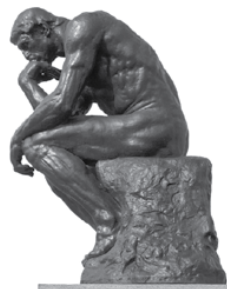


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► IMPLICATIONS OF THE OHRID FRAMEWORK AGREEMENT ON POLICE WORK: A DECADE AFTER ITS SIGNING

author: **Rade Rajkovčevski**

INTRODUCTION

Changes in society that emerged after the signing of the Ohrid Framework Agreement in 2001 considerably changed the organizational culture of public administration. In the past decade, after serious changes in the police composition, the significance of police subculture is still questioned. Police are interested in the homogenization of the behaviour of its members in accordance with all the values prescribed by the Code of Police Ethics (2004). On the other hand, the public expects to have a professional police force who will really work as a service to citizens. Despite the reforms and the pressures of the international community which were going towards the demands of citizens and *Lege Artis* of the profession, the politicians, in their calculations, are still influential in police actions and decisions. The continued political influence led to conflicts of interests of the organization (profession) with the party and ethnic interests of the political entities. Such influence has moved away the Republic of Macedonia from the process of building a professional and adequately educated police organization.

FACTORS FOR TURBULENCE IN THE POLICE CULTURE

The admission of new police officers in the period after 2001 implied a phased employment of several groups of police officers. Employment in a certain period followed the reforms of the police.

In the *first group* there are police officers who belong to ethnic communities that are not a majority in Macedonia. Their employment represented an obligation provided in the amendments of the Constitution after the signing of the Ohrid Framework Agreement. The USA offered its International Criminal Investigative Training Assistance Program (ICITAP) to quickly train a first group of ethnic Macedonians and Albanians by December 2001.

When the OSCE Mission began its support to the Police Academy and the training of new recruits in 2001, the police service included only 3.8 per cent ethnic Albanians and a negligible amount of other minorities. In September 2005, figures stood at just over 15% ethnic Albanians and nearly 4.5% other minorities.¹ By July 2003, a total of 1,156 police officers had graduated from basic training, among them 103 ethnic Macedonians. 15% of the cadets were women. About nine per cent of the cadets did not pass the final exams.²

The employment of ethnic Albanian cadets and the related introduction of multiethnic police patrols have undoubtedly been one of the contributing factors in facilitating the (re)-acceptance of the regular police in the former crisis areas.³

Both ethnic Albanian and Macedonian cadets have indicated that they feel accepted by all colleagues, regardless of their ethnicity. The interethnic cooperation is good and most cadets feel included by their colleagues. Most superiors are giving cadets enough responsibilities and opportunities, and are showing them appreciation.⁴ The first explanation for the lack of resistance is that ethnic Macedonian police officers realize that the employment of cadets from minority groups is simply inevitable and secondly, certain ethnic Macedonian police officers actually support the measures proposed in the Ohrid Agreement.⁵

The civic association "Center for Open Communication" announced in a press conference the results of the poll regarding the citizens and the police after the conflict.⁶ According to the poll, 46% of the Macedonian citizens from different ethnic structures believe that the multi-ethnic police raised the confidence in post conflict Macedonia, 35% have the opposite opinion and 17.3% have no opinion.⁷ Within the survey, 70% of Albanians responded affirmatively to the question "Does ethnicity influence the attitude of the police?" and 16% of them reported the personal experience. According to the implementers of the project, an increasing of the

¹ Sharman Esarey, *OSCE Annual Report 2005* (Vienna: OSCE, 2006), 66. http://www.osce.org/publications/sg/2006/04/18784_603_en.pdf (accessed on May 22, 2011).

² Thorsten Stodieck, *The OSCE and the Creation of Multi-Ethnic Police Forces in the Balkans*, CORE Working Paper 14 (Hamburg: Institute for Peace Research and Security Policy, 2006), 63. OSCE Spillover and Monitor Mission to Skopje, Police Development Unit 2004: 2; OSCE 2003.

³ OSCE, *Introducing Multiethnic Policing: Internal and External Acceptance of Minority Cadets in the Macedonian Police* (Skopje: OSCE Spillover Monitor Mission to Skopje, 2004), 3.

⁴ *Ibid.*, 4.

⁵ *Ibid.*, 5.

⁶ Centre for Open Communication, The trust in multi-ethnic police patrols is increasing, A1 television News, 31 May 2004, <http://www.a1.com.mk/vesti/default.aspx?VestID=32830>.

⁷ Two-year survey (2002-2004) was conducted by the Center for Open Communication. It was entitled "Citizens and police in the post-conflict period" and included 1,060 citizens from different ethnic backgrounds throughout the state.

confidence in the police was noted. 58% of respondents in 2003 considered that the relationship of the police and citizens is good, and 23% saw it as bad. In accordance with democratic principles and the basis for police work in a multi-ethnic society contained in the Rotterdam document, a police training centre in 2002 produced a Handbook for Police Work in a multi-ethnic environment.

The *second group* comprised the members of the “Lions” police unit and reservists of the security forces who demanded from the government employment in return for their engagement and dedication during the armed conflict.

In November 2001 the “Lions”, an armed unit within the Ministry was founded, which had uncertain loyalties and operated on the borders of legality. Some of the “Lions” members had a police record for committing criminal acts and were often under the pressure of the public. The question was whether the majority of them actually participated in the conflict. The new Minister of the Interior, after the elections of September 2002, on demand of the international community, started the disbandment of the “Lions” in November 2002. After the road blocking tensions which lasted two days on the regional road Skopje-Blace, 600 out of 1,200 remained in the police, while the unit itself was transformed. All members who had regular contracts of employment were to be reassigned to other positions in the Ministry of the Interior. The unit was finally disbanded in April 2003.⁸ At the peak of their strength, around 10,000 people were in some way associated with the Lions. A further source gives a more modest breakdown: four battalions had 250, 964, 200 and 200 members respectively; beyond this, there were reservists who numbered no more than 3,000. Only a small proportion of these were ever actually mobilised.⁹

The *third group* consisted of police officers who formed the border police in the period 2004-2006 in three stages. The first stage covered the Army’s employees who largely moved from the border army units. Initially, 1,200 members of the Army became members of the border police service which, according to projections of the reform, consists of 3,200 people. During the establishment of the border police, the admission of members of the minor ethnical communities in the Army was at an advanced stage, so one part of them joined the border police.

The addition of the number of the border police was made by the transfer of employees from other departments of the Ministry of Interior, such as about 800 police officers who previously worked at border crossings, but also by taking about 20% of the members of the police units which operates in the border areas of the country. They were supplemented with the employees of criminal police, legal service, the Department of Immigration and others.

The *fourth group* consisted of police officers who were hired due to political pressures on the police. The political impact in the admission procedures of police officers is independent regarding the events in 2001. With the closure of the Faculty

⁸ See more in: Anna Matveeva et al., *Macedonia: Guns, Policing and Ethnic Division* (Saferworld and Bonn International Centre for Conversion, 2003), 40; Gordon Peake, *Policing the peace: Police reform experiences in Kosovo, Southern Serbia and Macedonia Research Report* (London: Saferworld, 2004), 34.

⁹ Interview with Skopje based international official, July 2002. In Anna Matveeva et al., 22.

of Security (Skopje) in 1995, a vacuum was created in higher police education that lasted until 2004, with its reopening as the Police Academy.¹⁰

The lack of professionalism in the recruitment of staff is perceived not only through the process of some kind of quick, overnight education. Increasing the number of members of Albanian nationality is usually made by a key (proportional) method. This does not create a professional and quality police force, but villains. Each of the ruling parties – on its way – looks to insert their own people, i.e. people of trust.¹¹

Since 2001, politicians have proved more skilful at the level of de-professionalization of the police than their predecessors, from independence to the conflict. Largely, the conflict contributed to those circumstances, and the obligation of the Framework Agreement, which served as an alibi for a faster adoption of a number of members of the communities in Macedonia for a shorter time. On the other hand, employment from 100 to 200 new police officers in the periods after the elections became a practice in Macedonia.

WAYS FOR POLICE DEVELOPMENT IN COMPLIANCE WITH THE OBLIGATIONS OF THE FRAMEWORK AGREEMENT

The attempt to establish a professional police force that will clearly respect the entry criteria, in Macedonia, is still far from reality. The citizens' requirements addressed to the police are still aimed at raising the awareness among the police in terms of the consideration of the fundamental values of society as the rule of law, respect and protection of human rights and freedoms; the police actions should respect police and national laws, without the influence of the citizen's ethnic origin, religious and other affiliations; the police must get involved in resolving conflicts and ethnic tensions in the society by peaceful means, raise the level of crime control, shorten the time needed to get to the crime scene, deal with corruption within the police organization, etc.

“OUR” VS. “YOUR” / “NEW” VS. “OLD” POLICE OFFICERS

Because the larger influx of new police officers, the Ohrid Framework Agreement drew the attention of the public and international community. The integration of new police officers was particularly interesting for the domestic public. Even the new police officers generated some dilemmas and challenges. The acceptance of these new police officers in the community is of great importance since “if an officer perceives the community as threatening and as an enemy, then the behavior exhibited by the officer will in turn be hostile, aggressive, and biased.¹² If an officer perceives the community as an ally, then the officer will be more cooperative with

¹⁰Legal successor of the Faculty of Security until 2008, when it was renamed again as the Faculty of Security. The students are admitted under the principle of equitable representation, but despite the fact that four generations graduated by June 2011 the police hired only one person - a member of communities that are not majority in Macedonia.

¹¹Biljana Vankovska, university professor, interview by Sveto Toevski, *Police Officer: the Most Liked Profession*, 30 September 2008, <http://www.dw-world.de/dw/article/0,,3681751,00.html> (accessed on May 15, 2011).

¹²James Ron, “Savage restraint: Israel, Palestine and the dialectics of legal repression,” *Social Problems* 47 (2000): 445-72.

the citizens and develop plans and tactics that are conducive to building cooperative relationships within the community.

In the case of ethnic Albanians, political circumstances imposed a situation where their acceptance was conditioned by the fulfilment of the criterion of quantity rather than the quality. Others who took the opportunity to join the police organization in large part do not meet the entry criteria. So, the ethnic and political divisions of “our” and “your” and “new” and senior police officers were created.

In the analysis of the citizens’ trust in the police, usually the general public perception about confidence in the police is divided into “our” and “your” police. From the 10 years’ time distance, this division after a period of adaptation of new police officers significantly reduced the differences in public opinion. It contributed to the perception of the police service as a service of all citizens, not just the majority or of certain ethnic groups.

The implementation of the Framework Agreement coincided with the admission of the other three categories and led to serious changes in police culture. Citizens slowly become objective in their expectations, so their requests are directed towards providing a sense of security, treating everyone equally and police professionalism.

CHANGES IN THE POLICE OPERATIVE WORK

If a police organization resembles the public (in terms of ethnicity, religion, language and regional affiliation) there will be better police relations between those who police and those who are policed.¹³ Changes in the ethnic structure led to changes in the police approach and actions in the crisis regions in the post-conflict period. As a result of mistrust, several months after the conflict ended, there were still villages inhabited by ethnic Albanians where the women and children were not returned. The return of confidence was the result of contacts between the police and the local community and the demilitarization of areas. The authorities took the responsibility to manage the crisis situations to avoid the substitution of the role of the state with certain subjects of power who could take decisions in critical situations.

Overall, in all ethnically mixed areas ethnically mixed police patrols on the ground are constantly operating. Approximately 20% of the total number of employees in the Ministry of the Interior belong to the ethnic communities. It shows how serious the acting is under the provisions of the Framework Agreement; we are on track to build a modern European, multi-ethnic police.¹⁴ The admission of new police officers as part of the provisions of the Ohrid Framework Agreement provided certain freshness in the police work. Supported by the OSCE campaigns for bringing closer

¹³ Arrick Jackson and Alynna Lyon, “Policing after ethnic conflict: Culture, democratic policing, politics, and the public,” *Policing: An International Journal of Police Strategies & Management* 24 (2001), no. 4 (Bradford, UK: MCB University Press.), p. 577, op. cit. (pp. 563–584).

¹⁴ Ivo Kotevski, Deputy Minister for Public Relations at MOI, interview by Sveto Toeviski, *Police Officer: the Most Liked Profession*, 30 September 2008, <http://www.dw-world.de/dw/article/0,,3681751,00.html> (accessed May 15, 2011)

the police to the community, citizens in crisis areas felt closer in the communication with the police. It made it easier to talk about security issues and problems that plague the community. Asked to evaluate the work of the mixed police patrols, even where the patrols encounter incidents, Ambassador Jenness stated that multi-ethnic police patrols contributed significantly to the improvements of the trust between the local population and the police.¹⁵

Their work is associated with the work in the field of organized crime where they have support from the central police services to deal with organized crime and to take part in the enforcement of greater police actions. OSCE, as the final result of its activities, emphasized the reciprocal relationship of the effects. Multi-ethnic police teams have to demonstrate that they are in the service of the community and provide security for the gaining of trust between citizens and police, while communities have a responsibility, too, i.e. they should collaborate in order to help police officers to do their job. Although the main aim is focused on personal and community safety, some time after the conflict there was a high probability that the citizens of the Albanian nationality who collaborated with police would be stigmatized as traitors to the national cause. In the beginning there were concerns among the Albanians regarding the loyalty to the community and trying to protect criminals because they belong to the same ethnic community. Several years after the conflict the citizens began to cooperate with the police. Today, citizens of the former crisis regions actively contribute to the police work. It manifests the increased level of safer living in those regions.

Although, objectively, in the past there were some flaws in the implementation of police operational procedures, today there are no the situations when the population gives resistance in arresting the perpetrators of criminal acts, i.e. the population does not defend them as oppressed and unjustly suspected or accused Albanians. On the contrary, today the population mostly distances itself from the perpetrators. There is an insignificant number of situations where the local government or population has its own attitude concerning the *persons who have been unjustly arrested, who have disrupted the political processes and who have been amnestied*. If this influence on the work of state institutions is politically motivated, it will produce the trends for the substitution of the role of the police, the prosecution and the judiciary.

According to the Law on Police, the local government gained a role in selecting the Commander of the police station. The commander is elected by a majority of the votes of the total number of members of the Municipality Council in which the police station of the general jurisdiction of the Ministry is located (hereinafter: the Municipality Council), a list that contains at least three candidates proposed by the Minister, including at least one candidate belonging to a community that has a majority in those municipalities.¹⁶

¹⁵ Craig Jenness, Former Ambassador of OSCE in Macedonia, OSCE Mission in Skopje reiterates support to the Ohrid Agreement, Press release, <http://www.osce.org/skopje/55541> (accessed May 15, 2011)

¹⁶ Paragraph 3 of Article 24 of the Law on Police, *Official Gazette of the Republic of Macedonia*, no. 114 November 3, 2006.

In Macedonia, municipalities have a Committee for security issues whose members are high-ranked police officers from the police station in whose jurisdiction the unit of local government is located. The Committee resolves most of the security problems of the community. Besides general security issues, the Committee examines the state of inter-ethnic relations in the multi-ethnic environments, issues of traffic safety in schools, maintaining the order and peace at public events and the like.

CONCLUSION

Although the events that followed the signing of the Ohrid Framework Agreement have stirred the police, its structure slowly began to homogenize. The admission of new employees to meet the quotas under the Framework Agreement is almost complete. Many of new police officers found their place and actively contribute to the progress of the police organization. It is confirmed in the reports and statements of the international factors such as the European Commission, the OSCE, international police organizations and others.

In the future, the Ministry should make the effort to achieve absolute professionalization of the police service. It involves introducing a merit system of rules that would allow measuring the quality of the work of police officers according to their professional accomplishments, not their ethnicity or political affiliation. The introduction of the system of values applies also to the procedure of the inclusion of new police officers. Only de-ethnisation and de-politicization can create a professional police. The same direction should be followed by the Department of Internal Control in terms of professional standards and measurement of work quality as an authority which filters police members who deviate from its principles. Still, the police in post-conflict areas will be on a test during the elections. Two unresolved issues remain, which concern the Framework Agreement: the issue of displaced persons and the return of the Hague cases to domestic jurisdiction. These are situations where the authorities could transfer its responsibility to the police.

РЕЗИМЕ

Иако поминаа десет години од потпишувањето на Охридскиот рамковен договор, Македонија сè уште тешко се справува со прашањето на меѓуетничките односи и со политичката нестабилност. Со договорот властите искажаа подготвеност за поголемо отворање на вратите за прием на нов персонал во јавната администрација, кој потекнува од граѓаните кои не се мнозинство во Република Македонија.

Периодот на приемот на нови службеници согласно Рамковниот договор претставуваше само почеток на структурните реформи кои следеа во полициската организација. Со промените на етничката и кадровата структура

во полицијата се смени и нејзината супкултура. Таквиот брз и броен прилив на нови службеници во полицијата предизвика судир на барањата кои беа упатени кон полицијата. Континуирано од полицијата се бара да ги оправда очекувањата на граѓаните за воведување професионализам во организацијата, да ги исполни обврските за правична застапеност согласно Рамковниот договор, да изгради систем во кој полесно ќе се интегрираат новопримените полициски службеници, објективно да ги примени процедурите за движење во кариерата и да се справи со политичките притисоци.

Цел на трудот е преку анализа на состојбите во полицијата и во општеството од временска перспектива да се даде објаснување за тоа како полицијата се справува со многуте очекувања – на полициската професија, на граѓаните и на политичарите.

Клучни зборови: *полиција, криминал, доверба, безбедност, меѓуетнички односи.*