



**REPUBLIC OF MACEDONIA**

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**THE GOVERNMENT OF REPUBLIC OF MACEDONIA**

**NATIONAL STRATEGY FOR INTEGRATED  
BORDER MANAGEMENT**

- *Project realised by the Inter-ministerial group for managing the project integrated border management*
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INTRODUCTION .....	7
BORDER DESCRIPTION .....	10
2.1 HISTORY.....	10
2.2 NEIGHBORS.....	10
2.3 OFFICIAL BORDER CROSSINGS .....	11
2.4 GEOGRAPHY AND TOPOGRAPHY .....	11
2.5 BORDER ECONOMY.....	11
STRATEGIC CHALLENGES .....	13
3.1 Conventional military attack.....	13
3.2 Possibility for hostile individuals and groups to enter .....	13
3.3 INTERNAL CONFLICT .....	13
3.4 CRIME .....	14
LEGAL ISSUES – INTEGRATED BORDER MANAGEMENT.....	15
4.1 THE SCHENGEN CATALOGUE OF BEST PRACTICES .....	15
4.2 METHODOLOGY FOR CREATION OF THE LEGAL FRAMEWORK .....	16
4.3. VIOLATION OF HUMAN RIGHTS AND FREEDOMS.....	17
4.4 AIMS: .....	17
STATE COMMISSION FOR BORDER MANAGEMENT.....	18
5.1 Democratic supervision .....	18
5.2 Tasks and authorizations .....	18
NATIONAL BORDER POLICE SERVICE.....	20
6.1 BACKGROUND.....	20
6.2 OPERATIVE CONCEPT .....	21
6.3. NATIONAL BORDER MONITORING SYSTEM .....	22
6.4 NATIONAL BORDER MANAGEMENT COORDINATIVE CENTER.....	23
6.5 REGIONS OF BORDER POLICE (BASIC COMMAND UNIT) .....	23
6.6 CRIMINAL INVESTIGATIONS .....	24
6.7 RECRUITMENT .....	24
6.8 SELECTION.....	25
6.9 BORDER POLICE PERSONNEL TRAINING.....	25
6.10 STATEMENT ON THE BORDER POLICE MISSION .....	26
METHODOLOGY IN THE PROCESS OF UNDERTAKING.....	27
BORDER BRIGADE – BORDER POLICE .....	27
7.1 GENERAL .....	27
7.2 PLAN DEVELOPMENT .....	27
NATIONAL BORDER MANAGEMENT COORDINATIVE CENTER.....	29
8.1 AIM .....	29
8.2 TASK .....	29
8.3 MANAGEMENT.....	30
8.4 COMMAND, CONTROL AND COMMUNICATION .....	30
8.5 LIAISON OFFICERS FROM THE NEIGHBORING COUNTRIES.....	31
8.6 URGENT CASES PLANS AND PROCEDURES .....	31
BORDER ZONE AND COMPETENCIES OF THE BORDER POLICE.....	32
9.1 BORDER ZONE.....	32

DEFINING THE COMPETENCIES – BORDER POLICE AND CUSTOMS ADMINISTRATION .....	34
10.1 BACKGROUND .....	34
10.2 UNIQUE LEGAL FRAMEWORK .....	34
10.3 GOVERNMENTAL POLICY – ROLE AND COMPETENCIES .....	34
10.4 BORDER POLICE .....	34
10.5 CUSTOMS ADMINISTRATION .....	35
COORDINATION OF THE STRATEGIC OPERATIVE POLICY .....	37
12.2 REPORTING PROCEDURES .....	38
12.3 RISK ANALYSIS.....	38
12.4 NATIONAL BORDER MONITORING SYSTEM AS INFORMATICS SOLUTION.....	38
12.5 NATIONAL BORDER MONITORING SYSTEM .....	39
12.6 NATIONAL COORDINATIVE CENTER.....	39
CATEGORIZATION OF THE BORDER CROSSINGS .....	40
13.1 NEED OF PRIORITIES IN RESOURCES ALLOCATION .....	40
13.2 CURRENT SITUATION.....	40
13.3 CONCENTRATING RESOURCES ON SPECIFIC BORDER CROSSING POINTS.....	41
13.4 CATEGORIZATION OF THE BORDER CROSSING POINTS.....	41
COMPETENCIES AND PROCEDURES AT THE BORDER CROSSING POINTS .....	43
14.1 CURRENT SITUATION.....	43
14.2 ESTABLISHING PROCEDURES.....	43
14.3 ORGANIZATION OF THE BORDER CROSSING POINTS .....	45
14.4 CONTROL AND TRAFFIC FLOW .....	45
14.5 EQUIPMENT .....	46
CLOSED VIDEO SUPERVISION SYSTEM (CVSS).....	47
15.1 ESSENTIAL EQUIPMENT .....	47
15.2 INSTALLATION AND CONNECTION.....	47
15.3 DATA INPUT AND CONTROL .....	47
SEARCH OF COMMERCIAL AND OTHER VEHICLES .....	48
16.1 NEED OF SEARCH .....	48
16.2 AVOIDING IMPORT TAXES.....	48
16.3 ILLEGAL GOODS AND TRAFFICKING IN HUMAN BEINGS.....	49
16.4 NEED OF PROFILING, INTELLIGENCE AND PRO-ACTIVE INVESTIGATION.....	50
ILLEGAL MIGRATION, SMUGGLING AND TRAFFICKING IN HUMAN BEINGS.....	51
17.1 BACKGROUND .....	51
17.2 SMUGGLING WITH HUMAN BEINGS AND NEED OF CLEAR STRATEGY.....	51
17.3 THE ROLE OF THE BORDER POLICE .....	52
17.4 NEED OF EXCLUSION OF OTHER AGENCIES FROM THE PROCESS	53
18.1 BACKGROUND .....	54
18.2 PRIMATE OF THE CRIME POLICE .....	54
18.3 ROLE OF THE CUSTOM ADMINISTRATION.....	54
18.4 NEED OF COOPERATION OF THE POLICE AND THE CUSTOMS .....	55
18.4 TASKED MIXED TEAMS.....	55

18.6 PRECURSORS – DRUGS AND WEAPONS FOR MASS DESTRUCTIONS .....	56
RADIOACTIVE MATERIALS .....	57
19.1 DIRECTORATE FOR RADIATION PROTECTION .....	57
19.2 REGULATIVE RESPONSIBILITY .....	57
19.3 ENDANGERMENT .....	57
19.4 NATIONAL SECURITY WORKING GROUP – RADIO-ACTIVE MATERIALS.....	58
19.5 TRAINING .....	58
19.6 DISPOSED METAL.....	58
19.7 MEMORANDUM OF COOPERATION – DIRECTORATE FOR RADIATION PROTECTION AND THE CUSTOM ADMINISTRATION.....	59
19.8 GAMMA – SPECTROMETERS .....	59
REGULATION AND CONTROL OF HARMFUL AND DANGEROUS MATERIALS.....	60
20.1 REGULATION.....	60
20.2 NATIONAL COMMISSION FOR HEALTH, SECURITY AND ENVIRONMENT .....	60
20.3 THE MINISTRY OF ENVORNMENT AND SPACIAL PLANNING AS A TEMPORARY REGULATORY AUTHORITY .....	60
20.4 DIRECTIONS FOR BORDER CONTROL.....	61
INFECTIONS DISEASES CONTROL.....	62
21.1 RESPONSIBILITIES .....	62
21.2 URGENT CASES PROCEDURES AND PLANS.....	62
FHYTO SANITARY, VETERINARY AND FORESTRY INSPECTION.....	63
22.1 THE MINISTRY OF AGRICULTURE, FORESTRY AND WATER MANAGEMENT AND ITS ROLE IN THE BORDER MANAGEMENT .....	63
22.2 FHYTO SANITARY CONTROL .....	63
22.3 VETERINARY CONTROL .....	64
22.4 FORESTRY .....	64
INSPECTION ON THE FOOD SAFETY, PRODUCTS AND MATERIALS COMING IN CONTACT WITH THE FOOD .....	66
23.1 DIRECTORATE FOR FOOD .....	66
PROCEDURES FOR "THE GREEN BORDER - .....	67
CUSTOM ADMINISTRATION AND THE BORDER POLICE.....	67
24.1 DETECTION OF CUSTOM VIOLATION AND CRIMINAL ACTS IN THE ARE OF THE CUSTOM WORK AT THE GREEN BORDER.....	67
24.2 COORDINATION BETWEEN THE BORDER POLICE AND THE CUSTOM.....	67
24.3 REPORTING AND NOTIFICATION .....	67
24.4 VALID OPERATIVE PROCEDURES.....	68
24.5 SUPPORT OF THE CUSTOM ADMINISTRATION BY THE BORDER POLICE.....	68
BORDER AREAS DEVELOPMENT.....	68
25.1 INSUFFICIENT COMMUNICATION CONNECTION AND BORDER AREAS DEVELOPMENT AS A REASON FOR CRIMINAL CROSS BORDER ACTIVITIES.....	68
25.2 MULTI-AGENCY APPROACH AND BORDER DEVELOPMENT STRATEGY.....	69
25.3 SUPPORT OF THE RURAL BORDER COMMUNITIES .....	70

AIRPORTS .....	70
26.1 BACKGROUND .....	70
26.2 COORDINATION OF MANAGEMENT .....	70
26.3 FACILITIES AND MEANS.....	70
26.4 IMMIGRATION SUPPORT .....	70
26.5 INTEGRATION .....	71
26.6 DANGER OF EXPLOSIVE DEVICES AND TERRORISM.....	71
LAKE CONTROL .....	72
27.1 ILLEGAL LAKE CROSSINGS .....	72
27.2 NEED OF INCREASING THE PRESENCE OF THE LAKE PATROLS ....	72
27.3 VESSELS OF THE LAKE PATROL.....	72
27.4 LAND RADAR CONTROL.....	73
27.5 MOBILE LAND PATROLS .....	73
27.6 INTEGRATED OPERATION.....	73
27.7 COOPERATION WITH THE AUTHORITIES IN REPUBLIC OF ALBANIA AND REPUBLIC OF GREECE.....	73
27.8 TRAINING .....	74
REGIONAL COOPERATION AND COORDINATION.....	74
28.1 GOVERNMENTAL POLICY.....	74
28.2 STRENGTHENING OF THE COOPERATION .....	75
28.3 COORDINATIVE MEETINGS AT THE BORDER CROSSING POINTS ..	75
28.4 COORDINATIVE MEETINGS (BILATERAL) OF THE REGIONAL COORDINATIVE CENTRES.....	75
28.5 REGIONAL (MULTILATERAL) COORDINATIVE MEETINGS .....	75
JOINT BORDER COMMISSIONS .....	76
29.1 POSITIVE BASIS .....	76
29.2 ESTABLISHING WORKING BODIES FOR CROSS BORDER COOPERATION .....	76
BORDER DATA MANAGEMENT SYSTEM (BDMS) .....	77
30.1 NEED OF A BORDER DATA MANAGEMENT SYSTEM.....	77
30.2 THE FUNCTION OF BORDER DATA MANAGEMENT SYSTEM BDMS .....	78
30.3 NEED OF REGISTRATION OF ENTRANCE AND EXIT .....	78
30.4 TRAINING .....	79
30.5 REGIONAL INTEGRATION.....	79
PASSPORT AND VISA REGIME .....	79
31.1 PASSPORT AND VISAS AS AN INTEGRAL PART OF THE BORDER MANAGEMENT.....	79
31.2 THE NEED OF PROFILING .....	79
31.3 CHANGES OF THE MACEDONIAN PASSPORT.....	80
31.4 VISAS AND COOPERATION BETWEEN THE CONSULAR SERVICES AND THE BORDER POLICE.....	80
31.5 TRAINING .....	81
31.6 VISA DATA BASE AS A USEFUL MEAN .....	81
31.7 DOCUMENT ARCHIVE .....	81
PROFILING.....	82
32.1 BORDER MANAGEMENT PROFILING.....	82
32.2 GOODS AND PARAMETERS DEVELOPMENT FOR PROFILING BY THE CUSTOMS.....	82
32.3 PROFILING IN CONTROL AND INSPECTION OF INDIVIDUALS .....	83

32.4 NEED OF DIRECT CONNECTION BETWEEN THE CONSULAR PERSONNEL AND THE VISA APPLICANTS .....	84
INTELLIGENCE.....	84
33.1 INTELLIGENCE, ANALYSIS AND INFORMATION SHARING.....	84
33.2 INVOLVEMENT AT LOCAL LEVEL .....	85
33.3 PROTECTED DATA BASE .....	85
33.4 LIAISON OFFICERS .....	85
33.5 CENTRAL LEVEL .....	85
33.6 DATA FLOW AS A MEASURE FOR EXCHANGE OF INFORMATION .....	86
RISK ANALYSIS.....	87
34.1 RISK ANALYSIS – OPTIMIZING THE RECOURSE AND OPERATION MANAGEMENT.....	87
34.2 NEED OF TRAINING .....	87
DATA PROTECTION.....	88
35.1 NEED OF DATA PROTECTION.....	88
35.2 LACK OF APPROPRIATE LEGAL REGULATIVE FOR DATA PROTECTION – OBSTACLE FOR EXCHANGE OF INFORMATION .....	89
35.3 MANAGING DATA BASES.....	89
35.4 CURRENT SITUATION.....	90
MILITARY SUPPORT OF THE CIVILIAN AUTHORITIES .....	91
36.1 NEED OF INTEGRATION OF MILITARY FORCES IN THE BORDER MANAGEMENT.....	91
36.2 NEED OF SUPPORT OF THE CIVILIAN AGENCIES AND COORDINATION OF THE ASSISTANCE.....	91
36.3 THE PRINCIPLE OF ADMINISTRATIVE SUPPORT AND ITS VALUES.....	91
36.4 REQUESTING SUPPORT – OPERATIVE AND ADMINISTRATIVE PROCEDURES.....	92
36.5 CONNECTION.....	92
36.6 USE OF RECOURSES OF THE BORDER POLICE IN CASE ON ENDANGERING TERRITORIAL INTEGRITY .....	92
PUBLIC RELATIONS AND INFORMATION .....	93
37.1 TRANSPARENCY AND RESPONSIBILITY .....	93
37.2 PUBLIC AWARENESS .....	93
37.3 WEB PAGES .....	93
37.4 MEDIA RELATIONS .....	94
37.5 ATTRACTING HIGH QUALITY RECRUITS.....	94
37.6 DAYS OF OPENNESS .....	94
37.7 OPENNESS OF THE BORDER MANAGEMENT BODIES.....	94
37.8 SUPPORT OF THE CONSTRUCTIVE PUBLIC OPINION WITH THE AIM OF IMPROVING THE SERVICES AND THE REPUTATION OF THE COMPETENT BODIES .....	95
37.9 DEMOCRATIC RESPONSIBILITY AS A KEY ELEMENT .....	95

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## INTRODUCTION

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The Government of Republic of Macedonia with the aim of faster Euro integration, membership in NATO, maintaining national and regional peace and stability, as a part of the reforms in the security sector and the efforts for facilitation of the influx of individuals and goods at the state border, has reached a decision for implementing the process of Integrated Border Management and in this course preparation of a National Strategy for Integrated Border Management.

The National Strategy is prepared in accordance to the specific conditions, social political order and the legal system of Republic of Macedonia, having in mind the comparative experiences from other countries which recently has finalized this transformation, the corpus of international instruments and the legislation of the member countries and candidate countries of the European Union, as well as the recommendations stated in the Schengen catalogue of best practices.

With the aim of integration and closing up to the European standards and maintaining of the national and regional peace and stability, the National Strategy was created in accordance with the recommendations and the obligations which Republic of Macedonia has undertaken, resulting from:

- the signing of the Stabilization and Association Agreement;
- participation in the EU mechanisms, such as CARDS, Schengen Agreement and the Stability Pact;
- adoption of the European and regional agreements and mechanisms for border management promotion and
- the signing of the international conventions.

In future, the border management in Republic of Macedonia will be radically different from the today's one which linearly oriented. The future border management will be based on a fully integrated system for border management, closely related to the implementation of the law on national level and bigger

control of individuals and goods entering, transiting or leaving the country. The integrated concept for border security by improving the methodology for collection of intelligence information, more effectively coordinated activities, internal inter-agency and international cooperation will provide bigger security in the course of annulling the dangers coming out of the internal and international crime and terrorism. In the same time, the future system for border management will be oriented towards continuous improvement of the efficiency of the border control system and increase of the influx of individuals and goods.

For Macedonia, the movement towards EU and NATO will mean retreat of the Army of Republic of Macedonia from the tasks of border management and giving the same to a police border service. This is another challenge for the creation of the new institution.

The process of integrated border management will be realized through:

- preparation of a National Strategy for integrated border management in Republic of Macedonia, in accordance to the Schengen catalogue of best practices, international norms, the equality and human freedoms and rights with the aim of maintaining territorial integrity, speed up the legitimate movement and trade, and in the same time identifying, detecting, prevention and when necessary dealing with the illegal and hostile cross border movement.
- The retreat of the Army of Republic of Macedonia from the responsibility of the border management by 31.12.2005
- Establishment of a new National border police service within the Ministry of Internal Affairs, as the basic service for border management in the country which will undertake the responsibility of supervision of the state border by 31.12.2005
- Setting up National coordinative mechanism for border management led by the Border police service in cooperation with the other national services for border management, with the aim of achieving cooperation, coordination, common support and exchange of information among the same.



We live in a world where the international and cross border crime is continuously increasing, using more and more sophisticated technical methods and means, while the modernization of the communication capabilities is impressive. There are new safer ways for perpetrating criminal activities being constantly found. On September 11<sup>th</sup> 2001 the dangers of the international terrorism were demonstrated. With the aim of successful opposing of these threats, the services responsible for law enforcement, especially the ones responsible for border management must be always one step forward. It is necessary to develop the joint communication, coordination of the activities, planning and readiness to respond to the threats fast and efficiently. It would not be possible to realize this without well trained and inventive professionals. Well thought of, effective and continuous exchange of information and intelligence procedures in correlation with the operative planning are of vital importance. Macedonia at the moment is not fully prepared to have adequate respond to the threats and is vulnerable for ones that want to use its geographic, political, social, economic and ethnic situation in criminal purposes. With the aim of successful dealing with the dangers that at the moment are facing Republic Macedonia, it is necessary to have radical change of the position in view of the border management at individual and institutional level. If not, the country will be weak spot in the fight against the international organized crime and it will be subject to internal instability even further. The security and stability in future depend at large on the application of efficient border management, informing, communications and coordination. These functions should not be in the hands of individuals, i.e. should be led by institutions, and also individual institutions should not be responsible, but inter-agency teams established within the process of integrated border management.

This Strategy represents the firm determination of the Government of Republic of Macedonia for border management to start implementing intensive program for changes. The directions which are set up can be achieved and at the same require a lot of effort. The strategic directions during the course of time will be amended and that is why there will be a need of revision in regular intervals, with the aim of achieving constant compatibility with the proprieties and the policy of the Government.

## **BORDER DESCRIPTION**

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### **2.1 HISTORY**

The current border of Republic of Macedonia were drawn up by the Big forces after the Balkan wars 1912 and 1913. Until then the region was occupied by the Ottoman Empire and was divided on purely administrative parts. After the creation of Federative Peoples Republic Yugoslavia and within it Peoples Republic Macedonia, the borders lost their meaning and were neglected at large extent by the border area population moving freely through the whole territory. The border received new meaning when in 1991 Republic of Macedonia declared independence. The new state inherited a part of the former border of Social Federative Republic of Yugoslavia, namely with Republic of Greece, Republic of Albania and Republic of Bulgaria, but in the same time had to set up border control on the previously opened border of Serbia and Montenegro. The signing of the Agreement between Republic of Macedonia and Federative Republic of Yugoslavia for lines and description of the state border, signed in Skopje on February 23<sup>rd</sup> 2001, ratified by the Parliaments of both countries and entering into force on June 16<sup>th</sup> 2001 and later sent in the UN center New York, completely closes up this process of demarcation of Republic of Macedonia with the neighboring countries with internationally recognized agreement. Practically, Republic of Macedonia in this way became the first country from the former Yugoslavia (after its breaking up) with internally recognized borders.

### **2.2 NEIGHBORS**

Republic of Macedonia borders with: in the East with Republic of Bulgaria, in the south with Republic of Greece, on the west with Republic of Albania and in the north with Serbia and Montenegro, and as part of this border is with the autonomous province Kosovo under UN administrative management, according to the Resolution 1244.

### **2.3 OFFICIAL BORDER CROSSINGS**

In Republic of Macedonia there are:

- 15 official road border crossings namely: 3 with Bulgaria, 3 with Greece, 4 with Albania and 5 with Serbia and Montenegro.
- 3 railway border crossings, of which 2 with Serbia and Montenegro and 1 with Greece.
- 2 international airports namely: Skopje and Ohrid airport.

### **2.4 GEOGRAPHY AND TOPOGRAPHY**

The total length of the border of Republic of Macedonia is 895.1 km (772.7 km land and 122.4 km water). Almost the whole border of Republic of Macedonia is rural, mountainous and at many places goes across mountain peaks. The border line reaches its highest point at the border with Albania (2.764 m sea altitude) and the lowest point (45 m at the border pyramid No. 85). The most difficult part of the border to reach is the north-west part of Republic of Albania, i.e. the parts of the border extending to Albania and Serbia and Montenegro – the part to Kosovo. In this area, the border goes across Sar Planina (where the terrain is steep and rough) and Skopska Crna Gora (where the terrain is a mixture of agricultural lands and pastures). Both areas are unapproachable especially for vehicles in a period of 4 months during the year because of the bad roads and bad weather conditions during the winter.

### **2.5 BORDER ECONOMY**

- Almost the whole population living in the border areas of Macedonia deal with agriculture, in the most part for their personal needs. The industry is weakly developed and the possibilities for another type of employment are very small, while the situation is a bit better in the south-east part. Large number of the ethnic Albanians that live in the north-western part of Republic of Albania work in Serbia and Montenegro (Kosovo) where the possibilities are also

limited because of the fact that people from Albania mostly crossing the border on foot seek employment in Republic of Macedonia and with the same purpose travel from Republic of Macedonia in Serbia and Montenegro (Kosovo). Specifically characteristic is the appearance of smuggling across the border with Serbia and Montenegro – in the part towards Kosovo and Albania. Mostly smuggled are cigarettes, drugs, oil derivatives, alcohol, weapons and here is trafficking in human beings.

## STRATEGIC CHALLENGES

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### **3.1 Conventional military attack**

The danger of military attack on Republic of Macedonia from the neighboring countries is small. At the moment it is not necessary for the service of border management to be prepared and trained for defense from aggression, except to be prepared in specific situations to assist the Army of Republic of Macedonia.

### **3.2 Possibility for hostile individuals and groups to enter**

The events that happened during 2001 showed that Macedonia faces danger of infiltrating of radical groups which act outside the country. Although the situation at the moment is peaceful and there is a presence of different international organizations – NATO, EU forces, OSCE and EUMM – these groups still exist and there is a possibility to perform attacks on the Macedonian security forces and the existing infrastructure. Despite the fact that the possibilities for such thing are small at the moment, because of the fact that there is not larger public support of such activities, the danger from unpredictable development of the situation in the country and in the region still remains and this might have negative implication on the security situation. There aren't any evidences that these groups posses heavy weapons, such as tanks and artillery, but there are evidences that they have access to modern and sophisticated light and middle armament. There are still criminal movements at the border to Serbia and Montenegro – the part of Kosovo, and the sporadic use of fire arms shows that certain number of individuals crossing the border are armed. Therefore, the Service for border management must be adequately prepared for dealing with criminal armed groups.

### **3.3 INTERNAL CONFLICT**

The large amount of light weapons possessed by individuals and the accessibility of the weapons through the well organized smuggling channels, increase the danger of internal conflict. That is why in the process of integrated border management, there is a priority of identifying and controlling of these channels.

### **3.4 CRIME**

Macedonia faces problems because of its geographic position. It is situated on the crossroad of the antic trade routes coming from Persia, East Europe and Caucasus. These routes still exist and having in mind the economic difference among the countries in the region and the ones from Western Europe, the illegal trafficking in narcotics, cigarettes, human beings, weapons and excise goods is still actual in the whole region. Large part of the illegal transport transit through the territory of Republic of Macedonia. In view of the stake, the potential profit is huge. The good on its route to the final destination goes through several channels and the profit is made in each of the phases. Organized groups of criminals with international connections are in a position to bribe public servants and Governmental members. They have access to the sophisticated light armament. On each level except on the lowest level, the grievous criminal acts such as illegal trafficking with cigarettes and narcotics, organizing and assisting illegal migration, are not possible to be realized without certain degree of criminal cooperation and connection. Accordingly, the criminal possibilities are not dependant only to the capability and the knowledge of the individuals, but more dependants on the cooperation and the criminal contacts of well organized groups, with the common aim of performing specific well profitable criminal acts, providing logistic support, sales of goods and money laundering.

It can be said that the existence of organized cross border and international crime with high profit, the corruption and the connections with the armed groups, presents a threat for the national security and stability. The fight for prevention of these threats must be at the top of the priority lists of Republic of Macedonia.

## LEGAL ISSUES – INTEGRATED BORDER MANAGEMENT

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### 4.1 THE SCHENGEN CATALOGUE OF BEST PRACTICES

- Cooperation and coordination of the responsibilities of different bodies should be regulated by one official Act. This should cover the whole spectrum of cross border cooperation, exchange of national liaison officers, risk analysis, cooperation in training and cooperation during investigation.

The reason for this statement is a pragmatic one because it reflects the experiences of the Schengen countries that this legal approach is the most effective one for realization of the integrated border management.

In the competence of the Parliament, chosen by the People, is to make decisions upon the most important state issues, as well as for the basic state policy in view of the public administration. The National Strategy for Integrated border management presents a new way of work of the public administration. Likewise, this approach has influence on the relations of the country with its neighbors. That is why this is an important issue for the country and it influences the policy in view of the public administration. The integrated border management cannot be simply regulated and it must have legal basis adopted by the Parliament.

At the moment there are 21 laws and 16 sub-legal acts which are relevant to the border management. The different ministries and bodies plan to include new. Coordinated amendment and supplements of these laws and regulatives would be impractical, if not impossible, and it would involve large effort and time.

The integrated border management means that all involved bodies will jointly give “administrative assistance” – legal principle, according to which any body can require from another body to offer administrative assistance if due to specific circumstances or legal obstacles it is not able to perform its legal duty. The legal competencies are not transferred, but the body requesting the administrative assistance stays the one having the competence. The body providing the

“administrative assistance” must fulfill all legal conditions imposed by a law upon the body requesting “administrative assistance”. In practice, this would be the legal foundation for dozen of support procedures including military assistances to the civilian authorities.

All these issues will be regulated by legal act adopted by the Parliament.

#### **4.2 METHODOLOGY FOR CREATION OF THE LEGAL FRAMEWORK**

The integrated border management must include integrated methodology for creation of the legal framework. Inter-Ministerial group for the preparation of the legal framework for the integrated border management will be established, and it will be composed of experts from all the Ministries, involved in the process of integrated border management, under the coordination of the Ministry of Internal affairs. The members of this group will work jointly in the creation of the legal framework for Integrated border management. Each member of the group needs to provide that the interests of the Ministry he/she represents are taken into consideration and in the same time to accomplish the common aim, the creation of a new integrated border management system.

This Inter-ministerial group for the creation of the legal framework will need international technical assistance.

The whole legal framework and the sub-legal acts that are going to be created by the special ministries and bodies and will relate to the their work in the border management is necessary to be compatible with the common legal framework on which they will be subdued. The implementation of the process of integrated border management and the creation of the legal basis, its further implementation is not only an obligation of specific ministries, but it presents joint interest of the Government and the Parliament of Republic of Macedonia.



### **4.3. VIOLATION OF HUMAN RIGHTS AND FREEDOMS**

The Government has the intention to create the National Strategy for integrated border management to be in accordance with the human rights and to have appropriate legal foundation. The Constitution guarantees the human rights and freedoms. That is why it is necessary to provide appropriate determination of the law for the basis for interfering the individual human rights and freedoms. Certain bodies included in the Integrated border management, especially the border police need to be appropriately authorized in specific cases to apply use of force and fire arms during the performance of their tasks. The new legal framework for integrated border management must authorize the exceptions from the Constitution<sup>1</sup> and the human rights and freedoms for the personnel employed in the bodies can act in special circumstances which enables the bodies to create internal regulative and procedures without breaking the Constitution.

### **4.4 AIMS:**

- Legal basis for the creation of border police and undertaking of the state border security by the Ministry of Internal affairs will be created by amendments and supplements to the Law on internal affairs and the Law on state border crossing and movement in the border area. It is planned the laws on the amendments and supplements on these laws to be adopted by the end of 2003.
- Preparation of the Law on control and supervision of the state border.

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<sup>1</sup> Article 10 stating “The human right to life is inviolable one”.

## STATE COMMISSION FOR BORDER MANAGEMENT

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### **5.1 Democratic supervision**

The democratic supervision and independent monitoring of the establishment and implementation of integrated border management are key issue if we want to achieve high level of efficiency, effectiveness, impartiality and respect by the citizens. The democratic supervision enables transparency with which those that have specific authorizations and who are tasked with policy implementation are the ones becoming responsible for their procedures and performance.

The democratic supervision is also internationally accepted as merit for good management of the country which included in this Strategy by the establishment of the State Commission for border management in accordance to article 76 by the Constitution of Republic of Macedonia.

The State Commission must be independent from any other body or service involved in the border management.

### **5.2 Tasks and authorizations**

The State Commission will have the duties and will be authorized to:

- offer advices to the Parliament and the Government in view of integrated border management
- supervise the implementation of the law and the legal procedures related to integrated border management
- give recommendations for harmonization of the opposed interests in cases of misunderstandings among the ministries and the bodies involved in the process of integrated border management
- give recommendations for improvement of integrated border management

- submit report to the Parliament two times per year for the implementation of the process for integrated border management.

The basic authorizations of the State Commission will be:

- to inform about the manner in which the ministries and other services implement the integrated border management, especially for:
  - its accordance with the Constitution, international agreements and international standards for best practices
  - cooperation, exchange of information and coordination between the ministries and the services which are involved in the border management
  - review the complaints submitted by the public relating to the services for border management and their procedures
  - efforts and agreements concluded by the ministries and the services involved in Integrated border management in the course of consideration of the positions of the manufacturers and the local community about the border management
  - the Strategy for human resources and the situation with the services in the Ministries and the services involved in the border management, relating to their responsibility for border management.

## NATIONAL BORDER POLICE SERVICE

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### 6.1 BACKGROUND

The Program for setting up border police is a key element of the Strategy for integrated border management and is fully in accordance with the Schengen Catalogue<sup>2</sup>. The development of this program is responsibility of the Ministry of Internal Affairs.

In accordance with the EU policy, the Government clearly in public and internationally has stated its intention to redraw the Army from the responsibilities for border protection and the same to be undertaken by a newly formed civilian service – border police by December 31<sup>st</sup> 2005. In order to create completely new Governmental service, the border police will be established within the structure of the Ministry of Internal Affairs.

The border police will absorb the competencies and duties of the Sector for border crossings from the Ministry of Internal Affairs and the ones of the Border Brigade from the Ministry of Defense. Accordingly, the border police will be responsible for control of the whole border including the airports and the lakes. Likewise, it will be responsible to conduct checks for detection and prevention of dangers to the national security and should be prepared to provide administrative support to the other services for border management.

The border police will have the need of communication infrastructure, command and control in order to be able to perform and coordinate its activities.

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<sup>2</sup> "Centralised supervision, directions for border control and supervision by the Ministry in the area of justice and home affairs".

"Appropriate specialised public authority – border police".

"The border control and the supervision should be performed by professional individuals from the same administrative unit organizing the border management and if it is possible within one ministry.

## **6.2 OPERATIVE CONCEPT**

The criminal activities, methods and communications are getting more sophisticated every day, more complex and are characterized by use of more sophisticated equipment. Using scouts, mobile telephones, hidden – masked and other warning activities, deception and interception by the criminals, the older well set techniques and methodology for border management become insufficient and not efficient. The increased use of fire arms by the criminal elements in order to prevent the implementation of the law, as well as the threats for violence escalation, and the response to the police activities, makes the police work in specific parts of the border difficult and dangerous.

In order to be able to respond adequately to these challenges there is a need to apply new operative concept.

The first element of the new concept is the integration. The central point of the integration is that the border police will not be integrated only in border management, but through the National System for Border Monitoring, will be able to have access to all the parts of the border, to all potentials and resources, which will provide infrastructure and assistance in the integration of all the services of border management.

The border police will use combination of low profile and high profile physical and technical monitoring, advances analytical and intelligence techniques and exchange of information with the other services with the aim of providing clear, complete, precise and safe information on the basis of which it will be possible to plan proactive individual or inter-agency operations.

A combination of accidental and previously planned, coordinated patrols will be used, based on safe field and intelligence analysis. The use of fixed

positions, such as patrol bases and police stations presenting burdening of the resources and are very well known to the criminals will be minimized, and they will be maintained only where necessary for patrol support and where the access is extremely difficult. Patrols will be sent in more distant areas and places.

The principle of "situation awareness" will need to be included, i.e. the authorities that will manage the border management will need to define the lack of time and potentials for performing three functions:

- a. detection of movements - possible attempt for illegal border crossing
- b. identifying of the detected targets
- c. analysis of the previous identifications (the capability to react dictates the lack of time needed for obtaining control of the state border crossing) – This includes the unusual incidents and also the ones at the airports.

In order to provide friendly and regular relations with the local population, there will be sending open patrols. The task of these patrols composed of communication specialists with the local communities will be to include the needs, problems and interests of the local population in the analysis and planning systems. They will also give advices and support to the local population.

### **6.3. NATIONAL BORDER MONITORING SYSTEM**

The National Border monitoring system which will be accessed by the Customs Administration and the Ministry of Defense, the border police will have safe and fast communication relations fully integrated in the mechanisms for operative contract and planning.

#### **6.4 NATIONAL BORDER MANAGEMENT COORDINATIVE CENTER**

The border police will be responsible for the establishment and managing the National Border management coordinative center (NBMCC). The service will have the opportunity to coordinate its activities through the Center with the activities of similar services for border management. Although the border police is the basic service for border management, it will not have the competence above the similar services for border management. Under contrary, it will support the cooperation and coordination by providing services and support to these services based on the principle of administrative assistance.

The border police does not have the primate above the Customs Administration in view of procession of goods and in this part it should be ready to provide assistance to the Customs Administration at the request from any level in order to achieve the national aim – facilitation of the influx of the commercial traffic and trade.

#### **6.5 REGIONS OF BORDER POLICE (BASIC COMMAND UNIT)**

The specific situation in different parts of the border with the neighboring countries requires comprehensive and appropriately adapted approach, because every part has different characteristics in view of the crime, transit, and also as a source of illegal migrations.

The biggest part of the police work will be performed within the local police areas, i.e. regions which will be grouped in Regional coordinative centers. There will be 4 regions and 4 centers, each one of them being responsible for one part of the border corresponding with one of the neighboring countries: Greece, Bulgaria, Albania and Serbia and Montenegro.

## **6.6 CRIMINAL INVESTIGATIONS**

The investigative and part of the criminal-analytical issues and responsibilities of the border police will be connected to the Department of criminal police in the Bureau for public security. This will provide the largest possible integration of the border management with the national criminal investigative activities (criminal activities related to trafficking in human beings, brutal crime and terrorism) and implementation of the laws on national level. Analysts and inspectors of this area will provide access to the border police to the information at national level assisting the operative management.

## **6.7 RECRUITMENT**

The Government has the responsibility to keep the working posts where that is possible. That is why it will be necessary to review the possibility for the personnel of the Border Brigade from the Ministry of Defense and the Sector for border crossings within the Ministry of Internal Affairs to be transferred to the Border police.

The position of EU is very clear in view of the need of fully professional border service. This excludes the army recruits and soldiers by contracts from the Border Brigade unless they include as civilian recruits. The experiences professional members of the Border Brigade have local knowledge and experience that they can use.

The personnel of the Border Brigade and the Sector for border crossings should be informed about the overall process as soon as possible in order to prevent or clear up the speculations.



## **6.8 SELECTION**

There is a need for the working positions in the Border police to be filled by highly professional and expert personnel. The new concept of border management asks energetic, intelligent, physically prepared personnel with imagination, initiative and excellent inter-personal capabilities. The selection will be based on these criteria as an addition to the ones already set up for police members.

If these factors are not taken into consideration, the selection process will be easier, but it will undoubtedly weaken the border management and such behavior would be very irresponsible.

The personnel that wants to be included in the border police will need to go through the selection process regardless of its professional experience.

The recruitment and the selection need to be transparent and fair. Members of appropriate representative offices of the international community will be invited to overview the two processes and they will be asked to inform the National Commissioner for Integrated border management. Special attention will be given to the attempts to make discrimination of the candidates, positive or negative, on ethnic, political, religious or gender basis.

## **6.9 BORDER POLICE PERSONNEL TRAINING**

The Border Police is new structure. All the positions in the structure will have to be filled up prior it is put into function. As it was previously said, the operative concept is completely new. It requires experts in immigration, travel document, profiling, risk analysis, operative planning, tactical patrolling, supervision and many other areas.

The Border Police personnel will have police authorizations and therefore, everybody must be trained as police officers.

The complete border police personnel working at the borders will attend classes of foreign languages.

We must provide recruits of high quality and to provide training and the highest level. It cannot mean simply additional training of the police and army personnel and to expect that the Strategy for integrated border management will survive the weaknesses resulting from that in its foundation.

The process of establishing Border police will be realized in five phases approach for recruitment and training:

Fifth phase	Additional training
Fourth phase	Training of command and specialized personnel
Third phase	Specialized training of Border police
Second phase	Basic police training
First phase	Recruitment and selection

#### **6.10 STATEMENT ON THE BORDER POLICE MISSION**

"As a basic service of the country for border management, the Border police will be developed with the aim of creating and maintaining position of efficient border service. It will cooperate and support the other services involved in the border management, it will facilitate the inter-agency cooperation and coordination through the National Border Management Coordinative Center. The service will cooperate with its partners outside the country with the aim of facilitation and speeding up of the state border crossing, i.e. the legitimate traffic, in the same time discouraging, preventing, intercept, detect and prosecute without prejudices in accordance with the law individuals or organizations involved in illegal state

border crossing. The Border police personnel will try to become a model of personal integrity and voluntarily to present their respect for the equal human rights and freedoms.

## **METHODOLOGY IN THE PROCESS OF UNDERTAKING BORDER BRIGADE – BORDER POLICE**

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### **7.1 GENERAL**

The Ministry of Defense and the Ministry of Internal Affairs have the task to manage the undertaking of the border security and the responsibilities without compromising the border management and the security. It should be expected that all the weakness manifested during the process of the undertaking will be used by the criminal networks, organizations or individuals.

There should be clear well thought of detailed plan. If the process is premature, the only difference would be that instead of soldiers there will be police at the borders. This will not implement the integrated strategy, nor it will improve the border management.

### **7.2 PLAN DEVELOPMENT**

The Ministry of Defense and the Ministry of Internal affairs under the guidance of the commander of the Border police will establish task force in order to develop detailed plan for the undertaking. The Ministry of Defense has the task to provide all the necessary assistance for this process as an issue of national interest.

The basic elements of the plan will include:

- joint patrolling of the army and the police, as well as familiarity with the appropriate border areas prior undertaking the competencies<sup>3</sup>.
- Phase undertaking of the competencies upon the command setting up, control and communications of the border police, the center of the Border police and the control room, NBMCC and the appropriate regional coordinative centers.

### **7.3 AIMS:**

- setting up working group for undertaking the responsibilities by the end of January 2004
- the plan for the undertaking to be prepared by March 31<sup>st</sup> 2004
- in accordance with the concrete situation, the dynamics of the undertaking will be determined: the southern, eastern, western and the northern border and it is planned the undertaking to be conducted according to the following time period:
  - south border at the competences by the end of June 2004
  - east border at the competences by the end December 2004
  - north border at the competences by the end of June 2005
  - west border at the competences by the end of December 2005

### **7.4 NEEDS**

- In order to avoid the questioning of the efficiency of the border management and the security of the country.

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<sup>3</sup> The professional personnel of the Border Brigade that will be transferred in the Border police will be deployed in the areas where they previously worked in order to achieve an element of continuous knowledge.

## NATIONAL BORDER MANAGEMENT COORDINATIVE CENTER

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### **8.1 AIM**

With the aim of achieving efficient coordination, joint support, avoiding duplication, facilitation of the flow of information and progress towards increased integration in different aspects of border management, the Border police as the most competent service in the border management will establish National Border Management Coordinative Center (NBMCC) by June 30<sup>th</sup> 2004 which will be fully operational by December 31<sup>st</sup> 2004.

Provision of correct and timely operative information is of essential meaning for the development of the risk analysis and profiling techniques. NBMCC will provide for operative information to be coordinated and accessible to all competent bodies having legitimate need as much as possible.

NBMCC is a central element of the National Strategy. It is a central point of the operative integration, cooperation and coordination.

### **8.2 TASK**

NBMCC will monitor the situation at all state borders<sup>4</sup>. It will have the task to facilitate the rapid exchange of information among the different ministries involved in border management and will coordinate the joint activities, operations and dealing with incidents according to the need at national level. It will not be National Command Center, but will achieve coordination by exchanging information and cooperation.

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<sup>4</sup> All permanent or semi – permanent strategic monitoring systems; National Border Service Command systems, Control and Communication (C-3), supervision systems with cameras and etc. should have primary or secondary relation with NBMCC. NBMCC should receive daily written reports on the situation from all the agencies involved in the border management.

### **8.3 MANAGEMENT**

NBMCC will be set up in one facility. It will be managed by Operative Sector of the Border police and will be financed by the Border police. It will include liaison officers from the Customs Administration, the uniformed police, the special police forces and the Ministry of Defense and it will be operative 24 hours per day, 365 days in the year. Liaison officers from the Ministry of Health, the Ministry of Agriculture, forestry and water management and the Directorate for radioactive protection (when it will be established) will be present 7 days a week, from 07:00 – 20:00 hours, and when necessary will be called upon during the rest of the day.

### **8.4 COMMAND, CONTROL AND COMMUNICATION**

The National Border Monitoring System will provide for the NBMCC to receive timely, precise and understandable reports which will be submitted at the same moment to the computer terminals of all operative officers and liaison officers.

The other systems, such as the Border Data Management System (BDMS) and the camera supervision System will provide for NBMCC to be able to trace the traffic flow and the activities at all border crossings and airports all the time.

Recognizing the serious risk for the success and the security, as a result of not coordinated and not controlled reactions to incidents and the difficulties in realization of complex operations for implementation of the laws without efficient reporting and communication - radio, telephone and other systems will be set up until the establishment of BDMS, as a support to the NBMCC.

It will be realized as a highest national priority in order to provide communications through which the command and the control will be implemented.

### **8.5 LIAISON OFFICERS FROM THE NEIGHBORING COUNTRIES**

The leading agencies for border management from the neighboring countries will be invited to take part in the work of the NBMCC by sending liaison officers in the effort to achieve regional cooperation and coordination.

### **8.6 URGENT CASES PLANS AND PROCEDURES**

The Director of NBMCC is responsible for providing urgent cases common plans and procedures, to update them regularly and distribute them to the personnel involved in different situation and conditions, including: health control, urgent closing up of the border crossings, warning for set up bombs, leakage of dangerous materials, military support etc.

## **BORDER ZONE AND COMPETENCIES OF THE BORDER POLICE**

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### **9.1 BORDER ZONE**

Unlike until now when the competencies and the responsibilities for border security of the Border Brigade are geographically defined, the "Border zones", the Border police will define its competencies through concrete tasks – there will not be border zone where it will be possible to implement the laws.

The Border police will be responsible for control of all the individuals crossing the border. Also, it will have the task to assist the Customs Administration in interception of goods crossing the green border with the aim of enabling the undertaking appropriate actions.

The philosophy behind this approach is that there two methods for prevention of cross border illegal movement. The first method is to prevent the total cross border movement at the border itself or in its surroundings – the philosophy of the Berlin wall, or the second method, according to which all services work together in order to solve the essence of the problem by identifying the routs, networks and individuals, as well as using intelligence oriented police work, with the aim of intercept and disable cross border illegal activity.

The best would be if it is possible to prevent the goods and individuals crossing the "green border". But trying to do this, we should not forget the possibility for their interception after they will cross the border. In order to achieve this it is necessary to have the possibility for action further from the border at the distance which cannot be planned before. In the past, this was a problem because the lack of coordination between the relevant services. The integrated border management defines and overcomes this problem.

This new approach does not require geographic zone, but presents foundation and is provided with the Strategy for integrated border management showing the



necessity of close working relations among the competent bodies, especially the regional Sectors of internal affairs and the Border police.

## **DEFINING THE COMPETENCIES – BORDER POLICE AND CUSTOMS ADMINISTRATION**

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### **10.1 BACKGROUND**

The border management in Republic of Macedonia is characterized by close cooperation among the different competent bodies. This situation imposes necessary and fast changes.

### **10.2 UNIQUE LEGAL FRAMEWORK**

First of all, as it was already mentioned there is a need of unique legal framework that will cover the Integrated border management. This legal framework, among the other things, will identify the roles of the different bodies for border management and it will be possible to create other laws within it, sub legal acts and internal regulatives.

*"The cooperation and the coordination of the competencies of the different bodies will be regulated with an official act".*

The Schengen catalogue

### **10.3 GOVERNMENTAL POLICY – ROLE AND COMPETENCIES**

However, in order to prepare such legal framework there should be Governmental policy in view of the role and the responsibilities of all the bodies. There is a need as soon as possible to define the principles on which these responsibilities will be based on.

### **10.4 BORDER POLICE**

- The competence for control and checks of individuals crossing the state border has the Border police.
- The competence for operative coordination of the Integrated border management has the Border police. This coordination will be accomplished by

the facilitation of the exchange of information and inter-agency cooperation in the spirit of collegiality, and not from the position of authority imposing.

- The coordination of urgent cases reaction and in cases of accidents is in the competence of the Ministry of Internal Affairs.
- The investigations for all the criminal acts, except the ones being related to Customs violations and criminal acts in the area of Customs work as it is determined by the law, will be in the competence of the Police. Any kind of information relating to such violation or detection of such criminal act by the Customs Administration or any other competent body will be transferred to the Border police without any delay. The only exception will be situations provided in the Memorandum on Cooperation between the competent bodies, for example in view of drugs.

## **10.5 CUSTOMS ADMINISTRATION**

The Customs Administration is the leading body for procession of legal goods, detection of illegal goods and for investigations related to customs violations and criminal acts in the area of the customs work as determined by law. The Custom should be responsible for development of integrated procedures among the different bodies involved in this area (example: phyto sanitary and veterinary inspection)<sup>5</sup>.

The applying principles are:

- Responsibility for control and checks of goods crossing the state border is in exclusive responsibility of the Customs Administration and from time to time there may be transfer of the competencies if the same is provided and regulated by the Memorandum on Cooperation.
- All investigations for administrative and tax-customs violations and criminal acts in the area of customs work<sup>6</sup> are part of the competence of the Customs Administration. Any kind of information relating to such violation or criminal act in the area of customs work or their detection by the Border police or any

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<sup>5</sup> CARDS Regional Strategic document.

<sup>6</sup> As they are determined by law.

other body will be transferred to the Customs Administration without any delay.

On the basis of these principle, the procedures for coordination among the competent bodies present on the border crossings and on "the green line" can be developed, upon consultation among the two mostly involved competent bodies (described in the part on procedures at the border crossings and procedures on the "green line" - Customs and Border police):

#### **10.6 ACTIVITIES:**

- To sign a Memorandum on Cooperation between the Customs Administration and the Border police harmonizing the position on the principles mentioned above.

## **COORDINATION OF THE STRATEGIC OPERATIVE POLICY**

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Individuals with the highest rank from each competent body involved in the border management should meet at least once a month in order to coordinate their positions. The State Commission on Integrated border management will be responsible for the organization and chairing these meetings as an independent facilitator.

### **11.1 AIMS:**

- The first meeting will be held after the laws will be passed for amendments and supplements on the Law on internal affairs and the Law on crossing the state border and movement in border area.

## **NATIONAL BORDER MONITORING SYSTEM**

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### **12.1 NEED OF EFFICIENT FLOW OF INFORMATION**

The Integrated border management has a need of systems of timely and precise transfer of information. These systems must provided the operative planners and managers all the information they need so that they can discuss in due time and achieve efficient coordination.

The Integrated border management also means that specific information must be distributed to all involved bodies not to stay in the possession only to specific structures. This imposes the need of insuring that the systems on command and control are integrated or at least, connected.

The establishment of the National Coordinating Border Management Center we have the possibility to achieve the timely flow of information to everybody that needs them and to accomplish integration and connection of the systems.

## **12.2 REPORTING PROCEDURES**

We must ensure that the events happening on the field will be reported in a form simple to understand and does not leave any space for misunderstanding in the same time, containing all necessary information upon which the operative analytical decisions will be based.

## **12.3 RISK ANALYSIS**

Likewise, we must ensure that the information relevant to the risk analysis and managing resources, such as the traffic flow at the border crossings, will be also precisely stated, included and connected with the operative information and to have a report compiled for the same in order to have complete picture of the state of affairs.

The information on immigration and the information relevant to analysis and investigations, such as the information on the date and time of entrance and exit of individuals and vehicles, perhaps should also incorporated.

## **12.4 NATIONAL BORDER MONITORING SYSTEM AS INFORMATICS SOLUTION**

A National Border Monitoring System (NBMS) will be established based on informatics technology which will need to provide command systems, control and communication of the Border police. The following steps should be undertaken:

- The personnel working in the field, especially the Border police must have communication with their base. They should also be trained on the procedures for radio reporting in order to provide transfer of the right information in the right way.
- All the bases of the Border police (of the field teams, patrols and fixed stations report via radio or are a part of the constant static communication system of the Border police) must be equipped with networking computer, connected Hi-

fi radio connection for data<sup>7</sup> transfer or a telephone with NBMS. The computer being an integral part of the system should be installed with software on command and control through which the reporting will be directly to the National Border Management Coordinative Center and the National Border Police Control Center.

- All employed officers in the National Border Management Coordinative, liaison officers of the Customs Administration, the Ministry of Defense, uniformed police and the ones from the neighboring countries will receive all reports transferred via the national system from the bases of Border police at the moment when they will be sent. Monitoring working stations will be set up in the Customs Administration and in the Ministry of Defense. The information will also be graphically shown on a plasma screen in the National Border Management Coordinative Center and the Control Border Police Center.
- All the information sent in this way, at the same moment will reach the working stations of the Department of undergoing operations in the Regional Centers.
- The immigration software of NBMS should be connected with the software for command and control.
- All the information will be kept in a data base used for analysis and preparation of reports.

## **12.5 NATIONAL BORDER MONITORING SYSTEM**

The installment of NMBS will have great role in the solving of the problems of the operative border management and will provide the critical mass for development of the Integrated border management.

## **12.6 NATIONAL COORDINATIVE CENTER**

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<sup>7</sup> Reserves must be included, namely: the telephone systems must have the possibility to use high frequency radio connection for data transfer as a reserve option while the energy systems, especially the ones in distant places must have the possibility to be transferred to systems for electricity generation operated by wind or water.

## **CATEGORIZATION OF THE BORDER CROSSINGS**

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### **13.1 NEED OF PRIORITIES IN RESOURCES ALLOCATION**

The provision of financial and other means in Republic of Macedonia is very difficult. That is why it is necessary to prioritize their allocation in the same time improving the support of the legal trade and cross border movement<sup>8</sup>. There is a need of appropriate control and inspection measures at the border crossing points. The question is how to accomplish this when there aren't sufficient resources, especially the ones related to the health and the agriculture<sup>9</sup>.

### **13.2 CURRENT SITUATION**

Republic of Macedonia at the moment shares the borders with Republic of Greece, Republic of Albania, Republic of Bulgaria and Serbia and Montenegro. All of these are important trade partners for export-import and as a result of the trade exchange there is significant cross border movement of good across all four border areas. This movement requires inspection facilities. The largest part of these goods move through certain number of border crossing points, the ones having the best road infrastructure.

Also, some of the border crossing points are mostly used for private, domestic or social movement than for trade exchange. Others have regional importance and have larger traffic flow than the ones used only for social movement. These crossing points require smaller inspection facilities in comparison with the strategic crossing points.

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<sup>8</sup> It is specially important to have 24 presences of some of the inspection services, such as phyto sanitary, health and veterinary because of the fact that the largest number of vehicles transferring goods are encouraged to cross the border during the night in order to avoid the traffic during the day.

<sup>9</sup> For example there are less phyto sanitary inspectors at the border crossing point and it is impossible for them to cover all the border crossing points, as well as to provide 24 hours presence.



### **13.3 CONCENTRATING RESOURCES ON SPECIFIC BORDER CROSSING POINTS**

It is very understandable to concentrate limited inspection capabilities and the personnel at the border crossing points being most suitable for commercial movement and with the largest traffic flow which would provide fast and non disturbed crossing at the border crossing points and trade exchange.<sup>10</sup>

### **13.4 CATEGORIZATION OF THE BORDER CROSSING POINTS**

In order to achieve this, the Macedonian border crossing points should be classified depending on their strategic importance after we consult with the appropriate authorities in the neighboring countries. If we want to estimate their importance, we need to take into consideration the factors such the commercial, the social and the domestic traffic flow, the strategic and trade movement and the trade facilitation. Since there is trade exchange at all borders there is a need to have one border crossing point with complete necessary infrastructure and this border crossing point to be classified as a border crossing of "Category 1". The consultation among the competent authorities for border management and the commercial-trade organizations, need to state the priorities for further improvement at the border crossing points needed to promote the trade exchange.

All transporters will need to be informed about the policy of prioritization and will need to be instructed that the right inspection of goods is only performed at the border crossing points of 1<sup>st</sup> Category until the other border crossing points are not improved.

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<sup>10</sup> As a result of this, the collection of import taxes will be facilitated.

### **13.5 AIMS**

- Creating Governmental policy for categorization of the border crossing points which should be completed by 31<sup>st</sup> of December 2003. The border crossing points should be categorized according to their strategic trade location, trade function and the commercial flow of goods. Three categories need to be created; Strategic (Cat. I), Regional (Cat. II) and Social – domestic or local (Cat.III).

### **13.6 NEEDS**

- The strategic border crossing points: "Dolno Blace", "Tabanovce -paten", "Deve Bair", "Bogorodica" and "Kafasan" should be categorized in Category I and have priority in receiving the needed material-technical equipment, infrastructure development, provision and use of scanners of the commercial vehicles.
- the bodies for border management to allocate their personnel at the border crossing points depending on the categorization
- information in due time of the Government for the neighboring countries, agencies and donors about the intention to make and implement the national policy for categorization of the border crossing points
- information of the Government and consultation with the transport subjects of the intention to make and implement the national policy for categorization of the border crossing points and to inform them about the equipping of the specific border crossing points.
- Creating consultation mechanisms that include all the border management bodies with the aim of categorization, prioritization and improvement of the other border crossing points not being classified in the 1<sup>st</sup> category according to the above mentioned categorization.
- To make common plans for urgent cases action by the competent bodies for border management, in cases when due to whatever reason to close a border crossing point of 1<sup>st</sup> category and to transfer the means of the border management or to transfer the commercial and other traffic through alternative border crossing point. These common plans will facilitate the trade exchange and the cross border traffic.

## **COMPETENCIES AND PROCEDURES AT THE BORDER CROSSING POINTS**

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### **14.1 CURRENT SITUATION**

At the moment, the situation at the border crossing points is characterized with inter-ministerial competition and confusion of the competencies. Although, the personnel present at the border crossing points is assured that the cooperation and the coordination is on a satisfactory level and there are temporary and informal relations based on personal contacts, it is evident that there is no professional and procedural coordination mechanism between the Ministries present at the border crossing points. Especially weak is the procedural coordination and cooperation between the Customs and the Police and non productive from the aspect of the European standards.

Although part of the problems at the border crossing points are a result of the lack of objects and means, large part of the problems are a result of the lack of clear procedures according to which there might be control of the work of the personnel. In specific cases, there is competition and envy as a result of the wish of one or another Ministry to get the credit for the good results. In this way, the relations are getting more and more polarized and the cooperation gets worse – in a form a cycle. These problems prevent the efficient border management and the security and they must be solved.

### **14.2 ESTABLISHING PROCEDURES**

First of all, there must be clear and as soon as definition of the responsibilities of the involved Ministries in the border management. This defining will create the framework for joint procedures at the border crossing points and at all other places where there is a need of joint work.

When the procedures of the border crossing points are created, many factors need to be taken into consideration, some of them being unique exclusively for one object. However, the procedures need to:

- be developed in consultation with the different Ministries, especially the Border police and the Customs Administration.
- Take into consideration the need of speeding up and facilitating the legal cross border traffic.

The current practice creates confusion and distrust among the Ministries. Therefore, the following principles need to be taken into consideration in the creation of the procedures for border crossing points:

- the Border police is the only service responsible for control of the personal travel documents and the documentation for the vehicles at the border crossing points.
- The Custom Administration will be the only service competent for search of vehicles at border crossing points.
- All investigations for administrative tax and custom violation or criminal acts in the area of custom work will be in the competence of the Customs administration. All information relating to such type of violation and criminal acts or detection of such case by the Police or any other Ministry, will be submitted to the Custom Administration without delay.

All investigations for possession of illegal or banned objects as well as trafficking and smuggling of human beings, which do not present criminal act in the area of the Custom work or a violation, will be in the competence of the Border police or the Department for Criminal police. Each information relating to such violations, criminal acts or the detection of such case by the Customs Administration or any other Ministry, will be submitted to the Border police without delay.

- If the personnel of the Border police wants to perform search at the border crossing points of any type of vehicle, it needs to instruct the driver of the vehicle to the search part of the Customs where the custom personnel is obliged to perform the search. In this case, the search is performed by the

Customs personnel, but in the presence of the police and will be considered as joint search.

Every further notification or publicity about the search will be in the spirit of its joint nature.<sup>11</sup> For each search the personnel of the Border police will need to state reasonable reasons for the suspicion that there was or there will be a criminal act committed.

The whole personnel working at the border crossing points will need to have a copy of the Standard Operative Procedures.

### **14.3 ORGANIZATION OF THE BORDER CROSSING POINTS**

In accordance with the existing international best practices, procedures, construction and marking, all border crossing points will be standardized.

Signs with standard size and marks will be designed and posted. It will include signs stating the banned objects and means.

A fence will be posted around border crossing points in order to prevent crossing beyond the border crossing point.

Unauthorized monitoring (especially of the computer screens) needs to be prevented.

### **14.4 CONTROL AND TRAFFIC FLOW**

The intention is to accomplish fast transit of the commercial traffic across border crossing points in accordance with the European norms. Often, in the past it was

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<sup>11</sup> Remark for searches at border crossing points – This procedure also means recourse savings by their focusing on one Ministry – the Customs Administration – at the border crossing points and the efficiency of the searches will be achieved much sooner. The recourses include the technical equipment for searches – x-ray scanners, training for manual search and use of search dogs.

difficult to realize this intention due to the confusion which is the competent body. This resulted in big stagnation in the commercial traffic.

The Custom Administration is the leading service for commercial traffic procession. The Border police needs to provide the necessary support. Therefore, the Border police must provide sufficient number of personnel and recourses in order to equip all control lines at the border crossing points, in order to enable as rapid as possible traffic flow.

#### **14.5 EQUIPMENT**

Depending on the category, the Border crossing points will be equipped with sufficient number of:

- a. document stamps
- b. computer terminals connected to the national system
- c. equipment for check, canning and reading documents with UV light, UV lamps and other
- d. magnifying glass X8/10
- e. retro-reflective lamps
- f. entrance-exit stamps
- g. registration system for the number plates connected to the networking system for video monitoring
- h. facility for truck scanning
- i. radiation sensors
- j. mobile and stationary X-rays

Experts for detection of falsified documents to be available at all border crossing points at all hours.

#### **14.6 AIMS:**

- creation and implementation of standard operative procedures based on the determined competencies of the Border police and the Customs administration until 31<sup>st</sup> of December 2003.

## **CLOSED VIDEO SUPERVISION SYSTEM (CVSS)**

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### **15.1 ESSENTIAL EQUIPMENT**

The closer video supervision system is of essential importance for monitoring of the situation at the border crossing points. It will enable the operative managers to get information in live, helping them in the decision making process. It can provide evidence, to enable the managers to control the conduct and the work of the personnel and can provide control of specific information through implementing certain sophisticated systems, such as the plate number reading system. In short, the closed video supervision system is a very useful system helping in the border management.

### **15.2 INSTALLATION AND CONNECTION**

In order to use the benefits of this system, the equipment already installed at the most of the border crossing points will be installed and updated at all border crossing points and will be connected to a network with the aim of:

- to provide visual monitoring of the activities at the border crossing points and the airports in live
- enable monitoring process of the personnel by the Administration
- enabling automatic registration of the plate numbers in the national data base.

### **15.3 DATA INPUT AND CONTROL**

The initial reception of the data and the control of the cameras will be in the National Control Center of the Border Police and can be inbuilt in the System for Border Management of the Border police. The secondary reception of data will be to the Customs Administration and NBMCC. They will be able to undertake the control of the cameras from the Border police in order to assist if necessary in coordination of incident solving.

## **SEARCH OF COMMERCIAL AND OTHER VEHICLES**

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### **16.1 NEED OF SEARCH**

The need to control, check and search commercial and other vehicles crossing through the border crossing points results mostly from two reasons. First – because of the need to detect illegal goods and to collect import taxes from the legal goods, as a source of state income and second – because of the need to stop the smuggling and trafficking in human beings entering into the country. The first of these functions is a function of the Customs Administration, while the other of the Border Police, but both of them may be connected with numerous factors, for example, the way of transport, the network and the individuals. That is why, it is very important to have the efforts from the both services to be coordinated and mutually supported.

### **16.2 AVOIDING IMPORT TAXES**

It seems that the avoidance of the import taxes is widely spread, but because of the fact that there isn't detailed estimation and risk analysis it is impossible to say what is the income that the state loses as result of the avoidance of the import taxes.

At the moment, the search procedures of the commercial vehicles and cleaning through customs of the goods provide large percentage of the avoidance of the payment of import taxes.

The current practice is for the vehicle entering the country and carries goods to be registered at the border crossing point. The same later is sent to the inner country custom-house, in the Customs branch for customization of goods. The goods are customized and the import taxes are paid. After this is finished, the customization terminal informs the Customs branch at the border crossing point. If there is a difference, the mobile Custom team is sent to the place where the vehicle is situated in order to make inspection of vehicle.



This practice is very often in the world. Still, if it is to be functioning as it should, there is a need for the system to be ready for fast and appropriate reactions – controls and balances in order to ensure that the overall goods are being cleared through the customs. Even with such check ups, it is possible to avoid import taxes. Without such checks it is relatively easy for the commercial vehicle to avoid the custom terminal, to avoid goods check up and the payment of the import taxes. If there is an investigation for the drives later on, they can claim that they don't know anything or that they were not familiar with the procedure and during this period the goods are already distributed and there isn't much to do without deeper investigation for the case.

### **16.3 ILLEGAL GOODS<sup>12</sup> AND TRAFFICKING IN HUMAN BEINGS**

In the same way in which the smugglers try to avoid tax payment, the facilitators and transporters of illegal goods across the region, use sophisticated ways to transfer migrants and smuggling goods. For example, hiding goods in food shipments or other vaporizing goods, in cisterns or with live stocks when it is difficult to find them. The highly technological detection equipment, such as X-ray scanners although not meant to detect people, can be used for this purpose, along with check up of the carried load present problem for the criminals and make them think about less protected entrance points.<sup>13</sup>

### **16.4 NEED OF PROFILING, INTELLIGENCE AND PRO-ACTIVE INVESTIGATION**

The check up and the search of vehicles with scanners is a time consuming process. If all commercial vehicles are checked up and searched thoroughly there will be a mess. This will be opposite of the interests of the country and against the best EU practices, whose aim is to facilitate trade and not to complicate it. That is why, there is a need to have system for profile making based on a series of parameters and indicators which provide selective and better directed search. In view of the fact that the biggest part of the traffic is of small or null meaning for the law enforcement bodies, it is very understandable for them to develop profiling techniques, supported by intelligence

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<sup>12</sup> Illegal are goods whose possession by itself is a criminal act.

<sup>13</sup> Profiling can help us by posing the question why the truck takes the longer road and uses border crossing point that doesn't have a scanner.

and analysis of the patterns of travels with the aim of providing most efficient checkups with the currently available technology.

Vital importance have the pro active investigations and intelligence performed by the Police and the Customs. In order to have as much as possible more complete intelligence picture, the profiling to be as much as better as possible and the investigation to be as thorough as possible, the Custom and the Police system need to have integration elements. There must be process of information exchange and comparison of intelligence data. Analysis systems should be compatible.

In order to have efficient and fast search and check ups of the vehicles, without delays and confusions, there should be clear procedures at the border crossing points based on the competencies of the services.

## **16. 5 ACTIONS**

- the current ASYCUDA data base applied by the Customs Administration should start to be used as a priority as a national system, integrating all border crossing points and terminals in the internal Customs branches which will provide faster method for identification of the commercial vehicles that disappeared.
- The joint unit of the Border police, the Custom Administration and the Ministry of transport and communications, should be established in order to investigate the possibility of establishing zones for custom of the goods in or next to the relevant<sup>14</sup>
- border crossing points which would avoid for the commercial vehicles transferring goods to move independently and without escort in the country before being inspected and to pay the taxes.
- More efficient profiling will be included as a method of well directed search and check up.
- Obtaining scanners for commercial vehicles at the border crossing point of 1<sup>st</sup> category.
- Joint task unit of the Police and the Customs for identification of the joint analytics information system with data base which will respond to the requests of the two services enabling exchange of information.
- Institutional establishment of a Border Intelligence Group composed of senior intelligence analysts from the Department of Criminal police<sup>15</sup>, Border police and Custom Administration. This group will meet once a week and if necessary more often (see the part Intelligence).

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<sup>14</sup> Border crossing points where the commercial vehicles must cross (see categorization of border crossings).

<sup>15</sup> Intelligence analysts in the Department of Crime police are provided with the police reforms.

# ILLEGAL MIGRATION, SMUGGLING AND TRAFFICKING IN HUMAN BEINGS

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## 17.1 BACKGROUND

Illegal migration is an important part for Republic of Macedonia and the country isn't country of origin or final destination for the illegal migrants, but is more a country of transit so the escalation of this problem should be addressed at regional level.

By strengthening the activities in this area, the Ministry of Internal affairs makes efforts to detect and prosecute organized traffickers of white slavery, and the Sector of foreigners and immigration issues undertakes administrative measures coming up from the detection of illegal migration, such being the repatriation.

More should and can be done by the competent bodies implementing the law in order to intercept and disperse the national and trans national criminal networks, gangs, organizations and facilitators responsible not only for trafficking in human beings, but their smuggling as well.

## 17.2 SMUGGLING WITH HUMAN BEINGS AND NEED OF CLEAR STRATEGY

Trafficking in human beings is the worst kind of organized crime having exclusively exploiting character. This is special type of criminal act deserving more intention and focusing of recourses<sup>18</sup>.

The smuggling of human beings is a different form of organized crime because it provides profit for the ones enabling illegal crossing of the borders for people wanting

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<sup>18</sup> It was stated at the London conference that 700.000 women are victims of trafficking in human beings each year, 200.000 of them crossing across the Balkan.

to migrate. Its participants are mostly related with other forms of crime, especially terrorism, trafficking in drugs, trafficking in drugs, weapons and human beings.

Little attention is given to the smuggling of human beings in Macedonia, except that the illegal immigrants are treated as such, but the organizers do not have special attention and they can operate relatively free.

This type of crime should be taken seriously with the view of the large number of illegal immigrants transiting across the region and because of the dangerous and more and more of concern position and relations that the organizers have.

According to the plan for police reforms, a special unit for trafficking and smuggling of human beings is going to be established, within the Sector for crime police in the Ministry of Internal Affairs which puts large priority of the trafficking and smuggling of human beings. This is useful step which needs to be supported in a clear strategy and good analysis and intelligence systems, integrated with the ones from the units for criminal investigations and border management.

With the aim of providing simple procession of illegal migrants and to establish efficient exchange of information and cooperation between the Border police and Unit for asylum and migration, this Unit will be absorbed in the Border police as separate unit in the structure.

### **17.3 THE ROLE OF THE BORDER POLICE**

The Border Police needs to be integrated in this anti trafficking and smuggling with human beings strategy because it has important role in the improvement of the control and the check ups of the people crossing the state. The assigning of an inspector for trafficking and smuggling of human beings in the Border police will assist the integration.

#### **17.4 NEED OF EXCLUSION OF OTHER AGENCIES FROM THE PROCESS**

In many countries in the world there are agencies that provide service for visa application. Although some of these businesses are legitimate, some of them aren't. Some of them are only picture behind the trafficking and smuggling of human beings. Another type of legitimate businesses are also used by criminals who are aware that the disturbance of the contact between the officer and the traveler, the estimation of the application and the detection of the fraud becomes more difficult. The whole consular personnel will have instructions for refusal of the visa application submitted by other agencies except in exceptional circumstances.

## **ILEGAL TRAFFICKING IN DRUGS**

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### **18.1 BACKGROUND**

The jurisdiction of the Police and the Customs in view of the drugs is a subject of numerous sensitive debates in many countries, including Macedonia. Still, the aim must be finding a solution, which would enable most efficient detection, prevention and implementation of the laws.

### **18.2 PRIMATE OF THE CRIME POLICE**

The Department for crime police in the Ministry of Internal affairs is most competent for conducting national and regional analysis and investigations, to implement coordinated operations for fight against illegal trafficking in drugs and to connect the relevant information with other areas of action of the crime police, such as trafficking in human beings, smuggling of individuals, weapons, terrorism etc. The Department of the crime police will hold this central, strategic, national and regional role.

### **18.3 ROLE OF THE CUSTOM ADMINISTRATION**

There are cases in Europe where the Customs is responsible for control of the movement of the drugs across the borders and in accordingly, they have appropriate intelligence and investigative capability. Accordingly, it would be preferable these capabilities to be developed in Macedonia.

Still, the nature of the crime in the region, the size of Macedonia, the number of the population, the leading role of the police in the investigations related to the illegal trafficking in drugs in the neighboring countries and the connection between this and the other criminal activities, makes the assumption that the primate of the police should be taken in view of the investigations related to the illegal trafficking in drugs and to be given to the Customs ineffective, illogical and harmful for the

implementation of the laws in general. The responsibility of the Customs for investigations should not go any further than detection of illegal import and export at the border itself. The responsibility for intelligence and investigative actions aimed at identification and interception of gangs and networks of sale of drugs unconditionally stays in the competence of the Police.

#### **18.4 NEED OF COOPERATION OF THE POLICE AND THE CUSTOMS**

This Strategy identifies the factors that can directly or indirectly connect the trafficking in drugs with other criminal acts and violations. The individuals, gangs, networks and organizations involved in illegal trafficking in drugs are often active in other illegal and criminal activities. Some of them will have the influence and will be connected to the work and the competencies of the Customs and therefore, the work of these two services, socially in the part of the drugs needs to be integrated. That is why the information, analysis and intelligence systems of the Police and Customs must be connected.

Memorandum on cooperation must be prepared and signed by these two services and to establish the appropriate operative and connecting structures.

#### **18.5 TASKED MIXED TEAMS**

There should be tasked mixed teams being involved in the Customs Administration, Border police and the Sector for illegal trafficking in drugs. These task mixed teams will work on specific intelligence aimed operations. At national level there will be mechanisms for liaison at central and local level between the assigned members of the Police and the Customs. Also, much more efficiency will be accomplished if conditions are provided for training of the personnel of the Sector for illegal trafficking in drugs, Border police and the Customs administration, as well as exchange of experience.

## **18.6 PRECURSORS – DRUGS AND WEAPONS FOR MASS DESTRUCTIONS**

The civilian business sector will be also integrated in view of the efforts to protect the country from cross border crime. A cooperation should be established between the Medicine Bureau of the Ministry of Health, the Customs Administration – responsible for check ups and control of goods, chemical-pharmaceutical industry and the relevant regulative bodies for import, with the aim of detecting the re-directions of the imported chemicals which might be used as precursors for illegitimate purposes including the manufacture of drugs and weapons for mass destructions.

## **18.7 AIMS**

- Memorandum on cooperation to be signed until 31<sup>st</sup> of March 2004 by the Ministry of Internal Affairs, the Customs Administration and the Bureau for medicines on joint cooperation based on the strategy for the investigations related to drugs.
- Mixed task forces to be operative by 31<sup>st</sup> December 2004
- To establish mechanism of cooperation among the Bureau for medicines of the Ministry of Health, the Customs Administrations, chemical – pharmaceutical industry and the relevant regulative bodies for import in order to detect and prevent the disappearing of precursors by 31<sup>st</sup> August 2004.



## **RADIOACTIVE MATERIALS**

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### **19.1 DIRECTORATE FOR RADIATION PROTECTION**

A Directorate for radiation protection will be established. The purpose of the Directorate will be to address and solve the mixed and contradictory situations relating to the responsibilities of the Ministry of Health, the Ministry of education and science, the Ministry of ecology and special planning in this area, in order to consolidate the same in one new body.

### **19.2 REGULATIVE RESPONSIBILITY**

Until the establishment of the Directorate for radiation protection, the Ministry of Health stays the regulative body for radioactive material<sup>19</sup>. The fact that the Ministry of Health is the biggest beneficiary of the radioactive materials and in the same time is the regulative body, might cause undesirable implications. The regulative responsibility must stay outside the competencies of the beneficiary subjects such as the Ministry of Health, if not they would be in compromising situation to regulate themselves, which would mean weak management and situation that should be avoided. With the establishment of the Directorate, the regulative responsibility will be transferred. It must happen as soon as possible.

### **19.3 ENDANGERMENT**

Macedonia by itself is not big manufacturer or consumer of radio-active material. Still, there is great danger for Macedonian citizens and the ones from other countries from the illegal possession and use of radio-active material<sup>20</sup>, so that precaution measures need to be undertaken at the border.

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<sup>19</sup> The Law on protection from ionising radiation and radiation protection, Official Gazette of Republic of Macedonia No. 48/2002 of 4<sup>th</sup> July, 2002.

<sup>20</sup> Global danger of improvised weapons for mass destructions should be taken into consideration.

#### **19.4 NATIONAL SECURITY WORKING GROUP – RADIO-ACTIVE MATERIALS**

The Ministry of Health, the Ministry of education and science, the Ministry of ecology and special planning, the Customs Administration and the Border police will establish working group under the leadership of the Ministry of Internal Affairs being the basic coordinating body for urgent matters and will report directly to the Councilor for National Security for the possibilities for protection of the country and other countries from the threat of radio-active material in the country and in the region.

The same working group will have the task of developing action plans and implementation procedures in urgent cases involving radio-active material.

#### **19.5 TRAINING**

The personnel involved in the inspection and the control of goods and individuals at the state borders should be trained in dealing with dangerous and radio-active material. The Ministry of Health will have the leading role in training until the Directorate is established.

#### **19.6 DISPOSED METAL**

With the aim of providing easier management and control of the hard metals and to avoid eventual radio-active contamination, there is a need of transferring the disposed metal solely through the border crossings of 1<sup>st</sup> Category. Instructions should be given not allow entrance at all vehicles carrying disposed metal, trying to cross the border at another border crossing point. The Custom Administration is responsible to ensure that the relating agencies in the neighboring countries are informed about that policy.

## **19.7 MEMORANDUM OF COOPERATION – DIRECTORATE FOR RADIATION PROTECTION AND THE CUSTOM ADMINISTRATION**

This type of approach to the radio-active material, the disposed and hard metals, will facilitate the process of prevention of the illegal movement of this material. The Directorate of radiation protection and the Custom Administration need to prepare and sign Memorandum on cooperation in view of this question, and the Custom Administration as a controlling authority has the obligation to control and inspect the goods.

## **19.8 GAMMA – SPECTROMETERS**

The provision of Gamma – spectrometers for the border crossing points will be jointly reviewed by the Ministry of Education and Science and the Custom Administration.

## **19.9 AIMS:**

- setting up Directorate on radiation protection until June 2004
- the Ministry of Health, Ministry of Education and Science, Ministry of Ecology and special planning, the Customs Administration and the Border Police will establish working group under the leadership of the Ministry of Internal Affairs until 31<sup>st</sup> of March 2004. This Working group will report directly to the Councilor for National security and will provide risk analysis, managing recommendations and control of the radio-active material and will prepare plans and procedures for reaction in urgent cases until 31<sup>st</sup> August 2004.
- Joint Memorandum of cooperation between the Directorate for radiation protection and the Custom Administration relating to the transfer of disposed metal across the border crossing points to be signed by 31<sup>st</sup> August 2004 and implemented by 31<sup>st</sup> September 2004.

## **19.10 REQUESTS:**

- the personnel of the Border police and the Custom Administration involved in the control and inspection of individuals and goods to be trained in view of dealing with radio-active and dangerous materials.
- Review of the current legislation in order to have harmonization with the international standards.

## **REGULATION AND CONTROL OF HARMFUL AND DANGEROUS MATERIALS**

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### **20.1 REGULATION**

The regulation of the harmful and dangerous materials, including biologically infective and harmful materials, needs consolidation. The complex and unclear situation must be defined and there must be a consistent regulative approach to the control of these materials. This regulative approach needs to be established before the implementation of any kind sustainable policy in view of the border control of these materials.

### **20.2 NATIONAL COMMISSION FOR HEALTH, SECURITY AND ENVIRONMENT**

National Commission for health, security and environment to be established and to have participants of all the competent bodies, with the aim of determining criteria for classification, supervision and control of dangerous materials based on the existing internationally accepted lists, as well as setting up data baser and best practices relating to the management. The measures for control of borders will then need to be defined.

### **20.3 THE MINISTRY OF ENVIRONMENT AND SPACIAL PLANNING AS A TEMPORARY REGULATORY AUTHORITY**

Until the National Committee on health and security is not established and it doesn't start to give appropriate directions, certain consolidation can be achieved. The Government needs to give the regulatory competence for regulation and control of the harmful and dangerous materials in the hands of the Ministry of environment and special planning. This Ministry is not the only beneficiary of the harmful and dangerous materials, but has the responsibility of protection of the environment and special planning.

For example, it would not be a good practice if the primary beneficiaries and transporters of this material are put into position to regulate themselves. The regulative responsibility for medical waste needs to be transferred from the Ministry of Health to the Ministry of Environment and special planning. The regulative responsibility for the domestic and industrial waste should be transferred from the Ministry of Transport and communications to the Ministry of Environment and special planning.

#### **20.4 DIRECTIONS FOR BORDER CONTROL**

The Ministry of Environment and special planning and the other Ministries, especially the ones related to the control and inspection of the goods at the border, need to study "Directive on harmful materials – European waste catalogue", "the European agreement for road transfer of dangerous goods", "the Regulative of the Council (EEC)" NO. 2455/92 relating to the import and export of specific dangerous chemicals and "Directive 793/93 EU" on estimation and control of the risk of some chemicals. The Ministry of Environment and special planning needs to create directions for border control, which need to be implemented by the Custom Administration.

## **INFECTIONS DISEASES CONTROL**

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### **21.1 RESPONSIBILITIES**

The Ministry of Health has competence in the infections diseases control.

### **21.2 URGENT CASES PROCEDURES AND PLANS**

The necessary legal authorizations for the realization of this control are already in place. However, if an urgent reaction is necessary with the aim of prevention of spreading of disease entering in Republic of Macedonia or it is spread through our borders to the territories of the neighboring countries, there must be easy performing, understandable and efficient plans and procedures.

Right upon his nomination, the Director of the NBMCC needs to create plans for urgent cases and procedures for control of the diseases in cooperation with the Ministry of Health and the Customs Administration.

## **PHYTO SANITARY, VETERINARY AND FORESTRY INSPECTION**

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### **22.1 THE MINISTRY OF AGRICULTURE, FORESTRY AND WATER MANAGEMENT AND ITS ROLE IN THE BORDER MANAGEMENT**

The Ministry of Agriculture, Forestry and water management has three basic functions within the Integrated Border Management which need to be included in the plans of the Ministry. these functions are: phyto-sanitary control, veterinary control and control of the forests and the cuttings of the woods.

### **22.2 PHYTO SANITARY CONTROL**

The Ministry of Agriculture, Forestry and water management is competent to approve or forbid entrance in the country for plants and vegetation materials upon performing phyto sanitary control.

Because of the limitation imposed to the Ministry, which relate to the number of inspectors that can be employed, the Ministry at the moment is not able to increase its recourses and due to this there is a lack of inspectors for control implementation at all border crossing points. this results with long duration of stay of specific goods at the border crossing points. Therefore, we must make the work of the inspectors who are at our disposal more efficient.

In order to provide faster flow of specific goods at the borders, the Ministry of Agriculture, Forestry and water management will change the methodology of covering all border crossing points and will concentrate its inspectors to the border crossing points of 1<sup>st</sup> Category<sup>21</sup>. The transporters will be crossed the border only at these border crossing points. With these measures, the flow of agricultural products will speed up and the duration of the stay of the commercial vehicles at the border crossings will decrease.

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<sup>21</sup> Blace, Tabanovce, Deve Bair, Bogoridica and Kafasan.

This change in the way of work imposes the need for the Ministry of Agriculture, Forestry and water management to inform in appropriate way the competent agencies in the neighboring countries.

### **22.3 VETERINARY CONTROL**

The Ministry of Agriculture, Forestry and water management is competent to approve or forbid entrance into the country of animals, products of animal origin and animal origin waste whose control is in the competence of the veterinary inspection.

Similar problems with the resources have the veterinary inspectors. Again, we must concentrate them at the border crossing points of 1<sup>st</sup> category and the airports and to do what ever possible within our possibilities to facilitate the trade, flow and influx of legal movement across the borders.

Again, this change in the way of work imposes the need for the Ministry of Agriculture, Forestry and water management to inform in appropriate way the competent agencies in the neighboring countries.

### **22.4 FORESTRY**

It is fact that the work of the police in the green belt at the border, especially on the north and the west side is even more difficult because of the cutting of the forests. These activities for cuttings of the woods often hide the illegal cross border movement of individuals and goods, including weapons. The existence of activities for cuttings of the woods close to the border with Serbia and Montenegro – in the part to Kosovo, endangers the border management in this region.

There should be plans made at local level between the Ministry of Agriculture, Forestry and water management, Border police and the local police in order to identify and address the phenomena of illegal cuttings of the woods and legal cuttings of the woods used only as a camouflage for illegal activities. One of the elements that need to be included in this is the competence of the Border police and the Bureau for



public security generally to assist in the investigations and the analysis of this problem and to apprehend individuals in support of the joint coordinated activities. Memorandum on cooperation which relates to the joint activities will need to be prepared and signed by the two ministries.

#### **22.5 AIMS:**

- Developing and implementation of plans composed by the Ministry of Agriculture, Forestry and water management and in consultation with the Custom Administration for concentrating phyto sanitary inspectors at the border crossing points of 1<sup>st</sup> category<sup>22</sup>
- until 31<sup>st</sup> of December 2003, with the aim of enabling 24 hours regular coverage of these border crossing points.
- Development and implementation of plans prepared by the Ministry of Agriculture, Forestry and water management and in consultation with the Custom Administration for concentrating veterinary inspectors at the border crossing points of 1<sup>st</sup> category and airports until 31<sup>st</sup> of December 2003.
- Signing and implementation of a Memorandum of cooperation between the Ministry of Internal Affairs and the Ministry of Agriculture, forestry and water management which relates to the joint activities in the fight against illegal cuttings of woods until 31<sup>st</sup> of March 2004.
- Signing and implementation of a Memorandum on cooperation between the Customs Administration and the Ministry of Agriculture, forestry and water management which relates to the cooperation with the phyto sanitary and veterinary inspection until 31<sup>st</sup> of December 2003.

#### **22.6 NEEDS**

- disabling of intentional or accidental hiding of illegal cross border movements with the activities of cuttings of woods by banning the license issuance for cutting of woods in the area of 1.500 meters from the north border with Serbia and Montenegro – in the part to Kosovo. Already issued license to be annulled as soon as possible.
- To initiate negotiations by the Ministry of Agriculture, forestry and water management with the support of the Customs Administration and the Border police with the national and international authorities which limit the employment of new phyto sanitary and veterinary inspectors in order to enable the authorities to fulfill the criteria of the EU for facilitation of the flow of goods across the borders by improving the infrastructure at the border crossing points, institutional strengthening and the procedures including the veterinary and the phyto sanitary services.

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<sup>22</sup> See part categorization of border crossing points.

**INSPECTION ON THE FOOD SAFETY, PRODUCTS AND MATERIALS**  
**COMING IN CONTACT WITH THE FOOD**

**23.1 DIRECTORATE FOR FOOD**

For the realization of the tasks in the area of food safety, the products and materials coming in contact with the food there should be a "Directorate for food" established. This body upon its establishment, among its other obligations, will control the import and export of the food, the products and the materials coming in contact with the food, while the Custom Administration will custom the imported goods upon previous consent for that or a decision for approved import by the food inspectors.

The Custom Administration is the leading agency for inspection and control of the goods crossing the borders. It includes the food and due to this, all the procedures relating to control of the quality of food at the borders will be composed in accordance with the Custom Administration and will be implemented only with their consent.

**PROCEDURES FOR "THE GREEN BORDER"<sup>24</sup> -  
CUSTOM ADMINISTRATION AND THE BORDER POLICE**

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**24.1 DETECTION OF CUSTOM VIOLATION AND CRIMINAL ACTS IN THE ARE  
OF THE CUSTOM WORK AT THE GREEN BORDER**

The Border police within its competencies will perform supervision of the green border also in cases when during the course of its work, it notices and determine administrative, tax – custom violations and criminal acts in the area of the custom work in the rural areas, which belong to the competence of the Custom Administration informing the Custom Administration about the situation without any delay<sup>25</sup>.

**24.2 COORDINATION BETWEEN THE BORDER POLICE AND THE CUSTOM**

The coordination of the activities between the reaction of the Custom Administration and the presence of the Border police on the field is within the responsibilities of the National Border Management Coordinative Center (NBMCC). In order for this coordination to go without problems and to enable the Custom Administration to react fast, the personnel of the Border police should be familiar with the procedures for reporting the administrative, tax-custom violations and criminal acts in the area of the custom work.

**24.3 REPORTING AND NOTIFICATION**

The notification should be submitted with a determined procedure to the NBMCC and the reaction of the Custom Administration should be coordinated through the liaison officer from that center.

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<sup>24</sup> Areas between the official border crossing points.

<sup>25</sup> Part on the defining of the responsibilities.

#### **24.4 VALID OPERATIVE PROCEDURES**

NBMCC, the Border police and the Custom Administration should work together in the creation of "Standard operative procedures". The Custom Administration needs to develop the internal mechanisms and procedures which will give directions for their rapid reaction in case of detection and notification by the Border police, as well as the type of the support which might be necessary in specific cases.

#### **24.5 SUPPORT OF THE CUSTOM ADMINISTRATION BY THE BORDER POLICE**

The Border police needs to be prepared to support the Custom Administration if needed.

#### **24.6 NEEDS**

- Creation of reporting procedures by NBMCC
- Establishing internal mechanisms and reaction procedures by the Custom Administration.

### **BORDER AREAS DEVELOPMENT**

#### **25.1 INSUFFICIENT COMMUNICATION CONNECTION AND BORDER AREAS DEVELOPMENT AS A REASON FOR CRIMINAL CROSS BORDER ACTIVITIES**

The insufficient communication connection and access to the infrastructures and services, health and education (distance) and lack of possibilities for employment create problems for the population living in the border regions. In their finding a way to solve their problems they might turn to criminal activities and orient to services that they might realize easier across the borders of the neighboring countries.

Not only that this situation is problematic for the authorities trying to control the cross border movement and to fight against cross border crime, but the country has the obligation to provide medical protection, education and other services for the population which it doesn't have at the moment. Enabling these services and the

decrease of the sense of isolation, the authorities will gain bigger support from the local population, and the security problems will decrease and it will be easier to solve them.

## **25.2 MULTI-AGENCY APPROACH AND BORDER DEVELOPMENT STRATEGY**

There is a need for the Border police, the Ministry of Health, the Ministry of Education and Science, the Ministry of Finance, the Ministry of Transport and Communication and the local authorities to prepare five-year strategy and plan for border areas development<sup>26</sup>.

This strategy should establish criteria for financing which will include the distance, safety, lack of possibilities for employment etc. Likewise, local communities will need to be consulted and to include plans such as:

- Programs for contribution to the national integration that cherish the awareness of being part of a multicultural and multi ethnic country. Excursions to different parts of the country might be included, organizing youth camps etc.
- Organizing distance - study programs and providing temporary education in places less inhabited.
- Building hotels in high schools for students from the border areas.
- Providing solar energy and wind generated energy.

The local authority needs to identify and implement the schemes relating to the problems with the social infrastructure, providing the basic needs and filling the gaps in the road infrastructure. Special attention should be given to the creating of possibilities for employment.

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<sup>26</sup> Less than five years is non realistic having in mind the available recourses and most probably it will not have any influence, while longer than five years will slow down the support and it will not be efficient in view of the integration of the population from the rural border areas with the general public.

### **25.3 SUPPORT OF THE RURAL BORDER COMMUNITIES**

The Border police which ideally should become part of the local community, should be structured, equipped and financed to assist to a certain degree to the communities in the border areas in view of the medical care.

## **AIRPORTS**

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### **26.1 BACKGROUND**

The International airports in Skopje and Ohrid, although fulfilling the basic international security standards, have lack of facilities necessary for a contemporary airport.

### **26.2 CO-ORDINATION OF MANAGEMENT**

The coordination and the cooperation between the services present at the airport is based on the Security Council at the airport reporting for its work to the Ministry of transport and communication.

### **26.3 FACILITIES AND MEANS**

The facilities at the airports at the moment are adequate. If the air traffic and the number of travelers increase, the safety will most probably be endangered. Attracting tourists and the increase of the air traffic is positive for the country, but the lack of facilities reduces these efforts.

### **26.4 IMMIGRATION SUPPORT**

Priority of the Unit for asylum and immigration within the Ministry of Internal affairs is to open office and assign one officer at the Airport in order to help the Border police in solving immigration problems.

The Airport Administration will provide interview rooms in the entrance terminal where interviews can be taken with the suspected illegal migrants.

### **26.5 INTEGRATION**

All services present at the Airport will continue to coordinate through the Security Council of the Airport. An officer of the Unit for asylum and immigration will be integrated.

### **26.6 DANGER OF EXPLOSIVE DEVICES AND TERRORISM**

Because of the nature of the global terrorism and the enormous quantities of luggage coming to the airport there is a danger of explosive devices and terrorist actions.

In order to deal with this danger, the airport police will include officers in each shift which are trained in basic demounting of explosive devices. Members of the airport police will have more intensive training for handling of weapon and better equipment for limitation or prevention of terrorist incidents until the special units arrive.

### **26.7 AIMS:**

- opening office for immigration and asylum until 31<sup>st</sup> of March 2004
- building or providing interview room at the entrance terminal until 31<sup>st</sup> of March 2004
- Transfer of the responsibilities for setting and payment of airport taxes to the hands of the Airport Administration until 31<sup>st</sup> of March 2004

### **26.8 NEEDS:**

- Training for demounting explosive devices and counter terrorist actions for the members of the Border police which will work at the airport.

## **LAKE CONTROL**

### **27.1 ILLEGAL LAKE CROSSINGS**

There are evidences that illegal border crossings are performed on the Ohrid and the Prespa Lakes. According to the statements of the people that were illegal transferred, this kind of illegal crossing are mostly performed at night. It is very difficult to exactly determine the number of the illegal crossings; still, relatively open border between the two lakes offers great possibility for criminal exploitation. However, the attempts for illegal border transit using the lakes will most probably increase because of the strengthening the border control on the land.

The current regional indicators show that the criminal movement goes most often from east to the west, in other words, in this case, more from Macedonia to Albania, than the opposite. The individuals involved in the process, often have connections on the Macedonian side and in the spirit of the regional cooperation, the Border police would be responsible to discourage and if necessary prevent such movement in whatever direction.

### **27.2 NEED OF INCREASING THE PRESENCE OF THE LAKE PATROLS**

At the moment there are patrols sent on the lakes in Republic of Macedonia which patrol once or twice in a period of 24 hours. This limited presence on the lakes is not enough to provide limitation, detection or prevention of the movement and that is why there is a need of providing continuous presence which will enable faster reaction. This continuous presence on its side requires increase of the personnel and additional equipment.

### **27.3 VESSELS OF THE LAKE PATROL**

The vessels that the lake patrol has at its disposal are adequate only for a short term basis. On medium or long term basis, it is necessary to provide faster and more



maneuver ships, as it was already mentioned, due to the fact that the lake illegal crossings will increase with the strengthening of the land border controls.

#### **27.4 LAND RADAR CONTROL**

Integrated, land radar system is needed to provide constant supervision of the movements at the lake and to direct the ships of the lake patrol to interceptions, close identification or if needed, following of the illegal vessels.

#### **27.5 MOBILE LAND PATROLS**

The recognition of the problems and dangers related to the interception of the vessels moving on the waters imposes the need of mobile coast guard patrol, capable of immediate response at any part of the Macedonian lake coastline identified as a potential destination of the target vessels.

#### **27.6 INTEGRATED OPERATION**

With the aim of providing efficient operation of this system it is necessary for it to be fully integrated. All three elements of the operative system: radar operators, vessels and the coast guard patrols to be in constant and direct radio communication. The Custom Administration should be involved in this system on a call basis, with the aim of timely reaction in all relevant cases for which the police station "Lake control - Ohrid" reports.

#### **27.7 COOPERATION WITH THE AUTHORITIES IN REPUBLIC OF ALBANIA AND REPUBLIC OF GREECE**

The communication and the coordination with the services for border management of the Albanian and Greek coastline would be useful. The need of duplication of the equipment, personnel and financial means in the moment is a reality. This situation should be reviewed and reduced. There is a need of putting efforts for setting up mixed patrols at the lake patrol vessels and mixed personnel for the land radar system

when it will be established. This leads to the possibility one patrol to cover the whole Area of each lake.

## **27.8 TRAINING**

For the efficiency of this approach, the training while establishing and task performance is of great importance. The experiences from the other countries in similar circumstances should be taken into consideration.

## **27.9 NEEDS:**

- increase of the personnel of the police stations responsible for lake control in order to provide constant 24 hours patrol presence on the waters and constant mobile coastline patrols in a position to respond immediately.
- Preparation of a study for provision of a land based system as mentioned above
- Support of the donor agencies for provision of sufficient number of mobile and fast patrol ships
- To consider the possibility of cooperation with the neighboring countries for establishing mixed patrols.

## **REGIONAL COOPERATION AND COORDINATION**

### **28.1 GOVERNMENTAL POLICY**

The coordination and the cooperation of the neighboring and regional partners in issues relating to border management and the fight against trans national crime is an issue of the Governmental policy. Republic of Macedonia is already active in several international and regional mechanisms such as SECI, EUROPOL and INTERPOL and is obliged with the Ohrid conference for regional border management for further strengthening of these and other coordinative mechanisms.

## **28.2 STRENGTHENING OF THE COOPERATION**

Measures for strengthening and improvement of the cooperation will be undertaken with our and regional neighbors, covering the whole spectrum of cross border cooperation, exchange of national liaison officers, risk analysis, exchange of experiences, cooperation in training and cooperation in investigations. Because of this reason, the plan for NBMCC includes liaison officers from the agencies for border management from the neighboring countries. Likewise, due to these reasons, the plan for the establishment of Border police includes International Investigative Center which should be host for seminars and workshops at regional level and to facilitate joint development of the border management development in the region.

## **28.3 COORDINATIVE MEETINGS AT THE BORDER CROSSING POINTS**

There should be regular coordinative meetings at the border crossing points. Pending the approval from the Ministry of Foreign Affairs, the commanders of the border crossing points may invite their partners from the neighboring countries to attend weekly meetings where two senior Custom inspectors will be also invited. These meetings will be held according to a locally established agenda and will be focused on exchange on information and management of the border crossing points.

## **28.4 COORDINATIVE MEETINGS (BILATERAL) OF THE REGIONAL COORDINATIVE CENTRES**

As soon as the Regional Coordinative Centers of the Border police are established, their commanders will be encouraged to establish regular meetings with their partners from the neighboring countries. The operative intelligence officers will also attend these meetings.

## **28.5 REGIONAL (MULTILATERAL) COORDINATIVE MEETINGS**

At national level the manager of the Border police and the Director of the Custom Administration will have regular meetings with their partners from the region.

## **JOINT BORDER COMMISSIONS**

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### **29.1 POSITIVE BASIS**

The Joint Border Commissions established in cooperation with Republic of Albania, Republic of Bulgaria and Republic of Greece are a positive basis which should be accepted at the moment and start to improve.

In view of the border with Serbia and Montenegro, there is a mixed commission for demarcation of the border line in accordance to a bilateral agreement.

### **29.2 ESTABLISHING WORKING BODIES FOR CROSS BORDER COOPERATION**

The Government of Republic of Macedonia as a measure for unilateral cooperation and trust building is obliged in case of border incident of whatever nature to inform as soon as possible<sup>27</sup> the authorities for border management of the neighboring countries with whom there is an agreement for Joint Border Commission. The liaison officer from the neighboring country assigned by the NBMCC will have access to any place of incident in the part of operations of the Regional Coordinative Center relating to his/her country and if required the scene of the incident will need to be secured until his/her arrival.

In order to have efficient cross border cooperation with the neighboring countries and exchange of information on daily basis within each Regional Coordinative Center there will working bodies established for cross border cooperation which will be fully operational.

The activity of the newly formed working bodies for cross border cooperation will not sublimate and exchange the competencies of the existing Joint Border Commissions

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<sup>27</sup> The liaison officer of the neighbouring country in NBMCC will have 24 hours access to the NBMS and he will be directly informed about the incident.

in cooperation with the neighboring countries, i.e. those Joint Border Commissions will keep their competencies.

In the same time, there will be constant communication, cooperation and coordination of the activities among the Joint Border Commissions and the working bodies for cross border cooperation so that there will not be overlapping of the activities.

### **Members of the bodies for cross border cooperation**

Members of the working bodies for cross border cooperation will be:

- manager of the Regional Coordinative Center of the Border police or his deputy<sup>28</sup> - as permanent member,
- criminal inspector – as permanent member
- other personnel in accordance with the reasons for the meeting of the working body for cross border cooperation<sup>29</sup> - as changeable member.

## **BORDER DATA MANAGEMENT SYSTEM (BDMS)**

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### **30.1 NEED OF A BORDER DATA MANAGEMENT SYSTEM**

The control of the migrations is a key element of the management today. This is related to the human rights and the international laws and is of enormous for Europe, membership candidate countries, such as Macedonia which is found on the road of the biggest routs for movement of migrants from east to west, seriously to deal with the problems resulting from the migration. In order to do so, Macedonia must have efficient border data management system (BDMS).

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<sup>28</sup> This will create a system fully compatible with the structures of the Bulgarian Border service and the proposed structure of the Albanian border service.

<sup>29</sup> Unless the incident involves illegal immigration, there will not be a need of presence of a member from the Sector for foreigners and immigration issues.

The system being currently used for collection and storage of data on immigration at the borders is incompatible. The system is not fully connected, often important information are not entered and it is very difficult to analyze the received information. The personal data interception is very difficult and it is very problematic to receive reports from the system. At the moment there is no safe data base upon which appropriate governmental policy can be based.

Because of this, the aim is to apply a method on regulation of the entrance and the exit and the stay in the country of the foreign citizens.

In order to achieve this there is a need of building a border data management System. The setting up of unified network connected system for control of migration is of utmost priority. Without that system the situation with the immigration influencing on the country cannot be estimated, nor it can be controlled.

## **30.2 THE FUNCTION OF BORDER DATA MANAGEMENT SYSTEM BDMS**

BDMS will register in a data base with a central server the passport controls and registration on every entrance and exit in the same time making comparison of every entrance and exit with the list of wanted individuals.

## **EXAMPLE OF POSSIBLE SETTING OF BDMS AT THE AIRPORT SKOPJE**

### **30.3 NEED OF REGISTRATION OF ENTRANCE AND EXIT**

In order for the BDMS to function efficiently, data should be inserted not only for entrance, but also for exit. This is necessary if want to trace the stay of certain individuals in the country and to analyze the international smuggling networks. This kind of registration often is not performed in Macedonia, as well as other European

countries. Still, this way enables useful management system which is internationally accepted as best practice.

#### **30.4 TRAINING**

This system will be very easy to use and very simple training is required for it.

#### **30.5 REGIONAL INTEGRATION**

Valid and permanent data base of BDMS will be part of the permanent estimations which can be exchanged with other countries.

### **PASSPORT AND VISA REGIME**

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#### **31.1 PASSPORT AND VISAS AS AN INTEGRAL PART OF THE BORDER MANAGEMENT**

The Ministry of Foreign affairs and the Ministry of Internal Affairs realize complete and constant communication and integration in the course of determining the visa policy and the passport regime. The passport and visa system of the country is an integral part of the Integrated border management. The process undertaken by the consular personnel for visa issuance is the first border control relating to natural persons. The passport as a basic document necessary for the travelers along with the visa enables the border personnel to confirm the legitimacy of the travel.

#### **31.2 THE NEED OF PROFILING**

The decision whether one will be granted or refused entrance in the country at the moment is performed by the border personnel on the basis of whether this person

possesses appropriate travel document. The profiling should be included in this process, but still both documents will be the key for efficient border control.

### **31.3 CHANGES OF THE MACEDONIAN PASSPORT**

At the moment, the Macedonian passport has inappropriate protection from forgeries and this used to great extent by the criminals. In return, it resulted in strengthening the visa regime of certain number of countries for Macedonian citizens in order for them to be protected by the same criminals. The Government is aware of this and has initiated a process to improve the situation by issuing new passport.

At the beginning, the intention was to create new passport that will be in accordance with the valid European and international protection standards, still, after the terrorist attacks in New York on September 11<sup>th</sup> 2001 and by increase of the technical means available for the falsification makers, it was agreed that even the international standards applied at the moment are not adequate for fight against the international organized crime.

The European, North American and other countries are firmly determined to include biometrical data in their passports and travel documents. In the interest of Macedonia is to follow these changes up close and instead of having passport being in accordance with the current European standards, to develop a plan for issuing new passport which will respond to the future standards by including biometrical data. If we don't act like that, we might be in a situation to have out of date passport at the moment when it will be issued.

### **31.4 VISAS AND COOPERATION BETWEEN THE CONSULAR SERVICES AND THE BORDER POLICE**

Like the passport, the template for the Macedonian visa should contain data responding to the already planned future European standards, and not the one valid at the moment.



There are two levels of control and inspection of the individuals crossing the state border. The first one, as it was already mentioned is the process performed by the personnel in the diplomatic-consular offices before the visa issuance. The second one is control and inspection of individuals at the border itself by the border police. There is always room for improvement and we should strive for it at all times, in the same time developing the mutual cooperation between the two basic involved structures – Ministry of Foreign affairs, the diplomatic-consular offices and the Border police.

### **31.5 TRAINING**

The consular personnel will be trained for profiling techniques helping to have objective decision about the visa issuance. They will be also trained for detection of forged or changed travel documents.

The training for the forged and the changed travel documents should be standardized and not repeatable. That is why, the training of the consular and other personnel will be performed centrally by the Border police. This approach for joint training is more economic and enables for similar procedures and methods to be easily integrated and the personnel to get to know the role and the work of other bodies.

### **31.6 VISA DATA BASE AS A USEFUL MEAN**

Access to the data base of issued visas where the data on individuals entering the countries can be compared would be useful for detection of discrepancies by the ones making the control and the inspection of individuals at the border itself.

### **31.7 DOCUMENT ARCHIVE**

The Border police will include in its structure document archive. This archive and other analytical and investigative possibilities will provide efficient detection of forged or changed travel documents.

### **31.8 AIMS:**

- All consular clerks involved in the visa request procession will be trained for detection of forged and changed travel documents by 31<sup>st</sup> December 2004. In future, this training will be obligatory included in the training of all consular clerks and the personnel involved in the issuing of visas.
- From 31<sup>st</sup> of December 2004 there will be regular training program with the aim of maintaining, promotion and improving the knowledge in view of detection of forged and changed travel documents for the whole consular personnel involved in the issuing of visas.
- By 31<sup>st</sup> of December 2004, establishing networking visa data base containing all visas issued by the consular office or some other services with the possibility of access to the ones involved in the control and inspection of individuals at the border itself. This network will connect all consular offices and will be managed by the consular service in the Ministry of Foreign Affairs.

## **PROFILING**

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### **32.1 BORDER MANAGEMENT PROFILING**

Profiling is provided by the border management personnel with information needed for more efficiency oriented controls, searches and requests. This process, based on intelligence and statistical data analysis is relatively new, but internationally applied concept and we must make sure our personnel is trained to use it.

### **32.2 GOODS AND PARAMETERS DEVELOPMENT FOR PROFILING BY THE CUSTOMS**

At the moment, the Custom Administration plans to develop parameters for profiling supported by combined statistical and intelligence analysis, which a positive step towards more efficient and integrated border management in view of the control and the inspection of the goods.

### **32.3 PROFILING IN CONTROL AND INSPECTION OF INDIVIDUALS**

Along with the need of checking the legitimacy and the validity of the travel documents, it is necessary to check the legitimacy and the reason for the travel and to connect those two.

The smugglers of goods, traffickers with human beings, smugglers with human beings and terrorists will exploit every weakness in the border control. They will be using deceptions and use legitimate documents obtained by deception in order to present themselves as legitimate travelers.

The experience shows that the illegal immigrants and the lied victims of trafficking in human beings will cooperate with their facilitators because they believe that they are brought to a better life. The experience also shows that the victims of trafficking in human beings who were subject to violence will not risk to request assistance from the border authorities. There is no case in which the traffickers need to have close control of the people they are transferring nor there is a need of limitation of their movement by using secret methods.

We must make sure that our personnel working at the borders and in consular offices is well trained, equipped and applies good procedures for detection of any type of deception. If border controls are applied only to ensure validity of the travel documents, many people victims of trafficking in human beings and individuals with illegal or criminal intentions will avoid being detected. These same immigrants and smuggled people, not knowing, try to travel with legitimate documents obtained with a deception by their facilitators. That is why travelers need to be checked.

The personnel working on issuing documents or on the control and inspection of individuals crossing the border should apply the profiling technique. That is why there is a need of contact between the consular clerk checking the documents and the traveler. Also, there is a need of submitting the results of risk analysis to the whole personnel involved in border controls. On the basis of specific parameters and

intelligence data, created for specific aim, the personnel will be trained for the different methods used to avoid the border control, the new trends and individuals that should be careful about.

#### **32.4 NEED OF DIRECT CONNECTION BETWEEN THE CONSULAR PERSONNEL AND THE VISA APPLICANTS**

Since the individual profiling will be adopted as a support technique for the border management, there is a need of direct contact between the consular clerks and the visa applicants. That is why, it shouldn't be practice to take passport or visa applications for third individuals (see part illegal immigration).

#### **32.5 REQUIREMENTS:**

- Introducing profiling as a technique in the consular offices as a mean for estimation of the visa applicants.
- Introduction of the profiling as a technique in the border control and inspection.

### **INTELLIGENCE**

#### **33.1 INTELLIGENCE, ANALYSIS AND INFORMATION SHARING**

The foundation to strengthen the national capacity for prevention of the organized cross-border crime and bringing its performers before the face of justice, reducing the vulnerability of the country due to its transit role in the transnational crime and decrease of the threat of terrorism and attacks, lies in the highly qualitative intelligence, information analysis and their exchange. In order to support these requests, the following directions should be traced:

- Developing National intelligence model (not within this strategy)
- Establishing National border intelligence Committee
- Improved, integrated and connected analytical capabilities for border management, implementation of the laws and intelligence.

Solely through these initiatives the integration of the intelligence will be developed and the gaps in the intelligence process will be covered.

The risk analysis (see part risk analysis) and border management should be supported by systematic intelligence. The border management system should be capable to collect information, compile and analyze them giving intelligence data used for the operational planning and the terrain work.

Two way exchange of information will be organized between the central and the local level of border management.

### **33.2 INVOLVEMENT AT LOCAL LEVEL**

The local level should collect information for illegal migration and other cross border irregularities, to analyze this information locally and to submit them at central level. The structures of the Border police are specially designed for this work.

### **33.3 PROTECTED DATA BASE**

Protected data base should be set up and available in the border management with the aim of exchange of experience between the services and the sectors and in order to distribute data.

### **33.4 LIAISON OFFICERS**

There should be a network of liaison officers in order to connect the different sectors and agencies at different level with the neighboring countries.

### **33.5 CENTRAL LEVEL**

The central level should cover all the information coming from around the country, to process and distribute them in useful form back to the local level where they will be

used as a tool for tactical risk analysis and operation planning, as well as for providing strategic analysis.

### **33.6 DATA FLOW AS A MEASURE FOR EXCHANGE OF INFORMATION**

The management of data flow may be used in order to estimate the efficiency of the exchange of information between the appropriate authorities. The right to search the data base should be controlled by a supervision unit. For that purpose, special unit will be established within the Ministry of Internal Affairs.

### **33.7 AIMS:**

- Establishing National Commission for border intelligence until 31<sup>st</sup> of March 2004
- Establishing unit for control and supervision of the searches through the data bases until 31<sup>st</sup> of August 2004<sup>33.8</sup>

### **33.8 NEEDS:**

- Establishing unit for control and supervision of the searches through the data bases.
- Increased integrated and connected analytical capabilities for border management, implementation of the laws and intelligence
- Procedure for two way exchange of information between the central and the local lever of the border management.
- Protected data base available for the border management for exchange of experience between the competent bodies and for transfer of information.

## **RISK ANALYSIS**

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### **34.1 RISK ANALYSIS – OPTIMISING THE RECOURSE AND OPERATION MANAGEMENT**

The activities and the operations of the border management system should be adapted to the situation at the borders. Risk analysis, intelligence, information flow, situation awareness, the possibility for reaction and exchange of information should be applied in this aspect. The risk analysis can be taken as a mean of optimizing border management and manner of providing credible information for the situation at the border. This is continuous ongoing process.

The risk analysis helps long term and middle term operation planning, providing estimations needed for effective planning of the efforts and recourses. The risk analysis and border management should be supported by a systematic intelligence. The border management systems should have the possibility to collect intelligence data, to analyze them and use the product of that process in the field in relation to the operative planning.

### **34.2 NEED OF TRAINING**

The risk analysis although new concept in border management is very effective. However, this process and the benefits of it are not known very well by the border management services in Macedonia. This is serious lack of the capability of the country to manage its borders and attention must be given via training. The personnel involved in border management at all levels must be aware of the risk analysis.

There should be training for risk analysis and the covering elements, especially the intelligence, analysis and flow of information. The personnel should be trained for recognizing risk indicators, risk profiling and typical ways of action of the border crime.

## **DATA PROTECTION**

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### **35.1 NEED OF DATA PROTECTION**

The Government highlighted the meaning of the inclusion of the best practices of the Schengen catalogue in the strategy. In the area of data protection, the Schengen catalogue states the following issues:

- The right to search the data bases should be controlled by a unit for supervision
- Secure data base should be created and available for use in the border management in order to exchange experience between the different sectors and to distribute information
- Credible and constant data should be part of continuous evaluation process that could be shared with the other countries. Allocation of the funds should be appropriately adapted.
- As a general rule, the individuals dealing with performing border duties should be specialized and trained professionals. No exceptions are allowed in respecting the duties including use of personal data, searches through confidential registers or decisions affecting the individual physical integrity and freedom.
- In order to enable mutual trust, the Schengen catalogue states that valid and secure data should be provided relating to the border situation, as on the inspection and supervision being applied.
- Managing the data flow can be used in order to evaluate the efficiency of exchange of information between the appropriate authorities.

The basic analysis of these statements detects the clear Schengen policy to provide information protection shared between the countries mutually cooperating and their agencies for border management. This is necessary request in order to enable information sharing and mutual trust in and between the countries.



## **35.2 LACK OF APPROPRIATE LEGAL REGULATIVE FOR DATA PROTECTION – OBSTACLE FOR EXCHANGE OF INFORMATION**

Republic of Macedonia is in unfavorable position because it has lack of appropriate regulative for data protection.

The lack of appropriate legal regulative for data protection burdens the exchange of specific information by the European countries with the Macedonia authorities without breaking their own laws, because the information would be distributed in unprotected area. The appropriate legislation on data protection, if it does exist, would enable Macedonia to receive information relevant for border management from the friendly countries. Exactly because of this, not having appropriate legal regulative for data protection has negative influence on the efficiency of the border management, including the possibility of increasing the income through approved risk analysis, technique which on its side, leads to an effective targeting of the Custom Administration recourses.

Without appropriate legal regulative for data protection there is not legal obligation to protect the data transferred from one to another governmental body. As a result of this situation, there is constantly expressed resistance by the Ministries to exchange sensitive information, forgetting the basic principle of Integrated border management – exchange of information.

## **35.3 MANAGING DATA BASES**

The lack of legal regulative for data protection also means that the institutions do not have good managing of databases. For example, the database available in the ministry of Internal affairs is out of date is dating back to 1985. as a result of the lack of appropriate legal regulative for data protection there is not obligation of deleting the old and unnecessary information from this data base. The weak and inappropriate procedures in view of this issue are lacking transparent supervision so that the database contains large number of unnecessary information which is a risk of system failure because of no free memory. Although, this doesn't affect directly on the Integrated border management, there is a danger this kind of situation to result in

neglect of the database and with it the capability of the Ministry of Internal affairs, i.e. the Border police to have access to the data.

#### **35.4 CURRENT SITUATION**

The existing law on personal data is passed in 1994 and supplemented in 2002. In order to implement the European standards in the area of personal data protection and providing appropriate protection of the personal data, including the principles of the legal personal data procession, especially the sensitive personal data, determining the terms under which a transfer of collection of personal data can be made outside the state borders, connecting collection of personal data and establishing independent state body that will make supervision of the implementation of the personal data protection and harmonization with the Directive 95/46/E for protection of individuals in view of the personal data procession relating to the free data flow, there is a procedure underway for passing a new Law on personal data protection.

#### **35.5 REQUIRED ACTIVITIES:**

- Setting up dedicated sectors with the task of controlling the access to databases, to supervise the same and to inform on eventual access violations in all the Ministries and services involved in border management, like the EU countries, until April 2004.
- Introducing legal framework for data protection in accordance with the EU standards and norms.
- Introducing internal regulative establishing the procedures for managing the main framework and the other databases in the Ministry of Internal Affairs by transparent and responsible deletion of out of date and unnecessary information.

## **MILITARY SUPPORT OF THE CIVILIAN AUTHORITIES**

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### **36.1 NEED OF INTEGRATION OF MILITARY FORCES IN THE BORDER MANAGEMENT**

The Macedonian Constitution states that the Army of Republic of Macedonia protects the territorial integrity and the independence of Republic of Macedonia. In some situations, the territorial integrity may be endangered by situation or intention originating beyond the borders and endanger the security of the borders. That is why, the Army of Republic of Macedonia must be integrated within the frameworks of Integrated border management and its policy. The Army legally cannot undertake independent operations, except in cases when there is a danger for the territorial integrity and in this case it must coordinate itself with the Border police.

### **36.2 NEED OF SUPPORT OF THE CIVILIAN AGENCIES AND COORDINATION OF THE ASSISTANCE**

Likewise, there will be situations in which the civilian bodies for border management will have lack of technical recourses, capabilities or personnel to perform their functions. In this case, the Army can be called upon for assistance. This assistance, however, must be coordinated by the body requesting the assistance.

### **36.3 THE PRINCIPLE OF ADMINISTRATIVE SUPPORT AND ITS VALUES**

Each assistance provided by the Army to the civilian services will be part of the system of administrative support. Important thing for the planning is that this principle means that if the Army operates with the support of the civilian bodies, it will be limited with the same legal restrictions valid for the body requesting the assistance. This influences the issues such as service rules etc.

### **36.4 REQUESTING SUPPORT – OPERATIVE AND ADMINISTRATIVE PROCEDURES**

The Border police, NBMCC and the Ministry of Defense will set up operative and administrative procedures for request and coordination of military assistance. The procedures will be composed and tested in order to check and provide their effectiveness. The support will be limited on specific and well defined cases and situations and will be under a civilian control. They will be limited on roles different from implementation of laws. The external security is the main focus of the Army, while the internal security and the public order and peace are in the competence of the Police. The use of the first in the area of the later is an exception and should be avoided.

### **36.5 CONNECTION**

The Ministry of Defense will assign one liaison officer permanently present in NBMCC at national level in order to provide operative connection and coordination between the Army and the Police. Liaison officers will be assigned in the Regional coordinative centers if needed with mutual agreement.

### **36.6 USE OF RECOURSES OF THE BORDER POLICE IN CASE ON ENDANGERING TERRITORIAL INTEGRITY**

The Border police and the Ministry of Defense will work together in the setting of clear administrative and operative procedures for joint support in cases of threats of the territorial integrity when the Army should be called in the border areas, when the mechanisms of NBMCC and the National Strategy for integrated border management cannot assist. These procedures must be geographically defined and must include previously agreed procedures on joint operations. The Border police will offer its knowledge for border areas and communities, its communication infrastructure and other infrastructure for the needs of national action in case of a threat. The responsibility for border management will not be given to the armed forces.

### **36.7 REQUEST**

- Appointment of liaison officer from Ministry of defence in NBMCC on the regular basis
- Administrative and operative procedure for military support on civil body (for border management) to be establishment before transferring of competences from Border brigade and border police.

## **PUBLIC RELATIONS AND INFORMATION**

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### **37.1 TRANSPARENCY AND RESPONSIBILITY**

The intention is to create Strategy for integrated border management fully in accordance with the European standards. Among other, this means that as political element the principles of transparency and public responsibility should be involved.

### **37.2 PUBLIC AWARENESS**

We must ensure the fact the public to be informed who we are, how we work and how successful we are in our work. The public is the one for which we work and which by paying taxes finances our work. The old habits in which the Sector for public security is a secret one - should be put away. As we move towards Europe whose police and security forces are obliged by law to publish the data such as criminal statistics, appeals sent against the police and the numbers of recruitment, we must adapt this new openness to the public to which we serve.

### **37.3 WEB PAGES**

The Custom Administration already has very successful web page through which the public can get familiar with the new policies and achievements, can see the applicable laws and can sent e-mail as an answer to the same. This should be encouraged. The new Border police will need to do the same and the two sites should publish statistics on the performance, showing the efficiency of the involved bodies. More significant

cases can be also published but with the aim of demonstrating the overall efficiency of the bodies and not only highly profiled success.

#### **37.4 MEDIA RELATIONS**

The Custom Administration and the Border Police will prepare procedures for maintaining regular contacts with the media. Officers will be assigned only for this work. They will need to provide information and answer the questions. If we don't succeed in this not only that the transparency will be neglected, but the negative reports from other sources will not be denounced and the public and the international support will be neglected.

#### **37.5 ATTRACTING HIGH QUALITY RECRUITS**

The bodies for border management have need of good reputation, public trust and public support in order to attract highly qualified applicants from which the new personnel will be selected.

#### **37.6 DAYS OF OPENNESS**

The bodies and the units will be encouraged to open their doors at "Days of openness". The public will have access to the infrastructure; it will be in a position to talk to the personnel that will explain their work. The equipment used for border management will also be at sight.

#### **37.7 OPENNESS OF THE BORDER MANAGEMENT BODIES**

The public relations are not only issue of transparency. The daily connection between the bodies for border management and the public is the only experience that most of the people have with these bodies. This makes it friendly – even if necessary, the firm, polite and friendly oriented position very important.

### **37.8 SUPPORT OF THE CONSTRUCTIVE PUBLIC OPINION WITH THE AIM OF IMPROVING THE SERVICES AND THE REPUTATION OF THE COMPETENT BODIES**

The public should be encouraged to send written comments on their experience when meeting with the border management bodies. The bodies for border management on their side try to take into consideration these comments in order to improve their work and reputation.

### **37.9 DEMOCRATIC RESPONSIBILITY AS A KEY ELEMENT**

The democratic responsibility is the basic principle in the modern world. It can be reached solely through transparency, openness and in the spirit of serving the community where we live. We must accept this method as a method which will get us closer to the public and through which we will gain the support and the trust of the public.

#### **37.10 AIMS:**

- The Custom Administration to implement its day of openness until 31<sup>st</sup> of November 2003, and after that once a year. The Border police to do the same after it's established.
- Institutionalization of monthly press conferences which will be jointly hosted with the Custom Administration and the Border police in order to inform the media for the progress of the Strategy for integrated border management and for the situation at the borders in view of the work of these two services, which should start not later than November 2003.