



Progress in the Europeanization of the security sector in Albania, Kosovo and Macedonia



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List of Abbreviations

ASP	Albanian State Police
BMP	Border and Migration Police
CSO	Civil Society Organizations
DANIDA	Danish International Development Agency
DIACA	Department for Internal Administrative Control and Anti-Corruption
EAR	European Agency for Reconstruction
EC	European Commission
ECJHAT	European Commission's Justice and Home Affairs Mission to Macedonia
ECPRP	European Commission developed a Police Reform Project
EU	European Union
EULEX	European Rule of Law Mission in Kosovo
EUPAT	European Union Police Advisory Team
EUPOL	European Council Civilian Mission
EUROPOL	European Police Office
GDP	Gross Domestic Product
HIDAA	High Inspectorate for Declaration and Audit of Assets
HLAD	High-Level Accession Dialogue
HSC	High State Control
IBM	Integrated Border Management
IBP	Border Management Program
ICO	International Civilian Office
IDM	Institute for Democracy and Mediation
IICC	Inter-Institutional Coordinating Committee
ILECU	International Law Enforcement Cooperation Unit
IMOC	Inter-institutional Maritime Operations Centre
IOM	International Organization for Migration
IPA	Instrument of Pre-Accession
JIU	Joint Investigative Units
KCSS	Kosovar Center for Security Studies
KFOR	Kosovo Peacekeeping Force
KIA	Kosovo Intelligence Agency
KLA	Kosovo Liberation Army
KP	Kosovo Police
KPS	Kosovo Police Service
KSC	Kosovo Security Council
KSF	Kosovo Security Force
MAP	Membership Action Plan

MAPE	Multinational Advisory Police Element
MAPE	Multinational Advisory Police Element
MARRI	Regional Center of the Migration, Asylum, and Refugees Regional Initiative
MC	Migration Counters
MC	Migration counters
MEI	Ministry of European Integration
MIPD	Multiannual Indicative Planning Document
MMA	Monitoring, Mentoring and Advising
MoD	Ministry of Defense
MoI	Ministry of Interior
MoIA	Kosovo Ministry of Internal Affairs
NATO	North Atlantic Treaty Organization
OFA	Ohrid Framework Agreement
OSCE	Organization for Security and Co-operation
PAMECA	Police Assistance Mission of the European Commission to Albania
PIK	Police Inspectorate of Kosovo
PSSVS	Phyto-Sanitary and Veterinary S ervice
PSSVS	Border Police, Customs Service, Phyto-Sanitary and Veterinary Service
RCC	Regional Cooperation Council
SAA	Stabilization and Association Agreement
SAP	Stabilization and Association Process
SIDA	Swedish International Development Agency
SIS	State Intelligence Service
SIS	State Intelligence Service
SRSG	Special Representative of Secretary-General
STM	Stabilization and Association Process Tracking Mechanism
STM	Stabilization and Association Process Tracking Mechanism
TIMS	Total Information Management System
TIMS	Total Information Management System
UN	United Nations
UNSCR	United Nations Security Council Resolution
USA	United States of America
WB	Western Balkans
WEU	Western European Union

Preface

The Western Balkan region has endured a complex past of conflicts and mistrust among ethnicities and state structures. The chain of conflicts in this region attracted considerable attention in the international arena. Geographically speaking the region is situated in the EU borderline. Therefore, Western Balkan countries after obtaining their independence had to face a lot of problems that became even more distinguishable along with the decision and aspiration to join the European Union. Being geographically closed to the EU, the challenges that the Western Balkan countries are facing, are practically influencing the EU as a whole. Instability and weak state security structures created a security vacuum which went to the advantage of organized crime groups. On the other hand, issues such as the enormous flow of refugees and asylum seekers represent a big challenge for many EU member states.

Numerous international stakeholders have been directly and indirectly involved through various missions and programs with the aim of bringing long lasting stability to the region. The aspirations for EU membership and perspective along with the EU assistance have created the basis of regional cooperation and political, socio-economic development. However, a number of Western Balkan countries are at different level of contractual relations with the EU. Albania, Kosovo and Macedonia are facing serious challenges in terms of weak rule of law, inter-ethnic tensions, and lack of regional cooperation especially in the security sector. An inclusive security sector and increased regional cooperation has been seen as a stabilizing mechanism, firstly by being able to provide security to the citizens and by ensuring that the region will not become a security challenge for the European Union.

The EU aspiration pushed the Western Balkan states towards wide-range reforms, and the issue of security sector in Albania, Kosovo and Macedonia is one of the main issues where many international external actors have been broadly included. Since both NATO and EU memberships are inter-related in 2003 NATO and EU decided to work on a joint strategic approach for security and stability for the region. The main focus of external influences in reforming the security system are NATO and EU membership focused on Stabilization and Association Process (SAP) and Visa Liberalization process. While NATO highly focuses on defense and military reform, the efforts of EU institutions present in these countries are focused in governance issues and police reform. As the three countries expressed political will to enter the process of integration, the EU has offered and been involved in the process of as we refer to in this paper “europeanization” of security structures, and governance. EU however tends to see the security sector from a broader perspective which often implies the vast number of areas under the "rule of law" framework. Hence it is case with this publication which evaluates hollistically the progress made in the different segments of rule of law of the three countries of the region.

This publication and the research scope have the intent to compare the three countries Albania, Kosovo and Macedonia and analyze their current situation on the way towards EU membership. The three countries are neighboring each other and constitute the southern part of the Western Balkans region. Since the EU promotes the same reforms and requirements for all potential member countries, analyzing and comparing the three case studies it is easier and more coherent. The researchers were instructed and provided with the common methodology which was compiled by the project leader - the Kosovar Center for Security Studies (KCSS). Each case study is focused on the actual contractual relations with the EU focused on: a) rule of law, b) police reform, (c) effective border management, (d) migration flows and (e) visa and asylum regimes.

The publication is divided in four main chapters. Chapter I provides an in depth comparative analysis on common security challenges facing this region, as well as the future perspectives, challenges and obstacles during the process. While the three countries have different levels and contractual relations with the EU, however they share a common reform process towards the EU. Chapter II provides the reader with the analysis of the “Europeanization” process in Albania. Chapter III will bring out and elaborate the main challenges that Kosovo is facing on the way towards EU membership. And least but not least Chapter IV or the case of Macedonia, will demonstrate the current most important reform in the security sector and the obstacles that Macedonia is facing at the moment.

The team would express the gratitude, and would like to acknowledge the constant support and partnership that has been provided by Friedrich Ebert Stiftung (FES) as well as the Kosovar Center for Security Studies (KCSS) for the management and contribution in this project. Grateful to our partners Analytica- Macedonia and Institute for Democracy and Mediation (IDM). Tirana.

KCSS and FES Team

Progress in the Europeanization of the security sector in Albania, Kosovo and Macedonia - a comparative assessment

Florian Qehaja and Mentor Vrajolli*

Introduction

For each country in the Western Balkans (WB), one of the main objectives is joining the European Union (EU). The objective of joining the EU pursued by all countries in the WB is a challenging process requiring institutional, socio-economic and other reforms. A frequently used academic term "Europeanization" encapsulates best this challenging process. By Europeanization it is meant the process whereby the EU rules, procedures, policy paradigms and shared norms and beliefs are incorporated into the logic and structure of the domestic public policies¹. Europeanization can also be a triggering factor that produces efficient reforms for a country aiming an adequate standing in the European's continent or beyond.

In this aspect, the Europeanization is often seen as a key driving factor by any country which considers it steadily and securely moves towards becoming an EU member state. However, there are countries that find themselves under a domestic's pressuring environment to deal with day-to-day complex institutional, economic, and social, including human challenges while at the same time they struggle to follow the EU path. In other words, following the EU path, for institutional and political leadership is not only dealing with domestic (bottom up) pressure but also coping with the 'top-down' pressure in an on-going process of internalizing the EU values. Among various 'pressuring dimensions' this has described as a transmission of the EU policies through three main channels: the harmonisation of domestic laws with directives and regulations, converging with the EU requirements through constrains on political decision-making and by adoption of non-binding recommendations².

The commonly used synonym for Europeanization is frequently used formulation known as European integration process. The principles pertaining to the Europeanization are rooted in the Thessaloniki Agenda which granted the EU perspective to all countries in the region of Western

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¹Radaelli, C. M. (2003) 'The Europeanization of Public Policy', in Kevin Featherstone and Claudio M. Radaelli (eds.) *The Politics of Europeanization*, Oxford: Oxford University Press, 27-33.

²Montanari, I., Nelson, K. and Palme, J. 2008, 'Towards a European Social Model', *European Societies* 10, 787-810.

Balkans.³ This comparative assessment refers to Albania, Macedonia and Kosovo, and as such, it is a culmination of a research work reflected in three separate research documents on Albania, Macedonia and Kosovo. The aim of this comparative assessment is to scrutinize the case of Albania, Macedonia and Kosovo in order to explain how the European's integration process has shaped certain developments in the above mentioned countries and to highlight certain achievements and challenges faced by three countries in this process. Thus, the comparative assessment also refers to the view angles as well as some of information already used in these research-supplementary documents provided subsequently in the format of case studies.

As this comparative assessment highlights, in case of Albania it is noticed that recent years this country has increased its focus in the European's integration process, thus certain achievements in area of border control, or management of illegal immigration are evident. However, such a progress is not always steady and sustainable, in particular when addressing the efficiency and independency of courts, or issues related to a well-established and dynamic checks and balance system of powers. This situation damages the citizens trust on public institutions and in particular their trust in security structures.⁴

In case of Macedonia, the evidence shows that for some time this country was one of the leading countries in the region in the European's integration process. However, due to its political (internally and externally fuelled) complications the pace of advancing in this process has been slowed down. To some degree there are also other factors such as interference in the work of public administration or slow implementation of institutional reforms. Macedonia also deals with specific challenges like management of illegal immigration or increase of efficiency in the area of the rule of law⁵.

In case of Kosovo, it is quite obvious that certain processes are delayed because of its particular international standing. In its EU path, Kosovo is challenged also by non-recognizers (five member states) of its independence. Thus, though the EU overall support was strong, and it covered its reconstruction, institution-building, or supporting the rule of law and security field through its currently largest civilian mission in the world, yet, Kosovo is undergoing reforms which other countries in the region have already applied. In particular this refers to visa liberalisation efforts a process closely linked with border control and management of illegal immigration.⁶

Specifically, there are four areas scrutinized by this comparative assessment. These areas refer to the: rule of law and democratic control of armed forces; effective border control; management of

³ Thessaloniki Agenda, European Council, 2003.

[http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/76201.pdf]

⁴ For more see the chapter on Albania "Challenges of Europeanization of the Security Sector - the case of Albania".

⁵ For more see the chapter on Macedonia "Challenges of Europeanization of Security Sector - the case of Macedonia".

⁶ For more see the chapter on Kosovo "Challenges of Europeanization of the Security Sector - the case of Kosovo".

migration flows; visa and asylum regime. However, prior to providing an individual comparison for each of these topics a brief description of the European integration process is needed.

Context

During the last two decades, within a quite short period of time countries subject of this study: Albania, Macedonia and Kosovo underwent through limited-to-large scale armed conflicts. More precisely, during 1997 Albania witnessed a combination of a state failure with elements characteristic for an anarchy and civil war. Fortunately, such a negative development came to an end pretty fast otherwise in such an aggravated situation Albania almost slipped to the point of 'no return' to govern itself for some time. To recall here, on February 1997, the protests escalated into armed insurrections, sweeping town after town in southern Albania.⁷ While in Kosovo's case, a war during 1998-1999 (often labelled as armed conflict) initially between Serbia (its military and police structures) and ethnic Albanians (armed formation), and latter, between Serbia confronting NATO and Kosovo Liberation Army (KLA) left Kosovo largely destroyed and damaged. Thus while other countries in the region were undergoing a transition phase, Kosovo and its society were undergoing through post-conflict period. In case of Macedonia due to a strong dissatisfaction of an ethnic community (ethnic Albanians) with its position within-and-in-relation to the state structures and the way this community was treated by government structures, this country found itself in a conflict between state security structures and organized armed forces. The conflict was an immediate threat to Macedonia foundations itself, and had the potential for destabilisation of the region as well. Generally speaking, this conflict was limited and concentrated in some territorial areas and therefore after its end, apart from some limited destruction and some human casualties, its effects were largely political.

Taken together, often these developments were portrayed as something that not only damaged the capacity and perspective of the countries in this part of the region (to get closer to the EU) but at the same time had additional negative effects likewise damaging the foundation grounds of these countries internally, and it also negatively affected the EU members. Hereby, international opinion observed news, reports, literature and other information referring to countries in the region could not avoid topics like enormous flow of refugees, asylum seekers, weak state functioning, and organized crime.

It is known that the transition period from conflict to normalisation is usually accompanied with security concerns. In such an environment we usually observe competing priorities likewise the need for institution building and consolidation, including security institutions/structures against the need of/for re-organising and re-shaping security structures. Moreover, countries in the region also confront numerous political, social and economic challenges, as well as other

⁷ Konstantin George, "Albania's plunge into civil war could re-ignite Balkans", 1997, 30-31.

difficulties such as having a professional and merit based public administration which is freed of political and other interferences. Hence it is the case with the security sector where the merit based principle constitutes one of the key elements in the democratisation of the sector. In fact, there are cases where due to the sensitiveness of the area or issues covered or affected by these institutions, as an illustration the work of intelligence services requires not only fulfilment of professional and legislation criteria but also high level of ethics and loyalty by members of these structures.

Relations with the EU

The launch of the European Integration process in Albania and Macedonia started with the establishment of relations with the European Community in 1991. This is not the case with Kosovo due to its challenging journey towards getting the independence it enjoys nowadays.

However, during 1990s for quite some years were both Macedonia and Albania not in the position to move to an advanced level of relations with the EU. Only on 9th of April 2001 Macedonia signed the Stabilization and Association Agreement (SAA) with the EU followed by Albania which signed an SAA on 1st of June 2006. Consequently, the intermediate (usually accompanied with interim agreements) period in case of Albania and Macedonia took around three years, i.e. Macedonia's SAA entered into force on 1 April 2004, respectively Albania's SAA on 1 April 2009. While for aforementioned countries this signalled that their perspective of getting closer to the EU is real, and there is a distinguished track they were moving forward, for Kosovo this perspective was hampered due to its specific political circumstances being under United Nation (UN) administration. Specifically, the very first direct relations of Kosovo with the EU structures and policies were introduced with the Stabilization and Association Process Tracking Mechanism (STM) in 2002 something that contributed to institutional-building process and other administrative assistances⁸ but not that much in bringing Kosovo closer to the EU.

Nevertheless, it is common that developments in these countries strongly confirmed that the EU's Thessaloniki promise to have WB countries as members of this 'club' is real and tangible. Since then, the leverage of international actors improved when NATO and EU decided to work on a joint strategic approach for security and stability in the WB.

In addition, SAAs for Macedonia, Albania, and the STM with Kosovo took place under this promise though the EU's conditionality policy through enlargement process requires by each country fulfilment of the EU's criteria, including efficient state 'performance', and thus it's up to every country to benefit from this promise based on individual merits. In a simplified way, this is described as a three step process, generally: being ready to become an official candidate for

⁸ European Commission Progress Report for Kosovo 2005, pg.4.

membership; the candidate moves on to formal membership negotiations; and when negotiations and accompanying reforms have been completed to the satisfaction of both sides.⁹ Thus the process is not based on expectations but rather on performance of the candidate, and satisfaction of both parties.

However, from Thessaloniki Summit countries subject of this study still find themselves quite away from accession in the EU, and even worst their trends of reaching this objective remains dissatisfying. In this regard, we have Macedonia with the candidate status but no progress from 2005, Albania expecting this status in the end of 2013, and with Kosovo launching negotiations for an SAA only in the second part of 2013. In fact, this means that in terms of contractual relations, Kosovo is in the position where Albania was 7 years ago, respectively where Macedonia was 10 years ago, or Albania is in the same position where Macedonia was 9 years ago. And the latter wasted almost 9 years without substantial progress - an average period of time other countries in Europe used to move from candidacy to accession in the EU.

Overall, it can be concluded that Albania, Macedonia and Kosovo were exposed to developments that prevented these countries to move in an uninterrupted pace forward in the European's integration process. Simultaneously three countries underwent change of regime, endured conflicts, and establishment and strengthening of institutions. Nonetheless, in order to have a clearer picture we aim to provide detailed comparison in each of above four areas below.

Europeanization of the Rule of Law

The rule of law and issues pertaining to this topic represent one of comparative components of this study. Rule of law is of pivotal importance and one of most frequently observed and elaborated topics in the European's integration process. For the EU, the rule of law is an essential element of democratic societies and a prerequisite to move forward on EU integration.¹⁰ As such this topic touches all spheres of governance though it is mainly associated with institutions such as police, prosecution and judiciary. Challenges related to the implementation of legislation, fight against corruption and organized crime, protection of human and minority's rights are actual topics for all countries in the region. On these issues, Albania, Macedonia, and Kosovo are often criticized by international community for the lack of necessary progress. The EU through its evaluation/assessment reports and its direct presence on the ground systematically scrutinizes these countries for their progress under the rule of law.

Nevertheless, due to limited scope of this study under the rule of law and democratic control of armed forces topic, we will elaborate two main dimensions crucial for well-functioning of a state

⁹For more see http://ec.europa.eu/enlargeent/policy/steps-towards-joining/index_en.htm.

¹⁰ For more see <http://euinfocentre.al/content.aspx?idjadok=47>

and democracy. Initially, we will examine issues related to civil or democratic oversight of armed/security structures to continue with elaboration of developments on security structures per se, in particular police. In both instances the role and the view of international actors in relation to this topic will be duly highlighted.

Rule of Law and Democratic Control of Armed Forces

Under current constitution of the Albania the legislative is the highest body elected every four years. Due to systematic political tensions and polarization between two main political forces in Albania, at times accompanied with boycotts and institutional crisis, for the legislative it was not always easy to operate and follow the path of the European's integration process. This had direct negative effect in a smooth adoption and implementation of policies and reforms aiming to align the country with the EU requirements.

In such a state functioning climate it is difficult to maintain a strong and effective parliamentary oversight over the executive branch in general and in particular over security institutions. In combination with uncompleted formal arrangements, there is a case where five out of six intelligence/informative services¹¹ there is no legal clause to enable the oversight of the legislative on their functioning). In addition, the EU progress Report on 2010 takes note on insufficient attention to the implementation of laws by executive body.¹² In this regard, an efficient rule of law is highly dependable from well-organized and responsible security institutions that are accountable, transparent and responsive towards society.

Security sector in Albania likewise civil service is position-based system with some career-based elements, thus it is not adequately prevented by political interferences, and specifically it is exposed to politically motivated turnover. The concentration of decision-making power within security structures remains at the top level and delegation rarely applied.¹³ On another note, an efficient, independent, transparent and accountable judiciary is crucial for any country aiming rule of law as one of pre-conditions/attributes of any democracy. Executive structures in general and in particular security structures represent key for the rule of law and at the same time members of these structures are subjects to the law as other citizens. However, as research document on Albania highlights, members of these security structures are treated favourably from judiciary institutions something that indicates a strong indication of political pressure and interference in the work of judiciary.¹⁴

¹¹ The other 6 services/agencies belong to: MoD (Defense Intelligence Agency), MoI (Internal Control Service) MinFin (3 agencies) and Ministry of Justice (Prisons Informative Agency).

This is not the case with State Intelligence Service (SIS)

¹² Albania 2010 Progress Report, Commission Staff working paper, pg.14.

¹³ SIGMA Assessment, Albania, 2012, pg. 10. http://www.oecd.org/site/sigma/publicationsdocuments/Albania_Assess_2012.pdf

¹⁴ For more see the chapter on Albania "Challenges of Europeanization of the Security Sector - the case of Albania".

Another important indicator which shows the democratic oversight has to do with financial transparency and accountability of executive institutions, including security structures. In this context, security institutions in Albania are found to systematically breach financial procedures.¹⁵ Hereby as far as security institutions are not complying with financial provisions as prescribed by law, it is difficult to claim that they are fully democratically accountable and transparent or that the democratic oversight on them is functioning appropriately.

Compare to Albania, central institutions in Macedonia operate in a more stable and predictable political environment. While democratic oversight in Albania purely relates to efficient rule of law whereas in Macedonia it goes beyond affecting inter-ethnic relations and state foundations, to recall here Ohrid Framework Agreement (OFA) provisions aiming to make security institutions, in particular police more inclusive and democratic.¹⁶

Nevertheless, Macedonia continues to confront problems such as dismissals of officials¹⁷ and the 2012 EU Progress Report on Macedonia highlights the need for continued training, professionalism and de-politicization of police personnel as well as the necessity of an independent oversight mechanism for law enforcement agencies that will combat impunity and ensure accountability in the policing services. A good step towards greater and stronger democratic oversight of security structures is positioning them closer to community and citizens. However, changing the mindset of security members is not as easily as putting in place formal arrangements.

In addition, almost all EU Progress Reports on Macedonia have noted that politicization hampers police reform; therefore the danger is to have security structures being seen as a tool in the hands of political elites. Macedonian police and other security structures are subject of oversight by three Parliamentary Committees, namely: Committee on Security and Defense; Comm. on Security and Counter-Intelligence and Intelligence Agency (supervising directorate); and Comm. on Supervision of the Application of Communication and Interception Techniques by Ministry of Interior and Defense.

Kosovo is quite specific regarding the rule of law. Until the declaration of its independence its justice and security system were administered by UN administration.

On 9th of December 2008, the European Rule of Law (EULEX) mission was deployed marking so far the largest civilian mission of the EU abroad. Yet, the challenge consisted in harmonizing/synchronizing its formal and operative role with the role of Kosovo security institutions.

¹⁵Ibid,

¹⁶For more see <http://www.ucd.ie/ibis/filestore/Ohrid%20Framework%20Agreement.pdf>

¹⁷ European Commission Progress Report on Macedonia for 2007.

Even after the declaration of independence, continuous challenges in the field of rule of law in Kosovo were undeniable. In particular, the fight against corruption and organized crime continue to remain among the major challenges of the judicial system in Kosovo.¹⁸ In accordance with the Ahtisaari Plan, Kosovo established its main security institutions including those in the security sector such as Kosovo Security Council (KSC), Kosovo Security Force (KSF), and Kosovo Intelligence Agency (KIA).¹⁹

The legal framework of Kosovo defines two types of democratic oversight, i.e. internal control mechanisms and external oversight. Internal control is performed by institutions themselves through internal auditors, inspectors, or investigators. The external oversight refers to the oversight of the security sector from institutions such as: parliament, independent state institutions, the judiciary, and the civil society. The Parliamentary oversight over the security sector is mainly regulated through the two parliamentary committees: the Committee for Internal Affairs, Security, and Supervision of the Kosovo Security Force, as well as the Committee for the Supervision of Kosovo Intelligence Agency²⁰.

According to the Ahtisaari's Plan, the EU presence was envisioned with the ESDP Rule of Law Mission has been established and it covers the area of rule of law, with focus on judiciary, police, border control, customs, and correctional services²¹). Kosovo has two types of security institutions directly responsible for the rule of law and security: domestic and international security structures. Practically their mandate is regulated by two types of formal (mutually compatible) arrangements, mainly under international law and Kosovo's constitution and laws something that makes Kosovo quite distinct from Macedonia and Albania.

One important part of the rule of law are developments related to police, thus as we will briefly examine some key developments related to police developments in three countries.

As already mentioned, Albania faced strong security concerns during 1997-1998 thus international and in particular the EU support was more than necessary to support institutional reforms and smooth transition of this country towards democracy. Thus a combination of these two elements paved the way for having a Multinational Advisory Police Element (MAPE) lead by Western European Union (WEU) which mainly dealt with provision of training, assistance and advice to police and certain ministries, followed by Police Assistance Mission of EU Commission to Albania (PAMECA) instituted in 2002. In terms of defense and military engagement, Albania received the NATO's support starting from 1999.

¹⁸Dzihic, Vedran & Kramer, Helmut, 2009. *Kosovo after Independence: Is the EU's EULEX Mission Delivering. on its Promises?*, pg. 7.

¹⁹HoxhaAbit. (KCSS). *Five years of the Security Sector in Kosovo – a context analysis 2008-2013*, pg. 11.

²⁰*Almanac for Monitoring Security Sector in Western Balkans*. Regional Consortium 'Civil Society Capacity-building in mapping and monitoring the security sector reform in Western Balkan', pg. 119.

²¹ European Rule of Law Mission in Kosovo Factsheet, December 2009.

In this regard, support to security structures as well as institutions in general provided by EU and NATO is linked to its domestic developments likewise institution building, building of a legal framework and professionalism, including strengthening the democratic oversight of the legislative over the executive and judiciary. However, the practice of checks and balances of powers in Albania remains weak and sporadic, and as a consequence over the years political and institutional players in Albania systematically criticize one another for arbitrary and monopoly tendencies and for un-institutional or undemocratic behaviours.

In case of Macedonia, the international support (mainly the EU, OSCE and United States) is closely linked with Ohrid Framework Agreement (OFA) provisions, which among other, required serious work in three dimensions. This can be encompassed as: expertise support to reform of security structures something that includes supporting institutions in policy and legislation changes (investing in formal framework), followed by police reform through specific training and assistance programs (direct support to structures), and; democratization with the aim of reaching adequate community (in this case Albanian) representation in institutions and security structures, including decentralization of powers with greater decision-making role of municipalities in the selection process of police commanders. Compare to support given to Albania which seems of restricted political character in case of Macedonia we observe a combination of support directed to conflict resolution through OFA provisions such as equal representation and decentralization and police reform. Concerning Kosovo, though prior declaration of its independence, the EU support for Kosovo was largely focused in the field of reconstruction and economy, one of main “Guiding Principles” for a status settlement provided for continuation of international and military presence in Kosovo²² showing that the EU and NATO members states are quite sensitive in regard to security developments in Kosovo.

To summarize, for Albania, Macedonia and Kosovo as recipients of the EU and NATO security involvement these countries found this support as indispensable, both, to maintain their state functioning, and to manage transition towards democratization. However, such a support was shaped and responded to specific needs of these countries, i.e. in case of Albania it was more of a technical and institutional character, in Macedonia it represented a combination of political and technical nature. In case of Kosovo we can speak about the situation of establishing new security structures with the aim of fulfilling their mandate, thus making the EU and NATO support all encompassing.

Therefore it can be concluded that, for Albania, the EU and NATO initially (directly or indirectly) assisted in easing social unrest to continue with specific assistance to police. In regard to Macedonia such an involvement contributed to maintenance of social and state stability while at the same time investing in the improvement of democratic functioning of state institutions through greater participation in public and institutional of all communities constituting this

²²Guttry 2005: 155

country. In case of Kosovo, the EU, UN, NATO assistance represents a combination of international administration of Kosovo with institutional and state-building elements. Overall, apart from state building features of international presence, including security one, in Kosovo we have as well its democratization as an outcome.

Border control

Border control is considered an important dimension for the European integration process. Countries in the region have shown a strong interest to align their policies, legislation and practices with those of EU. Adoption and implementation of the EU border control policies by Albania, Macedonia and Kosovo confirms their firm commitment in the EU integration process.

Macedonia started the alignment of its border control with the EU earlier than Albania and Kosovo. Its efforts were strongly supported by EU authorities through preparation of regulatory framework reflecting best EU practices. An integrated border control by Macedonia was conceptualized as something that “all authorities involved shall render each other Administrative assistance, a legal principle, according to which any authority may ask for administrative assistance of another if, for reasons or fact of law, it is unable to perform a legal obligation”.²³ An inter-ministerial working group supported by EU was tasked to prepare its National Strategy for Integrated Border Management which took into account experiences and best practices from member state as well as the recommendations given in the Schengen Catalogue of best practices.²⁴ Shortly, the National Strategy required withdrawal of the Army from border management; establishment of National Border Police Service; and creation of a National Border Police Service Mechanism. Transition and transformation from Army to Police management and control of borders included transfer of MoD staff to the MoI, training of the new Border Police personnel with the support by OSCE and Proxima mission. Through its direct police presence under Proxima mission, the EU police officers deployed at the border crossing points coached Macedonian police officers on integrated border management.²⁵

Effective border control gradually improved in Macedonia and during these years it worked in consolidation and better implementation of its legal framework. Up to date, it signed protocols for establishment of joint contact centres for police cooperation with Serbia, Kosovo and Albania and is implementing protocols on joint border patrols with Bulgaria, Kosovo and Albania. In the same time, a good cooperation with Frontex²⁶ is maintained. Further improvements are expected

²³National Strategy for Integrated Border Management.

²⁴ Police reform documents, European Agency for Reconstruction 2005

²⁵For more see the chapter on Macedonia “Challenges of Europeanization of the Security Sector - the case of Macedonia”.

²⁶Frontex is European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, established by Council Regulation (EC) 2007/2004.

in terms of completing the human resource capacities, budgetary management and technical equipment²⁷ including certain aspects related to the inland mobile unit, National Coordination Center for border management.

Similarly, border management system in Albania is generally in line with EU standards.²⁸ For this purpose in 2008 Albania adopted a law on state border control and surveillance, and other legal acts on Border and Migration Police (BMP). With support of the EU experts, Albania achieved to link their policies and legislation with two main goals of modern border management – border security and facilitated movement of persons and goods – in an efficient and effective manner.²⁹ The training curricula of the BPM were designed in cooperation with PAMECA³⁰ and Frontex.³¹ Because illegal border crossing to Greece, Albania introduced measures such as mobile surveillance units, and green border control. They also serve combating trafficking of human beings and drugs.³² The Total Information Management System (TIMS) was completed in 2012 connecting 24 border crossings. As such TIMS is an efficient mean against wanted persons – domestically or internationally. Albania has advanced in cross-border cooperation through frequent bilateral and multilateral meetings Albania and Macedonia, Greece and Montenegro, including mobile joint (green) border patrols that are operational with Kosovo, Macedonia as well as with Montenegro. Full liberalisation of bilateral and transit transportation with Macedonia, including a joint centre for the exchange of information between their respective border and migration police.³³ These initiatives have been very much in line with the EU concept to establish cooperation not only in intra and inter-agency level, but internationally as well.³⁴ Cooperation with Europol has been improved as well, since the first initiation in 2007. A secure line between Albania and Europol has been put in place since June 2011.³⁵

Kosovo is the last country in the region to align its regulatory and institutional framework with the EU. Until declaration of its independence, Kosovo's borders were managed by UNMIK Police, and Customs Service, KFOR, and Kosovo Police Service. Starting from 2007, the Commission and consequently EULEX have assisted the Kosovo Police in many ways (16 IPA projects totaling 33 million Euro and 36 MMA actions), in particular managing the border

²⁷European Commission progress report on Macedonia for 2012.

²⁸Albania 2010 Progress Report, Commission Staff working paper, pg 99.

²⁹Guidelines for Integrated Border Management in the Western Balkans

http://ec.europa.eu/enlargement/pdf/financial_assistance/cards/publications/ibm_guidelines_en.pdf, pg. 17.

³⁰ PAMECA - Police Assistance Mission of the European Community to Albania

³¹The European Agency for the Management of Operational Cooperation at the External Borders of the EU (established by [Council Regulation \(EC\) 2007/2004](#)). The technical agreement with Albania was signed in February 2009.

³²EU - "Albania Progress Report 2005", pg. 57.

³³ Ibid, pg. 23

³⁴Guidelines for Integrated Border Management in the Western Balkans

http://ec.europa.eu/enlargement/pdf/financial_assistance/cards/publications/ibm_guidelines_en.pdf, pg.2-3.

³⁵Albania 2011 Progress Report, Commission Staff working paper, pg 58.

control³⁶. More precisely, the Commission and the EULEX have provided considerable assistance to Kosovo Customs through two IPA projects for an amount of 2.7 million Euros and four MMA actions³⁷.

Recently with a strong commitment in achieving visa liberalization regime with the EU, Kosovo is in a right path to complete its regulatory and institutional framework. There is in place a Law on Border Control and Surveillance which includes several provisions and regulations of the Schengen Borders Code while its policy on Integrated Border Management (IBM) is regulated by the Law on Integrated Management and Control of the State Border that entered into force in June 2008 amended and replaced. Its goal is to establish effective cooperation between all domestic and relevant authorities. As such it prescribes that border management shall be carried out by the Border Police, Customs Service, Phyto-Sanitary and Veterinary Service (PSSVS) as well as all other relevant agencies. In April 2009, based on EU IBM approach the Government of Kosovo adopted the 'National Strategy of Republic of Kosovo for Integrated Border Management for 2009-2012' amended and replaced with the new Strategy for Integrated Border Management 2013-2017. The strategy specifies the creation of a coordination team headed by the Deputy Minister of Internal Affairs; while the relevant IBM agencies in accordance with the Government established the National Centre for Border Control in order to enhance effectiveness and foster cooperation.³⁸

Following the same lines, the Government has attributed a significant attention to the development of inter-border cooperation as well. The most remarkable examples are the implementation of IBM with Albania, Macedonia and Montenegro. While on the other hand, the implementation of IBM in crossing borders with Serbia has still been under the EULEX control and includes little or no control at all by Kosovo Police.³⁹ Nevertheless, the IBM strategy is set out based on the model of other Western Balkan countries, which lacks the main provisions and regulations of the Schengen Border Code, the Schengen Catalogue, and the Council Conclusions⁴⁰. Namely, IBM's three key elements such as border control, crime prevention, and the implementation of the four-tier access control model are missing.

³⁶ European Courts of Auditors, *European Union Assistance to Kosovo Related to the Rule of Law*, Special Report, 2012, pg. 16.

³⁷ Ibid, pg. 24.

³⁸ Vrajolli, Mentor, 2012. *Assessing the implementation of Public Order and Security Policies in the Context of Kosovo Visa Liberalization Process*. Kosovar Center for Security Studies (KCSS).

³⁹ MBROJTESI (Defender), Volume IV – No 2, Kosovo Police. Official Kosovo Police Magazine, May 2008. [<http://www.kosovopolice.com/repository/docs/internet.pdf>]

⁴⁰ European Commission Progress Report for Kosovo 2013, pg.3.

Management of migration flows

The migration flow shall be managed by a country. An efficient management of migration flow, in particular keeping a controlled or manageable trend of emigration flow to EU countries is important for European Integration process. Migration flow relates to migrants coming from abroad in a country, and of citizens who emigrate abroad.

To some extent, a successful completion of the process of Visa Liberalization in the region represents an indication for a good management of migration flow by a country; however, at the same time having a visa free regime requires a successful continuation of managing the immigration flow by any country. According to the EU Commission Progress Reports the most positive assessment to Macedonia was given only in 2006 something that shows this is not an easy task to deal with though its legislation was qualified as largely in line with Acquis.

In its efforts, Macedonia adopted a law on foreigners, a Strategy and Action Plan against illegal migration and traffic beings, and numerous readmission agreements.⁴¹ However, for an efficient management of migration flow apart from regulatory and institutional framework, sufficient human and material resources are needed, and because of restricted resources Macedonia felt short of ‘satisfying the expectations’ the EU and its members states on this issue.

In response to requirements related to Visa Liberalization process, in 2008, the readmission agreement with the European Community entered into force. At the end of 2008, Albania, Bosnia and Herzegovina, Croatia, Montenegro, Macedonia and Serbia signed memorandum of understanding on setting up a system for sharing statistical data on illegal migration and participating in the regional system of advance notification. Efforts such as programmes for integration of readmitted persons, and a Centre for this purpose were not matched with necessary resources. The Ministry of Labour and Social Policy continues to lack sufficient human and budgetary resources.⁴² Thus the 2012 progress report notices little progress in the field. Moreover establishment of the database for foreigners, covering asylum, migration and visas is not fully utilized.

Because of its geographic position Macedonia is vulnerable to illegal migration from Asia and Africa aiming to reach the countries of Western Europe, and is often seen as a short way to enter the Schengen zone (Hungary or Slovenia)⁴³ and according to the Frontex risk analysis for 2013, most of the illegal migrants are trying to cross the border hiding in vehicles, while the top border section is Macedonia-Serbia. In order to effectively deal with management of migration flows

⁴¹ Among other with Belgium, the Netherlands, Luxembourg, Spain, Poland and Austria.

⁴² European Commission Progress Report on Macedonia for 2010.

⁴³ Frontex Risk Assessment for 2013.

Macedonia had to increase the capacities of the Macedonian border police for illegal migration detection.

In addition, according to the Regional Center of the Migration, Asylum, and Refugees Regional Initiative (MARRI) it is assessed that migration is not well addressed on national level.⁴⁴ Further, the International Organization for Migration sees several challenges for Macedonian authorities in the area, mainly relating with issues such as brain drain and lack of knowledge and proper application of EU migration laws and procedures by some of the citizens.⁴⁵

In the other side, while Albania during early 90's witnessed massive emigration however its trend decreased drastically in the recent years comparing to Macedonia where increased trend of emigrants is evident. There are around one million Albanian citizens who currently live in the EU countries, mostly in Italy and Greece.⁴⁶ Mainly as a result of the economic crisis there has been a backflow evidenced during the last years, mostly from Greece.⁴⁷ The readmission agreement between the EU and Albania has been implemented smoothly since 2005, and the implementation of the strategy and action plan to reintegrate the returned Albanian citizens,⁴⁸ now covering the period 2010-2015 is continuing. Though this strategy was prepared in a participatory fashion it lacked adequate instruments to address management of migration and the dynamics of re-integration⁴⁹ in particular its risk analysis and monitoring of migration flows still need to be strengthened.⁵⁰ The registration of returned citizens in Migration Counters (MC) remains low. In addition, MCs do not offer any concrete services other than basic information.⁵¹ The action plan on reintegration contains 42 measures, but most of them are related to provision of information. In some other cases (namely – vocational training) participation of returnees is very low.⁵² Visa free regime to the Schengen area applies to all citizens holders of holders of biometric passports. The flow of Albanian asylum seekers to EU increased from the third quarter of 2011 onwards. Belgium, France, and Greece were the top 3 EU countries counting for almost three fourth of the total of asylum-seekers.⁵³ Albanian authorities have reacted and improved their cooperation with the EU Member States, in

⁴⁴Petronijevic V. ed 2007 *Migration Flows in South East Europe, a Compendium of National Perspectives*, Belgrade

⁴⁵ Website of the International Migration Organization, available at:

<http://www.iom.int/cms/en/sites/iom/home/where-we-work/europa/south-eastern-europe-eastern-eur/the-former-yugoslav-republic-of.html>

⁴⁶AlbINSTAT, <http://www.instat.gov.al/media/169440/projeksioni.pdf>, pg.15 and

http://www.instat.gov.al/media/177354/main_results_population_and_housing_census_2011.pdf, pg.7

⁴⁷ The number of the Albanian returnees: in 2009 - 47239, in 2010 - 52910, dropping significantly in 15185 in 2011.

⁴⁸It was the last benchmarks before visa liberalization was granted to Albanian citizens.

⁴⁹Institute for Democracy and Mediation (IDM), “Asylum Seekers and Irregular Migration”, Feb.2013, pg.5

⁵⁰Albania 2012 Progress Report, Commission Staff working paper, pg 55.

⁵¹ Report by the Special Rapporteur on the Human Rights of Migrants, in Albania, 13 December 2011, pg.13 (IDM)

⁵²Institute for Democracy and Mediation (IDM), “Asylum Seekers and Irregular Migration”, Feb.2013, pg.24-27.

⁵³Asylum Seekers and Irregular Migration, Institute for Democracy and Mediation (IDM) publication, Feb.2013, pg.12-13.

particular after the visit of two high level officials from Belgium (end 2011, mid-2012).⁵⁴ Consequently, information campaign launched by the Albanian government, since May 2010, on citizens' rights and obligations under the visa-free regime was intensified. Since July 2012, the TIMS system has been linked to the civil registry database at border-crossing points.⁵⁵

Referred to the Commission post-visa liberalization monitoring reports,⁵⁶ the majority of travellers continue to be bona fide travellers and thus the genuine purpose of visa liberalization - to facilitate people-to-people contacts, enhance business opportunities and cultural exchanges and give the possibility to the people of the region to get to know the EU better – continues to be satisfactory.⁵⁷ On the other hand, due to the relatively short time of this change and limited capacities of the Albanian governments to manage situations related to asylum seekers and reintegration of the returnees, it was expected from EU a more effective support with information campaigns, investigation on facilitators (i.e. travel agencies) and other measures in jointly dealing with the above mentioned phenomena.

In case of Kosovo, the UNMIK Regulation on Movement of Persons in and out of Kosovo entered into force in 2005, which included and regulated the movement of refugees and their status.⁵⁸ Yet, the Kosovo Police Service (KPS) had very little control on the movement of people in and out of Kosovo. Until the declaration of independence, Kosovo lacked the specific strategies and principles towards migration flows. Since 2008, the Ministry of Internal Affairs has been in charge of processing the readmission requests from third world countries, which resulted in the adoption of a new Law on granting work and employment permits to foreigners as well as in the implementation of legislation regarding the issuance of ID cards for foreigners. Within the same lines, in September 2008 Kosovo adopted also a strategy and action plan on migration.⁵⁹ Furthermore, the Assembly of Kosovo also adopted the Law on Foreigners on July 2013, which regulates the entry, the departure as well as the duration of the stay in the territory of Kosovo. What needs to be emphasized is that the overall adoption and implementation process has been structured in accordance and under the auspices of EU. Yet, the issue of returned persons has remained with little or no progress at all. There has been no specific body in supervising the implementation of Kosovo's reintegration policy, which would reassure the management of the readmission process as well as the process of verifying the identity of people originating from Kosovo.⁶⁰s

⁵⁴The Head of Asylum and Migration Department of Belgium (Oct 2011) and the Belgian Secretary for Immigration (June 2012) - Institute for Democracy and Mediation (IDM), "Asylum Seekers and Irregular Migration", Feb.2013, pg.8, 13. "Shekulli" Newspaper, 24 Oct 2012,

⁵⁵The Commission Third Report on the Post-Visa Liberalization, 28.08.2012, pg.4.

⁵⁶ Three monitoring reports between June 2011 and August 2012

⁵⁷The Commission Third Report on the Post-Visa Liberalization, 28.08.2012, pg.14.

⁵⁸ European Commission Progress Report for Kosovo 2005, pg.51.

⁵⁹European Commission Progress Report for Kosovo 2009, pg. 45.

⁶⁰ Ibid.

Visa and asylum regime

The visa liberalization process has initially been introduced to the Western Balkans (WB) countries at the Thessaloniki Summit in 2003. As such it was efficiently used as a tool to drive reforms in the area of rule of law, justice or security. The EU Council introduced a list of procedures and structures that countries needed to follow in order to benefit from the visa liberalization process. Indeed, the overall process depended on countries' willingness and capability to implement the given principles and standards, specifically in the areas of rule of law and security.

Establishing a visa regime for certain countries is one of pre-requisites for getting a free visa regime with members of Schengen Zone. Macedonia was firm in its effort to adopt legislation that is compliance with the EU *acquis*, introduced biometric passports. In 2007 Macedonia signed a Visa signed Visa Facilitation Agreement with the EU where specific categories like students, sportsman, and cultural workers benefited from simplified procedures. Immediately after entry into force in 2008 and after a Readmission agreement between Macedonia and EU, the EU launched a visa liberalization dialogue with a Roadmap setting benchmarks as requirements for reforms to be implemented in key areas.

Similar Roadmap addressing issues like document security, illegal migration, asylum and fundamental rights items linked to the movement of persons was presented to other countries in the region, except Kosovo. In fact, Macedonia did receive a Roadmap with demands higher than those of other countries in the region as it was already more advanced than the others⁶¹.

The EC provided financial and technical assistance to support for implementation of the Roadmap, also monitored the process and formed three field evaluating missions. Macedonian authorities showed strong commitment and fulfilled the benchmarks, although with limited human and budgetary resources.⁶² Those efforts were paid off in December 2009, when Macedonia, Montenegro and Serbia were granted visa-free travel to the Schengen area, meaning that they were transferred from the "Black list" to the "White list". Macedonia continued to progress in the area of visa regime. In 2011, it established a national visa-system N-VIS which is interconnected with a national database for foreigners and is accessible by all diplomatic and consular missions in the country

Nonetheless, Macedonia is struggling to establish an asylum regime that would fully comply with EU *acquis* and international standards though some significant efforts likewise guaranteeing free legal assistance to the asylum seekers, access to public health system and improving the access to information about asylum procedures and social rights yet the real progress on the

⁶¹Kotevska B. 2009 *Ending "Ghettoisation" of the Western Balkans – Visa Liberalization Prospects* Analytca think tank Skopje.

⁶² This assessment is made in the EU progress report for 2009.

ground is scarce. The asylum procedure is still slow and unsatisfactory⁶³. This is a sensitive topic considering the sharp increase in the asylum applications – 740 applications in 2011 compared with 180 people who asked for an asylum in Macedonia in 2010⁶⁴. Its reception capacities are limited, and its appealing system needs further improvements.

As Macedonia, Albania enjoys a visa-free regime for all EU Member States and unilaterally recognizes Schengen visas and residence permits as equivalent to short-stay visas issued by Albania. Similar to Macedonia, Albania has an E-visa information system in place though it needs further improvements related to ownership, security features and personal data protection. Recently, Albania brought the Law on Foreigners in line with Acquis. In the area of asylum, the institutional and legal framework has been put in place, and the Law on Asylum is also in line with the EU standards. However there is a greater need to have appropriate human and financial resources in order to enhance implementation of regulatory framework. Problems were mostly related to asylum procedures at reception centres, which have not been always applied in a standardized manner⁶⁵. Similar to Macedonia there are difficulties, in particular to judicial aspects, access for asylum seekers to health care, family reunion, social protection, education and housing. Albania is also seen as a transit country by third-country nationals, and there is a possible rise in illegal transits by third-country nationals.⁶⁶ Albania received strong EU assistance on development of its legal framework as well as training and equipment support. However, due to sensitivities of these issues, a more regionally driven approach could have provided more tangible results.⁶⁷

In comparison to other countries in the region that entered, Kosovo is left out due to delays and complexities related to pre and post-independence relations with the EU, in particular non recognition by few member states. For some time, Kosovo unilaterally adopted a Roadmap (based on Roadmaps other countries received) outlining the criteria categorized into several blocks: improving Document Security, developing conditions for an Integrated Border Management, advancing institutional efforts in combating organized crime, corruption, and terrorism titled Public Order and Security, as well as improving issues dealing with Freedom of Movement.⁶⁸ None the less, Kosovo still lacked the green light from the European Commission to even start the initial process. The Roadmap also included the introduction of the ‘Action Plan’ that resulted in the adoption of several significant government policies and principles in the area of public order and security such as security documents, integrated border management, as well

⁶³European Commission Progress Report for 2012.

⁶⁴European Commission Progress Report for 2012.

⁶⁵Albania 2008 Progress Report, Commission Staff working paper, pg 44.

⁶⁶Albania 2012 Progress Report, Commission Staff working paper, pg 55. See also The Commission’s Third Report on the Post-Visa Liberalization, 28.08.2012, pg.4.

⁶⁷ Interview of Mr.Merepeza, Chief of Green Border Sector, Border&Migration Department, MoI Albania,

⁶⁸Vrajolli, Mentor, 2012. *Assessing the implementation of Public Order and Security Policies in the Context of Kosovo Visa Liberalization Process*, pg. 17.

as principles related to the freedom of movement.⁶⁹ Only in January 2012 after series of reforms and commitments, the European Commission launched a visa liberalization dialogue with Kosovo, and some months later the first meeting between Kosovo and EU officials took place.⁷⁰ Among the three most significant components, the impact of security in the visa liberalization process got mostly emphasized and evaluated in Kosovo.⁷¹ Indeed, what mostly needs to be emphasized is the fact that despite the lack of disapproval of some EU member states on the Kosovo's status, the visa liberalization process and other procedures towards European integration have been completed.

Conclusion

The European integration process is not an easy endeavour for institutions and wider society. As such the EU process requires institutional reforms, clear and tangible results, and strong synergism, coordination and cooperation between domestic, regional and international actors. The EU perspective clearly promised in 2003 represents both a combination of policy of rewards and support as well as policy which sets clear requirements which are not easy to fulfil. Three countries in the region went through difficult times related to conflicts they faced. Such developments damaged their potential for speeding up the European's integration process. However, in reaction to these negative developments the EU approached these countries by increasing its interest, support and commitment. Even for the EU and NATO dealing with certain situations such as ensuring smooth transition from conflict to stability and at the same time strengthening democratic governance through investments, policy and institutional reforms, provision of expertise it is not for granted that there is strong impact on the ground.

In this regard, as elaborated above, Albania, Macedonia and Kosovo have advanced in the area of the rule of law, however, there are still problems related to depolitization, effective justice, fighting corruption and organized crime, or increasing transparency and accountability. Moreover for all three countries their democratisation efforts are not at required level.

Further to this, we have seen that democratic oversight of security sector is in a good path but it falls short of making security institutions more open, disciplined, and equal subject as any other subject in front of the law. As a consequence there is a level of citizens' mistrust on security structures and the role they play. Nevertheless with an increased application of formal arrangements and advanced practices these institutions will sooner rather than later become fully democratic. It is a promising situation that there is higher institutional and public attention on

⁶⁹Ibid, 17.

⁷⁰Ibid, Progress Report 2013, pg. 2.

⁷¹Ibid, pg. 2.

security structures, and this is something that ultimately makes democratic oversight more effective and goal oriented.

It is important that in all three countries, Visa Liberalisation agenda has been used as an efficient tool to drive reforms and thus we have a situation where countries are more organized in fighting certain negative developments such as organized crime, narcotics, trafficking of people, illegal migration. Moreover, in certain areas this process served to Albania, Macedonia and Kosovo to increase the level of cooperation in the region and beyond, hereby there is better flow of people, better exchange of goods, etc. This is a concrete situation where we witness that when the EU presents a clear agenda, and where countries in the region show clear commitment, success in the EU path is not missing. While in case of Kosovo due to political complications this process is lasting. As explained, countries subject of this study have successfully coped with requirements regulating border control, and it can be stressed that their borders are more secure. This is not the case with management of migration flow where we can see that while Macedonia and Albania have advanced by having free visa regime they are under pressure to deal and control two sides of migration – dealing with third country nationals and readmission and reintegration of their own citizens. In this context, Kosovo is undergoing a similar situation.

Challenges of Europeanization of the Security Sector - the case of Albania

Arian Dyrmishi and Foto Duro*

Introduction

Albania established relations with the European Community in June 1991. Nevertheless, the Stabilization and Association Agreement (SAA) between the EU and Albania signed in June 2006 officially constituted a significant development in the Albania's way towards EU integration. The agreement, however, entered into force in April 2009 and covered 35 major areas of democratic reforms required for EU membership.

In regard to the security sector, after a long period of collaboration with Denmark, Sweden and Italy⁷², a Multinational Advisory Police Element (MAPE) led by the Western European Union (WEU) was established in 1997. The main aim of the MAPE was to provide training, assistance and advice to the Albanian police and to certain Ministries⁷³. This act was followed by the Police Assistance Mission of the European Commission to Albania (PAMECA). PAMECA was instituted in 2002 with the purpose of enabling the ASP to deliver security services of the EU standards for the Albanian citizens, whereas defense reforms were mostly assisted by NATO⁷⁴.

A certain progress has been noticed so far, in reforming security institutions in Albania, mostly related to the philosophy of their build-up and functions, legal framework, professionalism and above all, in their relations with the law, legislative, executive, judiciary branches and society at large. Despite that, as this study highlights, security sector reform is far from being definitively internalized. Due to some legacy of the authoritarian past and democracy's fragility of the present, there is a tendency from the executive, regardless of the political orientation, to overly control them, while blunting any overseeing effort from the opposition through legislative or other democratic mechanisms. Notwithstanding the role of EU and overall EU integration agenda after 1991, the study brings to the fore the fact that the security institutions in Albania remain very much in the process of transition, with all the associating consequences.

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⁷² Danish International Development Agency (DANIDA) assistance (1994 – 2002) was, among others, focused on reforms within the legal system, the office of the public prosecutor, the ombudsman, the police force, the Faculty of Law in Tirana, etc. Swedish International Development Agency (SIDA) (1998-2010) among several development projects, was focused also on fighting corruption and lowering the number of weapons among the civilian population. Italian Interforce Mission (1997-2000) was focused on reorganizing the ASP, as well as the Border Police in the fight against illegal trafficking of human beings and exchange of information with the Criminal Police.

⁷³ Ministry of Public Order, Ministry of Defence, Ministry of Finance, Ministry of Justice and General Prosecutor Office

⁷⁴ Albania joined the NATO Membership Action Plan (MAP) since 1999.

The case study on the “Europeanization” of the security sector in Albania was conducted from March to September 2013. It covers the whole period of democratic changes, from early 90’ until today and is based on a combination of desk research, interviews and monitoring mechanisms. Reports of the EU Commission (of the last decade, in particular) of the US Department of State, as well as those produced by some of the main bodies of the legislative and executive structures in Albania, have been very important source of information and assessment. In addition, the Institute for Democracy and Mediation, for the last couple of years, has conducted direct monitoring of sessions of the Albanian Parliament and its permanent committees, related to security sector, which has provided tremendous information on features and paces of the Albanian security sector towards EU standards. Based on the information gained during the research phase, the study focuses on measuring the scale of “Europeanization” of the Albanian security institutions, mainly focused in the areas of the State Police reform, border control, migration flow management, visa and asylum regime which will be analyzed below. It aims to determine the extent to which the EU rules, procedures, policy paradigms and shared norms and beliefs are incorporated into the logic and structure of these institutions as well as the depth and speed of this process.

Albania - EU relations at a Glance

Following the first multi-party elections, Albania established relations with the European Community in June 1991. In 1992, a Trade and Cooperation Agreement entered into force. Inter-parliamentary representatives meetings have been held since 1993 whereas meetings at ministerial level between the EU and Albania have been held since 2001. The first European Partnership with Albania was adopted by the EU Council in 2004. A Stabilization and Association Agreement (SAA) between the EU and Albania was signed in June 2006 and entered into force in April 2009. The SAA marked a qualitatively new stage in the relations, entailing significant new obligations and engagement for Albania.

Since 2007, Albania has had access to the Instrument of Pre-Accession (IPA) funds.⁷⁵ IPA funds have been channeled to support key areas such as judicial reform, police and penitentiary infrastructures, civil service and public administration reform, parliament, fundamental rights, as well as civil society. The Multiannual Indicative Planning Document (MIPD) for 2011-2013 envisages a sectorial approach with the focus on Justice and Home Affairs, Public Administration Reform, Transport, Environment and Climate Change, Social Development, and Agriculture and Rural Development.

⁷⁵ Under IPA programs Albania has received assistance worth about €70 million per year.

Albania had a nominal GDP of € 9 billion in 2011.⁷⁶ This equals about 0.07% of EU-27 GDP for about 0.6% of the EU-27 population.⁷⁷

Europeanization of the Rule of law

Parliamentary democracy was established in Albania after the elections of March 1999. . A provisional constitution promoted the multi-party system, division of powers between the executive, legislative and judicial branches. Besides, the Constitution of 1998 promoted protection of fundamental human rights and freedoms, as well as the freedom of the press (as the most important sector in the post-communist period). Amended in 2008 the Constitution has strengthened the position of the Prime minister vis-a-vis the President and made the parliament weaker in its relations with the Executive (including its security institutions).

Albania has a unicameral parliamentary system. The **legislative branch** is the highest body of state elected every four years by direct, universal suffrage. But the political polarization and contestation of election results by the opposition, have led to numerous boycotts and political deadlocks for relatively long periods of time. Overall, such domestic political environment has continuously hampered the smooth adoption and implementation of policies and reforms aiming to align the country, in general and the security sector in particular, with the EU requirements. However, general elections of June 2013 were assessed as “*vibrant*”, “*competitive*” and characterized by “genuine respect for fundamental freedoms” giving hope that the election would provide the basis for “*renewed momentum in Albania's bid for EU membership*”⁷⁸. The elections held in 2013 set a big turnout in Albania political structure. The opposition coalition led by the Socialist Party, won the election by a large margin (one seat short of qualified majority) and accepted by the center-right ruling coalition, while the transfer of power was conducted relatively peacefully.

In order to help the country focus on necessary reforms the EU Commission adopted in 2010 a tailored approach to Albania by issuing twelve specific recommendations to be fulfilled as a condition for giving the EU candidate status.⁷⁹ Following that, several laws requiring qualified majority voting were adopted, along with electoral code amendments and the new Ombudsman whose position was vacant for nearly two years.

One of the recurring governance weaknesses is the lack of effective parliamentary oversight over the executive branch in general and security institutions in particular. Interpellations and

⁷⁶ Based on some calculations, the Albanian GDP for 2012 was 9.27 billion, consisting of a 1.5% growth, compared to 2011.

⁷⁷ Based on the last census data (conducted in 2012) the Albanian population, leaving inside the national borders, is about 2.8 million, while about 1 million is living abroad (mostly in Greece and Italy).

⁷⁸ Catherine Ashton and Štefan Füle, 25 June 2013, at: <http://www.europeanvoice.com/article/2013/june/eu-praises-albanian-elections/77641.aspx>

⁷⁹ Commission's Opinion (2010)

question mechanisms are rarely implemented and written questions are hardly ever submitted. Regarding intelligence/informative institutions, despite the State Intelligence Service (SIS), to which, at least, there is a direct related legal framework, there are six other intelligence/informative services⁸⁰, for which there is practically not any legal clause concerning their control by the legislative. The administrative capacities of the parliamentary committees have been limited, while frequent turnovers, due to politicization of parliament's administrative and expert staff, have affected the quality of the parliament's deliberation and review activities.

The President of Albania is elected by parliament, by a qualified majority of three-fifth of 140 votes in the three first rounds and by simple majority in the last two rounds. He/she has a limited executive role. The presidential elections have been conducted generally in line with the Constitution, but while in 2002 he was voted by both political wings, the actual President was elected (June 2012) in the last round by a simple majority of the votes.

The **Council of Ministers** is the main executive body. With regard to the lawmaking, its capacities have proven weak, due to weaknesses of ministries in legislative drafting, limited consultation with interest groups and specialists, government's over-ambitious legislative agenda and limited parliamentary scrutiny, combined with insufficient attention to the implementation of laws and policies.⁸¹

In 2004, the Ministry of European Integration (MEI) was established, with the core task to coordinate European integration work in the government. Directorates for EU integration were also established in key ministries. In order to streamline and improve coordination of the European integration process, the Albanian government has established the Inter-Institutional Coordinating Committee (IICC), chaired by the Minister of MEI and composed of the deputy ministers or secretaries general of each line ministry, as well as officials of relevant central institutions. It meets at least once a month. 35 permanent inter-ministerial working groups covering various *acquis* chapters have been established as well and their work in the process of replies to the questionnaire is considered satisfactory.

The civil service in Albania, including security sector, is a position-based system with some career-based elements. As such, compared to a fully career-based system, it has been more exposed to politically motivated turnover. It is because of that, in addition of concentration of decision making at the top level of the security institutions, while delegation is rarely applied⁸², that have lowered the overall capacity of the civil servant system in Albania.

⁸⁰ The other 6 services/agencies belong to: MoD (Defense Intelligence Agency), MoI (Internal Control Service) MinFin (3 agencies) and Ministry of Justice (Prisons Informative Agency).

⁸¹ Albania 2010 Progress Report, Commission Staff working paper, pg 14.

⁸² SIGMA Assessment, Albania, 2012, pg. 10. http://www.oecd.org/site/sigma/publicationsdocuments/Albania_Assess_2012.pdf

The **judicial system** is based on the Constitution of 1998, and is organized in three instances.⁸³ So far, judicial independence has remained low, due to the legacy of the past, the lack of sound evaluation systems for judges as well as the lack of merit-based appointments and transfers⁸⁴. A countrywide evaluation system for judges was finally initiated in 2011, but has not yet been fully implemented. The cases of failure to comply with the decisions of the Constitutional Court by the government in recent years and the politicization of the vote on the President's Constitutional and High Court appointments remain of concern. Despite the Code of Judicial Ethics, introduced in 2000, the judiciary suffers from problems of integrity, transparency and efficiency. Two high-profile cases, related respectively to the Ministry of Defense⁸⁵ and the Ministry of Interior⁸⁶, were put in a lengthy process, further undermining the public trust in the judiciary. Several EU officials declared on these cases: “...It is necessary to shed full light on the ... events through a credible judicial procedure, including a comprehensive, independent investigation free from political interference... Ensuring respect for the rule of law is an essential element of democratic societies and a prerequisite to move forward on EU integration...”⁸⁷ Nevertheless, the verdict for the first case was delivered after four years, in March 2012. Five of the 29 peoples charged were given prison sentences ranging from 6 to 18 years; the remainder received lower sentences (11 persons) or were acquitted. Appeal court verdict (February 2013) reduced by 1/3 the time in prison of some of the sentenced persons, whereas the rest were acquitted. Concerning the second case, the verdict was delivered a year later, acquitting the accused (a former commander and an officer of the National Guard). That fuelled accusations of the opposition, the victims’ family members and the independent media which blamed the justice system for lacking independence and impartiality⁸⁸.

In recent years, Albania has undertaken coordinated efforts for **fighting corruption**. However, corruption is prevalent in many areas. Surveys continue to show widespread mistrust of citizens in the state’s ability to tackle this problem. Albanian citizens rank corruption as the second most important problem, after unemployment.⁸⁹ They consider Judiciary and State Police (road police,

⁸³They are courts of first instance, courts of appeal and the High Court.

⁸⁴<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2010:1335:FIN:EN:PDF>, pg.20

⁸⁵On March 15, 2008 an explosion occurred at a munitions disposal factory in Gërdec, near Tirana, operated by anMoD private contractor. 26 people were killed, 302 injured and about 5,500 nearby houses were destroyed. The factory was being operated mostly by women and children.

⁸⁶On 21 January 2011 a demonstration organized by the Albanian Socialist Party took place in Tirana, in front of the Prime Minister’s Office, which was perceived as an effort to overthrow the government by force. The demonstration soon resulted in a clash between the demonstrators, the police and members of the Guard of the Republic. Four demonstrators were shot to death. Several dozens of others (including some polices) were injured during the clashes. There was also excessive use of force and ill-treatment by the police after the demonstrators were dispersed.

⁸⁷<http://eufocentre.al/content.aspx?idjadok=47>

⁸⁸ Lastly, the Appeal Court, on 18 Sep 2013, gave prison sentences for respectively one and three years, in evident contrast with prosecutor, who asked for respectively 23 and 25 years in prison

⁸⁹http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Albania_corruption_report_2011_web_small.pdf, pg.2

in particular) among the most corrupted institutions.⁹⁰ Reform initiatives aimed at improving public sector integrity and fighting corruption are mainly undertaken in response to pressure from the EU⁹¹ and international organizations, and these initiatives are therefore not sufficiently internalized and durable.⁹² This raises concerns regarding the ownership and mid-term sustainability of the reforms. The role of civil society is limited and cannot be considered as putting pressure on the Government.

In 2008, a cross-sectoral strategy on preventing and combating corruption was adopted. A general action plan to implement the strategy is updated each year. The Department for Internal Administrative Control and Anti-Corruption (DIACA) performs internal controls on the administration and coordinates the activities decided by the inter-ministerial working group. The High Inspectorate for Declaration and Audit of Assets (HIDAA) has been focused on implementing the legislation related to the declaration of assets and prevention of conflict of interest. However, its efforts were undermined by the lack of infrastructure and effective controls, especially on immovable properties. As a result, it has carried out mere formalistic control of asset declarations without proper investigation of the origins of the assets.⁹³ Joint Investigative Units (JIUs) for economic crimes and corruption were established initially in Tirana (May 2007) and later in six other cities. It is a joint project where the European Commission provides technical assistance (so far assessed of about €1.3 million) while the US provides technical assistance⁹⁴. They have produced some effects, but still limited human and financial resources remain a constraint for the JIUs, the HIDAA, the Prosecutor's Office and the different departments dealing with anticorruption measures.⁹⁵

The High State Control (HSC) in charge of the external financial audit was brought in line with SAI, through the amendments of 2000, of its organic law. Due to these amendments, the HSC increased its independence⁹⁶ and enhanced its audit functions (with a greater focus on the performance of the audited institutions). Despite that, information about financial performance of

⁹⁰<http://www.againstcorruption.eu/uploads/norad/Albania.pdf>, pg.8 or http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Albania_corruption_report_2011_web_small.pdf, pg.39

⁹¹ - On this issue, the BTI report is very critical: "As of 2000, the international community was so deeply involved in Albanian affairs...that the country was commonly depicted as a client state, dependent on foreign hands to help it achieve the features of a European state". (Bertelsmann Stiftung, BTI 2012 - Albania Country Report, pg.29, <http://www.bti-project.org/fileadmin/Inhalte/reports/2012/pdf/BTI%202012%20Albania.pdf>)

⁹² SIGMA Assessment, Albania, 2012, pg.15.

⁹³ In 2011 HIDAA reported 16 cases, constituting possible criminal offence to the prosecutor; applied administrative sanctions for failing to declare or for incorrect declarations of assets in 109 cases, and issued 8 administrative fines for officials in conflict of interest situations (SIGMA Assessment, Albania, 2012, pg.13, 15).

⁹⁴ http://tirana.usembassy.gov/07pr_0522.html

⁹⁵ Albania 2012 Progress Report, Commission Staff working paper, pg 15.

⁹⁶ The Law provides for the independence of the head of HSC, his/her immunity, HSC's finance and HSC's organizational structure

the security institutions, provided by the HSC has remained very limited and sketchy.⁹⁷ Furthermore, out of 158 auditing activities, for example, reported by the HSC in 2012 (covering 2-3 years in the past, a regular practice for the HSC), only one has been conducted in the MoI and one in SIS⁹⁸. In this report, the MoI has been mentioned only for problematic procurement practices while the SIS for some “financial irregularities”.⁹⁹ Based on the findings of auditing of 2011 and 2012, HSC referred to the State Prosecutor, for penal investigations, respectively, 6 and 40 cases, which implicate, respectively, 13 and 125 persons,¹⁰⁰ but none of them belonged to the security sector institutions (despite the fact, for example, that 51% of irregularities discovered by the HSC, in all procurements done in Albania during 2012, belonged to the MoI).¹⁰¹ For many years, since 2005, there are 109 persons in SIS (former or actual SIS employees) which, due to financial irregularities of different nature, are charged with fines, whose respective indemnities still remain uncollected.¹⁰² The HSC audit plan for 2013 covers 6 broad areas of state institutions¹⁰³, but none of them belongs to the security institutions.

Police reform

With the adoption of the Constitution in 1998, the Albanian State Police (ASP) was separated from the military forces¹⁰⁴, a legacy of communism that survived during the early transition period. The Law on the State Police (1999) a Mid-term Strategy, as well as a number of laws (concerning different areas of responsibility for the ASP) have been adopted.¹⁰⁵ The legal framework provides for a clearer definition of separation between the leading political positions in the MoI and senior administrative ones in the ASP, as well as clearer regulations for appointments and promotions, structural organization changes (in two levels, central and local), transferring of some functions related to human, material and financial management from the MoI to the ASP General Directorate (adopted by the Parliament in 2007) etc. They all, in general, have contributed to de-politicization of the police and “fitting it better for the mission”,

⁹⁷ In the budget execution report of 2011, presented to the parliament by the HSC, there are figures of budget execution of security institutions, but assessments for some failures are missing (e.g. there’s no explanation why the MoD investment plan of foreign support results “zero execution” in end-2011). See Budget execution report, 2011, pg.224, on: <http://www.klsh.org.al>

⁹⁸ HSC Annual report, 2012, pg 11, 19, at: <http://www.klsh.org.al/>

⁹⁹ HSC Annual report, 2012, on: <http://www.klsh.org.al>

¹⁰⁰ HSC Annual report, 2012, pg.30.

¹⁰¹ HSC, Annual report, 2012, pg. 19.

¹⁰² HSC report on the audit conducted to SIS, 2012, pg.1, see more on: <http://www.klsh.org.al> (Raporteauditimi)

¹⁰³ HSC, Annual report, 2012, pg. 72-74.

¹⁰⁴ Until 1998, the ASP as well as the National Intelligence Service (NIS), were considered part of the Armed Forces (AAF). That caused several cases of democratic standard violations prior to and during the government suppressing measures against the massive population revolts of 1997.

¹⁰⁵ There are 12 laws directly linked with ASP (most of them adopted a new or amended between 2007-2012) and about ten sectoral strategies and working plans (of the same period of time) See more at: http://www.asp.gov.al/index.php?option=com_content&view=category&id=61&Itemid=170&lang=sq and http://www.asp.gov.al/index.php?option=com_content&view=category&id=62&Itemid=171&lang=sq

a process that is still ongoing. In this reform, the EU,¹⁰⁶ the USA¹⁰⁷ and the UN¹⁰⁸ have assisted significantly.¹⁰⁹ EU started assisting ASP in 1997 through MAPE mission focused more on evaluating the police and law and order situation in the country, as well as addressing the most urgent training and equipment needs. The MAPE Mission in Albania terminated in 2001. A PHARE funded EC project of Police Assistance (ECPA) was set up in the autumn of 2001 in order to ensure bridging between MAPE and the start of a full program under CARDS (PAMECA), so that continuity would not be lost. The Police Assistance Mission of the European Commission to Albania (PAMECA) was instituted in December 2002. It was previously ran in three phases *“to help establish a more effective police service in Albania, able to professionally and accountably investigate and counter criminal activities and ensure public order in the country, and working in full cooperation with the judiciary”*¹¹⁰. Until 2012, about 25 million Euros¹¹¹ were spent in a joint effort to improve the professionalism and accountability of the ASP and ensure the exercise of its duties in full accordance with relevant legislation and democratic standards; enhance police cooperation with prosecution and the criminal justice system, making it an effective part of the administration of justice. Despite some sound progress, to fully meet its objectives, PAMECA mission was extended a year, until 2012, and after that, since June 2013, the PAMECA-4 was established, to continue until October 2016.¹¹²

In the current police structure (that is in place since July 2010), a new emphasis has been given to the principles of relationship between police and the public. Creating a police force that is in the service of the community and has the public’s trust is identified as one of the main strategic goals, in achieving its constitutional mission, as well as reforming into a western European police. As early as 2004,¹¹³ a community policing strategy was adopted, followed by an operational action plan in November 2008. As a result of the new approaches regarding community support, combined with better cooperation with other Albanian and international law enforcement institutions, a number of high-profile criminal groups and organisations were arrested (mostly in the period between 2005 and 2009). These achievements, combined with the dismissal and prosecution of a number of police officers (about 800 in the first half of the last decade¹¹⁴) mostly for being involved in corruption practices, as well as the work of the police during the February 2007 local government elections (which was considered as professional and

¹⁰⁶ The EU - through the Police Assistance Mission of the European Commission (PAMECA) and the Custom Assistance Mission to Albania (CAM-A)

¹⁰⁷ The US - through the International Criminal Investigative Training Assistance Program (ICITAP) - started in 1998.

¹⁰⁸ The UN has provided assistance in the area of anti-drug trafficking through the UN Office on Drug and Crime (UNDOC).

¹⁰⁹ An International Consortium is created by international partners to coordinate assistance and avoid duplication.

¹¹⁰ http://www.bmlv.gv.at/pdf_pool/publikationen/10_wg8_pmp_06_schm.pdf, pg.6

¹¹¹ http://eeas.europa.eu/delegations/albania/press_corner/all_news/news/2011/20110610_01_en.htm

¹¹² <http://www.pameca.org.al/>

¹¹³ Albania – Stabilization and Association Report, pg.33

¹¹⁴ See EU Progress Reports for Albania, years 2004, 2005.

unbiased) helped to increase public trust in the police.¹¹⁵ However, this success was shadowed by some setbacks¹¹⁶ of the recent years mostly considered as a consequence of the lack of cooperation between the different Ministries/Public Institutions and Civil Society. In addition, there remains limited awareness of using an intelligence-led approach on a national scale. In general, activities of the respective structures remain still mainly based on reaction, while focus is given more on inputs rather than the outcomes.¹¹⁷ Given these limitations, a growing cooperation was established with Europol (in 2007) and other police institutions of the region.¹¹⁸

Since 2008, the offices of regional police have electronic access to the MEMEX information system.¹¹⁹ The introduction of MEMEX has improved data exchange within the ASP, but this has not contributed in improving the adequacy of crime statistics.¹²⁰ The adoption and implementation of the ‘anti-mafia law’ has resulted in an increase in the seizure of criminal assets. Inter-institutional cooperation has progressed in investigations of financial crime and money laundering. However, despite some achievements, the ASP, General Prosecutor and State Intelligence Service have still a lot to do to step up coordination¹²¹ and information exchange in order to maximize their capacity to investigate serious and organized crime.¹²²

The national strategy and action plan on combating terrorism and organized crime were revised and entered into force through a Government Decision, since 2009. Compared to previous ones (of mid 2006), they are characterized by a higher level of comprehensiveness and broader scope of measures. Its implementation includes revising of legal framework, building of new structures, better share of intelligence and better cooperation among respective ministries. Nevertheless, the need for relevant structures still remains, mostly for providing timely and relevant security intelligence, as well as enhanced decision making and tasking capacities. There has been progress regarding cooperation in the field of drugs. The new national anti-drug strategy was adopted in June 2012, pursuing the objectives of increasing strategic coordination among law enforcement agencies, and addressing supply, demand and harm reduction. Good cooperation was established between the European Monitoring Centre for Drugs and Drug

¹¹⁵Albania 2007 Progress Report, Commission Staff working paper, pg 47.

¹¹⁶ It is actually documented statistically an increase of figures related to different serious crime categories (see more at: IDM, Crime trends in Albania, at: http://idmalbania.org/sites/default/files/publications/crime_trends_5.pdf). In addition, there are some cases where criminals are targeting high profile police officers, three of them were killed in the course of about one year (between 2012 and 2013)

¹¹⁷ For more in-depth analysis on some of the vulnerabilities of law enforcement institutions (ASP in particular) in Albania, see at: http://www.bmlv.gv.at/pdf_pool/publikationen/10_wg8_pmp_06_schm.pdf, pg.113-115

¹¹⁸ Cooperation with Europol entered into force in May 2007. In the same year, Albania has ratified also the South-East Europe Police Cooperation Convention.

¹¹⁹Albania 2009 Progress Report, Commission Staff working paper, pg 48.

¹²⁰ Ibid, pg. 48

¹²¹ For the need of a more holistic approach in tackling the organized crime in Albania, see Vurmo, IDM, “Trend of the crime in Albania”, Sep.2012

¹²²Albania 2012 Progress Report, Commission Staff working paper, pg 53,56.

Addiction and the National Office of Drugs Data (set up in 2011). As a result, seizures and prosecutions over the time have increased¹²³.

Despite the improvements, the overall management of police human resources has remained unsatisfactory in terms of practices of transfer, selection, appointment and promotion procedures.¹²⁴ Low salaries, poor motivation and leadership, and a lack of diversity in the workforce contribute to continued corruption and unprofessional behaviour.¹²⁵

Following the Ombudsman's recommendations, progress can be noted, during the last couple of years, regarding prevention of torture and ill-treatment. A new database was introduced (since 2010) on escorted, arrested and detained persons. Amendments on the rules of treatment of arrested and detained persons in police stations were adopted, however, ill-treatment cases are still reported, proving the failure by police to adequately observe arrest and custody procedures.¹²⁶

Given the above mentioned developments, despite some sounding results, the ASP reform in Albania remains very much in the process of transition. *“Albanian officials believe that if they adopt a western piece of legislation, the situation will automatically change in the country. When facing the need to reform the functioning of an institution, the officials immediately address the issue in terms of changing the laws and sub-laws but not in terms of changing their approach and way of behaving. The process of establishing new structures and/or drafting laws and amendments, however, will not lead to the desired results without a strong willingness to implement them. This is more evident in the police, where rotation and reshuffling of personnel...is a common phenomenon...”*¹²⁷ Most of the ASP activities are often based on immediate reaction, dealing with symptoms rather than the causes, paying little attention to situation analyses and identification of real problems. As such, they have been focused more on inputs than the outcomes. In general, as it was mentioned above, while the EU and other international actors' financial, technical and material support combined with pressure of meeting certain standards for EU membership agenda, have produced results in reforming security sector, poor level of internalization raise concerns of reaching desired objectives and sustaining in mid-future what is being/will be achieved.

¹²³Ibid, pg 57

¹²⁴Albania 2008 Progress Report, Commission Staff working paper, pg 47.

¹²⁵ US Department of State's Report, pg. 7, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

¹²⁶Albania 2012 Progress Report, Commission Staff working paper, pg 22.

¹²⁷http://www.bmlv.gv.at/pdf_pool/publikationen/10_wg8_pmp_06_schm.pdf, pg.114-115

Border control

The current border management system in Albania is generally in line with EU standards.¹²⁸ It is regulated by the Law on state border control and surveillance adopted in 2008 and supplemented by several other legal acts regarding the border and migration police (BMP). The national integrated border management strategy was adopted in 2007 and the associated action plan was updated in 2009. Some of the earlier efforts date back in 2004 with the “Strategy on Border Control and Its Integrated Management 2003-2006”, but there were recommendations from EU expert teams for an Integrated Border Management (IBM) Strategy, that brought about these documents to be revised in order to become better aligned with the EU Guidelines for the Western Balkans.¹²⁹ They are better oriented now towards the twin goals of modern border management – border security and facilitated movement of persons and goods – in an efficient and effective manner¹³⁰.

The BMP has gone through some reforming stages and currently it is assessed as a clearly structured department within the State Police with sufficient resources.¹³¹ The training curricula of the BMP were designed in cooperation with PAMECA¹³² and Frontex.¹³³ Risk analysis capacity, considered as important implementation step of the “Strategy on Border Control 2007”, was introduced and has been gradually strengthening. By 2010 this capacity was considered to be “operational”.¹³⁴

Since 2005, when mobile surveillance units were introduced, the green border control has improved significantly. It is particularly aimed at combating trafficking of human beings and drugs.¹³⁵ These tighter measures were dictated, in particular, because of an increased flow of illegal border crossings to Greece in 2005-2006, which was linked mostly to an amnesty for illegal residents in Greece applied that time. Upgrading of the infrastructure at border crossing points had been a continuing process as well. The Total Information Management System (TIMS) started to be installed in 2008 and was finalized in 2010, when all 24 border crossing points were connected to TIMS, providing access to the national database on travel documents and wanted persons and to the Interpol database. However, it was always a concern about

¹²⁸ Albania 2010 Progress Report, Commission Staff working paper, pg 99.

¹²⁹ Albania 2005 Progress Report, European Commission, pg 57.

¹³⁰ Guidelines for Integrated Border Management in the Western Balkans at: http://ec.europa.eu/enlargement/pdf/financial_assistance/cards/publications/ibm_guidelines_en.pdf, pg. 17.

¹³¹ Roughly 1500 staff

¹³² PAMECA - Police Assistance Mission of the European Community to Albania

¹³³ The European Agency for the Management of Operational Cooperation at the External Borders of the EU (established by [Council Regulation \(EC\) 2007/2004](#)). The technical agreement with Albania was signed in February 2009.

¹³⁴ Albania 2010 Progress Report, Commission Staff working paper, pg 99.

¹³⁵ EU - "Albania Progress Report 2005", pg. 57.

insufficient sharing and analysis of the data collected, particularly between BMP and Custom Authorities.¹³⁶

Cross-border cooperation has been generally functioning well.¹³⁷ Several cross-border meetings between the border police authorities of Albania and Macedonia, Greece and Montenegro have been frequent. Under bilateral agreements, mobile joint (green) border patrols have been operational with Kosovo and Macedonia since mid-2012, while one joint border control point has been established with Montenegro.¹³⁸ An agreement signed with Macedonia in mid-2011, for the full liberalization of bilateral and transit transportation between the two countries is in force, as well as a joint centre for the exchange of information between their respective border and migration police.¹³⁹ In 23 December 2009, the Albanian Parliament adopted the same agreement with Kosovo (“*On Bilateral Movement of Citizens*”) These initiatives have been very much in line with the EU concept to establish cooperation not only in intra and inter-agency level, but internationally as well.¹⁴⁰ Cooperation with Europol has been improved as well, since the first initiation in 2007. A secure line between Albania and Europol has been put in place since June 2011.¹⁴¹

Blue border surveillance remained weak until 2010. Due to lack of funds to create a Police Coast Guard, the border control and anti-smuggling operations were conducted by the Albanian Navy. This was not considered to be in line with European standards¹⁴² However, Navy vessels with both MoI and MoD personnel on board, under civilian command, was considered (and perhaps will remain) as the most cost-effective solution. An inter-institutional maritime operations centre (IMOC) started to work in January 2010, ensuring close cooperation between the BMP, coastguard, customs authorities and Fisheries Inspectorate. The training system and the standard operating procedures are already in place, but *risk analysis and intelligence need to be reinforced, including its connection to the MEMEX.*¹⁴³ With finalization of the project on patrol boats,¹⁴⁴ Albania will be able to patrol its coastline effectively in the short term. A three-year ban on speed boats, introduced in 2006 and renewed in 2009,¹⁴⁵ had been very effective in controlling the blue border and fighting illicit sea trafficking.

¹³⁶ Albania 2010 Progress Report, Commission Staff working paper, pg 96,100.

¹³⁷ Albania 2010 Progress Report, Commission Staff working paper, pg 100.

¹³⁸ Albania 2012 Progress Report, Commission Staff working paper, pg 55.

¹³⁹ Ibid, pg. 23

¹⁴⁰ Guidelines for Integrated Border Management in the Western Balkans

http://ec.europa.eu/enlargement/pdf/financial_assistance/cards/publications/ibm_guidelines_en.pdf, pg.2-3.

¹⁴¹ Albania 2011 Progress Report, Commission Staff working paper, pg 58.

¹⁴² Albania 2006 Progress Report, Commission Staff working paper, pg 39.

¹⁴³ Albania 2012 Progress Report, Commission Staff working paper, pg 55.

¹⁴⁴ Based on this € 30 million project, the Albanian Navy will acquire 4 new patrol boats (“STAN” 42/7). Three of them are already operational. The fourth is scheduled to be commissioned by mid-2014.

¹⁴⁵ Terminated in March 2013

Concerning organizational measures against trafficking in human beings, the Office of the National Anti-trafficking Coordinator as well as a joint working group have been established in order to improve the investigation and trial proceedings. Standard operating procedures for identification and referral of victims/potential victims are in place and are being implemented effectively.¹⁴⁶

EU support on enhancing Albanian border control had been crucial for conceptual and strategy development as well as related legal and regulatory framework, institutional framework, procedures, human resources and training, communication and information exchange and finally, infrastructure and equipment. EU experts, in their assessments have indicated progress achieved so far in border management, but it looks that Albanian politicians and ASP authorities, “*confuse progress with success*”¹⁴⁷, which, combined with some fluctuations in this support, due to European economic crisis, have caused that expectations not to be fully met.

Management of migration flows

There are around one million Albanian citizens who currently live in the EU countries, mostly in Italy and Greece.¹⁴⁸ The net migration rate from Albania has been in constant decline in the recent years and as a result of the economic crisis there has been a backflow evidenced during the last years, mostly from Greece.¹⁴⁹

The readmission agreement between the EU and Albania has been implemented smoothly since 2005. Albania has revised the strategy and action plan to reintegrate the returned Albanian citizens,¹⁵⁰ now covering the period 2010-2015. This was the last benchmark before visa liberalization was granted to Albanian citizens and its implementation is ongoing. Actually, drafted under tight deadlines and generally not well consulted with civil society actors, independent experts, and relevant stakeholders, the strategy lacked adequate instruments to address management of migration and the dynamics of re-integration.¹⁵¹ Especially, risk analysis and monitoring of migration flows still need to be strengthened, as well as the institutions in charge of implementing the strategy and action plan for returnees.¹⁵²

¹⁴⁶Albania 2012 Progress Report, Commission Staff working paper, pg 56.

¹⁴⁷<http://www.unodc.org/southeasterneurope/en/alb/g70.html>, pg.2

¹⁴⁸Alb INSTAT, <http://www.instat.gov.al/media/169440/projeksioni.pdf>, pg.15 and http://www.instat.gov.al/media/177354/main_results_population_and_housing_census_2011.pdf, pg.7

¹⁴⁹ The number of the Albanian returnees: in 2009 - 47239, in 2010 -52910, dropping significantly in 15185 in 2011.

¹⁵⁰It was the last benchmarks before visa liberalization was granted to Albanian citizens.

¹⁵¹Institute for Democracy and Mediation (IDM), “Asylum Seekers and Irregular Migration”, Feb.2013, pg.5

¹⁵²Albania 2012 Progress Report, Commission Staff working paper, pg 55.

Migration counters (MC) have been established in all Regional Employment Offices to provide information about special services for the returnees. Yet, registration of returned citizens at MCs remains low, indicating the lack of trust in public authorities. In addition, MCs do not offer any concrete services other than basic information.¹⁵³ The action plan on reintegration contains 42 measures, but most of them are related to provision of information. In some other cases (namely – vocational training) participation of returnees is very low.¹⁵⁴

Visa liberalization for Albanian citizens was granted by the EU on 15 December 2010. It applies to holders of biometric passports travelling to the Schengen area. This decision was made based on the fulfilment of conditions set out in the roadmap for visa liberalization. By 30 June 2012, 2.4 million biometric passports and 3.1 million biometric ID cards were issued.¹⁵⁵

Implementation of the visa free regime was smooth and relatively small numbers of asylum-seekers and irregular migrants were detected in the Schengen area, until mid-2011, but the flow of Albanian asylum seekers to EU increased from the third quarter of 2011 onwards. The numbers more than doubled, from 110 in January 2011 to 235 in November 2011.¹⁵⁶ Belgium, France, and Greece were the top 3 EU countries counting for almost three fourth of the total of asylum-seekers.¹⁵⁷

Albanian authorities have reacted and improved their cooperation with the EU Member States, in particular after the visit of two high level officials from Belgium (end 2011, mid-2012).¹⁵⁸ Consequently, information campaign launched by the Albanian government, since May 2010, on citizens' rights and obligations under the visa-free regime was intensified. Since July 2012, the TIMS system has been linked to the civil registry database at border-crossing points.¹⁵⁹

Given the harsh isolation of Albania, during dictatorship, actual regulation of migration flows, in accordance with the EU laws, norms and practices, introduced less than a decade ago constitutes a drastic change. On the other hand, visa liberalisation caused an increased interest to know EU. Referred to the Commission post-visa liberalization monitoring reports,¹⁶⁰ the majority of travellers continue to be *bona fide* travellers and thus the genuine purpose of visa liberalization - to facilitate people-to-people contacts, enhance business opportunities and cultural exchanges and give the possibility to the people of the region to get to know the EU better – continues to be

¹⁵³ Report by the Special Rapporteur on the Human Rights of Migrants, in Albania, 13 December 2011, pg.13 (IDM)

¹⁵⁴ Institute for Democracy and Mediation (IDM), "Asylum Seekers and Irregular Migration", Feb.2013, pg.24-27.

¹⁵⁵ The Commission's Third Report on the Post-Visa Liberalization, 28.08.2012, pg.3

¹⁵⁶ A substantial increase was noticed during June-October 2011 (+580).

¹⁵⁷ Asylum Seekers and Irregular Migration, Institute for Democracy and Mediation (IDM) publication, Feb.2013, pg.12-13.

¹⁵⁸ The Head of Asylum and Migration Department of Belgium (Oct 2011) and the Belgian Secretary for Immigration (June 2012) - Institute for Democracy and Mediation (IDM), "Asylum Seekers and Irregular Migration", Feb.2013, pg.8, 13. "Shekulli" Newspaper, 24 Oct 2012,

¹⁵⁹ The Commission Third Report on the Post-Visa Liberalization, 28.08.2012, pg.4.

¹⁶⁰ Three monitoring reports between June 2011 and August 2012

satisfactory.¹⁶¹ On the other hand, due to the relatively short time of this change and limited capacities of the Albanian governments to manage situations related to asylum seekers and reintegration of the returnees, it was expected from EU a more effective support with information campaigns, investigation on facilitators (i.e. travel agencies) and other measures in jointly dealing with the above mentioned phenomena.

Visa and asylum regimes

As regards **visa policy**, Albania has created a legal framework with the adoption of the Law on foreigners (2008). However, there were the amendments of March 2013 which brought it fully in line with the EU *acquis*.¹⁶² Albania operates a visa-free regime for all EU Member States and unilaterally recognizes Schengen visas and residence permits as equivalent to short-stay visas issued by Albania. An E-visa information system is set up, but still important elements need to be improved in this context, related to ownership, security features and personal data protection.

The amended Law on Foreigners gives priority to EU citizens as regards the demand on the labour market.¹⁶³ On the other hand employment in the public sector is restricted only to Albanian nationals.¹⁶⁴ Capital movements in Albania are essentially liberalized, meeting the SAA commitments' deadlines. Lastly, the amended Law on Foreigners brings disputable issues on payments in line with *acquis*. Acquisition of real estate by foreigners is subject to certain restrictions: foreigners are not yet allowed to acquire agricultural land. The SAA provides for progressive adjustment of the legislation in this area to ensure, by 1 April 2016, no less favourable treatment for EU nationals than accorded to Albanian nationals.¹⁶⁵

In the area of **asylum**, the institutional and legal framework has been put in place. The Law on asylum was adopted in 2009 and is generally in line with EU standards. By an institutional perspective, there always was a lack of adequate human and financial resources, even for the Department for Citizenship and Refugees, while, by an implementation perspective, problems were mostly related to asylum procedures at reception centres, which have not been always applied in a standardized manner.¹⁶⁶

Two reception centres were constructed since 2006 (one for asylum seekers, fully operational since 2010, and another for victims of trafficking), but Albania's protection regime for those

¹⁶¹The Commission Third Report on the Post-Visa Liberalization, 28.08.2012, pg.14.

¹⁶² Until the last amendments in the Law on foreigners, Albania was applying a visa-free arrangement for some non-EU countries included in the negative list of Regulation 539/2001 (Albania 2011 Progress Report, Commission Staff working paper ,pg 55). See also The Commission's Third Report on the Post-Visa Liberalization, 28.08.2012, pg.4.

¹⁶³ Before the law amendments, they had to hold a work permit to have access to the Albanian labor market.

¹⁶⁴The Status on the Civil Servant in Albania, Article 12/a.

¹⁶⁵Analytical report, Commission Staff working document, 2010, pg. 57.

¹⁶⁶Albania 2008 Progress Report, Commission Staff working paper, pg 44.

granted asylum has not been sufficiently consolidated, especially in its judicial aspects, access for asylum seekers to health care, family reunion, social protection, education and housing.

By August 2012, Albania had granted asylum to 81 individuals, with 20 more applications pending. Provision with ID documents of refugees and persons granted complementary protection has been a very slow process. An effective pre-screening process at the border has been continuously lacking (required standards), given the new migration trends and the possible rise in illegal transits by third-country nationals.¹⁶⁷

EU assistance on development of legal framework related to Albania's visa free regime for all EU member states and asylum, has been complemented with training and equipment support, but on the other hand it was combined (either explicitly or implicitly) with progressing steps towards EU visa liberalization for the Albanian citizens. They all were very determinative to the Albania's progress in visa and asylum regime. However, due to sensitivities of these issues, a more regionally driven approach could have provided more tangible results¹⁶⁸.

Conclusions

Albania's fondness towards Euro-Atlantic values and structures was clearly expressed since its getting rid of the totalitarian past, in early 90-s. Despite that, translation of this aspiration into strategies and implementations plans had been mostly product of and response to pressure from the EU and international organizations. It is due to this reliance on EU and other international factors that these initiatives have not become sufficiently internalized and durable, thus, raising concerns regarding the ownership and mid-term sustainability of the reforms.

Security sector in Albania has followed the main stream of "Europeanization reforms", like all other state institutions, being characterized in many aspects, by the same up and downs, as other areas of reforms towards democratic standards and values. It had to transform itself towards Western security sector models in a highly politicized environment which, despite certain progress, has influenced the paces and the speed of its reform. Frequent structural changes and reshufflings, especially in the Albanian State Police, due to political changing of power, have proved resource (human and financial) and time consuming. In addition, the State Police, due to corruption cases among its ranks and some sort of impunity, especially among the high level police personnel (at least so perceived in public) is being ranked, in several surveys, as the second most corrupted institutions in the country.

Nevertheless, improvements during the last decade in the legal framework and the mid-term strategies, following the EU recommendations, have provided for a clearer separation between

¹⁶⁷ Albania 2012 Progress Report, Commission Staff working paper, pg 55. See also The Commission's Third Report on the Post-Visa Liberalization, 28.08.2012, pg.4.

¹⁶⁸ Interview of Mr. Merepeza, Chief of Green Border Sector, Border&Migration Department, MoI,

the leading political positions in the MoI and senior administrative ones in the State Police. They have established clearer regulations for appointments and promotions, structural organization changes (in two levels, central and local), transferring of some functions related to human, material and financial management from the MoI to the ASP General Directorate, etc. They all, in general, have contributed to de-politicization of the police, its professionalization enhancement and “better fitting for the mission”, a process that is still ongoing. In this reform, the EU (as well as the USA and the UN) have assisted significantly.

From a more operational point of view, a new emphasis is increasingly being given to the principles of relationship between police and the public, while a better emphasis should be given to proactive rather than reactive measures, with better focus on tangible and durable results, rather than eagerness for inputs.

In general, “Albania has made further progress in the area of justice, freedom and security, in particular in border management and in the fight against organized crime, money laundering and drugs trafficking”¹⁶⁹. This progress has not been made not only due to its security institutions (State Police in particular) efforts, but also due to a better and improving cooperation with European organizations (EUROPOL) and other police institutions of the neighbor countries and beyond. Issues of border control, migration flows management, visa and asylum regimes, as well as some emerging modern threats to security (terrorism, organized crime, illicit trafficking) appear complicated and must be addressed regionally under an interagency cooperation approach. To cope with these challenges, Albania is improving its legislation, capacities and practices, in a process which is bringing it closer to the EU standards. In that respect, a continuing and closer support from the European community for Albania's security institutions in their European track will be highly demanded, and rewarding to the acceleration of their overall reforming and integration processes.

¹⁶⁹Albania 2013 Progress Report, Commission Staff working paper, pg 49.

Challenges of Europeanization of the security sector - the case of Kosovo

Fjolla Raifi*

Introduction

Following the end of an armed conflict, Kosovo was placed under the United Nations (UN) Interim Administration Mission set up according to the UNSCR 1244. The overall presence and functionality of UNMIK mission was structured and based upon four major pillars: *police and justice*, covered by UN; *civil administration*, covered by UN; *democratization and institution-building* by OSCE; and *economic development*, covered by European Union.

In February 2008, Kosovo declared its independence, with the Constitution of the Republic of Kosovo entering into force on June 2008. The Declaration of Independence reflected the will of citizens of Kosovo and is in full accordance with the principles of the Comprehensive Proposal for the Kosovo Status Settlement (Ahtisaari Plan), which is supervised and overseen by the European Union-led role of law mission and NATO. However, this step was not followed by unilateral recognition of Kosovo from all the EU member states, placing Kosovo under the ‘status neutral position’ within EU.¹⁷⁰ Despite the EU’s extensive involvement and presence in post-independence Kosovo through EULEX and ICO, the lack of unified voice within the EU body continuous to impose great challenges towards EU-Kosovo relations. The non-recognition of Kosovo from five EU member states as Cyprus, Greece, Romania, Slovakia, and Spain triggers constant challenges within the EU structures and decisions.

The introduction of *Stabilization and Association Process* (SAP) for Kosovo in January 2009 marked another significant phase for Kosovo’s development and aspiration towards European path. As the first cycle of meetings was completed in June, among many other components, the issue of ‘justice, freedom, and security’ prevailed during the discussions¹⁷¹. Nevertheless, as Kosovo’s main strategic goals continued to be the integration in the EU and NATO, the lack of EU member states’ unity over its independence, continued to remain among the greatest challenge for Kosovo’s path to EU integration. Despite the political obstacles of the initial objections of the 5 EU member states¹⁷² and the complex relation with Serbia, the European

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¹⁷⁰ European Courts of Auditors, *European Union Assistance to Kosovo Related to the Rule of Law*, Special Report, 2012.

¹⁷¹ European Commission Progress Report for Kosovo 2005.

¹⁷² Cyprus, Greece, Romania, Slovakia, and Spain

Council launched the feasibility study for a Stabilization and Association Agreement between the European Union and Kosovo in February 2012.

The methodology used for drafting this report is mainly based on desk research, covering official EU reports, EU Progress Reports on Kosovo, articles, and journals. Furthermore, the paper is also product of KCSS expertise on this field. This paper seeks to analyze the EU assistance and involvement in Kosovo since the end of war. The paper is divided into five main sections, which are mainly related to the security sector: the Overview of the Europeanization of the Rule of Law, Police Reform, Effective Border Management, Migration Flows, and Visa and Asylum Regime. The main goal of this study is to offer an analysis on the context of the latest information and publications on the role of the European Union towards the security sector in Kosovo.

Europeanization of the Rule of Law

With the end of conflict in 1999, the overall development and responsibility upon public order and security sector in Kosovo were mainly handed to the international military presence in the country. The role of the Special Representative of Secretary-General (SRSG) and the powers of the UNSCR 1244 triggered the establishment of the UNMIK Pillar I – which mainly covered the security and justice sectors in Kosovo. Specifically, the overall responsibility in the establishment and monitoring of the security institutions in Kosovo was attributed to UNMIK-SRSG level¹⁷³. Yet, the dominant body in the issues of security sector in Kosovo was the international peacekeeping force, NATO, which undertook the leading role in the security and defense issues. With the same importance, KFOR has also offered assistance to local population and provided border control in the fragile areas in the northern part of Kosovo.

Nevertheless, as the political and security tensions in Kosovo were intensified, the creation of a formal police structure was considered as a solution to overcome possible threats and challenges. The two main entities that influenced the development of security sector in the period of 1999-2007 were KFOR and OSCE.

On the other side, this period is mainly referred with little or no involvement of EU structures in the security sector in Kosovo. While the structure of UNMIK pillars entitled the European Union mission in Kosovo responsible for the overall economic development, the security sector in Kosovo lacked EU's direct assistance and contribution. Yet, the influence of EU strategy towards Kosovo's political and security development was constantly present and effective. Generally, over the last decade, the international community has invested great resources in peace-keeping, economic development, institution building, and rule of law enforcement in

¹⁷³Qehaja Florian and Mentor Vrajolli (KCSS), 2010. *Context analysis on the Security Sector Reform in Kosovo 1999-2009*.

Kosovo. In the period of 1999-2007, Kosovo received 3.5 billion Euros in donor assistance, two third of which came from the European Commission and EU Member states¹⁷⁴. An additional 508 million Euro was pledged in the period of 2009-2011 by the EC and all the EU member states. Overall, Kosovo is considered as the ‘biggest recipient per capita of EU assistance in the whole world’¹⁷⁵.

In 2005, eight years after UNMIK’s first departure to Kosovo, the UN Secretary General appointed Kai Aide, a Norwegian Ambassador to NATO and OSCE, to review the overall situation in Kosovo which resulted in the publication of the report known as ‘Standards before Status’¹⁷⁶. In particular, the EU also evaluated that the respective standards remained in accordance with Kosovo’s path towards European integration¹⁷⁷. Within the same year, the Secretary General appointed another Special Envoy (SE), Martti Ahtissari, former President of Finland, responsible for the status process of Kosovo. Consequently, the two most significant processes of Kosovo’s political status were headed and administered by European diplomats, which shows EU’s contribution and involvement in Kosovo at early phases, despite that Norway is not part of the EU family. This identifies the indirect support and assistance of EU to UNMIK and KFOR mission present in Kosovo. Being in charge of the overall process of Kosovo status settlement and following a number of meetings and consultations between Prishtina and Belgrade, Ahtisaari delivered a Comprehensive Proposal for the Kosovo Status Settlement to the UN Secretary General, where the recommendation for supervised independence was strongly supervised and supported.

Nevertheless, the involvement of EU has not been directly to the security sector, the EU’s form of support to Kosovo came through the Summit of Thessaloniki 2003, which gathered all Western Balkan countries in supporting their paths towards European integration. This agenda specifies countries’ Stabilization and Association process, which also applied to Kosovo as a country under the auspices of UNSCR 1244. The mechanism that kept Kosovo strongly connected to the EU’s policies was the *Stabilization and Association Process Tracking Mechanism* (STM) set up in 2002, contributing to institutional-building process and other administrative assistances¹⁷⁸. Yet, none of the fundamental elements of the process explicitly included security or rule of law. In particular, the European perspective was explicitly open for Kosovo as well. Later in 2005, the European Council received a joint report on the future EU role and contribution to Kosovo, which highlighted EU’s contribution to the implementation of UNSCR 1244 and its willingness to continuously support Kosovo’s path towards integration¹⁷⁹.

¹⁷⁴ European Courts of Auditors, *European Union Assistance to Kosovo Related to the Rule of Law*, Special Report, 2012.

¹⁷⁵ Ibid,

¹⁷⁶ Ibid,

¹⁷⁷ European Commission Progress Report for Kosovo 2005.

¹⁷⁸ Ibid,

¹⁷⁹ Ibid 2006.

The post-independence period marked the deployment of EULEX, the EU's largest, the most unique and extraordinary civilian crisis management operation. On 9th of December 2013, European Rule of Law (EULEX) mission will celebrate the fifth anniversary of its full deployment in Kosovo in the December 2008, which marks what is so far the biggest in terms of civilians and budget EU mission abroad. In particular, EULEX has around 2,250 staff and currently has an annual budget of 111 million Euros¹⁸⁰. Its structure is mainly divided upon two major divisions: the Executive Division, which contains judges, prosecutors, police officers, and customs officers¹⁸¹; and the Strengthening Division, which includes legal specialists, correctional officers, police officers, and customs officers¹⁸².

The European Rule of Law (EULEX) mainly operated in the area of rule of law components, with focus on *Justice, Police, and Customs*¹⁸³. The Justice sector is organized in five subcategories that operate under the EULEX operators: Judges in the Civil Field, Judges and Prosecutors in the Criminal Field, Ministry of Justice, Kosovo Judicial Council, and Kosovo Correctional Services. In particular, as the Law on the Constitutional Court has been adapted in 2008, Kosovo is entitled with six international judges in total, two of whom come from the respective EU member states. This actually highlights the significant role and contribution of the EU judges to the overall developments and process of the Kosovo Constitutional Court system. Yet, the continuous challenges and obstacles in the justice sector, mainly in the fight against corruption and organized crime, keep EULEX mission within the scope of only executive powers¹⁸⁴.

Police Reform

The Kosovo Police (KP) was established in 1999 and until 2008 was under the constant supervision and authority of UNMIK mission in Kosovo. In the before-independence period (1999-2008), Kosovo Police functioned under the name of Kosovo Police Service (KPS), with little to no access and control of the Assembly of Kosovo and civil society over its overall development and functionality¹⁸⁵. By 2006, as the Kosovo Police was subject to further developments and took on responsibilities previously conducted by UNMIK police, the civilian control became part of the Kosovo Ministry of Internal Affairs (MoIA) structure.

¹⁸⁰European Rule of Law Mission in Kosovo Factsheet, December 2009.

¹⁸¹European Rule of Law Mission in Kosovo Factsheet: Executive Division. [<http://www.eulexkosovo.eu/images/press/executive-NEW.jpg>]

¹⁸²European Rule of Law Mission in Kosovo Factsheet: Strengthening Division. [<http://www.eulexkosovo.eu/images/press/strengthening-NEW.jpg>]

¹⁸³European Rule of Law Mission in Kosovo Factsheet, December 2009.

¹⁸⁴Hoxha, Abit. (KCSS). *Five years of the Security Sector in Kosovo – a context analysis 2008-2013*. Prishtine, 2013.

¹⁸⁵Qehaja Florian and Mentor Vrajolli (KCSS), 2010. *Context analysis on the Security Sector Reform in Kosovo 1999-2009*.

With the declaration of independence and the adoption of Law on Police in 2008, the Kosovo Police increased its scope of work, exhibited new role, created new structure, as well as became a full law enforcement agency under the supervision and authority of the MoIA. For the first time in the development of the security sector in Kosovo, the Law on Police created the distinction between the uniformed personnel and the civilian managerial staff. Moreover, the turning point in the overall structure of the Kosovo Police was considered the replacement of the position of the Commander of Police with the Director of Police, who is non-uniformed citizen of the Republic of Kosovo¹⁸⁶. Additionally, the Law on Police 2008 also gives attention and ensures the rights of police officers towards reaching and readdressing European standards¹⁸⁷. Nevertheless, by changing the role and functionality of the Police Inspectorate of Kosovo (PIK), which oversees and monitors the overall development of the Kosovo Police, the Law on Police was amended and restructured into the new Law on Police, which entered into force in 2011¹⁸⁸.

As the post-independence period highlighted the deployment of EULEX, one of the EU's largest civilian mission, the overall development and functionality of the police structure was among the main focuses of EULEX mission. The Kosovo Police has been subject of great assistance from the European Commission and EULEX since 2007, with 16 IPA projects totaling 33 million euro and 36 Monitoring, Mentoring and Advising (MMA) actions¹⁸⁹. In particular, EULEX's target for their MMA mission has been to assist the Kosovo Police (KP) under the new motto 'local operability' with KP mainly in lead¹⁹⁰. Furthermore, the majority of the IPA projects were designated to develop and enhance the KP capacities on monitoring and managing the Kosovo's borders. Specifically, EULEX has assisted on changing the methods and scope of work for KP officials and staff with new mechanisms and modalities, referred to as 'intelligence lead policing', which is currently on the process of being launched as a full scale operator.

In the field of international cooperation, Kosovo Police still continues to remain the only country in the Western Balkans that is not part of law enforcement mechanisms such as INTERPOL and EUROPOL. Nevertheless, KP is constantly exploring new modalities of cooperation, in particular with EUROPOL, as a part of its cooperation and facilitation with European Union. Another significant progress of KP in cooperating with countries in region on fighting against corruption and organized crime has been the establishment of the International Law Enforcement Cooperation Unit (ILECU), which is mainly focused on establishing police cooperation and relation with EU member states. As a result, under the supervision of EUROPOL, ILECU has participated in the regional conference related to the organized crime and corruption in Western Balkans (KCSS 2013:57). Nevertheless, despite the foundation of ILCEU, Kosovo lacks direct

¹⁸⁶Hoxha, Abit. (KCSS). *Five years of the Security Sector in Kosovo – a context analysis 2008-2013*. Prishtine, 2013.

¹⁸⁷*Law on Police*, Kosovo Assembly, 2008.

¹⁸⁸*Law on Police*, Kosovo Assembly, 2011.

¹⁸⁹European Courts of Auditors, *European Union Assistance to Kosovo Related to the Rule of Law*, Special Report, 2012.

¹⁹⁰Qehaja Florian and Mentor Vrajolli (KCSS), 2010. *Context analysis on the Security Sector Reform in Kosovo 1999-2009*.

cooperation with countries that have not recognized Kosovo statehood such as Serbia, Bosnia & Herzegovina, and Romania, who are also part of this initiative. Therefore, in order to avoid the discrepancy of cooperation with all countries that have not recognized Kosovo yet, the Government of Kosovo and EULEX have signed the agreement on authorizing EU mission in Kosovo to represent and facilitates meetings on behalf of Kosovo (Hoxha 2013: 16). On the other hand, Kosovo Police has successfully established and developed a number of agreements and cooperation with countries in region on bilateral level. Specifically, agreements on security cooperation, combating organized crime and irregular migration, as well as customs cooperation have been signed with the majority of EU countries as Germany, Ireland, Switzerland, Bulgaria, Sweden, Croatia, Austria, etc. (Muja 2013: 58).

Effective border control

Kosovo's borders were successfully managed by relevant Kosovo and international actors as: UNMIK Police, UNMIK customs service, KFOR, and Kosovo Police Service. Due to the fragile situation between Albanians and Serbs in the respective border as well as the specific premises of UNSCR 1244, the period before independence (1999-2007) was characterized with an intensive involvement and responsibility of the international community in Kosovo. In particular, the Kosovo Customs at that period was mainly administered and monitored by the UNMIK mission in Kosovo. With the declaration of independence in 2008, the Kosovo Government gradually transferred and took over the competencies of UNMIK Customs to the explicit local ownership of the newly-renamed, Kosovo Customs on November 2008¹⁹¹.

Although with a little or no involvement at all in the development of customs services in the pre-independence period, the European Commission and EULEX mission have started their assistance since 2007. In particular, the Commission and EULEX have assisted the Kosovo Police in many ways (16 IPA projects totaling 33 million Euro and 36 MMA actions), in particular managing the border control. More precisely, they have provided considerable assistance to Kosovo Customs through two IPA projects for an amount of 2.7 million Euros and four MMA actions¹⁹². These projects aimed to develop the capacity of Kosovo Police in carrying out and exercising the tasks in Kosovo's borders and boundaries. The major part of the project aimed to replace the already existed border management founded by USA, with the new system in full accordance with the EU standards¹⁹³.

As 2010 marked another phase of political status between Kosovo and Serbia in the form of diplomatic approach, the EU continued to remain the major component in the overall

¹⁹¹Qehaja Florian and Mentor Vrajolli (KCSS), 2010. *Context analysis on the Security Sector Reform in Kosovo 1999-2009*.

¹⁹² European Courts of Auditors, *European Union Assistance to Kosovo Related to the Rule of Law*, Special Report, 2012.

¹⁹³Ibid,

development of the process. As a facilitating component, EU tied the success of the dialogue to the visa liberalization regime for Kosovo and to the membership candidacy for Serbia¹⁹⁴. Consequently, the two major agreements that were reached between Kosovo and Serbia under the auspices of EU have been the Integrated Border Management and Regional Cooperation and the Freedom of Movement Agreement. Despite the progress made in signing these agreements, both countries lacked the capability and capacities to fully implement and follow the agreed terms and principles.

The overall management and control of the border is primarily regulated by the *Law on Border Control and Surveillance*, which includes several provisions and regulations of the Schengen Borders Code. After the declaration of independence and the introduction of the Comprehensive Proposal for the Kosovo Status Settlement, the policy on Integrated Border Management (IBM) is regulated by the *Law on Integrated Management and Control of the State Border* that entered into force in June 2008. The same law has been amended and replaced with the *Law on amending and supplementing the Law no.04-L-072 on state Border control and Surveillance* that entered into force in July 2013. The main goal of this law is to establish effective cooperation between local and international authorities involved in the border security¹⁹⁵. According to the law, the overall process of border management shall be carried out by the Border Police, Customs Service, Phyto-Sanitary and Veterinary Service (PSSVS) as well as all other relevant agencies.

Given the situation, in April 2009 the Government of Kosovo adopted the ‘National Strategy of Republic of Kosovo for Integrated Border Management (2009-2012)’, which was completely based on EU IBM approach and built on three pillars: intra-service cooperation, intra-agency cooperation and international cooperation¹⁹⁶. The strategy of 2009-2012 was mainly created and adopted by the Kosovo authorities, without an official approval and delegation of the international community. It explicitly followed the practice of other EU IBM approaches and served as tool for further developments. Having already followed the EU IBM strategy, the Strategy of IBM 2009-2012 was amended and replaced with the new ‘Strategy for Integrated Border Management (2013-2017)’ that entered into force in 2013. Consequently, the new strategy of IBM 2013-2017 was in complete accordance with the EU criteria set in the Visa Liberalization Roadmap for Kosovo¹⁹⁷. As for internal IBM cooperation, the strategy specified the creation of a coordination team headed by the Deputy Minister of Internal Affairs; while the relevant IBM agencies in accordance with the Government established the National Centre for

¹⁹⁴Vrajolli, Mentor, 2012. *Assessing the implementation of Public Order and Security Policies in the Context of Kosovo Visa Liberalization Process*.Kosovar Center for Security Studies (KCSS).

¹⁹⁵*Law on Integrated Border Management and Control of the State Border*, Kosovo Assembly, 2008.

¹⁹⁶*National Strategy of Republic of Kosovo for Integrated Border Management (2009-2012)*. The Government of Kosovo.

¹⁹⁷ Visa Liberalization Roadmap for Kosovo was handed by European Commission on July 2013.

Border Control in order to enhance effectiveness and foster cooperation¹⁹⁸. Following the same lines, the Government has attributed a significant attention to the development of inter-border cooperation as well. The most remarkable examples are the implementation of IBM with Albania, Macedonia and Montenegro. While on the other hand, the implementation of IBM in crossing borders with Serbia has still been under the EULEX control and includes little or no control at all by Kosovo Police¹⁹⁹.

Nevertheless, the IBM strategy is set out based on the model of other Western Balkan countries, which lacks the main provisions and regulations of the Schengen Border Code, the Schengen Catalogue, and the Council Conclusions²⁰⁰. Namely, IBM's three key elements such as border control, crime prevention, and the implementation of the four-tier access control model are missing.

Management of migration flows

The UNMIK Regulation on Movement of Persons in and out of Kosovo entered into force in 2005, which included and regulated the movement of refugees and their status²⁰¹. Yet, Kosovo Police Service (KPS)²⁰² had very little control on the movement of people in and out of Kosovo. Until the declaration of independence in 2008, Kosovo lacked the specific strategies and principles towards migration flows. Nevertheless, the presence of International Organization for Migration (IOM) since 1999, with the consistent mission of UNMIK, has constantly focused on creating an environment conducive to successful and sustainable returns, as well as a range of capacity building mechanisms²⁰³. In particular, some of the core projects and activities have been coordinated and in accordance with the EU *acquis* and principles such as: EU-Return and Reintegration in Kosovo, EU-Beautiful Kosovo, as well as EU-Community Stabilization Programme²⁰⁴.

The declaration of independence in 2008 has not completely changed the situation regarding the free movement of people even within the territory of Kosovo. As the European Commission

¹⁹⁸Vrajolli, Mentor, 2012. *Assessing the implementation of Public Order and Security Policies in the Context of Kosovo Visa Liberalization Process*. Kosovar Center for Security Studies (KCSS).

¹⁹⁹ MBROJTESI (Defender), Volume IV – No 2, Kosovo Police. Official Kosovo Police Magazine, May 2008.

²⁰⁰European Commission Progress Report for Kosovo 2013.

²⁰¹European Commission Progress Report for Kosovo 2005.

²⁰² The Kosovo Police Service (KPS) was established by September 1999, as a start of building security sector institutions and capacities in Kosovo. With the declaration of independence in 2008, the KPS changes its role, creates new structure, as well as modifies its name into the Kosovo Police (KP) (KCSS 2010: 24). Therefore, the period after 2009 refers to KPS as only Kosovo Police (KP).

²⁰³International Organization on Migration Strategy 1999.

²⁰⁴<http://www.iomkosovo.org/PROJECTS.html>

launched the beginning of intensive readmission²⁰⁵ talks with WB countries in 2003, the Kosovo's Readmission Policy was adopted by the Kosovo Government only in 2007. The document mainly addressed the procedures for the readmission of a number of illegally citizens of Kosovo living in the EU countries, as well as the reassured assistance and solution to the forced returnees in Kosovo. With the declaration of independence, all the responsibilities and other modalities for the readmission process have been addressed to the Ministry of Internal Affairs. Consequently, by 2013, the Kosovo institutions signed 21 readmission agreements and are in the process of ratifying another nine of them with different countries of the EU.

Furthermore, a significant process has also been made in the adoption of specific laws by the Assembly of Kosovo in relation to returns and readmission process. In particular, in 2008, the Assembly of Kosovo adopted the Law on granting work and employment permits for foreigners as well as in the implementation of legislation regarding the issuance of ID cards for foreigners. Within the same lines, in September 2008 Kosovo adopted also a strategy and action plan on migration²⁰⁶. Later on, the Assembly of Kosovo also adopted the Law on Foreigners on July 2013, which regulates the entry, the departure as well as the duration of the stay in the territory of Kosovo²⁰⁷. What needs to be emphasized is that the overall adoption and implementation process has been structured in accordance and under the auspices of EU.

Yet, the issue of returned persons has remained with little or no progress at all. There has been no specific body in supervising the implementation of Kosovo's reintegration policy, which would reassure the management of the readmission process as well as the process of verifying the identity of people originating from Kosovo.

Visa and asylum regime

The idea of visa liberalization process was initially introduced to the Western Balkans (WB) countries at the Thessaloniki Summit in 2003. The EU Council introduced a list of procedures and structures that countries needed to follow in order to benefit from the visa liberalization process. It was all left upon and depended on countries' willingness and capability to implement the given principles and standards, mainly in the areas of rule of law and security²⁰⁸.

When all Western Balkan countries entered into the first phases of visa liberalization process in 2007 and signed the Visa Facilitation and Readmission Agreement, Kosovo continued to be left

²⁰⁵ Return and Readmission agreements mainly cover the issues regarding the returns, detention and re-entry, as well as transparent and common rules from all WB countries.

²⁰⁶ European Commission Progress Report for Kosovo 2009.

²⁰⁷ Law on Foreigner 2013, Kosovo Assembly.

²⁰⁸ Thessaloniki Agenda, European Council, 2003.

[http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/76201.pdf]

out of the circle. In mid-2008, some of Kosovo's neighboring countries were issued a Visa Liberalization Roadmap which outlined the criteria categorized into several blocks: improving Document Security, developing conditions for an Integrated Border Management, advancing institutional efforts in combating organized crime, corruption, and terrorism titled Public Order and Security, as well as improving issues dealing with Freedom of Movement²⁰⁹.

As the majority of WB countries concluded their process while some other were given additional years in readdressing their concerns, Kosovo still lacked the green light from the European Commission to even start the initial process. Therefore, due to the complexity of its political status as well as the lack of recognition of some EU member states, the Government of Kosovo decided to launch a self-devised 'visa liberalization roadmap' as if it was part of EU visa liberalization. The Kosovo roadmap followed exactly the same structure and procedures as other countries in the region where entailed to fulfill. The first step included the introduction of the 'Action Plan'²¹⁰ that resulted in the adoption of several significant government policies and principles in the area of public order and security such as security documents, integrated border management, as well as principles related to the freedom of movement²¹¹.

Consequently, after series of implemented reforms and followed procedures, the European Commission launched an official dialogue on visa liberalization with Kosovo in January 2012, while the Visa Liberalization Roadmap was handed in June 2012. Similar to other countries, Kosovo has to fully implement and adopt the principles set out in the roadmap in line with EU auspices. The first official meeting between the Kosovo and EU officials was held some months later, specifying the need for a comprehensive report on Kosovo's overall situation which was delivered and discussed in the following months of the same year²¹². The current document that the Kosovo Government received from the European Commission presents the reassessment of Kosovo's progress in fulfilling the set requirements on the visa liberalization process. Among the three most significant components, the impact of security in the visa liberalization process got mostly emphasized and evaluated. Indeed, what mostly needs to be emphasized is the fact that despite the lack of disapproval of some EU member states on the Kosovo's status, the visa liberalization process and other procedures towards European integration have been completed.

On the other hand, the granting of visa free regime to the WB countries triggered the massive flow of migrants and asylum seekers to the EU member states. Given the pressure of EU in assessing the implementation of Visa roadmap as well as the lack of law on asylum in Kosovo, the case of Kosovo will be subject to lessons learnt from the experience of other WB countries.

²⁰⁹Vrajolli, Mentor, 2012. *Assessing the implementation of Public Order and Security Policies in the Context of Kosovo Visa Liberalization Process*. Kosovar Center for Security Studies (KCSS).

²¹⁰ 'Action Plan for the Implementation of Kosovo Government Roadmap on Visa Liberalization with the European Union'

²¹¹Kosovar Centre for Security Studies. *The EU visa Liberalization Process in Western Balkans: A comparative Assessment*. September, 2013. Prishtine

²¹²European Commission Progress Report for Kosovo 2013.

In particular, according to Frontex (2013), the number of Kosovoars travelling illegally to EU member states as well as the number of asylum seekers has increased considerably in the recent years²¹³. This would negatively impact the overall process of visa liberalization as well as triggers more rigorous standard on Kosovo's implementation of roadmap benchmarks set by EC.

Conclusions

Over the last decade, the international community has invested considerable resources in reconstruction and peace-keeping in Kosovo. Due to the political developments in Kosovo, the presence and contribution of international community has been divided upon two major phases: the first period covers 1999-2007 years; whereas the second period includes the developments in the post-independence years (2008-2013). Therefore, the role and involvement of European Union in Kosovo is also shaped and reflected upon these two major phase-divisions. During the 1999-2007 period, Kosovo received the 3.5 billion Euros from donors, two third of which came from the European Commission and other EU member states. The post-independence period of 2009-2011 covers 508 million Euros from the European Commission. In general, Kosovo is simply considered the 'biggest recipient per capita of EU assistance in the whole world'.

Nevertheless, in the pre-independence period (1999-2007), EU had little or no involvement at all in the security sector development in Kosovo. With the declaration of independence in 2008 and the establishment of the European Rule of Law Mission in Kosovo (EULEX), the involvement and role of EU deepened in the rule of law sector.

Despite significant EU assistance and cooperation with local authorities, the progress in improving the rule of law and the developments in fighting corruption and organized crime remain considerably low. Although EULEX proved to face less challenges in overseeing and providing assistance to the security sector such as: Police, Judiciary, and Customs; the fight against corruption and organized crime remain the biggest enemies to Kosovo. As EULEX has failed to provide successful capacities in the justice sector in particular, this might lead to the strongest reason why citizens have lost faith and confidence in the mission. This reflects the perception of citizens in the last survey conducted by KCSS, where only 33% of the respondents were satisfied with the work of EULEX.²¹⁴

²¹³Kosovar Centre for Security Studies.*The EU visa Liberalization Process in Western Balkans: A comparative Assessment*. September, 2013. Prishtine

²¹⁴Kosovar Centre for Security Studies.*Kosovo Security Barometer - Second Edition*. May, 2013. Prishtine

Challenges of Europeanization of Security Sector - the case of Macedonia

Magdalena Lembovska*

Introduction

The vision of adopting the European values, norms and democratic policing was born by the time Macedonia proclaimed its independence, in 1991. After peaceful departure from Yugoslavia, the country clearly showed its orientation in establishing parliamentary democracy, introducing free market economy and fostering efficient and accountable state institutions that will be in service of the citizens. Hence it was the case with the security sector including the police which had to be transformed from state police type (which served exclusively the state) into police service type (bringing the institution closer to the communities).

In 1992 Macedonia sent its first representative to Brussels. Yet full diplomatic relations with the European Union (EU) were established in 1995 while some relevant agreements²¹⁵ were signed with the (back then) European Community. However, in the first decade of independence, the country focused most of its efforts into the privatization process and building up the legal and institutional framework. However, more substantial efforts for reforming the security sector occurred in the early 2000s, when the country formally started the process of integration to the European Union.²¹⁶ The armed conflict in Macedonia in 2001 resulted in the peace agreement known as the Ohrid Framework Agreement (OFA). This power sharing agreement implied the need for the reform in the overall public sector including changes within the security sector.²¹⁷

The Ohrid Framework Agreement itself provided clear mandate, or more precisely, invited the international actors to facilitate, monitor and assist the implementation of its provisions. Even more, it invited the EU along with the Stabilization and Association Council to become a coordinator of those efforts.²¹⁸ Contacting parties of OFA gave special account to EU, OSCE and United States to assist in the reform of the police, inviting them²¹⁹ to increase training and

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²¹⁵Such as agreements for cooperation, transport, trade and textile etc.

²¹⁶ A Stabilization and association agreement (SAA) was signed in 2001 as a first non-EU country to sign the SAA. The SAA was signed on 9 April 2001, ratified by the Macedonian Parliament on 12 April 2001 and come into force on 1 April 2004 after being ratified by all member states.

²¹⁷ The armed conflict happened in 2001 between the National Liberation Army and Macedonian security forces. The Ohrid Framework Agreement was signed on 13 August 2001 and represents the groundwork for improving the rights of ethnic minorities. Leading principle is equitable representation of communities in all local and central bodies and at all levels.

²¹⁸Ohrid Framework Agreement, Annex C: Implementation and confidence building measures

²¹⁹*Ibid*

assistance programs for police as well as to send an expert team to develop the framework for police reforms. Since then, many international actors have been supporting the process of reforming the security sector both at strategic and operational level, including the European Union, the Organization for Security and Cooperation (OSCE), Council of Europe and the Regional Cooperation Council (RCC) as successor of the Stability Pact for South Eastern Europe.

This paper examines the support to the national authorities that was provided by the international actors and the challenges that occurred in five areas: rule of law, police reform, effective border control, management of migration flows and visa and asylum regime. It highlights the main challenges that occurred in the process of transformation of the Macedonian police towards Europeanization, having in mind that this is an ongoing and long-term process.

The paper relies on content and textual analysis of relevant legislation, progress reports on the county issued by the European Commission, reports from other organizations as well as studies by other authors. In addition, it utilizes the data gathered through the monitoring of the security sector reform that Analytica has been conducting since 2009. The aim is to provide an overview of the most significant moments relevant for the topic and to link the context analysis with the recent developments in the field.

Europeanisation of the Rule of law

Rule of law is one of the fundamental prerequisites for the countries aiming to join the EU. Predominant impetus and successful mechanism for making progress in the area of rule of law is conditionality. It is more than clear that Macedonia have to meet the Copenhagen political criteria if it wants to progress toward the European integration, including establishing stable institutions, reforming the judicial system, public administration, fight against corruption and organized crime as well as respect of human rights and rights of the minorities.

Macedonia was provided support by the international community in all key elements important for the rule of law. The support provided to the national authorities by the international donors was usually coming in the form of expertise, training for police officers and providing necessary equipment. Table 1 shows the major international donors systematically divided according the field they supported. When it comes to the funding, the EU efforts have been covered by the Community Assistance for Reconstruction, Development and Stabilization (CARDS) program 2001-2006 which in 2007 has been substituted with the Instrument for Pre-Accession (IPA), while the European Agency for Reconstruction (EAR)²²⁰ was in charge of implementation.

²²⁰ EAR is an independent agency of the European Union

Starting from 2004 when the Ministry of Justice prepared a Strategy on the Reform of the Judicial System, the judicial branch has seen significant reformation at all levels and includes reforming the court system and public prosecution. Although “the key long-term reforms in this area have therefore already been completed...in line with European standards”,²²¹ the main challenges seem to be providing independence of the law enforcement system and general quality of justice.²²² Thus being said, the European Commission is mainly concerned about claims for selective justice, indirect political pressure and career structure of judges.

In 2009 the European Commission assessed that Macedonia has made satisfactory progress in meeting the Copenhagen criteria and recommended starting accession negotiations. Unfortunately, the Council of the European Union did not adopt such decision. Since 2009, same scenario applies every year, mainly due to the Greek objections related with the name dispute between Macedonia and Greece. Challenged by the blockade in the Macedonian accession process, the European Commission launched in March 2012 a High-Level Accession Dialogue (HLAD) with an aim to serve as catalyst of the reforms for EU integration. This HLAD has five areas in its focus: protecting freedom of expression in the media, strengthening the rule of law and fundamental rights, reforming public administration, electoral reform and developing the market economy. However, it should be noted that HLAD is not substitution of the accession talks, but a temporary solution that should keep the reform process high on the agenda.

International Actors Involved									
Police Reform (Strategic)	European Commission (ECJHAT, ECRP twining project)	EAR	OSCE	ICITAP					
Police Development (Operational)	EUPOL Proxima and EUPAT	OSCE	French Embassy	UK Embassy (REFLEX and DFID)	ICITAP	Dutch Embassy			
Border Police	EUPOL Proxima and EUPAT	EAR	OSCE	Stability Pact for South-Easter Europe					
Organized Crime	European Commission (ECJHAT, ECRP twining project)	EAR	EUPOL Proxima and EUPAT	Stability Pact for South-Easter Europe	OSCE	Council of Europe	IOM	USAID	UK Embassy (Reflex)

Table 1 Major international efforts in police transformation in Macedonia²²³

²²¹ EU Commission Progress Report on Macedonia for 2013

²²² Ibid.

²²³The table was originally created by Isabelle Ioannides and could be found in:Ioannides I. 2007 Police Missions in Macedonia.In: Emerson M. and Gross E. eds. Evaluating the EU’s crises mission in the Balkans, Center for European Policy Studies, Brussels Please note that the contracted local and international non-governmental organizations are excluded from the compilation.

Police Reform

International efforts in Macedonia aimed at reforming the police sector had a lot to do with implementing the model of community policing which was originally intended to bring closer the values of democratic policing to Macedonia's police. Foreign donors assisted the national authorities in establishing police that was supposed to be transparent and accountable to the democratic institutions and work in partnership with the citizens.

Some of the benchmarks for reforming the Macedonian police have progressed further in line with the Ohrid Framework Agreement (OFA), primarily referring to achieving equitable representation of the minorities in the police and selection of the heads of the police in local municipalities. Following the OFA, local heads of police are selected by municipal councils based on the list of candidates proposed by the Ministry of Interior (MoI).²²⁴ It also envisaged that by 2004, the police services would reflect the ethnic composition and distribution of the population, so many of the efforts by the national authorities and the international community were focused in that direction.

Following the signature of OFA and in line with the necessity to support stability and confidence-building in a post conflict context, the European Council launched the civilian mission EUPOL Proxima in December 2003, as a substitution for the military mission Concordia.²²⁵ The name Proxima was chosen as a symbol of the idea of police proximity to the citizens. Initially envisaged for one year, the mission was prolonged for another one, ending in December 2005. It was primarily established as a stabilization mission and not a mission tasked to work on MoI's reforms. However, given the fact that around two hundred EU police and civilian experts were mentoring, monitoring and advising domestic officers on a daily bases and at operational level, they were also sharing know-how of EU's policing standards and in that way supported the Europeanization of the Macedonian police. This mission had five program areas in its focus²²⁶:

The consolidation of law and order, including the fight against organized crime, focusing on sensitive areas;

- Practical implementation of the comprehensive reform of the MoI, including police;
- Creation of border police, promoting integrated border management;
- Local police, building confidence within population;
- Enhanced co-operation with neighboring states in the field of policing.

²²⁴Ohrid Framework Agreement, Annex B: Legislative changes, section 4:Laws Pertaining to Police Located in the Municipalities

²²⁵ Concordia was military mission launched by the European Union with an aim to contribute for stabilization of the country after the 2001 conflict. Mission duration: 31 March – 15 December 2003.

²²⁶Proxima brochure, <http://www.consilium.europa.eu/uedocs/cmsUpload/ProximaBrochure.pdf>

Direct support for drafting the police reform strategy in Macedonia came from the European Commission's Justice and Home Affairs Mission to Macedonia (ECJHAT). With the purpose to help national authorities to develop strategies for reforming the sensitive part of the state apparatus, experts from the EU were directly involved in a working group situated at the Ministry of Interior tasked to prescribe the reformation of the police. The ECJHAT Mission lasted for 18 months and the EU experts, accompanied with domestic representatives. The efforts ended up with a National Police Reform Strategy, adopted by the Macedonian Government in August 2003 and an Action Plan for its implementation, adopted in December 2004.

Macedonian police was highly centralized organization before starting the reform and needed to transfer more powers to the municipalities, but also to decentralize the decision making and accountability. In fact, this is very difficult to achieve, because besides formally legal changes it imposes change of the mindset of the police officers. The Working Group of ECJHAT itself admits that "it is easier to build up a new organization out of nothing, than to re-organize totally an organization that is already doing business."²²⁷

When the mandate of ECJHAT came to the end in 2004, a new supportive instrument began. Namely, the European Commission developed a Police Reform Project (ECPRP) aiming to guide the implementation of the police reform process in the MoI and its partner institutions.²²⁸ In addition, Proxima was also replaced by another mechanism – European Union Police Advisory Team (EUPAT). A reason for change of the approach was the concern Government had that presence of police mission sends message that the country needs help for "crisis management".²²⁹ Therefore, the EUPAT was smaller by its nature but still represented as a solution that would continue the support for reforming the police apparatus.²³⁰

The progress report issued by the European Commission could be seen as a tool for inducing change. European Commission's 2006 annual document assessing Macedonia's progress towards EU membership highlighted many challenges in the implementation of the police reforms. The Ministry of Interior and the Police was not restructured altogether in line with the Strategy from 2003. The necessary legislation, including primary and secondary legal acts, was not adopted in time, which "impeded the decentralization of the police and the creation of a new appointment system for police chiefs".²³¹ The Law on Police brought structural and organizational changes including: reorganization and clearer assignment of competences in the MoI, implementation of an integrated border management strategy and decentralization of the police (reducing the 12 regional offices that existed in that time to 8 and creating a new system for appointing local

²²⁷ Police reform documents, European Agency for Reconstruction 2005

²²⁸ Ioannides I. 2007 Police Missions in Macedonia. In: Emerson M. and Gross E. eds. *Evaluating the EU's crises mission in the Balkans*, Center for European Policy Studies, Brussels, pp 81-120

²²⁹ International Crisis Group, *Macedonia: wobbling towards the EU*, Europe Briefing No.41 from 12 January 2006

²³⁰ Ibid.

²³¹ European Commission Progress Report on Macedonia for 2006

police station commanders). However, the Law entered into force in November 2007, following lack of management of the available resources and inadequate budgetary training.²³²

One of the factors hampering the implementation of the reform over the years is the politicization of the public administration, which is noted in almost each report by the EU and especially in 2007 when the EC noted large-scale dismissals of officials following the change of government.²³³ Special concern in 2008 was the politicization of senior police officers.

Some progress was noted in 2010, 2011, and 2012²³⁴, mainly connected with the adoption of new legislation²³⁵ and the ongoing implementation of the Act of Systematization within MoI, which as an internal document of the ministry. However, the European Commission noted lack of human resources which put the implementation of this Act of Systematization under a question mark. The progress report from 2012 highlighted the need for continued training, professionalism and de-politicization of police personnel as well as the necessity of an independent oversight mechanism for law enforcement agencies that will combat impunity and ensure accountability in the policing services.²³⁶

The police reform (among many other things) put an emphasis on accountability and respect of the legal provisions stemming from the Law on Police. The proposal for police reform developed by the Working Group of the ECJHAT, included recommendation that Professional Standards unit should be established in a way that would be directly reporting to the Minister of Interior in line with the need for permanent unfiltered information is available to the Minister.²³⁷ Nevertheless, the most recent progress report from 2013 repeats the necessity for an independent and robust oversight for the police. In addition, it puts an emphasis on the recruitment policy, underlining the need for professionalization of human resources and a rigorously merit-based employment.

In addition, some of the demands on the domestic authorities imposed by the international actors were seen as contradictory. For instance, it was expected that the number of minority members in the police force would be increased but in the same time, the reforms sought to reduce the overall number of police officers to bring the proportion to the population in line with the European standards.²³⁸

²³² European Commission Progress Report on Macedonia for 2007

²³³ Ibid,

²³⁴ Ibid 2010,2011 and 2012

²³⁵ The law on internal affairs, aiming to ensure professionalism and de-politicization of officials within MoI

²³⁶ European Commission Progress Report on Macedonia for 2012

²³⁷ Police reform documents, European Agency of Reconstruction, Skopje 2005

²³⁸ Bieber, Florian Policing the Peace after Yugoslavia: Police Reform between External Imposition and Domestic Reform, GRIPS Policy Research center, 2010

Politicization is one of the factors that is hampering the police reform implementation. Politicization is noted in each progress report on the country by the European Commission and in such circumstances, it is difficult to achieve establishing police that as the trust of the citizens and is seen as their protector, and not a tool in the hands of the political elites.

Effective Border Control

The border security was firstly matter of military control as the Macedonian Army or more precisely, the Border Brigade, was in charge of securing the external borders under military chain of command. First step towards establishing modern border control was the transfer of the competence for border security from the Army of the Republic to the Ministry of Interior.

The 2003 National Strategy for Police Reform developed with the support of the ECJHAT Mission, prescribed number of reforms for the purpose of achieving more effective border control. The security sector reform introduced the Integrated Border Management (IBM), in order a comprehensive and efficient control of the border to be established. Macedonian Government adopted a National Strategy for Integrated Border Management in March 2003 followed by an Action Plan. Within, integrated border management, is defined with the meaning that “all authorities involved shall render each other Administrative assistance, a legal principle, according to which any authority may ask for administrative assistance of another if, for reasons or fact of law, it is unable to perform a legal obligation”.²³⁹ This means that for successful IBM, close cooperation between the involved state institutions is of paramount importance.

The National Strategy for Integrated Border Management was developed by an inter-ministerial Working Group with support from EU member-states experts, within the Integrated Border Management Project financed under CARDS and managed by the European Agency for Reconstruction. While drafting the strategy, the Working Group was taking into account the comparative experiences and best practices from other member states and candidate countries of the EU as well as the recommendations given in the Schengen Catalogue of best practices.²⁴⁰ This National Strategy envisaged the following changes:

Withdrawal of the Army from border management by 31 December 2005;

Creation of a new National Border Police Service, under the MoI, as the country’s principle border management agency, to take over responsibility for policing of the national borders by 31 December 2005;

²³⁹ National Strategy for Integrated Border Management

²⁴⁰ Police reform documents, European Agency for Reconstruction 2005

Creation of a National Border Management Coordination Mechanism, managed by the Border Police Service in cooperation with all other national border management agencies with the aim of achieving cooperation, coordination, mutual support and information sharing between these agencies.²⁴¹

The transfer began in May 2004 and was completed in August 2005. This transformation included transfer of MoD staff to the MoI and training of the new Border Police personnel, which was supported and monitored by both OSCE and Proxima mission. This meant establishing a completely new unit within MoI as Border Security Service that was provided training support by OSCE, especially in order to replace the military approach with civilian. This new Border police Service also absorbed the responsibilities of the unit within the Ministry of Interior - Sector for Border Crossings. The EU urged for additional training preceded by an in-depth assessment of the training needs.²⁴²

The EC police mission Proxima in Macedonia had a lot to do with the border management. It had a clear mandate to support (through monitoring, mentoring and advising) appropriate operational transition and the creation of a border police, as a part of the wider EU effort to promote integrated border management. The EU experts were directly involved in the implementation of the National Strategy for Integrated Border Management, having EU border police officers deployed at the border crossing points and the international airports.

Through the mechanism of progress reports, the country was being encouraged by the European Commission to implement the legal provisions into practice, to improve the cooperation between the various authorities involved in border management as well as to raise the level of human resources and administrative capacities. One noticeable challenge in the period of implementation of the strategy was the use of new technologies in the data communication network. During this process it was struggling with the data communication network for the border crossing points to become operational over the years but finally succeeded. Meanwhile, Macedonia consolidated the legal framework, signed protocols for establishment of joint contact centers for police cooperation with Serbia, Kosovo and Albania and is implementing protocols on joint border patrols with Bulgaria, Kosovo and Albania. At the same time, a good cooperation with Frontex²⁴³ is maintained, especially when it comes to joint operations, training and risk analysis.²⁴⁴

In 2009, the Government adopted a National Strategy for developing the existing system of integrated border management.²⁴⁵ The objectives include improving the legal framework,

²⁴¹ Ibid.

²⁴² Analytical Report of the European Commission for the Opinion on the application from Macedonia for EU membership 2005

²⁴³ Frontex is European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, established by Council Regulation (EC) 2007/2004.

²⁴⁴ European Commission progress report on Macedonia for 2013

²⁴⁵ The Strategy was adopted on the 150th Government session held on 29.12.2009

improving the cooperation among national institutions, reconstructing the border crossing points, international cooperation etc.

Overall, the effective border control has been gradually consolidated over the years and praises are especially coming during the last few years (2009-2013). Further efforts that need to be undertaken are mainly connected with completing the human resource capacities, budgetary management and technical equipment.²⁴⁶ These are especially lacking when it comes to the functioning of the inland mobile unit set up at central level as well as the newly established National Coordination Center for border management, an inter-agency body which includes a national Advisory Body for Integrated Border Management, responsible for monitoring and implementation of the IBM strategy and action plan.

Management of migration flows

There are two ways to examine the migration flow management by the country. The first one is to look how Macedonia is dealing with the migrants on its own territory coming from abroad, and the second one is to see how the country handles the increasing trend of Macedonian citizens emigrating, especially after introducing the visa liberalization with the EU.

If one compares the EU Commission progress reports on Macedonia, specifically Chapter 24 in the part where is focusing on migration, one may notice that the highest assessment grade was given in 2006 when the EU Commission reported significant progress in the area. At that time, promising move had been made – a new Law on Foreigners was adopted, the Government adopted Strategy for combating illegal migration and trafficking of human beings, together with an action plan. The agreement on the status and activities of the Migration, Asylum and Refugees Regional Initiative was ratified. Subject of ratification were also six readmission agreements.²⁴⁷ As EU Commission noted, the new legislation was in largely in line with the *acquis*, but enforcement capacity needed to be strengthened.

In 2007, the European Commission noted that the country failed to implement the legislation adopted in 2006. Macedonia was not prepared in terms of human resources and equipment and this is noted also in the further reports of the EU Commission. In 2008, the readmission agreement with the European Community entered into force. At the end of 2008, Albania, Bosnia and Herzegovina, Croatia, Montenegro, Macedonia and Serbia signed memorandum of understanding on setting up a system for sharing statistical data on illegal migration and participating in the regional system of advance notification. The Government adopted an action plan for the implementation of refugees and foreigners 2008-2015 and also an action plan. In

²⁴⁶ European Commission progress report on Macedonia for 2012

²⁴⁷ With Belgium, the Netherlands, Luxembourg, Spain, Poland and Austria

2010, the Government adopted programs for integration of readmitted persons and created a center for its purpose. Ministry of Labour and Social Policy continues to lack sufficient human and budgetary resources.²⁴⁸ The last progress report, for 2012, notices little progress in the field. Establishment of the database for foreigners, covering asylum, migration and visas advances slowly and is still in testing phase. The EU noted increased number of irregular migrants and insufficient strategic capacity to cope with that. A readmission agreement with Serbia entered into force and another one was signed with Montenegro.

Because of its geo-political positioning in the heart of the Balkans, Macedonia is vulnerable to illegal migration, especially for migrants coming from Asia and Africa aiming to reach the countries of Western Europe. In fact, this is the so-called Balkan route where migrants cross the Greek-Turkish border, continue towards Macedonia, Serbia, Croatia and look for the fastest way to enter the Schengen zone (Hungary or Slovenia).²⁴⁹ According to the Frontex risk analysis for 2013, most of the illegal migrants are trying to cross the border hiding in vehicles, while the top border section is Macedonia-Serbia. The authorities from both sides of the border in 2012 detected 25% more persons than in 2011. But if we match that data with the ones saying that Western Balkans countries and neighborhood detected 87% more persons aiming for clandestine entry,²⁵⁰ it is obvious that there is a necessity to increase the capacities of the Macedonian border police for illegal migration detection.

For combating illegal migration, a regional approach is of paramount importance. Skopje, the capital of Macedonia, is hosting the Regional Center of the Migration, Asylum, and Refugees Regional Initiative (MARRI)²⁵¹. The initiative was formed in 2003 within the Stability Pact for SEE and since 2004 is under regional ownership. MARRI's general view is that migration is not well addressed on national level.²⁵² This regional initiative has cooperation and is supported by many international donors, including the European Commission (IPA funds) and the Regional Cooperation Council.

Visa and asylum regime

Establishing a modern visa regime, that fully complies with the European standards has been one of the priorities of the Macedonian authorities and an area where visible results have been achieved. An incentive for that represents the commitment by the EU member states for lifting the visa requirements for the Macedonian citizens to enter the Schengen zone i.e. the visa liberalization regime.

²⁴⁸ European Commission Progress Report on Macedonia for 2010

²⁴⁹ Frontex Risk Assessment for 2013

²⁵⁰ Frontex Risk Analysis 2013

²⁵¹ Participating countries: Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Serbia

²⁵² Petronijevic V. ed 2007 *Migration Flows in South East Europe, a Compendium of National Perspectives*, Belgrade

The first affirmative message by the EU was sent at the Thessaloniki summit in 2003, where the EU acknowledged the importance and the necessity of the Western Balkans countries focusing their efforts on the liberalization of the visa regime.²⁵³ Since then, Macedonian authorities were working hard to adopt legislation in compliance with the EU *acquis*, introduced biometric passports according to the international standards, established integrated border management and started abolishing visa requirements for the new EU – member states.

A significant step further was made in 2007 when Macedonia and EU signed Visa Facilitation Agreement, introducing simplification of the visa procedures for specific categories of applicants, including students, sportsman, cultural workers, CSOs etc. The Agreement came into force in 2008 together with a Readmission agreement between Macedonia and EU. As a next step, the EU launched a visa liberalization dialogue in 2008 with a Roadmap setting benchmarks as requirements for reforms to be implemented in key areas. Besides benchmarks addressing issues like document security, illegal migration, asylum and fundamental rights items linked to the movement of persons, this tailored Roadmap was also setting specific requirements regarding public order and security, external relations and fight against organized crime and corruption. Serbia and Montenegro, also signed the visa liberalization dialogue in the same time, but Macedonia was recognized as a frontrunner in the process and country that is the most advanced in the area. In fact, Macedonia did receive a Roadmap with demands higher than those of other countries in the region as it was already more advanced than the others.²⁵⁴

EC provided financial and technical assistance to support for implementation of the Roadmap, also monitored the process and formed three field evaluating missions. Macedonian authorities showed strong commitment and fulfilled the benchmarks, although with limited human and budgetary resources.²⁵⁵ Those efforts were paid off in December 2009, when Macedonia, Montenegro and Serbia were granted visa-free travel to the Schengen area, meaning that they were transferred from the “Black list” to the “White list”. This is an important decision for at least two reasons: 1) It is a confirmation that the country has established a modern visa regime that fully complies with the international standards 2) It fueled the trust in EU among the Macedonian citizens who felt welcomed in the EU. Additionally, it was an encouraging message that all the efforts invested in meeting the strict EU criteria are worthwhile. The visa liberalization was followed by a monitoring mechanism established by the EU, assessing whether the reforms introduced with the Roadmap are being implemented.

When it comes to asylum, it seems that the country is constantly struggling to establish an asylum regime that would fully comply with EU *acquis* and international standards. Indeed, there were significant efforts to improve the legislative framework, including guaranteeing free

²⁵³Declaration of the EU-Western Balkans Summit

²⁵⁴Kotevska B. 2009 *Ending “Ghettoisation” of the Western Balkans – Visa Liberalization Prospects* Analytica think tank Skopje

²⁵⁵ This assessment is made in the EU progress report for 2009

legal assistance to the asylum seekers, access to public health system and improving the access to information about asylum procedures and social rights, but the real implementation is lagging behind. Screening through the progress reports issued by the European Commission, this area is assessed as making limited or some progress throughout the years. The asylum procedure is still slow and unsatisfactory,²⁵⁶ although the legal framework is in place.

There is an impression that this issue is not at the top of the priorities for the Macedonian authorities as it is not a hot topic for discussion. Looks like there are several moves for improvement undertaken just because of EU conditionality, but there is no significant political will for implementation.

A reason for that may be the limited and inadequate administrative capacities as well as the fact that its implementation entails financial consequences for the country. There is a sharp increase in the asylum applications – 740 applications in 2011 compared with 180 people who asked for an asylum in Macedonia in 2010.²⁵⁷ The number of asylum applications continued to grow due to the political instability and developments in North Africa and the Middle East. The asylum seekers usually come from Afghanistan, Somalia, Pakistan, Tunisia etc. However, the rate of approved applications is very limited, especially when it comes to asylum seekers coming from these regions. Many of the asylum seekers are without possession of any documents for personal identification which has an impact on the length of the asylum procedure.²⁵⁸ The above stated arguments urge for putting additional attention on the issue.

Conclusion

This paper has given an account of the main international efforts in reforming Macedonian police towards its Europeanization. The finding presented above show that the country received generous support from multiple international donors, primarily the European Union through the Police Mission Proxima, the European Commission's Justice and Home Affairs Mission to Macedonia (ECJHAT), European Union Police Advisory Team deployed in Macedonia (EUPAT) and the European Commission Police Reform Project (ECPRP). In addition, significant support (financial, expert and technical) came from the OSCE, the Stability Pact for South-eastern Europe, Council of Europe etc.

The experts of the EU deployed in Macedonia along with the national authorities developed strategy for police reform having five areas in the focus: consolidation of law and order (including fight against organized crime), practical implementation of the comprehensive reform of the MoI (including police), creation of border police and promoting integrated border

²⁵⁶ European Commission Progress Report for 2012

²⁵⁷ Ibid,

²⁵⁸ For more information about the asylum system please see: Lembovska, M. 2013 *Analysis of national policies and practices for dealing with illegal migration and asylum seekers*, Analytica think tank, Skopje

management, local police and building confidence within population as well as enhanced co-operation with neighboring states in the field of policing.

Reforming police structures according to the international standards in Macedonia was not an easy task to do, bearing in mind that it is a post-conflict, multiethnic country without democratic tradition. Even having generous foreign support, several challenges occurred.

Transforming the police is a long-term process and depends a lot on domestic political will. International experts can bring the best practices from their countries, but they do not possess the local sense and local understandings. Even more, they can draft the best legislation and propose great organizational structures, but the national authorities are those who need to implement them and practice them on daily life, thus their political will and commitment should not be underestimated.

The fact that numerous international actors provided support for drafting and implementing the reforms in the security sector in Macedonia, means that the country was provided massive assistance and in many areas, including advising, monitoring, training, technical assistance and also supporting Civil Society projects. However, there was also lack of exchange of information which had led to programs and initiatives being duplicated.²⁵⁹ Sometimes, the international scene was seen as overcrowded, but also tensions between different actors were noted.²⁶⁰

Nevertheless, police organization is one of the organizations most reluctant to changes, especially taking in consideration the legacy from the past, high level of centralization and strict hierarchy. Moreover, the results of the implemented reforms cannot be expected to be immediately visible, but it needs time show the results. Reforming the Macedonian police is not a completed task, but an ongoing process that should result with modern, efficient, decentralized, accountable police that works in partnership with the citizens.

²⁵⁹Ioannides Isabelle. 2007 Police Missions in Macedonia. In: Emerson M. and Gross E. eds. *Evaluating the EU's crises mission in the Balkans*, Center for European Policy Studies, Brussels, pp 81-120

²⁶⁰ Ibid.

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