

Security Sector Reform in South East Europe – Border Security: What has been done, What remains to be done?

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Our Special Case: The Western Balkans

The emergence of five new nations from the break-up of the former Yugoslavia has created over 5,000 km of new international borders in the region that is characterized by major problems. Borders in the region are frequently not marked, the emergent border control agencies are often inefficient and are open to corruption, and the border crossing points are not equipped to handle the traffic crossing them. Organized crime networks in the region have become well established, highly violent and increasingly international.

Uncontrolled migration is another major cross-border problem in the region. While the Western Balkans region is in itself a rich and effervescent source of illegal immigrants into the European Union (EU) – largely Albanians and Kosovars – the problem is mainly one of the region being used by local criminal groups as a transit route for smuggling immigrants into the EU who have come from other regions (e.g. Middle East and Asia). In addition to national problems associated with inadequate laws, enforcement and institutional capacities, there are international weaknesses that limit these countries' capacity to cooperate in combating their justice and home affairs' problems, such as:

- Lack of structures and networks within which countries can address shared cross-border problems such as border management, mainly through incentives for inter-agency co-operation;
- No common regional policies being developed (e.g. visa, access rights, readmission and asylum), leaving loopholes that are exploited by criminal networks; and
- Inadequate information systems that are generally not regionally interlinked or, e.g. in Europe, Schengen compatible, restraining

the countries' capacities to investigate and tackle crime internationally.

Hence, the EU Regional Strategy program or the Geneva Centre for the Democratic Control of Armed Forces (DCAF) provide specific support for integrated border management, mainly through incentives for inter-agency co-operation, for example

- coordinated processing at border crossings,
- integrated information technology systems and
- awareness building and joint responsibilities.

With regard to border control, two goals have been identified:

- build effective border security systems linked with national police structures and migration management authorities that are charged with dealing with illicit activities at border crossings and across the national territory more generally;
- physical demarcation of agreed national borders where agreed by the national governments concerned.

Support to border control will emphasize equipment and infrastructure but, as a conditionality, will be complemented by institution building, technical assistance and twinning type arrangements to ensure coherence, sustainability and the overall enhanced effectiveness of the border control institutions involved.

There is the dilemma of how to reconcile European with regional, universal with local standards of behavior and work. Border conditions are, if not unique, situational requiring different policies to work well. It is not likely that a set of policies and practices defined by bureaucracies distant from the place in which they will be implemented will work as well or be perceived as equally legitimate by local communities, as a set of priorities that have been adapted to local conditions. There are many experts who note that there is an increasing consensus that locally generated benchmarks are more legitimate and realistic than outside supervision.

Resolutions of this dilemma are tied to larger security, political and even ideological questions or discussions. The very notion of accountability by border security systems to democratic processes presumes the existence of such processes, a willingness on the part of political leaders to insist on adherence to specified standards, and the capacity to effectively evaluate performance and sanction violations of rules and regulations by an organization or individual border guards. The interplay between border guards in the control line and the state and citizens they serve can take many forms, of which only some reflect and embody the conventional benchmarks of good governance and democratic oversight – transparency, accountability, responsiveness, equity, redress, service delivery and participation.

Executive Summary

Recent changes in the perception and understanding of security have made effective and efficient border security systems a basic requirement for all states. In many cases, improving a country's frontier controls necessitates extensive organizational and structural changes.

A concrete strategy to support the creation and development of reliable border security systems that will be in line with EU best practices can be jointly drawn-up by national authorities and the Geneva Centre for Democratic Control of Armed Forces (DCAF) according to the demands of countries in need for such a system.

Gaps between the intentions set down in the respective National Strategy Papers and the ability to implement these objectives in reality will be filled in with the activities organized by DCAF. Interactive workshops, an advanced distributed learning module, various study trips, common exercises and operations will provide forum for experience exchange and gaining new knowledge for top and middle management and individual specialists. Special programs will be prepared for future leaders, commanders of the smallest border guard units and individual specialists, who are making the first steps in the field of border security.

To help guide DCAF in this process, an International Advisory Board for Border Security (IAB) of senior officials from Estonia, Finland, Germany, Hungary, Russia, Slovenia and Switzerland has been established. Their professional experts were asked to identify the criteria taken into consideration when their national model was chosen, and the historical and political context influencing the resulting decision. They evaluated the factors that made this service successful and efficient, and the means by which failures were avoided and vulnerabilities mitigated. They assessed which of the many lessons learned might be relevant. Each identified general criteria for the establishment of a modern system that can be easily integrated into a Schengen-like framework. The conclusions of these border security experts form the basis for the IAB recommendations to EU applicant and aspirant countries.

On this issue, six general principles have been considered:

- Despite increasing globalization and inter-dependency, the legitimacy and integrity of states continue to depend on their ability to ensure the security of their citizens. Thus, effective and efficient, citizen-oriented protection of borders should be the pre-eminent interest of states.
- Border security, in all its complexity, is no longer only a national security concern, but plays an important role in confidence building and in the creation of international alliances.
- The creation of a border security system must be based on clear and appropriate definitions and a realistic situational assessment.
- Border guarding should be seen as a unified system and should be carried out by a special police force.
- Border security systems should be designed with co-operation in mind.
- Effectiveness and efficiency can be achieved only if proper co-ordination is in place.

Upon examination of some successful border security models, it can be stated that:

- European countries face common threats and thus, they should develop common policies to combat them.

- EU candidate countries in their borders will face problems and challenges similar to those of EU member states. Therefore, it is desirable that they apply the EU standards as a basic criterion for development.
- The wider European and international dimensions of today's border police work should also be considered. The overall objective should be the development of nationally and internationally co-ordinated, mutual actions by border police and other law enforcement agencies. Co-operation is at its best if these organizations follow the same guidelines and are based on common standards.

The basic guidelines regarding border control have been laid down in the Schengen *acquis* that was integrated into the EU framework in 1999, when the Treaty of Amsterdam came into force. These basic Schengen guidelines are:

- Movements across the European Union's external border must take place at official border crossing posts guarded by member states;
- Control of persons crossing the external border shall be the responsibility of authorized and competent officials of member states;
- Crossing the external border at a point other than an official border post without special permission is illegal;
- Crossing the border outside the operating hours of the border post is not permitted (locations and operating hours of border posts are to be determined by each state independently);
- Effective control of border sections in between border crossing posts shall be ensured by mobile patrol or other suitable means, and the external borders shall be guarded along their entire length by the member states;
- Effective control of the external borders presupposes the co-operation of border guard personnel.

In order to be able to carry out the tasks deriving from these issues, in compliance with EU guidelines, countries should be in possession of a

certain degree of “administrative capacity” and “implementation performance”.

On the basis of the authors’ personal experiences, as well as in accordance with the models discussed, it is suggested that the establishment of effective border control requires

- An efficient, well-functioning, independent (i.e. autonomous) governmental organization, preferably border guards or police, and a command and control system possessing the skills and the capability to raise the readiness level and to concentrate forces at critical locations;
- Creation of an electronic and visual observation network (including vessels and patrol boats, airplanes and helicopters, radars, sensors and devices, etc.) that is integrated into a uniform border control system with passport checkpoints and border guard sectors;
- Uniform basic training for all forces responsible for border control tasks;
- Legally guaranteed and regulated criminal intelligence and investigation capacity;
- Close co-operation between the various levels of internal security sectors to form a common pillar of law and order;
- Centralized and effective official contacts with neighbouring countries.

Ensuring the respective borders are properly managed is best achieved by entrusting the task to a separate, professional and multi-purpose police force operating under the Ministry of the Interior. This requires a unified, independent and professional law enforcement organization, with its own clear and unambiguous command line over and within the organization where all organs involved must have precisely defined responsibilities as well as means to act according to them.

To achieve this, changes are required in the legal framework, infrastructure, organization and ethos of the frontier authorities. In order to successfully carry out such reforms, all personnel should be

adequately qualified and therefore, selection and training should be seen as the main investments for a successful future. Technical equipment should be acquired, staff numbers upgraded. Such reform has financial implications, but can be facilitated by training and staff exchanges between EU AAC and their co-operation partners, and by the study and utilization of successful models such as those considered in the Paper.

Finally, we should bear in mind the fact that development is never complete. We should continue to assess and evaluate the chosen path so as to be able to accommodate new situations. Flexibility (that is, the ability to change) is a key component to success. In this regard, comprehensive fundamental ideas and self-initiative are crucial factors in any creation and transformation process. Similarly important is to obtain support for them from partners in and outside the country.