

POLICE COOPERATION IN THE FIELD OF COMBATING ILLEGAL MIGRATION AND HUMAN SMUGGLING

AUTHOR: MAGDALENA LEMBOVSKA*

Executive Summary

Illegal migration is an increasingly prominent security threat in the Western Balkans. The track record shows growing trends of illegal migrants using Macedonia as transit country on the Balkan route towards the European Union member states. Handling illegal migration is especially important in light of the fact that this phenomenon is usually connected with organized and serious crime in the form of people smuggling and trafficking in human beings. One of the prerequisites in combating illegal migration and human smuggling is regional police cooperation. Although there have been lengthy police reform projects in the countries of the Western Balkans, they were mainly country-specific, self-contained and lacking a regional approach. While many international initiatives have been undertaken, there seem to be three main challenges for satisfactory police cooperation in the field of illegal migration: lack of human and administrative capacity, superficial cooperation and lack of police cooperation projects among Macedonia as non-EU and Greece as EU member states. Therefore, opening joint contact centers, investment in joint investigation teams and intensified surveillance of the high risk borderlines are recommended for overcoming the identified challenges.

Background

Following the introduction of the visa-free regime for the Western Balkans countries, the movement of people in this region rapidly increased. However, changes are noted not only in terms of numbers, but also type of migration. More precisely, the region has transitioned from largely a source of illegal border-crossings to being primarily a transit area.¹

The official statistics show a significant increase in illegal border crossings detected by Macedonian authorities – there were 469 detected illegal border crossings in 2011, 682 in 2012 and 908 in 2013 (as of September 2013). If we match that data with the ones saying that the Western Balkans countries and neighborhood detected 87% more persons aiming for clandestine entry,² it is obvious that there is a

'There is a necessity to increase the capacities of the Macedonian border police for illegal migration detection'

necessity to increase the capacities of the Macedonian border police for illegal migration detection. Data on their countries of origin show that most illegal migrants are coming from the Middle East and North Africa. Macedonia is part of the so-called 'Balkan route' (Pan European Transport Corridor X) with the following flow: the migrants enter the Turkish-Greek border,

continue through Macedonia and Serbia with an aim to enter the EU member states, usually in Hungary.

Illegal migration is very often connected with smuggling and trafficking in human beings. Human smuggling is a form of serious and organized crime. The track record shows that organized criminal groups go beyond borders and include citizens of many countries that organize, facilitate and carry out the transportation of migrants from their country of origin to the final destination. However, the number of detected criminal groups involved in people smuggling is very

¹ Western Balkans Risk Analysis 2013, FRONTEX, available at: http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_ARA_2013.pdf

² Frontex Risk Analysis 2013

limited – 6 in 2010, 2 in 2011 and only 1 organized criminal group in 2012.³ Therefore, a regional approach in combating illegal migration and human smuggling is of paramount importance.

There has been a strong presence of international actors in order to provide support in reforming the police services in the countries of the Western Balkans. Moreover, EU conditionality implies good neighbourly relations and cooperation, especially in the field of combating serious and organized crime.⁴

Analysis

Substantial police reforms in Macedonia started in 2003. A National Strategy for Police Reform was developed in 2003 and included a number of reforms for the purpose of achieving effective border control.

Identified challenges:

- ✓ *Lack of capacity*
- ✓ *Superficial cooperation*
- ✓ *Lack of communication with Greece*

The first step towards establishing modern border control was transferring the competence for border security from the Army to the Ministry of Interior.⁵ Integrated border management was introduced implying close cooperation among all national authorities involved in border management (including the Ministry of Interior, Ministry of Foreign Affairs, Customs Administration, Financial Police etc.)

So far, the Mol has received generous support from international donors (including OSCE, DCAF, EU etc.) in the form of equipment, expertise and training police officers. However, these supportive efforts rarely go beyond the borders of the country and usually focus on training on how to use new

equipment, the protection of human rights, the integration of minorities within the police or the participation of citizens in the police work. In having a tailor-made approach towards each country in the region according to specific needs, police reform efforts were not primarily focused on international cooperation and regional reform projects.

A legal basis for police cooperation is codified in the Police Cooperation Convention in South-East Europe (PCC SEE), signed in 2006 and ratified in 2007,⁶ enabling the exchange of information, joint threat analysis, hot pursuits, joint investigation teams, mixed patrols along the state border etc.⁷ Article 8 of the Convention gives special attention to regular

information exchange to combat illegal migration, envisaging the exchange of information regarding migratory movements, routes, means of transport, forms of organization and smugglers etc.

In line with the Convention, Macedonia signed protocol agreements for joint patrols with almost all neighbours i.e. with Serbia,⁸ Albania,⁹ Kosovo¹⁰ and Bulgaria¹¹ as well as protocols and agreements for joint contact centers with the same countries. However, the joint contact center with Serbia, is not operational yet. The European Commission notes that “border controls have not been effective in detecting irregular migration into the country from Greece and onward transit

³ Source: Ministry of Interior, Information gained using free access to public information Act

⁴ Regional cooperation and good neighborly relations are part of the political criteria while police cooperation and the fight against organized crime is assessed under Chapter 24: Justice, Freedom and Security

⁵ In fact, the Army was withdrawn until the end of 2005 and a National Border Police Service within Mol was created. The unit also took over the responsibilities of the previous Sector for Border Crossings within Mol.

⁶ Official Gazette of Republic of Macedonia No. 74 from 14.06.2007

⁷ This Convention has an aim to strengthen the cooperation between the contracting parties with respect to fighting threats to public security and/or order as well as with respect to prevention, detection and police investigation of criminal offences.⁷

⁸ Signed 28.02.2011

⁹ Signed 22.02.2008

¹⁰ Signed 01.04.2011

¹¹ Agreement signed 21.02.2011

from the country towards Serbia".¹² In addition to this, the southern neighbour Greece is excluded from this cooperation. In this regard, Macedonia lacks cooperation with both neighbours that are part of the Balkan route and therefore important for combating illegal migration.

Macedonia is usually seen as part of the Western Balkans and South-East Europe. Macedonia also represents the southern border of those (sub) regions. Greece is already an EU member state which implies different procedures in applying for joint projects compared with those where non-EU states apply for EU grants. The different origins of funds for promoting and maintaining agreements on police cooperation can also represent a weakness.¹³ For instance, there have never been joint projects between Macedonia and Greece for dealing with illegal migration.¹⁴ The IPA Cross-border Cooperation Programmes, an instrument of the European Union that supports cross-border cooperation between candidate countries and members states, enables joint projects among seven Macedonian and Greek regions along the border. This instrument has sustainable local development in its focus and its priorities range from economic development, towards cultural programs and to technical assistance.

What is more, challenges occur in the cases of the implementation of readmission agreements among Macedonia and Greece, where it is proved that the migrants were in Greece prior to entering Macedonian borders illegally. The legal basis for readmission is the readmission agreement between Macedonia and the European Union. However, there is no protocol on implementation of this agreement with Greece and as a result the procedure is very

long and complicated, using diplomatic channels.

Macedonia has also been a signatory to the Memorandum of Understanding for establishing a system for the exchange of statistical information in the area of illegal migration and for participation in the regional early warning system since 2008.¹⁵ However, although the legal basis exists, the exchange of information is not yet at a satisfactory level. A feasibility study provided by the International Organization for Migration highlights that insufficient sharing and exchanging of information between countries in the region "hinders the ability of competent bodies to manage the influx of irregular migration flows in a systematic manner."¹⁶

From the content published on the website of the Macedonian Ministry of Interior¹⁷, there appears to be high level political commitment for international cooperation. Macedonia is present in all regional and international initiatives and regularly takes part in ongoing activities. However, most of those activities are meetings at the highest level (ministerial or senior management) which does not allow substantial cooperation at the operational and tactical levels. There is a necessity, therefore, for additional initiatives that would enable closer cooperation among police officers at all levels.

¹² European Commission Progress Report on Macedonia for 2013, available at:

http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mk_rapport_2013.pdf

¹³ Scarabelli Diego *Cleaning the Balkan route: Elements of Police Cooperation in Serbia*, Center for European and North-Atlantic Affairs

¹⁴ Source: Ministry of Interior, Information gained using free access to public information Act

¹⁵ The MoU is signed within the project "Developing systems for communication and exchange of information in the area of illegal migration in the region of Western Balkans" as part of the AENEAS 2005 Program. Signatories: Macedonia, Serbia, Albania, Bosnia and Herzegovina, Montenegro and Croatia).

¹⁶ Feasibility Study for Illegal Migration in Western Balkans, International Organization for Migration

¹⁷ www.mvr.gov.mk

Policy Recommendations

- The **Ministry of Interior** should provide **training and support for several persons involved in communication and cooperation** with the ministries of other Western Balkans countries. The persons should be fluent in English and have knowledge about the differences in competences and procedures that exist among different institutions of the different countries;
- The **joint contact** center with Serbia at the Macedonian-Serbian border should become operational as soon as possible;
- A **joint contact center for police cooperation at the Macedonian-Greek border** should be opened;
- A **protocol for the implementation of the readmission agreement with Greece** should be signed;
- There is a necessity for strengthening the capacities for investigating organized criminal groups of human smugglers. There should be **a project to facilitate joint investigations** that would include police officers from at least three countries (Macedonia, Serbia, Greece) that should encourage the creation of such joint investigation teams in practice;
- As the Greek border has been identified as the entry point and the Serbian border as the exit point for the migrants, these **high risk borderlines need intensified surveillance**. In addition, the border police should be provided with training and equipment.

*Magdalena Lembovska was a Research Fellow with Analytica think tank in Skopje when taking part in the DCAF Young Faces Network 2013 cycle. All opinions and evaluations contained in the paper are those of the author and cannot be attributed to DCAF or any institution to which she is affiliated. The factual background for the paper might have been overtaken by events since the end of 2013.

<http://www.dcaf.ch/Region/Southeast-Europe/DCAF-Southeast-Europe-Regional-Young-Faces-Network>



DCAF
a centre for security,
development and
the rule of law