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ESSAYS

Catalysts of Cyber Threats on the Example of Visegrad Group Countries

MAREK GÓRKA



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Abstract: *The article deals with cyber incidents that were recorded in the area of the V4 countries. It is important for the discussed topic to extract certain factors and with their help to characterise the conducted cyberattacks in terms of political motivations. The analysis tries to prove the existence of politically motivated cyberattacks. This, in turn, helps to determine the consequences of such cyber incidents. Moreover, the scale and magnitude of the cyberattack can be information to determine the strategic maturity and cyber capabilities of the adversary. Thus, the incidents that have occurred allow a cyberattack to be characterised in political terms and thus have value as information about ongoing conflicts in cyberspace that either reflect reality or foreshadow actions yet to come in the real world. Cyber operations can also be used as a tool to build a sphere of influence and exert political, economic and military pressure on a particular state.*

Key words: *cybersecurity policy; Visegrad Group; cyberattacks*

Modern times are often called in scientific literature ‘a digital era’, in which the range and level of interactions between countries, organisations and society are growing rapidly. Relationships between authorities and society are mostly based on digital communication, and therefore, policy is more susceptible to the threats coming from cyberspace (Lakomy 2010). There appears a question whether individual countries have a real reason for such worries, and if they are especially related to the Visegrad Group countries. When an answer to this question is positive, we should analyse the steps the countries’ governments have undertaken and investigate the dimensions of cybersecurity policy. The key

for the description of cybersecurity policy included in this chapter is a sequence of cyber incidents (Nye 2011) that have occurred in the V4 countries and at the international level.

Multiple research analyses on cyber conflicts and changing relations between countries indicate the importance of cyber technology development and emphasise its influence on the functioning of public space. Cyber activities undertaken by one country against another, or against a group of countries with the use of cyberspace, are currently thought to be a part of an acceptable competition and political cooperation (Carr 2016). In this context, the analysis investigates these processes with special reference to harmful activities performed by actors functioning in the competitive cyber environment (Trim – Upton 2016).

As a result of the widespread use of cyberspace, it has become a natural area for the functioning of many countries and, consequently, it has become more susceptible to intentional interferences that may paralyse the systems responsible for the everyday activities of public institutions. The growing presence of cyber technology in various fields of political, economic, social and cultural life has made the Internet an important communication tool, providing accessibility to a massive amount of information (Madej 2009). Continuous development and evolution of cyber technology have also changed the perception of threats.

Analysis of cybersecurity policy allows us to investigate existing processes and patterns of cyber conflicts that are mirrored in the data related to cyberattacks (Dunlap 2011). Therefore this article tries to respond to the question of whether a real scale and dynamics of occurrences of cyber incidents between political rivals corresponds to political divisions existing in the international space. Thus, assuming that cyberspace has become a natural field for political interactions, the author tries to verify the hypothesis that cyber incidents may reflect the international position of the V4 countries.

The article consists of two parts. The first one analyses incidents in relation to cybersecurity. On the basis of the data concerning the number and the most common types of incidents, the author provides the characteristics of cyber threats that have been reported in the V4 countries. There is also a signal that cybersecurity may be perceived as a challenge to all parties involved in public life. Because of that, in this part of the work special attention has been given to disinformation as a phenomenon that may constitute special threats, especially in the context of communication technologies enabling a quick exchange of information. These types of threats may bring unpredictable consequences to many participants of public life, and therefore they are an important part of the state security policy.

The second part of the article focuses on the impact of cyber events on activities undertaken within cybersecurity policy of the V4 countries and the description of political processes and phenomena consequent to the incidents in cyberspace. There is also an analysis of activities performed by the V4 coun-

tries that are aimed at obtaining management and more extensive control over cyberspace as well as an overview of the methods of exercising cybersecurity policy in response to the harmful acts existing in cyberspace and coming from hostile actors.

Cybersecurity and cyberthreats in the strategic perspective of V4 countries

‘Cybersecurity’ is a term widely used and overused, both in everyday language and in several fields of science (i.a. law, security sciences, computer science or management sciences). The semantic scope of this term has been defined differently both in a number of official documents and by individual scientists, hence a number of initiatives have been taken to analyse the term in several contexts and to develop an acceptable common understanding of it. There are a few texts devoted to this semantic problem, e.g. *The EU’s Cybersecurity Strategy for the Digital Decade* (European Commission 2020), *Definition of Cybersecurity – Gaps and overlaps in standardisation* (ENISA 2016) and official documents containing increasingly recognised definitions of cybersecurity, most notably *NIST Cybersecurity Framework* (NIST 2020) and *EU Cybersecurity Act i.e.: Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013* (European Parliament 2019).

The concept of cybersecurity includes not only military aspects, but also political, economic and social aspects. Consequently, the EU as well as the member states (including V4) are gradually broadening the perception of threats. Therefore, it is important to analyse how certain governments perceive potential cyber incidents. Thus, countries leaning towards a military approach – due to their heavy reliance on information infrastructure – see the stable functioning of this area as a major condition of national security.

Any significant disruption of cyberspace, whether global or local, will have an impact on the security of economic transactions, the sense of security of citizens, the efficiency of public sector institutions, the course of production and service processes, and ultimately on national security in general (Poland 2019–2024: 3).

The topic of cyberthreats arises in the context of identifying the actions of other states’ services or the actions of non-state actors whose intent is to gain access to financial, energy or public safety systems in order to cause failure or other harmful consequences. Thus, in countries where military discourse prevails, the threat of cyberattack is seen as a top priority and is categorised as a military action that can pose a threat to the entire state. The V4 members cannot ignore the developments in the field of cybercrime, which is emphasised

in their strategies related to this area. Therefore, each national cyber security strategy also identifies cyberthreats among the phenomena that can affect the global security environment.

Cyberattacks are namely ideal tools for damaging political, business or other targets, and are also a strong tool for the attackers to enforce their own will. At the same time, it is often very difficult to identify the attacker, mainly in real time, which decreases the risk of a potential adequate response. These facts along with relative absence of geographic and similar limitations offer a great advantage to the attacker (Czech Republic 2018–2022: 3).

In civilian discourse, cybersecurity can be seen as protecting technology from criminal activity. In this case, cyberattacks are not seen as a national security threat, but as a shared risk among all institutions in the cyber sector. States representing this perspective see potential cyberthreats as a risk to a specific sector and emphasise the need to strengthen cyber defenses institutionally as well.

These efforts must be further fueled by closer cooperation among the NCOC, the private sector and the academic sphere. Cooperation in science and research activities will also be of crucial importance. Cooperation on the national level will also be backed up with appropriate strategic communications (Czech Republic 2018–2022: 13).

Governments that view cybersecurity policy from a civilian perspective define cyberthreats differently. An example of this is the interpretation of cyberattacks as activities whose primary purpose is to obtain financial gain or to steal sensitive information about specific institutions or individuals. This, in turn, shapes the state's top cyber priorities.

Just as security solutions evolve, the new techniques and methods of cyberattacks also develop. The opportunities for attackers and their tools are constantly evolving, and the response – appropriate security tools – may be late in many cases, or insufficient. Attackers respond in real time to emerging vulnerabilities in products and services, and are constantly improving in the use of social engineering methods. In addition, potential attackers have a time advantage. Preparing for an attack, preparing the tools, exploring the environment and phishing campaigns may potentially take a much longer time compared to the time available to defenders when responding to an ongoing attack. There is also a growing trend in the selling of attacks and attack tools (so-called Hacking as a Service), which allows less experienced attackers to perform sophisticated and devastating attack types (Slovakia 2021–2025: 9).

In this context, cybersecurity is viewed specifically by security risks only for a specific sector, such as finance, business, or science and research. The distinction between internal and external threats is also made in the Polish cyber security strategy. External threats listed in the doctrine include:

cyber crises and cyber conflicts involving state and non-state actors... cyber espionage, which involves actions carried out by foreign state services and non-state actors, including terrorist organizations, using specialized tools and aimed at gaining access to data that are critical to the functioning of state structures. The sources of threats in cyberspace are also extremist organizations, terrorist organizations, and organized transnational criminal groups... (Poland 2019–2024: 12).

In contrast, internal threats in the case of Poland include:

cybercrime, cyberviolence, cyberprotests or cyberdemonstrations of a destructive nature, disrupting vital public administration and private sector tasks (Poland 2019–2024: 10).

Meanwhile, both Slovakia and Hungary have a rather unclear and fragmented vision of the sources of cyberthreats. For example: Hungary focuses on technological vulnerabilities and their impact on the proper functioning of the country's economy without an in-depth analysis of their causes and the actors involved in the process. Hungary's National Cyber Security Strategy indicates that in addition to damage caused by external factors, inadequate regulation of ICT systems creates additional risks of harmful consequences.

In addition to the damage caused by external factors, the inadequate regulation of the operational security of the information and communication systems constituting cyberspace poses a further risk. Dynamic emerging new technologies, such as cloud computing or mobile Internet, lead to the continuous evolution of new security risks (Hungary 2013: 3).

The approach to the sources of cyberthreats is also relevant to the Czech Republic. Its security strategy identifies a wide range of cyber challenges, most of which, however, are criminal or technological in nature. These may include hacker activity aimed at causing technological failures or obtaining personal data or confidential information using botnets or DDoS / DoS attacks, etc.

As to the cyberdefence of the Czech Republic, the most important threat stems from the growth of offensive cyber capabilities in potentially hostile states. Other significant threats include a growing threat of cyberterrorism and the systematic strengthening of cybercrime structures as well as mutual interconnection of state and non-state attackers (Czech Republic 2018–2022: 3).

It is worth noting that almost all analysed states make a distinction between internal and external sources of cyberthreats in their strategic documents. However, the states from the civilian perspective do not further clarify this

distinction and focus mainly on the sources of threats that are most common in the security environment.

Cyberthreats as well as cybersecurity are constantly evolving. New targets and vectors of cyberattacks are constantly emerging, and are becoming more widespread, more frequent and more sophisticated. Some states and non-state actors resort more and more to pursuing their goals through unfair cyber activities. These can take several forms, including critical infrastructure attacks, cyberespionage, intellectual property theft, cybercrime and cyberattacks as part of hybrid threats. Cyberspace is increasingly becoming an area of strategic confrontation among states, reflecting a dynamic geopolitical environment and efforts to change the current international order. Technological innovations, including cybersecurity innovations, are becoming an instrument of confrontation and growing tensions in the political, economic and security fields (Slovakia 2021–2025: 5).

The potential sources of such threats are also fragmented and do not include only international actors from outside, but also internal phenomena resulting from malicious actions by hackers, hacktivists, criminal organisations, and also involve such accidental events as unintentional network disruptions. Civilian institutions in the Czech Republic, Slovakia and Hungary are responsible for monitoring cybersecurity threats and coordinating the response of state services to cyber incidents. The military approach is particularly emphasised in Polish documents, which tend to focus on foreign governments and hostile non-state actors as the main sources of threats.

The attackers may be criminal groups acting for profit, terrorist motives, as well as groups which may be backed by foreign states, and such actions serve the purpose of obtaining information, destabilising political or economic stability, or creating social discontent (Poland 2019–2024: 4).

The civilian approach is more prominent in the documents of the other V4 countries, which focus on harmful actions in the economic dimension, such as in Hungary, where it is indicated that:

Furthermore, it aims at protecting the activities and guaranteeing the security of national economy and society, securely adapting technological innovations to facilitate economic growth, and establishing international cooperation in this regard in line with Hungary's national interests (Hungary 2013: 2).

Consequently, countries with a predominantly civilian approach are less likely to envision external cybersecurity threats. Incidents that may pose the greatest threats are defined in terms of economic or social fraud. Perceptions of the civilian or military context of cybersecurity are therefore closely related to how threats are interpreted.

An analysis of how individual states understand the sources of cyberthreats leads to the conclusion that cybersecurity is influenced by the actors carrying out harmful activities in cyberspace. Each of the V4 countries has gradually recognised the growing importance of the issue of cyberthreats and the urgent need to take a comprehensive approach to addressing the issue in order to protect the increasingly integrated critical infrastructure with cybertechnology.

When describing the studies examined, it is worth remembering that the content of the document does not always correspond to technological developments. Already at the outset, the strategies drawn up by the V4 countries can be seen to have this phenomenon. There are frequent cases of vague and very general formulations in such studies, thanks to which they cover a wide spectrum of phenomena occurring in cyberspace, including those that are not yet fully identified. Therefore, the following part of the article will attempt to identify cyberthreats occurring in the public space of the Visegrad Group countries.

Cyberattacks in Political Space

Cyberattacks have become an increasingly common tool of pressure used by both countries and private actors since the events of 2007 in Estonia. Cyberattacks may have an indirect impact on the opponent by harmful acts aimed at the economy or critical infrastructure. These cyberattacks which go with other physical operations or are independent, force the chosen actors to change their existing behaviour by putting pressure, blackmailing or other forms of leverage. In this context, a cyberconflict may be defined as a method of using digital technologies for the destruction of the chosen areas as well as a tool for changing political relationships between actors (Egloff 2017).

Such an approach indicates that cyber incidents may also be an important element of political communication. It appears that cyberattacks may be interpreted as a signal manifesting political attitudes and beliefs included in the scope of international relationships and shaped by the countries of different interests. Thus, cyber operations are methods destined for obtaining political, military or economic dominance against a chosen country. In such circumstances, a cyber conflict becomes a real way of policy-making.

However, the competition in cyberspace differs from the traditional one and adopts various forms. It shows a great deal of uncertainty in respect of its range of consequences and sizes that may apply to a wider area of national security and contribute to crossing the traditional borders of conflicts. Most cyber activities may also be of symmetric nature. In this situation, actors weaker than their opponents reach disproportionately bigger profits than it might be expected when we consider their resources (Schmitt – Watts 2016).

Contrary to conventional operations, the use of cyber potential for carrying out an attack is relatively inexpensive, since there is no need to use such financial

means which are indispensable in the event of using physical tools. The actors launching cyberattacks cannot take over any territories, but they can interfere with critical infrastructure, paralyse the decision-making processes and gather intelligence information on conventional military powers (Procner 2015).

The relative easiness of carrying out cyberattacks and the lack of direct contact may enforce the position of non-governmental actors in relation to the stronger state actors. For understanding the methods of functioning of different organisations, it is necessary to measure the whole spectrum of possible threats. It shall be noted that despite a great number of hacker groups supported by the state, there are also groups presenting ideological motives such as hacktivists who challenge the state bodies in cyberspace (Jordan – Taylor 2014).

The previous cyber incidents did not lead to an open military conflict but only showed the competition in the international policy between the countries representing opposite political attitudes. However, cyber activities are getting more intense and raise their importance in the political space. The forms of acts in cyberspace directed by one country towards another become more common and natural method of pursuing policy. It may be presumed that when a specific actor is capable of interfering with the cyber systems of their opponent, they will do it.

The development of cyberspace has caused a revolution in security politics, which significantly affected interactions between states and other actors. Due to the power of cyber technology, the potential of cyberspace leads to the change in the existing international balance, including the political, economic and military position of a given country (Hoath – Mulhall 1998). Certainly, the growing number of cyberattacks aimed at the destabilisation of a state raises the need for continuous investments in security mechanisms.

Cyberspace is treated as a place of interactions between political actors as well as an area of establishing various organisations which pursue their objectives and shape political reality (Aleksandrowicz – Liedel 2014). However, it is difficult to decide whether cyberspace affects international relationships, or if it is only an additional space for political competition. In this context, investigations on the impact of cyber technologies on international relationships are of a complex and multi-dimensional nature.

The Sources of Information on Cyberthreats

Much information on cyberthreats that leaks to the public is residual and not complete, and therefore it is difficult to treat it as material giving a real image of the situation. Moreover, the reliability of these data may raise doubt due to the lack of transparent sources, so the analysis of cyberthreats is a significant challenge for their researchers. Information obtained from non-governmental organisations may be a great help.

One of the useful sources of information on this subject is the set of data that has been collected since 2006 by CSIS – the Center for Strategic & International Studies – that provides not only quantitative data but also information on characteristics of cyber incidents, such as targets, means and potential damages caused by harmful acts (CSIC 2020). Another source of information on cyberthreats is a set of data created by the non-governmental organisation CFR – the Council on Foreign Relations. The classification of cyber incidents included in their reports focuses mainly on the operations sponsored by states (CFR 2020).

The knowledge on the scope of cybercrimes and other acts of a political nature occurring in cyberspace, especially in the area of the Visegrad Group countries, is the information obtained from the interviewed personnel of the institutions working for the cybersecurity sector.¹ Another opportunity for collecting data on cyberattacks and their sources was an interview conducted with the staff of the European Union Agency for Network and Information Security (ENISA) during the international conference ‘Medea 2017’, which took place on 1st–8th September 2017 at the University of Crete in Heraklion, Greece (MEDEA 2017). The gathered data may also be a method of verifying the knowledge based on information given directly by institutions responsible for cybersecurity.

The research analysis and evaluation of incidents connected with information security in the V4 countries have been conducted on the basis of the reports and statistics provided by governmental teams responsible for the coordination of procedures applied in the case of cyber incidents. The study of the investigations included in this chapter focuses on cyberattacks reported and registered in 2013–2017.

Research Barriers to Cyberthreats Analysis

Research in the literature on the subject focuses mostly on cyber incidents directed against the states (or other actors) of Western Europe, and therefore the image of cyberthreats concerning Central and Eastern Europe is rather restricted (Sparks 2003). Moreover, there is a need to classify the cyber incidents reported in the V4 region if we want to obtain a more accurate description of their nature.

Another factor for the analysis is the fact that this problem usually appears at the time of their occurrence, and then it is described and popularised, but mostly at the level of opinion journalism. Consequently, many studies focus on the official information spread by state institutions or mass media, which often creates an inaccurate or false image of the attacks directed against a specific

¹ The source of these data has been described in the first chapter of the work devoted to the budget expenditure related to cybersecurity. The undertaken investigation was carried out in 2015–2017, within the international project ‘Visegrad Group and the Central European Cooperation’ (No. 61450025), financed by the International Visegrad Fund.

country (Farwell – Rohozinski 2011). Besides, the cyberattacks of wider range are more likely to attract public attention, which may result in ignoring less significant ones. Therefore, this chapter tries to define the scope of harmful acts that have happened in the cyberspace of the V4 countries.

Official information and reports obtained from the state institutions have provided additional data on the subject. However, no matter how much effort is put into demonstrating the knowledge on the reported cyberattacks and into creating a corresponding complex data set on the subject, there is a risk that some incidents may pass unnoticed. Moreover, due to their confidential nature, most of them may never be revealed to the public. Both the attackers and their victims may have their reasons to keep such events secret. While the attackers maintain confidence in their offensive capability, the victims may be concerned about protecting such information from leaking. They may act in this way for fear of losing their reputation, as is usual with banking institutions.

In situations when the government and its services remain silent, the actors responsible for cybersecurity, as well as the mass media, do not inform about such incidents, a researcher is not able to note the threats on his own. This is especially true with regard to intelligence services involved in cybersecurity, as they act beyond public knowledge by their nature and do not usually reveal the offensive acts directed against the chosen targets. Exceptions have been the events which are difficult to be kept secret, i.e. blackout. Thus, to provide a realistic image of the incidents that have happened in the cyberspace of the V4 countries, the author interviewed the personnel responsible for monitoring the phenomena occurring in it. The confidential data collected on this subject allow us to understand the processes which are hidden from the public but determine cyber policy guidelines in the V4.

The created data set contributes to a wider understanding of cyber politics. Another important objective of this work is to provide characteristics of the acts undertaken in relation to cyberthreats by individual governments of the V4 countries. This chapter focuses on the description of the methods applied by the countries to create their approach to the more and more frequent cases of cyberthreats.

The major difficulty encountered in this analysis of cyberthreats is the fact that most cyber incidents occur without an evident reaction from the affected countries, which may influence research analyses undertaken in this area. Much information about the incidents that have happened in cyberspace does not leak to the public and the knowledge about their range is rather restricted. Amid multiple types of harmful acts in cyberspace there are also such digital interventions that have an insignificant impact on the functioning of state institutions but may be burdensome for cybersecurity systems. Due to this fact, they are not reported in official registers. Moreover, many state institutions are not aware of the threats or violation of their cyberspace and it is rather difficult to attribute

such acts to specific actors. It appears that there may be countries behind cyber incidents; however, they act indirectly, through intermediate bodies, to avoid possible accusations or their political liability (Kulesza 2009).

The problem with attributing cyberattacks to a specific author may result from the fact that computer networks are beyond jurisdiction of a given country (Rid – Buchanan 2015). Another thing is that cyber harassment may pass unnoticed even for a long time and before such attacks occur. Even when the harmful software is activated, their presence is difficult to determine. Therefore, many countries are not likely to admit their problems with identifying cyber offenders, since it might be seen as a manifestation of their helplessness. In other words, it may be presumed that some operations that occur in cyberspace are hidden because they reveal a weakness of a country or might be viewed as a disgraceful remnant of its existing policy. Furthermore, when such events are revealed, some confidential data may be unintentionally disclosed. Thus, many countries, no matter if they are attackers or victims of cyberattacks, try to hide them to evade liability. The consequent damages and their intensity might be limited and focused mainly on low-risk operations (Nye – Nye 2011). Another reason for keeping cyberattacks secret are efforts made by governments to hold back from reactions that might result in an escalation of cyberconflicts and bring more negative consequences.

With respect to cyberattack analysis, it is difficult to find whether an incident is a single event or it is included in a planned campaign. In addition, cyber operations may be a response to the acts that have not been disclosed in public or a reaction to the previous actions. When it is difficult to classify a cyber incident as a political problem, it shall not be excluded that it may indicate a new, unknown political competition.

A research challenge does not mean only registering cyber incidents, but first of all, attributing them to specific political conflicts. Any difficulties that are likely to appear may be resolved by relating them to the political tensions existing in the real world. Moreover, the analysis of technical advancement may help to identify a cybercrime perpetrator due to the fact that actions at a high technological level are most frequently performed by intelligence services of a specific country. Consequently, technological and political factors shall be considered in the process of attributing cyberattacks to a specific body.

We should also keep in mind that cybersecurity analysis is carried out with the limited scope of information. Research on cyberthreats with the use of collected data is a great challenge, especially since the data come only from publicly accessible sources. Thus, there appears a question of whether the noted cyber incidents are sufficient to create a characteristic of threats within cybersecurity policy. For obvious reasons some cyber acts are under responsibility of secret services and information on them is protected by its nature as its disclosure might affect their further performance.

Reaction to a Cyberattack as a Political Problem

The nature of cyberspace causes problems with analysing cyberattacks in relation to both scientific research and political acts. When specific incidents are concerned, there may be some doubt whether the victims can be certain about the source of the attack, and this knowledge is indispensable for retaliation. Another question is which types of cyberattacks can justify using military force within the right to self-defense.

Even if there is not enough evidence to support suspicions of a cyberattack, a formal report on such an event shall be given by the government (Sanger 2017). In this way the authorities determine their approach and respond to the inquiries coming from inside as well as outside the country.

A report published in this way is a publicly pronounced declaration that the government will implement previously accepted tasks. Such acts correspond to internal laws which impose obligations on the government in relation to security of the state and its cyberspace as well as to international regulations (under Art. 51 of the United Nations Charter) specifying that any acts of self-defense must be legitimised by recognising an attack and warning the opponents. They shall be aware that any further attacks may encounter retaliation and the incurred costs are likely to exceed the expected benefits (Nye 2017).

Policy-makers face the challenge when deciding about the methods of reactions to incidents in cyberspace. There appear some political dilemmas of whether a reaction shall involve physical, conventional or diplomatic tools, or cybertechnologies. Despite the question about the character of a retaliation, there is another one about the nature of a political cyber incident, i.e., motivation and context in which cyber operations are carried out. It often happens that even successful attacks cause only interim disruptions and system administrators can repair damages quickly and safely (Axelrod – Iliev 2014). However, in such cases, we may presume that the main objective of harmful acts is not unfavourable consequences but, first of all, testing cyber capabilities of the enemy in relation to resolving the problems caused by a cyberattack. The selection and usage of retaliatory measures depend on who has perpetrated the attack, whether it has been a politically motivated individual, a state or a group of people ordered and/or controlled by a state (Mačák 2016). It is also questionable if a state is likely to attack and completely damage an energy network, critical infrastructure objects, public facilities or state organisations of their opponent. For the fear of retaliation to an attack, an actor considering such an action may finally give up their plans.

The analysis of possible reactions to cyberthreats indicates an important role of social approaches that significantly affect decisions made by state authorities in relation to cybersecurity. Cyber incidents whose consequences are difficult or even impossible to be hidden from the public may trigger a reaction from

the party they have been directed to. Therefore, cyberattacks may not only be a means of pressure but also a factor increasing negative emotions and radicalising the political attitudes of their victims. Cyberattacks aimed at changing a state's policy may lead to the escalation of a conflict and growing radicalisation of previously manifested attitudes and opinions. Moreover, contrary to their intentions, they may contribute to the rising intensity of cybersecurity.

The key issues for cybersecurity policy are circumstances in which social moods may be in favour of using force in response to a cyberattack. In some circumstances, public opinion may play an important role in political reflections and discussions. First, the social emotions and attitude form the base for democratic leaders to take up decisions in response to current affairs. The use of force may be a consequence of social pressure. Second, the process of estimation and identification of an attack, which would help to find a responsible actor, may take a lot of time, often indispensable for making proper decisions by authorities acting under social pressure. Third, the lack of political agreement on reactions to cyberattacks may open new opportunities for the actors that have been on the margin of political life (Fontana 2017). Mass media also play an important role in the politicisation of cyber incidents, but they often deliberately overstate the meaning of a given subject in public debate (de Wilde – Leupold – Schmidtke 2016). Thus, threats and security are not objective factors and may constitute a tool for political confrontation.

A country which is the target of an attack should not remain indifferent to this form of aggression as it might be viewed as a weakness, especially by its nationals. On the other hand, a reaction to an attack can reveal the country's defensive potential in cybertechnology. The decision about a range of the response to the threat is equally important since overreaction may result in escalation of the conflict. In this context, a special consideration shall be given to interpretation of harmful acts by actors participating in political events.

Most cyber incidents are of low intensity and do not lead to escalation of the conflict both in cyberspace and the real world, which means that policymakers have adopted an attitude of restraint (by now). This thesis corresponds to the opinions based on the observations of western researchers who have analysed cyber incidents that occurred in the international space (Valeriano – Maness 2014). It shall be noted that no cyber incident has caused a conflict in the real world so far.

Another group of researchers is against this stance as they believe that modern societies, including the military forces of many countries, depend on communication and information networks and a destructive attack on the key systems may lead to military conflicts or to the decisive acts giving one of the involved parties a significant advantage over the other (Goldman – Warner, 2017).

On the basis of the interview with the staff of the services liable for cybersecurity in the V4 countries, it may be noted that there may be a third approach and

they are not mutually exclusive. It may be presumed that two opposite countries may tolerate cyber operations as far as they do not violate some boundaries or lead to unintended, damaging consequences. Further events may result in a situation of tolerance to cyberattacks unless they are accompanied by offensive and aggressive actions that destroy energy networks or infiltrate to take control over military units of the antagonists.

Another factor for restrictions imposed on cyber operations are the efforts made by an attacking party aimed at tightening the scope of actions to a chosen area or objects, which allows the attackers to foresee the consequences. This is intended to limit a possible escalation of the conflict, especially since the infrastructure of many countries is based on complex and interdependent networks directly affecting civilian population. Due to the threat of retaliation and potential harm to the civilians, cyber acts that have happened by now were of a selective nature.

The Consequences of Cyberattacks in the Area of Visegrad Group Countries

Cyberattacks are mostly intended to interfere with activities of critical infrastructure responsible for the proper functioning of institutions working in the public space. A good example of it is an e-banking system failure when thousands of clients cannot perform any operations online. Such a situation happened in 2015 when the Polish banking system was hacked and the hackers stole sensitive data of a few hundred clients, including account histories (cyberdefence24 2015).

A similar and equally harmful situation may happen when a state institution becomes the target of a cyberattack. In such circumstances, nationals may have a limited access to services provided by the state, as it happened in 2016 in the Czech Republic, when hackers infected a computer of a state official and sent false messages to EU institutions. Those messages contained a code which was later identified as spy malicious software. Such attacks are usually carried out with the use of botnets or zombies, i.e., computer networks controlled and directed by a hacker (Chamonikolas 2017).

Cyberattacks usually have a negative impact on the public sphere. In the event they occur between countries, they may mirror the existing political relations and affect further political actions. This was the case with Hungary in 2014, when the Hungarian government became the target of a long-term campaign started in cyberspace by the Russian organisation called ATP28, which also acted against the Polish and Georgian governments, as well as NATO, the European Council, OSCE, the diplomats and representatives of the US, British, Canadian and Norwegian military forces. Moreover, the Hungarians, in the result of an extensive cyberattack in April 2016, had to close the government's computer networks. The range of its consequences showed cybersecurity deficiencies and

the inability of the state to provide complete protection against cyberthreats. At such events, the authority of a political power and democratic legitimisation may be undermined (Paganini 2016).

Some incidents in cyberspace are of a specific psychological nature and their consequences are likely to greatly affect social opinions and emotions that have a decisive influence on the choices of political powers in democratic countries. In keeping with this, cyber incidents may force the state of destination to change the policy or the behaviour of its political elites. It seems that such incidents happen when both parties are in conflict or when one of them admits that existing diplomatic actions do not pursue accepted objectives.

As digitalisation becomes more and more common and related to everyday life, the increasing number of cyber incidents proves that cyber phenomena and processes become more political. This is shown by other examples illustrating the role of cyber incidents in politics. One of them may be hackery into energy systems of the EU countries (including Poland and the Czech Republic) in July 2014. It is thought that hackers from Eastern Europe are responsible for it. An analogical situation happened in December 2015 in Slovakia and Ukraine, where energy networks were closed due to cyberattacks from Russia. Although Slovakia's cybersecurity potential is higher than Ukraine's, the fact that Slovakia is a member of the EU as well as NATO makes it prone to the consequences of attacks coming from behind the eastern border.

The threats and capabilities of cyberspace are best illustrated by the example of the Prime Minister of the Czech Republic, whose email account and profile on Twitter were blocked by right-wing extremists in January 2016. Another significant event happened in September 2017 when Russian services hacked into systems of the private telephones of the NATO soldiers who stationed in Poland and the Baltic states.

If we take a closer look at the above cyber events, it is difficult to find sufficient evidence undermining the opinion that the contemporary policy in cyberspace is far from international interactions. The incidents that have happened imply that cyber operations can change the mindset of politicians as well as their nationals, which affects the way of interpreting policy in many areas. All in all, it may be thought that cyberspace can influence both the state's economic and political situation and affect the existing international relations. Harmful actions carried out with the use of cybertechnologies are the main reason for creating emotions and political unrest and may be a strategic issue for the state stability.

Factors Defining a Cyberattack as a Political Phenomenon for the V4 Countries

When analysing the examples of cyberthreats, we should bear in mind that not each incident is of a political nature. Thus, a research task is to distinguish

cyber incidents of a political nature from the others that may have an economic or social character. Therefore, we should consider five factors that enable us to assign the actual cyber incidents to the set of political actions. The analysis of these factors in the context of the attacks carried out by a states or private actors fills the existing empirical gap and facilitates a more detailed description of the phenomena occurring in cybersecurity policy (see: Table).

The first factor is information on the source of an attack. The key issue is whether the attack has come from the inside of the country or from beyond its borders. The intervention of a strange actor in cyberspace may be a political act. The set of data listed in the table illustrates the range of unauthorised and harmful incidents coming from outside of the attacked country. Defining a location of such an attack helps in finding the alleged perpetrator and estimate its range in the international context. Thus, the core of a reported incident may be seen in the perspective of the ongoing political conflict. Moreover, the analysis of its consequences responds to the question about the range and dynamics of political debates and the replacement of kinetic actions by cyberattacks.

The collected data indicate that amid the V4 countries, in the period from 2013 to 2017 Poland was the most vulnerable to cyberattacks from outside of its territory. The year 2014 marked a turning point in cyberthreats for all members of the V4 countries, as since then the increasing number of cyberattacks has been noted. Most of them comprised hacking into governmental resources, stealing confidential information or infiltrating data bases. It may be assumed that the above acts, as well as the growing activity of hacking groups, were consequent to the protests of the EU countries against the Russian aggression in Eastern Ukraine.

When identifying a cyberattack of a political nature, we should keep in mind that it is only a part of the interaction occurring between the actors in a conflict. This form of rivalry may be a continuation or reflection on competition between political actors.² The conflict of interests existing between at least two actors appears in different forms of tension in the international relations, including cyberattacks aimed at the competing parties. Although there is a little knowledge on an attacking actor and the liability for harmful actions cannot be clearly assigned, there are also some hints raising suspicions in relation to the role of specific actors behind the incidents occurred in cyber space.

The second factor is based on the presumption that the political significance may be attached to attacks only when a specific state or an actor liable for such incidents is believed to have been contracted by the present government. In this case, cyberattacks also have been noted more frequently in Poland than in other the V4 countries. It may be said that harmful cyberattacks clearly targeted

2 The data are listed in the appendix, in the table. 'The indicators of the cyber incidents of political nature in the V4 countries 2015–2020'.

towards a chosen country and their nature itself, which enables identification of an attacking country, have mostly a provocative character.

The third factor comprises acts performed by non-state actors involved in political issues. This type of actor is often used by the perpetrator to maintain credibility on the international stage and not to be related with cyber incidents. Moreover, some weaker states or non-state actors that have been passive in cyberspace by now, may also start using cybertechnologies for carrying out actions in line with their own political interests. This category of cyberthreats is pretty complex and demands a proper reading of data. It appears that in the case of Poland, despite the greatest number of reported cyber incidents of this category, which is 16,66%, this level is not dominant if we compare them to the other cyberthreats targeted at this country. This type of cyberattack carried out by the actors of political aspirations occur more frequently in countries such as Hungary (25 %), Slovakia (17,05 %) and the Czech Republic (19,98 %) than in Poland. This means that the members of the V4 may differently perceive the phenomena related to cyberthreats, even if they have a provocative character. These differences determine their consistency in creating and shaping cyber-security policy in the region.

The fourth factor comprises a set of political incidents targeted at the objects classified as state institutions or actors of critical infrastructure such as ministries, national legislatures, courts, civil administration, military and police facilities (Maness and Valeriano, 2016). In this category the greatest number of cyber incidents have been noted in Poland (58,70 %), and correspondingly in Slovakia (36,76 %), the Czech Republic (38,40 %) and Hungary (42,56 %). These differences are consequent to the unequal level of infrastructure security in the V4 countries. It can be deduced that as in the case of Slovakia, the Czech Republic and Hungary, the wider range of cyberattacks targeted at public institutions is not only evidence of the special activeness of strange actors, but also a consequence of the gaps existing in the critical infrastructure system which may be easily used by hostile organisations. Another symptom of the weakness of a state may be the inefficient monitoring of cyberspace and insufficient reactions of law enforcement authorities to minimise potential cyberthreats.

The fifth symptom is the relation of cyber incidents to historical reality, which results in an increasing intensity of cyberattacks in the public space. It follows that political and social emotions consequent to historical experiences of a nation become active as a result of cyber incidents and determine the perception of threats. In other words, the emotions existing in a social group may assign a specific political meaning to such events. Moreover, social tensions following stereotypes and political prejudices may expand the destructive effect of harmful phenomena occurring in cyberspace. The tragic experiences of the nations living in the Eastern part of Central Europe, and especially the historical events of the 20th century, make them particularly sensitive to facts from

the past. The case of Poland is exceptional as cyber incidents targeted at this country use social tensions, and the indicator of cyberthreats is the highest of all, 36,71 %. The other V4 countries have also noted similar, but less frequent acts, as is in the case with the Czech Republic 24,98 %, Slovakia (20 %) and Hungary (19,93 %).

Cybersecurity policy is a multidimensional phenomenon that comprises processes and factors creating the frames of political culture, starting from an individual computer user to cyber security specialists, computer programmers, consultants, bodies and organisations, most of whom transfer their activities to cyberspace.

Cybertechnology has changed relations between countries as well as the methods of political competition. Countries do not want or are not able to wage a war, so their activities are limited to the virtual space. The international cyber interactions depend on political factors and, therefore, the phenomena occurring in cyberspace may follow or mirror the actual political actions. Cyberspace may be treated as an instrument for conducting diplomacy and shaping international relations and other forms of the political pressure imposed by the government. Cyber instruments allow us to harass the opponent, to demonstrate our capabilities or force. It may be expected that ongoing conflicts and debates in cyberspace will become more intense in the future, and as a result, they will develop into one of the main determinants of security policy.

When cyberattacks become widely visible and noticeable, the government of an attacked state is forced to take a stance on the issue and take decisive reactions. The case of the V4 countries is a bit different if we compare them with the events of 2007 in Estonia. They have not experienced any cyberattacks that would be as harmful as those that happened in Tallin. Therefore, the intensity of their initiatives related to cybersecurity policy is at another level of advancement, as is shown in the results of the research illustrating the level of ICT development.

There is a problem of the attribution of task in cyberspace and, as it was noted during the presidential campaign in the US in 2016, we are still uncertain whether a cyberattack that neither causes any physical damage to society nor destroys critical infrastructure shall be recognised as an act of aggression justifying retaliation. It seems that reaction to harmful events, or even preventing them, is much more difficult in cyberspace than in the physical world.

Types of Cyber Incidents Reported in The Visegrad Group Countries

A part of this chapter comprises some examples of the incidents classified to a set of the harmful cyber incidents reported in the V4 Group. The aim of this research is comparison and assessment of incidents related to cybersecurity. The

analysis has been based on the reports of the Government Computer Emergency Response Team (GovCERT.CZ), the Government Computer Security Incident Response Team (CERT.GOV.PL) and the Computer Security Incident Response Team in Slovakia (CSIRT.SK). The source for this analysis of cyberthreats reported in the Visegrad Group was the data collected by the National Computer Security Incident Response Team in the Czech Republic (CSIRT.CZ), CERT Poland (ICERT.PL), the National Computer Emergency Response Team in Slovakia (SK.CERT.SK) and the Government Computer Emergency Response Team I Hungary (GovCERT-Hungary).

The above-named organisations have been created to provide security services such as development and research on cybersecurity, education, support for public institutions in protection against threats, registering and responding to incidents. These teams prepare yearly reports on the security of cyberspace, and according to the obtained results the number of incidents related to the security of information has rapidly increased and is expected to grow in the future. This work focuses on the incidents reported in 2013–2017. However, the comparative analysis of incidents is quite complex. The core problem in comparing cyberthreats reported in the V4 countries is the fact that the different teams (CERT or CSIRT) use different classifications for the same events (Aradau 2010). Moreover, as has been in the case with Slovakia, a different classification is used in relation to time periods within one country. Therefore, in the conducted research the data related to cyberthreats has been standardised, but the starting point was not a form of the used cyber instruments (such as botnet, crack, DoS/DdoS, Malware, Phishing, Spam, Trojan, Virus etc.), but the designation and target of the applied malware (see: table).

The first set reveals quite a high level of computer crimes in relation to the direct financial scams or stealing confidential information. Identity fraud or identity theft are also included in this set, since they are used for obtaining private information or stealing intellectual property. The greatest number of this type of crime was reported in Slovakia and Hungary – above 50% of all harmful incidents in cyberspace. Whereas Poland and the Czech Republic reported fewer number of such acts – above 40 %, although this number also seems to be quite significant.

The visible growth was also noted in relation to the offensive and illegal contents, especially during election campaigns led in all the V4 countries. Such behaviours may be considered hate speech targeted at politicians or other public individuals at a specific time. This was the case with Hungary in 2014, when they held a national election as well as to the European Parliament, and hate speech increased from 7,2 % to 9,9 % at that time.

A similar phenomenon was reported in the Czech Republic in 2013, during the election to the Chamber of Deputies when verbal aggressiveness reached as high as 10,3 % and in 2016 during the election to the Senate rising to 12,8 %.

In Slovakia in 2014, during the presidential election as well as the election to the European Parliament, the level of aggressive behaviour in cyberspace rose from 8,2 % to 9,7 %. That situation repeated itself in 2016, when during the parliamentary election the increase was from 10,1 % to 12,7 %.

These interdependences were also confirmed in the case of Poland in 2015, when election to Parliament and Senate took place at the same time as the presidential election, and the change in hate speech was significant and rose from 6,9 % to 12,2 %. All in all, political competition evokes much emotion which may be transferred to communication in cyberspace intensifying offensive and illegal contents.

The third classification concerns the damaging phenomena when there is a primarily unnoticeable, remote break into the area of activities conducted by a specific institution. Such attacks usually occur with the use of digital malware such as viruses, worms or logic bombs (Lisiak-Felicka 2017). They aim not only to paralyse the institution's activities, but also to infiltrate and steal confidential data, which may lead to the loss of confidence when such a situation is disclosed and to other serious problems in its functioning. The cases of the V4 countries show that in all four incidents neither the amount of malware detected in 2013–2017 nor the instruments used for cyberattacks changed, which may imply that only their targets differed.

Cybersecurity, at the most basic level, relies on protecting computer systems against cyberattacks, data breaches or their complete damage. The fourth and fifth set of data is related to these categories of breaches that illustrate the level of the state's resistance to cyberthreats. Some attacks targeted at paralysing communication and information networks working in transport, power providing, emergency services, health services, water management, food industry and farming, financial markets and public services have been reported since 2013 (Warner – Chapin – Matfess 2019).

This phenomenon has increased in all the V4 countries as the number of cyber incidents and possible attempts is constantly growing. Notice must be taken that in the case of Poland and the Czech Republic the number of successful attacks into a specific actor's cyberspace was twice as low as the attempts made. While, with regard to Slovakia and Hungary, the difference between the number of attempts and successful attacks is not so significant. This may be evidence of weak and subpar cybersecurity systems operating in these countries.

The research has revealed a great deal of disinformation existing in cyberspace and undermining credibility of the government's policy or manipulating public opinions. The Internet users may (purposely or not) create and spread false information hiding their real intentions. The intensity of this phenomenon depends on a specific country, and as it may be noted in Poland in 2013–2017 this indicator almost doubled from 4,3 % to 8,5 %. The equally high level of

harmful acts was noted in Slovakia from 3,4 % to 5,3 %, in Hungary from 3,2 % to 5,9 % and the lowest level in the Czech Republic from 7,6 % to 9,4 %.

There was a change in the targets of cyberattacks that occurred in the V4 countries in the period from 2013 to 2017. The attackers were more interested in obtaining confidential information, taking control over critical infrastructure and manipulating public opinions by means of false data. These sorts of cyberthreats are a serious challenge to democratic countries and may be more dangerous to a country's stability than the failures of critical infrastructure caused by cyberattacks. It should be emphasised that disinformation and kinetic violence are not mutually exclusive and many acts in cyberspace aimed at breaching or paralysing the enemy's communication systems may affect public opinion.

Another important aspect are actions undertaken to protect computer networks against data loss or unauthorised acquisition of data by third parties (Minarik 2016). Cyber diversion also becomes a serious problem as it is usually consequent to data destruction or changes in digital values interfering or damaging network or functions of critical infrastructure.

Conclusion

The study shows that cybersecurity policies reflect real world phenomena and processes, which initiate actions that then find their place in cyberspace. The analysis also reveals a different way of interpreting cybersecurity (especially in the political and military dimensions), which leads to the conclusion that the activities carried out by the Czech Republic, Slovakia, Poland and Hungary in the field of cybersecurity are much more individual than communal in nature within the V4. Therefore, it can be suggested that there is a need for much more intensified activities that will create an integrated character of cybersecurity policy.

The research has shown that in each country of the V4 in the described period, there was an increase in number of harmful acts targeted at the security of information resources handled by public institutions. This phenomenon emphasises the meaning of information security for a stable development of the country.

The increase in the number of cyber incidents is visible in all countries of the Visegrad Group, but most of them have been reported in Poland. The CERT or CSIRT teams in these countries report the growing number of incidents related to data transmission and the security of storage facilities. Cyber activities are more and more frequently aimed at affecting public opinion, which leads to undermining the enemy's credibility. They comprise such acts as leaking confidential information, critical and harmful publications on the Internet and creating special websites promoting ideology of political groups, often representing extremist views. Cyberthreats may be perceived as the use of technology for destructive actions influencing or modifying political processes (Lin 2012).

**Table: The most frequent cyber incidents reported in 2013–2017³
(data given in %)**

Country	Poland				
Time	2013	2014	2015	2016	2017
Computer crimes (social and economic)	42,6	42,4	40,8	43,7	44,3
Offensive and illegal content	7,5	6,9	12,2	7,8	8,6
malware	17,7	18,1	17,3	16,5	17,2
Breaking in attempts	7,5	6,9	7,2	7,7	8,1
Breakings	2	2,3	2,7	3,4	3,9
Disinformation	4,3	6,4	9,3	6,8	8,5
Attack on security of confidential data	5,9	6,5	8,1	7	7,4
Others	12,5	10,5	2,4	7,1	2
Total	3445	4390	5185	6240	7046

The consequences of attacks on communication systems determine political attitudes and emotions, especially in democratic systems (Hersh 2010).

The characteristic features of cyberthreats are the pace of changes and innovations that is much faster than in the case of harmful phenomena reported in physical world, technology that is much more decentralised at present and may constitute an instrument of destabilisation in a country, and last but not least, many more actors involved in harmful acts in cyberspace than in a real conflict. Reacting to various cyberthreats or the attempts to marginalise them is not only a challenge for many governments but also will generate difficult problems.

All in all, the data collected by CERT or CSIRT teams are important from the scientific point of view as well as for the institutions liable for cybersecurity of the state. Considering the data related to the most frequent cases of cyber incidents, we may find appropriate preventive measures. However, the comparative analysis of data is quite complex due to the lack of both standardisation of reports and classification of incidents in the Visegrad Group countries.

³ The author's analysis based on the reports of CERT of the V4. The number of officially registered incidents (based on reports and statistics of govCERT.PL., CERT.GOV.PL, CSIRT.CZ, CERT.PL) <https://www.enisa.europa.eu/topics/csirts-in-europe/csirt-inventory/certs-by-country-interactive-map>

Czech Republic					Slovakia					Hungary				
2013	2014	2015	2016	2017	2013	2014	2015	2016	2017	2013	2014	2015	2016	2017
44,2	44,1	43,5	42,4	42,7	50,3	50,1	51,4	51,7	52,6	48,3	48,9	50	51,5	52,3
10,3	10,7	10,2	12,8	9,6	8,2	9,7	10,1	12,7	9,5	7,2	9,9	9	9,2	9,5
14,3	14,7	13,9	13,8	15,1	9,7	10,6	11,9	11,4	10,7	13,2	13,4	13,9	14,1	13
6,7	5,9	6,3	6,8	7,6	6,3	6,4	7,4	6,3	7,3	5,8	6,2	6,6	6	7,1
1,5	1,9	2,2	2,3	2,5	3,5	4,7	5,4	5,8	5,6	3,9	4,5	4,8	4,8	5,2
7,6	8,9	7,7	7,4	9,4	3,4	4,1	4,5	5,1	5,3	3,2	4,4	4,8	5,5	5,9
6,8	7,4	6,4	6,8	7,8	4,1	5,3	6,4	5,3	6,1	2,4	3,5	3,9	4,2	4,8
8,6	6,4	9,8	7,7	1,7	14,5	9,1	2,9	1,7	2,9	16	9,2	7	4,7	2,2
1358	1701	2550	3815	5410	294	348	361	346	423	861	1097	1296	1560	1761

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Conceptualisation of Hybrid Interference in the Czech Republic: How to Make it a Practically Researchable Phenomenon?¹

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Abstract: *The text focuses on the definition and reconceptualisation of the concept of hybrid interference, traces the use of the concept in Czech security documents, presents the historical development of the use of the concept and then seeks a practical conceptualisation applicable towards research on the resilience against it. This conceptualisation includes a narrower definition of the concept, which is necessary for the real application, graspability and researchability of resilience in the context of the Czech environment. We arrive at a framework of hybrid interference that we believe to be more practical and useful, mostly due to its higher clarity and precision. Furthermore, we believe that definition of hybrid interference which is agnostic towards sectors, actors and specific tools used during such activities is preferable and more likely to remain universally relevant than those relying on enumeration and itemisation.*

Keywords: *hybrid interference, definition, security forces, armed forces, asymmetric warfare, conceptualisation, theoretical framework*

Introduction

The word ‘hybrid’ has seen a lot of momentum in the area of security research in recent years. Common terminology now includes hybrid strategies, hybrid threats, hybrid operations and others. These are not new concepts or strategies;

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in reality they have been used for a long time, but they have only recently been incorporated conceptually and in terms of security documents. However, from the point of view of security and political science, they are still living and unanchored concepts that are experiencing considerable dynamism. The breadth of the areas that it affects or that are affected by the concept is increasingly wide and more and more phenomena are being labelled as 'hybrid'. The concept has become so all-encompassing as to become essentially meaningless. We consider this state of affairs to be problematic, especially in terms of its practical usefulness within real research or practical applications.

This multiplicity of meanings and coexistence of parallelly-understood narratives of what actually and really is 'hybrid' is already commonly understood and subjected to critical analysis by other authors, both within the Czech Republic (Stojar 2017; Daniel – Eberle 2021) and internationally (for example Arutunyan 2021; Meyers 2016; Murat – Liégeois 2021; Van der Venne 2021). We generally acknowledge and agree with this criticism and further elaborate on some aspects of it below. But our main point is not just to add our criticism to an already large volume of it, but to also seek a solution. We therefore consider it desirable to define this concept more precisely, which is the main aim of this text.

Furthermore, within the context of Czech security terminology and the Czech security community, we consider the term hybrid interference to be the most appropriate overall term, which in our opinion best describes the phenomenon under study. The text presents other terms used in the Czech environment, which appear in security documents or are used by the professional community. Their explanation, definition and focus on the concept of hybrid action is one of the initial intentions of the article. In the following pages we present a brief excursus dealing with the concept and our efforts to get a firmer grasp of it. These should lead to a more rigorous discourse as well as enable practical research in this field. This conceptualisation study represents an initial contribution to the discussion regarding the terminological and definitional refinement of hybrid action with a possible overlap into real-world political science and security research, so that the concept under investigation can be grasped and applied not only at the theoretical level but also directly in practice. An example suitable for the application of the concept is given here as the resilience of security forces and armed forces as typical targets of hybrid interference by an enemy power.

Security documents of the Czech Republic

The Czech Republic has a system of security documents (strategies and related plans, concepts, etc.), which are basically hierarchically organised and interconnected. Although they show a departmental approach, they are generally designed to have an impact on the entire spectrum of public administration. Moreover, they are based on documents of international organisations of which

the Czech Republic is a member. However, the NATO Strategic Concept, which was adopted in 2010, did not deal with hybrid threats (NATO 2010). The Security Strategy of the Czech Republic, which will be described below, preceded the EU Strategic Document on Foreign and Security Policy of 2016 in its date of adoption (hybrid threats are mentioned there as one of several types of threats without further specification) (EU 2016). It is also worth mentioning another document from the EU Security Union Strategy (EU 2020) which addresses hybrid threats in several places and mentions that hybrid attacks might come from state and non-state actors targeting critical infrastructure, information security and political stability. Even the relatively broad definition of hybrid threats by the Centre of Excellence for Combating Hybrid Threats has not yet made a significant impact on the security terminology of the Czech Republic (Hybrid CoE 2021).

The Security Strategy of the Czech Republic is the document with the highest political (not legal) force in the Czech security sphere. Its latest version from 2015 contains important passages on hybrid warfare, which was a reaction to the then developing crisis in Crimea and eastern Ukraine. In 2016, a unique document ‘outside of the hierarchy’ of the strategies and concepts outlined above was also prepared, namely the National Security Audit, which included a chapter on hybrid threats. This chapter was under the responsibility of the Ministry of Defence, while the entire document was under the responsibility of the Ministry of Interior and was approved by the government. In 2021, the government then approved a specialised strategy document prepared by the Ministry of Defence called ‘National Strategy for Countering Hybrid Operations’.

It is therefore possible to perceive differences in terminology (hybrid warfare – hybrid threats – hybrid action), but in principle these terms are used synonymously in the above-mentioned documents of Czech state provenance (although in the scientific literature their differentiation can also be found). In order to define the meaning of hybrid action, the essential elements of the concept or definition in these documents will be taken into account.

The Security Strategy of the Czech Republic works with the concept of ‘hybrid warfare methods’, which, according to the Strategy, combine ‘conventional and unconventional military means with non-military tools (propaganda using traditional and new media, intelligence disinformation actions, cyberattacks, political and economic pressure, sending unmarked members of the armed forces)’ (The Government of the Czech Republic 2015: 11).

The National Security Audit (Ministry of the Interior of the Czech Republic 2016: 127) works with the concept of hybrid threats and then develops it under the complementary concept of a hybrid campaign. Specifically, it states:

‘Even the elementary definition of a “hybrid threat” points to the fact that it cannot be conceived in the same sense as most other threats, where each one represents

a threat in more or less only one dimension. What we mean by a hybrid threat is primarily the method, the way in which the confrontation or conflict is conducted. This method of conflict management represents a broad, complex, adaptive and integrated combination of conventional and unconventional means, overt and covert activities, primarily of a coercive and subversive nature, carried out by military, paramilitary and various civilian actors. The purpose of a hybrid campaign is to exploit the weaknesses of the adversary; to mask the pursuit of legitimate objectives; to prevent a clear interpretation of events and the discovery of their interconnectedness; to complicate or directly prevent the identification of the perpetrator and to obscure his intentions; to complicate, destabilize or directly paralyze the decision-making process, thereby preventing a timely and effective response by the attacked. The hybrid attacker plots and carries out activities that harm the vital, strategic or general security interests of another actor, while seeking to create an environment where responsibility for these activities cannot (at least formally) be clearly attributed to him or can only be done in a very difficult and speculative manner (the concept of plausible deniability). A hybrid attacker will try to keep its activities below the threshold beyond which the international community would consider armed aggression. It will probably try to avoid direct military confrontation, but it must be assumed that it will incorporate the use of military means in some form in its hybrid campaign.'

Subsequently, the DIMEFIL model is used in the National Security Audit (Ministry of the Interior of the Czech Republic 2016: 128) to further define this when it specifically states:

'A hybrid campaign can combine a number of classic tools from the aforementioned spectrum of spheres of influence, or dimensions of power – DIMEFIL:

D) diplomacy/politics – exerting influence and exerting pressure through the speech and actions of the official political representation;

I) Information – media, social networks and other means of dissemination of information, their manipulative use, disinformation campaign and propaganda;

M) armed forces – this may be overt use as a threat (demonstration of military presence and readiness) or direct combat use or various forms of covert deployment of individuals, small groups and infiltration of the invaded state using them;

E) economy – various forms of economic coercion (imposition of tariffs, embargoes, denial of raw materials or energy supplies, prohibition of the use of transport or transportation routes, destabilization of key industries, enterprises, etc.);

F) financial sector – destabilisation of the currency, stock and bond markets, banking sector, influencing key financial institutions;

I) Intelligence – activities of intelligence services, espionage, recruitment of collaborators (especially state or political officials) for anti-state activities;

L) public order and the rule of law – the use of various subversive activities attacking values, legal and other aspects of the social order, e.g. inciting unrest in the invaded country by exploiting ethnic, religious or social divisions in society, or the use of a wide range of terrorist attacks and other typically criminal methods (e.g. kidnapping, extortion and intimidation).

Cyberspace has a specific position in relation to the above-mentioned tools – it represents an environment where the different dimensions of power intersect, and its importance for the functioning of states and economies is critical.

Cyber attacks can affect and threaten the functioning of public administration, critical infrastructure (electricity supply, etc.), the financial sector, can threaten the security of important facilities, are a means of espionage, disinformation campaigns, etc.’

The National Strategy for Countering Hybrid Interference defines hybrid interference as follows:

‘... covert and overt activities of state or non-state actors (the originators of hybrid action) directed against vulnerable elements of the democratic state and society. Hybrid actors use political, diplomatic, informational, military, economic, financial, intelligence and other tools to undermine democratic institutions, rule of law processes and internal security. Hybrid activities also use legal and legitimate-looking tools to achieve hostile objectives and act against the interests of the Czech Republic. The speed, scope and intensity of hybrid activities are increasing, including as a result of the development of new technologies’ (Department of Defense 2021: 3).

According to this strategy, the Czech Republic is

‘exposed to hybrid interference in the following areas in particular:

- a. the ideological basis of the society and the constitutional organization of the state,*
- b. economy,*
- c. security and defense’ (Department of Defense 2021: 6).*

For clarity, the specifications of these areas are given in the following table.

Taking a comprehensive look at the definitions in all the documents mentioned here, it can be stated that the definition of hybrid threats or hybrid action is very broad and basically includes everything or almost everything anywhere on the spectrum between declared war and friendly mutual relations between the Czech Republic and any other non-allied state. This is a very broad concept that complicates scholarly conceptualisation and, in turn, helps politicise these terms. They are subject to a completely free and subjective interpretation and can be used to cover everything from terrorism, cyberattacks, financial manipulation and military exercises.

Table 1: Specification of areas within which the Czech Republic is exposed to hybrid effects.

The ideological basis of the society and the constitutional organization of the state	Overt or covert influence on political structures (including political parties) and the political decision-making process, the courts, the police, the armed forces, the media and public opinion, aimed at destabilizing or splitting society and undermining citizens' confidence in the ideological basis of the country and the constitutional and legal order of the state, including constitutional institutions and the democratic process.
Economic interests of the state	The Czech Republic's dependence on supplies of strategic raw materials from abroad (oil, natural gas, nuclear fuel) and the openness of the Czech economy and its orientation towards exports and foreign investment and loans in strategic sectors of the economy or leading to strategic dependence on their providers. It may seek to dominate strategic sectors of the economy and individual key enterprises, including those that are part of the Czech Republic's critical infrastructure. Hybrid interference may also manifest itself through the private sector's use of modern technologies and technological solutions, such as 5G networks or artificial intelligence, originating from countries with different ideological orientations. Corruption, the interconnection of diplomacy, trade and espionage, or acting in the interests of a foreign power are also risks in this context.
Security and Defence	The security of the Czech Republic may be threatened by the overt or covert use of armed violence directed, for example, against the military engagement of the Czech Republic in NATO and EU missions, operations and other activities, or by the aggressive deployment of intelligence services or special forces of other states on the territory of the Czech Republic. Hybrid interference may include the mobilisation of interest groups (religiously, ethnically, nationally or linguistically defined) or criminal groups to act against the security interests of the Czech Republic and to disrupt public order. There is also a risk of hybrid interference aimed at slowing down or paralyzing decision-making processes in the field of defence and security, including in the context of collective defence within NATO and political and military cooperation within the EU.

Source: Ibid p 6.

This breadth and ambiguity can be (and often is) used (or even abused) by political actors in a self-serving manner and to label events that would not have been perceived as such just a few years ago. In practical politics, Russia and China or their allies are commonly considered to be the main actors of hybrid interference in the Czech Republic (this does not come directly from the documents, although it can be understood from their context). The specificity of contemporary international relations and the state of technology development are also often emphasised, which supposedly qualitatively differentiate the current hybrid interference from the earlier use of similar methods for similar purposes. We are sceptical of this temporocentrism and believe that if there is a practical and objectively researchable concept of hybrid engagement, it should be applicable in the past and in the future and should not depend on the current political situation or its normative assessment.

Historical perspective

In addition to the above-described and very broad concept of hybrid interference, the situation is further complicated by the temporal variability of this concept. The volatility of this family of concepts is well illustrated by their dramatically different understanding in the 1990s and the first decade of the 21st century compared to their understanding today. The Ukrainian crisis since 2014 is a significant break. In the original concept, represented for example by Robert G. Walker (1998) or Francis G. Hoffman (2009), hybrid warfare represents a purely military threat. Indeed, it is a 'hybridisation' of conventional warfare with unconventional operations. This has been seen both as a complex threat that the armed forces must learn to counter (for example, in counterinsurgency), but also as a capability that NATO armies should themselves develop to be able to combine both types of operations flexibly (conventional frontline warfare together with special operations in the enemy's rear). Economic, diplomatic or disinformation aspects did not figure in this original concept of hybrid warfare at all.

It should also be pointed out that, at least in this concept, this is not a new phenomenon and there are many examples of such hybrid warfare in history – from the Roman-Germanic struggles around the turn of the century, through the American War of Independence in the 18th century, to the Vietnam War in the second half of the 20th century (Williamson – Mansoor 2012).

The new understanding of hybrid threats, which is the basis for the Czech security documents cited above, emerged after 2014 in direct relation to the Russian intervention in Ukraine.² Analysis by Daniel and Eberle (2018, 907) mapped this process and the relevant actors – 'bureaucrats, NGOs, academics, journalists' – that shaped it. The factor of the combination of conventional and unconventional armed forces in combat operations was thus neglected, and non-military and non-violent (or at least less violent) forms of conflict, such as propaganda, embargoes or attacks in cyberspace, which are intended to destabilise society, came to the fore. It is therefore possible today to actively wage a 'hybrid war' without firing a single shot, contrary to its original understanding.

From the above, it is clear that hybrid warfare is a concept that is both highly fluid and young in time, but also attempts to capture forms of conflict that are already historically familiar and for which various other names have been used – for example, Kennan's (1948) 'political warfare' is a very similar concept, but one that is now largely neglected. It is worth noting that the concept of political warfare has been advocated in relation to Russian activities abroad without

2 Paradoxically, the Russian perception, on the contrary, considers the Euro-American activities in revolutionary Ukraine and the subsequent economic and political pressure on the Russian Federation as a manifestation of the 'gibridnyja vojna', which is, of course, led by the West (Korybko 2015).

the direct use of military force by Mark Galeotti (2020), one of the ‘academic architects’ of the concept of hybrid warfare.

Practical conceptualisation for research purposes

For the purposes of academic research on hybrid interference and resilience against it, it is necessary to reduce this broad, unstable and ambiguous definition and to focus primarily on those elements that relate to the acceptance of distrust in the ideological values and constitutional institutions and processes of the Czech Republic (or any other state), and therefore the willingness to defend them, and on the potential abuse of one’s own abilities and possibilities of these elements in crises in which hybrid action intensifies. At the same time, this concept needs to be practically graspable and realistically investigable, as no research method is able to provide satisfactory, and most importantly useful, answers if the phenomenon under investigation is completely amorphous, vague and could represent practically anything.

For the purpose of more precise and useful conceptualisation, we therefore propose defining hybrid interference as one that meets the following characteristics:

- its objectives are contrary to the security interests of the state targeted by the hybrid interference, while in our context, those defined by the Security Strategy of the Czech Republic would be crucial;
- the hybrid actor’s effort is to ensure that these activities are not perceived as a threat, do not trigger any additional security measures, or remain below a certain threshold of response (for example, below the threshold of a state of war, crisis measures, or securitisation (Buzan – Weaver – de Wilde 1998));
- it is implemented as deniable, i.e. the originator of the action uses such methods or intermediary actors in order to plausibly deny responsibility, deny the very existence of such action, deny their hostile nature, or their own involvement;
- it actively destabilises the attacked component of the state and disrupts their function, so it is not merely information gathering;
- its aim is primarily (not exclusively) the psychological impact on the attacked components and their internal disintegration at the systemic and structural level, it is not simply the destruction (physical elimination) of their individual parts.

Our interpretation of the above definitional features also implies that some traditional activities that fall within the provenance of intelligence services, such as espionage or sabotage, may fall outside this definition of hybrid interference. The collection of information on targets of interest (in whatever form) does not in itself have a subversive or destabilising effect, and the information gathered in this way can only subsequently be used for such hybrid operations.

Moreover, this is standard practice for most state actors around the world, targeting not only hostile or non-allied actors, but also allied countries. We view the recruitment of agents in the same way, which in itself may not automatically have a disruptive and destabilising effect on surrounding elements. It is only their subsequent activation, which can of course have a strong psychological and disruptive impact, that we would describe as a hybrid interference.

Similarly, sabotage aimed at destroying a facility, infrastructure or equipment cannot be considered implicitly hybrid if its goal is merely to deny the enemy the asset being destroyed. On the contrary, the situation is reversed if the primary objective of such sabotage is precisely a psychological and destabilising effect. By the same logic, we judge possible assassinations and other similar activities where the goal is not the physical elimination of the target, but the psychological effect on the target audience. It must be added immediately that in reality these two levels may often intersect and overlap, or it may not be entirely clear what the real objective of the attributed attack was, etc. The researcher should first and foremost look for the original intent of the unacknowledged operation, but if this cannot be proven with certainty, the activity can be classified or defined according to its real impact – i.e. whether it was primarily to damage property or eliminate the targeted person, or whether the effect was clearly psychological and influencing the sentiments and behaviour of the targeted society, or whether it causes, for example, the erosion of state sovereignty.

The concept also excludes a number of activities of a diplomatic nature, especially if their aim is merely to pursue one's own interests without disrupting the functioning of the components of another state. Therefore, similar activities of a military nature, for example so-called military diplomacy, or of an economic nature linked to the military or security sector, for example supporting arms exports to another country or one's own arms manufacturers in participating in foreign tenders, can also be excluded. Such support through influence activities of an informational, psychological or even corrupt nature is a common practice, often even admitted. However, if the purpose of these activities was, for example, to buy, control and then cripple the arms industry in the target country or to weaken defence capabilities by supplying deliberately defective material, then this would already fall within our definitional framework of hybrid interference.

Conclusion

In our view, the key strength of our concept is that it is fundamentally agnostic to the specific instruments, actors, environments or sectors of hybrid interference. Thus, it does not matter whether the threats are military, ideological, economic, cultural, or belonging to any other sector, or whether they take place in or outside of cyberspace, or whether the originator is a state, non-state or any

other actor.³ It is the intended and real effects of such actions that are important, not the specific methods used. This maintains sufficient breadth to work with activities of different nature and in different domains, while also allowing for coverage of future and new forms of activities that are not yet known. This also makes it possible to work with hybrid resilience in its full spectrum and without having to segregate or typologise threats that are often multidimensional and cover several sectors or domains at the same time. This feature, in our view, represents a major practical advantage over the enumerated definitions that have prevailed to date.

Compared to the concept of hybrid action as defined in the National Security Audit by the DIMEFIL model, our concept is therefore much narrower, and some phenomena are thus dropped from it. In particular, these are some forms of diplomatic, economic and intelligence activity (unless there is a deliberate psychological effect towards the subversion of the attacked part of the state) and the direct and open deployment of combat forces (as they lack deniability). We are aware that this puts some phenomena so far potentially understood as hybrid (at least according to some concepts) out of scope, but for the practical application of the concept we believe this is desirable and a narrower definition of hybrid interference is necessary.

The narrowing down of the concept of hybrid threats and hybrid interference presented by us may also contribute to finding more effective way to build applied resilience to these threats. If almost everything is defined as 'hybrid', except for conventional wars and wars waged with weapons of mass destruction, then resilience against hybrid interference can in principle be identified as the entire security policy. A narrower concept of hybrid interference and hybrid threats, on the other hand, can target what specific nature of such action, thus enabling more effective security policies.

Given the high topical relevance (and controversy) of this topic, we also hope that this article will serve as a springboard for further scholarly debates on this concept and its continued refinement, as we do not expect it to be a definitive and immediately universally accepted treatment of this concept.

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³ This is further supported by the ability of such aims-oriented conceptualisation to cover all three narratives of hybrid warfare as identified by Daniel and Eberle (2021: 439).

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Determination and Development of Definitions and Concepts of Hybrid Threats and Hybrid Wars: Comparison of Solutions at the Level of the European Union, NATO and Croatia

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Abstract: *Political, professional and academic circles, as well as the general public, are increasingly using different terms like hybrid threats and hybrid wars in everyday circumstances, describing different phenomena and processes. This trend became more prominent in Europe after the events in Ukraine in 2014, and it has especially been more emphasized since the attack of the Russian regime on Ukraine in 2022. For this reason, the central organisations of the European security architecture – the European Union and NATO, as well as their member states – pay more and more attention to research, conceptualisation and explanation of what different forms of hybrid dangers represent, what their scope is and how to effectively oppose them. This is a necessity because only by adequately addressing the problem and defining key definitions and concepts, the development of appropriate and effective response measures can be achieved. This paper aims to comparatively research and present the development of this area at the level of the European Union and the NATO Alliance, and specifically for Croatia, analyse the use of the relevant terms with a special focus on two terms: hybrid threats and hybrid wars. The first term, because it is the most general and most common hybrid term used, the second because it is the term with the strongest meaning and consequences. The research will represent an addition to the existing body of knowledge and will provide guidelines for the continued development of this field at the policy and academic levels. Also, the research will be significant for other countries and researchers in order to perceive the current status of the situation in the European Union, the NATO Alliance and Croatia as a member state of both organisations, and to be able to compare the challenges and solutions in their countries.*

Key words: *hybrid threats, hybrid war, European Union, NATO, Croatia*

Introduction

In the beginning of 2022 – because of the Russian regime’s aggression against Ukraine, which many Russian citizens oppose – political, professional and academic communities, as well as the general public, began widely and massively using terms such as hybrid war, hybrid conflict, hybrid threats, hybrid interference and others. These terms and concepts are used in the context of the efforts of one party (in this case the Russian regime) to undermine, confuse, hinder and affect the opposing party (Ukraine, its ability to make decisions, readiness and ability to oppose and defend against external influence), with different and multidimensional methods and approaches within the political, economic, diplomatic, military, media, cyber and social space, using state, non-state and proxy forces.

The first question of our interest in this paper is: Are hybrid threats old or new security risks? According to Giannopoulos and associates: ‘In recent years, the topic of hybrid threats has dominated the security landscape in Europe. Whereas it may be considered a new topic by several stakeholders, in fact it is not. It is as old as conflict and warfare, but repackaged and empowered by changing security environment dynamics, new tools, concepts and technologies targeting vulnerabilities in several domains in an unprecedented manner’ (Giannopoulos et al., 2020: 4). The above can be said for other terms and concepts, such as hybrid war and other hybrid terms and concepts.

The next thing that needs to be pointed out is that the development and direction of the debate on different forms of hybrid threats and wars in the modern era is mainly attributed to a few authors. Whether it is justified or not is a question for another discussion. The authors whose texts dominate academic discussions are the following: American researcher and retired member of the US armed forces Frank G. Hoffman; Russian army general and the Chief of the General Staff of the Russian Armed Forces and First Deputy Defence Minister Valery V. Gerasimov; and Chinese People’s Liberation Army senior colonels Qiao Liang and Wang Xiangsui. Additionally, in Western academic circles the following authors are significant: Phillip Karber, Timothy McCulloh, Richard Johnson, Janis Berzinš, Robert Gates, James Mattis, David Johnson, Robert Walker, William Nemeth, Bernd Horn, Mark Galeotti, as well as some additional authors, but they will not be used as sources in this research. We will use the first mentioned authors for this introductory part of the discussion on hybrid threats and wars.

Hybrid wars are not new, but they are different (Hoffman, 2009: 36). Hoffman and Mattis (2005: 2) state how ‘[i]n hybrid wars we can expect to simultaneously deal with the fall out of a failed state that owned but lost control of some biological agents or missiles, while combating an ethnically motivated paramilitary force, and a set of radical terrorists who have now been displaced.

We may face remnants of the fielded army of a rogue state in future wars, and they may employ conventional weapons in very novel or nontraditional ways. We can also expect to face unorthodox attacks or random acts of violence by sympathetic groups of non-state actors against our critical infrastructure or our transportation networks. We may also see other forms of economic war or crippling forms of computer network attacks against military or financial targets.' Hoffman defines hybrid threats as follows: 'Hybrid threats incorporate a full range of different modes of warfare including conventional capabilities, irregular tactics and formations, terrorist acts including indiscriminate violence and coercion, and criminal disorder' (Hoffman, 2007: 8; Hoffman, 2009: 36; Hoffman, 2011: 17). Looking at the interventions of Russia (and their aides) in Georgia in 2008 and Ukraine in 2014, Hoffman partly modifies his definition of hybrid threats, and states that hybrid threats are '[a]ny adversary that simultaneously employs a tailored mix of conventional weapons, irregular tactics, terrorism, and criminal behavior in the same time and battlespace to obtain their political objectives' (Hoffman, 2014).

Gerasimov believes that the rules of modern wars have changed. In addition to military activities, 'the role of non-military means of achieving political and strategic goals has grown, and, in many cases, they have exceeded the power of force of weapons in their effectiveness'. In order to achieve the goals, it is necessary to use a wide range of different political, economic, informational, humanitarian and other non-military measures – applied in coordination with the protest potential of the population. There is no longer a clearly defined battlefield and front line of attack or defense, yet 'the defeat of the enemy's objects [objectives] is conducted throughout the entire depth of his territory. The differences between strategic, operational, and tactical levels, as well as between offensive and defensive operations, are being erased' (Gerasimov, 2016: 23–29). In order for Russian forces to respond to the demands of modern conflicts, the author suggests the integration of all available solutions, knowledge and capabilities. In achieving political goals, it is necessary to modify the approach based on use of military forces and traditional forms and methods towards the use of political, diplomatic, economic and other nonmilitary measures in combination with the use of military forces by developing and applying new forms and methods (ibid, 2016: 23–29). It is interesting that Gerasimov did not mention terms such as hybrid war and/or hybrid threats anywhere in the text. However, security experts in the West characterised his interpretation of the modern conflict as the Russian approach to hybrid warfare and called it the 'Gerasimov Doctrine'.

Liang and Xiangsui, same as Gerasimov, do not use the terms hybrid war and hybrid threats, but describe their own understanding of the changed nature of conflict and war. They consider that in achieving political goals, it is necessary to modify the approach based on use of military forces and traditional forms and

methods towards the use of political, diplomatic, economic and other nonmilitary measures in combination with the use of military forces by developing and applying new forms and methods as the new wars involve many more actors than the armed forces themselves. Modern conflicts are conducted using all means, including the armed and unarmed, military and non-military, lethal and non-lethal, to make the enemy accept one's interest. They note that a specific country can no longer be directly blamed for the start of a crisis or conflict. Instead of states, this role is taken over by non-state actors and organisations, such as: the Islamic organisations pursuing a holy war; the Caucasian militias in the U.S.; the Japanese Aum Shinrikyo cult; up to individuals (criminals, rich people, psychologically unstable people). The means of achieving the goals represent everything that is available: airplanes, cannons, poison gas, bombs, biochemical agents, computer viruses, malware, illegal means of financing and similar agents. All means of recent technology can be used by an individual to carry out terrorist attacks, media attacks, network attacks and more. Most of these attacks are not of a military nature, but they can still be seen as acts of warfare that force other entities and even states to subject to external influence (Liang and Xiangsui, 1999). The authors perceive modern warfare as a concept of unlimited war, where the one who wants to win must combine all the resources at his disposal and use them. When analysing the opponent, it is important to oppose the opponent in an optimal way in order to exploit his weaknesses, while it is necessary to avoid competing in areas where the opponent is extremely dominant. In addition to the classic approach to competition for territory, the battlefield should also be expanded to politics, economy, culture and way of thinking (ibid, 1999). As in the previous case, Western experts understood the interpretation of the mentioned two authors as a Chinese approach to hybrid warfare.

We saw how authors in different parts of the world developed and described the phenomena, processes and activities that today in the West we consider to be the initial features, definitions and concepts of hybrid threats and hybrid wars. This is particularly important for two reasons. First, academic activity created a basis for discussion and development of official definitions and concepts of state and international institutions and organisations. Second, official definitions are a necessity so that state and international institutions and organisations can act in accordance with them. Because if we do not define and frame a certain thing and situation, we cannot expect a planned and effective approach to action in confronting and countering the challenges we face. In addition, it is important to point out two more things. First, while individual authors have already worked extensively on the academic development of definitions, concepts and approaches to hybrid threats and hybrid wars, organisations such as the European Union and the NATO Alliance began to deal more significantly with this area only after 2014 as a result of Russian activities in Ukraine. This will be analysed in continuation of this research. Second, countering hybrid

threats relates to national security and defence and the maintenance of law and order, the primary responsibility lies with states, as most national vulnerabilities are country-specific. 'However, many EU Member States face common threats, which can also target cross-border networks or infrastructures. Such threats can be addressed more effectively with a coordinated response at EU level by using EU policies and instruments, to build on European solidarity, mutual assistance and the full potential of the Lisbon Treaty' (European Commission, 2016). The above also applies to cooperation within the NATO Alliance (North Atlantic Council, 2016, 2018, 2021), as well as to joint cooperation between the EU and NATO member states (NATO, European Council and European Commission, 2016; NATO, 2016).

Research design

According to the review so far, we have seen the background of this research. The research problem can be described as how the lack and/or underdevelopment of key definitions and concepts of hybrid threats and hybrid wars prevents states, international institutions and organisations from adequately responding to these contemporary security challenges. The subject of the research is derived from the research problem, which is the development of definitions and concepts of hybrid threats and hybrid wars and other definitions that include hybrid dangers. The aim of the research is to show the sequence and dynamics of the development of key definitions and concepts at the level of the European Union, NATO and Croatia. Croatia is chosen as a case study example for several justified reasons. It is a member of both organisations and was among the latest countries that gained full membership. It is a country that belongs to several different geopolitically and geostrategically interesting and unstable areas. It belongs to Central Europe, it belongs to Southeast Europe, it belongs to the Mediterranean. Many classify Croatia as a region of the Western Balkans, which the majority of Croatian citizens disapprove of and do not want to accept such an approach. Historically, culturally and politically, it strives towards the West, which the West often did not want to accept, so it has always been and remains in its periphery. Therefore, for different reasons, Croatia represents a relevant case study example for researching various phenomena. In accordance with all of the above, the main research question of this study is the following: What are the normative definitions of hybrid threats and hybrid wars at the level of the European Union, NATO and Croatia? After answering this question, we expect to be able to compare the research results and show the strengths and weaknesses of the development of key definitions and concepts.

In order to structure the research, the *Introduction* is followed by a second section entitled *Methods*, in which the research design of this text will be presented. The next section is the *Solutions on the EU level*, which will provide key

strategic documents and their analysis. The fourth section entitled *Solutions on the NATO Alliance level*, as in the previous section, will present key strategic documents and their analysis. The next section, *Solutions on the level of the Republic of Croatia*, will follow the logic of the previous two chapters. *Discussion* is the following section where key research results will be presented and compared. After the analysis, the aggregate indicators will be presented in the *Conclusion*.

Methods

The central theory that will be used in the research is Multi Level Theory (MLT). This theory models complex relationships across different levels of analysis (Turner et al., 2019: 187), and describe relationships among constructs (Kozlowski and Klein, 2000: 38). Constructs are the building blocks of this theoretical approach and represent different institutions within different organisations and countries in our specific research. According to Klein and associates, MLT connects the dots, making explicit the links between constructs previously unlinked, and illuminates the context surrounding individual-level processes, clarifying precisely when and where such processes are likely to occur within organisations. Thus, MLT may explain the steps organisations actors may take, individually and collectively, to yield organisational benefits (Klein et al., 1999: 243). Further, MLT has different types of theoretical models (Single-level model; Cross-level model; Homologous multilevel model, etc.). The model that is most adequate for our research is the Cross-level model. Cross-level theoretical models describe the relationship between different independent and dependent constructs at different levels of analysis (Rousseau, 1985 in Kozlowski and Klein, 2000: 42).

Solutions on the EU level

In this part, nine European Union strategies from the security field will be analysed. First, five general strategies that deal with all key security issues of the European Union (*2003 European Security Strategy – A Secure Europe in a Better World*; *2010 EU Internal Security Strategy in Action: Five steps towards a more secure Europe*; *2016 Global Strategy for the European Union’s Foreign And Security Policy*; *2020 EU Security Union Strategy*; and *2022 Strategic Compass for Security and Defence*), and then four specific strategies dealing with the areas of protection against terrorism and cyber protection (*2005 European Union Counter-Terrorism Strategy*; *2020 Counter-Terrorism Agenda for the EU*; *2013 Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace*; and, *2020 EU’s Cybersecurity Strategy for the Digital Decade*).

2003 European Security Strategy – A Secure Europe in a Better World

In the first analysed strategy, *The European Security Strategy – A Secure Europe in a Better World* from 2003, different forms of threats are frequently mentioned, the mention of war is avoided and not a single type of risk or danger is attributed as hybrid. At the beginning of the document it is stated how ‘twenty years after the Cold War, Europe faces increasingly complex threats and challenges. Conflicts in the Middle East and elsewhere in the world remain unsolved, others have flared up even in our neighbourhood. State failure affects our security through crime, illegal immigration and, most recently, piracy. Terrorism and organised crime have evolved with new menace, including within our own societies. The Iranian nuclear programme has significantly advanced, representing a danger for stability in the region and for the whole non-proliferation system’ (Council of the European Union, 2003: 7). Furthermore, it is important to highlight the part that says how ‘globalisation has also made threats more complex and interconnected. The arteries of our society – such as information systems and energy supplies – are more vulnerable’ (ibid, 2003: 8). Altogether, the five biggest threats are identified and they are: Terrorism; Proliferation of Weapons of Mass Destruction; Regional Conflicts; State Failure; Organised Crime (ibid, 2009: 30–32). The closest to today’s understanding of hybrid threats and wars and how to organise countermeasures is connected to the next part: ‘In contrast to the massive visible threat in the Cold War, none of the new threats is purely military; nor can any be tackled by purely military means. Each requires a mixture of instruments’ (ibid, 2003: 34).

2010 EU Internal Security Strategy in Action: Five steps towards a more secure Europe

In the next strategy, *The EU Internal Security Strategy in Action: Five steps towards a more secure Europe* from 2010, the state is very similar to the previous document. Various threats are mentioned, while war is not mentioned, and altogether, not a single risk or danger is linked or placed in the context of hybrid activities directed towards the Union, member states and European values. Five key threats for which countermeasures need to be created are singled out. These are: Serious and organised crime; Terrorism; Cybercrime; Strengthening the management of our external borders; and Building resilience to natural and man-made disasters. It is additionally emphasised how our world is changing, and so are the threats and challenges around us (European Commission, 2010: 16).

2016 Global Strategy for the European Union's Foreign and Security Policy

The next strategy, *A Global Strategy for the European Union's Foreign and Security Policy* from 2016, began to introduce hybrid threats as part of the security risks that individually and in combination with other threats pose a danger to the Union, its values, the member states and the states partners. Hybrid threats are mentioned five times in examples such as the following: 'today terrorism, hybrid threats, climate change, economic volatility and energy insecurity endanger our people and territory' (European External Action Service, 2016: 19–20). 'This means living up to our commitments to mutual assistance and solidarity and includes addressing challenges with both an internal and external dimension, such as terrorism, hybrid threats, cyber and energy security, organised crime and external border management' (ibid, 2016: 20). War, but not hybrid war, is mentioned in the context of conflicts happening elsewhere, and the EU can help calm things down. While Russia is mentioned nine times as a threat, in examples such as the following two that are singled out. First, 'Russia's violation of international law and the destabilisation of Ukraine, on top of protracted conflicts in the wider Black Sea region, have challenged the European security order at its core' (ibid, 2016: 33). Second, '[w]e will not recognise Russia's illegal annexation of Crimea nor accept the destabilisation of eastern Ukraine' (ibid, 2016: 33).

2020 EU Security Union Strategy

In the fourth strategy, *The EU Security Union Strategy* from 2020, a special space is dedicated to hybrid threats, which are mentioned 35 times in the document. At the beginning of the document it is stated how '[a]ttacks can come at a moment's notice and may leave little or no trace; both state and non-state actors can deploy a variety of hybrid threats; and what happens outside the EU can have a critical impact on security inside the EU' (European Commission, 2020a). The definition of hybrid threats and the concept of hybrid threats is taken from an earlier Commission document, where it is stated: 'While definitions of hybrid threats vary and need to remain flexible to respond to their evolving nature, the concept aims to capture the mixture of coercive and subversive activity, conventional and unconventional methods (i.e. diplomatic, military, economic, technological), which can be used in a coordinated manner by state or non-state actors to achieve specific objectives while remaining below the threshold of formally declared warfare' (ibid).¹ A separate section within the Strategy is dedicated to hybrid threats, where it is indicated that one should be aware of

¹ It is the European Commission's *Joint Framework on countering hybrid threats a European Union response* document from 2016. In addition, the joint document of the European Commission and High Representative of the Union for Foreign Affairs and Security Policy, *Increasing resilience and bolstering*

how hybrid threats are constantly evolving, therefore it is necessary to expand its own activities, build new ones and improve existing detection and response capabilities against hybrid threats (ibid). War as a concept is not mentioned. The mention of Russia was avoided in this document.

2022 Strategic Compass for Security and Defence

The fifth, and also the last adopted strategy in the field of security, *A Strategic Compass for Security and Defence* from 2022, is so far the most focused on hybrid threats. It recognized that hybrid threats grow both in frequency and impact. Hybrid threats in different variants are mentioned 47 times (hybrid threats, hybrid tactics, hybrid conflicts and cyberattacks, hybrid strategies, hybrid campaigns, threats of a hybrid nature, hybrid activities, hybrid attacks). The term hybrid war did not find its place in this Strategy. Never more strongly, Russia is directly associated with hybrid threats and the application of hybrid tactics towards Ukraine, and in addition, such actions ‘severely and directly threaten the European security order and the security of European citizens’ (Council of the European Union, 2022: 7). This directly marks Russia as a hybrid actor that threatens the Union and its member states. For the first time, China has also been labeled as a hybrid actor that pursues its policies using cyber tools and displaying hybrid tactics. China represents a partner for cooperation, an economic competitor and a systemic rival (ibid, 2022: 8). The Strategy brings numerous new activities that need to be developed, proposes the expansion of cooperation with the NATO alliance and expands the horizon of observing hybrid threats in the area of terrorism, illegal migration, maritime security and cyber space. The text strongly advocates the need to build resilience, cooperation, development of the EU Hybrid Toolbox, EU Hybrid Rapid Response Teams and the EU Playbook on countering hybrid threats (ibid). This Strategy, to a greater and broader extent than it has before, addresses the concept of comprehensive hybrid threats, it directly addresses Russia and China as hybrid actors, but it still does not mention or approach the concept of hybrid war.

Other strategies

Strategies in the field of prevention and suppression of terrorism – *2005 European Union Counter-Terrorism Strategy* (Council of the European Union, 2005); and, *2020 Counter-Terrorism Agenda for the EU* (European Commission, 2020b) – does not mention hybrid threats, nor some other types of hybrid hazards or activities. As for strategies in the field of cyber security, in *Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace* from 2013, there is no

capabilities to address hybrid threats, from 2018 is very significant. These two documents determined the EU approach to hybrid threats.

mention of hybrid threats (European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2013). While in *EU's Cybersecurity Strategy for the Digital Decade* from 2020, hybrid threats are highlighted as multidimensional threats that, in combination with other security risks, undermine EU security and values (European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2020).

Solutions on the NATO Alliance level

The NATO Alliance recognises its own exposure, as well as the exposure of member states to hybrid threats and hybrid activities coming from state and non-state actors. As in the case of the European Union, NATO has the stance that the primary responsibility to respond to hybrid threats or attacks rests with the targeted country, while the NATO Alliance can help them in preventing and responding to threats or attacks. Since NATO has a much smaller number of policies than the European Union, it is expected to have a smaller number of strategic documents at the highest level in which the issues of different forms of hybrid threats are discussed. For the purposes of this research, we will analyse five such texts (*2016 Warsaw Summit Communiqué*; *2016 Joint declaration with European Union*; *2018 Brussels Summit Declaration*; *2021 Brussels Summit Communiqué*; *2022 Strategic Concept*).

2016 Warsaw Summit Communiqué

The document *Warsaw Summit Communiqué* from 2016 mentions hybrid threats, hybrid warfare, hybrid campaign, hybrid attacks and hybrid contexts. Hybrid warfare is defined as a broad, complex and adaptive combination of conventional and non-conventional means, and overt and covert military, paramilitary and civilian measures, which are employed in a highly integrated design by state and non-state actors to achieve their objectives (North Atlantic Council, 2016: point 72). Commitment to joint cooperation with countries and partners such as the European Union is emphasised, where the Alliance and Allies will be prepared to counter hybrid warfare as part of collective defense, where if necessary the North Atlantic Council could decide to invoke Article 5 of the Washington Treaty (ibid, point 72). NATO's support to Ukraine, including contribution to enhance Ukraine's resilience against a wide array of threats, including hybrid threats, is mentioned. Russia is mentioned in many places in the document (nearly 60 times in total), previous joint cooperation is explained, but also the change in the direction of Russia's actions, which is increasingly becoming a destabilising actor that disrupts and threatens peace, stability and security in various areas in many parts of the world. However, Russia is not mentioned in a direct hybrid context as a hybrid actor that directly threatens the NATO Alliance and its member states.

2016 Joint declaration by the President of the European Council, the President of the European Commission and the Secretary General of the North Atlantic Treaty Organisation

In *Joint declaration* between NATO and the European Union from 2016, it is emphasised that both organisations need to ‘[b]oost our ability to counter hybrid threats, including by bolstering resilience, working together on analysis, prevention, and early detection, through timely information sharing and, to the extent possible, intelligence sharing between staffs; and cooperating on strategic communication and response’ (NATO, European Council and European Commission, 2016). Areas in which it is necessary to develop joint cooperation refer to: Encourage participation by EU and NATO as well as EU Members States and NATO Allies in the work of the European Centre for Countering Hybrid Threats; Enhance staff-to-staff sharing of time critical information between the EU Hybrid Fusion Cell and the relevant NATO counterpart; Synchronise the two organisations’ parallel crisis response activities with the goal of providing coherent support in response to hybrid threats; Implement parallel and coordinated exercises which will include a hybrid element (NATO, 2016). These activities were realised in the years that followed.

2018 Brussels Summit Declaration

The document *Brussels Summit Declaration* from 2018, as does the *Warsaw Summit Communiqué*, mentions different forms of hybrid threats, namely: hybrid challenges, hybrid attacks, hybrid attacks, hybrid campaign, hybrid threats, hybrid warfare. As in the previous document, the determination of the Alliance to resist hybrid challenges by all means and to assist the member states in same, is stated here (North Atlantic Council, 2018). In this document, there is more emphasis on generalised descriptions of hybrid challenges and threats, and less on their direct connection with war, as in the document from Warsaw Summit. Again, very significant space is dedicated to Russia and its aggressive actions. It is stated that NATO does not seek confrontation and poses no threat to Russia. However, the Euro-Atlantic security environment has become less stable and predictable as a result of Russia’s illegal and illegitimate annexation of Crimea, ongoing destabilisation of eastern Ukraine, its military posture and provocative military activities, including near NATO borders, its hybrid actions, including attempted interference in the election processes, and the sovereignty of our nations, as was the case in Montenegro, widespread disinformation campaigns and malicious cyber activities (North Atlantic Council, 2018: point 5 and 6). Russia is thus addressed for the first time as a hybrid actor that threatens the peace, security and stability of NATO and its member states.

2021 Brussels Summit Communiqué

The next document created in Brussels three years later, *Brussels Summit Communiqué*, very similar to the previous two declarations, lists various hybrid threats and other hybrid risks that the Alliance and its members face, the readiness to respond and the direct responsibility of states to counter such threats; however, where the Alliance can assist is necessary. Commitment to joint cooperation with the European Union in this area, as well as support to partner states such as Ukraine and Georgia, was emphasised. Hybrid warfare is mentioned only once and in the context of how in cases of hybrid warfare, the North Atlantic Council could decide to invoke Article 5 of the Washington Treaty, as in the case of an armed attack. Russia is again the subject of the document, it is mentioned more than 60 times, with certain wordings being very similar or even identical to those in the previous two declarations (*2016 Warsaw Summit Communiqué*; and, *2018 Brussels Summit Declaration*). What is different is directly addressing Russia as a hybrid actor that ‘intensified its hybrid actions against NATO Allies and partners, including through proxies’ (North Atlantic Council, 2021: point 12). In addition, significant space is dedicated to China, in the context of Chinese activities that differ from the interests of the NATO Alliance, but currently not calling it a threat.

2022 Strategic Concept

The last document, *Strategic Concept*, which was adopted at the NATO Madrid Summit, 29–30 June 2022, most strongly, heretofore, describes hybrid threats as a direct threat to the peace and security of NATO and its members. It is stated how ‘[h]ybrid operations against Allies could reach the level of armed attack and could lead the North Atlantic Council to invoke Article 5 of the North Atlantic Treaty’ (North Atlantic Council, 2022: point 27); therefore, it is necessary to continue the development of knowledge and capabilities, cooperation and partnership in order to detect, address and eliminate all hybrid risks. Hybrid war was not mentioned, but from the previous point we draw the conclusion that hybrid operations can be recognised as an armed attack that will be classified as war. Regarding Russia, it is stated how ‘the Russian Federation is the most significant and direct threat to Allies’ security and to peace and stability in the Euro-Atlantic area. It seeks to establish spheres of influence and direct control through coercion, subversion, aggression and annexation. It uses conventional, cyber and hybrid means against us and our partners’ (ibid, point 8). As with Russia, China is labeled as a hybrid actor that threatens NATO and its members. The People’s Republic of China’s (PRC) ‘malicious hybrid and cyber operations and its confrontational rhetoric and disinformation target Allies and harm Alliance security’ (ibid, point 13). Cooperation between Russia and China

is characterised as mutually reinforcing attempts to undercut the rules-based international order run counter to Alliance values and interests.

Solutions on the level of the Republic of Croatia

In Croatia, at the level of strategic documents, three of them are identified that mention the topic of hybrid threats (*2017 National Security Strategy of the Republic of Croatia*; *2017 [Security and Intelligence Agency] Public Report*; and, *2020/2021 [Security and Intelligence Agency] Public Report*). Other strategic documents do not mention this topic.

2017 National Security Strategy of the Republic of Croatia

In the *National Security Strategy of the Republic of Croatia* from 2017, hybrid threats are recognised as part of activities that take place in the wider area to which Croatia belongs. In addition to the general mention of the danger from hybrid threats, it is stated that Croatia is directly threatened by hybrid threats. ‘In some countries a defamatory campaign directed against Croatia has been underway for years, with all the characteristics of hybrid and special action, meaning planned, permanent and systematic activities supported by state bodies’ (Croatian Parliament, 2017: 13). Also, the Strategy recognises how ‘Croatia is exposed to various forms of hybrid operations that include elements of non-conventional, asymmetric, and cyber actions, both independently and as a part of Euro-Atlantic integrations. The objective of such operations is to exploit Croatia’s vulnerability, weaken its sovereignty and independence, undermine democratic values and freedoms, destabilise state institutions and damage the reputation and influence of Croatia’ (ibid, 2017: 14). For this reason, Croatia will independently and in cooperation with partners (primarily within NATO and the European Union) develop capabilities to protect against such threats. In this document, hybrid war as a term is not mentioned, and the hybrid actors that threaten Croatia are not directly or indirectly indicated.

2017 Public Report

The next relevant document is the Croatian Security and Intelligence Agency *2017 Public Report*, from the same period as the *National Security Strategy*, so the framework and description of hybrid threats are harmonious. In the *Public Report*, Croatia’s exposure to hybrid threats is stated in the context of foreign intelligence activities that are ‘directed at decision-making in the Republic of Croatia. These activities bear elements of hybrid warfare, including broadcasting “fake news” into the public arena and attempts to undermine the international reputation of Croatia’ (Security and Intelligence Agency, 2017: 12). Hybrid

warfare is mentioned as part of hybrid activities that are interconnected with hybrid threats. In addition to the above, the Report further states the indirect exposure of Croatia to various hybrid activities connected through the threats faced by the organisations (EU and NATO) to which it belongs. Hybrid actors are not addressed in this document.

2021 Public Report

The last significant document is the Security and Intelligence Agency *Public Report* from 2021. In this *Public Report* hybrid threats are mentioned in the economic sphere and exposure of Croatia to ‘the risks associated with intelligence and hybrid operations directed against Croatian or common European interests under the guise of legitimate economic activities’ (Security and Intelligence Agency, 2021: 22). Hybrid war as a term is not used. While Russia is directly mentioned as a hybrid actor that threatens the West (which means that this also applies to Croatia). Russia is mentioned in the following context: ‘The relations with the West have been strained because of indications of Russian engagement in physical elimination of political opponents, hybrid operations directed at Western states, and cyber-attacks originating in the Russian territory’ (ibid, 2021: 27).

Discussion

This part of the research presents a comparison of the use of hybrid terms in the strategic documents of the European Union, NATO and Croatia, as well as a comparison of addressing certain countries (Russia and China) as indirect and direct hybrid actors that threaten peace and security, stability and development of international organisations and states, society and individuals.

All publicly available strategic documents are included in the comparison, nine of them at the level of the European Union, five at the level of the NATO Alliance and three in the case of Croatia.

In accordance with the comparison in the Table, it is visible that the European Union uses various terms (hybrid threats, hybrid tactics, hybrid conflicts, hybrid strategies, hybrid campaigns, hybrid activities/actions, hybrid attacks) to describe the hybrid risks to which its member states, citizens and the Union itself are exposed. It is very valuable to provide a definition of hybrid threats so that everyone knows what this term refers to. In addition, the avoidance of using the term hybrid war is noticeable. It is important to point out that in various documents and contexts, Russia is labeled as a threat, as an indirect and direct hybrid actor that threatens the goals and values of the Union and its member states, while China is labeled as an indirect hybrid actor that represents a potential threat. At the same time, visible in NATO documents is the wide use of

Table: Comparison of the use of hybrid terms in strategic documents of the European Union, NATO and Croatia

Term 'hybrid'	European Union	NATO	Croatia
hybrid threats	x	x	x
hybrid threats definition	x		
hybrid tactics	x		
hybrid conflicts	x		
hybrid strategies	x		
hybrid campaigns	x	x	
hybrid challenges		x	
hybrid activities / actions	x	x	x
hybrid attacks	x	x	
hybrid contexts		x	
hybrid operations		x	x
hybrid warfare		x	x
hybrid warfare definition		x	
Russia as an indirect hybrid actor	x	x	
Russia as a direct hybrid actor	x	x	x
China as an indirect hybrid actor	x	x	
China as a direct hybrid actor		x	

different terms (from hybrid threats, to hybrid campaigns, hybrid challenges, hybrid activities/actions, hybrid attacks, hybrid contexts, hybrid operations, all the way to hybrid warfare) which are used to describe dangers to which the Alliance, member states, partners and citizens are exposed. In this part, we find the definition of what hybrid warfare represents to be valuable, while we consider the absence of a definition of the term and concept of hybrid threats as a deficiency. Further analysis revealed that NATO interprets the term hybrid threats on its official website, but due to the strength of the legal arguments, a better solution would be if the definition was given in one of the official documents. Additionally, in terms of hybrid actors, Russia and China are labeled first

as indirect, then as direct hybrid actors that pose a threat to the Alliance and its member states. Finally, Croatia has only three official documents of the highest level that mention hybrid dangers, namely: hybrid threats, hybrid activities / actions, hybrid operations and hybrid warfare. Although these terms are mentioned, none of them are defined, which makes it difficult to understand and develop countermeasures. In terms of hybrid actors, Russia is listed as a hybrid actor that directly threatens Western countries, and therefore Croatia.

Conclusion

Terms like hybrid threats and hybrid wars have become part of the vocabulary in the discussion of the security dangers we live with. In the contemporary time in Europe, the aforementioned is marked by two events and their accompanying effects that further encouraged the use of these terms. In the first case, it is intervention of the Russian regime in 2014 in Crimea and the eastern parts of Ukraine; in the second case, it is the full-spectrum aggression of the Russian regime on Ukraine and the initiation of war in the widest form and manifestations. Until then, this topic was almost exclusively reserved for a small number of experts in the academic and security community. Today, however, many use and discuss hybrid dangers and hybrid concepts. The above should be welcomed, because through the quantity in the discussion, it is possible to reach quality solutions.

In order to find answers to hybrid challenges at the level of organisations and countries, the first thing that is necessary is to attribute all key terms, define their meaning, build the same vocabulary and understanding and then work on solutions to meet the challenges we face. The analysed organisations (the European Union and the NATO Alliance) and the state (Croatia) in their strategic documents listed numerous hybrid risks and dangers they face, but without sufficiently clear and precise definitions of all hybrid terms and concepts, where special focus is placed on hybrid threats and hybrid wars. This represents an important challenge in framing the issues they face, as well as building and establishing the necessary response. In addition, Russia and China are labelled as hybrid actors that directly and indirectly threaten goals, values, peace, international order, security and stability. If key terms are not clearly and unequivocally defined in the West, and there are doubts and room for free interpretation, it certainly gives too wide a framework to officials of Russia and China to consider what is put on them as a burden and as guilt, and therefore influence their interpretation of mutual measures and countermeasures.

Additionally, after analysing the documents at the level of the European Union and the NATO Alliance, the impression remains that certain documents and the hybrid terms which are used are strongly influenced by political needs (i.e. the political moment in which the documents were created), without looking at wider dimensions, and there is also a visible inconsistency in the

creation of certain documents. It was already stated that before 2014 and the intervention of the Russian regime in part of Ukraine, the sphere of hybrid dangers was not present in strategic documents. After that period, at the level of both organisations, this topic becomes an integral part of the newly created documents. In the Union's case these are the documents from 2016, 2020 and 2022, where in documents from 2020 the mention of Russia as the hybrid actor is avoided, and as such, it is mentioned in 2016 and 2022. In the case of NATO, hybrid threats are mentioned in documents from 2016, 2019, 2021 and 2022, with the fact that in the document from 2016 significant space and emphasis is placed on hybrid warfare, while in all subsequent documents it is avoided or not done in such a way. After that, in the document from 2016, Russia was not addressed as a hybrid actor that directly threatens the Alliance and its member states, but it was marked as such in all subsequent documents. This is along with the fact that China also has such a label in the last document. Considering Croatia's perspective, it is lagging behind in the development of definitions and concepts related to the subject area, therefore it uses certain terms and concepts in a general, overly broad and insufficiently precise form.

The research showed that there are strategic activities at the level of the observed institutions (mostly on the example of the European Union, then the NATO Alliance, and least at the level of Croatia), which justified the research design and research methods and answered the main research question related to the normative determination of hybrid threats and hybrid wars at the level of the European Union, NATO and Croatia. All three constructs (EU, NATO, Croatia) work on this area, cooperate and coordinate with each other, and strive to develop methods and approaches for detecting and countering hybrid dangers in accordance with the possibilities. In order to be more successful in that, and to understand them both among themselves, as well as among those who, like the Russian and Chinese regimes, are labeled as hybrid actors that threaten the key values, the recommendations are that it is necessary to further develop or refine already existing definitions and concepts of all hybrid terms, and define them unambiguously.

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Hybrid Threats and Counter-Hybrid Solutions: A Comparative Case Study Analysis of Croatia, North Macedonia, and Bosnia and Herzegovina

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Abstract: *Hybrid threats are not new security challenges, but they are becoming more and more pronounced, primarily due to the situation in Ukraine, where multiple hybrid activities are underway by Russia. As central actors in the European security architecture, the European Union and NATO recognise that both organisations, their member states and other countries in Europe are exposed to various forms of hybrid threats. However, this ability to recognise hybrid threats and especially the development of counter-hybrid solutions is an open question for some smaller countries. In order to investigate the above, this paper focuses on hybrid threats and counter-hybrid solutions by analysing the state of affairs in Croatia, North Macedonia, and Bosnia and Herzegovina. Our goal is to explore this area and answer the following research questions: What hybrid threats are Croatia, North Macedonia, Bosnia and Herzegovina exposed to? How do they deal with them? What counter-hybrid solutions are being developed?*

Key words: *Hybrid threats, counter-hybrid solutions, Croatia, North Macedonia, Bosnia and Herzegovina*

Introduction

Modern states are exposed to numerous security risks and challenges every day. One of the phenomena they encounter also applies to hybrid threats. According to the European Commission (2022a):

A hybrid threat refers to when, state or non-state, actors seek to exploit the vulnerabilities of the EU to their own advantage by using in a coordinated way

a mixture of measures (i.e. diplomatic, military, economic, technological), while remaining below the threshold of formal warfare. Examples are the hindering of democratic decision-making processes by massive disinformation campaigns, using social media to control the political narrative or to radicalise, recruit and direct proxy actors.

The North Atlantic Treaty Organisation has a similar definition:

Hybrid threats combine military and non-military, as well as covert and overt means, including disinformation, cyberattacks, economic pressure, and deployment of irregular armed groups and use of regular forces. Hybrid activities are often used by adversaries because they realise they cannot prevail in a conventional conflict with NATO, or broadly with the West, or even compete politically, militarily or economically (Cattler 2021).

On the same track is the European Centre of Excellence for Countering Hybrid Threats (2022):

The term ‘hybrid threat’ refers to an action conducted by state or non-state actors, whose goal is to undermine or harm a target by influencing its decision-making at the local, regional, state or institutional level. Such actions are coordinated and synchronized and deliberately target democratic states’ and institutions’ vulnerabilities. Activities can take place, for example, in the political, economic, military, civil or information domains. They are conducted using a wide range of means and designed to remain below the threshold of detection and attribution.

At the beginning of the research, we must point out that by studying hybrid-base literature, we did not find a unique definition of hybrid threats, but rather collective characteristics of different measures that together pose a severe threat to specific entities (usually states that are threatened, but it can also be different organisations’ and institutions’ critical infrastructure facilities, etc.).

It is important to distinguish different ‘hybrid’ terms:

Hybrid threat is a phenomenon resulting from convergence and interconnection of different elements, which together form a more complex and multi-dimensional threat. Hybrid conflict and hybrid war are two specific categories whereby some hybrid tactics are used by a state to achieve its strategic ends. Hybrid conflict is a situation in which parties refrain from the overt use of armed forces against each other, relying instead on a combination of military intimidation (falling short of an attack), exploitation of economic and political vulnerabilities, and diplomatic or technological means to pursue their objectives. Hybrid war is a situation in which a country resorts to overt use of armed forces against another country or a non-state actor, in addition to a mix of other means (i.e. economic, political, and diplomatic) (Think Tank of the European Parliament, 2015).

While most countries are exposed to certain types of hybrid threats, some – like Ukraine at the time of writing – are at risk of open hybrid warfare.

The following should be taken into account when considering hybrid threats: Hybrid always describes a combination of two or more tools or actions. Hence, we should not use the term when we are just describing a series of cyberattacks or a single disinformation effort. Only when several tools are applied together is the word 'hybrid' really appropriate (Rühleu 2021).

As the most obvious examples of hybrid threats, we can cite a few examples:

Terrorism: Terrorist organisations like Boko Haram, Al-Qaeda in the Arabian Peninsula (AQAP) and ISIL/Da'esh operate across the territories of many countries, and employ a variety of economic, military and technological tools to achieve their political goals.

Cybersecurity: The operations of state-affiliated hackers from Russia and China and the use of cyber-weapons are facilitated by difficulties with the attribution and the absence of norms of state behaviour in cyberspace.

Organised crime: Armed criminal groups and drug cartels in Mexico resort to violence in the fight over territory and economic profits. Erosion of security, in turn, has a negative impact on the Mexican economy.

Maritime disputes: China is pursuing its aims in the South China Sea by combining economic and military pressure with extensive land reclamation projects in the Spratly archipelago.

Space: Constraints on use of orbital space (and access to satellites) resulting from space debris – created, among other things, by anti-satellite missile tests.

Resource scarcity: Resource-dependency between countries is increasingly used for political purposes. In 2010, China blocked exports of raw materials to Japan in response to the arrest of a Chinese fishing boat. In 2011, India's refusal to adopt a water-sharing agreement with Bangladesh put additional pressure on bilateral relations.

Covert operations: Russia's strategic use of special forces (i.e. 'green men') and information in Ukraine. (Think Tank of the European Parliament, 2015)

As can be seen, hybrid threats are realised in many areas and different parts of the world. Due to their geostrategic and geopolitical position, some regions are more exposed to hybrid threats; one such region being Southeast Europe and, more specifically, the Western Balkans, where countries are struggling with numerous internal challenges (such as severe corruption, weak and inefficient state institutions, unfinished transition processes, slow development, demographic aging, permanent emigration of young population, etc.) and external pressures coming from global and regional powers that project their interests in the area. In such circumstances, hybrid threats pose a significant additional security challenge for all states. Moreover, this area is subject to various influences due to its specifics. 'Few regions in the world can claim a cultural, religious and demographic diversity richer than the Western Balkans' (NATO Parliamentary Assembly 2018: 1).

Hybrid threats are visible in Southeast Europe and, more specifically, in the Western Balkans: the debt trap diplomacy of China, Turkish authoritarian propaganda, violent extremism supported by the Gulf countries and Iran, disinformation warfare conducted by Russia, as well as the rising far right violent extremism identified in Serbia, Bosnia and Herzegovina, and Croatia (Rrustemi et al. 2019: 3). According to the NATO Strategic Communications Centre of Excellence (2020: 34–35), Montenegro is vulnerable to hybrid threats and hostile information campaigns; in North Macedonia there is a visible presence of hybrid threats coupled with underdeveloped societal resilience; Kosovo is assessed as not being resilient enough to face hybrid threats; Serbia also lacks resilience to hybrid threats; Bosnia and Herzegovina has ineffective state actions against hybrid threats. Miroslav Mitrović (2018: 39) states that Balkan states are exposed to non-military but hybrid influence of outside powers. Kosovo has zero resistance against possible future hybrid attacks; Albania, and Bosnia and Herzegovina are vulnerable regarding hybrid threats; Montenegro and Romania are potentially under hybrid influence campaigns; Bulgaria, Croatia, North Macedonia and Serbia are exposed to similar hybrid acts. Lack of resilience differs from country to country, but overall author conclusions indicate that all four abovementioned countries are potentially exposed to hybrid actions. Moreover, Slovenia has the most developed resilience capabilities.

Based on various sources, the main hybrid actor in Southeast Europe and, specifically in the Western Balkans, is Russia, but it is not the only one. Hybrid influence, or hybrid threats, come from Russia, Turkey and Saudi Arabia in the EU enlargement process of the Western Balkan countries (Falon et al. 2018: 9). ‘The Western Balkans constitute quite a welcoming ground for Russian soft power efforts and propaganda, the aim of which is both to enhance Russia’s image as an influential player and when possible to undermine its rivals’ leverage’ (Ibid: 38). Leaked intelligence documents have suggested that Russian state-sponsored agencies in the Western Balkan region have worked with Russian intelligence in an effort to sow discord in North Macedonia and put a brake on this country’s rapprochement with the West (Harding et al. 2017). Russia is involved in carrying out hybrid warfare against pro-Western authorities in Montenegro, North Macedonia and Kosovo while its support for Bosnia’s Serb separatists poses a threat to state structures. The Kremlin’s undertakings are aimed at drawing Serbia away from Western institutions (Warsaw Institute 2019: 3). Probably the strongest example of Russia’s hybrid activities in the region is its involvement in the 2016 coup attempt in Montenegro and preventing it from joining NATO (Guardian 2016; Hopkins 2017; BalkanInsight 2018; Warsaw Institute 2019: 13; Greene et al. 2020: 14–15).

According to the review so far, we can conclude that all the countries in the observed region are exposed to various forms of hybrid threats. Due to academic precision, it should be noted that hybrid threats do not come only from the ac-

tors mentioned so far, but have also been recorded from ‘friendly’ countries, as well as countries in the region. To give a focus to the research, the paper will provide a comparison between Croatia, North Macedonia, and Bosnia and Herzegovina (three countries in the same region, where Croatia is a member of the EU and NATO, North Macedonia is a member of NATO, while Bosnia and Herzegovina has not yet achieved membership in any of these organisations), with the following research question: What hybrid threats are Croatia, North Macedonia, and Bosnia and Herzegovina exposed to? How do they deal with them? What counter-hybrid solutions are being developed?

In order to structure the research, the *Introduction* is followed by a second part titled *Methods*, in which the research design of this paper will be presented. The next part is *Case Study: Croatia*, which will analyse the state of hybrid threats and counter-measures in Croatia. What follows is *Case Study: North Macedonia*, which, as in the previous case, will analyse the state of hybrid threats and counter-measures in North Macedonia. Finally, the same approach will be used for the part on *Case Study: Bosnia and Herzegovina*. *Discussion* is the following chapter where key research results will be presented and compared. After the analysis, the aggregate indicators and comparison will be presented in the *Conclusion*.

Methods

The research design of this paper consists of a comparative qualitative analysis of a case study of Croatia, North Macedonia, and Bosnia and Herzegovina. ‘Comparative design is one of the most important research designs in political science, but the main difficulty with comparative design is finding comparable cases’ (Burnham et al. 2006: 58–59). To respond to the stated challenge of designing comparative research, researchers opt for two basic designs: first, the most similar cases design; second, the most different case design (Ibid: 65). Qualitative research methods are a generic term that refers to a whole range of techniques, such as observations, participatory observations, interviews with individuals and/or focus groups, and other techniques. These methods seek to explain the context, meaning and different processes (Devine 2005). Regarding case study, Yin (2007) states that the case study is an empirical study referring to a contemporary phenomenon within its real-life context. An approach will be used as a comparative analysis of the most similar cases design because Croatia, North Macedonia, and Bosnia and Herzegovina have multiple features in common, i.e. all three countries have very similar political paths and histories – they were all socialist republics within the former Yugoslavia. With the disintegration of Yugoslavia, all three socialist republics followed a difficult path of independence, state and institution-building, as well as joining the Euro-Atlantic integration. Geographically, they belong to the same region, while the size of

the territory and the number of inhabitants are pretty similar. These are small countries with limited levels of capabilities but also opportunities. Therefore, their comparison through most similar design cases is justified. The qualitative analysis will include official documents, academic and media sources for each country. In addition, in-depth interviews with security experts from each country analysed will be included in the analysis.

Case Study: Croatia

An analysis of the hybrid threats Croatia is exposed to will be presented through a three-level analysis. The first level is Official Acknowledgement of Hybrid Threats; the second level is Potential Hybrid Threats; and the third level is Activities that may be Related to Hybrid Threats. The analysis ends with a cross-section of Planned and Undertaken Counter-Measures of the state.

Official Acknowledgement of Hybrid Threats

Official Acknowledgement of Hybrid Threats represent threats that the state's official institutions have qualified as such. We use official documents to analyse those. *The National Security Strategy of the Republic of Croatia* recognises hybrid threats as a part of activities that take place in the wider area to which Croatia belongs, but also the Strategy in two places states that Croatia is as well directly threatened by hybrid threats. In the first case, 'in some countries a defamatory campaign directed against Croatia has been underway for years, with all the characteristics of hybrid and special action, meaning planned, permanent and systematic activities supported by state bodies' (Croatian Parliament 2017: 13). In the second case, 'Croatia is exposed to various forms of hybrid operations that include elements of non-conventional, asymmetric, and cyber actions, both independently and as a part of the Euro-Atlantic integrations. The objective of such operations is to exploit Croatia's vulnerability, weaken its sovereignty and independence, undermine democratic values and freedoms, destabilize state institutions and damage the reputation and influence of Croatia' (Ibid: 14). The next significant source of insight into hybrid threat exposure is Croatian Security and Intelligence Agency Public Reports. Starting from the last published Public Report to the earlier ones, we will highlight the key parts related to hybrid threats. In Public Report 2020/21 hybrid threats are mentioned in the economic sphere and exposure of Croatia to 'the risks associated with intelligence and hybrid operations directed against Croatian or common European interests under the guise of legitimate economic activities' (Security and Intelligence Agency 2021: 22). In the second case, where Russia is directly mentioned as a hybrid actor that threatens the West (which means that this also applies to Croatia), it is stated that: 'The relations with the West have been strained because of indi-

cations of Russian engagement in physical elimination of political opponents, hybrid operations directed at Western states, and cyberattacks originating on Russian territory' (Ibid: 27). In Public Report 2017, Croatia's exposure to hybrid threats is stated in the context of foreign intelligence activities which are 'directed at decision-making in the Republic of Croatia. These activities bear elements of hybrid warfare, including broadcasting "fake news" into the public arena and attempts to undermine the international reputation of Croatia' (Security and Intelligence Agency, 2017: 12). Other Security and Intelligence Agency Public Reports mention hybrid threats and other forms of hybrid activities in a broader context, not mentioning Croatia's direct exposure, but certainly linking it through the threats faced by the organisations (EU and NATO) to which it belongs.

Potential Hybrid Threats

Potential Hybrid Threats represent assumptions about possible hybrid threats that have been developed within the academic community and have not been confirmed by official institutions. Nikola Brzica (2019: 27–28) believes that during the War of Independence ('Homeland War') from 1991 to 1995, Croatia was exposed to hybrid threats and hybrid war by Serbia and its proxy forces in Croatia, and Bosnia and Herzegovina. Željko Crvtila (2017: 14–17) agrees that Croatia was exposed to hybrid threats and a hybrid war by Serbia during the War of Independence. The same author cites recent examples of the use of hybrid threats against Croatia, such as an attempt to portray the country as a pro-fascist state, prevention of the appointment of a Defense Minister by insinuating the war crimes he commanded during the War of Independence, all the way to the takeover (purchase) of public media and media in Croatia by companies and individuals who come from (un)friendly countries and who then undermine Croatia in the media space (Ibid: 14–17). Gordan Akrap (2019: 39) connects hybrid threats to Croatia, among other things, with the threats to national critical infrastructures.

Hybrid Threats

Activities that may be Related to Hybrid Threats refer to a set of different processes and measures that have indications to be characterised by hybrid threats, but they need to be researched and reviewed, and above all, it should be proven that they belong to hybrid threats. We should be especially careful not to call things by the wrong name. Therefore, everything that is stated in this section represents hypothetical assumptions that serve for open discussion. We will give two examples, the first of which refers to the activities carried out by the official policy of Hungary towards Croatia. The Hungarian state oil company

MOL, by purchasing a controlling stake in INA (the state oil company of Croatia), has started managing INA in a way that some experts believe is targeted to reduce its value, does not invest enough in the development of capacity and capabilities, and tries to stop the work of individual plants. In this way, from a once respectable regional company that was present in several countries, INA became a subsidiary which is completely dependent on the decisions made in Budapest. In connection with the above, it is necessary to point out the lawsuit before the Croatian courts in which the former Croatian prime minister was convicted of 'selling INA' to the Hungarians by a criminal act of corruption in cooperation with the president of the board of MOL. The president of the board of MOL is inaccessible to the Croatian judiciary for questioning, while Hungary refuses to extradite him, as well as refusing to actively participate in supporting the trial process. Furthermore, top Hungarian politicians (such as the prime minister himself) occasionally present theses in the media as well as 'historical maps' in which they allude to having pretensions and appropriate parts of Croatian territory.

Another example refers to the activities of certain groups or individuals from Italy who also show 'interest' towards the parts of the territory of Croatia. Similar to the Hungarians, they sought a stronghold in historical circumstances and the fact that during certain periods of Italian imperialism, parts of Croatia were under Roman rule. It is especially important to highlight the position of the president of the European Parliament, Antonio Tajani (Italian politician, journalist and former Italian Army officer, who served as president of the European Parliament from 2017 to 2019), from February 2019 when he finished his speech on the National Memorial Day of the Exiles and Foibe commemoration in Basovizza (Trieste) with the conclusion that the Croatian regions of Istria and Dalmatia belong to Italy (Veljković 2019). Just like Croatia, Slovenia is exposed to the challenges from historical maps published in Hungary and Italy from time to time by various institutions, groups and individuals showing parts of the country as the territory of Hungary and Italy. The prime minister of Slovenia, Marjan Šarec, reacted to this with the following words: 'A blind person is one who does not see that Nazism and Fascism are being reborn in our neighborhood' (Šoštarić 2019).

Planned and Undertaken Counter-Measures

Planned and Undertaken Counter-Measures refer to the development of the ability to counter all forms of hybrid threats to which Croatia, its institutions, critical infrastructure, society and citizens are exposed. On that trail, 'national capabilities will be developed to counter and defend against hybrid operations carried out either by states, organisations or individuals across a wide spectrum (diplomatic, political, information, military, economic, financial, intelligence

and legal)' (Croatian Parliament 2017: 27). As an example, we can highlight the establishment of the Security and Intelligence Agency Center for Cyber Security, with the aim of protecting the national cyberspace throughout 2019. It can be assumed that hybrid threats coming through cyberspace will be monitored and analysed in the mentioned centre. It is especially important to point out that due to its own limited capabilities in all areas, Croatia pays significant attention to cooperation, 'enhanced through existing frameworks intended for building resilience against hybrid threats in NATO and the European Union' (Ibid: 27). In 2019, Croatia became the 19th member of the European Centre of Excellence for Countering Hybrid Threats (Hybrid CoE), which admits only EU and NATO member states. In 2020, Croatia participated in the international NATO exercise 'Cyber Coalition 2020', which included defence against malware and hybrid challenges, and in 2021 in the EU exercise 'Integrated Resolve', which aimed to train reactions in case of hybrid warfare.

Case Study: North Macedonia

An analysis of the hybrid threats North Macedonia is exposed to will also be presented through three levels. The first level is Official Acknowledgement of Hybrid Threats; the second level is Potential Hybrid Threats; and the third level is Activities that may be Related to Hybrid Threats. The analysis ends with a cross-section of Planned and Undertaken Counter-Measures of the state.

Official Acknowledgement of Hybrid Threats

Official Acknowledgement of Hybrid Threats refers to threats that the official institutions of the state have qualified as such. Upon their review, we will use official documents adopted by state institutions. Namely, according to the 2020 *Defence Strategy of the Republic of North Macedonia*, 'the most significant risks we [North Macedonia] face are from asymmetric, hybrid and cyber threats and other non-military threats, including those posed by non-state actors, natural disasters, technological disasters, epidemics and climate change' (Ministry of Defence 2020: 6). With respect to the identified security challenges, threats and risks, the defence system of the Republic of North Macedonia will build capacities and capabilities to respond accordingly (Ibid). Another important source of insight into the exposure of hybrid threats is the *2021 Strategy for Building Resilience and Tackling Hybrid Threats*, which states that 'hybrid threats refer to a combination of malicious and subversive activities, conventional and unconventional methods (diplomatic, military, economic, technological) which are utilized in a coordinated manner by state and non-state entities in achieving specified goals' (Government of the Republic of North Macedonia 2021: 5).

Potential Hybrid Threats

Potential Hybrid Threats have been detected on several occasions in North Macedonia, and they have been used as an ‘umbrella’, covering a wide range of emerging forms of security threats that may come from either state or non-state actors, and for which there is difficulty in proving their attribution and accountability. The first example is the fact that a great deal of misinformation and fake news is circulating in the information space in North Macedonia. This is being confirmed by the cyberattacks during the election cycle for the 2020 parliamentary elections, when the target of the attack was the State Election Commission and its website, which did not work for three days, and therefore, the public did not have access to the voting results. Hristijan Ilievski (2022: 1) believes that in the past 2–3 years, North Macedonia has been the target of cyberattacks aimed at penetrating the institutions, which has contributed to an erosion of citizens’ trust in them. He argues that other such examples were the attempts for hacking the National Bank website, as well as the websites of the Ministry of Education and Science, and the Ministry of Health. The same author also cites a specific example of potential hybrid threats towards North Macedonia, such as the veto from neighbouring Bulgaria and the issue of European integration of North Macedonia. Ilievski further states that support for the European Union membership in recent years has declined from 92 % in 2011 to just under 70 % in 2022. Keeping in mind these numbers, the forces that oppose the accession of North Macedonia into the European Union will undoubtedly use the dissatisfaction of the population and the ‘enlargement fatigue’ of the European Union to their advantage, in order to achieve influence within political frameworks. Additionally, we can take an actual example of this from neighbouring Bulgaria, where Prime Minister Petkov started the topic of the Russian Federation interfering in the destabilisation of Skopje-Sofia relations through their spies and intelligence officers who worked in the Bulgarian Security Agency and aimed to block EU enlargement in this area. Marjan Nikolovski (2020) believes that hybrid threats would directly endanger security, and one of the ways is communication with top politicians. An example is the non-existent telephone conversation between prime minister Zoran Zaev and a third party. Marjan Zabrčanec, the advisor to prime minister Zoran Zaev, announced that a hybrid attack on the prime minister’s office was discovered, in which the identity of the young eco-activist Greta Thunberg was abused. Russian pranksters Vovan and Lexus had published a fictional conversation between prime minister Zoran Zaev and activist Greta Thunberg.

Activities that may be Related to Hybrid Threats

In North Macedonia, there are a set of different processes and measures that have indications to be characterised as hybrid threats. We will list a few which are present in the country and have been demonstrated so far through several sectors, and could be systematised as threats coming through diplomacy, economy, the information and telecommunication sector, and the security sector. In terms of diplomacy, the Macedonian authorities have so far officially expelled several Russian diplomats for whom, according to the authorities, there was evidence of direct involvement in activities that do not comply with international standards and generally accepted principles of conduct and work of diplomatic representatives. In terms of economy, the most recent and authentic example is perhaps the case from Veles, about the involvement of young Macedonian citizens and companies in disseminating information that allegedly had an impact on the US presidential elections in 2016. Although the young people were not the direct organisers, the weak regulations, and above all the shadow economy, were used and abused to push them into activities, for which they paid due taxes to the state, but caused an effect that had political repercussions. Regarding the information and communication sector, it is already widely known that the country, as well as many other countries in the region, is a victim of misinformation, which is mainly generated through Sputnik, in Serbia, where the information is downloaded and disseminated through local portals in the country. Another example is the involvement of foreign nationals in the events of 27 April 2017 in the Parliament of North Macedonia, where they tried together with domestic protesters to cause a crisis in the country. Namely, regardless of the level of involvement, even being physically present, they failed to cause destabilisation in order for the Agreement with Greece not to be signed.

Planned and Undertaken Counter-Measures

North Macedonia, as a NATO member, has an obligation to prepare the institutions and enhance resilience to hybrid threats, and for that purpose, the *National Strategy for Building Resilience and Tackling Hybrid Threats* was adopted. Cooperation with NATO in the security sector is one of the key steps that are being undertaken in relation to this issue. What is of great help is also the fact that the Alliance asked North Macedonia to establish a team for countering hybrid threats, aiming to prepare media in the country to deter disinformation campaigns from Russia (Kamcev 2020). Furthermore, the Cybercrime and Digital Forensics Sector in the Ministry of Interior singles out the Distributed Denial of Service or DDoS attacks as the most common hybrid threats to institutions and individuals (Nikolovski 2020). In 2020, the Army of North Macedonia

took part, as an observer, in several online sessions of the international NATO 'Cyber Coalition 2020', which encompasses defence from malware and hybrid challenges, and ever since 2021 has an active role in tackling hybrid threats.

Case Study: Bosnia and Herzegovina

Just as in the previous two cases, the main research subject deals with the analysis of hybrid threats in Bosnia and Herzegovina through several sections: Official Acknowledgement of Hybrid Threats; Potential Hybrid Threat; Activities that may be Related to Hybrid Threats; and Planned and Undertaken Counter-Measures.

Official Acknowledgement of Hybrid Threats

This subsection should present a set of hybrid threats that are recognised or qualified by official state institutions. However, the analysis shows that Bosnia and Herzegovina (B & H), although an aspirant for EU and NATO membership, currently neither has a publicly available document dealing with hybrid threats, nor a comprehensive strategic approach to address hybrid threats. In this regard, it is impossible to review or present official documents and sources. However, in 2019 only, as a member of international organisations and international commitments, with the aim of establishing certain strategic and normative frameworks, B & H proceeded to drafting the Guidelines for a Strategic Cybersecurity Framework in Bosnia and Herzegovina (OSCE, 2019), with the help of the OSCE Mission to B & H. However, this document does not mention or analyse hybrid threats or hybrid dangers to B & H. The lack of political will to establish a strategic and normative framework for combating hybrid threats is clearly visible in the European Commission's Report on Bosnia and Herzegovina for 2021, stating: 'On hybrid threats, the EU has offered Bosnia and Herzegovina a research on hybrid risks in order to identify key weaknesses, which would be addressed through EU assistance. To date, the authorities have not expressed interest in participating in the research' (European Commission 2021: 113).

Potential Hybrid Threats

Although in recent years there has been some academic agreement that Bosnia and Herzegovina is exposed to hybrid threats, this analysis shows a deficit of professional and (academic) scientific identification/literature on potential hybrid threats to Bosnia and Herzegovina. In this regard, our main sources rely on individual and specific international studies that provide insight into potential hybrid threats. Therefore, Kico and Kapetanović (2019: 87) believe that 'almost all forms and aspects of social life, constitutional order, institutions of political, economic, judicial and security systems, as well as institutions of

religious, national, linguistic, educational and other forms cultural identity of citizens and of the constituent peoples of Bosnia and Herzegovina are targets of hybrid activities in B & H.' On the other hand, certain indexes place Bosnia and Herzegovina among the most vulnerable countries in terms of potential hybrid threats due to 'the political, social and economic environment of the country... which incites confusion over the country's strategic orientation' (NATO StratCom 2020: 3). We also find a practical example in the study 'War in Ukraine and the Western Balkans', where the authors state that the hybrid war, i.e. its consequences, are visible in the communication and information domain of the so-called 'cooked societies', which 'implies taking control over the target's contemplation and decision-making processes. When you take control over a target's strategy, then you take control of his decision-making process. The opponent is put in a situation to make decisions that benefit you, and are harmful for him' (Kico et al. 2022: 23).

Activities that may be Related to Hybrid Threats

Due to certain internal political and security specifics and backward animosities, Bosnia and Herzegovina is exposed to certain hybrid threats. We can take as an example the use of public diplomatic tools and media space to spread hybrid threats, which has intensified in recent years. Among the main goals of these activities are the paralysis of sovereignty and stopping the path towards the EU and NATO, as in a recent statement by Russian Ambassador Kalabukhov, who said that 'Russia will react in case of B & H's NATO membership' (Hina 2022). Moreover, mass disinformation campaigns against NATO and EU integrations are visible through social media and the internet, i.e. its content (e.g. Portal Sputnik, phrase 'Russian World', etc.), in order to control or change the political, security and social narrative. On the other hand, an example is the cultural 'offensive', which is visible through public gatherings and promotion of Russian interests by the organisation 'Night Wolves', as well as the drawing of certain murals with the symbol 'Z', anti-EU and anti-NATO propaganda, etc. Viewed from internal perspectives there are destabilising efforts that constantly generate complex and multi-dimensional threats. Therefore, the analyst Karup Druško (2021) detects complex methods of hybrid policy reflected in the activities of the Serb member of the Presidency of B & H, Milorad Dodik, who 'denies everything that is state, publicly stating that he harmonizes his views with Serbian foreign policy, at the same time repeatedly demanding secession, peaceful separation and the unification of Republika Srpska with Serbia, which can be more or less connected with Russian and pro-Russian activities in the Western Balkans'.

Planned and Undertaken Counter-Measures

This section should offer the development of Bosnia and Herzegovina's institutional capacity to counter all forms of hybrid threats, but due to the lack of an institutional-strategic framework, it is difficult to provide an overview of future activities and their capacities. However, in recent years there has been some interest, and also international assistance, to launch a unified approach to the development of basic strategic documents that would cover the area of hybrid threats. Following this, a series of workshops and exercises were held to strengthen the capacity of the state of Bosnia and Herzegovina in countering hybrid threats, especially cyberattacks. For example, based on the *Good Practices Guide on Non-Nuclear Critical Energy Infrastructure Protection from Threats Emanating from Cyberspace*, OSCE organised an exercise to assess the risk, level of readiness and protection of critical energy infrastructure for public and private institutions in B & H from terrorist attacks, with a focus on threats coming from cyber space (OSCE, 2013). Most experts agree that Bosnia and Herzegovina is one of the most vulnerable countries in terms of hybrid threats in the region, and the lack of an institutional and strategic framework makes it even more vulnerable. In this regard, future planned counter-measures are reflected in the urgent adoption of necessary legal and other norms that will create national and international conditions for a greater degree of resilience and adaptation to Euro-Atlantic integrations.

Discussion

This part of the research is dedicated to the comparison of previous findings from the individual researches of each of the three countries (Croatia, North Macedonia, and Bosnia and Herzegovina), taking into account the categories by which the analysis was done.

Table: Comparison of the of hybrid threats in Croatia, North Macedonia, and Bosnia and Herzegovina

	Croatia	North Macedonia	Bosnia and Herzegovina
Official Acknowledgement of Hybrid Threats	Yes	Yes	No
Potential Hybrid Threats	Yes	Yes	Yes
Activities that may be Related to Hybrid Threats	Yes	Yes	Yes
Planned and Undertaken Counter-Measures	Yes	Yes	No

The comparison of the research results shows that in all four categories of analysis (Official Acknowledgement of Hybrid Threats; Potential Hybrid Threats; Activities that may be Related to Hybrid Threats; Planned and Undertaken Counter-Measures) there are certain activities in the three analysed countries, even though the content and actors involved are different.

In the case of Croatia, there are the most elements that indicate that state institutions not only recognise the exposure to hybrid threats, but also specify them by topic and hybrid actors. While in North Macedonia, in official documents, it is stated that the country is exposed to hybrid threats, but it is not specified which exactly and from which hybrid actor the greatest threat is. Meanwhile, the activity of international organisations is noticeable in Bosnia and Herzegovina, which instruct state institutions that it is necessary to start dealing with this area, where they offer them help and support, but without an adequate response from the other side. More forward, in the case of all three countries, there are recognised – primarily in the academic world – potential hybrid threats, and activities that may be related to hybrid threats which have not been confirmed by state institutions, but can certainly be very relevant for the discussion of whether in reality they represent hybrid threats, a danger of some other nature or whether they should be rejected from the discussion. As far as planned and undertaken hybrid counter-measures are concerned, the comparative analysis shows that Croatia implements the most concrete measures at the level of the three compared countries. North Macedonia also tries to implement a certain number of measures, while we note the complete absence of official measures that would be publicly available and visible in the case of Bosnia and Herzegovina.

Conclusion

All countries worldwide are more or less exposed to different forms, dynamics and strengths of hybrid threats. The three analysed countries are not excluded: Croatia, North Macedonia, and Bosnia and Herzegovina. The analysis showed that all three countries are exposed to hybrid threats. Official documents have confirmed that Croatia is exposed to the following hybrid threats: defamatory campaigns; elements of non-conventional, asymmetric, and cyber actions; intelligence and hybrid operations in the economic sphere; foreign intelligence activities; and ‘fake news’ campaigns. For North Macedonia, official documents noted that the country is exposed to various forms of hybrid threats, but which one is not specified. In the case of Bosnia and Herzegovina, there are no official positions of the competent institutions regarding the exposure to hybrid threats; the interviewed experts working in the institutions responsible for the implementation of security activities stated that the state is exposed to such threats. In order to supplement this insight, for all three countries we analysed

the available academic and professional literature sources from international as well as Croatian, Macedonian and B & H experts. All sources consulted agree that all three countries are exposed to different forms of hybrid threats to a greater extent than stated in official documents.

The answers to the part of the research question about how they deal with hybrid threats are different. Croatia and North Macedonia are developing and publishing documents discussing hybrid threats and how the state should deal with them. It is noticeable that Croatia is more focused and direct than North Macedonia. That should be attributed to longer tenure in NATO and full membership in the European Union. This is relevant because under the influence of discussions and activities in these organisations, states have the opportunity to exchange views, learn, upgrade the existing corpus of knowledge and skills, and develop new mechanisms. So, although this was not the interest of the research, the positive significance and impact that full membership in the EU and NATO gives to each member state can be confirmed. As far as Bosnia and Herzegovina is concerned, unfortunately, there was no official activity in the form of publicly available information related to the activities of the competent institutions in this area. Despite this, it is clear that there is no political will to establish a strategic and normative framework for combating hybrid threats.

Regarding the discussion of counter-hybrid solutions that countries are developing, yet again the solutions found are very different. For the cases of Croatia and North Macedonia, we can point out that they actively participate in exercises organised by the organisation to which they have access – both participate in NATO exercises, and Croatia also participates in EU exercises. In this way, they learn and hone their skills, abilities and capabilities. In addition, Croatia is a member of the European Center of Excellence for Countering Hybrid Threats, and has recently established the Security and Intelligence Agency Center for Cyber Security, which, among other tasks, deals with hybrid threats coming from cyberspace. For Bosnia and Herzegovina, we must emphasise once again that there are no developed counter-hybrid solutions and most likely there are no solutions which are in the development phase.

In conclusion, the analysis showed that all three countries are exposed to different forms of hybrid threats, they treat them differently and have different approaches to developing counter-hybrid solutions. The most significant number of activities was recorded in the case of Croatia, followed by North Macedonia, while in the case of Bosnia and Herzegovina, according to publicly available sources, there are no significant activities in this area. With that, the central research question of this paper is answered. In addition to its primary purpose, the research is additionally significant because it compared the activities and solutions of the three countries that were part of a larger political entity until 30 years ago (all three were socialist Republics in the former Yugoslavia) and showed that the country's stability, built and functional state institutions,

membership in international organisations (with some additional factors) are significant prerequisites for dealing with hybrid threats. Also, the research highlighted certain well-known points, such as facing any security challenge requires a lot of effort and joint work of many actors in each society, so this paper may encourage some of them to engage in more activities. In addition, it is essential to provide other researchers of these and similar topics worldwide, with the opportunity to see the state of affairs in small countries with limited resources, what solutions they approach and how they achieve them or not.

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The Role, Expectations and Challenges of High Representative in Bosnia and Herzegovina

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Abstract: *Bosnia and Herzegovina (BiH) longs for stability and development as it continues to be held back by the dysfunctional political system, weak institutions, rampant corruption and ethnonationalist rhetoric. It is caught in a vicious cycle of crises generated by some of its political elite that has hampered BiH's social, political and economic progress. The international community, including the Office of High Representative (OHR), has taken on the responsibility of safeguarding the rights of three Constituent people and Others, ensuring peace prevails in BiH (OHR 2022). In particular, the OHR was established to drive reforms and institution-building in BiH but has often been hobbled by inadequate and reluctant political support. Considering the uniqueness of the High Representative's position in BiH, further research is needed on its role, evolution, impact and acceptance. The research applies the role theory to examine the HR role (i.e., conception, performance and recognition). The OHR continues to play an essential role in BiH and cannot be closed until BiH makes significant progress toward state-building, which includes establishing strong institutions and addressing the democratic deficit, promoting a common national identity and the interethnic trust.*

Key words: *Office of High Representative, OHR, High Representative, Bonn Powers, Bosnia and Herzegovina, international community*

Introduction

Over the past few years, BiH has faced enormous challenges to reconciliation, state-building and Euro-Atlantic integration. Bosnia and Herzegovina as a state and the Dayton Peace Agreement (DPA) find themselves under the greatest existential crisis and tumultuous times since the ending of the war in 1995. On

paper, BiH has the necessary elements to blossom into a thriving and inclusive democratic country. Its institutions ‘correspond to an ideal-typical consociational democracy’ as ethnic quotas guarantee ethnic representation at all levels of government (Belloni 2006: 336). Regrettably, BiH is a highly decentralised country struggling with various problems, including political deadlocks due to its regime.

Merdžanović (2016) describes the BiH regime as an ‘imposed consociationalism’ as external actors, the international community, established it. Unfortunately, the consociationalism in BiH appears to work only when the international community exerts influence. Dijkstra and Raadschelders (2022) describe BiH as a controlled democracy since the Office of High Representative, with the support from the United States and European Union, helps keep BiH together as it experiences internal divisions and some external efforts to disrupt the already tenuous union. Cooper (2009) has introduced the notion of liberal international democracy, which not only consists of democratic (i.e., people elect their representatives) and liberal elements (i.e., protection of human rights) but also includes the international element (i.e., international institutions which protect the order when needed).

Following the end of the war, the international community was heavily involved in BiH. The Office of High Representative (OHR) was established to preserve peace, protect human rights and promote the democratic process (Szewczyk 2010). Unfortunately, BiH has been unheeded for years, resulting in the re-emergence of radical views, unsuccessful reforms and calls for secession. Thus, BiH remains a fragile state as it is governed by many demagogues and ethnic entrepreneurs who choose to keep ethnicity at the forefront of their political agenda instead of focusing on improving the lives of BiH’s people and achieving progress toward Euro-Atlantic integration. Some BiH political elites have either been inept or unwilling to internally resolve its differences, making it difficult for BiH to move forward.

Recently, the political elite in one of BiH’s two entities, Republika Srpska (RS), have pursued pernicious aims with the unilateral withdrawal from agreements regarding the transfer of competencies to the State. By opting out of the constitutional framework and taking on the competencies of a State, RS would dismantle state institutions and undermine the sovereignty and territorial integrity of BiH. These actions would be detrimental for BiH as a State as RS would achieve a *de facto* secession. Moreover, the Bosnian Croats have continuously called for changes to the electoral law, have stressed dissatisfaction among the Croat population and have favoured the idea of creating a third Croat entity in BiH.

The aim of the article is to provide a comprehensive understanding of the role of the High Representative (HR) and contribute to the study of the international community’s involvement in BiH. The article employs the role theory

to explore the uniqueness of the HR position, its role, status and legitimacy in BiH. I pose the following three research questions: Has HR's role evolved, and how has it been accepted in the last 27 years in BiH? What has (O)HR done to help BiH become a viable and safe country? Has the (O)HR been a stabilising or disturbing factor?

The article starts off with the theoretical framework and introduction of the role theory. It moves on to the Dayton Peace Agreement for the reader to gain a better understanding of how the role of the HR came to exist, further evolved and how HRs performed in BiH. Furthermore, the article will address the challenges faced, current developments and the perceptions of High Representatives by domestic and international actors. To gain a comprehensive understanding of the (O)HR's role and its past and present activities, I examined the High Representatives' decisions (1998–2022), the High Representatives' reports submitted to the Secretary General of the United Nations¹ and the RS Government's reports to the UN Security Council (2009–2021).²

Theoretical Framework

The role theory is applied to examine the HR's role conception, performance, prescriptions and recognition. Levy (1952: 159) defines a role as 'the social position given to the individual... These roles involve obligations, rights, and expected performances of the individuals who hold them' (159). Biddle describes a role as a 'behavioral repertoire characteristic of a person or a position; a set of standards, descriptions, norms, or concepts held for the behaviors of a person or social position; or (less often) a position itself' (Biddle 1979: 4). Lastly, Bengtsson and Elgstrom (2012: 94) define roles as 'patterns of expected, appropriate behaviour'. According to Biddle (1979: 4), role theory studies 'behaviors that are characteristic of the person within contexts and with various processes that presumably produce, explain, or are affected by those behaviors'. Moreover, Biddle and Thomas (1966: 7) stress the linkage between individual behaviour and social structure.

Three components define a role: role conception, expectations and performance. These components are closely linked but do not concur with one another (Aggestam 2004). While the role expectation portrays a role prescribed by other actors who expect the role-beholder to enact, the role conception represents the normative expectations of the behaviour by the role-beholder. Lastly, the

1 Out of 61 reports that the High Representative (HR) submitted to the Secretary General of the United Nations, the article examined 40 (i.e., reports 1–20 and 42–61) to shed light on the type of HR's actions immediately following the end of the war and HR's actions in the last decade.

2 In 2009, the Government of Republika Srpska submitted its first report to the United Nations Security Council (UNSC). During the period 2009–2021, RS submitted 27 reports to UNSC.

role beholder's actual behaviour (i.e., decision-making, action) demonstrates the role performance in the social context (Aggestam 2004).

The role theory can be applied to the HR's role in BiH as it focuses on the interaction between the agent and structure, which in BiH is the interaction between the international (OHR) and domestic (BiH political elite) agents and complex post-Dayton BiH. As Aggestam (2006) states, the sources of roles can be found in a nation's history, culture and social characteristics. The OHR stems from the Dayton Peace Agreement, which ended the war in BiH in 1995. The High Representative's role has evolved throughout the times.

The role conceptions between High Representative and some local and international political elite and actors have varied. While the High Representatives' conception of their role in BiH appeared to be consistent for the most part, the support for the OHR and expectations from some domestic and international actors have differed. This has most likely affected HR's decision-making, knowing that HRs might not receive the needed support from other members of the international community. In addition, the social and political environment in BiH, and the world in general, have influenced HR's performance and level of involvement.

The Role of a High Representative has often been contested. Rosenau (1987) addresses the difficulties experienced by individuals involved in decision-making (e.g., foreign policy decisions) due to conflicting role expectations placed upon them by different actors. Individuals' understanding of an HR role, performance and acceptance is congruent with the HR's power and legitimacy.

Barnett and Finnemore (2004: 29) argue that the power of any international organisation is 'produced by the authority that constitutes them... this authority enables them to use discursive and institutional resources to induce others to defer to their judgment'. Moreover, Barnett and Finnemore (2004: 29) define power as the 'production, in and through social relations, of effects that shape the capacities of actors to determine own circumstances and fate'. Barnett and Finnemore (2004: 20) describe authority as a social contract that 'requires some level of consent from other actors' (20). The High Representative's power is directly tied with the authority it has as the representative of the international community (Gilbert 2012).

According to Wagner (2005: 1), legitimacy represents 'subjective, normative convictions that usually differ between cultures, and there has been a plurality of democratic traditions and hence understanding of democratic legitimacy within the European Union'. Moreover, the domestic actors' perceptions of the role of HR, can influence its success or failure. Hence, HR's legitimacy is linked to its 'ability to represent, speak, and act according to the interests of the people(s) of Bosnia' (Gilbert 2012: 489).

Having authority and legitimacy is important for any actor trying to make a change as it gives an actor recognition and credibility. The High Representa-

tive's role was ascribed more legitimacy and power by having the Bonn powers to arbitrate civilian implementation obstacles and to levy sanctions and laws deemed essential for BiH's progress. However, the consistency of the use of power can influence individuals' views and acceptance of the authority.

Some domestic and foreign political elite have openly questioned High Representatives, their authority, role and legitimacy. Some label the HR's legitimacy as being negative legitimacy because it functions based on values, norms and customs not shared among BiH's constituent people (Dijkstra – Raadschelders 2022). Since the Office of High Representative was established by the Dayton Peace Agreement (DPA), a closer look at the DPA will provide a deeper insight into the importance of the HR's role.

The Dayton Peace Agreement

The Dayton Peace Agreement (DPA) was negotiated in Dayton, Ohio, U.S.A., on 21 November 1995 and formally signed in Paris, France, on 14 December 1995 by the conflicting parties in BiH, as well as the representatives from the Federal Republic of Yugoslavia³ (i.e., made of Serbia and Montenegro at that time) and the Republic of Croatia. By signing the DPA, the neighbouring countries confirmed that the war was a regional affair, which required regional cooperation to achieve peace. Unfortunately, the DPA did not address the neighbouring countries' direct participation, looking at the war as merely an internal, ethnic war (Mlinarević – Porobić 2021).

The DPA's focus was on ending the war, not creating a sustainable BiH (Toal 2006). It allowed the territorial division of BiH into two nearly ethnically homogenous entities: Republika Srpska (with a mainly Bosnian Serb population) and the Federation of BiH (with Bosnian Croats and Bosniacs). Both entities represent a constitutional part of the state, and neither entity has a right to secede (OHR 2022). In addition to these two entities, BiH has the Brčko District, a multi-ethnic, self-governing administrative unit with an international supervisor.⁴

The BiH Constitution, the Annex IV of the DPA, has bequeathed a complex and incompetent four-tier governance (i.e., State, Entity, Canton and Municipal levels). Furthermore, the BiH Constitution divided competencies between the BiH State and its two entities. The distribution of powers and ownership of specific competencies remain points of contention and complex negotiations that slow down the necessary reforms. Thus, the international community has been tasked to define and construct the path for BiH through this uncharted

3 After Montenegro declared independence from Serbia, the Republic of Serbia positioned itself as the FRY signature at the DPA (Mlinarević – Porobić 2021).

4 Due to its strategic position, Brčko became a separate administrative unit as it divided Republika Srpska into Western and Eastern parts.

territory called the DPA that beckoned to them as the only possible solution to end the war. Close to 27 years later, BiH and the international community still work on implementing the DPA but struggle to make necessary reforms for an EU membership.

In the DPA, the ‘constituent people’ (i.e., Bosniaks, Croats and Serbs) were given the veto powers to protect their own ‘vital national interest’ and block decisions that would threaten them. The vital national interests were never clearly defined, leaving room for potential misuse of the veto powers in the name of protection of vital national interests. On the other hand, minority groups were heavily marginalised as they lacked political participation and representation opportunities. In 2009, the European Court of Human Rights (ECtHR) ruled that the Constitution of BiH, Article 4 of the DPA, violates fundamental human rights and discriminates against individuals belonging to groups other than the constituent people. While the DPA ended the war in BiH, it also created ‘a discriminatory and dysfunctional institutional framework that entrenched the marginalization of minority communities and led to broad deprivations of their rights’ (i.e., ECHR Cases: 27996/06 and 34836/06; discrimination based on ethnic affiliation, denial of the right to stand for election to the Presidency of BiH and the House of Peoples) (Minority Rights Group International 2015: 3).

Despite its shortcomings, the DPA became a blueprint for BiH’s reconstruction. It presented the constitutional framework for establishing a sovereign state and determining its political, social and economic system. However, due to the DPA’s multi-layered and fragmented institutional setup, implementing the DPA’s eleven annexes has not been easy.

The DPA is often challenged by BiH political leaders and interpreted in a way that best suits their interests. For example, Biljana Plavšić, the acting president of the RS in 1998, rejected additional competencies for the BiH state. She argued that these competencies were not included in the Constitution and would not accept Madeline Albright’s, U.S. Secretary of State, call to strengthen the state (BiH) in the ‘spirit of Dayton’. Plavšić stated, ‘we do not want to implement “the spirit of Dayton” but “Dayton”’ (as cited in Bieber 2006: 29). Since then, the RS political elite have continued to use the phrase ‘original Dayton’. Current High Representative Schmidt, as the responsible interpreter of the DPA, acknowledged that the use of the phrase ‘original Dayton’ by the RS political elite was disrespectful to BiH’s Constitution (OHR 2022).

Political elites from RS and the Federation of BiH have mutually agreed and approved the reforms and transfer of competencies from entities to the state level in the past. With the transfer of competencies to the State level (e.g., the state control of the armed forces), BiH’s entities lost their formal ethnonational dominance (Bieber 2006). With heightened ethnonationalist, warmongering rhetoric, some political elites are trying to overturn previously agreed

competencies,⁵ which would lead to BiH's downward trajectory and bring RS closer to its independence from BiH. Considering the current political situation, it is necessary to examine the role and impact of the Office of High Representative and its authority in BiH.

The Conception and Evolution of the Role of High Representative

The Office of the High Representative (OHR) was established through the General Framework for Peace in December 1995 and supported by the United States and EU countries. More specifically, Annex X of the DPA, Agreement on Civilian Implementation of the Peace Settlement, created the position and specified the duties of the High Representative in BiH. Article II (1) authorises the High Representative (HR) to 'facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation' (DPA Art. II (1) (d) 1995: 112). Article V of Annex X summarises the High Representative's role and authority. It states that the HR oversees the implementation of the civilian aspect of the Dayton Peace Agreement and has 'the final authority regarding interpretation of this Agreement on the civilian implementation of the peace settlement' (DPA 1995: 114). The following action verbs describe the HR's role: to monitor, maintain, coordinate, facilitate, participate, provide guidance, attend and/or be represented at meetings and report. The international community planned for the OHR to have a limited role as an international coordinator for civilian efforts.

Following the end of the war, the HR played a role of coordinator and facilitator between two entities, helping BiH's Presidency function (i.e., organising the meetings, writing meeting minutes, organising the transportation of BiH's members of presidency) (Dijkstra – Raadschelders 2022). The High Representative (HR) had limited authority and resources (Caplan 2007). More specifically, the High Representative struggled to move the peace process forward without having legally binding powers. The international community's decision to take a decentralised approach to the implementation of the civilian aspect of DPA showed no significant results two years after the war, leaving 'the OHR with a relatively marginal coordination role' (Recchia 2007: 15). It became clear that the international community had to strengthen the HR's mandate. The budget, personnel and power have increased.⁶ Thus, during the period from 1995 to 2005, the HR's role evolved as it became evident that there was the need for

5 Milorad Dodik, a Serbian member of BiH's tripartite presidency, has advocated for entities to have their own 'State Agency for Medical Equipment and Drugs', armed forces and police.

6 When the OHR was established, it had five staff members and a budget of 300,000 German Marks. In 2002. The OHR had a budget of € 25 million and 700 staff members (OHR 2021), which was significantly decreased by 2020–2021 when the OHR employed 89 (i.e., internationals and 76 nationals) and had a budget of €5.3 million (Dijkstra – Raadschelders 2022).

increased international engagement, an extension of the HR's responsibilities and the creation of the Bonn powers. Its evolution also directly influenced its direct involvement in BiH.

At the Bonn Peace Implementation Conference (PIC), which took place on 10 December 1997, the PIC members granted the OHR the Bonn powers. The High Representative was given executive and legislative control over BiH with the Bonn powers. Since then, the HR has been able to issue legally binding decisions, laws and executive decrees, amend constitutions and overturn judicial decisions. Moreover, the HR can remove elected officials and public officers unwilling to implement the peace agreement, interfere with the judiciary, mismanage public assets and engage in corruption. From a 'wait-and-see role', the HR's role was transformed into a more active one (Dijkstra – Raadschelders 2022). Lastly, becoming the Chair of the newly established Board of Principals⁷ in 2002 further strengthened the HR's authority (Dijkstra – Raadschelders 2022). As a result, the High Representative represents the highest international civilian authority in BiH that pursues a state-building agenda. According to the Council of Europe's Venice Commission, 'to all intents and purposes, it (OHR) constitutes the supreme institution vested with power in Bosnia and Herzegovina' (International Crisis Group 2007: 4).

Even with the additional Bonn powers, it appeared that the international community involved in the state-building of BiH lacked ideas, purpose and legitimacy (Chandler 2005). The international community continued to be involved with state-building through the Stabilisation and Association Process framework. In 2001, the European Commission presented a Country Strategy 2002–2006 for BiH, which further described a framework for EU assistance that heavily applied conditionality (e.g., the CARDS programme). The Directorate for European Integration (DEI) was given the key executive role and the task of preparing BiH's strategy of European integration and a 'rebrand of the anomalous Bonn powers of the High Representative' (Chandler 2005: 30). Ultimately, the EU's goal was to replace the Bonn powers, which were perceived as the 'push powers', with the 'pull powers' of European institutions (Chandler 2005: 30). According to former HR Bildt, the international community's decision to move out of BiH was replaced with the strategies to let BiH join the EU in 2000 (Chandler, 2005).

The OHR was the motor driving Bosnia forward at first, but it began taking a back seat wanting BiH's political leaders to step up during the second period. In 2005, a 'real' debate on constitutional reform began. Some of BiH's elite showed a willingness to reform the BiH Constitution, and the Venice Commission and key international actors pushed for the change justifying it with the

7 The Board of Principals consists of the permanent members: the European Commission, OSCE, EUFOR, NATO headquarters in Sarajevo, UNHCR and EUPM.

goal of European integration of BiH (Bieber, 2006). However, both BiH entities lacked the political will necessary to bring about changes that would lead to the OHR's closure and crucial reforms. The PIC expressed its hopes to close the OHR in 2006 when the EU would continue to aid BiH towards EU membership (International Crisis Group, 2009). BiH's EU membership is at a standstill since the OHR closure is a precondition for BiH to apply for EU membership (Tirak 2010).

In 2006, the Peace Implementation Council (PIC) began to prepare for OHR closure in June 2007. Furthermore, in its paper 'OHR-EUSR Transition: The Way Ahead', the High Representative positively reviewed BiH's progress. Unfortunately, BiH's leaders got locked in a standstill, and backsliding and stagnation followed soon after. With the ethnonationalist rhetoric on the rise and the necessary reforms moving backward instead of forward, some of the previous reforms and solutions began to fall apart. The closure of the OHR office did not take place as the result of 'severe deterioration in the political atmosphere' (International Crisis Group 2009: 1).

The international community and the OHR continued to face challenging times in 2006 and 2007 as they appeared indecisive and lacked a clear strategy for BiH. Even the Bonn powers, which were originally considered to be the 'strong arm of the international community', appeared to weaken in 2006 (International Crisis Group 2007: 4). Furthermore, the situation in Kosovo regarding its status and how it could affect BiH (considering the RS's desire for self-determination and independence) needed to be considered when determining when the High Representative could leave BiH. The concern was that the RS political leaders often linked Kosovo and RS. During the 2006 BiH elections, Milorad Dodik, the RS prime minister, advocated for a referendum without clearly specifying its nature. Thus, considering the Kosovo status talks and the RS inflammatory rhetoric, the HR and a few members of PIC argued for the need to extend the OHR mandate beyond summer 2007 (International Crisis Group 2007). At that time, BiH was perceived as 'far from being a functional, efficient and stable state' (International Crisis Group 2007: 2).

During these challenging times, the OHR's and the international community's credibility took a major hit, especially after BiH was permitted to sign a Stabilization and Association Agreement (SAA) with the EU without adopting necessary police legislation, a precondition for the accession process (International Crisis Group 2009). In February 2008, the political directors of the PIC Steering Board determined that the OHR would close once the BiH authorities met the requirements known as the 5+2 Agenda.⁸ Although constitutional

8 The first five objectives of the 5+2 Agenda include: solutions for the distribution of property between the state and other levels of government, a solution for military assets, implementation of the Final Decision for Brčko, fiscal sustainability and revival of the rule of law. The Steering Committee of PIC

reform is needed in BiH as it will help improve the work of BiH institutions, constitutional changes are not a precondition to close the OHR. Since then, the PIC Steering Board has regularly evaluated the progress in implementing the 5+2 Agenda. Unfortunately, many requirements are still not met. The progress has been closely tied to the OHR's involvement, leadership and actions. Therefore, it is necessary to look at the work and performances of the High Representatives and their accomplishments in BiH.

The (O)HR's Performance and Challenges

International actors, such as High Representatives, are selected for their expertise in matters that the international community finds missing in BiH (i.e., democracy, the rule of law, gender equality, etc.), not because of their expertise in BiH's history, language or culture (Gilbert 2012). Implementing the civilian aspect of the Dayton Peace Agreement (DPA) has been difficult. Institutional practices found in liberal democracies could not be easily implemented in BiH.

Although each HR was given the same powers, not all HRs used available powers or received the same support from the local and the international community. When the international community shares the same vision of the OHR in BiH and speaks in one voice, HR receives the needed support, which positively affects HR's performance, the number of decisions made and the extent of its actions. The HR's performance has often required support from the Peace Implementation Council (PIC) as it oversees the OHR. In addition, HRs have relied on the support of international peacekeeping troops, their own political credibility, and the parties' cooperation when enforcing their decisions (International Crisis Group 2006).

High Representatives (HRs) have set the agenda, constructed and recontextualised BiH's post-war reality. In the role, HRs have had to remain neutral and objective, capable of making rational, impartial and non-violent decisions that would serve all in BiH and maximise the values of human dignity. Nevertheless, Barnett and Finnemore (2004) argue that the authorities of international organisations cannot remain neutral in situations where one side has committed more serious human rights violations (e.g., genocide, ethnic cleansing, refugee return). Some RS political elites perceive the OHR as biased and continuously call for the OHR's closure in BiH.

From 1997 to 2009, HRs made 895 decisions (Szewczyk 2010). The decisions were grouped into eight categories, with the majority of the decisions being related to removals and suspensions of public officials from the office, which presented a threat to peace implementation, institutional integrity or democracy

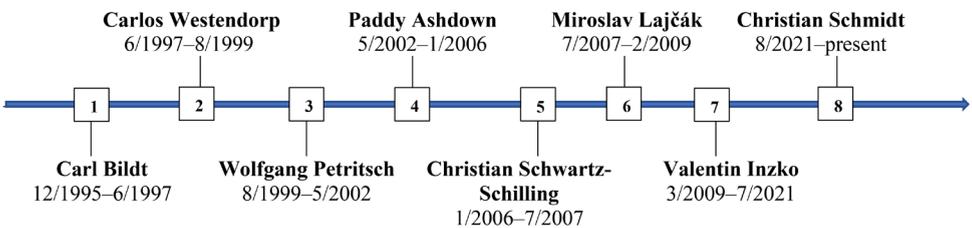
added two additional conditions: the signing of the Stabilization and Association Agreement (SAA) and PIC's positive review of the situation in BiH (OHR 2008).

in BiH (20,45 %), and judicial reforms (20.34 %).⁹ Based on data collected from the OHR website, the number of HRs' decisions significantly decreased between 2010 and now, with only 55 decisions made. These decisions differed from the decisions made in the first decade of the OHR's presence in BiH. Since 2010, 78 % of decisions have announced the lifting of a ban on public officials, stating that the individual no longer presents a threat.

Moreover, the HR has facilitated the local efforts in establishing political and constitutional institutions and coordinating the activities of organisations such as the Organization for the Security and Cooperation in Europe (OSCE), the European Union (EU) and the UN (Caplan 2004). The OHR brought about a few positive changes in BiH, which include: a single currency, common license plates, the Central Bank, the State Investigation and Protection Agency, the State Border Service, military reform, freedom of movement, property rights and refugee return, banking reform, a value-added tax and the abolition of payment bureaus (International Crisis Group 2007).

Unfortunately, there has not been enough polling data on the masses' perception of the overall performance of each High Representative. Thus, it is difficult to determine the level of support or opposition there is among BiH's citizens about the role and performance of the High Representative. The public opinion poll in RS in 2021 regarding the HR's decision on genocide revealed that most participants believed that there should be no place for glorifying war crimes in politics (29 % completely agree, 31 % somewhat agree). However, the RS public expressed that HRs should not have the authority to impose the law, which caused more problems than it solved (38 % completely agree, 19 % somewhat agree). The RS public recognised that politicians used the issue to avoid dealing with pressing issues such as the economy and corruption (35% completely agree, 27 % somewhat agree) (NDI 2021).

Figure 1: Timeline of High Representatives and their mandates



9 Other decisions were grouped into: 1. decisions in the field of property laws, return of displaced persons, refugees and reconciliations (13,3 %), 2. decisions related to state symbols, state-level matters and constitutional issues (12,40 %), 3. decisions related to individuals indicted for war crimes in the former Yugoslavia (12,40 %), 4. decisions in the economic field (10,61 %), 5. decisions relating to the Federation, Mostar and H-N Canton (8,49 %) and 6. media restructuring decisions (2,01 %) (Szewczyk 2010: 36).

I looked at each of the HRs' mandates to gain an insight into their performance, recognition, acceptance and challenges. In the last 27 years, Bosnia and Herzegovina has had eight High Representatives (HR), all responsible for the implementation of the civilian aspect of the Dayton Peace Agreement.

High Representative Carl Bildt (December 1995–June 1997)

Being the first High Representative, Carl Bildt had limited authority, budget and personnel. Moreover, neither HR Bildt nor the Implementation Force (IFOR) was willing or able to take over the control of the media and the economy from the nationalist prior to the first post-DPA elections in BiH. Instead of paving the way for the full implementation of the DPA and provisions of the BiH's constitution, it produced election results similar to the election results prior to the war in 1992 (Harland 2018). According to Bildt, BiH's political elite viewed peace 'as the continuation of the war by other means' (Council of Foreign Relations 2021).

During his mandate, HR Bildt focused on establishing the basic infrastructure for a common state (i.e., laws on foreign trade, customs, a state budget, citizenship and passport laws, and a central bank) (Sullivan 1997). Since his mandate ended prior to introducing the Bonn powers, HR Bildt never had them at his disposal. HR Bildt argued that the implementation process changed with the Bonn powers, going from asking for 'local consent' to 'external imposition' (Bildt 2021). While HR Bildt acknowledged that the Bonn powers helped speed up the implementation efforts, he contended that BiH leaders had to initiate changes as it was 'time to stop taking advantage of the Bonn powers. This is no longer a protectorate of the international community, and we should move forward' (Bildt 2021). In 2022, Bildt recognised that BiH was facing another crisis and called for the international community to reconsider its role, find a way for BiH's political elite to work together and ensure BiH's territorial integrity.

High Representative Carlos Westendorp (June 1997–August 1999)

High Representative Carlos Westendorp was the first HR to use the Bonn powers to remove a public official, the RS President Nikola Poplašen. He was removed from the office for abusing his position, obstructing DPA implementation and making illegitimate attempts to unseat Milorad Dodik, the RS prime minister at the time.¹⁰ This decision set a precedent for the future as all OHR decisions became binding and were followed by the Bosnian political elite (International Crisis Group 2007). Despite his first reluctance to use Bonn powers, Westendorp increased the frequency of their use. During his term as HR, Westendorp im-

¹⁰ HR used the Bonn powers to prevent obstructions and illegal attempts directly toward Dodik, who has now become the most vocal critic of the OHR and the Bonn powers.

posed over 45 decisions and removed 16 high-ranking officials from their offices (Petritsch 1999). By doing so, HR Westendorp helped standardise a national flag, currency, telecommunication laws and common license plates (Toal 2006).

High Representative Wolfgang Petritsch (August 1999–May 2002)

The High Representative Wolfgang Petritsch used the Bonn powers to dismiss 81 officials and impose 166 laws and amendments. His decisions ordered the restructuring of the Constitutional Commissions in the RS, the establishment of the memorial for the victims of the Srebrenica genocide, economic legislation (i.e., pension and disability insurance laws) and the establishment of an Independent Judicial Commission. The state-building and establishment of institutions were accomplished through inter-entity agreements. Milorad Dodik, a Serb member of BiH's tripartite presidency, now describes these practices as 'legal violence' (Bassuener 2016). However, at that time, Dodik supported these agreements and constitutional reforms in the 2006 April Package.

Although HR Petritsch used his Bonn powers, he recognised the emergence of 'dependency syndrome' stating that local parties begin to rely opportunistically on the political intervention of the High Representative, especially when it comes to unpopular measures. They can behave, despite being in government, as they are in the opposition and defend their ethnonationalist goals without the need to compromise (as cited in Caplan 2004: 59).

Consequently, HR Petritsch introduced the 'ownership policy' for BiH political elite in 1999. High Representative Petritsch argued that lack of progress was connected with BiH's politicians' 'lack of responsibility' and citizens' 'lack of political maturity' (Gilbert 2017: 416). Lastly, HR Petritsch was best known for imposing uniform property laws in both entities, which helped overcome obstructions to refugee and displaced person returns (Toal 2006).

High Representative, Lord Paddy Ashdown (May 2002–January 2006)

High Representative Paddy Ashdown's primary focus was establishing the rule of law, improving the economy and stopping high-level corruption, which became known as the 'justice and jobs reform programme' (Merdžanović 2018). High Representative Ashdown made significant progress with defence and police reforms (Toal 2006). He expressed a genuine interest and love for BiH and was committed to its sovereignty and territorial integrity (Merdžanović 2018). High Representative Ashdown stated, '... when I act, I shall seek to do so in defence of the interests of all the people of BiH, putting their priorities first' (cited in Chandler 2005:310). Hence, HR Ashdown used the Bonn powers the most and

removed many politicians from the office.¹¹ High Representative Ashdown recognised that he was not supported in Republika Srpska because ‘They [Serbs] wanted to hang on to Republika Srpska and I wanted to make sure they lived in a state, not in an entity’ (as cited in Merdžanović 2018).

Moreover, HR Ashdown was committed to ‘putting BiH irreversibly on the road to Statehood and membership of the EU’ (OHR 2004). According to HR Ashdown, Dayton and the BiH Constitution should be viewed as the ‘foundation’ to be built on, not the ceiling (Merdžanović 2018). High Representative Ashdown also advocated for BiH’s self-propulsion into the EU and NATO, describing the next step as ‘from the push of Dayton to the pull of Brussels’ (Bassuener 2016: 107). In 2003, HR Ashdown was asked to begin phasing out the Bonn powers, starting with stopping the dismissal of public officials (Cox – Knaus 2003). High Representative Ashdown started to cut back on using Bonn powers, realising that BiH had to show on its own that it was capable of achieving an EU membership.

High Representative Christian Schwartz-Schilling (January 2006–July 2007)

Prior to HR Schwartz-Schilling’s term, the international community decided to begin preparations for the OHR’s closure. By accepting the position, HR Schwartz-Schilling knew that he would facilitate the closure of the OHR and its transition to EUSR. Compared to his predecessor, HR Schwartz-Schilling had a different, hands-off, mediator approach. He preferred having the BiH’s political elites reach a consensus instead of acting himself and being perceived as an enforcer (Smith Hrle 2015).

At first, it appeared that BiH was making strides toward state-building. High Representative Schwartz-Schilling adopted the ‘limited amnesty’ measure related to the status of previously removed public officials. High Representative Schwartz-Schilling was adamant that the Bosnian public should select its own public officials. Thus, HR Schwartz-Schilling never used the Bonn powers to remove public officials. Unfortunately, his approach resulted in a stalemate as reforms were not adopted in the planned timeline. The U.S. exerted pressure on HR Schwartz-Schilling to use the Bonn powers to enforce reforms, but HR Schwartz-Schilling refused, which appeared to be the reason why HR Schwartz-Schilling’s mandate was not renewed (Smith Hrle 2015).

Unlike during his mandate, HR Schwartz-Schilling now argues that the international community tolerates the aggressive and nationalistic rhetoric of many of BiH’s political figures instead of HRs using the Bonn powers. Moreover,

11 On average, HR Ashdown was adopting fourteen binding decisions a month (Caplan 2009). High Representative Ashdown dismissed 59 public officials on an *ad hoc* basis on 30 June 2004 (Banning, 2014).

HR Schwartz-Schilling criticised the international community for the lack of its constructive role, dividedness, lack of interest in changing the status quo in BiH and ultimately repeating mistakes from the 1990s.

High Representative Miroslav Lajčák (July 2007–March 2009)

High Representative Lajčák had the task of successfully finalising the reforms and the Stabilization and Association Process. Although HR Lajčák also preferred not using the Bonn powers, he made it clear that he would, if needed. For example, in October 2007, HR Lajčák threatened to use the Bonn powers and impose new voting rules for the Parliamentary Assembly if BiH's political elite did not. High Representative Lajčák compared the Bonn powers to 'the yellow and the red card' and the referee and players are aware of it, but no one knows when the card would be used (Knezevic 2007).

While the OHR and the U.S. supported HR Lajčák's actions, Bosnian Serbs, together with Russia, objected. A compromise on the new voting rules was reached after HR Lajčák issued an Authentic Interpretation of his decision to the Council of Ministers of BiH. This was the first time that HR partially retracted a decision due to pressure from local parties. However, HR Lajčák and his actions appeared to match the EU Commission's preferences (Smith Hrle 2015).

When explaining his decision to leave the OHR, HR Lajčák surprised everyone when he said, 'I don't want to be the rider on a dead horse' (Latal 2007). The debate began on whether the 'dead horse' was a reference to BiH, but HR Lajčák later clarified that he was referring to the state of international efforts in BiH. According to the RS Government, HR Lajčák left because he did not want to be part of the interventionist agenda (RS Report No. 2/2009).

Bieber (2009) stated that Lajčák's decision to step down as HR and become a foreign minister of Slovakia came at a worse time since the transition would bring a vacuum during a time when the closure of the OHR within two months was being discussed. The U.S. and Russia shared opposing views on the type of candidate that would replace HR Lajčák.

High Representative Valentin Inzko (March 2009–July 2021)

High Representative Inzko attributed BiH's challenges and lack of progress to the 'unwillingness or an inability of the part of the political establishment to change its mindset and its approach to politics' (OHR 2013). Despite recognising the negative impact of some political elites in BiH, HR Inzko did not use the Bonn powers to remove public officials from office. It is difficult to determine why HR Inzko did not use the Bonn powers since plenty of politicians posed a threat to BiH's sovereignty and territorial integrity and damaged its progress through a series of corruptions and affairs.

The Bonn powers had fallen into disuse during HR Inzko's 12-year mandate. Nevertheless, in September 2009, Inzko imposed eight laws mostly related to the Brčko District (i.e., laws allowing Brčko District residents to choose citizenship of either entity in BiH and laws regarding the state electrical transmission monopoly).¹² All laws were publicly rejected by Milorad Dodik, the prime minister of RS at the time, who also threatened to pull Serb representatives from the Bosnian government if any further measures were to be imposed, which would have resulted in a constitutional crisis. The RS Official Gazette, per the RS government's order, did not publish these laws that HR Inzko 'illegally attempted to impose' (International Crisis Group 2009: 2). The RS National Assembly (RSNA) also refused to accept the HR's decisions. Every decision regarding the transfer of competencies from the entities to the state led to the further RS rejection of the OHR. Instead of removing the public officials who endangered peace and engaged in corruption-related activities, HR Inzko issued warnings and asked for corrective behaviour instead.

The performance and legitimacy of HR Inzko continued to be challenged by RS. In October 2010, the RS National Assembly supported a call for a referendum about the OHR if HRs continued to use the Bonn Powers to impose legislation. The referendum about the OHR would allow the RS citizens to express whether the RS Government should accept the HR's decisions surpassing the HR's mandate (RS Government 2010). The RSNA officially approved plans for the RS referendum on the OHR in April 2011. The idea of the referendum was revisited in 2015, and a very leading referendum question was prepared:

Do you support the unconstitutional and unauthorized imposition of laws by the High Representative of the International Community in BiH, particularly the imposed laws on the Court and Prosecutor's Office of BiH and the implementation of their decisions on the territory of Republika Srpska? (OHR 2015)

HR Inzko argued that this was the most severe violation of the DPA and expected the international community to support his use of the Bonn Powers to annul the referendum if the RS moved forward with the referendum planning. Instead, Miroslav Lajčák, former HR, and EU High Representative Ashton, met with Dodik, who used these meetings to boost his own image and cement his leadership position by getting the members of the international community to agree to discuss the judiciary in the Structured Dialogue, ultimately lessening

¹² Amendments to the Law on establishing the company for the transmission of electric power in BiH, Law on Amendments to the Law on the citizenship of RS, Law on Amendments to the Law on the citizenship of Federation of BiH, Law on Amendments to the Law on the citizenship of BiH, Law on Amendments to the Law on Electricity, Law on Amendments to the Law on Transmission of Electric Power, Regulator and System Operator of BiH). Inzko's decision to use the Bonn powers was supported and followed by Raffi Gregorian, his principal deputy and a supervisor of the Brčko District.

the impact of the Justice Sector Reform Strategy (Smith Hrle 2015). These meetings also diminished the international community's image and strength since the international community appeared to reward nationalist and obstructionist rhetoric (Smith Hrle 2015). Although the referendum never took place, the lack of a stronger reaction appeared only to encourage this hostile behaviour toward HRs. According to Dodik (2020),

Inzko has no support at the local level, but Inzko is working against two constituent peoples that wish to keep the peace. Stop this monster that is trying to impose solutions we do not want. He is a foreigner with poor knowledge, and we have not elected him, a malicious man that will cause the disintegration of Bosnia and Herzegovina (as cited in Petke – Corsulic 2021).

The HR's role had more of an advisory character. However, on 23 July 2021, on his way out of the Office, HR Inzko used the Bonn powers to outlaw genocide denial. High Representative Inzko recognised that individuals and public authorities publicly praised convicted war criminals and questioned the International Criminal Tribunal's judgments. Some of BiH's political elites offer discordant narratives about the past, deny war crimes, refuse to recognise the Srebrenica genocide and praise convicted war criminals. High Representative Inzko imposed amendments to BiH's criminal code to ban the public denial, condoning and justification of crimes against humanity, war crimes and genocide, instigating violence and hatred. Moreover, HR Inzko outlawed public incitement to violence on the grounds of race, religion, colour, descent or national or ethnic origin. Each violation carries a prison sentence.¹³

High Representative Inzko's decisions were not accepted in RS as many disputed the genocide in Srebrenica. According to Republika Srpska's Government, HR Inzko's decisions, directed at Serbs, caused BiH's current political crisis as it 'illegally handed down a decree criminalizing the expression of the certain opinions about BiH's 1990s war' (RS Report No. 27/2022: 5). On 30 July 2021, the RSN nullified Inzko's decisions by adopting the Law on the Non-Applicability of the Decision of the High Representative Enacting the Law on Amendment to the Criminal Code of BiH. On 15 July 2022, the BiH Constitutional Court backed the HR's decision by declaring the Law on Non-Application of the Decision of the High Representative in RS unconstitutional. The Court recognised that the HR acted as a legislative institution, a substitute for a domestic institution (i.e., the Parliamentary Assembly), and passed the Law. The Court further added that Inzko's Law on Amendments of the Criminal Code of BiH represented the decision of the institutions and the Law of BiH.

13 Public incitement to violence on the grounds of race, religion, colour, descent, national or ethnic origin was punished with a three-month to a three-year prison sentence. Public distribution of materials denying genocide carried a minimum one-year sentence.

High Representative Christian Schmidt (August 2021–present)

Considering RS' dissatisfaction with the presence of the OHR in BiH, it was clear that the new HR would face difficulties. High Representative Schmidt is not accepted as the legitimate HR in RS. According to Dodik, HR Schmidt's appointment had to go through the UN Security Council and was against the interest of the RS and the Serb people in BiH. Moreover, Dodik threatened to file a lawsuit against former High Representatives for violating international law (Popović 2021).

High Representative Schmidt was appointed by the Peace Implementation Council (PIC) Steering Board members, with the exception of Russia, which argued that the appointment of a new HR was only possible with a decision and confirmation by the UN Security Council.¹⁴ Moreover, China did not support the appointment of Christian Schmidt as the HR either. Ambassador Geng Shuang said the OHR had to be appointed through the Security Council's resolution or a President's letter. Therefore, according to Russia and China, HR Schmidt could not be given legal authority. Other countries argued that the unanimous support of the PIC was desirable, but not legally necessary (Jahić 2021).

On 11 May 2022, HR Schmidt presented his report to the Security Council. High Representative Schmidt stressed that changes to the constitutional order are only possible through joint parliamentary decisions, not unilateral ones. A few months into his mandate, HR Schmidt used the Bonn powers again to repeal Republika Srpska's property law, the Law on Immovable Property Used for the Functioning of Authorities. High Representative Schmidt's decision, which stressed that only the State of BiH has the right to dispose of State property or regulate the ownership over State property at all levels of authority in BiH, was supported by the Steering Board. Thus, individual entities could not claim the state property as their own since the state property should not be divided between entities, the State and lower levels. The State holds the sole right to administer immovable property. High Representative Schmidt vowed that he would not allow legislation that violates the structure of the Constitution.

In June 2022, HR Schmidt imposed a decision on financing the BiH's 2022 general elections, scheduled for 2 October 2022. The decision was made in consultation with PIC. The decision highlighted that BiH as a democratic state needs to 'operate under the rule of law and with free and democratic elections' to hold free, fair and democratic elections, representing people's basic rights (OHR 2022).

Prior to HR Schmidt's decision, the BiH's finance minister, Vjekoslav Bevanda,¹⁵ delayed the funding, citing procedural reasons. According to Bevanda, a special allocation of funds for elections was not 'in line with the law,

14 If the confirmation went through the UN Security Council, Russia, as one of its five permanent members with veto power, could have blocked the appointment of the new HR.

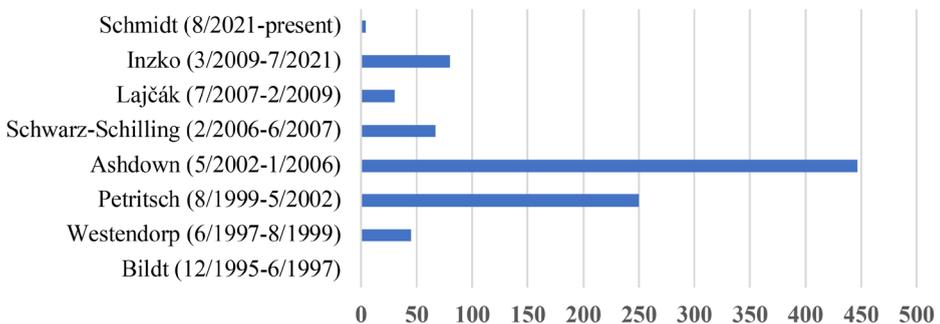
15 Member of the Croatian Democratic Union Party (HDZ).

and the budget needs to be voted on in a regular procedure’ (Kurtic 2022). However, Bevanda said that the Central Government would be able to lend the Central Election Committee 9.7 million Bosnian marks (KM), which was less than requested and needed. Since the Croatian Democratic Union Party (HDZ) had asked for electoral reforms, which did not happen, some speculate that Bevanda tried to block funding for elections, an attempt to block or delay elections. High Representative Schmidt underlined that the election did not represent ‘donations of the parties to people’ (as cited in Sito-Sucic, 2022).

High Representative Schmidt’s decision not only ensured that the Central Election Commission receives 12.528 million KM or 6.37 million EUR from state reserves to organise the 2022 elections, but it also guaranteed permanent financing of the elections in the future. Two members of the tripartite presidency, Željko Komšić and Šefik Džaferović, supported HR Schmidt’s decision. Komšić added that HR Schmidt’s decision ‘ultimately represent(ed) the victory of the Bosnian political factor, i.e., healthy political options that played a constructive role with international partners during the long political struggle to hold elections that the HDZ sought to block’ (as cited in N1 Sarajevo 2022). Contrary to Komšić and Džaferović, Milorad Dodik condemned the decision arguing that the use of Bonn powers by the ‘illegitimate’ HR further shows that ‘BiH does not exist as a sovereign state’ (as cited in N1 Sarajevo 2022). Moreover, Dodik announced that RS would file a lawsuit against HR Schmidt for ‘misrepresentation and harmful acts in BiH’ (N1 Sarajevo, 2022).

Apart from having the support from PIC members, the U.S. Embassy in Sarajevo and some members of the European Parliament (i.e., Tineke Strik, Viola von Cramon-Taubadel) supported HR Schmidt’s decision. On the other hand, Russia reiterated that HR Schmidt was not a legitimate HR. Thus, his decisions could not be binding (Oslobodjenje 2022).

Figure 2: High Representatives’ Decisions (1995–present)



By looking at each of the HRs’ mandates, one can learn that HRs have had various tasks and challenges to address (Tables 1 and 2).

Table 1: Overview of High Representative's tasks and actions reported to the Secretary-General of the United Nations

OHR's tasks	HR's Actions specified in OHR's reports to the Secretary-General of the United Nations
Assist with the post-war transitions	<ul style="list-style-type: none"> ▪ Stressed the commitment to a reintegrated and multi-ethnic BiH (1: 03/96). ▪ Set up its regional branch offices in Banja Luka, Mostar, and Tuzla (2: 7/96; 6:07/97).
Implementation of Human Rights	<ul style="list-style-type: none"> ▪ Established capacity to conduct pro-active, preventative, and follow-up actions, and to structure diplomatic efforts (5:04/97).
Laws and Regulations	<ul style="list-style-type: none"> ▪ Organized consultations with governments and organizations and ensured common BiH institutions became operational (5:04/97) and efficient (12:02/99). ▪ Initiated the Reconstruction and Return Task Force (5:04/97). ▪ Became a member of The Freedom of Movement Task Force (5:04/97). ▪ Chaired the Expert Group on Exhumations and Missing Persons (5:04/97). ▪ Organized the first constitutive session of the BiH Constitutional Court (6:07/97).
Economic reconstruction	<ul style="list-style-type: none"> ▪ Assisted with the harmonization of the Law of citizenship and passports (6:07/97), the Election Law (8:01/98), and the Law on the Flag of BiH (9:04/98).
Return of Refugees	<ul style="list-style-type: none"> ▪ Co-created a plan for a uniform license plate system in BiH (8: 01/98) ▪ Dismantled illegal checkpoints in FBiH and RS with SFOR's support (6:07/97). ▪ Supported preparation of legislation regarding telecommunications, civil aviation, and immigration (9:04/98).
Media	<ul style="list-style-type: none"> ▪ Elaborated on a draft of Election law (9:04/98; 15:11/99). ▪ Established Intermediate Standards and Licensing Commission to help regulate media in BiH (9:04/98). ▪ Reported on the establishment of the Economic Task Force (5:04/97); development of the anti-corruption strategy for BiH (8:10/97); infrastructure, employment generation, and the restarting of production (5:04/97) ▪ Encouraged trade between entities (10:07/98). ▪ Reported on the international reconstruction aid in BiH (8:01/98) ▪ Established the Independent Media Commission (10:07/98). ▪ Chaired the Joint Exhumation Commission (10:07/98). <p>Note: HR has supported other initiatives and tasks (e.g., mine removal).</p>

Citation: Report number: Date (mm/yy) (e.g., 51:05/17)

- Committed to a judicial system reform (10:07/98).
- Prepared a list of basic legislation and drafted laws: Law on Privatization of Enterprises and Banks, Telecommunications and Immigration laws, Aviation Act (10:07/98).
- Monitored the Agreement on Special Parallel Relations between the FBiH and the Republic of Croatia (10:07/98).
- Established the OHR Anti-Fraud Unit (10:07/98).
- Participated in the implementation of the Textbook Review Project (11:10/98)
- Recommended to the authorities to fully cooperate with ICTY.
- Worked closely with the Commission on Human Rights (6:07/97).
- Imposed the Law on Privatization (11:10/98)
- Supported the reform of the criminal justice system (11:10/98)
- Established a Coordinating Group on Economic and Social Rights (13:05/99).
- Helped revise the Draft Law on the Organisation of the Federation BiH Railways (13:05/99).
- Imposed the BiH Framework Law on Privatisation of Enterprises and Banks (Framework Law) (13:05/99).
- Assisted in efforts to reform the education system at all levels (14:07/99).
- Involved in Anti-Fraud Corruption; drafted a new Witness Protection Law (14:17/99).
- Coordinated Rule of Law and Judicial Reform (15:11/99).
- Co-coordinates training programs for prosecutors and judges (15:11/99).
- Assisted with the Laws on Identity Cards and Temporary and Permanent Residence of Bosnia and Herzegovina (16:5/20).
- Removed public officials for serious obstruction of DPA (13:05/99; 14:07/99; 15, 16:17:10/00,18:03/01, 19:07/01; 20:09/01)
- Investigates corrupt practices in BiH (17, 19:06/01, 20:09/01)
- Stressed none of its decisions were meant to diminish the status of the RS; assured that there would be no redrawing of the map of BiH (59:05/21).
- Emphasizes on the "local ownership: (43:5/2013; 44:11/13; 45:05/14), 47:05/15, 48:11/15; 49:05/16; 50:10/16; 51:05/17; 52:11/17)
- Supported the efforts of the BiH authorities to register "prospective defence property" to the state (49:05/16)
- Assists BiH with the EU and NATO integration process (43:5/2013; 45:05/14; 47:05/15; 51:05/17)
- Lifted bans on holding office for individuals removed by previous High Representatives (46:11/14).

Table 2: Summary of challenges specified in HRs' reports to the Secretary-General of the United Nations

Challenges to:	Difficulties experienced in BiH
Post-war transitions	<ul style="list-style-type: none"> ▪ Resistance to inter-ethnic integration and widespread discrimination against ethnic minorities (5:04/97). ▪ Violations of freedom of movement, provocation, destruction of property, and discrimination based on ethnicity and political affiliation were observed in both entities, but especially in RS and areas with the Croat majority (6:07/1997). ▪ RS "continues the pretence of statehood" - many of its laws have provisions not in accordance with the BiH's Constitution (5:04/97; 6:07/97, 8:01/98). ▪ Lack of mutual trust and political will to cooperate constructively delays the implementation of DPA (6:07/97). ▪ BiH's authorities made little progress on passing legislation (e.g., election law) (8:01/98); Judicial Reform efforts were not proceeding quickly (10:07/98). ▪ The Agreement on Special Parallel Relationships between RS and the Federal Republic of Yugoslavia is inconsistent with the BiH Constitution (6:07/97). ▪ The Agreement on Special Parallel Relations between the FBiH and Croatia is inconsistent with the BiH Constitution (10:07/98). ▪ Difficulties implementing DPA due to FBiH's cantonal structure giving significant power and authority to local officials (15:11/99). ▪ Slow progress on removing offensive materials from textbooks of national subjects in primary and secondary schools (13:05/99).
Sovereignty and Territorial Integrity of BiH	<ul style="list-style-type: none"> ▪ RS politicians call for "peaceful dissolution," upgrade of the RS military capabilities (60:11/21) and ask for the withdrawal of the international military presence, which can pose a threat to the sovereignty, territorial integrity, peace, and stability (43:5/2013; 44:11/13; 45:05/14; 46:11/14; 47:05/15; 49:05/16; 52:11/17; 59:05/21). ▪ RS authorities refer to BiH "as a union of states with limited and derived sovereignty that was created by two pre-existing entities as sovereignty bearers" and refer to RS as "a state" of Serb people (52:11/17; 57:05/20). ▪ SNSD continuous attempts to unilaterally retake State competencies and define new entity structures for the judiciary, defense, and indirect taxes (61:5/22). ▪ Milorad Dodik and Dragan Covic suggested a territorial reorganization of the Federation. BiH House of Peoples delegate Mario Karamatic threatened the country's dissolution if the electoral reform issues were not resolved (42:11/18; 53:05/18). ▪ Croat political representatives suggested a "territorial reorganization," alluding to a "third entity" through the territorial reorganization of BiH, federalization (51:05/17; 52:11/17; 58:11/20; 61:05/22), revival of the idea of the former Croat Republic of Herzeg-Bosnia (50:10/16). ▪ <i>RS' threats to withdraw from existing transfer agreements</i>
High Representative's performance	<ul style="list-style-type: none"> ▪ The RS Government has refused to deliver session materials to the OHR, has prevented OHR staff from attending sessions, and questions the legality of the OHR and its decisions (61:5/22; 46:11/14; 47:05/15; 49:05/16; 56:11/19). ▪ Dodik's attacks directed toward members of the international community, independent media, NGOs, and HR Inzko (implied a connection between the WWII Nazis and HR Inzko); rejection of all "illegally imposed decisions and laws of the High Representative" (58:11/20; 60:11/21; 13:05/99)

Challenges to:	Difficulties experienced in BiH
The State Level Judicial Institutions/ Disregard for Constitutional Court	<ul style="list-style-type: none"> ▪ RS authorities reject final and binding decision/judgments of the BiH Constitutional Court and the BiH State (e.g., regarding state property (61:05/22), the registration of defense property, and the 9 January “Republika Srpska Day” holiday (59:05/21). ▪ Non-enforcement of Decisions of the BiH Constitutional Court (43:05/2013). ▪ Referendum on the RS Day, 9 January, against the decision of the BiH Constitutional Court (51:05/17 49:05/16; 52:11/17). ▪ RS adopted the draft Law on the RS High Judicial and Prosecutorial Council (61:05/22).
Human Rights	<ul style="list-style-type: none"> ▪ Lack of cooperation in handing over the person indicted by the International Criminal Tribunal for the Former Yugoslavia (2:07/1996). ▪ BiH’s political leaders (in RS and FBiH) failed to appropriately respond to discrimination and abuse on ethnic grounds (5:04/97). ▪ Hate speech, Srebrenica genocide denial, the relativization of war crimes, and glorification of war criminals (61:05/22; 59:05/21; 56:11/19);13; 51:15/17).
Media	<ul style="list-style-type: none"> ▪ Political influence, biased reporting, poor implementation of media legislation, and non-transparent ownership and financing (58:11/20).
Other challenges	<ul style="list-style-type: none"> ▪ Decreasing OHR budget and staff (58:11/20; 59:05/21). ▪ Concerns about increasingly antagonistic and unproductive relations among the political leaders in BiH (58:11/20). ▪ Lack of agreement between Bosniak and Croat political parties in the FBiH on electoral reforms (61:05/22). ▪ Harmonizing RS’ legislative and educational system of Serbia with no regards for the BiH legal system; RS celebrates with Serbia a new joint holiday, the Day of National Unity and Flag (60:11/21). ▪ Disregard for the rule of law and corruption (51:05/17). ▪ BiH has had an inflow of migrants and refugees and RS refuses to open reception centers (59:05/21). ▪ HDZ’s referral to Komšić as an “illegitimate” representative of the Croat people (55:05/19). ▪ Komšić, in his non-paper to Brussels, pointed out the increasing level of interference of Croatia and Serbia in BiH’s internal affairs (59:05/21). ▪ Due to a lack of the rule of law, political instability, corruption, and nepotism, 170,000 your people left BiH in 2021 (61:05/22) ▪ RSNA adopted a resolution proclaiming the “military neutrality” of the RS, despite being the exclusive competence of the State of BiH for foreign policy and blocked crucial processes (registration of defence property in RS under the BiH ownership and the submission of the annual national programme of BiH to NATO) (57:05/20).

Citation: Report number: Date (mm/yy) (e.g., 51:05/17)

All High Representatives in BiH have been involved in BiH's state-building. They tackled different problems, including the question of the legitimacy of their HR role. The HR role evolved throughout the years, but the use of the Bonn powers and their approval varied. The HRs regularly discussed the use of the Bonn powers in its reports to the Secretary General of the United Nations once they became available. In the last decade, the HRs' reports emphasised 'local ownership' instead. Looking at the OHR's tasks, actions and challenges following the end of the war and those in recent years, it appears that some of the work done and progress achieved had begun to unravel by ethnonationalists and their divisive rhetoric in BiH.

(Dis)approval of the Office of High Representative and the Bonn Powers

Bosnia and Herzegovina political actors remain polarised over the HR's role and the use of the Bonn powers in BiH. Those interested in further territorial divisions and secessions would prefer to see the OHR closed. Political elites in Federation BiH (FBiH) have mostly supported the OHR and called for its continued intervention. In contrast, the RS political elites have described the OHR as 'useless' (BalkanInsight 2015) and have asked for diminishing its Bonn powers and closure. Civilians in Sarajevo have urged the OHR to react to the destructive behaviour (i.e., hate speech) observed in the RS and by the RS authorities (OHR Report No. 61/2022).

The Office of the High Representative's (OHR) role, and its engagement in BiH, particularly the use of Bonn powers, have been criticised and questioned by some of BiH's political leaders, the international community and members of academia. The OHR has been described as an 'international protectorate', and the 'European Raj' (Banning 2014: 262), and 'a part of political disputes rather than a facilitator of solutions, and the High Representative's executive (Bonn) powers are no longer effective' (International Crisis Group 2009: 1).

Critics point out the lack of due process, arbitrariness and accountability in HRs' decision-making processes. The Bonn powers have been described as 'incompatible with the democratic character of the state and the sovereignty of BiH' (Venice Commission 2005: 22). Gilbert (2012) portrayed the Bonn powers as the 'democratization paradox – a promotion of democracy through undemocratic means' (484). Some HRs, using the Bonn powers, removed democratically elected officials for obstructing the implementation of the DPA.

The Venice Commission (2005) acknowledged that using the Bonn powers helped the post-war BiH. However, it also recognised the Bonn powers' inadequacies, pointing out they were inconsistent with democratic principles such as due process and the possibility of judicial control. Although HRs can use the Bonn powers to dismiss obstructive local officials from the office, BiH

judicial institutions, including the Constitutional Court, do not review the HR's decisions.

The Bonn powers were ad hoc and indefinite, which made BiH's institutions dependent on 'an ill-defined set of benchmarks to be determined by the PIC' (Chandler 2005: 27). According to the former High Representative Carlos Westendorp, '... Annex 10 even gives me the possibility to interpret my own authorities and powers' (Slobodna Bosna 1997). Moreover, HR Westendorp specified that the power was not just given to HR: 'You just seize it, if you use this power well no-one will contest it' (Chandler 2005: 310). The Bonn powers and their sanctions were too harsh, came without warning and were characterised by the lack of due process and the right to appeal the decision (Baros 2010). Lastly, claims were made that HRs inconsistently used the Bonn powers (Domm 2007).

Some domestic and international actors have remained dubious about the Bonn powers being the appropriate tool of international assistance in BiH, if and how they alter the dynamics of political processes, and whether the international community should relinquish these powers. The Bonn powers came with great responsibility, meaning that the OHR has had to consistently self-regulate the use of the Bonn powers in a way that would minimally interfere in domestic politics. At the same time, HRs have to know how their decisions can be enforced if challenged. Moreover, some argue that the High Representative cannot use the Bonn powers without the support from the EU member states (Bassuener et al. 2009). Lastly, HRs' reluctance to use the Bonn powers could also be related to the decreasing number of international troops in BiH.¹⁶

Over the years, the (O)HR's loudest critics have been the Serb member of BiH's presidency, Milorad Dodik. He has argued that the OHR represents a bone of contention among the international community (Keranen 2017) and creates a 'culture of dependency', making it difficult for BiH to become self-sustaining (Gilbert 2017). Thus, Dodik and the RS government have continuously called for OHR closure. They argued that the OHR had a destabilising and disruptive effect on the BiH political elite's consensus-building and reform efforts (RS Government 2009). The Council of Europe's Venice Commission (2005) observed that the attitude towards the Bonn Powers in RS was 'generally critical, even strongly hostile'.

In November 2019, the RS Parliament approved nonbinding resolutions consisting of various 'conclusions' proposed by the major political party, the Union of Independent Social Democrats (SNSD).¹⁷ These conclusions rejected the Bonn powers (Radio Free Europe 2019). In March 2021, the Parliament of RS adopted a resolution that called for the immediate closure of the OHR. Re-

¹⁶ In 1999, SFOR had 30,000 troops in BiH willing and able to support the OHR in case of serious confrontation (International Crisis Group 2007) compared to 2,500 EUFOR members in 2007. The number has increased to 3,500 in 2022 (Shannon 2022).

¹⁷ Milorad Dodik leads the Union of Independent Social Democrats (SNSD).

publika Srpska's grievances regarding the OHR have also been voiced in their reports to the UN Council. The review of the RS' reports to the UN Security Council revealed the main criticism of the OHR, which was grouped into the following categories:

OHR exceeds its Dayton authority	<ul style="list-style-type: none"> ▪ HR's mandate does not include an interpretation of the BiH Constitution (1-2009, 3-2010). ▪ OHR consists of the 'colonial foreign administrators and commanders' (2-2009: 22).
OHR is biased and centralises governmental authority at the RS Entity's expense	<ul style="list-style-type: none"> ▪ OHR reports to the UN Security Council are 'divisive and unbalanced' (2-2009: 16). ▪ OHR supports Bosniaks' agenda and unconstitutional centralisation of BiH (2-2009, 20-2018). ▪ OHR has sided with Bosniaks to the disadvantage of two other constituent people and has become a 'destabilizing source of paralysis and distrust' (22-2019: 3).
OHR acts 'above the law'	<ul style="list-style-type: none"> ▪ OHR has undermined judicial independence in BiH (5-2011). ▪ High Representative, a non-elected political authority, makes decisions that are impossible to appeal (22-2019). ▪ OHR violates the BiH Constitution and BiH citizens' human rights (1-2009: 9, 2-2009). ▪ OHR established the Court of BiH and BiH's Prosecutor's Office, which conflicts with the Constitution (13-2015). ▪ OHR commits ultra vires acts and uses 'muscular intervention' (1-2009:15). ▪ OHR interferes in the Brčko electricity market (4-2010). ▪ OHR misuses international military forces (SFOR) to enforce illegal and unauthorised decisions (4-2010). ▪ HRs have acted as 'dictators' whose continuous presence and 'illegal interventions' have been 'incompatible' with EU membership (27-2022: 10). ▪ HRs act 'illegally as colonial viceroys and work aggressively, through issuing anti-democratic and legally preposterous diktats, to replace the highly centralized BiH mandated by the BiH Constitution with the unitary "civic" state that was the Bosniak army's wartime goal' (27- 2022: 4). ▪ OHR inhibits BiH's economic development (Republika 4-2010).
The Bonn Powers	<ul style="list-style-type: none"> ▪ OHR has no legal basis for using 'peremptory' powers to suspend and remove public officers, block their bank accounts and seize travel documents (1-2009: 9). ▪ The use of Bonn Powers to remove public officials violates the Stabilization and Association Agreement between BiH, the European Communities and its Member States (2-2009). ▪ The Bonn Powers negatively affect the BiH Constituent people's efforts to negotiate compromises (2-2009). ▪ Annex 10 of DPA grants powers to HR to 'facilitate', 'mobilize' and 'coordinate', not to use the Bonn Powers (3-2010: 3). ▪ OHR imposes laws and extends the mandates of foreign judges and prosecutors by decree (4-2010). ▪ The Bonn powers are 'wholly unlawful', exceed powers granted in DPA, violate human rights and are used as extrajudicial punishments on public officials, especially the Serb ones (22-2019:15).

Citation: Number of the report – year: page (e.g., 2-2009: 22)

Besides being criticised in RS, Russia also does not have a favourable opinion of the OHR and the Bonn powers. Russia criticises the OHR for its ‘protectorate methods’ (BalkanInsight 2015). Although a PIC member, Russia has tried to undermine the work of the OHR from the start and has supported the idea of RS seceding from BiH (Mujanovic 2020). Russia argues that the OHR is controlled by the West and opposed by the Bosnian Serbs (BalkanInsight 2015). In July 2021, Russia and China offered a draft resolution on the abolition of the OHR in BiH to the UN Security Council. Only Russia and China supported the resolution, while 13 council members abstained. Therefore, the OHR office was not abolished¹⁸ (Sarajevo Times 2021). Russia and China also share the RS’ opinion that the OHR should be dismantled and closed by 31 July 2022.

Undoubtedly, the international community is divided on many issues concerning BiH, including the OHR. Considering the complexity of the situation in BiH and the lack of progress between BiH’s political elite, the OHR has made decisions that were not welcomed by certain political elites and the international community. Thus, the OHR has been perceived as both a stabilising and disturbing factor in BiH.

Concluding remarks

There is no denial that BiH is one of the world’s most unique and complicated countries. Bosnia and Herzegovina has one of the most complex systems of governance (i.e., four-tier governance, rotating tripartite presidency, numerous ministries), and the international community also holds executive powers. Bosnia and Herzegovina struggles with its weak institutions, dysfunctional political system and corruption. Often, BiH’s political elites impede and damage BiH’s overall progress by concentrating on their party interests instead of focusing on required reforms, fighting corruption and improving the opportunities for all citizens. Thus, BiH still requires the international community’s engagement and protection from the political elites, both domestic and international actors, who tend to obfuscate the issues of BiH’s identity, sovereignty and territorial integrity.

The foregoing review of HRs’ decisions and reports to the UN Security Council revealed the extent of HRs’ involvement and the tasks they accomplished. The HR’s focus has been on the operational coordination of civilian implementation activities in BiH. Following the end of the war, the immediate attention was on encouraging BiH’s authorities to take on joint responsibility for the implementation of the DPA, the establishment of BiH’s common institutions and economic reconstruction (OHR 1997). Undoubtedly, many of BiH’s post-war accomplishments (i.e., refugee return, reconstruction of the country, freedom of movement,

¹⁸ Nine council members had to vote in favour of the decision, with no vetoes from any of its five permanent member states, in order for the OHR to be abolished.

currency, elections and progress toward the EU and NATO membership) resulted from the OHR's efforts. Unfortunately, following a decade of positive reintegration, BiH's progress has been mainly stalled by political forces interested in ethnopolitical divisions and rolling back achieved progress and key reforms.

Since its establishment, the OHR has issued 950 decisions meant to help BiH implement the civilian aspect of the DPA, rebuild the country and help it transition into a self-sufficient democratic country capable of achieving EU membership. Bosnia and Herzegovina would not be able to make any progress if the OHR did not act. The OHR has not had an easy task bringing about positive changes in BiH, but its inaction in recent years provided an opportunity for ethnonationalists to undermine already made progress. Thus, it is crucial for HRs to have support from the rest of the international community when deciding to use the Bonn powers as many factors may influence their implementation (e.g., PIC's approval, regional and global political environment, etc.). Therefore, HRs have had to carefully decide when they choose to use the Bonn powers to issue decisions and implement them.

Some have questioned whether the Bonn powers have become an obstacle to state-building, the development of effective institutions and the reduction of a democratic deficit as they may lead to a lack of ownership and reinforce the passivity of BiH's politicians. Using the Bonn powers to overcome political obstructions and establish the state-level institutions might have lessened the need for state-level negotiations among the national groups (Cox 2001).

The Venice Commission (2005) acknowledged that using the Bonn powers helped BiH become a more stable and viable country. They have helped overcome the DPA's shortcomings and the nationalist tendencies to stall and endanger BiH's sovereignty and territorial integrity. However, it also recognised the Bonn powers' inadequacies, especially since they were not consistent with democratic principles such as due process and the possibility of judicial control. The Commission supported phasing out Bonn powers and providing more subtle means instead, but this should be postponed to a later date. Recently, former HR Inzko stated: 'Perhaps the international community made a mistake when it changed gears too quickly from what we had – a robust, strong, international presence – to domestic responsibility, domestic solutions' (as cited in Jahić 2021).

Unfortunately, the lack of the international community's focus on BiH in recent years and a harmonious plan for BiH worked in favour of secessionist politics. Moreover, due to the rise of nationalism and the fragile world peace, some members of the international community expressed concern about the deteriorating political situation in BiH and have called for greater international involvement. Bosnia and Herzegovina should be considered the international community's moral responsibility, considering BiH's suffering during the 1992–1995 war. The international community cannot give up on BiH and must continue to support it in a way that would allow BiH to flourish and keep its

political leaders accountable. Thus, the Bonn powers to remove uncompliant BiH leaders should remain an option.

The EU-US previously preferred a 'local ownership' policy for BiH does not seem achievable right now as BiH faces many existential threats (i.e., calls for secession/'peaceful divorce' by Milorad Dodik). These threats would amplify if the OHR closed. Former HR Schwartz-Schilling called the international community to help BiH as he recognised the 'egoism of the political parties, especially the leadership of the three national ethnic groups, which think only of their own well-being, are the biggest obstacles on the road to Europe' (N1 Sarajevo 2021). Former HR Inzko stated, 'the same old mistakes – putting the interests of a private, privileged political class before those of the country and its citizens – continue to be made' (OHR 2014). The Bonn powers remain the only feasible option for resolving crucial deadlocks when the Bosnian political elites are unable and unwilling to find and implement the best solutions and reforms for BiH. In its current state, BiH cannot withstand the removal of the OHR as its international tutelage. Therefore, BiH still very much relies on the guidance and actions of the international community. The international community, including the OHR, must first ensure BiH's sovereignty and territorial integrity, help the country reach its potential and move towards Euro-Atlantic integration. However, considering the global environment, the international community most likely will choose not to take extreme measures in BiH and instead continue to tread lightly to avoid any escalations.

Bosnia and Herzegovina needs responsible and committed leaders who demonstrate credibility and commitment to multiculturalism and completion of the 5+2 Agenda while ensuring the best interest of the country. Moreover, BiH needs support from a robust and effective OHR committed to preserving BiH's territorial integrity. All decisions that the HR makes must first and foremost keep the best interest of all BiH's citizens at heart. Once BiH's political elite is focused on BiH and its progress instead of its personal gains, the OHR will be able to close its office in BiH. In the meantime, the OHR has to act decisively as BiH's citizens need an HR willing to make tough and necessary decisions instead of just expressing 'deep concerns'.¹⁹

As I was finishing this article, the news broke that HR Schmidt was considering using the Bonn powers to amend the Election Law in favour of the Croat Democratic Union's (HDZ BiH) proposal.²⁰ The draft decision was sent to the

19 Former HR Inzko often expressed "deep concern" about the situation in BiH without using Bonn powers or taking any other actions to remedy the problems (Mujanović 2020). To the public, deep concerns became synonymous with inaction.

20 Dragan Čović, the leader of the Croat Democratic Union (HDZ BiH) and a former member of BiH's tripartite presidency has disputed the legitimacy of the Croat member of BiH's presidency, Željko Komšić arguing that Bosniaks helped elect him. In 2005, HR Ashdown removed Čović from his position as a Croat Member of BiH's tripartite presidency (OHR 2015).

Embassies, and HR Schmidt met with representatives of political elites in FBiH, but the OHR has not consulted with or provided any information to the public. Based on the leaked information, the concern is that proposed changes to the electoral law would lead to further ethnic divisions within BiH, would bolster Croat nationalists' representation, and lead to the creation of the third, Croat entity. While previous HR Schmidt's decision to ensure the funding for the elections was welcomed by individuals wanting to practice their fundamental right, the right to vote, this potential decision that would only allow Cantons with most Croats to give delegates to the federal House of People, concerned many. It would lead to further ethnicisation of the country if collective ethnic rights were tied to a specific territory (Kojovic 2022). It would strengthen the position of nationalistic parties resulting in discrimination of others in FBiH. If the speculations turn out to be true, the decision would be tantamount to BiH's further division without announcing it.

The HR needs to carefully consider the future implications of the decision and the effect on the individual rights of all citizens in BiH. The oversights in the DPA (i.e., violation of human rights) showed that the devil is in the details and that any piece of legislation is difficult to change in BiH later. Whatever decision the OHR makes, it needs to discourage rather than reinforce any further divisions along ethnic lines that could lead to BiH's downfall. High Representatives' actions need to be directed toward finding a common solution that is in the best interest of all people and BiH as a state. In the past, the international community missed many opportunities to protect BiH and allowed ethnonationalists to cause instability in BiH. Thus, the international community, including the OHR, has a moral and legal duty to prevent anything that would roll back twenty-six years of peace implementation reforms and bring BiH closer to collapse.

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Nomination of Ministers According to the Areas of Electoral Support for Political Parties in Elections to the Chamber of Deputies of the Parliament of the Czech Republic¹

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Abstract: *Following identification of the areas of electoral support for the ruling parties since 1996 and subsequent analysis of the selection of ministers by each party, it was found that centre-right parties nominated more ministers from their areas of electoral support, mainly from Prague and other large cities. On the other hand, left-wing parties nominated ministers from similar areas to centre-right parties, even if they did not draw their electoral support from there. The Public Affairs party, which was established in Prague, nominated all its ministers from Prague, despite the fact that for the party it was not an area of electoral support. It is evident that, for the completion of a minister's mandate, it is not important whether he or she comes from an area of electoral support. Only TOP 09, the Greens and KDU-ČSL (1998 elections) used the nomination of ministers to maximise votes within electoral regions, which could be identified as areas of electoral support in the previous elections. On the other hand, with ODA and ANO 2011, ministers were used outside the territory of electoral support, which may be related to the improvement of the election result in regions where the party was not so successful.*

Keywords: *geographic representativeness, government, Czech Republic*

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Introduction

For representative bodies to adequately represent the interests of their citizens, they must be as similar as possible to the population they represent (Pitkin, 1972). It is therefore important that the essential elements of society are reflected in the representative body in the form of MPs who are elected or nominated to their positions. For example, their place of residence would give them geographical representativeness. The division of a country into constituencies, regions or other defined territorial units provides some assurance of this by taking representatives from different areas. Elections in the Slovak Republic, Serbia, Israel and the Netherlands are held within a single electoral district. In the Slovak Republic, a significant over-representation of Bratislava and the western parts of the country at the expense of the east is evident (Charvát 2019; Madleňák 2017). A similar over-representation of specific areas has been noted in the Netherlands, Israel and Serbia (Stamenković 2022). Geographical representativeness at the parliamentary level has been studied by Latner and McGann (2005), using the example of the Netherlands and Israel, and they conclude that the capital city, peripheral regions and regions with a strong identity are more represented than regions close to the capital. Even in the mixed electoral system used in elections to the Bundestag, the overrepresentation of urban districts was found at the expense of the countryside (Haffer 2021). By contrast, elections to the Chamber of Deputies of the Parliament of the Czech Republic have been associated with 14 constituencies since 2002, whereas in previous elections there were only eight. This arrangement guarantees a certain degree of representativeness of the Chamber at a national level through the place of residence of each candidate. The actual geographical representativeness of MPs during the First Czechoslovak Republic (1918–1938) and the Czech Republic up to 2013 has been studied by Mikešová and Kostelecký, who conclude that there has been a gradual reduction in the number of MPs coming from the capital city to the benefit of smaller districts (2016). Similar trends have been confirmed at government level in the Slovak Republic and the Czech Republic, both in administrations formed by the agreement of political parties and in technocratic governments. Thus, one of the reasons for the greater representativeness of governments in terms of territorial units may be related to the different conception of the distribution of constituencies (Dvořák et al. 2021).

In this paper, we focus on the composition of Czech governments since 1996 with respect to where ministers live. We observe over time whether government parties nominated their ministers with respect to the electoral results in the districts or whether greater electoral support in individual districts was not relevant for them in deciding whom to nominate as a minister. We also look at whether parties used individual ministers to improve their electoral performance at the next election by nominating them to the districts where they lived

or elsewhere. In doing so, we seek to answer a number of questions and prove hypotheses as follows:

Q1) Do political parties differ in their nomination of ministers with respect to electoral support within the districts of the Czech Republic in elections to the Chamber of Deputies?

H1) A certain number of people from Prague and other large cities (Dvořák et al. 2021) are always represented in government, and centre-right political parties receive significantly more votes in Prague and other large cities than left-wing parties (volby.cz). Centre-right parties will have more ministers who fall within areas of electoral support².

Q2) Do ministers from areas of electoral support have more chance of completing their mandate?

Q3) Do political parties differ in their use of ministers when drawing up their lists of candidates? Do they use them as leaders of regional candidate lists? Do they run candidates in their place of residence?

H2) Political parties nominate ministers to the strongest constituencies to maximise electoral performance.

H3) Political parties with fewer members and thus also potential candidates make greater use of non-party ministers as candidates in the next elections due to their greater media exposure.

Theory of descriptive representation

The theory of political representation is based on the basic premise of the representation of people living in a certain place by representatives who are endowed with a degree of autonomy in their decision-making. There is a delicate relationship between the representative and the represented, since the representative must take into account the wishes of the people represented, but on the other hand must have sufficient autonomy to act. Thus, both parties must be sufficiently independent, otherwise this fragile balance is in danger of being upset. This paper will not discuss the issue of political representation in detail but will focus on one of the four types of political representation identified by Hanna Pitkin (Pitkin 1972: 60–91), namely descriptive representation. In descriptive representation, visible external characteristics and the similarity between the represented and the representative are important. Pitkin writes about mirror representation, where the representative body rep-

2 The method for determining areas of electoral support is described in more detail in the methodology section.

resents all the features of society. However, this is a completely unrealistic idea as there are countless features that cannot be mediated in a representative body (Dovi 2010; Goodin 2004; Pitkin 1972). It is thus essential that groups in society associated with relevant and important topics that would otherwise be overlooked are represented in the representative body (Dovi 2010; Mansbridge 1999; Pitkin 1972; Urbinati 2000; Williams 1998). If only relevant elements of society shared by the whole group are included (Pitkin 1972), there is no risk of the excessive fragmentation of the representative body (Williams 1998). On the other hand, it is possible that despite the representation of the group, its interests will not be automatically defended (Mansbridge 1999; Young 1997), the represented people will not accept someone as their representative despite shared characteristics (Dovi 2002) or a marginalised group is 'oppressed' by the majority within the representative body (Williams 1998).

One of these relevant elements is geographical representation, i.e. the representation of an area by a representative who can defend the interests of the inhabitants of that area, as each area is different in the economic or political interests and identity of the inhabitants (Mikešová – Kostelecký 2016). Moreover, during the formation of government bodies, a situation arises where members of the government are selected by parties that have received sufficient support in elections. Therefore, we cannot speak of voters from different parts of the country having a direct influence on the structure of government bodies. Frances E. Lee considers that the need to fragment representative bodies so that they may reflect territorial differences is less urgent today than it was in the past, as these differences in the population are less pronounced. It is now more important that political parties express values than that they represent particular segments of society (Lee 2007). On the other hand, it cannot be argued that the presence of a person from a given area does not have a direct impact on the redistribution of funds from the state coffers (Mikešová – Kostelecký 2016).

A number of authors focus on pork-barrel politics, pointing to the fact that representatives prefer their own areas of residence (André – Depauw 2018) when they make decisions about the distribution of public funds (Grossman – Helpman 2005; Latner – McGann 2005; Hána 2013). At the same time, voters better identify with candidates who live in, or come from, the same area as them. This effect, referred to as the candidate effect, was first established by Vladimir Orlando Key (1949) through an analysis of elections in southern US states and has been confirmed by a number of authors (e.g. Arzheimer – Evans 2012; Heron – Lynch 2019; Put et al. 2020). In the Czech Republic, Voda and Pink (2009), for example, based on an analysis of the 2006 Chamber of Deputies elections, found that party leaders who ran in their region of residence received more support from that area than leaders who ran elsewhere. Closely related to this is the neighbourhood effect: the fact that voters are directly influenced in their choices by their local social networks (Campbell et al. 2019; Kostelecký – Čermák

2004; Johnston et al. 2007; Malcová 2012). It can be argued that voters to some extent select individuals because of where they live, just as districts or counties that are not represented in representative bodies may be disadvantaged in the distribution of public resources and overall representation. Similarly, the sense of representation may be questioned if a citizen of a district is represented by an MP of a political party with which he or she disagrees on fundamental issues. For this reason, it is important to assess the nomination process of specific parties in the light of their performance in the given district during the elections to the Chamber of Deputies. In cases where a party nominates a minister from a district with strong electoral support, a sense of representation can be expected to be fulfilled among a significant number of party and district voters. However, does this affect the stability of the ministerial position? Is the minister more likely to complete his or her mandate if he or she comes from the territory from which the given party draws electoral support?

Since Czech ministers (except for the Sobotka and Babiš I and II governments) have been chosen mainly from districts where the regional capital is located or from Prague (Dvořák et al. 2021), it can be assumed that left-wing parties will have significantly fewer people who fall into the areas of electoral support. One of the possible explanations for this is that the district and regional organisations of parties based in these districts play an important role in the nomination of candidates (Outlý – Prouza 2013; Spáč 2013). In the selection of non-party ministers, it is evident that these experts hold their positions in large cities, where they also live. The use of non-party members for election to the Chamber of Deputies is expected to be more pronounced in political parties with few members, i.e. new (TOP 09, US-DEU and ODA) or populist parties (ANO 2011 and Public Affairs), especially in cases where the political party (ANO 2011) held more positions in the government.

When nominating ministers for elections to the Chamber of Deputies, we assume that parties exploit the popularity of ministers in different ways. As noted by Latner and McGann (2005), parties nominate ministers to their strongest constituencies to maximise electoral performance. The party has its strongest base there and party members are able to push their candidate to the top of the list. It is therefore likely that parties that poll better in a limited number of regions are more likely to nominate ministers to these regions in order to maintain their electoral gains.

On the other hand, we must consider the situation when the political party tries to use the familiarity of the minister to improve the election results in a constituency where it previously received fewer votes, or where in the last elections the candidate narrowly failed to obtain a parliamentary mandate. It can be assumed that in smaller regions, where the party has a real chance of winning one seat, the minister will be nominated as the first-place candidate (Young 1994; Put 2016).

Methodology

In the Czech Republic, eight elections to the Chamber of Deputies have been held during the country's independent existence, but there have been more governments than that. Since 1996, 15 governments (see Appendix 1) have been formed,³ with those of Tošovský, Fischer and Rusnok being technocratic governments and thus not included in this analysis. Similarly, there is no analysis of the government of Petr Fiala, which is still in office at the time of writing. Elections to the Chamber of Deputies have been held in the Czech Republic since 2002 in 14 constituencies (before then there were eight), one of which is the city of Prague. The parties can therefore create 14 lists of candidates, with 14 people who will lead the candidates in the election contest. This article uses data from the Czech Statistical Office, specifically the *volby.cz* server, which allows for a comparison of the results of the Chamber of Deputies elections for both regions and districts. In other cases, the place of residence was obtained from the *justice.cz* server (*justice.cz*).

We draw conclusions based on a widely used method for determining areas of electoral support. The topic of electoral geography has been widely discussed in the Czech Republic, mostly in terms of determining the (stable) areas of electoral support and the elements that cause a particular distribution of support by region for a given party (Balík 2006; Daněk 1993; Jehlička – Sýkora 1991; Kostelecký 2009; Maškarinec 2011; Navrátil 2010; Pink – Kabát 2006; Pink 2006, 2010; Šaradín 2004; Voda 2012). However, at present there are no studies of the ministerial nomination process with regard to the electoral performance of parties in districts in the elections to the Chamber of Deputies. Identifying areas of electoral support involves ranking all territories (in our case, districts) according to electoral performance, expressed as a percentage, from the highest to the lowest for each election. We then count the votes obtained for each district from the most successful district until the sum of the votes reaches a supermajority of all votes obtained by the party. All districts that have not already been counted cannot be considered areas of stable support for a particular party. Having established the districts that can be identified as areas of electoral support for a given party in a particular election, we then follow the nomination process of each government party in filling government seats. We are interested in whether parties take into account their own electoral performance (electoral support in territories) in each election when making nominations, or whether preference is given to people from the top of each regional ticket when choosing cabinet members. We also look at the use of for-

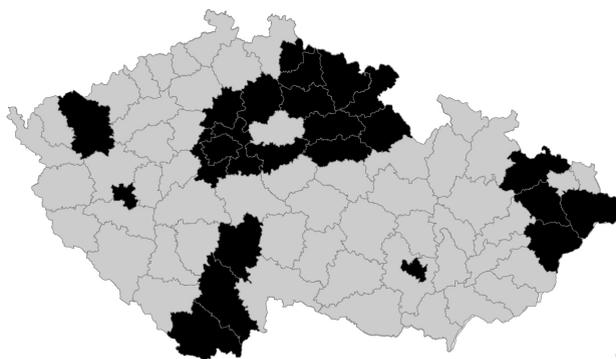
3 We analyse the following political parties: the Civic Democratic Party (ODS), the Czech Social Democratic Party (ČSSD), the Christian and Democratic Union – Czechoslovak People's Party (KDU-ČSL), Public Affairs/Lidem, the Freedom Union–Democratic Union (US-DEU), the Civic Democratic Alliance (ODA), the Green Party, TOP 09 and ANO 2011. Ministers who were only entrusted with the management of a ministry are not included in the analysis.

mer ministers in the next election – are they chosen as leaders of the regional candidate lists? We are interested in whether ministers are nominated for the region of their residence and the party thus takes advantage of the proximity of its candidates to the electorate or whether it tries to appeal to voters mainly by the familiarity of the minister, e.g. by name.

Nomination process for ministerial positions by party⁴

ODS was involved in four governments during the study period, in three of which it was the strongest party (Klaus II, Topolánek II and Nečas); in one case it formed a single-party government (Topolánek I). In terms of the nomination of ministers according to the area of electoral support associated with the formation of these governments, it is clear that in the Klaus II government, 10 out of 11 people were nominated from a district that can be described as an area of electoral support (from Prague eight times, Prague-West and Frýdek-Místek), while the minister Stanislav Volák came from the district of Domažlice. In the first Topolánek government, the situation was different, as 11 of the 15 nominated ministers came from an area of electoral support (Prague seven times, Brno, Ústí nad Labem, Kladno and Pilsen-City). The other ministers came from the districts of Frýdek-Místek, Olomouc, Teplice⁵ and Vsetín. In Topolánek's second government, the situation changed only in the number of ministers from Prague, which dropped from seven to three. In the Nečas government, ODS nominated nine out of 11 ministers from areas of electoral support (Vsetín, Prague three times, České Budějovice, Pilsen-City, Brno-City, Příbram and Kladno), plus one minister each from the Karviná and Opava districts.

Map 1: Areas of electoral support for ODS during the Klaus II. government



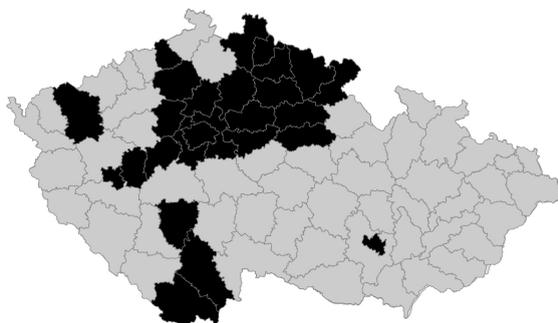
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Source: Volby.cz, own processing.

4 Four ministers were nominated in the Nečas government (Jan Kubice, Vlastimil Pícek (Prague-East), Petr Fiala (Brno-City) and Radek Šmerda (Prague)) jointly by ODS, VV/Lidem and TOP 09.

5 The Teplice district was just below the threshold defining an area of electoral support.

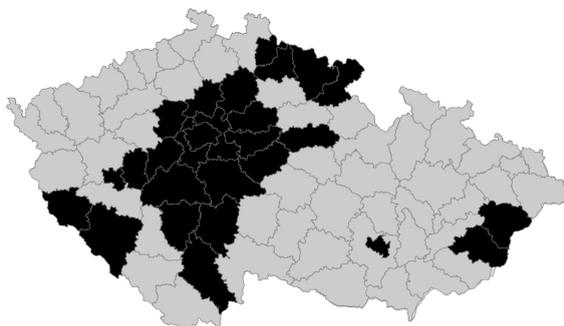
Map 2: Areas of electoral support for ODS during the Topolánek I. and II. government



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Source: Volby.cz, own processing.

Map 3: Areas of electoral support for ODS during the Nečas government



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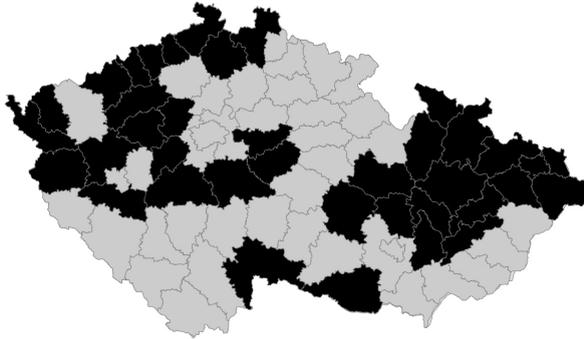
It was typical of all four governments that more than two-thirds of the personnel were elected to the lower chamber of parliament before they were appointed minister and in more than half of cases future ministers led their list of candidates. However, following their government engagement, less than half of ministers participated in the next elections (in the Klaus II government, only Václav Klaus and Ivan Pilip did), and all of them, except Jiří Pospíšil in Nečas's government, completed their ministerial mandate. In most cases, they ran as leaders in the regions where they were permanently resident, except for Ivan Pilip, who in both 1996 and 1998 ran in the East Bohemia region, although he did not live there. It can thus be concluded that ODS favoured proven electoral performers. If a minister decided to run in the next election, he would be nominated in the region in which he was resident. In terms of ODS strategy in selecting its ministers, there was a preference for people who, on the one hand,

led the candidate list in the last election to the Chamber of Deputies and, on the other, were from areas that could be considered a place of ODS electoral support.

ČSSD was involved in six of the ten governments in the study period; in four cases it was the strongest party in the coalition (Špidla, Gross, Paroubek and Sobotka), in one case each it formed a single-party government (Zeman) or was a minor coalition partner (Babiš II). In Zeman's government, the party nominated only three of the 27 ministers from areas of electoral support (Vladimír Špidla for the district of Jindřichův Hradec, Petr Lachnit for Ostrava and Jan Fencel for Hodonín), as it favoured people from the most populous cities in the Czech Republic (Prague 15 times, Brno four times), or from the districts of Prague-West, Prague-East, Jihlava, České Budějovice or Hodonín. This fact is problematic mainly because the party received the smallest percentage of votes in Prague and its surroundings. In Špidla's government, seven out of 15 ministers came from areas of electoral support (Brno-City, Kutná Hora, Jindřichův Hradec, Bruntál, Olomouc, Ostrava and Vyškov), supplemented by Zdeněk Škromach from the Hodonín district, while the number of people coming from Prague (seven) decreased correspondingly. In Gross's government, five out of 12 ministers were nominated from areas of electoral support (Kutná Hora, Bruntál, Olomouc, Pilsen-City and Vyškov), supplemented by a minister from the Hodonín and Brno-Country districts and five ministers from Prague. Paroubek's government also mostly nominated ministers from outside areas of electoral support (Prague-West, Svitavy, Hodonín, Brno-Country and Prague six times), as only six of the 16 ministers came from districts that can be described as such (Kutná Hora, Tábor, Havlíčkův Brod, Olomouc, Pilsen-City and Vyškov). Sobotka's government did not deviate from the trend of the Social Democrats and only six out of 13 ministers came from areas of electoral support (Vyškov, Ostrava, Karviná, Tábor, Kutná Hora and Rakovník). The other ministers came from the districts of Pilsen-City, Chrudim, Brno-City and Prague (four times). In Andrej Babiš's second government, the Social Democrats nominated the fewest ministers so far, yet its preference for people from outside areas of electoral support persisted. Only three of the eight ministers came from such areas (Olomouc, Ostrava and Žďár nad Sázavou), while three ministers resided in the Prague district, one in Mladá Boleslav and one Mělník.

Before their appointment to government positions, three-quarters of future ministers in the Špidla and Gross governments, three-fifths of ministers in the Zeman, Paroubek and Sobotka governments and only three of eight ministers in the Babiš II government participated in elections. After their appointment, less than half of the ministers stood as candidates in the next election, namely a third of the ministers in the Zeman, Babiš II and Špidla governments, while Špidla's government collapsed mid-term and eight of its ministers were not reappointed to the successive Gross and Paroubek governments. Even so, one minister took part in the elections, namely Josef Kubinyi, who stood as

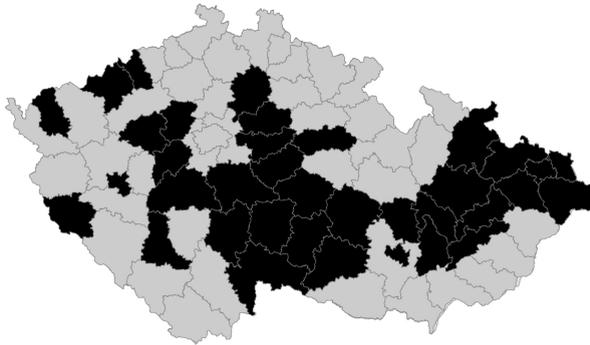
Map 4: Areas of electoral support for ČSSD during the Zeman government



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Source: Volby.cz, own processing.

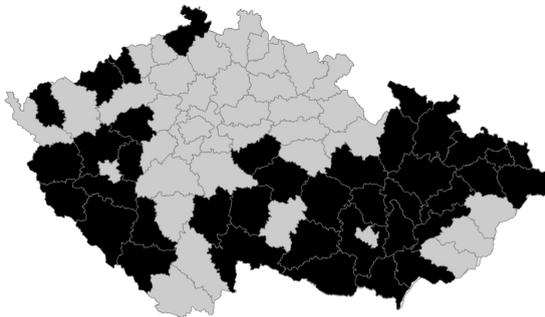
Map 5: Areas of electoral support for ČSSD during the government of Špidla, Gross and Paroubek



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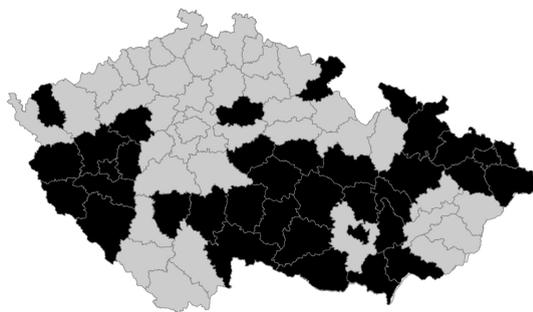
Map 6: Areas of electoral support for ČSSD during the Sobotka government



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Source: Volby.cz, own processing.

Map 7: Areas of electoral support for ČSSD during the Babiš II. government



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Source: Volby.cz, own processing.

a candidate for 14th place in the Moravian-Silesian region. For the remaining three governments, the number of ministers standing as candidates in the next elections was halved and only ministers who completed their governmental engagements continued to stand as candidates, except for Jan Mládek in 2017, who stood as a candidate outside his region of residence in South Bohemia in seventh place. With the exception of Zeman's government (50 % of cases), ministers became leaders of candidate lists in 70–80% of cases, while in the first five governments they were used as leaders outside their place of residence. It was only in the 2017 elections (Sobotka's government) that four of the five ČSSD ministers led a candidate list in the region of their residence, and in 2021 all three ministers running for office did so. It can thus be concluded that the party has repeatedly tried to use the familiarity of individual ministers to lead regional candidate lists outside the ministers' place of residence, for example, in the Zlín and Ústí nad Labem regions.

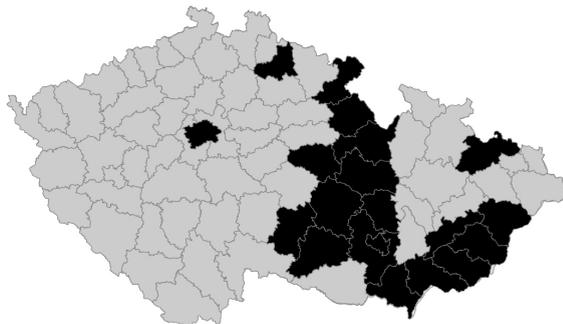
In terms of the selection of ministers, the party preferred people from larger cities (Brno and Prague), which can mostly not be described as areas of electoral support for the ČSSD. This led to more than half of ministers in all the governments not coming from districts that could be described as areas of electoral support. This discrepancy is most evident in the Zeman government, where Prague and its surroundings, and the district of Brno-City, were strongly favoured, despite ČSSD achieving some of its worst election results in these districts.⁶

KDU-ČSL participated in six governments (Klaus II, Topolánek II, Sobotka, Špidla, Gross and Paroubek), in the three last-mentioned cases in coalition with the US-DEU. Each time, it had a weaker role in government, which corresponded to the smaller number of ministers. In terms of the participation of KDU-ČSL and US-DEU in the Špidla, Gross and Paroubek governments, KDU-ČSL drew

⁶ The party received the most votes in the Karviná district (46.9%), the least in the Prague district (23,4 %) and 29,43 % in the Brno-City district.

all of its three ministers from districts in areas of electoral support (Prague, Hodonín and Brno-City). Two of the three US-DEU ministers came from areas of electoral support, namely Prague, and one minister came from the district of Tábor, which did not fall within an area electoral support for the Coalition of Four of which US-DEU was a member.

Map 8: Areas of electoral support for the KDU-ČSL and US-DEU during the Špidla, Gross and Paroubek government



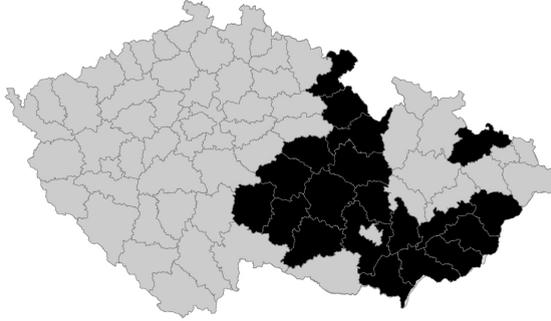
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During KDU-ČSL's own government involvement, specifically in Klaus's second government, the party nominated three of the five ministers from areas of electoral support (Ústí nad Orlicí, Chrudim and Zlín), Tomáš Kvapil from the Olomouc district and Jaromír Talíř from České Budějovice. In Topolánek's second government, the party nominated only two of the seven ministers from areas of electoral support (Vsetín and Jihlava). The remaining ministers came from the Prague district (three), despite the fact that the party polled weakly in Prague, and Tábor (two) where its performance was just under the threshold defining an area of electoral support. In Sobotka's government, the party nominated Pavel Bělobrádek from an area of electoral support (Náchod) and Marian Jurečka from the Přerov district, which again was just short of meeting the criterion of an area of electoral support, and Daniel Herman from the Prague district.

In KDU-ČSL's coalition with US-DEU (2002–6), five of six future ministers participated in the elections, and in the last Paroubek government four of six future ministers stood for election (Libor Ambrozek was a leader in a constituency in which he lived). The same was true of four out of five future ministers in the Klaus II government, three of seven future ministers in the Topolánek II government and three future ministers in the Sobotka government. The situation in the next election changed for US-DEU, with Pavel Němec (minister in the governments of Špidla, Gross and Paroubek) as leader in Prague, even though he was resident in Tábor, and Karel Kühnl (minister in the governments

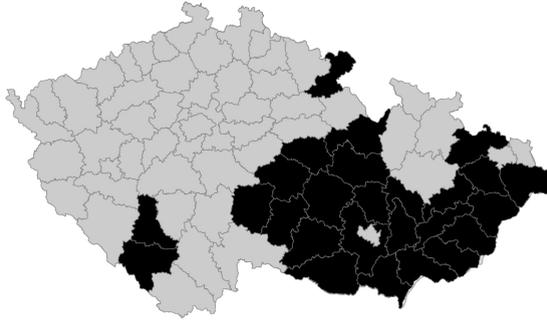
Map 9: Areas of electoral support for KDU-ČSL during the Klaus II. government



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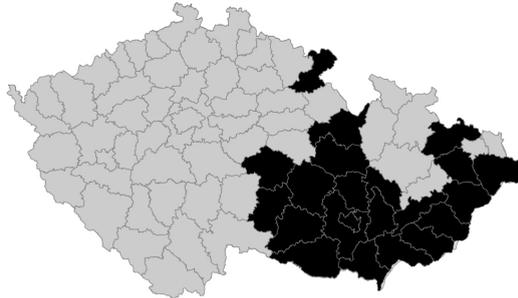
Map 10: Areas of electoral support for KDU-ČSL during the Topolánek II. government



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Source: Volby.cz, own processing.

Map 11: Areas of electoral support for KDU-ČSL during the Sobotka government



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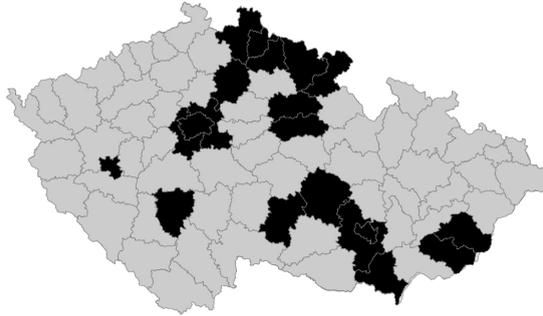
of Gross and Paroubek) as the number three in the Ústí nad Labem region, even though he lived in Prague. The situation in KDU-ČSL was stable throughout all three government coalitions, as two of their three ministers were leaders in Prague (Cyril Svoboda) or in the South Moravia region (Milan Šimonovský), where Libor Ambrozek stood as a candidate in second place. Prior to their appointment to Klaus's second government, four out of five future ministers stood as candidates (three as leaders), in two cases in their region of residence. Subsequently (1998), all five ministers stood as candidates in their regions of residence, two as leaders or runners-up on the candidate list. In his region of residence, Jaromír Schneider stood as the 12th candidate on the South Moravian list, despite the fact that he did not complete his mandate. In Topolánek's second government, three of the seven future ministers stood as leaders on the candidate lists of KDU-ČSL; Cyril Svoboda stood as a candidate in the region of his residence (Prague). In the subsequent elections in 2010, Miroslav Kalousek and Vlasta Parkanová decided to stand as candidates for a new party, TOP 09, and when the next elections were held, Cyril Svoboda stood as leader outside the Hradec Králové region, where he lived, and Pavel Svoboda stood as a candidate in the Karlovy Vary region, even though he resided in Prague. Before and after their engagement in the Sobotka government, three ministers stood as leaders in constituencies where they lived. These were Pavel Bělobrádek (Hradec Králové), Marian Jurecka (Olomouc) and Daniel Herman (Prague).

Overall, the results can be summarised by saying that in its first government engagement KDU-ČSL favoured ministers who tended to come from areas of electoral support. After the government engagement associated with the formation of the Coalition of Four, where the parties preferred ministers residing in Prague, which corresponded to the electoral support territory of this coalition, KDU-ČSL continued to prefer ministers who came from Prague, although its electoral performance in the capital fell into the worse half of all districts. At the same time, the party chose from among the leaders of the candidate lists when nominating people to government, and consequently used its ministers in the region of their residence for the top positions on the candidate lists.

ODA participated only in the Klaus II government, in which five of the six ministers came from Prague – area of electoral support. Vlasta Parkanová came from the Tábor district. In the election, the party used candidates from the capital as leaders in other regions before and after the governmental engagement. At the same time, however, the party did not nominate anyone from the Brno-City district, despite the fact that the party obtained the best electoral result there.

The Green Party was a part of Mirek Topolánek's second government, with four of the six ministers coming from districts that could be described as areas of electoral support (two from Prague, and one each from Brno-City and Chomutov) for the party. The remaining two ministers came from the districts of Rakovník (Karel Schwarzenberg) and Český Krumlov (Dana Kuchtová), where

Map 12: Areas of electoral support for ODA during the Klaus II. government

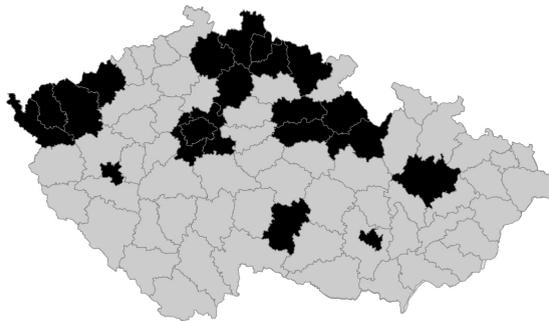


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the party obtained a middling electoral result. As there were frequent splits in the party, it is not surprising that Karel Schwarzenberg decided to stand as a candidate for TOP 09 in the next election. Moreover, the party did not use its two ministers as leaders in the region of their residence (Martin Bursík, a resident of Chomutov, stood as a candidate in the Ústí nad Labem region; Ondřej Liška, who lived in Brno, stood as a candidate in Prague), and nominated Džamila Stehlíková for the sixth seat in the region of her residence, i.e. Ústí nad Labem, despite her earlier termination of her governmental engagement.

Map 13: Areas of electoral support for Green Party during the Topolánek II. government



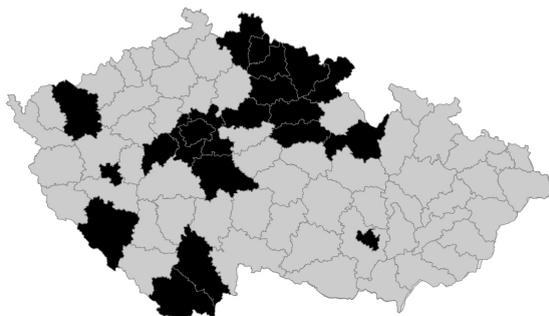
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TOP 09 participated only in the Nečas government, where it nominated four ministers from areas of electoral support (Hradec Králové, Ústí nad Orlicí, Jablonec nad Nisou and Beroun). The other three ministers were from the districts of Rakovník, Tábor and Zlín, while no minister was from Prague, where the party had its best electoral result (20% of the total vote). Six of seven ministers were elected before being appointed, in four cases standing as leader, three of

them outside their region of residence. Only three ministers took part in the next elections, all of them as leaders, Leoš Heger in the region of his residence (Hradec Králové region).

Map 14: Areas of electoral support for TOP 09 during the Nečas government

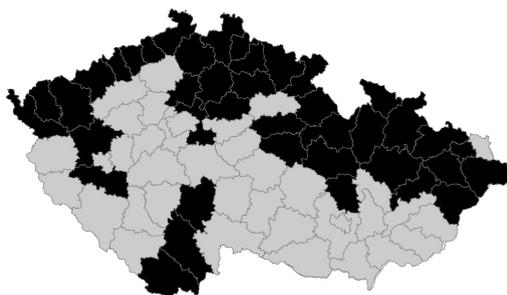


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Source: Volby.cz, own processing.

Public Affairs was born as a party in Prague and the Prague City Council, so the fact that all of its nominations of ministers (seven) were from Prague in the Nečas government is not surprising, despite Prague not being a clear area of electoral support for the party. The party did not stand candidates in the next election, so it is impossible to determine whether it would have used its ministers as leaders in the various regions. Only Vít Bárta stood as a leader of the Pilsen region for the party Dawn of Direct Democracy, although he did not live there.

Map 15: Areas of electoral support for Public Affairs during the Nečas government



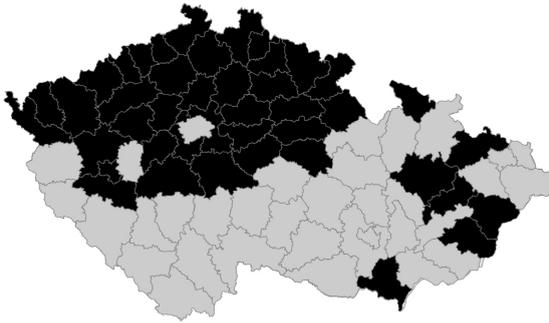
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Source: Volby.cz, own processing.

ANO 2011 was part of two government coalitions (Sobotka and Babiš II) and one single-party government (Babiš I). In Sobotka's government, four of the 10 ministers came from areas of electoral support (two from Prague-West and one each from Litoměřice and Přerov), while the other ministers were nominated from

the districts of Prague (four), Třebíč and Brno-City. In Babiš's first government, only five out of 15 ministers came from areas of electoral support (Šumperk, Jičín, Frýdek-Místek, Litoměřice and Karviná), supplemented by ministers from the districts of Prague (four), Prague-West (three), Brno-City (two) and České Budějovice. Even in Babiš's second government, a significant number of ministers came from districts outside areas of electoral support. Specifically, only five of the 18 ministers were from such areas (Frýdek-Místek, Hradec Králové, Jičín, Litoměřice and Ostrava); the other districts were Prague (four), Brno-City (two), Prague-West (two), Brno-Country (two), České Budějovice, Žďár nad Sázavou and Kladno.

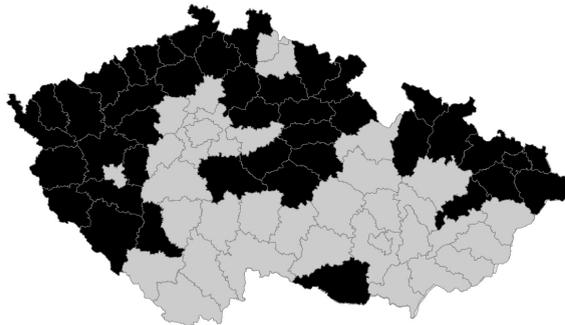
Map 16: Areas of electoral support for ANO 2011 during the Sobotka government



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Source: Volby.cz, own processing.

Map 17: Areas of electoral support for ANO 2011 during the Babiš I. and II. governments



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Source: Volby.cz, own processing.

In the 2013 elections, six of the ten ministers were elected, five of whom led the regional candidate list (Helena Válková was second on the list in her region of residence, Prague), while Věra Jourová (Vysočina region) and Richard Brabec (Ústí nad Labem region) were second on the lists in the constituencies of their

residence. In other governments, eight of the 15 future ministers of Babiš's first government stood as candidates in the 2017 elections, with four of the six leaders standing in their region of residence. In Babiš's second government, six of the 18 future ministers stood as a candidate, five as leader. Dan Ťok stood in the Karlovy Vary region, although he listed Prague as his place of residence. In the 2017 elections, ANO 2011 used seven of the nine ministers (the tenth minister, Antonín Prachař, ran for STAN in 22nd place in the Olomouc region), all of whom stood as candidates in the region of their residence, with only Dan Ťok (Karlovy Vary region) and Karla Šlechtová (Pilsen region) standing as candidates outside their regions of residence. In the 2021 elections, six ministers from both the first and second Babiš governments and two ministers belonging only to Babiš's second government (Karel Havlíček and Taťána Malá) stood as candidates for ANO 2011. In total, seven of the eight ministers stood as a candidate in the region of their residence, with only Jaroslava Němcová not leading the regional candidate list in the Central Bohemia region, as she was in tenth position on the candidate list led by Karel Havlíček. Three candidates did not lead the list in the region of their residence, namely Andrej Babiš, who became the leader in the Ústí nad Labem region, Taťána Malá, who stood in fourth place (the list was led by Alena Schillerová), and Lubomír Metnar, who stood in second place, just behind Ivo Vondárek (the governor of the Moravia-Silesia region). It can thus be concluded that the party was using the position of minister as a benchmark for leadership within the regional candidates, taking advantage of the familiarity of ministers who had completed their mandate to serve as leaders.

What might have caused the differences between the parties?

It turned out that centre-right parties nominated more ministers from areas of electoral support, mainly from Prague and other large cities. Arguably, left-wing parties nominated their ministers from similar areas to centre-right parties, even if they did not have areas of electoral support there. These political parties (ANO 2011, ČSSD and KDU-ČSL after 2009) received the most votes in rural districts, but the nomination of ministers did not correspond to this. A possible explanation is that when choosing ministers, political parties preferred people who came from large cities, where these political parties had their largest membership base and where the leadership of the regional or district organisation is located. In the selection of non-party members as ministers, parties exploited the fact that these were experts in their respective fields, holding senior positions within large companies, hospitals or schools. These experts are often based in large cities, in which these parties do not have an area of electoral support. This fact was confirmed for the populist parties (ANO 2011 and Public Affairs/Lidem).

Table 1: Number of ministers by political parties since 1996–2022 (the percentage of ministers from areas of electoral support is given in brackets)

	ODS	ČSSD	KDU-ČSL ⁷	ODA	SZ	TOP 09	VV	ANO 2011
Klaus II	11 (90.9)		5 (60.0)	6 (83.3)				
Zeman		27 (11.1)						
Špidla		15 (46.6)	3 (100)					
Gross		12 (41.7)	3 (100)					
Paroubek		16 (37.5)	3 (100)					
Topolánek I	15 (73.3)							
Topolánek II	11 (63.6)		7 (28.6)		6 (66.7)			
Nečas	11 (81.8)					7 (57.1)	9 (0)	
Sobotka		13 (46.2)	3 (33.3)					10 (40.0)
Babiš I								15 (33.3)
Babiš II		8 (37.5)						18 (27.8)

Source: Volby.cz, own processing.

In the following section, we focus on whether ministers who were nominated from districts that fell within areas of electoral support had a greater chance of completing their mandate than those who were nominated outside areas of electoral support. We included in the analysis only ministers who were nominated immediately after the formation of the government. This decision was made because all ministers have as similar starting conditions as possible when they are appointed to their positions. At the same time, we excluded the governments of Topolánek I and Babiš I from this comparison, as these were only bridging governments in which the phenomenon we investigate could not fully manifest itself. The results (Table 2) clearly show that the strong electoral support (area of electoral support) that can be associated with the fulfilment of the representation of party voters does not play a role in whether a minister is more likely to complete the mandate. It has not been shown that ministers with stronger support from the electorate are more likely to withstand various pressures during their mandate, as opposed to ministers out of an area of electoral support. Intra-party relations, political scandals or coalition disputes are more important variables in terms of staying in office.

⁷ In the Špidla, Gross and Paroubek governments, KDU-ČSL was in coalition with US-DEU.

Table 2: Number of ministers from areas of electoral support / outside areas of electoral support (the percentage of ministers who ended their mandate early)

	ODS	ČSSD	KDU-ČSL ⁸	ODA	SZ	TOP 09	VV	ANO 2011
Klaus II	9 (66.7)/ 0		3 (66.7)/ 1 (100)	5 (60.0)/ 0				
Zeman		2 (100)/ 16 (43.8)						
Špidla		5 (100)/ 6 (50.0)	5 (100)/ 1 (100)					
Gross		5 (100)/ 7 (100)	5 (100)/ 1 (100)					
Paroubek		4 (50.0)/ ⁹ 8 (88.9)	5 (100)/ 1 (100)					
Topolánek II	5 (80.0)/ 4 (75.0)		1 (0)/ (75.0)		2 (50.0)/ 2 (50.0)			
Nečas	5 (20.0)/ 1 (0)					3 (33.3)/ 2 (100)	0/ 4 (25.0)	
Sobotka		5 (40.0)/ 3 (66.7)	1 (100)/ 2 (100)					3 (33.3)/ 3 (33.3)
Babiš II		2 (0)/ 3 (100)						4 (75.0)/ 7 (57.1)

Source: Volby.cz, own processing.

Only the TOP 09 and the Green Party (in 100% of cases) and the KDU-ČSL (in 80% of cases in the 1998 election) used the nomination of their ministers to maximise the election results within electoral regions that could be identified as areas of electoral support in the previous elections. On the other hand, with ODA, ministers were used outside the territory of electoral support, which may have been in the hope of improving the election result in regions where the party was previously not very successful. A similar trend was established in ANO in 2021, as the party primarily nominated ministers in constituencies where they lived. For the remaining parties, it was not possible to clearly determine the strategy of using ministers with regard to the territory of electoral support considered regionally.

⁸ In the Špidla, Gross and Paroubek governments, KDU-ČSL was in coalition with US-DEU.

⁹ Pavel Dostál died in office and is therefore not included in the analysis.

Table 3: Number of ministers who stood as candidates in the next elections to the Chamber of Deputies (the percentage of ministers who were nominated to the constituencies in areas of electoral support is given in parentheses)

	1998	2002	2006	2010	2013	2017	2021
ODS	2 (50.0)			5 (40.0)	6 ¹⁰ (50.0)		
ČSSD		Can't compare	10 (60.0)			7 (42.9)	3 (33.3)
KDU-ČSL	5 (80.0)		Can't compare	2		3 (33.3)	
ODA	2 (0)						
US-DEU			Can't compare				
SZ				3 (100)			
TOP 09				3	3 (100)		
ANO 2011						8 (62.5)	8 (37.5)
Public Affairs/ Lidem					Can't compare ¹¹		

Source. Volby.cz, own processing.

Our hypothesis that parties with a small membership base will use the nomination of non-party ministers in the next election has only been partially proven. There is an insufficient number of non-party ministers nominated by political parties. Also, some parties were only included in a government once, so the number of cases is limited. The ČSSD used the largest number of non-party ministers in the 2006 elections, which can be explained by the greater popularity of these ministers who ran in regions where they did not live. František Bublan (Vysočina region) and Vítězslav Jandák (South Bohemia region) stood as leaders in regions that could be described as areas of electoral support. David Rath ran as a leader in Prague. Our assumption is confirmed by the tactics of the ANO movement, when in the 2017 elections it used both of its non-party ministers in regions that could be identified as areas of electoral support, but outside their residence. Karla Šlechotvá stood as a leader in the Pilsen region and Dan Ťok in the Karlovy Vary region. In the first and second Babiš governments, ANO

¹⁰ One of them was Petr Fiala, who was nominated by all the government parties; he stood as a leader of the ODS in the South Moravian region in the election of 2013.

¹¹ Only Vít Bárta stood as a leader of the Pilsen region for the Dawn of Direct Democracy party.

2011 nominated 15 non-party ministers and nine party members. However, only three non-party ministers (three out of five) who had completed their mandate were used for the elections in 2021. Specifically, Alena Schillerová at the head of the South Moravian candidate list (a region outside the territory of electoral support, but her place of residence), Klára Dostálová (Hradec Králové region; she also ran in previous elections) and Lubomír Metnar (Moravia Silesia) also stood as candidates in the regions where they lived, while these regions could be identified as areas of electoral support for ANO 2021. As with party ministers, the parties also used non-party ministers for the next election if they completed their ministerial mandate. The assumption that fewer party members can lead to a more frequent use of non-party ministers in elections, thanks to their media familiarity, was confirmed in the case of ANO 2011.

Table 4: Number of non-party ministers by political party from 1996-2022 (percentage of non-party ministers who stood as a candidate for the next election to the Chamber of Deputies is given in parentheses)

	1998	2002	2006	2010	2013	2017	2021
ODS	2 (0)			6 ¹² (0)	0 ¹³		
ČSSD		2 (0)	7 (42.9)			1 (0)	1 (0)
KDU-ČSL	0		0	1 (0)			
ODA	0						
US-DEU			1 (0)				
SZ				2 (0) ¹⁴			
TOP 09					1 (0)		
ANO 2011						2 (100)	15 ¹⁵ (20.0)
Public Affairs/Lidem					1 (Can't compare)		

Source. Volby.cz, own processing.

12 Five were members of the Topolánek I government.

13 Petr Fiala, who was nominated by all the government parties he stood as a leader of the ODS in the South Moravian region in the 2013 election.

14 Karel Schwarzenberg stood as a leader of TOP 09 in Prague in the 2013 election.

15 Four were members of the Babiš I government.

Conclusion

From the point of view of descriptive representation, it is important whether people with certain characteristics are represented by MPs sharing these characteristics. In the context of this paper, we answer the question of whether political parties consider electoral outcomes within districts in the ministerial nomination process by identifying areas of electoral support for these parties. From the existing literature (Dvořák et al., 2021), it was clear that the governments were made up of ministers coming mainly from regional capitals or Prague, even though the number of ministers from Prague is gradually decreasing. When drawing conclusions, we worked with the assumption that left-wing parties have stronger electoral support in rural and peripheral districts and, in contrast, centre-right parties are supported in districts that are connected to regional capitals. This difference turned out to be significant from the point of view of the choice of ministers by parties. Centre-right parties nominated significantly more ministers from areas of electoral support than left-wing parties, which directly reflects the difference in areas of support of the parties. It is not mainly the area from which individual ministers are selected that changes, but the election results of the parties as such. For TOP 09, no minister from Prague could be found, even though it was the party's electoral stronghold. On the other hand, four of the seven ministers resided in the party's areas of electoral support. Even though Public Affairs/Lidem was founded and established mainly in Prague, which corresponded to all of its nominations of ministers coming from the capital, it was not possible to identify the Prague district as the party's area of electoral support. We were also interested in whether the nomination of ministers from areas of electoral support could increase their chances of completing their mandates. We assumed that such ministers would have more support within the party and especially among voters. This turned out to be inconsequential, as ministers failed to complete their mandates to the same extent across all parties, whether they came from areas of electoral support or not.

In the next section, we investigated whether parties used ministers in the immediately upcoming elections to the Chamber of Deputies as leaders of the constituencies in which they lived. Except for Sobotka's government, the ČSSD used ministers in constituencies outside of their residence as leaders of candidate lists. The same was the case with TOP 09, ODA and the Green Party. The opposite situation occurred with ODS, KDU-ČSL and ANO 2011, which used their ministers within their region of residence, in most cases as leaders of regional candidate lists. The parties therefore differed in terms of the nomination of ministers to the constituencies in which they lived. On the other hand, it has not been proven that parties try to maintain their electoral support within constituencies that can be characterised as areas of electoral support, as the

theory assumes (Latner and McGann (2005)). This strategy was chosen only by TOP 09, the Green Party and KDU-ČSL in 1998. In contrast, ANO and ODA tried to use the familiarity of their ministers in constituencies outside areas of electoral support and thus increase the party's chances of electoral success there. In the same way, it was not possible to fully prove the greater use of non-party ministers by parties with fewer members. This assumption was confirmed for ANO 2011, which nominated more non-party ministers who completed their mandate, which may be because there were not enough well-known faces who were also party members.

Further research is needed to assess the extent to which power relations within parties, the influence of party leadership and the strength of individual party cells – and hence the preferences and requirements for candidates with specific skills and experience – play a role in the nomination of ministers by individual parties. However, any such research project is likely to run into the basic problem of data availability, linked to the number of members in parties, the number of party organisations within districts or municipalities, and the assessment of the actual influence wielded in parties by the various party organisations.

Appendices

Appendix 1: Government of the Czech Republic

Name of government	Duration	Members of government
Václav Klaus II.	4. 7. 1996 – 2. 1. 1998	ODS, ODA, KDU-ČSL
Josef Tošovský	2. 1. 1998 – 22. 7. 1998	non-partisans, US, ODA, KDU-ČSL
Miloš Zeman	22. 7. 1998 – 15. 7. 2002	ČSSD
Vladimír Špidla	15. 7. 2002 – 4. 8. 2004	ČSSD, KDU-ČSL, US-DEU
Stanislav Gross	4. 8. 2004 – 25. 4. 2005	ČSSD, KDU-ČSL, US-DEU
Jiří Paroubek	25. 4. 2005 – 4. 9. 2006	ČSSD, KDU-ČSL, US-DEU
Mirek Topolánek I.	4. 9. 2006 – 9. 1. 2007	ODS
Mirek Topolánek II.	9. 1. 2007 – 8. 5. 2009	ODS, KDU-ČSL, SZ

Name of government	Duration	Members of government
Jan Fischer	8. 5. 2009 – 13. 7. 2010	non-partisans nominated by ODS, ČSSD and Green Party
Petr Nečas	13. 7. 2010 – 10. 7. 2013	ODS, TOP 09, Public Affairs (than LIDEM)
Jiří Rusnok	10. 7. 2013 – 29. 1. 2014	non-partisans, KDU-ČSL, ČSSD
Bohuslav Sobotka	29. 1. 2014 – 13. 12. 2017	ČSDS, KDU-ČSL, ANO 2011
Andrej Babiš I.	13. 12. 2017 – 27. 6. 2018	ANO 2011
Andrej Babiš II.	27. 6. 2018 – 17. 12. 2021	ANO 2011, ČSSD
Petr Fiala	17. 12. 2021 – still in office	SPOLU (ODS, KDU-ČSL, TOP 09), Pirates and Mayors

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REVIEW ESSAYS

A New Impetus for the European Crisis Literature

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Abstract: *The review essay presents European crisis literature, which tests the theories of European integration. It argues that the existing research on European crises and subsequent reactions by the European Union is fragmented, non-systematic and works with a too-implicit definition of 'crisis'. The reviewed literature comments on turbulent developments in the European Union rather than providing comprehensive empirical research. The article demonstrates existing gaps and suggests a conceptualisation of the research topic. It also promotes a systematic research framework enabling a proper analysis of the European crises and the European Union's reactions. Such a framework is based on a clear definition of the relevant actors and crisis situations and the identification of an empirical basis for analysis. The author argues that a systematic approach could enhance researchers' ability to understand reactions to turbulence in European integration better and even predict the European Union's responses to future events.*

Keywords: *European Union, European Integration Theories, European crises*

Introduction

Crises are an essential part of European integration, thus a popular topic for researchers in European integration (Biermann et al. 2019; Börzel – Risse 2018; Gocaj – Meunier 2013; Ingham 2022, Krotz – Schramm 2022, Lefkofridi – Schmitter 2014; Nicoli 2020, Niemann – Ioannou 2015; Schimmelfennig 2014; Schimmelfennig 2018a; Schimmelfennig 2020; Riddervold – Trondal – Newsome 2021). Crises that naturally provoke a response from the concerned actors stand as suitable cases to test and compare the explanatory skills of European integration theories. This paper examines academic texts whose aim is to explain the EU's reaction to crises with existing European integration theories. In the

examined texts, the author focused on the conceptualisation provided – What is the definition of ‘a crisis’? Which European integration theories are tested and how? What does ‘the EU’ mean – EU institutions, Member States or both? What does the ‘EU reaction’ mean – what is analysed?

The ambition of ongoing research is to explain crisis decision-making processes and outcomes with relevant theories of European integration. Despite the popularity of the European crisis literature, there are still gaps in existing research.

This article argues that in existing research, the term ‘crisis’ is too implicit and all-embracing. What is missing is a proper determination of the substance of crisis and whether an analysed event fits the term as defined in the literature. Thus, crisis research is fragmented. Researchers are trying to explain decision-making processes and EU reactions to challenging events with relevant European integration theories, but whether these events should be considered crises at all is questionable. Each theory offers a different explanation of the various processes or outcomes, depending on the researchers’ choice of interpretive framework. Despite few attempts, there is a comprehensive approach to crisis research.

The aim of this article is twofold. First, it provides an overview of the contemporary crisis literature and emphasises existing gaps and limits. Secondly, based on the literature review, it brings fresh ideas on how European crisis research could be enhanced with a proper conceptualisation of the terms ‘crisis’, ‘the EU’, and ‘EU reaction’. The article also suggests that such a conceptualisation paired with suitable research methods must be deployed to formulate a general observation of whether there are any universal patterns in EU crisis reactions and whether these patterns can be explained by any European integration theories or a combination of them.

Firstly, the article presents the European crises literature review, divided by each theory. At the beginning of each section, the main points of theories are presented with a special focus on crises. Theoretical introductions are then followed by reviews of specific writings to fully grasp the existing theory-testing attempts and identify existing gaps. The literature review then briefly suggests a research framework which could address the identified shortcomings.

European crises literature

The literature review focuses on the post-Maastricht period, especially in the past 20 years. Crises of European integration were occurring even in the pre-Maastricht period. However, among the aims of this paper is to examine the conceptualisation of the term ‘EU’ and ‘EU reaction’ to a crisis. Thus, the Maastricht treaty, which established the European Union, is considered the relevant starting point. The European crises literature is broken down by the theories of European integration which were deployed.

Neofunctionalism

Neofunctionalism, formulated by Ernst Haas already in the late 1950s and early 1960s, explains the dynamics of the integration through the ‘spill-over’ process. This process occurs when states agree to shift some responsibilities for accomplishing a limited task to a supranational level. Haas’ theory was further developed by Schmitter (1970), who works with the neofunctionalist model of decision-making cycles. In this model, decision-making cycles are induced by crises. Moreover, Schmitter reflects not only on the ‘spill-overs’ but also employs the concept of ‘spill-backs’ – processes when states no longer want to deal with a task at the supranational level. In his later research, Schmitter (2004) noted that any comprehensive theory of integration should also be a theory of disintegration. Neofunctionalist theory may then be applied also to understand the logic of disintegration.

Neofunctionalists argue that crises have been an integral part of European integration, mostly with positive effects (Schmitter – Lefkofridi 2014). However, they do not provide any clear conceptualisation of crises or the EU’s response to them.

Schmitter and Lefkofridi (2014) tried to answer whether the Euro crisis was good or bad for European integration by revisiting neofunctionalist crisis-induced decision-making cycles. In line with Schmitter’s analytical framework, the Euro crisis should be considered positively as the ‘transcending one’. Indeed, the Euro crisis outcomes included strengthening the role of the European Central Bank (ECB) and the creation of the European Stability Mechanism (ESM). However, economic integration did not ‘spill-over’ into political integration. Schmitter and Lefkofridi (2014) thus argue that the Euro crisis outcomes cannot be considered as the revenge of neofunctionalism. They also refrained from the assessment of the crisis – whether it was good or bad for the European integration – as the willingness to retain solutions established during the Euro crisis would be crucial. In other words, the EU’s reaction to the crisis was still an ongoing process with no clear time framework. Thus, they had to conclude that the crisis could be assessed only in future.

Similarly to Schmitter and Lefkofridi, Schimmelfennig (2014) works with the term ‘Euro crisis’ without clear delimitation of the time period and the level(s) of decision-making he is focusing on. The EU reaction to the crisis is explained by decisions made by the EU Member States’ governments.

As Schimmelfennig (2014) pointed out, the Euro crisis shattered EU public opinion and domestic politics; therefore, it could be seen as a ‘postfunctionalist moment’ with disruptive potential. However, national governments protected the Eurozone by delegating their competencies to supranational organisations. Schimmelfennig (2014) claims that neofunctionalism, par-

ticularly Pierson's (1996) neofunctionalist model,¹ can explain this step in European integration better than postfunctionalism. He admits that the level of politicisation,² one of the core concepts of postfunctionalism, is high. Still, he argues that EU Member States' governments limited its impacts.

Schimmelfennig (2017: 1) later defined the crisis of European integration as a 'decision-making situation with a manifest threat and a perceived significant probability of disintegration'. According to Schimmelfennig, this definition fits many aspects of European crises – the Euro, Brexit and migration crises. Schimmelfennig also argues that these crises are 'open-ended', meaning that they can have different results – disintegration, further integration or maintaining the status quo.

Neofunctionalism as a theory which is able to describe crises and their outcomes was further described by Schimmelfennig in his comparative analysis (2018) of the Euro and Schengen crises outcomes. He argues that neofunctionalism can be applied to both crises, despite their various outcomes. However, Schimmelfennig is not providing a clear delimitation of the analysed crises – it is not clearly defined when the problems occurred and when they ended. Each study focuses on European crises should specify the crisis and decision-making situation under scrutiny. Otherwise, researchers might pick only particular time periods, decision-making events and outcomes that suit their theoretical framework.

Niemann and Ioannou (2015), with their neofunctionalist explanation for the deepening of the European Monetary Union, focus on the role of EU institutions, economic actors and financial markets. They work with an implicit concept of crisis and neglect to frame the events. However, contrary to previous authors, they focus on a more concrete area – the financial sphere.

Contrary to Schimmelfennig, according to whom the neofunctionalist approach can sufficiently explain the Eurozone crisis, Niemann and Ioannou point out its limitations. More precisely, they claim (2015: 213) that the fact that 'decision-makers have not yet agreed on a fully fledged fiscal union by now cannot be adequately explained by (mainstream) neofunctionalist theory because it lacks an account of countervailing or disintegrative pressures'.

Niemann and Ioannou's conclusion can be linked with the work of Gocaj and Meunier (2013), who based their research on historical institutionalism and also marked the solutions to the Eurozone crisis as a 'suboptimal' reaction

1 Pierson presented a model of decision cycles. According to his model, successfully resolved crises lead to greater significance of regional-level rules that overshadow the actions of individual governments, associations or individuals.

2 Hooghe and Marks (2012) describe politicisation as 'increasing contentiousness of decision making in the process of regional integration'. As Hooghe and Marks point out, the term was invented by neofunctionalists who believe that politicisation leads to further regional integration. Contrarily, postfunctionalists emphasise its disruptive potential.

to the urgent situation. Gocaj and Meunier also emphasise Germany's role in Eurozone crisis management and point out that the German government's decisions were framed by potential dissent from the German Constitutional Court.³ The role of judicial bodies in European integration and crisis-solving processes has not yet been the subject of proper research.

Liberal intergovernmentalism

While neofunctionalism works with the concept of crisis as an integral part of European integration, liberal intergovernmentalism has no specific theory of integration crises (Schimmelfennig, 2018a).

Liberal intergovernmentalism focus on the preferences of Member States which are based on the interests of powerful domestic actors. Schimmelfennig (2018a) admits that liberal intergovernmentalism does not offer any explicit explanation for the outbreak of crises. However, it assumes that Member States' reaction to crises is rational. The EU reaction is formed by the process of international bargaining between the Member States, which later decided to delegate powers to supranational institutions to maximise the potential benefits of integrations. Schimmelfennig (2018a) points out that during crises, governments are more prone to delegating powers.

Schimmelfennig (2018a) advocates for liberal intergovernmentalism as a prominent theory of European integration that faces severe challenges due to mass politicisation but can fill explanatory gaps that other popular approaches such as neofunctionalism have not addressed. In his research, he focuses on how liberal intergovernmentalism can help understand the Eurozone, Schengen and Brexit crises. Schimmelfennig's comparative analysis shows that liberal intergovernmentalism can shed light on international negotiations in these three cases. However, Schimmelfennig also points out the shortcomings of the theory. For instance, he openly admits that liberal intergovernmentalism fails to explain the United Kingdom's decision to leave the EU. As has been argued before, Schimmelfennig's research focuses on the explanatory power of intergovernmentalism when it comes to EU crises. However, his approach lacks the proper delimitation of empirical grounding. His conclusion that liberal intergovernmentalism is particularly strong as a convincing and indispensable theory of the intergovernmental negotiation at the core of European integration seems too ambitious, considering that he bases his comparative analysis on a series of events marked as 'crises' for which comparability is disputable. In 2018, when his comparative analysis was published, one can argue that the

3 In May 2020, the Federal Constitutional Court in Karlsruhe judged that the European Central Bank's bond-buying scheme exceeded the EU's competences. The judgement threatened the future of this mechanism but, in the aftermath, the German Federal Government and Bundestag passed a resolution in order to address the judges' concerns.

Schengen crisis or Brexit crisis had not yet been concluded. Thus, the EU's reaction can hardly be described.

To explain the differences between the EU's reactions to the Eurozone crisis and the Schengen crisis, Biermann et al. (2019) also employ a liberal intergovernmental framework. Biermann points out that both events were caused by external shocks that revealed gaps in existing regulatory frameworks. He argues that crisis outcomes are linked with different Member States' preferences. In the Eurozone crisis, all the states demanded joint action, which was considered less costly than non-agreement. But in the migration crisis, the Member States less affected by migratory pressure sought to maintain the institutional status quo and block policy reform. Both Biermann and Schimmelfennig point out that crisis impacts are asymmetric – while some states are affected more, some states are almost untouched. Such asymmetry influences the general EU's reaction.

The Covid-19 crisis provides another testing field for integration theorists. Crnčec (2020) worked with Schimmelfennig's (2018) analytical model together with that of Falkner (2016) to assess the pandemic's impact on climate and energy policy. Crnčec concludes that the EU's response to the Covid-19 crisis is in line with the logic of path dependency suggested by Schimmelfennig based on the simple observation that there was an agreement for a common response among the actors.

Schmidt (2020) argues that the Covid-19 crisis 'topped' all the previous crises, including the Brexit, migration and financial crises. Schmidt's article aims to evaluate the EU response to Covid-19 by deploying both intergovernmental and supranational approaches. Schmidt (2020: 1191) concludes that 'paradigmatic changes are occurring, most in the direction of deeper integration, with a reasonable amount of differentiation as well'. However, Schmidt provides no definition of crisis and no specification of the time period or EU decision-making framework. The article glosses developments in various areas, including health and cybersecurity, without a clear methodology.

Postfunctionalism

In the second decade of the 21st century, the EU, for the first time, experienced the process of European disintegration leading to the departure of one of its Member States. The need to understand the Brexit crisis became a push for the development of the postfunctionalist approach in European integration research.

Postfunctionalists emphasise the multi-level governance concept, saying that governance is shaped by various actors operating at various levels. Among these factors influencing multi-level governance, there is also public opinion and domestic politics. Hooghe and Marks (2009: 7) argue that after the 1990s, 'decision making on European integration entered the contentious world of

party competition, elections and referendums'. According to Hooghe and Marks, while the previous period was characterised by 'permissive consensus', the post-Maastricht era has been characterised by 'constraining dissensus'. They claim that 'elites, that is, party leaders in positions of authority, must look over their shoulders when negotiating European issues' (Hooghe – Marks 2009: 5). Hooghe and Marks pay particular attention to referendums that could constrain state-level treaty negotiations, a process that is closely followed by liberal intergovernmentalists. While intergovernmentalists claim that public opinion and domestic politics cannot significantly influence decision-making in the EU, Hooghe and Marks argue that national party leaders suffer permanent anxiety over the domestic consequences of their decisions taken at the European level.

While liberal intergovernmentalists and neofunctionalists emphasise the impact of economic interests on European decision-making, postfunctionalists highlight the role of identity. Theresa Kuhn (2019) claims that neofunctionalism and liberal intergovernmentalism underestimate the potential influence of identity. It was manifested, for example, in the referendum on the withdrawal of Great Britain from the European Union. She emphasises the ability of post-functionalism to take into account the identity factor. According to Kuhn, postfunctionalism is 'well equipped to provide explanations for disintegrative developments in European politics'. She also notes (Kuhn 2019: 1226) that despite 'constraining dissensus, policymakers still manage to push European integration further'. Therefore, further research on the impact of politicisation on European integration and policy-making is needed.

The postfunctionalist approach has influenced the work of prominent researchers. Schimmelfennig (2018b) tried to explain Brexit as a case of 'differentiated disintegration'. The concept of differentiated disintegration stems from the notion of 'differentiated integration' as formulated by postfunctionalists. According to this approach, 'demand for opt-outs arise from concerns about the preservation of national sovereignty in areas of core state powers and in countries with strong exclusive national identities' (Schimmelfennig 2018b: 1155). Schimmelfennig further argues that this explanation applies to Great Britain's demands, which shifted from maintaining the status quo to the need for differentiated disintegration. However, Schimmelfennig concludes that states seeking disintegration would moderate their demands and make a concession to the EU. This prediction proved to be correct for the final Brexit deal but not for the later development, as Great Britain refused to follow the agreement (European Commission 2022). Still, as Schimmelfennig notes, Brexit is a singular case of differentiated integration. With no comparable cases, the explanatory power of this approach cannot be adequately tested.

The postfunctionalist approach is often used by scholars in combination with other theories of European integration, as will be demonstrated later on.

New intergovernmentalism

Besides the 'traditional' theories of European integration, new approaches aiming for the EU's crisis reaction emerged. A new intergovernmentalism has been formulated by Bickerton, Hodson and Puetter (2015) as a distinct phase of European integration characterised by widening the scope of the EU's activities but without supranational 'spill-over' processes. Within the new intergovernmentalism, a deliberative intergovernmentalism as a new analytical framework can be distinguished. This analytical framework was elaborated by Puetter (2012), who emphasises that in the post-Maastricht era – the time period when several crises occurred – the EU shifted from a supranational approach to intensified intergovernmental policy coordination. Puetter (2012) argues that such a shift to high-level coordination between the heads of EU Member State governments was visible during the Eurozone crisis. Findings stemming from anonymous interviews with EU officials who took part in Eurozone crisis negotiations prove the importance of the political deliberation process and the potential of particular arrangements to foster these negotiations.

Contrary to liberal intergovernmentalists, Bujovic, Munta and Puetter (2020) claim that executives' preferences are formed during a consensus-seeking process that takes place between various levels of governance. For example, in the Eurozone crisis, such a process took place between the leaders of Member States and EU institutions. Bujovic, Munta and Puetter (2020) based their research on in-depth interviews with relevant societal stakeholders. They revealed that the initial position of non-governmental organisations in government decision-making was limited. Contrary to Schimmelfennig, they note that governments found themselves uncertain regarding domestic public opinion, despite agreement on further integration. It is worth mentioning that in-depth interviews with relevant stakeholders and decision-makers can provide a unique inside view into the process and provide research with qualitative and quantitative data. However, they have so far been insufficiently deployed in crisis research. Such a more specified approach is typical for new intergovernmentalists. For example, Bickerton, Hodson and Puetter (2015) focused on a specific decision-making process – governmental preferences formation – and particular actors. Such an approach provides a better understanding of relevant processes in the European crisis literature and should be developed further.

Postfunctionalists and new intergovernmentalists share an opinion that European integration is facing a series of crises and that the whole post-Maastricht era is characterised by constant legitimacy problems (Bickerton et al. 2015). Contrary to postfunctionalists, new intergovernmentalists stress that in this post-Maastricht era, there are visible gaps between EU leaders pushing for more integration and a sceptical public which is 'fueling a destructive dissensus that casts doubt on the future sustainability of the EU' (Hodson – Puetter 2019: 2).

According to Hodson and Puetter (2019), this destructive dissensus adds to the EU's political 'disequilibrium'.⁴ Disequilibrium in European integration theories has been conceptualised as 'the EU's tendency to produce policy outputs that polarise politics in ways that cast doubt on the future of the Union' (Hodson – Puetter 2019: 5). Disequilibrium puts the EU's integrity at risk. Hodson and Puetter argue that institutional reform efforts, such as during the Eurozone crisis, demonstrate the EU's disequilibrium because the governments of Member States took on a leadership role, avoided strengthening the European Commission's competencies, and created new bodies under their control. However, Hodson and Puetter warn that rather than mitigating the EU's Disequilibrium, these solutions have amplified it. As a result, voters looking for choices other than further integration have inclined towards extremist political parties. Hodson and Puetter warn that deepening integration without addressing these voters' concerns will lead to even further amplification of Disequilibrium rather than managing it. Thus, the EU's future could be put in doubt.

Mix of theories

With new crises emerging in the past two decades – besides Eurozone, Schengen or Brexit, one can add the coronavirus crisis, migration crisis, Russian aggression and energy crisis – scholars are more prone to combining existing theoretical approaches.

For example, Börzel and Risse (2018) tested the explanatory power of intergovernmentalism, neofunctionalism and postfunctionalism to explain why the Eurozone crisis and the Schengen crisis had different outcomes. Whereas the Eurozone crisis led to further integration, the Schengen crisis ended up in a stalemate. They argue that postfunctionalism and its emphasis on public opinion can help explain the crisis in the Schengen area. They conclude that national leaders could not agree on an effective solution to the crisis because they feared critical reactions from their constituents. On the other hand, the European monetary union crisis is better explained by theories of neofunctionalism and intergovernmentalism. In sum, neither intergovernmentalism, neofunctionalism nor postfunctionalism can sufficiently explain the two situations, Börzel and Risse argue. They pay particular attention to politicisation and the Europeanisation of identities. According to their research, the debates about EU border protection and refugee relocation during the Schengen crisis were fully politicised. A clash of identities – European and national – was the driver of public discourses rather than economic or political issues. When it comes to the Eurozone crisis, identity played a role as well. Börzel and Risse

4 The term 'disequilibrium' has its origins in market economics. While equilibrium could be described as a balance, disequilibrium is the opposite – imbalance.

(2018) argue that a debate about identity – over the level of solidarity required to keep the Eurozone together – was taking place. They claim that prominent approaches to the study of European integration should consider concepts of identity and politicisation to enhance their ability to explain crises.

While Börzel and Risse (2018) work closely with the concepts of identity and politicisation, further elaboration on the ‘crisis’ concept itself is missing. From the beginning of their analysis, they implicitly refer to the EU’s inability to react to the unprecedented migration influx as a crisis. This literature review reveals that such an approach is typical of most European crisis literature.

In their more recent research, Hooghe and Marks (2019) also consider more theories – neofunctionalism, intergovernmentalism and postfunctionalism – to explain recent European crises. In describing crisis development, they stress that each theory explains specific steps. Each approach provides a ‘line of sight into European integration’ from ‘contrasting perspectives, using different bodies of evidence to shed light on distinct puzzles’ (Hooghe – Marks 2019: 1128). By comparing these explanatory lines, Hooghe and Marks (2019: 1128) conclude that numerous crises – the Euro and migration crises, Brexit and the rise of illiberalism – ‘can be viewed as episodes of intergovernmental bargaining, path-dependent spill-overs, and ideological conflict’. After deploying individual theories and testing their explanatory power, various European integration theories and stemming hypotheses could and should be tested against each other.

Another attempt to combine prominent theories of European integration has been formulated recently by Ferrara and Kriesi (2022). In their analytical framework, they considered four theories – neofunctionalism, intergovernmentalism, postfunctionalism and federalism. They applied the theories to specific situations, such as the Covid-19 crisis or Brexit. Unlike other scholars, Ferrara and Kriesi provide a definition of a ‘crisis situation’ which corresponds to the ‘extraordinary moment of urgency and uncertainty that poses an immediate threat to the proper functioning of the policy domain challenged by the crisis in one or more EU member states’ (Ferrara – Kriesi 2022: 4). According to them, such a situation activates specific response models and policy-making patterns. Ferrara and Kriesi envisage a focus on actors who are empowered in the solution-seeking process and the degree of politicisation but provide only basic descriptions based on secondary sources. Thus, the framework presented by Ferrara and Kriesi should be further developed. They refrained from the detailed empirical assessment. Instead, they are trying to describe the consistencies of selected theories with the decision-making process during each crisis, picking only some events that fit into their expectations. For example, with the Covid-19 crisis, they conclude by saying that EU Member State countries agreed on the establishment of the Recovery EU fund in a very short time – a development which is clearly consistent with federalism. However, they do not look beyond these ‘federalist’ outcomes.

Conclusion

Do the prominent theories of European integration sufficiently explain the turbulent events that have battered the European Union? Unfortunately, the European crisis literature does not provide us with the proper answer. Although the Eurozone crisis, Schengen crisis, Brexit and coronavirus crises are quite popular research topics, subjected to analysis with various approaches, including liberal and new intergovernmentalism, neofunctionalism and postfunctionalism, our literature review reveals several considerable gaps.

Firstly, the analysed European crisis literature – the literature testing explanatory powers of theories in times of crises – works with the concept of ‘crisis’ in a too-implicit manner. Over the past two decades, scholars have labelled various unexpected or burdensome events as crises without making a proper assessment of whether these events match the definition of crisis.

Secondly, a similar deficiency is evident in descriptions of the ‘EU reaction’. In the research papers we reviewed, the empirical background forming the ‘reaction’ is not clear. Moreover, the existing research focuses primarily on an event’s outcomes – whether it led to further integration or disintegration or whether the status quo was maintained. The immediate reaction to the crisis is sidelined and not properly analysed.

Due to the current fragmentation of crisis research, it is impossible to formulate any general explanation of the EU’s reaction to crises. However, in these times when the EU is being hit by one ‘crisis’ after another, it is necessary to determine whether prominent theories of European integration can explain these phenomena and provide us with an understanding of the crises events and their management at the EU level. To achieve this, the gaps we have identified should be addressed.

In future crisis research, a systematic research framework enabling a proper analysis of European crises and the European Union’s reactions should be deployed. We suggest a framework consisting of three successive steps.

Firstly, it is necessary to define what ‘the crisis’ is. The definition should then be applied to the phenomenon characterised as a ‘crisis’ to check whether the event matches the definition. Only then can the researcher eliminate unexpected or shocking events that are not formally crises. In this phase, the empirical background of the ‘crisis’ to be further examined must be carefully selected.

Secondly, it is necessary to clearly state what ‘the EU’ stands for, i.e. whether the researcher is analysing the reactions of supranational institutions – e.g. the European Commission, the European Parliament – or intergovernmental institutions, such as the European Council or the Council of the European Union – or whether ‘the EU’ stands for all the institutions or the 27 Member States. After defining, for the purposes of the analysis, what the EU is, only then is it possible to analyse its reaction.

The third step is to gather relevant data about the crisis and the EU reaction and to examine them in light of selected theories of European integration. By applying the theories to the relevant data, it is possible to reveal the explanatory power of each theory and conclude which one – if any – can best explain the EU's reaction to the crisis.

This systematic approach could enhance the debate about the viability of the prominent European integration theories and provide a more profound understanding of the currently puzzling reactions of the EU to various challenges. Moreover, it could enable researchers to better predict the EU's responses to future and as yet unknown events.

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