

POLICE REFORMS IN MACEDONIA ON THE PATH TO EU INTEGRATION

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INTRODUCTION

Reforming the Police is certainly one of the most challenging tasks that a government can undertake on the path to the EU integration. As the most visible manifestation of the government authority and responsible for maintaining public security; it is one of the most sensitive reform sectors and should be treated with additional care. Therefore, in order to efficiently cope with the challenges of the new threats such as organized crime terrorism etc., the police must adopt a feasible *modus operandi* in accordance with national and international law, as well as with full respect of human rights.

The Reform Process of the Police Sector in Macedonia was initiated parallel with the proclamation of independence, as the country adopted the policy towards democracy and rule of law. Nonetheless, in the period up to 2001 the reforms were mainly directed at establishing democratic institutions and the legal basis for further reforms within the Security Sector more generally. This neglected some important aspects of democratic policing, which later proved to be crucial in the aspiration for NATO and EU integrations. Thus, some of the important changes in this period were in line with promoting parliamentary oversight over the Security Sector. This empowered parliament to approve the Security Sector budget and also promote the concept of a security sector governed by more civilianized bureaucracies¹. Yet, further developments in democratizing the police were necessary on the path to EU and NATO integrations.

In that sense, the intention of this paper is to scrutinize the challenges and the progress made so far in reforming Police along the path for Macedonia's integration into the EU and thus contribute to the endeavors for more qualitative debate on reform process in order to meet the EU requirements in this field. The paper will start with a historical overview of the process and will continue with an examination of the key norms of police governance. Furthermore the paper will address the objectives of the reform process, the status of the reforms, as well as the challenges of police reform. As close cooperation between the Police structures in the region is required by the EU on the path to integration, this paper will also address the level of cooperation established so far, as well as the potential to deepen this cooperation in order to accelerate the whole process of integration of the region into the EU and NATO structures.

HISTORICAL OVERVIEW OF THE POLICE REFORMS IN MACEDONIA

From a historical perspective the whole process of police reform in Macedonia, from the country's independence onward, could be divided into two periods according to the quality of the reform process and the intensity with which the reforms were introduced. The first period starts right after

¹ Yusufi, Islam (2003) Security Sector Reform in South East Europe;

the proclamation of the independence in 1991 and lasted up to 2001², whilst the second starts from 2001 and it is still on going. In the first period was evident lack of clear and substantial National Strategy in terms of approximation to the EU norms in this field and firmly promotion of the principles of democratic policing. As stated above, in this period were introduced the reforms which were in direction of establishing democratic institutions as substitution for the old authoritarian system before the independence in which the Police besides the basic role of ensuring the public security also had the role of protection the political elite and guardian of the adopted ideology in that time, rather than being a citizen's service and ensuring the ruling of democratic principles. Despite the political consensus about the integration into EU and NATO structures until 2001 the intensity of the reforms was weak and some crucial principles were lacking so that policing in Macedonia could be qualified as govern by democratic norms taking into account the multiethnic dimension of social life in Macedonia. The neglect of the latter proved to be main reason for the conflict from 2001, when the Albanian paramilitary structures clashed with the Macedonian Security Forces in order to promote their demands for improving the situation of the nationalities in Macedonia. Among the other demands, they put on the table the question for reforming the police so that Police takes more accountable and decentralized role. The conflict ended after the signing the Ohrid Framework Agreement which, among the other provisions included political guidelines for reforming the police. These events marked the beginning of the second period of more intense reforms. As the fulfillment of the provisions of the Framework Agreement were one of the conditions for integrating into European and North Atlantic structures the reform process appeared on the agenda as one of the most urgent issues. The urgency of the issue was also accompanied with the need of involving the reformed police structures in the post conflict peace building, since the "old" police structures were lacking legitimacy to undertake such mission.

KEY NORMS GOVERNING POLICE IN MACEDONIA

Macedonian Police strives to follow the EU norms in this field which are based on the democratic governing of the police structures. Defined as such, it is evident that this is a broad concept and it has to be narrowed down in order to avoid any misinterpretations of the concept by the all the actors involved in the process. Democratic norms for governing police are well defined and described in the OSCE guidebook for democratic policing. According to the guidebook, the police in one country in order to be qualified as governed by democratic norms should fulfill the following goals:

- Maintain public tranquility and law and order
- Protect and respect individual's fundamental rights and freedoms
- Prevent and combat crime
- Provide assistance and services to the public
- Responsive to public needs and expectations
- Use the authority of the state in the people's interest

² The Armed conflict between the NLA and Macedonian Security Force

- Upholding the rule of law
- Police accountability and transparency

Although the list of the goals here it is not exhaustive it includes the main direction in which the reform process should be driven to successfully meet the democratic policing objective. Furthermore, the police should adhere to a code of professional conduct and demonstrate professionalism and integrity in order to live up to the public trust. Regarding the organizational structure the states are obliged to create structural and managerial environment that will enable the police to effectively and efficiently implement the provisions of the rule of law, domestic and international law, and accepted human rights standards³.

OBJECTIVES OF THE POLICE REFORMS IN MACEDONIA

Most of the democratic norms stated above were met in the first generation of introducing reforms in Macedonia. Yet, as outlined in numerous reports, further improvements were needed in the sector. The objectives that Macedonia pursues to fulfill in the process of reforming the police sector, have arisen as a result from the EU requirements in this sector as well as the complex social-political situation that exists in Macedonia, especially regarding the multi ethnic structure of the population. Thus, the key objectives, as elaborated and outlined in the important documents⁴ in this field, could be identified as:

- Complete implementation of the provisions of the Ohrid Framework Agreement and introduction of the principle of decentralization and equal representation of minority communities in the police structures;
- Transfer of responsibility for the border control from the Army to Police structures
- Improvement of the policing function, its preventive role and efficient management of internal security threats;
- Promoting the concept of Police as service for the citizens;
- Modern technical equipment

Implementation of the Ohrid Framework Agreement became one of the key preconditions for Macedonia in the process of joining the EU and NATO. Therefore, the government along with relevant actors put a lot of efforts in fulfilling the provisions from the OFA. One of the key provisions in the OFA refers to a reforming the Police in Macedonia in order to suit the general situation regarding multi ethnic dimension of social life in Macedonia, as well as improving the efficiency and thus, gaining legitimacy in the peace building efforts of post conflict environment in Macedonia.

³ OSCE Guidebook for Democratic Policing

⁴ For example:

- Framework Agreement August 2001
- Draft Police Reform Strategy dated 2.9.2002

According to the Ohrid Framework Agreement⁵ the process of decentralization and devolution of the competencies will contribute to a more responsible local government and to the security of the local community. According to the Law on Self-Government the Municipal Council adopts the municipal annual public security report and submits it to the Minister of Interior and the Ombudsman. If necessary the Council provides recommendations for the Territorial Police Services. The Council also decides on the election of the local police department commander taking into account the Ministry of Interior's proposal. These reforms to the endeavors for closer cooperation in the local community and reinforces the community's local control over local police activities. At the same time, it increases awareness of public security issues and, at some point, makes the police accountable for the local security situation⁶

One of the most challenging parts of the Police Reforms in Macedonia was the transfer of the responsibilities for the border from the Army to the Police structures. For this reasons forming a new body within police structures, Border Management Department, was necessary which will be responsible for border control. The decision to implement the Integrated Border Management Process was taken by the Government in 2002 with the intention to faster European Integration and NATO membership and to maintain national and regional peace and stability. The process of restructuring was completed within 13 months. Within the BDP, various sectors are responsible for the following operational issues: Sector for European Integration, Cross Border Cooperation, Sector for Analysis, Sector for Border Crossing Points and State Border Surveillance, Sector for Support of Border Police Operations and Sector for Administrative and Logical Support and Coordination of Foreign Aid. Four regional centers are responsible for border issues. An internal analysis in the Ministry of the Interior indicated that all kinds of criminal activities across the borders were significantly reduced, in comparison to the period when the Army was responsible for the border control.

In the part of improvement of the police functioning and efficiency in the area of combating corruption, organized crime, road traffic accidents, the delivery of good initial and further training as well as the appropriate technical equipment are indispensable⁷. It has been numerous times outlined the importance of decentralizing police in improving the efficiency of the police sector. As the main weakness of Macedonian Police in the past was deemed to be the centralization and thus, alienation from the citizens instead of being their service, devolution of competences has been expected to have great impact on efficiency since devolving responsibility is the key to a police force be more motivated to do their job properly. As stated in the OSCE's guidebook "The reforms of Macedonian Police", the more freedom to take decisions, more scope for initiatives and autonomy make police staff more successful⁸.

Democratic principle of Police can not be satisfied solely by executing the basic tasks such as maintaining public order and enforcing laws in one country. Therefore the reform process needs to go step further and change the approach in the policing and adopt new quality in performing the role of embodiment of government authority. It is common in developed democracies Police to assume the role of citizen's service, meaning that democratic police will develop and implement their activities

⁵ www.president.gov.mk/eng/info/dogovor.htm

⁶ Georgieva, L. (2007) *The Police Reforms in Macedonia*, Geneva

⁷ Dugas, U., Geck, W., Pfanneschmidt, O., (2003) *Reforms of Macedonian Police*; Skopje

⁸ *Ibid*

according to the needs of the public and the State and emphasize the assistance to those members of the community in need of immediate help⁹. Despite the endeavors of the Macedonian police to acquaint the citizens with this concept through the numerous campaigns, for instance Days of Police etc., it is general impression that intimidation as a residue from the former system that most people still feel towards police, is one of the major obstacles the concept to be fully implemented, which is also case in many countries from the eastern bloc.

Modern technical equipment is a prerequisite for successful functioning of the police. The EU has identified the need of modernization of the border control points and introducing the new biometric passport for the Macedonian citizens as preconditions for successful implementation of visa liberalization process. The fact that Europe Commission will recommend the country for the visa liberalization which should start from 1st of January 2010¹⁰, represents an acknowledgment that the process of reforms in this sector has been carried out successfully.

KEY CHALLENGES TO REFORM PROCESS IN MACEDONIA

On the path of introducing reforms, it is most common the process to be faced with both anticipated and unanticipated challenges that hinder the process which requires additional energy, knowledge and resources in order to overcome them. For the purposes of contributing to the on going efforts of developing the strategy for police reforms, this paper will try to identify the key challenges of police reforms, and try to offer sustainable solutions.

The police in the past was perceived by the citizens as the service of the ruling party and highly politicized. To some extend, there are some residues from this perception even now, which has bad influence on the image of the country at international community. Having in mind the recommendations of the relevant EU institutions for the need of depoliticizing the whole public administration, the police sector should change the strategy for employing new officers, as well as to change the approach of the way the police is functioning and introduce more professional code in executing daily activities.

During the armed conflict in 2001, in the frames of the police structures was introduced new special unit “Lions” which had strong political ties with the ruling party at that time. The officers in this unit were employed on group based selection criteria, which means their purpose was to ensure that the certain group interests are met. After the ending of the conflict the unit was restructured under the strong pressure of the international community. The positive experience of restructuring this unit should have been used in restructuring the police in general and the merit based criterion take place unconditionally. Further, the merit based criterion is deemed to promote more professional environment and provide far better results in combating organized crime. In multi ethnic society the

⁹ Council of Europe, Resolution 690 (1979) on the Declaration on the Police (1979), part B,; United Nations, Code of Conduct for Law Enforcement Officials (op.cit., note 5), Article 1 Council of Europe, European Code of Police Ethics (op.cit., note 5), §§ 44, 49 and 51. (as in OSCE’s guidebook for Democratic Policing)

¹⁰ <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/724>

merit based criterion is necessary in order to give police legitimacy in the post conflict peace building efforts.

In order to improve the effectiveness the police reform process should take into account the importance of social group perspective. As every society is consisted of various social groups, this dimension in police reform will contribute to better responsiveness to the crimes committed against particular social groups. In that sense, the police should strive to have representatives form various social groups in order to meet the needs of these groups and provide better service in general. For instance, a younger officer may have better knowledge and understanding of the situations in the bars and clubs and thus offer better solution for crimes related to drinking and youth delinquency. Step forward was made with introducing the multiethnic police patrols in multiethnic communities in Macedonia. The multiethnic patrols contributed considerably in peace building after the armed conflict. In that spirit was the employing, after the necessary training, of considerable number of female police officers, as in the past the number of female officer was very low. The advantages of employing female officers are numerous and they have been well documented¹¹:

- Female officers act less “inappropriately” than their male counterparts
- Female officers are less inclined to use deadly force
- Female officers in general experience less resistance from male offenders they arrest
- Female officers posses better communication skills than their male counterparts and are better able to facilitated the cooperation
- Female officers may be more effective at defusing potentially violent situations than their male counterparts

Although the list is not exhaustive it gives good insight of the potentials and advantages of female police officers. Furthermore the increased representation of the female police officers is also an operational imperative if police are to effectively respond to gender based violence¹², since the women would trust more the female police officers in reporting the violence.

Yet, the Police should provide environment for the female police officers that will be free of sexual and other forms of harassment and mobbing as well as to regulate the maternity leave corresponding with the practice in developed countries.

The reforms in police sector could not be carried out successful with out taking into account the judicial sector. As two sides of the same coin, it terms of providing security and punishing the criminals, the police reforms should be implemented in close cooperation with the judicial sector, in order to provide more effective security sector.

¹¹ Bezuidenhout, C., “Performance of Female Police Officers in a Male Dominated Environment: Replacing Myth with Realty”, Institute for Human Rights and Criminal Justice Studies 2001

¹² *ibid*

POLICE COOPERATION IN THE REGION

Regarding the cooperation that Macedonian Ministry of Interior has established with the neighboring countries, the process could be characterized as very successful based on the following characteristics:

- Regular meetings at two levels; regional and local
- Exchange of information
- Improved cooperation in the field of deportation
- Coordinated activities regarding the prevention of illegal crossings and the facilitation of traffic at the border crossing points
- With Albanian, an established joint working group which prepared a draft protocol on joint patrolling¹³

Unlike the well developed cooperation between Macedonian from one side and Bulgarian Greek and the Albanian MoI from the other side, the cooperation with the Serbian authorities is still weak and has been established solely in the field of information exchange and deportation. Nonetheless, the latest activities on the Regional level shed some new light on the cooperation in South East Europe. Namely, during the Austrian presidency in 2006, the Ministers of Interior from the countries in the region (Albania, Bosnia and Herzegovina, Macedonia, Moldova, Montenegro, Romania and Serbia) signed the Police Cooperation Convention. After the ratification by all seven countries, the Convention entered into force on 10th of October 2007¹⁴. The intention of the Convention is to provide a legal framework for comprehensive police cooperation in the region of South East Europe. The convention is based on three pillars:

1. Decision making process, with the two decision making bodies- the Expert working group and the Committee of Ministers
2. Implementation Program and
3. Operational Cooperation

Also, it is worth mentioning that Macedonia is member of South East European Cooperative Initiative (SECI). The benefits of the membership are perceived through the advantages of SECI. As different from the other similar initiative, SECI is not political cooperation but a real operative collaboration. Within the Project the Customs and the Police work together in direct cooperation in order to cope more efficiently with the trans-national crime, working under the guidance and counsel of recommendations and directives of the INTERPOL and WCO¹⁵. The rational modus of SECI is to facilitate the rapid exchange of information between law enforcement agencies from different countries regarding trans-border criminal cases. Also SECI Center coordinates regional operations,

¹³ Odzakov, F., "Police Reforms in Macedonian Ministry of Interior", DCAF, Geneva

¹⁴ Information retrieved from: <http://www.pccseesecretariat.si/index.php?item=9&page=static>

¹⁵ Information retrieved from: http://www.secicenter.org/p128/Mission_and_objectives

putting together the resources of the 13 SEE member countries in order to fight organized crime in the region. In SECI Center there are seven task forces addressing issues of drugs and human trafficking, as well as other forms of trans-border crimes.

The importance of police cooperation stems of the fact that Macedonia is pointed as a transit country in numerous trans-border crimes. Substantial progress has been made in the field of human trafficking as in the last report of US State Department the name of the country was in the TIER 1 group, saying that the country complies with the act's minimum standards for the elimination of trafficking, followed only by Croatia from the countries in region. Yet, as joint effort is required in combating trans-national crimes, Macedonia need to assume the role of the leader in terms of organizing meetings with the neighboring countries, where the positive experience in that field would be shared, in order to help other countries to make progress as well, and together fight organized trans-border crimes.

The driving force behind the cooperation between the Western Balkan countries lies in the determinacy of the countries to continue the reform process fulfilling the requirements of the Union and thus to join European Union. The regional cooperation became crucial precondition for EU Integration as new strategy has been adopted from the Union. Namely, after the Thessaloniki Conference the European Union has set up a new requirement for a deepen cooperation in every field, including the Police Sector. The progress of the country will be measured in context of the regional cooperation on the path to European institutions, as a way to increase the level of approximation. Nevertheless, the accession of the countries will be on the individual base, assessing the country's progress in every sector. The cooperation in the Police Sector is essential due to the reason that European Union is especially interested in promoting the principles of security on the territory of Western Balkan countries and preventing the cross border criminal activities.

CONCLUSION

The paper examined the reform process in the police sector through the key norms of governing the democratic police, objectives and the challenges that a reform process face with. The intention is to contribute to the efforts of developing programmatic strategies to the ongoing process of improving the democratic police.

With great help by EU Missions and OSCE, combined with the determinacy of the Macedonian government to implement the democratic principles, the reform process has been evaluated by the relevant authorities as progressing with very good pace. Crucial objectives were implemented and thus, the base for full functioning of democratic principle based police has been set up. Yet, further improvements are required so that functioning of the Macedonian police could be characterized as democratic, up to the EU norms in policing.

Having solid institutional set up is a good precondition for successful reforms. Nevertheless, as in every process of introducing some changes, time is required so that actors and the stakeholders adapt on the changes and comprehend them. Although the progress has been reported and documented in every field, the process should resume until the police meet the standards the EU requires in the integration process.

The process of introducing reforms is often hindered by various obstacles that impede the process. The actors involved in the reform process should be well prepared and able to foresee and anticipate the potential obstacles in order to successfully overcome them.

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