

Police Co-operation in South Eastern Europe – Stability Pact Initiatives in Combating Organised Crime

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Introduction

The Stability Pact was founded in 1999 by the European Union (EU) Commission, the EU members and EU outstanding countries Switzerland, Norway, the United States and Japan, to facilitate the South Eastern Europe (SEE) region's stability and security within the guidelines of the EU Commission strategy. Therefore, the Stability Pact was built on three pillars: a) Democracy, b) Economy and c) Security. Our partner countries in the region are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Moldova, Montenegro, Romania and Serbia. The pillar Security (Working Table III) was based on the sub-table on Defence and Security, the sub-table Justice and Home affairs and Border Security Management as a cross-sub-table issue.

The Stability Pact works regionally with the SEE national Governments, Parliaments and state authorities but also NGOs and international agencies aiming to implement EU standards and strengthen regional networking and co-operation. All initiatives and projects of the Stability Pact are based on these principles and strategy to create regional partnerships ensuring balanced development. At the Belgrade Regional Table Meeting on 29-30 May 2006, the participants were informed about the transition phase of the Stability Pact which will be the development of the Regional Council Cooperation (RCC) in early 2008.

As the transition process has begun important questions are asked: What are the areas that the SEE countries consider of particular importance? What are the areas crucial for European and Euro-Atlantic integration? Which are the long-term priorities for the regional co-operation in

economic development, infrastructure, justice and home affairs, security co-operation and building of human capital?

These and more questions have to be answered to ensure the regional ownership process of all initiatives and projects. Regional ownership of the initiatives and projects is based on the regional and national interest to take over responsibility and practical oriented and financial contribution. Given the limited frame of this statement, it is not possible to give a deeper insight into the transition process as I would also like to discuss the initiatives and projects regarding police co-operation, security and organised crime.

Working Table III

The Working Table III related to SEE security issues has been working mainly on organised crime structures by dealing with the Prosecutor offices, the courts but also with the police. My personal duty is related to regional police co-operation and training projects. But first I will give an overview of organised crime initiatives.

The Working Table III is dealing with internal and external security issues (fighting organised crime and corruption, migration and integrated border management, small arms and light weapons, defence reform, in particular defence conversion). Security is a prerequisite for stabilisation and it should be regarded as an essential element on the way towards EU accession. Organised crime still affects negatively the SEE countries and the state authorities have to be politically, legally, structurally and organisationally supported on all levels to improve national, regional and international co-operation, to implement international conventions balancing the international fight against organised crime, to include EU standards in organisations and legislation as well as to strengthen the national authorities enabling independent work only related to national legislature fighting organised crime.

Debits and credits on results achieved have been recognised. All Stability Pact partner countries have different backgrounds; therefore,

there are different levels of achieved goals but, in general, the partner countries are supporting all the initiatives.

I would like to inform about the Stability Pact Initiative to fight Organised Crime (SPOC) which has a regional secretariat in Bucharest working closely with the SECI Regional Center for combating Trans-border Crime on further enhancement of regional co-operation among law enforcement, prosecutorial and judicial authorities in SEE in combating organised crime and on the promotion of regional ownership of the Initiative.

SPOC secretariat's role is to develop, plan and implement concrete activities in partnership with regional governments and existing initiatives in the field of combating organised crime. The tasks listed are as follows:

- Monitor the implementation of international, European and regional treaties, conventions and agreements on combating organised crime, such as the UN Palermo Convention and the Council of Europe (CoE) convention on Mutual Legal Assistance by the countries of South Eastern Europe.
- Facilitate the transfer of knowledge and experience-sharing between the countries and international organisations, the EU, the US and other donor countries on legal measures and best practises enhancing the fight against organised crime.
- Provide legal advice and assistance to strengthen the current efforts and the development of new mechanisms that advance regional co-operation such as the SECI Center Bucharest and the SEE Prosecutors Advisory Group (SEEPAG).
- Facilitate donor assistance and advise on the development and implementation of legal reform projects of regional character seeking to increase the impact of donor funds, reduce overlapping and improve coordination.

The SPOC also supports regional SEE Parliaments in their work against organised crime and on deepening the dialogue between the European Parliament, the Commission and the Council. The goal of this activity is

to build a network of specialised parliamentarians in the region connected with the respective committee of the European Parliament. The participants of a first parliamentarian meeting agreed to develop the network and to organise a special seminar to exchange programmes and instruments for fighting organised crime.

The SPOC activities have generally been related to raising political, educational and public awareness of legal requirements in the region by promoting the co-operation between legal experts, specialised parliamentarians from SEE and EP, local authorities and civil societies, including media.

The Stability Pact Anticorruption Initiative (SPAI) established a regional secretariat in Sarajevo in 2004 and since then has developed to a regionally owned “resource centre”. Fully staffed with experts from the region it has the support from all the SEE governments that recently decided to consider financial contributions to its budget starting with 2007. The projects developed by the regional secretariat have been designed together with the SEE Senior Representatives in the Regional Steering Group and cover the most sensitive topics, like fighting high-level corruption, implementing the UN Anticorruption Convention, developing a regional network of specialised agencies. The European Anti-Fraud Office (OLAF) has already agreed to use the regional secretariat for implementing a programme to train investigators within SEE countries. At the same time, the regional office assists the SEE countries with a self-monitoring process on implementing the 10 measures to curb corruption adopted by the ministers of justice in May 2005.

The tasks listed are as follows:

- Assist the implementation of the European and international anti-corruption instruments such as the UN and CoE conventions;
- Promote good governance and reliable public administrations, provide capacity building, and build networks that fight corruption at regional levels;
- Strengthen legislation and promotion of the rule of law and public awareness;

- Promote transparency and integrity in business operations and fight against bribery of public officials;
- Promote an active civil society, including the media.

I don't need to explain here what corruption crime means but I would like to emphasise the well-known impact of corruption: corruption is highly detrimental to the stability of democratic institutions, discourages foreign direct investment, hampers economic growth, and can undermine the EU accession process. I would like to reiterate shortly what I said: corruption is the strongest enemy of economic development and the biggest destroyer of the citizens' trust in politics and state authorities. Therefore, personally, I cannot understand missing political decisions to fight corruption strongly on all levels of the political system and the private sector – not only in SEE but also in Western Countries.

The Stability Pact developed in late 2005 an overview report on the implementation of international and European anti-terrorism instruments in South Eastern Europe, which is based on a steady updated matrix. This overview report has been given to our international partners and partner countries in the region so that they are able to start with capacity building and, if needed, with trainings and infrastructure improvements. The report, published on our web-site, informs mainly about the implementation of the 12 UN conventions and the Council of Europe conventions.

Cross-border management, as mentioned before, is a joint common platform proposed by NATO, the EU, the OSCE and the Stability Pact named as OHRID process. The Stability Pact contributions within the Ohrid process are actions in the area of Migration, Asylum and Refugee Return (MARRI). Their main goal is to co-operate in border management between the SEE partner countries of the Stability Pact to improve regional coordination in cross-border and regional actions related to migration, asylum, visa regime and developing national action plans. I mentioned Ohrid and MARRI because of the field of organised crime in human trafficking and sexual slavery. Impacts of both sorts of crime affect negatively the countries' security and moral.

Now I would like to give information on the Police Forum Initiative of the Working Table III. The Police Forum was created to increase the regional police co-operation and to initiate trainings in fighting organised crime, as well as to build regional networks of specialised investigators fighting organised crime. The Police Forum supports its regional partner organisations, the SECI Center and the South Eastern Police Chief Association (SEPCA).

The Police Forum supports SEPCA to strengthen in the association's regional strategy planning, to connect SEPCA with the European Police Chief Task Force and with the EU Commission in order for the association to be recognised as a SEE regional chief association of police services and to be internationally supported. Therefore, the Working Table III signed with SEPCA a letter of agreement to give the co-operation a strategic basic. SEPCA should have a strong role in the region in supporting initiatives and projects, in exchanging best practise on the highest level, and in informing about national activities and projects. To this end, pro-active information of all international project leaders to SEPCA would be necessary but also regional and national political support is expected enabling SEPCA to play the role of a regional strategy developer for the Ministries of Interior Conference.

The Police Forum is working in close co-operation with SECI Center regarding stolen vehicle crime. The Stability Pact organised a joint meeting on stolen vehicle in Bled in March 2006. The agreed outcome of this meeting obliged the partner countries to increase the fight against stolen vehicles by taking actions and developing national course of action between the state authorities. After the Bled meeting the Stability Pact sent out a questionnaire to assess legislations in the region and to discuss with the countries the assessment results. The Police Forum drafted a guideline paper for writing national reports using one standard in the region. All results will be discussed with the Minister of Interior and the senior management of the state authorities. In early 2007 the Stability Pact will organise the follow-up meeting on stolen vehicle crime.

The fight against stolen vehicle is of a high importance in the face of 1 million stolen vehicles annually in Europe. Of course, most of the vehicles leave Europe on other ways than by passing SEE but this region is partly also a destination area. The Police Forum initiated the project “I-24/7 main border checking points” which aims to connect main border points with the Interpol IT system. I-24/7 enables the police or border police officer to check within seconds whether a car or documents are stolen or a person is wanted or missed. The national NCB’s and Interpol check the use of the system. This project started practically on 1 October 2006 after a pre-preparation period of one year and will have a duration of 12 months. The Police Forum envisages the finalisation of this project in autumn 2007 but additional funds must be found to finance phase two.

An important project is also the regional Organised Crime Training Network (OCTN), which is a donor-driven project. The overall objective of the project entitled ‘Organised Crime Training Network for Operational Managers in SEE’ was designed to strengthen the regional and international co-operation in order to successfully combat cross-border crime. OCTN will give the operationally specialised investigators the opportunity to share best practises and to enhance common investigation activities. The network is expected to establish institutionalised relationships among the police investigators and will link them to international partners. The core element of this approach is the development of a regional training programme focusing on three key elements: training of investigators, networking of key personnel and organisational development of organised crime units in SEE.

Further on a new project was established on crime analysis establishing crime analysis units in the region and implementing the Europol standards. The kick-off meeting in Bucharest on 5 September 2006 created the project frame, and SEPCA will be the project implementer mandating a project manager. The project has regionally been seen as strongly needed and it is a regional owned project. The Police Forum will introduce this new project to donor countries. There is no doubt that crime analysis is an essential tool to increase the fight and the investigators’ capacity in fighting organised crime by standardising and

exchanging case data. In order to ensure the success, Europol, SECI Center, SEPCA and two experienced international experts will support the project manager by giving advice and developing questionnaires for the first assessment of the current status. The project will start this year with a first phase of evaluation and assessment. The second phase will have a duration of three years and will implement 9 elements in building a national and regional crime analysis system.

The Ministers of Interior of South Eastern Europe, except from Bulgaria and Croatia, signed the South Eastern Police Cooperation Convention in Vienna on 5 May 2006 (*in September 2006 BUL declared to sign*). The Convention – an Austrian initiative – is based on the Schengen treaty and gives the legal basis for police co-operation in SEE. After the ratification process this convention will also be the basis for any initiative and project, not only of the Stability Pact but from all players in the security reform process. The Stability Pact will monitor the ratification process and the EU Commission took over the follow-up. The follow-up includes many projects to adjust and implement data protection laws, to develop witness protection laws on regional level and, in particular, to give the police services a tool for cross-border actions like joint investigation groups, hot pursuit, controlled delivery and other typical police work in cross-border fighting of organised crime.

Lessons Learnt

Regional co-operation and local ownership of projects and initiatives are increasing but partly weak – nevertheless, the situation is improving. The countries didn't prioritize all projects and initiatives for regional ownership. Certain basic legislations for co-operation like data protection or witness protection have different levels. The Police Convention ratification process hasn't started yet.

The countries generally support the initiatives and projects and also the SECI Center but independency of the police in some countries is on a low level. Often, police chiefs and department directors or heads of unit are replaced for political reasons. Each replacement weakens the police

organisation and reduces the independent work related to law and the citizen and reduces best results from initiatives and projects.

The specialisation and capacity in fighting organised crime within the organised crime units is given based on many projects and trainings in the region. Problematic is the internal replacing of specialised investigators because of organisational reason. A given reason for leaving the police is the low salary of specialised investigators – an excellent recruiting field for the private sector – bank, insurance and trustees.

The national co-operation between the police, prosecutor, court, financial agencies like FIU, but also a high specialisation of prosecutors and judges are essential for fighting organised crime. The overall national capacity for fighting organised crime needs to be enhanced by including all national agencies.

There is no centralised coordination of national, regional and international training within the police environment. Duplication of training and structure building is regularly criticised at international conferences. Especially the regional partners SECI Center and SEPCA are not included as regional agencies in planning projects.

There is no regional network for fighting terrorism.

Recommendations

The Governments should take more responsibility in projects and initiatives providing expertise and budget funds.

Future EU member countries, particular Romania and Bulgaria, should give a regional example of how to reach EU standards and these countries should support any initiative or project with expertise and with budget funds.

Regional co-operation and national or regional ownership of initiatives and projects should be on the agenda of any training provided by SEE

countries, donor countries and organisations to ensure that the trainings are successfully implemented.

National, regional and international projects should be discussed before implementation with the regional partners, in particular with SEPCA, to ensure a balanced development of capacity in the region.

SEPCA (or SECI Center) could play the role of the regional project coordinator that registers all existing and future projects and shows them to the project implementers in order for them to avoid duplication. The regional project coordinator should be based in the region for the need of regional ownership.

The Governments should not replace police chiefs and department directors for political reasons but oblige them to work only in areas related to legislation and to public service for the citizens.

SEPCA should be strengthened politically to work closely with the Ministries of Interior Conference as the regional strategy implementer. The police chief association should be the natural partner for the ministerial conference.

The co-operation, the internal course of action between police, prosecutor office and judges, as well as financial agencies like FIU and tax police, should be assessed regarding EU standards and the situation amended based on the assessment result.

Fighting terrorism should become a priority by networking within the region, exchanging data and including them in the crime analysis system.