases to be the main determinant of security policy. Yet it is determined, to a great extent, by the defense of such interests as ensuring economical security, political or social stability, ecologic safety etc. It is worth noticing that realization of that kind of interests requires, to a greater extent than the defense of territorial integrity, active and diversified actions outside its territory" [Anioł 2002: 19]. In this matter it is indicated that over the last several decades the importance of so called "soft" factors determining the state's power is increasing. They result from its economical or cultural potential, financial capacities or technological development [Barber 2000]. In this way – as it was written by J. Nye – so called "hard power", referring to military and economical strength, is being reinforced by so called "soft power", it is the ability to influence other states by attractiveness of one's culture and ideology [Nye 1990].

[5] As it is written by one of the authors the functions of punitive expeditions and gunboat shelling are being assumed by programs of economical aid, transfer of weapons, CIA-type operations and developed propaganda. (I. Popiuk – Rysińska, *Suwerenność w rozwoju stosunków międzynarodowych,* Warszawa 1993, p. 217).

As it stems from the preceding deliberations the globalization processes affect the state in various spheres and dimensions, starting with the cultural field to the military ground. The causes of this situation can be found primarily in the rapid growth of technology, which penetrates all the areas of human activity, and (what is connected with the technological revolution) in the triumph of global character of contemporary economy.

Despite the disintegrating forces affecting the state organisms which are depicted above, and which are connected to the advance of globalization, states are still the dominant actors in the international arena. "Although the power of states is relatively decreasing – notices W. Anioł – in absolutistic categories it remains most severe, also in the field of control and regulation of globalization processes" [Anioł 2002: 10]. Several factors contribute to this situation. First of all it is still for the states to make the most important decisions, the states are parts of the most significant international treaties or agreements. The states constitute major international organizations and are no subjects to any supreme authority (world government). Secondly, states play important roles of mediators and strategic agents between domestic and international spheres. In the third place, as the elementary source of social order and monopolistic disposer of coercive measures, the state is still the most efficient guarantor of stability and security. Fourthly, it is constantly the best environment for the development of democratic processes and legitimization of authority. In the fifth place, it cares (but with growing difficulties) for the quality of such public goods like property right, rule of law, universal education etc. Sixthly, it still appears to be necessary in defusing various tensions and conflicts between capital and labour. Seventhly – last but not least – it is also one of the most important foundations of the sense of collective identity [Anioł 2002 :9]. Contemporary world has not yet surrendered to the processes of deterritorialization and national states are still the very basic subjects it the frame of global governance system, however obvious it is that the global regulative organs such as International Monetary Fund, World Bank, United Nations or the European Union limit the classically understood sovereignty of the state [Holton 2011]. It is difficult to hide – as the prior deliberations depict – that globalization is drastically changing the structure of world order causing reevaluations in the possibilities of operation and the functions of state organisms (as an example Z. Baumann – in relation to the world of global finances – attributes to them the role of only "a bit more elaborate police station" [Baumann 2000: 141]. One has to realize that national states are no longer the only actors in the international environment. The current political arena is a kind of unstructured complexity in which a lot of actors play key roles in policy making [Lakić 2011: 6].

Among the most important changes in the shaping of the majority of state policies one can nowadays observe – as it is written by T. Łoś – Nowak – the evolution "from the exposed function of ensuring internal security, reduced to its military dimension, towards the economical and civilizational tasks" measured mainly by the level of development and society's welfare [Łoś – Nowak 1999: 125]. Once the state might have secured its important role in the international system and a relatively high standard of living for its citizens with the concurrent preserving of the field of autonomy. Nowadays it is impossible. Globalization processes, in some measure enforcing on the state organisms the necessity of joining the structure of

the shaping global order (together with all the negative consequences), at the same time cause the limitations of their independence. Obviously the states may not yield under this pressure and close to the widely understood globalization but it will be tantamount to their marginalization and political, social, economical and cultural degradation.

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