



THE SUPERPOSITION OF
LEGAL REGIMES AT SEA:
Theoretical and
practical challenges

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SUPERPOSITION OF LEGAL REGIMES IN BORDER CONTROL AND SMUGGLING OF MIGRANTS

THE CASE OF REPUBLIC OF NORTH MACEDONIA

Ana Nikodinovska Krstevska

Olga Koshevaliska



THE NEED FOR POLICE COOPERATION IN THE WESTERN BALKANS

Illegal migrants in the period of 2010 to 2019

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Illegal migrants	1.103	469	682	1.132	1.750	1.949	127.358	4.129	16.895	24.601
Albania	892	216	328	400	624	347	374	252	241	215
Afghanistan	16	57	65	134	291	95.782	35.079	963	2.625	6.249
Syria	/	/	/	116	570	216.393	49.633	476	582	1.156
Pakistan	/	23	88	73	21	5.751	4.143	1.033	4.970	7.820
Iran	1	4	1	4	3	54.808	19.508	250	959	501

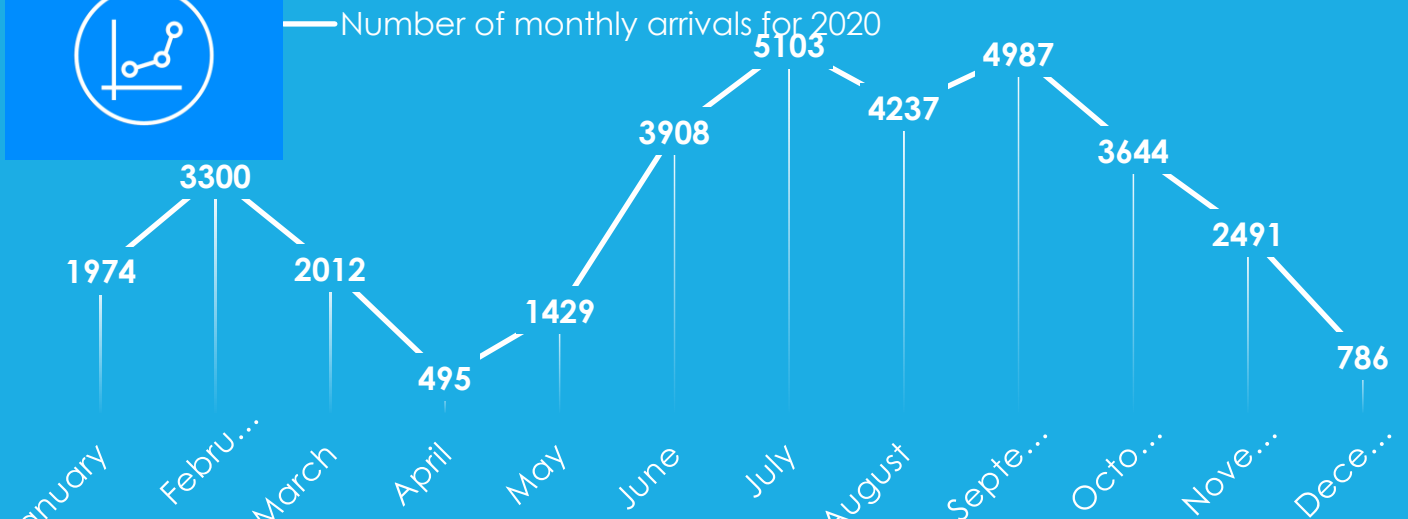


source: Ministry of interior

NUMBER OF MONTHLY ARRIVALS FOR 2020



Number of monthly arrivals for 2020



Associate Professor Olga Koshevaliska



Financing



various equipment and vehicles



EU-WESTERN BALKANS SIX FLAGSHIP INITIATIVES

May 2018


SIX NEW FLAGSHIP INITIATIVES TO SUPPORT THE TRANSFORMATION OF THE WESTERN BALKANS

Through six flagship initiatives, the Western Balkans Strategy sets out the EU's unprecedented support to the transformation process in the Western Balkans, targeting specific areas of interest for both the EU and the Western Balkans countries:

Предадена донација од возила и опрема во времетраење за Граничната полиција од германското Сојузно министерство за внатрешни работи

INITIATIVE TO STRENGTHEN THE RULE OF LAW

INITIATIVE TO REINFORCE ENGAGEMENT ON SECURITY AND MIGRATION



Embassy of the Czech Republic
in Skopje

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The Czech Republic has donated more than 1mil EUR to Macedonia to deal with the migration crisis


21.06.2017 / 13:20 | Aktualizováno: 21.06.2017 / 13:23

On June 16, 2017 Ambassador Miroslav Rameš and Minister of the Interior of the Republic of Macedonia, Oliver Spasovsky, signed a donation agreement for the purchase of passenger cars for the purpose of strengthening the protection of the state border of the Republic of Macedonia and, in part, for the purchase of technical equipment as part of a project implemented jointly with the Office of the United Nations High Commissioner for Refugees.




„Ми причинува особено задоволство што денеска заедно со амбасадорката на Сојузна Република Германија Н.Е. Анке Холштајн присуствуваме на свеченото примопредавање на опрема - донација од Сојузното министерство за внатрешни работи на Сојузна Република Германија за нашето министерство за внатрешни работи“

Instrument for Pre-Accession Assistance (IPA), IPA II and now IPA III



IPA III
Cross Border Cooperation Programme
2021-2027

Republic of North Macedonia - Republic of Albania



Special measure project (I, II, III)

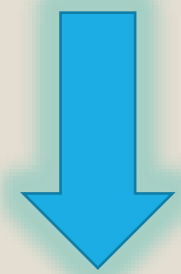
National legislation framework for patrol of the national borders



Article 5 of the Law on Border Control- border control is the responsibility of the Ministry of the Interior and that border control activities are carried out by the police departments of the Ministry



Article 59 - authorized police officers of other countries may enter the Republic of Macedonia and perform, under ratified international agreement, matters relating to border control and other matters relating to international police cooperation. Foreign police officers may use technical equipment and vehicles bearing their marks, wear uniforms, weapons and other means of coercion, under conditions and in a manner established under an international agreement



WORKSHOP UNIVERSITATEA DE ANIMATIE
5 NOVEMBRIE 2019

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Is a Memorandum of Understanding sufficient to be seen as an international agreement? What about the MoU with Serbia, Hungary and Austria?

Questions that need answers



What is the specific mandate and competence of the different foreign police patrols? Are their mandates in line with Macedonia's national law?

In what consists their contribution and assistance of border control and prevention of illegal migration on the Macedonian border?

In case of suspicion for migrant smuggling, who has the right to stop and legitimize Macedonian citizens, and to what extent can foreign policy patrols search vehicles?

Can foreign police officers act with coercive measures towards suspicious persons and can they take them in custody?

EU to deploy border guards in Macedonia to curb migrants

By Georgi Gotev | EURACTIV.com with AFP

Jul 19, 2018

Advertisement



Police cooperation

WORKSHOP UNIVERSITY OF MERIDIAN FROM THE MERIDIAN

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Avramopoulos Dimitris @Avramopoulos

Pleased to initial status agreement today between EU and former Yugoslav Republic of Macedonia on actions to be carried out by European Border and Coast Guard Agency. Key to strengthen border management and combat irregular migration and smuggling together europa.eu/rapid/press-re...

As of December 2015, police officers from Austria, the Czech Republic, Poland, Hungary, Croatia, Slovenia, Serbia and Slovakia have been present, assisting the North Macedonian border police in coping with the migration situation and combatting irregular migration and migrant smuggling.





North Macedonia and FRONTEX





Avramopoulos Dimitris

@Avramopoulos



Pleased to initial status agreement today between EU and former Yugoslav Republic of Macedonia on actions to be carried out by European Border and Coast Guard Agency. Key to strengthen border management and combat irregular migration and smuggling together europa.eu/rapid/press-re...



3:26 PM · 1/19/2019



Bulgaria and North Macedonia, divided by a common tongue. *Photographer: Robert Atanasovski/AFP via Getty Images*

Andreas Kluth is a columnist for Bloomberg Opinion. He was previously editor in chief of Handelsblatt Global and a writer for the Economist. He's the author of "Hannibal and Me."

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COMMENTS

The late linguist Max Weinreich put it best. "A language is a dialect with an army and a navy," he said almost a century ago. The distinction, in other words, has less to do with linguistics and more with politics. This explains many conflicts past and present, including a controversy now raging in the Balkans.

This week Bulgaria, a member of the European Union, vetoed the start of formal accession negotiations to let its neighbor North Macedonia join the bloc. One of Sofia's stated reasons is that Skopje refuses to acknowledge certain historical "truths," including the view that Macedonian is a dialect of Bulgarian and thus doesn't deserve the formal status of an "EU language."

Problems
in
practice

NOTICE
RESTRICTED AREA
AUTHORIZED
PERSONNEL ONLY

Eurodac countries

The Eurodac system enables the **comparison of fingerprints** of asylum applicants and persons apprehended in connection to an irregular or illegal border crossing in 32 States.

28 EU Member States (including the UK) and 4 Associated Dublin States (Iceland, Norway, Liechtenstein, and Switzerland) use the system.

The new Eurodac Regulation No 603/2013 took effect in July 2015, and national police forces, as well as Europol, can now access the system and its fingerprint database for prevention, detection, and investigation of the most severe forms of crime, including terrorism.

Identification of applicants (EURODAC)



EURODAC makes it easier for EU States to determine responsibility for examining an asylum application by comparing fingerprint datasets.

Towards a reform of the CEAS: the 'EURODAC' proposal

Due to the large scale arrivals since the start of the migration and refugee crisis in 2015, some Member States became overwhelmed with fingerprinting all those arriving irregularly to the EU at the external borders, and who further transited through the EU *en route* to their preferred destination. As a consequence, thousands of migrants have remained invisible in Europe, including thousands of unaccompanied minors, a situation that facilitates unauthorised secondary and subsequent movements and irregular stay within the EU.



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KEY FINDINGS :

What are the overlaps of competences and the superposition of these different legal regimes in North Macedonia?

1. National legislation and national authorities competence
2. European integration + Readmission agreements
3. Bilateral cooperation (International agreements + MoU)
4. Frontex Status Agreement
5. EU Decision-making process and political will of Member States

BENEFITS:

- Knowledge transfer
- In kind donation
- Trainings + assistance
- European integration

SHORTCOMINGS:

- Exceeding competence in operations
 - Diplomatic immunity
- Return operations and registration of migrants (EURODAC)
 - No reciprocity of databases
- Breach of readmission agreements (push backs)



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