

# TOPICALITIES AND PROBLEMS OF IMPLEMENTING FORESEEN MEASURES AND PROPOSALS IN THE INTEGRATED BORDER MANAGEMENT CONCEPT OF THE REPUBLIC OF LATVIA FOR 2013-2018

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**Abstract.** *The concept is a document that is taken every 10 years on average, and which provides the direction in which the authority will operate. The integrated border management concept of the Republic of Latvia in the strict sense refers to the Latvian State Border, but due to the fact that the state border security also participates in the implementation of other law enforcement institutions such as the National police, the Customs, the Food and veterinary service, this document explicitly bound by them. Near state border operating all of the above bodies, each in their field and direction, but generally it refers to the state security. There is a separate document that provides for the development of the State border guard in action, and is the integrated border management concept, which is also a development document, but refers to the State border guard and several institutions operating in the border area. This concept contains different types of measures, each of which is an important element of the Latvian State border security. This article is intended to acquaint the implementation concept and how it is executed at the beginning of 2016, i.e. the implementation of the concept of the middle way. Article tasks are to compare the previous concept with currently implemented; analyse the measures that shall be implemented, as well as the reasons for non-implementation and consider possible solutions. The article will be used in the description, comparison, analysis methods. In conclusion, the author wants to find the answer to a question or concept helps the body grow, or however it is a formal document.*

**Keywords:** *concept, integrated border management, progress, security, state border*

## Introduction

After 2014 the concept remained very actual in Latvia, because security and geopolitical situation in Europe has introduced its adjustments. Currently the concept is implemented in a fast pace, even the other direction is implemented outside the concept, but refers to the activities of the national border guard and border security, such as the National Guard and State police rearmament according to NATO standards; radio replacement; officials of the Ministry of Interior Department of special ranks pay from January 1, 2016; service form replacement etc.

The article is from the period 2003 through to 2016.

This article is intended to acquaint the implementation concept and how it is executed at the beginning of 2016, i.e. the implementation of the concept of the middle way.

Article tasks are to compare the previous concept with currently implemented; analyse the measures that shall be implemented, as well as the reasons for non-implementation and consider possible solutions.

In the article will be used description, comparison and analysis methods.

Hypothesis of article: 1) shifting more financial resources, national border security concept will be executed faster than expected; 2) concept approval means the absence of development.

In 2013 the Latvian Government approved the document, which largely determines the expected steps in the development of the Latvian State border [The integrated border management concept of the state border of the Republic of Latvia for 2013-2018; 2013].

Having regard to the December 2013 existing geopolitical and security situation in Latvia and Europe, assessing the current and foreseeable situation in the Latvian State border integrated management and to address the issues and respond to the challenges and threats to the security of the State border, the Government offered three variants of solution [The integrated border management concept of the state border of the Republic of Latvia for 2013-2018; 2013.; 2.point]:

- 1) develop integrated border management according to available resources and the means to maintain the capacity of participating institutions in the existing functions, as well as international commitments;
- 2) invest integrated border management institutions involved in capacity building and to make existing functions (down stage to develop the solution too (1. variation of action, making substantial investments in integrated border management and intensely moving towards higher standards of border security and integrated border management. Its implementation is possible, if the future is scheduled or assigned additional financial resources. Version 2 provides the direction for the development of, for example, to make the border crossing point and "green" technical means for border surveillance and information systems and the modernisation of the full restore; several of the vessels of the national border guard ordering needs, etc.);
- 3) defer integrated border management issues addressed (not see challenges).

It is clear that the question of the suspension, taking into account the difficult situation of European security space, when the necessary urgent measures to improve the situation, is not acceptable. The Latvian State

border security coordination Council coordinated the conception and implementation of measures supported option 1 variant [The Council of Latvian state border security coordination, 2 May, 2012. – Session protocol No 1, 2.§].

The Cabinet of Ministers of the Republic of Latvia supported the integrated management concept for 2013-2018 version 1 of the solution.

The Interior Ministry has identified the responsible institution in the implementation of the concept, but the Ministry of Finance, Ministry of Agriculture, Ministry of Foreign Affairs, the Ministry of Defence, Ministry of Transportation, Ministry of Justice, the Ministry of health and the Ministry protection of the environment and regional development are responsible institutions too in the implementation of the concept.

Outside concept Government determined that further work in relation to the State border of Latvia and Russia the existing border crossing points (in particular Vientuli border crossing point) planned to continue on the basis of other documents [The Cabinet of ministers, 13 Mart, 2012. – Session protocol No 14 25.§.]. It also refers to the border crossing point “Silene” and “Paternieki” of existing infrastructure development (modernisation).

Modern dynamic development of the company by providing a national border security and control, while the objectives are being implemented internal and external state security. Border security is national security. Persons crossing the state border and cargo flow must be managed by identifying risk travellers and goods. To control the cross-border flow of complex processes from a security point of view, is being implemented in Latvia State border security policy that requires an integrated approach [November 12, 2009. “The State border of the Republic of Latvia Law” – the Latvian journal - 2009. – No 189].

Concept development and approval of the successor to clearly define the policy instruments of the European Union, increasing the use of modern technologies, new challenges to the security of the state border, a potential threats to the internal security of the country and an integrated approach to border management.

Border crossing of persons, goods and vehicles flow poses a threat that need to be identified and eliminated, aware of the challenge for the state and law enforcement's ability to mobilize resources, coordinated use of the vertical and horizontal collaboration tools to manage large amounts of information and to share data effectively while maintaining high standards of respect for fundamental rights [November 27, 1997. “The Border guard law” - Journal of Latvia - 1998. - No 329/330]. Response to identified threats, i.e., terrorism, third-country nationals in illegal transfer, cross-border crime in many forms, corruption, serious crimes, economic risks, as

well as public health, animal and plant health threats etc. requires an integrated approach to border security.

The concept can be implemented in five levels, earlier there were four levels:

- **1<sup>st</sup> level** – (border checks and border surveillance) and customs surveillance and control, including the associated risk analysis and criminal intelligence [The Schengen borders code];
- **2<sup>nd</sup> level** – cross-border crime detection and investigation (coordinated by acting all competent law enforcement authorities);
- **3<sup>rd</sup> level** – access control model (measures in third countries, cooperation with neighbouring countries; border control and customs control; control measures in the area of free movement, including the return);
- **4<sup>th</sup> level** – interinstitutional cooperation in border management and international cooperation;
- **5<sup>th</sup> level** – national border management integrated coordination, development of legislation, human resources management and anti-corruption measures.

Current concept of the structure can be broken down to specific areas (in brackets will be specified in the implementation of the actions):

1. **amending regulations and the development and adoption** (partially completed):
  - the Latvian-Lithuanian and Latvian-Estonian agreement projects preparation for the continuation of the state border and border plenipotentiaries activity (process, the draft Treaty is drawn up, but not the financial resources allocation, it is directed to the front);
  - the Latvian-Russian Treaty on the State border regime (draft contract drawn up and will be directed to the ratification by the State of Latvia and Russia when border demarcation will be completed, probably in 2016-2017);
  - the amendment Act to the asylum for the National Guard to the right to certain legal and actual conditions at the border crossing point to take the examination of an asylum application in the accelerated procedure (not met);
  - interdepartmental agreement between national environmental Radiation safety service centre and the Border Guard for radiometric control of cooperation (in the process);
  - conclusion of agreements on Interdepartmental cooperation on the Latvian State border security issues between the

- Border Guard, State police, the State revenue service and the Food and veterinary service (completed in April, 2016);
  - interdepartmental agreement between national border guards and emergency medical service for the exchange of information and cooperation in public health case management (in the process);
  - amendment to the Latvian State border security coordination Council Charter, specifying the tasks of the Council, with reference to integrated into Latvian border management strategy for 2003-2007, including the composition of the Council and also in the national environmental services Centre of radiation safety manager (run, a new Charter adopted in 2014);
  - amendment to the Cabinet of Ministers of 5 May 2010 instruction No 5 “The order in which the national regulatory authorities shall cooperate in border security issues”, specifying the authorities and involving the national environmental services Centre of radiation safety in the state border security (executed, adopted amendments in 2015);
  - conclusion of Treaty with Russia on border crossing points (in the process);
  - amendments to the legislation, including the carrier's obligations and rights in connection with the carriage of a person to Latvia without valid travel documents (not met);
  - international consideration of the draft of the agreement with Russia on rail passengers ' data and the exchange of customs information (not met);
  - in time the Interior Ministry system and prison administration with a special service officer grade in the course of the service transition provisions of the law to which the national border guard post of Inspector may hold a person not well position requirements education (at least level 3 professional qualifications) (not met);
  - the State Border Guard of the internal normative act on the issue of the order in which the employee has reported irregularities, as well as in the conduct of employees, finding the corrupting action (executed).
2. **development facilities** (partially completed):
- Automated border control system of gate installation at the airport “Riga” (not met);
  - aircraft park at the scheduled (intended for launch in 2016);
  - the "green border" sensor system development (not met);

- the State border guard of the CCTV system and the technical means (partially completed);
  - the State border guard of the mobility improvement by replacing old vehicles with new (completed in 2015);
  - small class 2 unmanned aerial vehicle for the acquisition of the national border guards (designed to run 2017);
  - the construction of border crossing points (2016 January put into the post “Vientuli” on the state border of Latvia and Russia);
  - the modernisation of border crossing infrastructure and maintenance, increasing the number of employees (not met);
  - detained foreigners for a new accommodation centre, reconstruction (2016-2017, the intended to reconstruct the Centre “Mucenieki”, near Riga);
  - sea border sensors development system (SafeSeaNet, GMDSS) (in the process);
  - radio system modernization, introduction of appropriate, (digital) voice radio contact with integrated data transmission (2014-2015 to run).
3. **the new technical features and equipment, IT support** (partially completed because the concept involved in implementing institutions to support data exchange between national border security tasks):
- to provide the border crossing points with the biometric visa checks, using technical tools, software and connectivity of the Visa information system (in the process);
  - National initial passenger information system development, ensuring better functioning of the carrier and the national border guard data processing format compatibility (in the process);
  - to provide the national Entry/Exit system with tying the SIS II (executed);
  - new border control information system (REIS-Entry/Exit system) (intended to ensure its functioning from 2017);
  - implementation of the Visa information system of border inspection posts (executed on March 2014);
  - REIS national public key infrastructure connecting and through it, the international civil aviation organization public key directory (process);
  - National European border surveillance system (EUROSUR) (3rd round) (in the process);

- package deployment for automated exchange of information with the DNA profiles, dactyloscopic data and vehicle registration data between the Member States of the European Union law enforcement authorities (not met);
  - the Declaration of foreign tourist registration and processing system of information building, ensuring the article 45 of the Schengen Convention requirements (in the process);
  - vehicles and containers in automatic identification system linking with the axle weight of customs control points, providing the Latvian law enforcement connections, through the association with the analogy systems in Lithuania and Estonia (in the process);
  - the State revenue service customs officials access to the SIS II, in order to facilitate the detection of stolen vehicles export Customs procedures design time (in the process);
  - departing goods vehicle registration introduction to the frontier of “Terehova” border crossing point (executed).
4. **training** (partially completed): to develop proposals for a unified (district) training system for law enforcement and service dogs handlers national border guard College, centralizing the Interior Ministry authorities and State institutions of learning in this area.
5. **working group** (not met):
- the Latvian State border security coordination Council decision the State border, the State revenue service, the State police and the Food and veterinary service's risk analysis expert permanent working groups (not met);
  - the Border Guard involvement in obtaining financial compensation and appropriate in the work of the Committee in connection with the implementation of the agreement between the European Commission and the cigarette manufacturing companies “Philip Morris International” and “Japan Tobacco International” (not met);
- the Commission of ethics of the State Border Guard (not met).
6. **obligations** (partially completed):
- the Latvian and the Russian State border demarcation (launched in 2009, scheduled for completion in 2016);
  - interdepartmental agreement enforcement between State Border Guard and National armed forces for maritime security system data exchange (partially completed);
  - the Bureau of prevention and combating of corruption recommendation for 2011 and the Cabinet accepted the task

of corruption risks in the implementation of the Border Guard (executed).

7. **activities of the Institute** (executed):
  - the national border guard liaison officer afloat in Belarus, Georgia and Russia (executed);
  - the State revenue service specialized in customs matters in Russia the continuation of actions (executed).
8. **other measures** (partially completed): provide the number of border guards to “green” density limits depending on the existing risk factors.

If compare this concept with 2007-2013, the concept of emphasis was put on several facilities. Similarly, the number of positions was not implemented due to the lack of financial resources and so on new concept carried over.

### **Conclusions and suggestions**

For the moment the measures included in the concept largely have been partially met. Given that the concept will be in effect until 2018, and the fact that the external land border security is a priority of the Government of Latvia, one might expect that the remaining measures will be met in full and within the time limits set.

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