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**SUNDIMI I LIGJIT SI GARANCI E SIGURISË DHE LIRISË SË
QYTETARËVE DHE PERSPEKTIVAT E SAJ NË VENDET E
EVROPËS JUG LINDORE**

**ВЛАДЕЕЊЕТО НА ПРАВОТО, КАКО ГАРАНЦИЈА НА
БЕЗБЕДНОСТА И СЛОБОДА НА ГРАЃАНИТЕ И НЕЈЗИНИТЕ
ПЕРСПЕКТИВИ ВО ЈУГОИСТОЧНА ИСТОЧНА ЕВРОПА**

**THE RULE OF LAW AS GUARANTY OF THE SECURITY AND
LIBERTY OF CITIZENS AND ITS PERSPECTIVES IN THE
SOUTH EASTERN EUROPE COUNTRIES**

Abstract

In this paper an analysis of the socio-pathological emergences during the period of transition in the Southeastern Europe countries is given. The most dangerous of these emergences, are organized criminal, terrorism, ethnic's confrontations, criminalization of the state officials and lawlessness. However, all of the positive influence of the democratic and lawful surrounding in the EU and NATO which is the best guaranty to build the system of rule of law in which the liberty and security of citizens will be efficiently established and protected. It can expect that the perspectives of the South Eastern Europe countries for the building the system of rule of law as a guaranty of liberty and security of citizens, in the future, are very good. We can be sure that the rule of law will begin to reign in the Balkan area as a best guaranty to the liberty and security of citizens of the all Balkan countries.

Key words: rule of law, liberty, security, legal system, organized criminal, criminalization, society.

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Introduction

Southeastern Europe countries in the beginning of last decade of the 20 century, with the exception Greece, entered in the process of the transition from the socialist system to the capitalist system of social and economic organization.

The socialist systems were social organizations based on collective or state ownership of the means of production, with strict controlled economy by the state bodies. In the political view, they were one-party's systems with communist parties as a unique party on the government and with other political social organizations, which was strictly controlled by the communist parties. The system of the state power in these systems was unique, hierarchically organized, strictly controlled by the communist party, with parliaments as a hierarchically highest state's bodies

The capitalist system is the system of freedom of the market and entrepreneurship, with political pluralism and free direct and democratic elections, with dominant private property of the means of the production, with formally guaranteed rights to the individual and citizen and with division of the state powers into legislative, executive and judicial.

These systems are very different, with different political and economic philosophy, with different social values, which produce many differences in the relations between the citizens and other social subjects.

Having in view the differences it is normally that the transition from one system to other to be followed by number of very fast and turbulent changes in all area of the social life in the Balkan countries. The number of changes produced a lot of pathological process in the society which reflected to the efficiency of the legal order of the states, to the respecting the rule of law and to the liberty and security of persons.

However, the developing of the democracy in the Southeastern Europe countries will contribute the legal systems to be more efficient, the rule of law more constituted and solidified and the right to liberty and security of citizens more protected in the future.

1. Actual socio-pathological situation in the Southeastern Europe countries.

The transition period in the former socialist countries of Southeastern Europe area has been followed by turbulences in all areas of social life, including the legal order and moral of the society. The society has entered a period of outstanding social dynamics in which

the objective of most people is the acquisition of property and gaining profit. Erich From would say that the people substituted their aspiration “to be” with an ambition “to have”.²

Substituting the objective “to be” with the aim “to have” has disturbed the system of values in the society. Altruism, which is essentially based on humanism, has been substituted by egoism and unscrupulous pragmatism. For a great number of people, money became the sole criterion for measuring one’s success in the society. The moral values have been twisted and many of them have been replaced by moral deviation. These changes have had a terrible effect on the functioning of the legal system. The rule of law, which is proclaimed by the constitutions as a basic value of the constitutional system of the state, has been largely substituted by a state of anomy. The violation of constitutionality and legality has become a common and omnipresent incidence in the society. To exit this state of affairs in the society, it is urgent to start an intensive work of raising the citizens’ ethical awareness on the ground of the ethical principles, which are compatible with the basic values of the constitutional system, primarily the rule of law and humanism, social justice and solidarity. In addition, it is necessary to reinforce the controlling and protective function and institution of the society, and to increase the efficiency of their activities.³

After the ending of the “cold war” has begun the period of the “cold peace” which is characterized with a destruction of Warsaw treaty, destruction of some federal states and with a lots of turbulences in the interstate relation between the great world power.

The ends of the “cold war” and the beginning of the “cold peace” in Southeastern Europe have marked the emergence of new states from the disintegrated former Yugoslavia. Many of these states are weak, not only in terms of their military capacity, but also in terms of their general economic and political instability. In the all of these states, exist the wrist of social tensions that are resulting from the mass unemployment and mass impoverishment of the majority of the population opposed to the enormous and unwarranted enrichment of the oligarchic elites.⁴

² Фром Е.: Имати или бити, Народна Књига - Алфа, Београд, 1998, стр 99 - 117

³ Ристески Т.: Морал друштва у транзицији и функционисање правног система Републике Македоније, Зборник радова са научне конференције на тему Функционисање правног система Републике Србије, Правни факултет у Нишу, 2006.

⁴ Vasileski V.: International Law in Armed Conflicts, Military Academy General “Mihailo Apostolski”, Skopje, page 23-24.

In transitional Balkan countries, in place of the rule of law, the ruling factors on the great measure become corruption and organized crime. These intricate chimes include people of the all social groups and positions from presidents of the states, to ministers, and directors of the public administration bodies and public trade unions.

Privatization of the national assets in a large part has been achieved illegally, serving the interest of certain state functionaries or loyal party "soldiers". The resulting loss of trust and hope among citizens also entails the loss of legitimacy of the national state bodies and loss of trust in morality and legislation. When dealing with unsatisfied citizens, corruption and organized crime, the easiest thing to do is to apply undemocratic methodology of the rule and to inflict an overdose of bureaucracy and high degree of alienation between the people in the government and citizens. In such an environment, it is impossible to secure respect of the human right and the rule of law.

Corruption and organized criminal produced directly and indirectly other types of contemporary dangerous criminal as a money laundering, drug trafficking, people trafficking, arm trafficking, , human organ trafficking, est.

Aside from corruption and organized criminal at the end of 20 th century and at the beginning of the 21, the all world has been faced with a massive and organised evil that is terrorism. In the contemporary time, security of many countries is endangered by terrorism. Terrorism is a very large crime against peace, against freedom of the peoples, against their peaceful life. Tterrorism does not choose its victims and millions and millions innocent people suffer by him. This phenomenon surpasses national borders and the capabilities of a country, for which a broad and a coordinated action of the international community is necessary in order to exterminate it.

Balkan's countries aren't spared by terrorism. The roots of Balkan's evils, interethnic and interstates confrontations are in the specific historical development of the Balkan's countries which produced a lot of specific Balkan's evils like a nationalism, ethnocentrism, chauvinism, religious separatism and other.

The essential irrationality of the nationalism, ethnocentrism and national chauvinism ask for the devaluation of other nations by narcissistically overvaluing one's nation as the most intelligent, the most cultural, the oldest, the sole ruler in the region, the largest, the nation of greatest importance for the whole world, and in the same time

historically deprived and therefore the most vulnerable of all its neighbors and of whole world. Members of the own nation are appraised as courageous, brave, capable and invincible combatants and those of the enemy's nation – losers, cowards, barbarians, with a degenerate mentality est. Driven by nationalistic paranoia, almost all Balkan peoples mutually accused each other of some huge historical injustices annexations from other nations: name, language, “holly territory” history, culture and so on.

The visions of the extreme Balkan nationalist are not meant to solve the actual problems, but rather casts in behind in the history in the past time. Huge efforts have been invested in the improper glorifying of historical events and personages from the past. All their intellectual efforts are employed to re-tailor and fabricate historical facts for the purpose of overvaluing specific national histories and negating the past of other peoples.⁵

The fall of moral criteria, terrible and unstable economic situation and a number of its consequences produced an expansion of other types of criminal, so named “ordinary criminal” which is present in all societies and all historic periods. Therefore, in transitional societies of the Balkan states we have an increasing of the robberies, the killings, the rapes and other crimes against the human life, the human dignity and property.

All these crimes threaten the security and liberty of the citizens in the Balkan countries.

Very negative pathological emergence in the Balkan countries is the lawlessness from the state bodies and state officials. Much of the state officials respect the law if the respecting is useful for them and for their political parties. In the opposite, they do not respect it. This emergence is the most obvious in the employment the people. The state bodies and public services organizations in the most of cases employ the people who are member of the parties in government. So the spoils system in employment in more of the Balkan countries is generally accepted.⁶

⁵ Vasileski V.: Ibid, page 27.

⁶ Spoils system in employment is system based on the favoritism the member or the sympathizer of own political parties in process of employment in the state bodies public administration, public enterprises est. (See Oxford Concise Dictionary of Politics by I. Mc Lean and A. Mc. Milan.).

Particular problem in the Balkan's transitional societies is the criminalization of the state power. Many of the state officials are involved in the criminal action. They very often use their position on the state bodies for personal enrichment. They fight to become officials not to serve citizens but to use their position for personal aims.

The lawlessness of the state from the state officials and the criminalization of the state power produce a great degree of discontent to citizens. That is notorious fact. During the time, the discontent cumulates and may produce a social explosion.

The exit from this situation is in building of an efficient legal order, with a rule of law as a basic precondition of its building.

2. The rule of law as a base of the efficient legal order in function of the protecting the liberty and security of persons

The rule of law is one of the fundamental values of the constitutional order of all modern democratic states. The constitution of the Republic of Macedonia, guaranties this value to the Macedonian citizens among other fundamental values⁷. The rule of law is in function of the existence of legal order. The respect of the legal order makes the life of the citizen secure and free.

The rule of law is a concept of the state that does not recognize arbitrary power and privileges, which enforces equality of all persons before the law and the equal subjection of both subject and state officials to the law. The rule of law supposed the citizens that constitute the citizen as a legal and political subject of the society. In the system of rule of law citizens rights are the most important element of every constitution.

The efficient legal order is in function of the security and liberty. The security cannot exist without an efficient legal order. No liberty without security. It is a dialectical direct and indirect link.

The right to security is one of the basic human rights. It is an element of the right to liberty of the citizen's person in democratic society. Without security don't have a liberty. Only secure people are free people. The rights to liberty and security are among the basic

⁷ Constitution of the Republic of Macedonia, Official Newspaper of the Republic of Macedonia n. 52/91, article 8. The constitution of the Republic of Macedonia in the preamble as on of the aims of the new constitutional order of the Republic put the establishment and consolidation of the rule of law as a fundamental system of government.

human rights guaranteed to the people by Universal Declaration of Human Rights. Every one has the right to life, liberty and security of the person, the article 3 of the Declaration said. According to the article 9 of the International Covenant of Civil and Political Rights, everyone has the right to liberty and security. The rights to liberty and security of person are guaranteed to people by the article 5 of the Convention for the Protection of Human Rights and fundamental freedoms (European Convention).

Normally, the main human right is right to life. But, without liberty and security this right can be only simply survival, similar to animal's survival, without human dimension, without human dignity, without quality which corresponds to this dignity.⁸

The rights to liberty and security of person are composed by more components. So, the human rights international documents and national constitutions proclaimed freedom of thought, freedom of conscience, freedom of religion, freedom of expression, freedom of assembly and associations and other freedoms as a components of the right to liberty.

Also, the human right international documents guaranteed to the people the right to protection of life, the right to protection of privacy, the right to protection of property, the right to a healthy environment, the right to health care and other rights. These rights are elements of the right to security.

All of these rights are guaranteed to citizens of the NATO member's countries by their constitutions. Also, Macedonian Constitution⁹ and the constitutions of the other Balkan states guaranteed it to the citizens.

From psychological view, the right to freedom means to be free, without fear of anything, without frustrations, without worry, without anxiety etc. Without freedom there is not the good quality of life and there is not happiness. As Montesquieu said, the freedom is benefit which makes possible people to enjoy using other benefits. Rousseau said that without freedom people can not have the human dignity and can not enjoy human rights.¹⁰

⁸ Risteski T.: The NATO membership and the perspectives of the Republic of Macedonia to protect national security and the rights to liberty and security of person, International scientific conference NATO Enlargement strengthening security and protection of the individual, Sofia 09 – 12 September 2004, page 561.

⁹ Constitution of the Republic of Macedonia article 9 - 60

¹⁰ Puljo J.: Biseri mudrosti, Beograd 1979, page 240.

The right to security is in very close link with a right to freedom. There is not freedom without security. Only secure people are free. The contemporary world is full of threatens to freedom and security of person. Terrorism, organized criminal, corruption and other evils horrify the contemporary people in all over the world. These evils also threaten people in the Southeastern Europe countries.

The right to security as a basic human right is incorporate in the state's constitutions. The Constitution of the Republic of Macedonia contains a few articles which regulate this right of Macedonian citizens. These articles are following: article 10 and 11 which regulate the inalienability to life, to physical and moral integrity of the human person. Next, the articles 25 and 26 which the privacy protection and the protection of their personal and family life and the house sacredness are guaranteed.

The rule of law supposes existence of well-composed and stable legal system. However, existence of such legal system is not sufficient for the realization of the right to liberty and security of person. For that, an efficient functioning of the legal system is necessary. Efficient functioning of the legal system suppose the respect the law and under law regulation by all legal subject – physical and legal persons.

The best guaranty for the existence of a stable end efficient legal system is economic and political stability of the society. Economically and politically stabilized national society is in the same time sane society in the Fromm's meaning of the things.¹¹ The sane society is a society without social pathology. The existences of the society without social pathology suppose the rule of the ethic values. The respecting of the ethic is a supposition of the respecting of the legal norms. The respecting of the legal norms is a supposition of the rule of law. The rule of law means efficient functioning of the legal system in the national society. The respecting of the legal system means respecting of the legal order, because the legal order as a system is a hierarchically arranged system of the legal norms and it is a base of the society's law system.

Southeastern Europe countries, as members of NATO and European Union or as aspirants of their membership, intend to build democratic and stable political, economic and social system, intends to

¹¹ From E.: *Zdravo društvo*, Izdavačka radna organizacija "Rad" – Beograd, 1980. In the orriginal: Erich From, *The Sane Society*.

protect efficiently her national security, and intends to secure the human rights, especially the right to liberty and security of persons according NATO and EU member standards. What are the possibilities to realize these intentions? What are the perspectives for their realization? The response is composed.. We are expecting that the national security and the basic human rights of the citizens among them the right to liberty and security of persons in the future will be more protected and that the Southeastern Europe countries will be really the countries of the rule of law. What is reality?

3. The perspectives of the Southeastern Europe countries to protect the rule of law and the liberty and security of persons

As we saw, contemporary Balkan is confronted with a lot socio-pathological emergences that produced a lot of threatens of the liberty and security of person and many offences to the legal system. These emergences produced many problems for the Balkan states, and normally, a lot of suffers to their citizens. In more of the Balkann's countries, there are organized criminal's groups, which objects, of the criminal activity are very hard and serious crimes against people's life, human dignity, property, state, national economy, national legal system, humanism, international law and other human values.

In the society in which these emergences exist be cannot build stable social system and cannot be build system of rule of law.

Balkan countries have made great efforts to create stable political, social, economic, defense and legal system as a base of the social stability that is social guaranty for the existing of the legal order and building the system of rule of law.

The social stability is the best guaranty for the creation of the system of rule of law. In the unstable society, there are many confrontations of the interest between the social subjects that produces unhealthy social climate. In the situation of the bad social climate, it is impossible to build and preserve strong legal order and rule of law. The legal order and the rule of law are in dialectical link with social stability they depend one from other. They are interactive. They are in mutual action. High degree of legal order in the society means high degree of rule of law. High degree of rule of law produces a high degree of the social stability in the country. Oppositely, a low degree of social stability produces a low degree of the legal order and in the same time

low degree of the rule of law in the country. Only with existing of the stable legal order and the system of rule of law, the liberty and security of person can be protected.

Having in view above presented facts the efforts of the Balkan states for the building of the social stability in the country are completely reasonable

Cotemporary world is a global village. It is notorious fact. The links and relations between countries are enormous. Political, economic and other social process in one country reflect in other, especially in neighboring countries. Because the great number of links and relations between the neighboring states, the social process have same or similar ways of the emergences and existing in each of them. It is same with positive or socially useful social process and with negative, socially harmful social process as are criminal and interethnic confrontations as a greatest threatens to the liberty and security of persons. It put on the necessity of the collaboration between neighboring countries on the combating socio-pathological emergences.

The collaboration in the combating socio-pathological threatens to the national societies among the Balkan states is necessary because it is unique geographic area with very similar socio-political and economical characteristics, with number of the economical, ethnical, cultural, anthropological, geographical and other natural and social links. Having that in view, Balkan countries need to develop an intensive collaboration in all area of the social life. Especially in the area of the security and defense, it needs good interstate relations. To do that it is necessary to resolve the actual political problems that exist among them. The interest of the economical, political, and legal stability are crucial interest which satisfaction overpass and actual interstates problems as a problem of name between Macedonia and Greece.¹²

The social system in one Balkan state cannot be stable if the instability exists in other country or countries in the region. Each

¹²Macedonia is small country. Greece is a great Balkan country, economically and political powerful country. Small and unpowerful Macedonia cannot threat and endanger great Greece, not politically, not military not economically. It is ireasonable, Greece to see in Macedonia an enemy. Greeks and Macedonian government should to face to their internal problems, political, economical est. They can resolve internal problem more easily with good interstate and good inter neighbor relations. Macedonian state, Macedonian firms, Macedonian market are opened for Greeks entrepreneurs.

government of each Balkan state, each political leadership, actual and future, must have in view that the good interstate cooperation in the region is one of the best guaranties for the protecting own social stability, or concretely told, for the protecting and developing democracy, national security, and human rights, among them the main are the right to liberty and security of persons as a crucial right in the system of the rule of law.

The contemporary threat to liberty and security of persons are similar not only in Balkan countries. They have identical characteristics in other countries in the Euro-Atlantic area. That is result of the process of globalization that bring not only benefits but also and evils. Because that, Balkan countries for efficient protection themselves from contemporary threat must be faced to the collective political, economic, security and defence systems as are European Union and NATO

Today, practically, no country in the Euro Atlantic region is capable for protecting itself from terrorism, organized criminal and other threatens to liberty and security of person without collaboration and cooperation with other countries in the area and largely.

Neutralisation and elimination of the terrorism and other criminal in the society are a very complicated task for each Balkan's state. The system of defence from crime is characterized by various mutually coordinated unarmed or armed actions by competent state organs and operations against all criminals aimed at thwarting the realisation of their plans, or with the aim of their rapid and complete neutralisation or elimination, after they will start to supply violence. Having in view the notorious fact that terrorist and other organized criminals realized their criminal action very often in a larger area that is the national territory of the countries, the combating criminal is impossible without coordinated actions with competent bodies of the other states in the region and largely. So, the successful combating terrorism and other organised criminal need to be realised with strong cooperation and coordination in the combating activities between state bodies of all countries in the Euro Atlantic area, and often largely. That cooperation and coordination can be efficiently realized by unique system of the organization with unique competent bodies. EU and NATO as an organized economic, political, defence and security systems with their bodies give the possibilities for the efficient combating terrorism and organized criminal in Euro-Atlantic region.

Republic of Macedonia and other Balkan's countries cannot expect from NATO and EU they defend them from terrorism and other criminal evils. It as a crime against liberty and security of people is an internal thing of states. However, they countries organised in the NATO and EU will combat criminal more organized, more co-ordinately, and normally, more efficiently.

Especially NATO as collective defense and security system and as political and economic union of democratic countries can organize and coordinate the anticriminal actions. The good organization and the good coordination are the best guaranty for the successful combating terrorism and other criminal in the society

Republic of Macedonia and other neighbors countries allied in NATO alliance will change information and experiences for the combating all socio-pathological emergences. As we know, the information and experiences are very important in each battle, and normally in the combating all evil. Everyone who has information and experiences has a great power. The battle gains everyone who has a power: informative power, intellectual power and power in weapons.

One of the mains interests of NATO is to be a secure and collective security and defence system of the democratic countries. In accordance with this interest, NATO supports the democratic process in all European countries. It supports the rule of law and implementation the human rights guaranteed with the above mentioned human rights international documents. Normally, NATO will support its implementation in the allied countries. Balkan countries intent to be democratic, with modern founded political and social systems, which will be compatible with the political and social systems of the developed Western European and North American countries. It is sure that NATO will support them in realization of these intentions. Supporting them in realization of these intents NATO will support them in the implementation the rights to liberty and security of persons as a complex rights, composed with more elements and guaranteed to citizens with a national constitutions.

The European Union, as a political and economic association of the European countries in the same time, is an association of pace and security.

The basic principles of the relations between EU member states are unite and equality, providing and protecting the fundamental

freedoms, solidarity, respect of national identity, security and providing and protecting the fundamental rights of the person¹³.

The legal systems of all EU member states are constructed and based on the rule of law, and respect for the dignity, freedom and right to self-development of person. For this aim, there are numerous international conventions on the protection of human rights among which the most important and significant is the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The legal order of EU is the true foundation of the Community. One of the most important features of the Community legal order is the peacemaking role. With the objective of maintaining peace and liberty, it replaces the rule of force as a means of settling conflict by rules of law. So, the legal order is an important instrument for the preservation and creation of peace also liberty and security of person.

Entering in membership of NATO and EU in the contemporary world is a natural process, because it is in the function of globalization as a natural process of modern postindustrial and informatics society. Most of the states which are member of NATO and EU are democratic states with long democratic and statehood traditions. As a democratic states they have very developed systems of protection the liberty and security of persons and long tradition of rule of law.

According the principle of the interference between subsystems in the larger system, as are NATO and EU, old NATO and EU member states will influence to new member states, they to build and develop democracy and rule of law in their national societies.

We cannot expect that all European countries in short period will be members of the NATO and EU. Some European countries normally will be out of these systems. These countries are part of the Euro Atlantic geographic area. Successful combating terrorism, organized criminal and other threatens to liberty and security of persons and rule of law needs from Balkan countries to collaborate with these countries, for example Russia. It is enormous state and powerful economic and political factor in the Euro-Atlantic area. It is impossible to imagine any successful action against terrorism and organized criminal without good relations, cooperation and collaboration with her. So, Balkan's states needs to create good relations and good collaboration with her in each

¹³ Borchard Klaus – D.: The ABC of the Community Law, European Commission Brussels, 2000, p. 11- 17.

areas of the social life. Only these relations can be helpful in the process of building stable economic, political and legal system as a preconditions for the building the system of rule of law.

Conclusion

South-eastern Europe countries (except Greece) entered in the beginning of the last decade of twentieth century in the process of transition from the socialist economic and political system into capitalist system. This process is not ended yet. It is characterized with much turbulence in all area of social life. These turbulences are followed by number of the socio-pathological emergences as a fail of moral criteria, nationalism, chauvinism organized criminal, terrorism, criminalization of the state officials, lawlessness and other socio-pathological emergences in the society

In this social environment, the building of the system of rule of law as a precondition to liberty and security of person is very difficult and uncertain.

Beside the process of transition, South-eastern Europe countries are taken by process of globalization as a general process of the contemporary world.

As countries of Euro Atlantic geographic area, the Balkan countries, in process of globalization, will be in the great influence from democratic countries of this area. It will produce the developing of the positive social process oriented to building democracy and stable legal order.

The Balkan countries are in the process of entering in Euro Atlantic economic political and security associations, as a NATO and European Union. Some of them are already members of these associations.¹⁴ Other countries in the relative short time will become their member. These associations are formed by states that are with long democratic traditions and long traditions of the rule of law, with a stable and efficient legal system. The main interest of these associations is to build in South Eastern Europe region a stable area without negative socio-pathological emergences that may destabilize it.

¹⁴ Bulgaria, Greece, Romania, Croatia and Slovenia are EU member states. Albania, Bulgaria, Croatia Grece,Romania, Montenegro and Slovenia are member of NATO. Other Balkan states aspire to enter in these associations.

Balkan countries as member of NATO and European Union will be under the strong influence from old and traditional democratic European countries. These influences will contribute for developing and protection democracy, legal system, and rule of law in the Balkan countries.

Balkan countries have traditional collaboration and good relations with powerful Eastern European countries (Russia, Ukraine) for which we cannot expect to become EU and NATO member states in future decade. These relations of the Balkan countries with Eastern European countries will continue in the future. The good relations with Russia and other Eastern European countries will be very helpful and useful for the Balkan countries in the combating terrorism and organized criminal in the South Eastern Europe area.

Having in view above presented facts, we can expect that the perspectives of the South Eastern Europe countries for the building the system of rule of law as a guaranty of liberty and security of citizens, in the future, are very good. We can be sure that the rule of law will begin to reign in the Balkan area as a best guaranty to the liberty and security of citizens of the all Balkan countries.

Literature

1. The Alliance's Strategic Concept, www.nato.int/docu/pr/1999/p99-065e.htm
2. Borchard Klaus – D.: The ABC of the Community Law, European Comision Brussels, 2000.
3. Цаца Ѓ.: Слободите и правата на човекот и граѓанинот во Република Македонија, НИО, Студентски збор, Скопје, 1994.
4. Collection, of Human Rights International Documents, Pearson Peacekeeping Centre, Cornwallis, Nova Scotia, Canada, 2001.
5. Dimitrijevic V i Paunovic M.: Ljudska prava, Beogradski centar za ljudska prava, Beograd, 1997.
6. Ѓорѓевиќ Ј.: Уставно право, Завод за стопанство и општествени дејности, Скопје, 1979.
7. Јанкуловски З.: Човекови права, збирка на меѓународни документи за правата на човекот, Фонд отворено општество на Македонија, Скопје 1993.
8. Кузев С. Збирка документи од областа на безбедноста и одбраната, Military Academy “General Mihailo Apostolski”, Skopje, 2002.

9. The North Atlantic Treaty, www.nato.int/docu/basicxt/treaty.htm
10. NATO and PfP cooperation, www.morm.gov.mk
11. Politicka enciklopedija, Savremena administracija, Beograd, 1975.
12. Pravna enciklopedija, Savremena administracija, Beograd, 1976.
13. Ристески Т.: Морал друштва у транзицији и функционисање правног система Републике Македоније, Зборник радова са научне конференције на тему Функционисање правног система Републике Србије, Правни факултет у Нишу, 2006.
14. Risteski T.: The NATO membership and the perspectives of the Republic of Macedonia to protect national security and the rights to liberty and security of person, International scientific conference NATO Enlargement strenghtening security and protection of the individual, Sofia 09 – 12 september 2004,
15. Устав на Република Македонија, “Службен весник на РМ”, број 52/91.
16. Vasileski V.: International Law of Armed Conflict, Military Academy “General Mihailo Apostolski”, Skopje, 2003.