

# COORDINATED RESOLVING OF CROSS-BORDER CRIMINAL ACTIVITIES AS A DETERMINANT IN THE PROCESS OF FURTHER WESTERN BALKANS INTEGRATION – CASE STUDY: SERBIA AND NORTH MACEDONIA

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## INTRODUCTION

Modern security challenges, both at the global, but also at regional micro-level, require cross-border cooperation in the domains of dealing with risks and threats that potential modern security challenges can produce. The term involves modern challenges that do not recognise national and state borders, that do not recognize physical barriers, but their potential dangers are all-pervading. The paper deals with the challenges that most often do not recognise the economic development of the political entity, or the institutional stability and efficiency, because their influence is such that it usually manages to overcome even the obstacles of strong institutional frameworks that do not face a lack of resources. Perhaps, the best practical example in the process of confirming such a thesis is precisely the multi-decade struggle of the United States with migration waves on the border with Mexico, which despite huge financial expenditures by the US federal government, is still largely “penetrating” for migrants who want to migrate to the United States, but also for numerous criminal activities, such as drug routes and other opiates, including weapons. In fact, according to Mojanoski and Author1, global asymmetric threats pose a danger to representatives of the executive branch. The latest phenomenon of risk is the channels of illegal migration that go from crisis regions to territorial corridors... Among those migrants we have people who are religiously radical and extremely criminal (Mojanoski & Author1, 2018: 71).

In this context, it is very difficult to imagine how political entities with limited economic opportunities and institutional capacities could be positioned, above all the so-called developing countries, such as Serbia and North Macedonia. Bearing in mind the fact that these states are located in a region composed of political entities with similar economic and institutional capacities, the problem becomes even more apparent, because *de facto* there is no “barrier” that will indirectly influence cross-border security challenges to be overcome. In fact, such circumstances predict two possibilities in practice: one, that each country individually faces security challenges independently; second, to launch initiatives in regional frameworks through joint action, in the fight against cross-border security challenges, including criminal cross-border activities. The first option would probably be advocated by representatives of realism, justifying such a position with the thesis of constant hostility between subjects in international relations. In the specific case, claiming that the goal of each state is to get rid of crime, and

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that it is precisely because of this that it is legitimate to export it to its neighbouring countries. On the other hand, modern theoreticians of realism, like structural realists, would probably go a step further and recognise the justification of cooperation between states in dealing with cross-border criminal activities, bearing in mind the pervasive effects of such security challenges.

To be more precise, this paper is based on the following foundations: first, on the limited capacities and resources of small states in an attempt to independently deal with contemporary criminal cross-border activities; second, the all-pervading effect of such international criminal activities cannot be prosecuted exclusively by sovereign and independent action without cross-border cooperation. In the case study of Serbia and North Macedonia, we will try to explain how modern cross-border crime requires joint action of political entities, but also how much this action in practice contributes to regional integration and cooperation. In the theoretical context, we will provide new support for the positions of structural realists, and we will use contemporary criminal cross-border activities as another answer to the question - why the cooperation in the field of security in modern international relations is necessary and not opposed to the concept of national security and is not endangering it.

## WESTERN BALKANS CRIMINAL TRENDS

The Western Balkans region is faced with various cross-border security challenges of which immediate consequences are criminal activities that have an impact on all political entities in the region, but also on their societies. The authors emphasise hybrid criminal activities that directly involve the local population, but also international criminal groups that use the borders in the region in different ways in their attempts to realize broader criminal activities. In this context, the most current but also the most challenging cross-border criminal activities in the Western Balkans are those related to migrant routes, human trafficking, drug routes, and arms trade - on a regional and international level. In fact, the Western Balkans is faced with multiple cross-border criminal activities that require coordinated responses from political entities in the region, but also huge infrastructure and capacity investments in order to face such security challenges, which in most cases have an international character, which makes them almost unsolvable without even involving other external interested political entities. However, we must also bear in mind the direct impact on internal (national) security and stability, as explained by Mojanoski, Dimovski, Author1 and Ilijevski, "due to the threats and risks to the internal security, the countries of the world have given the intelligence agencies huge powers to fight against terrorism, organised crime, trafficking in drugs, weapons, people, etc." (Mojanoski, Dimovski, Author1 & Ilijevski, 2015: 91).

In this context, it is important to mention that the Global Index of Organised Crime from 2023 shows that the arms trade, which includes the six entities from the Western Balkans, is still higher in the region which is subject of this paper, than in the whole of Europe, i.e. that the Western Balkans has a score of 5.42 compared to the European average of 4.60 out of a total of 10, with 10 being the highest level of crime (Global Initiative against Transnational Organised Crime, 2024, May 18). Along the same line, it is also important to point out that according to the analysis of the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), the number of armed incidents related to organized crime almost tripled in the Western Balkans, rising from 49 to 134 in the period from 2019 until 2022 (Global Initiative against Transnational Organized Crime, 2024, May 18). Such tendencies indicate that the Western Balkans as a whole, as well as each political entity individually, is facing security challenges that arise as a result of criminal cross-border activities, which require multiple and multidisciplinary, at the same time strategic, but also tactical approaches



in order to enter into the process of facing and overcoming the problems. In addition to a coordinated response, modern cross-border criminal activities require strong institutions, efficient and effective in the fight against modern criminal phenomena, which is not always on the positive side when it comes to the Western Balkans, bearing in mind the level of systemic corruption on internal/national level in the region. In fact, in addition to the issue of coordination, institutional independence based on efficiency and effectiveness is the essence in attempts to deal with cross-border crime, as it is current in the area of the Western Balkans. In this context, when it comes to cross-border criminal activities and dealing with the same in the Western Balkans, we also have to mention the phenomenon of organised crime, widely permeated in the region and characterised by “its three basic elements: 1. organisational nature (firm and hierarchically established organisation); 2. the goal of criminal activity is to make a profit and achieve as much economic and political power as possible, and also to gain power; 3. connection with the state, its organs and influential economic and political subjects, which is achieved through various methods of corruption” (Bjelajac & Matijašević, 2013: 534).

Actually, we have reached a certain essence in understanding the existing challenges in the fight against cross-border criminal activities in the Western Balkans. It is actually the previously mentioned lack of strong institutions, based on the principles of independence, efficiency and effectiveness as a consequence of existing organised crime, including political corruption. Here is the core of the problem. Entities in the Western Balkans are faced with domestic and imported cross-border crime that is further strengthened by local criminal activities, which are further fuelled by the lack of efficient and effective institutional response, as a consequence of organised crime and political corruption in the institutional infrastructures in the region. Such circumstances make the Western Balkans additionally weakened and vulnerable in the fight against cross-border (local, regional and international) crime, which in the perspective leads in the direction of external direct support in order to realistically face the current security challenges.

## COOPERATION BETWEEN SERBIA AND NORTH MACEDONIA IN THE FIELD OF CROSS-BORDER CRIME COMBAT

### *Regional Platforms*

From the wider regional point of view, the Southeast European Law Enforcement Center (SELEC) represents a cornerstone in the process of cooperation in the area of crime and criminal cross-border activities. In fact, “it is a law enforcement, treaty-based, international organization that brings together the resources and expertise of Police and Customs authorities that join synergies in combating more effectively trans-border organized crime in Southeast Europe” (Southeast European Law Enforcement Center, 2024, June 15).

If we base our analysis on the task forces of this organisation:

- Task Force Mirage on Countering Trafficking in Human Beings and Illegal Migration
- Anti-Drug Trafficking Task Force
- Financial and Computer Crime Task Force
- Anti-Fraud and Anti-Smuggling Task Force
- Anti-Terrorism Task Force
- Container Security Task Force
- Stolen Vehicles Task Force and



- Environment and Nature Related Crimes Task Force (Southeast European Law Enforcement Center, 2024, June 18),

we could reach relevant explanation about the contemporary security challenges that do not recognise physical state borders and in that context require a joint platform on interstate level for facing them. In this context, the contribution of regional integration through the cooperation of state actors in dealing with cross-border crime was also recognised. It is a process that requires the exchange of information, joint investigative procedures, regional operations, analytical procedures, coordination of operational centres, working groups, joint projects and trainings, which is also part of the infrastructure of the previously mentioned organisation and *de facto* manifests the regional integration process.

The international legal framework with emphasis on regional cooperation in the field of human trafficking includes “specialized agreements concluded by groups of states. A notable example is the 2005 Council of Europe Convention on Action against Trafficking in Human Beings (European Convention on Trafficking in Human Beings), which entered into force in February 2008. This Convention has the potential to bind more than forty countries of Western, Central and Eastern Europe on a much higher level of obligation to protect victims than it is required by the UN Protocol on Trafficking in Human Beings. All participating countries of this Project joined the Convention - Albania, Bosnia and Herzegovina (BiH), Croatia, Montenegro in 2008 and Serbia and North Macedonia in 2009” (Briton & Maljević, 2010: 13).

Furthermore, one of the important mechanisms in the fight against cross-border crime is the so-called “SECI Center” platform, which is actually a regional operational organisation in Southeast Europe, founded in 1999 with the aim of strengthening and facilitating the cooperation of police and customs authorities of member states in the fight against cross-border crime. The SECI Center was launched after the member states have signed the Agreement on SECI in May 1999, which was subsequently ratified by all member states, making the agreement a legal framework for cooperation in the region, which Serbia and North Macedonia are also part of (Briton & Maljević, 2010: 51).

In this context, it is important to point out that although regional agreements introduce obligations only to the signatory countries, they also indicate useful information about the development of standards in this area to other countries. Such agreements can also contribute to the creation of customary international law in a specific area or issue (Briton & Maljević, 2010: 13).

### *Bilateral Agreements*

When it comes to concrete cooperation between Serbia and North Macedonia in the fight against crime, it is important to point out that it is a multifaceted cooperation based on international agreements, but also on mutual (bilateral) interest in the necessity of jointly facing existing security challenges.

In this context, the **Agreement on joint control of border crossings** between these two countries was signed in 2019. The focus of the agreement is to “improve interstate cooperation in the fight against organised crime and corruption, the development of closer cooperation between the criminal police, the fight against drug trafficking, and the suppression of people smuggling, illegal migration and all other criminal acts that endanger the safety of citizens” (RTV, 2019, July 12).

Earlier in 2011, the **Agreement between Serbia and North Macedonia on legal assistance in civil and criminal matters** was signed. It is a contract that allows the signatory parties:



- Execution of procedural actions, such as summoning and delivery of documents, hearing of defendants, examination of witnesses, experts and other persons, investigation, search of premises and persons, temporary confiscation of objects;
- Application of special measures such as surveillance and recording of telephone and other conversations or communications and optical recordings of persons, controlled delivery, conclusion of simulated legal transactions, covert actions, search of the computer system or part of it and the data stored in it, as well as the processing of such data;
- Exchange of notices and delivery of letters and cases related to criminal proceedings, delivery of data without subpoena, hearing via audio and video conference connection, formation of joint investigative teams;
- Temporary surrender of a person deprived of liberty for the purpose of examination as a witness or expert or confrontation before the competent authority of the requesting state;
- Formation of joint investigative teams;
- Notifications from criminal records;
- Submission of data without a request;
- Transfer and takeover of criminal prosecution. (Zakon o potvrđivanju ugovora između Republike Srbije i Republike Makedonije o pravnoj pomoći u građanskim i krivičnim stvarima, “Sl. glasnik – Međunarodni ugovor”, 2012).

Between these two countries, a **Memorandum on cooperation in the process of European integration** was signed between the Ministry for European Integration of the Government of the Republic of Serbia and the Secretariat for European Affairs of the Government of the Republic of North Macedonia, which, among other things, “envisages the exchange of professional knowledge and experience in the basic areas of administrative law, especially regarding judicial reform and the fight against corruption and organised crime”. The focus of this memorandum is not exclusively in the areas of cross-border crime, but this very document confirms how important this domain of cooperation is, and how essential it is to all domains of interstate cooperation, including those concerning the coordination in the processes of realising foreign policy goals, such as this in the context of European integration.

A further step in the field of cooperation in dealing with cross-border crime was achieved with the signing of the **Agreement between the Government of the Republic of Serbia and the Government of the Republic of North Macedonia on Cooperation in the Combating Migrant Smuggling**. It is an agreement that contributes to essential institutional cooperation, and thus to integration through the following models specified in this agreement:

- Exchange of information and data
- Formation of joint investigative teams
- Implementation of joint projects and other activities
- Organization of joint trainings, workshops and seminars
- Exchange of experiences
- Exchange and protection of secret data (Zakon o potvrđivanju sporazuma Vlade Republike Srbije i Vlade Republike Severne Makedonije o saradnji u oblasti borbe protiv krijumčarenja migranata, “Sl. glasnik RS – Međunarodni ugovori”, 2021).

Contractual cooperation in the prevention of migrant smuggling is a textbook example of the science of security concerning contemporary security challenges, arising as a result of cross-border criminal activities that do not recognize physical borders. Migrant smuggling, as a modern security challenge that does not recognize physical interstate borders in an absolute sense, is not only an example of the



necessity of interstate cooperation, but also of the necessity of all-pervading cooperation, bearing in mind the fact that this security challenge is faced equally by developing countries, as well as developed ones, regardless of the capacity they possess in the format of sovereign political entities.

At the bilateral level, the cooperation in the fight of cross-border criminal activities has been strengthened through the **Agreement on Cooperation in the Fight against Human Trafficking**. This Agreement governs issues concerning the cooperation of the signatory parties (Serbia and North Macedonia) in matters of prevention, identification, protection, referral, cooperation in criminal and other proceedings and the assisted voluntary return of victims of human trafficking who are citizens of the parties (Serbia and North Macedonia), and for the purpose of the improvement in the field of the fight against human trafficking.

In the context of achieving concrete effects based on the foundations of this agreement, concrete cooperation was agreed through the following methodological procedures:

- Exchange of information and data related to the identification of victims;
- Exchange of information with the aim of providing protection and assistance to victims of human trafficking and voluntary return to the country of origin;
- Exchange of information and data in criminal proceedings, with the aim of more efficient criminal prosecution of perpetrators of criminal acts, before sending formal requests for international legal assistance in criminal matters in accordance with the relevant national legislation;
- Implementation of joint projects in the field of prevention and fight against human trafficking;
- Organisation of trainings, workshops and seminars and exchange of experiences with the aim of strengthening capacities for the fight against human trafficking (Zakon o potvrđivanju Sporazuma između Vlade Republike Srbije i Vlade Republike Severne Makedonije o saradnji u oblasti borbe protiv trgovine ljudima, “Sl. glasnik RS – Međunarodni ugovori”, 2021).

The Open Balkans initiative is also one of the numerous platforms that indirectly deal with the security challenges, risks and threats that participating countries face. Thus, in the framework of this initiative, an **agreement was signed** (Zakon o potvrđivanju Sporazuma o saradnji u veterinarskoj, fitosanitarnoj i oblasti bezbednosti hrane za životinje na Zapadnom Balkanu, “Sl. glasnik RS – Međunarodni ugovori”, 2021) that also includes the regulation of food safety. This trilateral agreement is based on three pillars in the context of food safety:

- “To protect territories of the participating countries from introduction and spreading of quarantine harmful organisms and to limit the entry of regulated non-quarantine harmful organisms through imported consignments, as well as to limit the losses that occur as a result of their introduction and spreading;
- To prevent import and spreading of contagious animal diseases, products and food of animal origin, which are not safe and could be harmful to the health, with the aim of protecting human and animal health;
- To reduce to a minimum the phytosanitary, veterinary and health risks and at the same time to facilitate cooperation and ensure improvement of international trade” (Zakon o potvrđivanju Sporazuma o saradnji u veterinarskoj, fitosanitarnoj i oblasti bezbednosti hrane za životinje na Zapadnom Balkanu, “Sl. glasnik RS – Međunarodni ugovori”, 2021).

On the other hand, but also along the line of contemporary security threats and risks in the Open Balkan framework, leaders of the participating countries have announced their determination to conclude a framework arrangement on regional cooperation in responding to civil emergencies, established on the progress already reached in the field and coordinated with the UN Development

Program, the European Union (including its Civil Protection Mechanism), and other regional and international organisations that have helped to build practices of cooperation and preparedness. The focus of this arrangement would be:

- “Providing the help by each of the participating country based on its possibilities upon a request;
- Coordination with the rest of the region on the ongoing basis, so that assistance can be used efficiently;
- Collaboration on the ongoing basis in procurement with a view to increasing the response capacity of the region as a whole;
- Participation in planning and training exercises as agreed, so that the first responders and those who coordinate them will be best prepared;
- Coordination requests to the European Union, international agencies, and other regional bodies working on emergency response for resources, training, and assistance in improving the resilience and response of the region to humanitarian disasters, both natural and manmade; and
- Strengthening cooperation on the structured basis between agencies and research centres specialised in addressing and managing civil emergencies” (PKS, Deklaracija Tirana, 2019, December 21).

In fact it is in formal sense a “Memorandum of Understanding on Cooperation in Protection against Disasters in the Western Balkans” (Jelisavac Trošić & Author2, 2023: 75) which, bearing in mind contemporary security threats as a consequence of climate changes and challenges, could in a huge manner contribute to the process of preventive action on regional level, but also in the process of regional coordination. Cooperation in the areas of security challenges in the Open Balkan framework, when it comes to dealing with natural disasters, is not directly related to cross-border crime, but it *de facto* represents another “step” forward in the process of regional cooperation and integration in the processes of dealing with modern security challenges. On the other hand, when it comes to food safety, the cooperation is closely related to cross-border crime, bearing in mind how many cases related to food and animal safety are included in contemporary international, regional and national criminal activities.

## CONCLUSION AND RECOMMENDATIONS

When we talk about the phenomena of integration at the regional or bilateral level, such as economic or political, we are talking about directions of development of interstate relations that are mostly very easily visible, such as: creation of a common or single market, creation of a single labour market, abolition of mutual economic and customs tariff, joint positioning on certain foreign policy issues, frequent and cordial meetings of political leaders. On the other hand, when we talk about the cooperation in the areas of fighting cross-border crime and the integration potentials of this cooperation, we have to establish that it is a matter of bilateral or multilateral regional cooperation, which is more difficult to recognise, unlike the previously mentioned integration mechanisms. It is actually a matter of cooperation that implies the exchange of sensitive information and data, as well as experiences that are mostly not “visible” or known to society as a whole. But this does not mean that the cooperation in the areas of fighting cross-border crime is isolated in the processes of regional integration just because it is difficult to recognise or establish that it exists. In fact, the contractual basis at the bilateral and regional level is a sufficient *de jure* indicator. While at the same time, the provisions of these agreements are a textbook example of what essential regional integration actually represents, which is not only focused on the synchronised action of certain state institutions, but on the unified action of institutions



of different states, which implies a much higher degree than any coordination and synchronisation on a bilateral or regional level.

In the theoretical context, at the very end of this analysis, it is important to point out the Author2's perception who claims that the limited resources and capacities of a small state in modern international relations may possibly be compensated by synchronised political, foreign, economic security actions by these political entities (Author2, 2023: 136). Actually, the bottom line is that the neoclassical realists are completely right, i.e. that modern international relations represent a "struggle" for the acquisition of power between states, but in fact it refers the "struggle" that also assumes numerous forms of cooperation between states, on a regional and international level, which in essence represents the basis for gaining power in various domains, including the issue of dealing with cross-border crime on a national basis. It could seem illogical, but in practise, if we analyse the mechanisms of contemporary international society in the process of power gaining, we will reach a conclusion that in different senses power at the same time represents cooperation and integration in different areas of interests. Thus, regional cooperation on matters related to cross-border crime simultaneously has an effect on two levels: it provides essential contribution to the efforts for enhancing regional integration and furthermore provides additional power to national states included in this regional frameworks in their capacities in fighting the cross-border criminal activities. In fact, the cooperation in the fight against cross-border crime on the regional level provides double contribution in theoretical sense: from the point of theory of regionalism it emphasises the importance of regional cooperation and further integration, while from the point of the positions of neoclassical realists, it confirms the thesis of continuation of the "battle" for power between states, but in the contemporary context - through different mechanisms based on cooperation.

In the context of recommendations, authors have suggested the following practical measures in the process of enhancing regional integration, followed by cooperation, especially in the domain of fighting cross-border criminal activities:

- Establishing cooperation exclusively with professional staff
- Constant political support for cooperation in this domain, released from the "burden" of bilateral and regional disputes
- Synchronisation of legislative frameworks in this domain, as a mechanism for greater efficiency and effectiveness
- Unified database and exchange of data on cross-border criminal activities
- Creation of centres with 24/7 coordination capabilities
- Creation of mixed prosecution teams in order to prevent the potential of the corruption phenomenon
- Inclusion of other political entities in the region in order to create a unique space for dealing with the security challenges brought by cross-border crime

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