

NATIONAL CONVENTION FOR THE EUROPEAN UNION IN NORTH MACEDONIA



NEWSLETTER 8

**WORKING GROUP 4
JUSTICE, FREEDOM AND SECURITY**



Tenth session of Working group 4 – Justice, freedom and security (Chapter 24)

"Prevention and fight against terrorism: National and European perspective in identifying and protecting critical infrastructure"



The 10th session of Working Group 4 - Justice, Freedom and Security was held on January 26, 2021, on the topic: "Prevention and fight against terrorism: National and European perspective in identifying and protecting critical infrastructure". The initial idea was to hold the session with a physical presence, but due to the worsening of the COVID 19 pandemic, it was decided to once again organize the session via a ZOOM webinar. The session was attended by more than 60 participants from the country and abroad, including the Minister of Interior, the National Coordinator for Prevention of Violent Extremism and Counter-Terrorism, university professors, Macedonian, Croatian and Serbian experts, representatives of the Crisis Management Center, the Chamber of Private Security and several civil society institutions and organizations.

In the invitation sent by Professor **Mileva Gjurovska**, National Coordinator of NCEU-MK and President of the European Movement, it was emphasized that the topic, which arises from Chapter 24, is an integral part of the first cluster of the New Methodology for EU Accession. In this first cluster, among the priorities for candidate countries are the activities for prevention and fight against terrorism.

Terrorism as a serious threat faced by modern societies is often expressed by disabling or destroying vital state facilities, which are referred to as critical infrastructure. These include telecommunications, electricity, gas and oil pipelines, water supply, transportation systems, banking and finance, emergency services, and government and diplomatic services.

Endangering this critical infrastructure disables defense, endangers the safety and health of citizens, undermines the economy and disrupts the normal functioning of society.

Given that terrorism acts without respecting the borders of states, the international community and the European Union are committed to finding methods and instruments for the protection of critical infrastructure, among which the 2008 Directive is particularly important.



In the introductory addresses, **Mileva Gjurovska** reminded that this session marks a milestone for the Convention. The session was the 45th session among all NCEU-MK Working groups. Gjurovska emphasized that the National Convention is a structured form of dialogue, which is part of the overall democratic process of European integration of the country. The topic of this session is another example of the role and importance of the Convention. This topic related to security and the fight against terrorism has not been previously present the public in our country. Furthermore, as fight against terrorism requires joint action, the Convention made sure that the Agenda for the session reflects the regional voices and expertise.

Therefore, at the session in addition to the other participants, there were representatives of the National Conventions from Serbia, Montenegro and Albania, and Gjurovska expressed her sincere hope that the cooperation with other regional experts, whether from other National Conventions or beyond will continue on and it will only intensify in the future.

The Director of the Slovak Foreign Policy Association **Tomas Strazay** expressed satisfaction with the partnership support provided by USAID and SLOVAKAID in the realization of NCEU-MK. Starting in 2017, NCEU-MK produced significant and influential conclusions and proposals on the road to EU membership. The support of the government is especially important for the successful involvement of civil society organizations in the European integration process, as is the case with the Ministry of Interior, which is actively participating in the debates within WG4.

He stressed that social synergy in activities is an important precondition for the successful completion of the overall EU integration process.



Regarding the topic under discussion, Strazay pointed out that Slovakia's attention is focused on the worrying crisis related to neighboring Ukraine. This does not mean that they do not follow the challenges of terrorism that are spreading to other parts of Europe. The discussion on the identification and protection of critical infrastructure is also relevant for Slovakia and in that context the debate is useful for them as well.



Oliver Spasovski, Minister of Interior, first clarified that critical infrastructure (CI) means everything that is vital for the functioning and survival of a community or society. It follows that this is an essential segment of national security whose protection is one of the priorities of every country. Comprehensive, conceptual provision of critical infrastructure protection is needed, which implies an integrated approach by identifying all relevant capacities in the public and private sectors.

Having in mind the EC Directive from 2008 in the conception of the future solution for the protection of critical infrastructure, continuous communication and coordination among all relevant entities is essential.

According to the Minister, this means timely and constant exchange of data on the risks, threats and vulnerabilities of CI, whereby it is necessary to create trust and ensure the protection of the shared data. The protection of CI is primarily a national responsibility, concretized through the principle of subsidiarity, on which the European Protection Program is based on.

Endangering or possibly destroying CI in one country can have repercussions on many other countries. It is therefore of particular importance to strengthen cross-border cooperation and share the same value by adopting common methodologies for identifying and classifying the risks, threats and vulnerabilities of CI.

Comparative analyzes of national strategies in several EU member states, as well as those involved in accession negotiations, indicate that this vital security issue is being addressed by the adoption of specific CI protection laws. The need for a special law is envisaged as an obligation under the Joint Action Plan for Combating Terrorism, which in 2019 was signed with the European Commission.

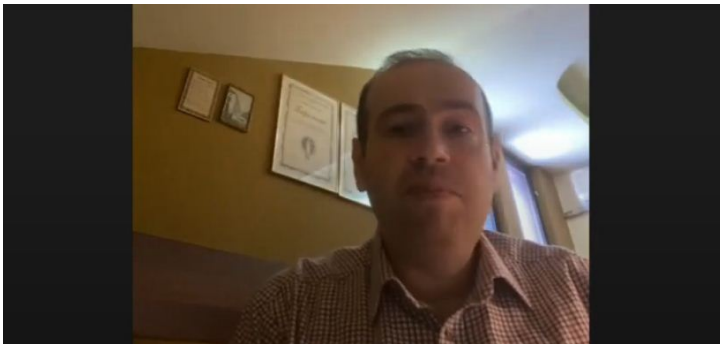


Concluding his speech, Minister Spasovski emphasized that it is not just an obligation on the road to the EU, but a duty to ourselves, a responsibility to the state and our citizens. He then expressed gratitude for the fruitful cooperation of the Ministry of Interior with the National Convention, as well as for the initiative of the session of WG 4 to consider the issue of identification and protection of CI, which will contribute to further successful articulation of this sensitive issue.

Zlatko Apostoloski, National Coordinator for Prevention of Violent Extremism and Fight against Terrorism said that the topic on the agenda was not discussed until recently. It is now being considered at a higher level, as well as in the public, which is provided for in the Action Plan for the fight against terrorism from 2019. Serious activities have been initiated for drafting a Law on CI, which means opening a series of new issues and discussing them to the general public, as is the case with today's session. The protection and fight against terrorism cannot be conducted only at the national level and therefore the relevant UN resolutions (2341, 2347, 2396) as well as the best practices of Interpol should be taken into account. On a national basis, Apostoloski emphasized that we must also be prepared for modern threats such as drone strikes and cyber-attacks that have become a reality we face today.



Particular attention should be paid to securing soft goals such as mass rallies. In this context, it is suggested to consider the preparation of special manuals - guides for organizing and protecting such gatherings, which may be the target of terrorist attacks. The most common targets of terrorist attacks usually are energy facilities, ISPs and transportation systems. Among the sensitive facilities are also hospitals, and in their case, there should be regulation on the necessary protection of equipment. In general, protection against terrorism requires physical and digital protection, for which a partnership with private security companies, as well as with all other stakeholders involved in the protection of CI, is welcome. Floods, earthquakes, fires, climate change and other natural disasters also pose serious threats. The protection and provision of CI imposes the need not only at the national level to necessarily improve the situation at the local level, as well as to strengthen substantive (not only declarative) regional cooperation.



Professor **Aleksandar Spasov**, Advisor to the President of North Macedonia emphasized that in terms of protection of CI, the best European practices should be adapted to our conditions and needs. The Presidential Center for Political Education last year, among other things, focused on the issue of legal regulation and effective protection of critical infrastructure. For that purpose, in June 2021, they organized a thematic conference and prepared a special publication on this topic. They are committed to continuing to contribute to this extremely important security issue. CI protection covers all physical and organizational processes necessary for the normal functioning of the state and society. It is an obligation that arises from NATO membership, from the aspirations for EU membership, but above all it is a responsibility to the nation, first and foremost. It is necessary to strengthen the organizational capacities, as well as increase the financial means to maximize the protection of CI. It should be borne in mind that instead of the classic terrorist attacks, more hybrid attacks can be expected which aim to paralyze our institutions. The health crisis has clearly shown all the vulnerability in ensuring the normal functioning of vital social systems, such as the health system.

The presentation of the expert analysis began with the presentation of Professor **Marina Mitrevska** from the Institute for Security, Defense and Peace at the Faculty of Philosophy – University Cyril and Methodius (UKIM). Based on many years of research, the professor presented a series of arguments for the need to harmonize our legislation, in line with EU legislation on CI protection. The EU has a collective approach to this issue and is a focal point for both member states and candidate countries.

A key document is the 2008 Directive, the implementation of which should be brought into a national context. An intensive process of activities is yet to begin, but it should be borne in mind that prior to EU accession, the harmonization needs to be fully implemented.

The undertaking of certain aspects of this process has started by implementation of a number of strategic laws and bylaws. It is a good starting point for the complex regulation of this issue by adopting a flexible and effective legal solution.



Reflecting on the Croatian experience, Professor **Robert Mikac** from the Faculty of Political Science in Zagreb said that even before joining the EU, Croatia started implementing the Directive 2008, and passed the Law on CI later in 2013. They are now at a stage where they are preparing a new law awaiting the adoption of a new CER directive. Unlike the previous one, which covered two sectors - energy and transport, it will be expanded to a larger number of sectors and will not only focus on the issue of security, but will also cover the market. He stressed that he knows the situation in North Macedonia because he had the opportunity to participate in some preparatory activities for the adoption of the Law on Critical Infrastructure.

According to him, the national legislation is not in line with the EU Directive of 2008. It should be borne in mind that each country depends on the CI, i.e., it is especially important to protect against terrorist attacks various facilities, networks, installations that are important for the daily maintenance of state functions, laws, health, safety and protection of citizens.



Therefore, the adoption of this type of legislation, which covers society as a whole, requires everyone to participate in the process - from public and private protection services to civil society and citizens.



Bojan Elek, Deputy Director of the Belgrade Center for Security Policy and Coordinator of the Working Group for Chapter 24 of the National Convention of Serbia, presented the situation in Serbia, which adopted the Law on CI in 2018. Bojan Elek first expressed satisfaction that by participating in debates of common interest, cooperation is achieved between the National Conventions of the region, which enables useful exchange of views and experiences. Their Law, enacted in 2018 is dedicated to the fight against terrorism and extremism. The participation of civil society in its adoption and harmonization with the EU Directive 2008 was more formal and passed as a technical issue off the radar of greater public. The debate in 2017 was focused on the fight against terrorism (primarily Islamic), and right-wing extremism was not recognized. The trend of terrorism-related regulations being abused to deny citizens' freedoms and restrict (government-controlled) civil society organizations is present and worrying.

Professor **Toni Milevski** from the Institute for Security, Defense and Peace at the Faculty of Philosophy at UKIM pointed out that given that the Macedonian society is at the starting position when there is still no full regulation, special attentions should be paid to two potential models of building the CI protection system, present in Europe - i.e. a concept focused on protection and a concept of resilient defense of CI.

These concepts are not identical, but they are complementary. The concept of resilience encompasses the minimization of the duration of adverse reactions, so that certain objects and entities could minimize the adverse effects and as soon as possible could return to normal functioning. Such a model, which improves the resilience of society, is present in the Nordic countries and is applied to defense against cyber-attacks.

The professor advocates that the choice of the model of the CI protection system be optimized with many elements. Among other things, by organizing within the Government a new center for coordination of activities and provision of capacities for implementation of the future Law on CI.



The Co-Chair of WG 4 **Magdalena Nestorovska** commented that the presented presentation on future legislative activities has important elements and recommendations related to the model of resilient response to minimize the effects of attacks and return the CI to normal functioning.



Toni Stankovski, Assistant Director of the Unit for Strategic Planning, Standards and Quality Control at the Ministry of Interior reminded that the police, in addition to other duties and mandates, also takes appropriate measures to protect facilities and persons. State institutions, foreign diplomatic missions and other facilities of special interest are provided independently and in cooperation with other competent entities. Due to the constant rapid changes and globalization, there is an increase in security risks.

This makes the global security picture complex and CI is gaining new dimensions and growing in importance nationally and internationally. There is an increased need for defense mechanisms (laws and bylaws, action plans, trainings, planned measures) to be coordinated and followed by an explicit division of roles.

NCEU-MK expert **Trpe Stojanovski**, professor at the Faculty of Security at the University St. Kliment Ohridski (UKLO) Bitola, pointed out that in Chapter 24 of the EU Report on our country the issue of terrorism is marked as particularly important and is treated at the level of organized crime. However, he underlined that Directive 2008 can be more easily transcribed in the national legislation rather than implemented in real practice. Consideration should be given to legislation that has a practical value, which will also cover the threats of climate change (floods, fires, etc.). We are faced with a lack of funds and prerogatives for an integrated concept of the state to respond to critical situations.



We need a debate on a quality law that will create new institutions staffed with professionals and free from party political influence, when it comes to expert and professional actions.

NCEU-MK expert **Aleksandar Nacev**, Dean of the Faculty of Detectives and Criminology at the European University, Skopje, warned that it is necessary to further regulate CI. A clear example he pointed out was the case of a security breach with satellite images of the dam of the Matka hydropower plant.



This created a real legal labyrinth to determine the competence and who takes responsibility for the security breach. The existence of a collective security system is insufficient if we do not build national capacities to protect our citizens.

This is especially important when it comes to hybrid attacks on CI objects. Consequently, Nacev concluded that we need to assess and create the necessary legal and institutional preconditions for successful protection from all forms of endangerment of CI security.

DISCUSSION

What followed was an open and constructive discussion in which numerous participants contributed with their knowledge, opinions, suggestions and proposals. The Secretary General of the Chamber of Private Security **Sanja Keramitchieva** presented some data from their research which found that 1,169 legal entities are companies in our country that must have mandatory private security. They believe that private security should be involved in the protection of CI in partnership.



Co-Chair of WG-4 **Andrej Lepavcov**, agreeing with the place and role of private security in the protection of CI, underlined that this should be further regulated.



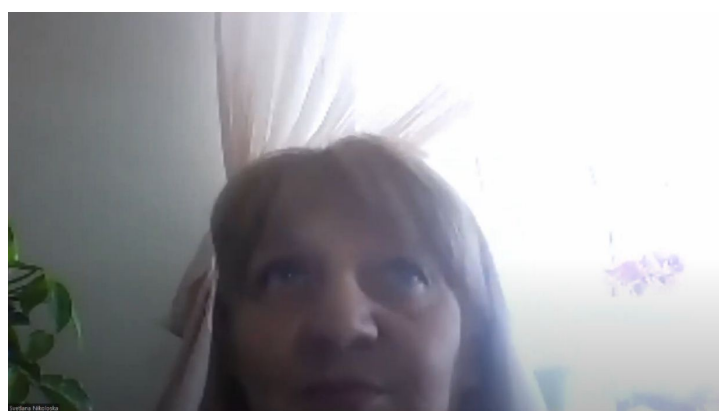
The Director of the Airport St. Apostle Paul - Ohrid **Gjorgji Alceski** stressed that it is especially important for the Law on CI to be functional, which would contribute to the preparation of special acts and programs for certain areas.

In the case of airports, as expensive commercial facilities are the target of various threats, it is especially important to have adequately trained staff to deal with conflict situations.

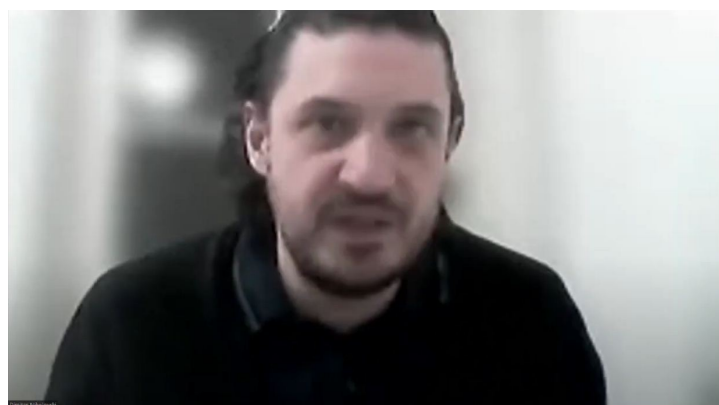


Nita Starova from the Friedrich Ebert Foundation reminded that three years ago they organized an international conference on CI protection, and last year they continued with public debates similar to this session, dedicated to the next steps necessary to build a new approach to tackling global and national security risks.

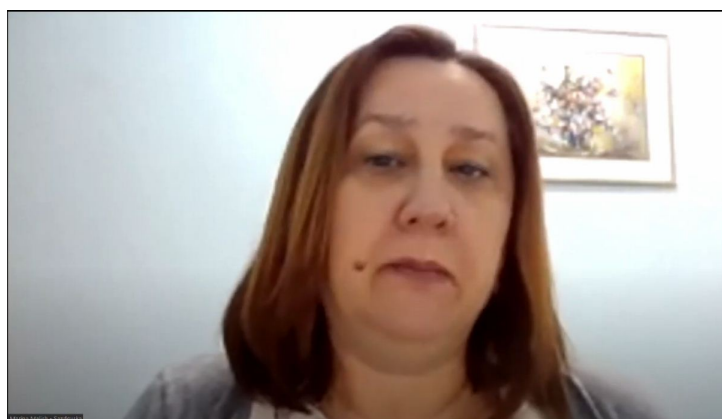
Professor **Svetlana Nikolovska** from the Faculty of Security Studies in Bitola pointed out that cyber-attacks are becoming one of the most dangerous forms of terrorist attacks that can block the functioning of all sectors. This should be taken into account when preparing a modern, applicable legislative solution, as well as the necessary information infrastructure, in the form of special bodies with liaison officers in the relevant sectors in order to ensure efficient response.



Dimitar Nikolovski, director of the Citizens' Association, Eurothink, paid attention to climate change and the use of natural disasters for diversions on CI, which imposes the need to specify this segment in the new legislation.



Professor **Marina Malish-Sazdovska** from the Faculty of Security in Bitola emphasized that the experience of the EU member states in the fight against terrorism can be a starting point in the preparation of our legislation, however this does not mean that it should be reduced to simply copying their legislation. Attention should be paid to the characteristics, capacities and infrastructural solutions of our country.



Marko Pankovski from the Institute for Democracy - Societas Civilis stressed that a holistic approach is needed in the preparation of the Law on CI, i.e. in its implementation. He noted that the support the local government is especially important, which unfortunately is inadequately funded and lacks the necessary human resources for the protection of CI.

Elmas Hasanovic, from the Ministry of Defense pointed out that they are determined to coordinate activities related to the drafting of the CI legislation. He underlined that they are well prepared and are cooperating with other relevant state institutions and are careful in their approach the task in question.



In concluding the debate, several opinions and proposals were presented related to supplementing and specifying the draft recommendations related to the Law on CI. **Margarita Caca Nikolovska** emphasized that this law should be prepared according to European standards, by clearly specifying what is critical infrastructure, as well as by presenting it in a clear and understandable manner to the citizens.

The law is especially important, but it is also important that it is good in quality, so as to avoid situations where, due to non-observance of human rights, the state would have to answer before international courts for a lack of protection of human rights.

Agreeing with this suggestion, **Marina Mitrevska** said that it is good to pay attention to the protection of human rights in the initial phase of creating a legal solution. She noted that although the adoption of a new Directive is expected, it is good for us to start from the previous adopted Directive 2008.

Robert Mikac stressed that it is important to know what the law aims to achieve, and that is certainly strengthening the resilience and protection of critical infrastructure.

In this regard, cooperation is needed not only on the part of society in which this issue is of direct competence, but from all participants: state institutions, the private sector, the academic community, researchers, the public, etc. It should be borne in mind that the countries that already have this legislation have not done the job (due to its complexity) as it is an issue that must be dealt with constantly.

Cvetko Momcilovic, who participated in security missions abroad, said that in his experience, the target of terrorist attacks are not only state institutions and people, but also facilities related to water, food, electricity and other infrastructure that should be taken into account when preparing the law on CI.

Finally, **Mileva Gjurovska** underlined that the mission of the National Convention is to increase the public's perception of the topic through an affirmation of the issue. The participation in the debate on CI will contribute to the strengthening of security, which is not possible without broad social support. She agreed that the work will not be completed with the adoption of the Law on CI and therefore this issue will continue to be closely monitored in relation to the implementation of legislation and the forthcoming amendment of the European directive.