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**POLICE REFORM IN THE REPUBLIC OF MACEDONIA: BETWEEN
COMMUNITY POLICING AND DEMOCRATIC POLICING ***

Abstract

This paper focuses on the substantial changes that were imposed on the Macedonian police after 2001 and the impact which the external intervention of the EU and OSCE has had on police reform in this country. This intervention concentrated on transforming the existing, state-centred police structure into a democratic institution which, operating in accordance with the ECHR, signed by the Republic of Macedonia in 1995, aimed at becoming a service to all the citizens. The main question is, whether and how imported universalist ideas and models, such as community policing and human rights, can work in an ethnically divided society. It will be argued that community policing as implemented in practice can hardly become a form of democratic policing as long as the dominant processes in society are burdened by the supremacy of ethnicised politics over the law.

Keywords: police reform, human rights, community policing, democratic policing, the Republic of Macedonia

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INTRODUCTION

Police reform in the Republic of Macedonia[§] cannot be analysed in isolation from other processes of democratization of the state. Analysis shows how difficult it is to reform and change police behaviour in a democratic direction and how state institutions tend to continue to act more as a ‘service for the Government’ than as a service for the citizens. On the one hand, reports by the Macedonian Helsinki Committee indicate that efforts to transform the police force in the Republic of Macedonia into a democratic institution over the last two decades have never achieved any significant level.¹ On the other hand, the Macedonian Minister of Interior stated publicly in mid-2012 that police reform had reached its final phase.

In 2005, one prominent Macedonian expert on security wrote that there remained a very long way to go before a democratic and accountable civilian police force could be established.² According to Lidija Georgieva, a professor of Conflict Prevention at the University of “Ss. Cyril and Methodius” in Skopje, police reform in Macedonia became a priority in the light of ethnic tensions in the country which needed to be addressed in conjunction with such reform. In fact, the events of 2001³ were the decisive factor for the police reform that took place, not as a bottom-up process but as the result of a top-down process of international intervention by the EU, the OSCE and the US. The international community guided and implemented police reform in Macedonia following the conclusion of the Ohrid Framework Agreement, with the general consent and cooperation of the Macedonian Government. It was the beginning of the end of the era in which the police acted as the prime protector of national security—an era which had lasted for too long considering the radical political changes in the region.

The paper focuses on the substantial changes imposed on the Macedonian police after 2001 and the impact which the external intervention of the EU and OSCE and other international bodies have had on the processes of police reform. This intervention included several programmes and projects with different tasks, though mainly concentrated on transforming the police structures into a democratic institution serving its citizens. From an apparatus protecting the state of the Republic of Macedonia, which until 2001 emphasised security over democracy, the police evolved in line with a new concept of community policing that seeks to build a partnership with the citizens and offer equal services to all communities while respecting ethnic differences. As stated in Article 49 of the European Code of Police Ethics: “Police investigations shall be objective and fair. They shall be sensitive and adaptable to the special needs of persons, such as children, juveniles, women, minorities including ethnic minorities and vulnerable persons.” In all successor states of the former Yugoslavia, community policing has been deemed a central aspect of police reform.⁴ The aim is to provide a service that is usable and adaptable for all citizens, regardless of their ethnic identities.⁵ This study puts particular emphasis on the effects of the large-scale integration of members of non-majority communities, mainly ethnic Albanians, into the country’s police structures as a follow-up to the Framework Agreement—the so-called

[§] The country’s recognized international name in the UN is the ‘former Yugoslav Republic of Macedonia’. A UN member since 8 April 1993, the country is often referred to by the shortened form ‘Macedonia’.

process of ‘ethnisation’ of the police. The main question addressed is whether imported ideas and models such as community policing and human rights can work in a divided society. It will be argued that the way in which community policing was implemented means that it cannot be turned into democratic policing while the dominant processes in society are burdened by the supremacy of politics over the law, i.e. the so-called process of ‘politicisation’ of society. The study is based on micro-research including theme-guided interviews with police officers, domestic experts and representatives from the EU and OSCE office in Macedonia, as well as on the use of various secondary sources. A total of 16 semi-structured interviews were conducted, most of them through direct contact, while some were conducted through written communication. Five of the randomly chosen respondents refused to participate and answer the questions. The interviews with police officers (9 Macedonians and 2 Albanians) were conducted anonymously. Additionally, five expert interviews were carried out with domestic academic specialists, including professors of security studies and civil society experts involved in the field. Meetings were scheduled with representatives of the EU and OSCE in Skopje, but these meetings generated mostly formal answers and data regarding police reform projects. The OSCE representatives stressed that their community policing project was almost complete.

FROM A ONE-PARTY STATE TO A MULTI-ETHNIC SOCIETY

The modern state of Macedonia is a multicultural and multi-confessional society. The Republic of Macedonia as part of Socialist Yugoslavia existed from 1945, but the Republic of Macedonia as an independent state has existed since 17 November 1991 and the adoption of the new Constitution. After independence, the 1991 Constitution provided the opportunity both for the recognition of equality deriving from civic belonging as well as for the recognition of differences in relation to the ethnic, cultural, language and religious identities of the diverse groups within the society. In spite of the initial proclamation of the official state policy for coexistence and integration in the 1990s, the socio-political characteristics of the society were reflected primarily through the establishment of dominant ethno-national organizations. Macedonian society turned into a divided society for the reasons given in ‘Ahmeti’s Village’, an excellent analysis of the European Stability Initiative written in 2002: ‘It is not in the Albanian parts of Kicevo town, however, but in the rural Albanian municipalities of the region that the absence of the state is most visible. Diaspora money helps to substitute for the state itself. According to one Albanian villager, if one calls the police, or goes to court, the result is even a greater mess.’⁶ Ethnic and cultural differences, which were already well established, became the cause of confrontations. Instead of building a model of multiculturalism, Macedonian society acquired elements of plural society, and the process of ethno-political mobilization became a factor producing cleavages. After the conflict of 2001, as a result of internal but mostly regional tensions and the implementation of the Ohrid Framework Agreement, the state was transformed into a model of separation of powers between diverse ethnic groups, through the balancing of individual and group rights as a consequence of the ‘ethnisation’ of many spheres

within the society.⁷ The reform process forced the previous holders of state positions (the Macedonians) to share such access and revenue in new ways. Albanians gained in political importance and succeeded in competing against Macedonians for more power and resources and thus brought to an end their role as ‘second class’ citizens prior to 2001. The rights were the concessions that Albanians gained through constitutional recognition and protection. But the political philosophy that was already in play, the clientelistic relations between the citizens and the state, was enhanced through the ethnicisation of politics, engendering undemocratic practices across a wider social field (including amongst Albanians). Rather than becoming more democratic (via external intervention), the ‘clientelist’ system now includes both Macedonian and Albanians and their clientele. What has changed is not the system but the fact that some Albanian constituencies can now also exploit the state economically from within. Clientelism has thus become a substitute for democratization and political order.

The other smaller ethnic communities did not gain such political prominence or significant privileges. Some are still culturally marginalized but gained social prosperity—the Serbs, Vlachs, and Turks. The group most discriminated against remained the Roma, who are both ethnically and socially deprived. Research studies reveal that the Roma continue to suffer structural discrimination together with higher unemployment and poverty.⁸ Despite the principle of non-discrimination and fair representation of the members of communities in public administration and public enterprises, the Roma community participates with only slightly above zero percent.

In these circumstances, radical changes were introduced after 2001. But while the amendments made to the Constitution satisfied the Albanian community, they infected society with an ‘ethnic rights’ virus. This is an approach whereby every single element of society and politics is dominated by ethnic components that serve to freeze ethnic differences, with an impact opposed to that sought by civic and democratic development and a universal human rights approach.⁹ Ethnicity in Macedonia was thus politicized, creating two rigidly divided ethnic and political blocks. The instruments available for control by Parliament and other bodies were either not sufficiently independent or suffered from low capacity. Many of these structures within the Ministry of Interior are still more prone to protect the interests of the political party in power rather than the citizens and their human rights, says Rizvan Sulejmani, professor of Political Science at Tetovo State University.¹⁰

Professor Lidija Georgieva sees the police force after 2001 as being more modernized but still lacking adequate democratic control and with weak parliamentary supervision.¹¹ The need for stronger respect of standards and procedures in the activities of the police was evident. The reason why this was not taking place was the weakening of the professionalism of police officers due to their political subordination and dependence on higher political hierarchy. While the requirements are for greater professional police engagement, the expertise and integrity of police officers are under political pressure from politicians that interferes with their daily duties.¹² Police structures are used to pursue the private interests of people in higher positions within the police, and police officers are very often the prime arbiter who will or will not be prosecuted.

In accordance with the Framework Agreement, the state agreed to police reform and to fulfil the arising obligations concerning the need for fair representation of minorities in the

police force, specific training for minority recruits, the introduction of multiethnic police patrols and implementation of the concept of ‘community policing’. But things did not go as planned. Independent sources have put forward serious objections to police performance and made allegations of increased political influence over police activities. The state has continued to be the primary object of protection for the police, while police protection of human rights is arbitrary when not illusory.¹³ Some claim that the police force in Macedonia has never been independent enough and has always been subject to political influence. The Ministry of Interior has never designed a proper system of control sufficient to prevent the excessive use of power by the police.¹⁴ According to official reports by the Ministry of Interior, however, an internal control commission has now been established and has been active in the last two/three years with the aim of trying to fill the identified gap.¹⁵ These are the symptoms that will be analyzed in the next sections of the paper after some conceptual clarifications.

‘COMMUNITY POLICING’, HUMAN RIGHTS AND DEMOCRATIC POLICE

According to Marenin,¹⁶ police reform is one of the most complicated tasks that can be undertaken by a state: policing is a difficult job in itself, he says, and reforming policing even more so.¹⁷ And yet reforming the policing system is an essential process in order to ensure law and order, the protection of human rights, to achieve a higher level of human security, to enhance the efficiency of democratic governance, and to support all citizens in a non-discriminatory fashion. In this paper we are concerned with human rights and ‘community policing’ as categories important to provide security and protection to all communities through building a democratic society and democratic police.

The first category for explanation is the concept of human rights. Today the discourse of rights is employed by everybody in spite of the varying political orientations and alliances among the actors involved.¹⁸ Europe in the last sixty years has been dedicated to the protection of human rights—a dedication arising from the horrors suffered during the Second World War and widespread acceptance that all should be held accountable to the rule of law.¹⁹ The concept of human rights entered upon the world stage after the adoption of the Universal Declaration of Human Rights in 1948. In subsequent decades, human rights gained in importance and became the epicentre of democracy and of the democratic evaluation of any state. Indeed it is possible to interpret the increased adoption of human rights in post-communist states as being primarily an outcome of the formal dictates of EU membership.²⁰ Most of the candidate countries had to adopt legislation with human rights norms. Macedonia in 1995 signed the European Convention on Human Rights that guarantees basic human rights to all citizens, which was ratified in the Parliament 1997. Article 3 of the Macedonian Law on Police states that the main function of the police is to protect and respect the fundamental freedoms and human rights guaranteed by the Constitution of the Republic, laws and international agreements, to protect the legal order, to prevent and detect offenses, to take measures to prosecute perpetrators and to maintain public order and peace in society. In everyday practice, human rights are theoretically best

protected by the law enforced by the police. However, as Neild elaborates, citizens regard the police with fear as brutal, corrupt and unprofessional.²¹ Also, wherever multi-ethnicity prevails, there is a demand and need to increase the participation of minorities in the police in order to secure human rights.

Human rights are the fundamental basis of community policing as a shared set of principles and values. They define the relationship between the police and the community.²² The concept of 'community policing' evolved out of the public's interest in the quality and effectiveness of the functioning of local police forces. Trojanowicz and Pollard (1986) found that patrol officers received more information from community citizens because they knew the residents. Skogan and Hartnett (1997), meanwhile, define community policing as including the promotion of greater communication between the police and citizens, problem-oriented policing, permitting the public to participate and empowering communities to help themselves.²³ Another view of the community policing model seeks to strike a balance between reactive responses and proactive problem-solving. Specifically in the case of crime and disorder, community policing is about partnership between the police and the citizens.²⁴ The next citation shows that we are in the top-down state business: for community policing is usually defined by the government, also, as a strategy of the police, not of communities, and may be performed by one division or department of the police or by the police force as a whole.²⁵ This changes the tasks, training and goals of police organizations. Where failed and transitional societies are characterized by the delegitimization of existing policing, police reform is perceived as essential and highly recommendable. This is when community policing is set to play its roles in practice, often reduced to three procedures as a model fashioned for transitional societies: watch schemes, police-community forums, and problem-solving policing.²⁶ Community policing, with its distinctively proactive emphasis, has proven to be a dramatic improvement over traditional and essentially reactive models of policing. Only when the community and the police can truly work together for their common good will citizens feel that they can trust the police.²⁷ Community policing is the actualization of the concept that the police force in a democratic society are not supposed to be insular, self-contained, or cut off from the communities from which their power derives (Skolnick, 1999).²⁸ As Davis, Henderson and Merrick argue (2003), however, the introduction of community policing faces significant obstacles in developing countries whose police forces have limited experience of democratic practices.

With the rise of democratic institutions, governments and civil societies have looked for ways to transform police agencies from organizations that have served to control citizens to organizations that are accountable to citizens (Neild, 2001).²⁹ Democratic policing strategies are not always transferable and cannot be expected to wholly solve the larger inadequacies of police organizations that operate with decades of misconduct behind them.³⁰ Basic principles for democratic policing have emerged. These commonly mentioned requirements suggest three basic conditions for democratic policing: professionalism, accountability, and legitimization.³¹ In democratic societies, the police are accountable as an essential aspect of the rule of law. To paraphrase O'Rome and Moore (1997), the rule of law means that policing gains legitimacy by performing a legal rather than a political function, i.e., by serving the law rather than party-politics. The police acting in accordance with such democratic principles, standards of human rights, developing democratic community-oriented forms of

policing and being democratically and legally accountable, are all characteristics that can be summed up by the concept of ‘democratic policing’.³² Police accountability has become more prevalent in recent years as citizens have become less trusting of the ‘state’ and as openness and transparency have become both demanded and expected.³³ As Manning notes, it is the existence of a democratic state and democratic culture that produce democratic policing, while there is no evidence that the contrary can result.³⁴ International regime-norms centre on the protection of human rights as the fundamental core responsibility of democratic policing systems.³⁵ The police must always respect the rule of law in accordance with procedural rules. They must respect and protect human dignity and maintain and uphold basic human rights as well as civil and political rights.³⁶ In the last two years, basic elements of democratic police reform have also gained a remarkable level of interest amongst a number of participating states in Eastern Europe, including Macedonia. Some of them have undertaken similar tasks, training multiethnic police services as a measure of post-conflict confidence-building and further reforming their national police forces into democratic institutions of law enforcement.³⁷ Finally, one element in defining a democratic society is a police that is subject to the rule of law, embodying values respectful of human dignity rather than the wishes of a powerful leader or party—a force that can intervene in the life of citizens only under limited and carefully controlled circumstances and which is publicly accountable.³⁸ As Berkley put it, “the police cannot be more democratic than the society they come from”. It is also expected that other organizations and professions in society will be affected by the presence of democratic policing.³⁹

The term ‘community policing’ is occasionally used as if synonymous with democratic policing, but such a perception is inaccurate (Bayley, 2009).⁴⁰ In fact, community policing is easier said than done. On the one hand, community policing is not just a programme but an operational and organizational philosophy; on the other hand, democratic policing is one step further along the scale of cooperating and partnership-building with the community, but primarily towards accountability procedures. This paper is an analysis of the implementation of community policing through the transformation of the police and the protection of human rights, bearing in mind the interdependence between the democratization of society and the democratization of the police.

IMPORTED POLICE REFORM

The Framework Agreement of 2001 postulated a number of obligations regarding the restructuring of the police, including confidence-building measures through the introduction of multi-ethnic patrols in crisis regions, the employment of significant numbers of members of non-majority communities and, in the long run, the enhancement of the concept of community policing through processes of decentralization and through shifting the values of police officers towards a more proactive and preventive role. After the conflict of 2001, several projects managed by the European Agency for Reconstruction and the OSCE mission, together with other international partners, swiftly recruited and trained members of minorities in the duties of police officers as an obligation arising from the Framework

Agreement. The OSCE helped to develop the concept of better relations between the police and citizens in the crisis regions, to build confidence between citizens and a multi-ethnic police presence, and to cooperate with citizens on local security problems. These projects, implemented immediately after the agreement was reached, sent out encouraging signals as to the stabilization of the situation and the revival of trust among citizens in previously unstable regions.⁴¹

The restructuring of the police in Macedonia began in March 2002 in the framework of the EU-CARDS programme and the arrival of a team of experts from EU countries. The reform officially started with the enactment of the Strategy for Police Reform (2004) and a National Action Plan for Police Reform (2004). The most important and sensitive reform of the police was the decentralization of police structures. This approach was connected with the inclusion of the concept of ‘community policing’. But the overall strategy was to fully return to the rule of law and respect for human rights at national level.⁴² “The police in Macedonia before the conflict was more militia than police. It was more oriented towards the protection of state interests than the needs of the citizens, i.e., concern for human rights.”⁴³ Due to the low level of trust between communities, however, each demand issued by Albanians for the greater democratization of the state was treated by the Macedonian community as a security issue. According to Sulejmani, Macedonians preferred security over democracy, while Albanians preferred a more democratic state to greater security and this is why the police had more elements of militia than police as a civic concept of protecting human rights. Ethnic-based incidents were resolved repressively with the use of police force, without even trying to find a solution based on preventative political activities. According to Alexandar Ivanov, assistant professor of Constitutional Law at the University of St Clement Ohridski in Bitola, the events that took place in the Municipality of Gostivar and in the Albanian-populated part of Skopje, Bit-Pazar, and the reaction to the illegal establishment of the University of Tetovo (i.e., controlling protests by students demanding higher education in Albanian), were precisely a matter of the police acting to protect the state against the legitimate or illegitimate demands of the Albanian community.⁴⁴ According to Lidija Georgieva, it was in this period of the mid-1990s that the concept of human rights was transformed in Macedonia into one of ethnic rights.⁴⁵ Albanians as a community started to struggle for more rights through ethnic demands for a better position within Macedonian society using political means. From that point onwards the ‘ethnicization’ of politics bred an ethnically divided society and dominated political events, disallowing proper democratic development and the creation of a civic concept more compatible with human rights and democratic policing. From the point of view of the police officers interviewed for this paper, the period before 2001 was not so different from the previous system prior to 1991: the mission and goal of the police remained the same, with the only difference being that the police started to talk about protection and serving the citizens, but without major changes in the minds of police officers.⁴⁶ Before 2001, however, all the higher positions in the police force were held by Macedonians and it was impossible that police commanders in Albanian-dominated regions would be from the Albanian community.⁴⁷

During 2003, the Police Development Unit of the OSCE trained 1,156 new police cadets, of whom nearly 15% were females. This was an important step forward. Of this total, 66.6% cadets were Albanian, 14.4% were Macedonian, 6.5% Turkish, 3.6% Roma,

2.3% Serbs, and 1.9% Bosnians and others.⁴⁸ Because of the disproportional number in national demography, in 2004 the OSCE assisted the police in training 325 more candidates from different ethnicities. When the OSCE started with the training of new recruits in 2001, the police service included only 3.8% ethnic Albanians and a negligible proportion of other minorities. In 2005, over 15 per cent of the police force was ethnic Albanian and nearly 4.5 per cent from other minorities.⁴⁹ Other data shows that today in the Ministry of Interior there are 1,398 police officers of Albanian ethnicity. The percentage of Macedonians employed in the Ministry of Interior is 77.8%, Albanians are present with 17.6%,⁵⁰ and all other communities less than 5%. Even though the proportion of Albanians employed in all ministries is 26.17%, they hold only 11.58% of higher positions.

Two European police missions, EUPOL Proxima and EUPAT (2003–2005), paved the way for the comprehensive and overall implementation of police reform in the field. The reform included different actions and goals regarding border management, the fight against organized crime and corruption, building confidence between the local police and the population, implementing community policing, police-judiciary cooperation and enhancing professional standards and internal control. The importance of the missions was double: enhancing the operative capabilities of the EU in future crisis management actions and assisting Macedonia in its efforts to implement the police reform according to European standards and procedures. Finally, the new Law on Police of 2006 stated the need for reforming the model of operation. The new Law on Police supported the continuation of the reform in compliance with the Strategy from 2004. A restructuring of the Ministry of Interior also took place. All of these activities depended mainly on international resources and political will on the part of the Government. The concept of community policing was officially introduced in Macedonia in 2008 with additional changes to the Law on Police. Its basic goal was to improve the image of the police by working in accordance with new imposed human rights standards in cooperation with local self-government units and the citizens. Citizens Advisory Groups were the major tool of direct communication between citizens and the police, implemented by international organizations. Introduced for the first time in the crisis regions after 2001 and proving successful, they were spread throughout the whole country. In 2009 there were 140 such groups.⁵¹ Local Councils for Prevention were also established under the legal framework of the Law on Self Government and the Law on Police. These kinds of bodies were established in most municipalities.

According to Isabelle Ioannides, Macedonia was taking a ‘dual track’ approach in the context of EU efforts to reform the Macedonian police. This entailed the European Commission assisting the long-term structural changes in the Ministry of Interior and the police in support of the country’s institutional development, in line with the SAP, whereas short-term ESDP crisis-management missions, such as the recently completed EUPOL Proxima, tackled ‘urgent needs’ in support of the Framework Agreement.⁵² The EU invested a great deal in police reform in Macedonia and at the same time tested their mechanisms for crisis-management operations. This reform was accompanied by competition on the part of EU structures and organizations, but also among different international organizations and member states. For instance, Proxima and the OSCE have competed with similar tasks and programmes, especially ‘community policing’. In 2006, Proxima and EUPAT left, while the OSCE remained. It was also questionable whether ‘urgent needs’ could be resolved

by the Proxima mission in the short term.⁵³ For the time being, the ‘turf war’ between the European Commission and the Council was undermined by competition and ineffective coordination.⁵⁴ The mandate of the EU was to assist Macedonia in improving internal security by developing a capable, depoliticized, decentralized, transparent, community-based and multi-ethnic police service responsible to citizens’ needs and accountable to the rule of law.⁵⁵ With large-scale projects like the Macedonian police reform programme, it is always difficult to assess the impact of the transformation in the police. Ioannides stressed that Macedonia should be treated with cautious optimism. The main concern is that reforms in the police have been implemented primarily because of the international presence in the country, meaning that human-rights standards might suffer if reform is not embraced and respected by the whole police structure, top-to-bottom.⁵⁶ Even the recruitment process for cadets was politicized, with ethnic Albanian partners succeeding in pushing forward their candidates under the watchful eye of the international community, writes Ioannides.

Increasing the number of members of minority communities in the police force and reforming the criteria for their inclusion bred major concerns amongst the public. Designing models for police work in multiethnic regions is conditional upon the need to maintain peace and stability, to strengthen confidence in institutions and increase loyalty to the state, and upon building respect for the rights of members of minority ethnic communities through principles of anti-discrimination.⁵⁷ The key objectives were the complete implementation of the principle of decentralization, equal representation of minorities in the police, a preventative role for the police, and promotion of the concept of the police as a ‘service for the citizens’.⁵⁸ Police reform became an essential prerequisite for the success of post-conflict peace-building missions. In most societies recovering from intra-state conflict, the police act—both prior to and during the conflict—in a manner that is politically biased, militarized, corrupt, ethnically (or group) divided, disrespectful of human rights and inefficient in terms of ensuring the security of all citizens.⁵⁹ The contribution of the international community (i.e., the EU, OSCE and the US) has been critical in shepherding police reform in Macedonia and bringing the police up to European standards. In addition to bilateral support, the OSCE has provided basic and specialized training courses for thousands of cadets throughout the 2000s. The OSCE has had a positive impact on the process of meeting the objectives of the Framework Agreement in relationship to the redeployment of the police to the former conflict areas and ensuring proportional representation.⁶⁰ Things have changed and today Albanians can find employment in state institutions, including the police, which was unthinkable only ten years ago.⁶¹ But even from the Albanian side there are complaints about party-political patronage and the exclusive employment of those citizens who hold party membership or are close to some higher positioned politician. Albanians with neither party membership nor connections remain in the discriminated group.⁶² Today, belonging to a political party is far more important than which community you come from. Thus with existing resources of the state the political leaders are prone to buy loyalties from their own ethnic communities. The author’s stance on minority policing recruitment is that the way it was done, through political party patronage, has only reduced much needed trust on the side of the citizens. For both reasons, the newly recruited police officers will be more loyal to political leaders than citizens and the professionalism of the newly recruited will always be in doubt as they carry out their daily tasks that should protect the citizens rather than political appointees.

In the following section I will show from the perspective of domestic police officers on the ground and domestic experts whether or not the increased representation of smaller communities, mainly Albanians, represents a new upgrade of the services of state institutions to the citizens. As Florian Bieber argues, one has to be aware of the double-edged effect, assuming positive but also negative consequences. The rapid increase of minority members in the police often does not facilitate the greater professionalism of the police, though it might serve crucially to enhance the legitimacy of the police, which is an aim that takes priority in a post-conflict environment with low levels of trust. Still, as Bieber stresses, without structural changes to the police, including a broad reform agenda to emphasize community policing, modern policing methods and human rights, the inclusion of minority members in the police force is unlikely to shift the overall relationship between the state and its citizens, including its minorities.⁶³ With regard to numbers, according to the Macedonian Ombudsman office, Albanians raised their participation in the regular police structures from 16% in 2010 to 18% in 2012, and their participation in middle management positions in the police from 10% in 2010 to 13% in 2012. Macedonians still hold 82% of managerial positions and 77% of positions in the regular structures, while the Roma and Turk community are represented only slightly above zero in both types of positions.⁶⁴ The most important achievement to be gained through these actions should be that minorities will accept the police as their own, as trusted and respected.

‘DEMOCRATIC’ ACHIEVEMENTS IN THE POLICE

Police reform strategy in 2003/4 opened the door to affirmative action for the employment of members of non-majority communities. This was necessary for the police working in multi-ethnic areas to increase confidence among minorities. The new doctrine demanded respect for the principles of proportional ethnic representation to support the efficiency of the police. The only problem was the employment of inappropriately educated people, since only a small number of the members of minority communities had adequate educational qualifications to work for the police.⁶⁵ The inclusion of non-majority communities took place in the lower echelons of the police but not in higher commanding positions. There was low representation in the civilian part, too, especially in higher positions. There are several reasons for this: political factors, personnel factors and the lack of a strategy as to how to mainstream this issue. One of the political reasons why Macedonians do not want to implement this Constitutional provision is that of a low level of confidence, because they think that the Framework Agreement was imposed on them, and because Albanian politicians do not want to resolve this issue in a systematic way but rather seek to use it for political aims.⁶⁶ Most domestic academic experts think that this process was positive and contributed towards easing tensions among ethnic communities. Regarding professional standards, some experts stress that this criteria was respected but should be updated through better training and education.⁶⁷ It was a positive step for the affirmation of members of smaller ethnic communities, but absolutely negative in terms of the individual skills and capacities of the selected police officers. The process of re-socialization was approved and

the selection was based generally in most cases on military privileges from the conflict in 2001. This process should have been subjected to more strictly defined criteria.⁶⁸ Many supported the inclusion of Albanians in the police structures, but genuinely opposed the selection of people with very low skills. Some of the new recruits (both Macedonians and Albanians) were promoted to the position of police chiefs with zero expertise or education.⁶⁹ Some domestic experts argue that it is recommendable for police officers to be from the same ethnicity as the criminals and law-breakers whom they are acting against.⁷⁰ Generally, there is no specific political opposition to employing minorities in the police, i.e., the so-called process of 'ethnicisation'; rather the objections are levelled at the low educational achievements and skills and professionalism of the new recruits. Understandably, the job of the police job is complex and new police officers will be faced with difficult situations and have to act with caution and sober minds.

Other important aspects should also be considered in discussing police reform in Macedonia. According to one of the domestic academic experts interviewed, the Macedonian police after 2001 underwent only quantitative reform, restructuring processes, affirmative actions for minorities, implementing the 'community policing' concept and other technicalities. However, scepticism regarding de-professionalization grows in parallel with the increase in political influence over the employment of inadequately educated personnel, and this is crucial in the evaluation and qualitative aspects of the reform. This negative evaluation does not count for the international community but for the Macedonian Government which speaks of police reform citing international benchmarks while the real transformation goes in at least a different direction. Management of human resources in the Ministry of Interior and a career system are absent from the functioning of the police organization.⁷¹ The reform and new concepts are acceptable, but in practice political parties are not ready for the full professionalization and independence of the police. Political parties like to have greater political control and to use the police as an instrument of power. They oppose the new concepts and are not ready for increased decentralization whereby the municipalities and citizens will have opportunities to create their own security and to influence HR policy.⁷² The same source added that the high level of politicization undermined the criteria of professionalism and meritocracy on account of political loyalties. The political model of the state remained 'clientelist' because that is the heritage of the political culture and the mismanagement and inefficiency of institutions from before. The only difference today than 10 or 20 years ago is that the system now includes Albanians alongside privileged Macedonians. Instead of democratizing, the state continued with political practices close to corruption, resolving the needs of ordinary citizens only if they are close to political party's pyramids.

Let us consider the annual reports that the Helsinki Committee of Macedonia published in some of the critical years.⁷³ In 2001, the Committee reported that police training in human rights and the introduction of ethno-sensibility were totally lacking. In 2004, the Committee stressed that the general processes in the country were characterized by further imbalance in the power of the legal and legitimate structures of government compared to the higher posts of political parties. The implementation of the principle of fair representation in many cases was achieved by negating the principles of competence and ability in the structuring of state institutions and the public administration. In 2005, the Committee stressed that the

development of democracy and democratic institutions continued to be limited due to the dominance of party-political interference. In practice this is manifested with a concentration of overall authority in the hands of leaders of political parties. In this way all procedures, rules and criteria are negated, and the only valid criteria remains the will of the party. Not only the state but the society as a whole is more and more nurturing loyalty to its own ethnic group, which is contrary to the goal of building a multicultural civic society in which the basic value should be understanding and respect for differences. Those citizens who do not have connections to some important political (ethnic) centres have no guarantees that in any situations their human rights will be respected and protected. Finally, in 2009 the Committee emphasized that the Ministry of Interior remained the most unreformed segment in the state. It had remained as it was in the old system and state: an efficient tool in the hands of the ruling party. The attempts of some ministers through EU missions (Proxima, EUPAT) to do something about police reform ended unsuccessfully. In 2011, serious violations of fundamental civil and political rights were registered, which were no ordinary occurrences but an indication of systematic weaknesses in the protection of human rights and the rule of law. Discrimination on the basis of political affiliation continues to be one of the leading bases for discrimination, especially in the public administration. Even the annual reports of the Ombudsman, as a professional and independent organ with special status for the protection of citizens' rights, were critical in many sections. Several aspects concerning police activities have been stressed in the last couple of years: that the police has not fully investigated cases of misconduct by police authorities on the side of the Sector for internal control and professional standards and that cases against police officers are by definition delayed for eternity, while after the raising of charges by police officers, trials are undertaken with priority procedure (MHC, 2010); and the weaknesses in the procedures for the acceptance of new police officers and their inadequate training in the course of their work are reasons for the violations of human freedoms and the rights of citizens (MHC, 2011).

Some of the domestic experts interviewed are positive, sharing the opinion that the police reforms generated some results but that more long-term criteria for professional functioning are needed.⁷⁴ One of the mid-level police officers stated that the reforms recommended in the reports have been implemented but the results seen on the street are insignificant. For most of the older and newly elected police officers, the concepts are not clear at all. Some models and their elements are a matter of mere 'copy/paste' from more mature democracies. These concepts are not understood by most of the newly and currently higher positioned police officers because they were employed through party-political campaigns and not according to their merits. A genuine change in the Ministry of Interior will only occur if the selection of middle and higher managers is based on technical criteria rather than political affiliation. The police reforms among the heads of police officers are not yet finished. The police reform will be finished when the police deliver and public prosecutors and courts realize the criminal cases against people who are currently in powerful positions. Unfortunately, some of them will be prosecuted only when they eventually step down from the positions they now hold.⁷⁵ These instances give a clear picture of the politicized nature of police in Macedonia.

Many of the interviewees also stressed the socio-political factors that negatively influence police work in general and police reform in particular. Firstly, corruption is widespread within society. The impact of corruption is proved by regular data of different corruption research and indices. There is corruption in every state structure and, according to public perceptions, in the police as well. According to the experience of citizens who paid at least one bribe in the 12 months prior to the survey, the public officials who receive most kickbacks in the former Yugoslav Republic of Macedonia are doctors (58% of citizens with recent corruption experience give bribes to doctors), police officers are second (35%) and others.⁷⁶ “The police cannot fight corruption because our hands are tied. The bosses from above tell us who we should pursue and who we should not. When we do proper investigations and deliver to the judiciary, they change the decisions and misuse the evidence. Sometimes we work for nothing, just embarrassment. Instead, the politicians should tell the police who is guilty and who is not in advance, in order not to waste our time.”⁷⁷ Secondly, the police are a powerful and repressive mechanism and can work very selectively. Most of the cases the police investigate the judges will work on and convict the prosecuted clients. But the rest of the cases are pre-selected in some period of time because the police are given too big a role and too much strength in prosecution. One police officer cautiously mentions, for instance, that Albanian police officers have a low rate of finished investigations and proceedings to the courts.⁷⁸ This can happen for different reasons: ethnic loyalty, political corruption, or simply fear of criminals. Here the symbioses of ‘ethnicisation’ and ‘politicisation’ fully flourish and become obvious at the expense of the democratic police and human rights philosophy. Thirdly, there is still a culture of impunity concerning police officers. It is very seldom that police officers are charged due to corruption, excessive use of force, or mistreatment of people under investigation. The new legal changes, including one Constitutional amendment concerning the wider surveillance operations with the help of wiring, gave police even greater freedom in ‘doing business’ regarding the technology of providing evidence for law-breakers. Fourthly, there are many cases the police are investigating for which weak evidence is provided through using threats and pressure, and a lot of cases are dismissed. The police in many police structures still consider themselves as an instrument of repressive law enforcement and do not mind using physical force. Fifthly, the already mentioned politicization of police structures is a major problem and every Government seeks to use this force for its own benefit. The professionalization of police officers is highly dependent on the circumstances within society. As of today, many high-ranking police officers are acting as party-political soldiers and this discourages other police employees and decreases police efficiency. This may be a consequence of the way in which the new nationalist parties were created on the model of the former Communist party as a mechanism to control society. The ‘exclusive nationalists’ are not interested in democratic values. They have ‘never succeeded in constructing a popular narrative about peace and human rights’.⁷⁹ They are interested only in power to rule, nothing more and nothing less. Sixthly, there is almost non-existent supervision by Parliament and there is a persistence of almost untouchable police appointees within the security services, which rarely share reports from their areas with parliamentary committees unless they ask for traffic news and bank robberies. The media and the civil sector are too weak to monitor the police and to evaluate their work. The police are not sufficiently

open towards the public either. And an even more important problem is that generally the police are not decentralized and are under a high degree of political influence, with great power of control that is misused by politicians. The police have supremacy in relation to the public prosecution, have more resources and are decisive as to who will be prosecuted and who will be convicted, bearing in mind that the judiciary only finishes what the police has delivered.⁸⁰ Clearly, through the eyes of my respondents who are engaged in and are knowledgeable about the reality of policing on the ground, the Macedonian police reform process is underachieving in multiple respects.

CITIZEN'S PERCEPTIONS OF THE POLICE

In the following section I juxtapose to the above findings some quantitative data regarding the general satisfaction of citizens with police work. Namely, what is the average level of trust of the police as a state institution compared to other state organs and what are the citizens' attitudes concerning the extent to which state institutions protect their personal rights. Survey data which have become available in the last two years will give us a broader picture of the opinion of the end-users of police work. Satisfaction with police work, trust in the police as an institution, and the state concern for the citizens will be used as indicators of the democratization of the police in its mission to become a 'service for the citizens'.

According to a 2012 survey financed by the OSCE on behalf of the Ministry of Interior, conducted on a representative sample of 2,600 citizens and 500 police officers and later publicly presented,⁸¹ almost half of the respondents generally confirmed their satisfaction with police work, and this trend is increasing compared with 2010 and 2008 (there is an increase from 2008 from 33.8% to 49.7% in 2012). This percentage is twofold when the results are presented with disaggregated data regarding the ethnicity variable for Macedonians (53% satisfied) and Albanians (only 37% satisfied). The impression is completely different because the survey showed that this ethnic difference appears in most of the questions regarding the evaluation of police work. Albanians, after ten years of the conflict, still do not have as much trust in the police as Macedonians. The goal in Macedonia was to integrate the police as an essential, valued, and trusted part of the wider community.⁸² According to the conclusions in the survey analysis, the confidence of the citizens in the police is increasing, but Albanians and other ethnic groups still show a more negative attitude and lack of trust in the police compared to Macedonians.

In 2011, the Institute for Social Analysis⁸³ published a survey under the title 'Democratization awareness of the citizens of Republic of Macedonia'.⁸⁴ One of the questions was 'Which institution in Macedonia do you trust/distrust the most?' Of eight institutions (the Parliament, the Government, the President, the Police, the Army, the Courts, Religious communities and overall trust/distrust), based on a representative sample for the country of 1,600 respondents, the police had the third highest level of distrust with 14%, after the Courts (29%) and the Government (24%). The police are among the least trusted, with 2%, together with the Courts with 2% (no institution is trusted with 41%, religious communities with 20%, the Government 15%). The police is probably among

the least trusted because it is still seen as part of the state apparatus and not a structure that should primarily provide services to the citizens and protect their basic human rights. If we analyze the independent variables, the greatest deviations will be noticed in ethnicity, again, which as a variable in our society could greatly change the percentages in comparison with the general distributions of frequencies. These are so-called ‘ethnic nodes’⁸⁵ that affect the answers about important questions in policy. Albanians with their attitudes completely change the percentages of mistrust in the Government (in a negative direction) and the percentages of trust in religious communities (in a positive direction). Trust in the police amongst Albanians, according to this survey, is less than one per cent.

A third example is taken from research entitled ‘Political culture and identities’ financed by the Open Society Foundation Macedonia and published in 2012⁸⁶ (Simoska et al., 2012). The answers to two questions are significant. According to this research, the citizens have a negative perception as to how much the state takes care of their interests. The scale was from 1 to 10, but grouping the modalities in two categories, from 1–5 and 6–10, will show that the citizens in 85% of cases think that the state does not care about ordinary citizens. Albanians have an even higher negative result, with 95% avowing state negligence of the citizens. The second question was how much the state and its institutions protect their rights as citizens. The answers were shown on four scale modalities (regularly, often, rarely, never). Grouping the answers showed that 75% of the respondents of the survey believed that the state and its institutions rarely or never protect their human rights as citizens. These results in the country with a candidate status for EU membership prove that the political elites representing the people are not seen as working in the interests of the citizens.

If democratic policing is a benchmark then Macedonia is not doing very well with regard to citizen-police relations and the low level of citizens’ satisfaction. The European Commission Progress Reports from 2008 until 2012 shed light on a large number of inconsistencies regarding the police reform, the high level of politicisation of the police, weak supervision and control, porous human resource management, and the employment of inadequately educated police officers. These weak aspects regarding the training of staff, non-existent merit-based recruitment policy and weak parliamentary control are repeated year after year. These remarks are consistent with the broader societal weaknesses mentioned in this paper in interviews with experts and police officers. Maybe some phases of the police reform are at an advanced stage considering some elements of the system and particularly the police-community relationship; others, connected with police efficiency, the police mission, police officers’ behaviour and other human resource aspects in addressing citizen’s needs, are still to be worked out. Schroeder wrote that a confusing number of judicial, penal, and police reform projects have been active in the Western Balkans at any given time during the last decade. These have sometimes created problems among the implementers themselves.⁸⁷ For instance, the ‘The Former Yugoslav Republic Of Macedonia 2011 Progress Report’ stresses that ‘the numbers of cases of ill treatment which were prosecuted was down to 27 criminal charges against 29 police officers in 2010, as compared to 36 criminal charges against 50 police officers in 2009. No cases of illegal arrest were reported’⁸⁸. But this is only the reported cases that reached in written form some instances and structures. The culture of impunity in police conduct still prevails.

Gordan Kalajdziev, professor of Criminal Law at Ss. Cyril and Methodius University in Skopje, argues that nobody understands the police reform because the reforms depend on international partners and they change course with each new project in the Ministry of Interior, and because they believe the leaders of the Ministry actually do not want real reform. The new reforms in the judiciary and police again are implemented without a clear strategy and with a dose of adventurism and improvisation. As Florian Bieber argued, despite the ambitious goals of international intervention and the largely cooperative local government, the transformation of the police has been slow and cumbersome. Maybe the reason is that the 'long-term reforms cannot be imposed externally: laws might be imposed, but their implementation inherently has to result from the political commitment of the domestic actors. Support has, however, but often lacking or remained lukewarm.'⁸⁹ Macedonia makes no difference regarding police reform results, considering that the process itself is usually a complex matter and long-term task.

CONCLUSION

For a long period, the most important element in the area of police reform in Macedonia has been missing, i.e., the political will of the leadership to transform the police into a democratic institution. The matter of addressing police accountability and civilian supervision by Parliament and institutionalizing democratic policing by designing checks and balances between the state institutions is also lacking. Unfortunately, police reform appeared on the security agenda only after the armed conflict in 2001 when an 'urgent need' for involving the police in a post-conflict peace building settlement was both recognized and prioritized. Thereafter, police reform had to cope with necessary transformation and urgent issue of rebuilding trust among the local population in the former crisis regions, competing with and reversing a previously militarized police culture. Inside that security gap, the territories without any state security presence, the concept of 'community policing' was implemented with the main goal of building trust among the multiethnic police units and the local population with the support of strong international monitoring. Compared to defence reform, which had been going on for a couple of years previously under NATO leadership, the police reform was a much more difficult and challenging task. The traditional, functional but highly centralized police structure was in question:⁹⁰ namely, whether it could turn into a functional, accountable and citizen-serving institution and take a more proactive role in protecting public law and order and providing for the safety of the people and their rights and property.

There are different variants of 'community policing' with a great deal of similarities. Also, there is no one model of 'democratic policing' that can be bought off-the-shelf. This makes police reform a challenging adventure. The Republic of Macedonia agreed to reform its police forces in order to design a better instrument for human rights protection, including different groups and collectives. Abuses at the hands of the police largely targeted the ethnic Albanian population, since the police force has historically been comprised of ethnic Macedonians. A lack of trust is evident between the Macedonian and Albanian ethnic

groups when it comes to police activity and might be one of the reasons for the bloody civil conflict that emerged in 2001 (Grillot, 2008).⁹¹

Police reform in Macedonia, it was argued, ‘happened’ due to the events of 2001 and the need for a new approach based on ‘community policing’ in order to protect the smaller communities. The process of Euro-Atlantic integration somehow ‘occurred’ at the same time and police reform was not the only reform undertaken in this period. It was elaborated that the police structure still suffers from internal weaknesses and negative contextual factors that obstruct greater progress toward becoming closer to the concept of a ‘service to the citizens’. Even though a lot was done in the security area (EU, OSCE, US, NATO), a lot of work remains regarding the democratization of the state, good governance and ‘democratic policing’. This paper has particularly stressed the impact of the massive integration of members of non-majority communities, mainly ethnic Albanians, into the police structures. On the one hand, this contributed to stopping further violence, easing ethnic tensions and building more trust among communities, solutions overcome by political compromise. On the other hand, Macedonia should look for more systematic long-term solutions aimed at a more professional role for the police structures and their de-politicisation and respect for the rule of law and stronger checks and balances. It was argued that imported ideas and models like ‘community policing’ and human rights can be introduced in a divided society but that they cannot work while the dominant processes in society are burdened by the supremacy of party politics over the law. The rule of law must be the cornerstone of the state and the main pillar of human rights. Macedonia is not following the civic nation model but an ethnic democracy model, while the nature of its democracy has remained flawed, and being a multicultural society complicates the other processes of democratization, including police reform. The conclusion is that the concept of ‘community policing’ has mainly been implemented, but the implementation of democratic policing will be delayed. Whatever has been reformed so far within the police structures is not enough and it will be necessary for the Ministry of Interior to engage more sincerely in reforming the police and other justice institutions in a way compatible with democratic society. Grillot in 2008 stressed the fears on the part of the international community that ‘once the international community withdraws from Macedonia, the practices of old will return. The Macedonians will quickly return to past policing practices if it were not for international presence’. The current development may support such a statement, as research has shown that some ingredients are undermining efforts if the aim is to enhance police reform and the human rights agenda in Macedonia. There is a vision but there is no political will to carry it out.

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