EUBAM'S CONTRIBUTION TO THE STRENGTHENING CROSS-BORDER COOPERATION

Van Acker J. EUBAM's contribution to the strengthening cross-border cooperation

The article describes the role of the EUBAM in the strengthening cross-border cooperation of the Republic of Moldova and Ukraine. The author outlines background, area of responsibility, structure and main activities of the Mission focused on the improvement of the integrated border management in the Republic of Moldova and Ukraine. The scope of work of the Mission in the two countries related to such areas as the Integrated Border Management, the settlement of the Transnistrian issue, the prevention and fighting of trans-national organised and cross-border crimes, anti-corruption, the trade facilitation, the implementation of trade policy measures and the modernization of customs procedures, the implementation of EU principles of good governance and cooperation with civil society is emphasized.

The working principles, approaches and methods used by EUBAM with specific examples are also mentioned in the given article. The overview is given to the achievements made by the border police, border guards and customs services / administrations of the Republic of Moldova and Ukraine under facilitation, support and assistance provided by EUBAM.

Key words: integrated border management, cross-border cooperation, settlement of the Transnistrian issue, prevention and fighting of trans-national organised and cross-border crimes, trade facilitation, trade policy measures, modernisation of customs procedures, anti-corruption, good governance, civil society.

Ванакер Ж. Роль ЕУБАМ в укреплении приграничного сотрудничества

Статья анализирует роль ЕУБАМ в укреплении приграничного сотрудничества Республики Молдова и Украины. Автор описывает предпосылки создания Миссии, информирует о ее зоне ответственности, структуре и главных мероприятиях Миссии, направленных на улучшение интегрированного управления границей в Республике Молдова и Украине. Подчеркивается деятельность Миссии в двух странах, относящихся к таким областям, как интегрированное управление границей, углубление приграничного сотрудничества, предотвращение и борьба с транснациональной и трансграничной преступностью, борьба с коррупцией, содействие торговле, внедрение мер торговой политики и модернизация таможенных процедур, внедрение принципов ЕС по надзору за движением и сотрудничество с гражданским обществом. В данной статье также упоминаются рабочие процедуры, подходы, которые используются в Миссии ЕУБАМ, приводятся конкретные примеры. Представлен обзор достижений, сделанных пограничной полицией, пограничной службой и таможенными службами/ администрациями Республики Молдова и Украины при содействии, поддержке и помощи Миссии ЕУБАМ.

Ключевые слова: интегрированное управление границей, приграничное сотрудничество, углубление приграничного сотрудничества, предотвращение и борьба с транснациональной и трансграничной преступностью, содействие торговле, меры торговой политики, модернизация таможенных процедур, борьба с коррупцией, надзор за движением, гражданское общество.

Ванакер Ж. Экономический взгляд на приграничное сотрудничество

Статтю характеризує роль ЕУБАМ у зміцненні прикордонного співробітництва Республіки Молдова та України. Автор описує переліку створення Місії, інформує про зону відповідальності, структуру та основні заходи Місії, спрямовані на покращення інтегрованого управління кордоном у Республіці Молдова та України. Підкреслено діяльність Місії у двох країнах, що спрямована на такі сфери, як інтегроване управління кордоном, врегулювання прикордонного питання, попередження та боротьба з транснаціональними та трансграничними злочинами, боротьба з корупцією, сприяння торгівлі, впровадження заходів торгової політики та модернізації митних процедур, впровадження принципів ЄС з належного врядування та співробітництва з громадянським суспільством. У цій статті також згадуються робочі процедури, підходи, які застосовуються у Місії ЕУБАМ, наводяться конкретні приклади. Представлено огляд досягнень, зроблених прикордонною поліцією, прикордонною службою, митними службами/ адміністраціями Республіки Молдова та України за сприяння, підтримки та за допомогою Місії ЕУБАМ.

Ключові слова: інтегроване управління кордоном, прикордонне співробітництво, врегулювання прикордонного питання, попередження та боротьба з транснаціональними та трансграничними злочинами, сприяння торгівлі, зовнішньої та торговельної політики, модернізації митних процедур, боротьба з корупцією, належне врядування, громадянське суспільство.

Many elements contribute to the development of a country. EUBAM, the European Union Border Assistance Mission to the Republic of Moldova and Ukraine, can be seen as one of the elements in the development process of both countries who declared to be candidates for joining the European Union. Currently both countries are involved in the process for discussing and signing of the Association Agreements with the European Union. Both countries are also implementing their Visa Liberalisation Action Plan.

This article has the intention to give overview of the role of the EUBAM in strengthening the cross-border cooperation in the region and in particular its function related to the improvement of the border management between both countries.

Let me first describe the EUBAM to have a good understanding on the scope of its work, its area of responsibility, its structure and staffing.

EUBAM has been set up in 2005 on the basis of an agreement, known as the Memorandum of Understanding (MoU), between the European Commission, the Government of the Republic of Moldova and the Government of Ukraine. The MoU is considered as the mandate of the EUBAM.

The essence of the mandate, which is prolonged until 30 November 2015, is to assist and advise relevant authorities of both governments in border,
customs and fiscal matters and to support actions undertaken for the benefit of the Moldovan and Ukrainian Border Police / Border Guards, Customs Administrations, other law enforcement agencies and relevant state agencies. The Mission is a technical advisory body without executive power.

On the basis of the MoU the EUBAM Mission Statement is described as follows: “Borders help to promote a safe environment in which trade and people-to-people contacts can flourish. Effective border management should facilitate, not hinder, legitimate trade and cross-border contacts. The Mission is seeking to make a sustainable contribution to the delivery of good quality border and customs services to the citizens and companies of Moldova and Ukraine to facilitate contacts and trade. Our common aim is a system of border and customs controls and border surveillance which meets European standards and serves the legitimate needs of the citizens of each country. In its work, the Mission’s personnel strive to adhere at all times to its core values which are: results, partnerships, transparency, neutrality, service and reliability.”

The Mission area of responsibility covers the border between the Republic of Moldova and Ukraine and has a total length of 1222 km Green/Blue Border comprising 67 Border Crossing Points of which the so called Transnistrian sector (central sector) takes 472 km Green/Blue border comprising 25 Border Crossing Points. The staffing of EUBAM is composed of international contracted experts, international seconded experts and a national staff of both countries. The EU is currently represented by approximately 90 experts from 19 Member States. Altogether 219 people (July 2013). The field offices are located in Chisinau, Tiraspol and Odessa (Ukraine).

EUBAM is present at central, regional and local levels. Its main partners are the border related law enforcement agencies but also the representative bodies of the civil society such as academies, business associations, NGOs and more general the local population.

Support is provided through the delivery of advice and recommendations, analytic reports, training events, seminars, study tours and conferences. A planning and performance measurement system is in place to assure the proper implementation of the action plan. Procedures are established to ensure that the tools and recommendations are given in line with EU regulations and EU best practices. Quality control is applied on the “products” such as on analytic reports to ensure reliability of the support provided by the different international experts of the Mission.

In the frame of its mandate as described in the Memorandum of Understanding, EUBAM’s current action plan is based on a number of strategic documents such as the Stockholm programme, the European Neighbourhood Policy, the Country Strategic Papers of the Republic of Moldova and Ukraine, progress reports, evaluations made by external bodies, etc. The action plan has been endorsed by the members of the Advisory Board in which all the relevant authorities and law enforcement agencies of both countries are represented. The endorsement is of key importance for the work of the Mission as it gives the EUBAM the authority to implement all the activities which are supported by the EU. EUBAM by lays the foundations for acceptance of the assistance provided by the EUBAM experts and ensures effective results of the given support.

The current action plan which covers the period from 01 December 2011 till 30 November 2013 is focusing on six objectives, namely: to enhance border management; to make a positive contribution towards the settlement of the Transnistrian issue; to build capacity to implement and apply EU and other international standards/best practices; to contribute to the prevention and fighting of trans-national organised and cross-border crime; to contribute to compliance and trade facilitation, the implementation of trade policy measures and the modernization of customs procedures; and to support the anti-corruption efforts of partners, focusing on those objectives which are of principle importance for the EU principles of EU good governance. Each of those objectives covers a list of activities on which I will come back further on in this article.

**Integrated Border Management**

The issue of cross-border cooperation includes attention to be given to the integrated border management (IBM). In this way EUBAM supports the development of processes increasing the cooperation within the agencies (inter-agencies) but also between the agencies (inter-agencies), the bi-lateral cooperation between both countries and the broader international cooperation such as the cooperation with the WCO, Frontex, Europol, Interpol, SELEC, IOM, OLAF, etc. It should be mentioned that substantial progress has been made during the last years in the implementation of the concept of IBM in the Republic of Moldova and Ukraine. Hereafter the reader will find an overview of activities supported by the EUBAM.

EUBAM assists the partner services in implementing their national IBM strategy, IBM concept and action plans. In particular EUBAM initiates actions at the level of the border crossing points with regular workshops for planning, coordination and evaluation. Support is provided on the implementation of the one-stop-shop concept. This procedure is especially important for the traveller / business community to minimize the control time and waiting time for crossing the border. EUBAM experts are continuously assisting the officers at local level to implement border checks and surveillance measurements based on risk analysis. Bi-lateral and international cooperation is supported through assistance in the implementation of Joint Border Patrols composed of the border police / border guard services of the Republic of Moldova and Ukraine, by the implementation of the Jointly Operated Border Crossing Point (JOBCP) pilot project Briceni-Rossoshany and initiation of the replication of JOBCP at other BCPs.

It should be stressed that EUBAM is involved in the initiative taken by the European Commission on the implementation of the Eastern Partnership Flagship Initiative on Integrated Border Management. By providing training and exchange of best practices EUBAM contributes to the further development of the involved countries of the Black Sea area.

Since 2012 EUBAM is also involved in supporting the Republic of Moldova and Ukraine in their activities related to the EU Strategy for the Danube region and the Euroregion Dniester. In this regard EUBAM took the initiative to ensure the participation of both countries into the Steering Group of the Priority Area 11 of the Danube Strategy created to promote security and combat organized and serious crime. In the frame of the cooperation with the Euroregion Dniester a Joint Statement has been signed on 16 August 2013 describing the areas where EUBAM will cooperate with the Euroregion Dniester. The Euroregion Dniester is a body for the cross-border cooperation among the administrative-territorial units of Ukraine and the Republic of Moldova. The main objective of the creation and activity of Euroregion ‘Dniester’ is the implementation of the programs of complex harmonized development of the areas adjoining the Dniester on the commonly accepted principles of the Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities’ adopted in Madrid on 21.05.1980 and additional to it protocols #1 and #2. This includes, among others, the organization, coordination and deepening of ties in economics, trade, science, culture, tourism and sports; participation in the building of international transport corridors and reconstruction of the existing motorways; assistance in infrastructure development of interstate and local BCPs on the UA-MD state border; facilitation of contacts with the corresponding international organizations, funds, institutes, agencies and other organizations. Parties are cooperating within their competence in such areas as law-enforcement bodies’ actions in their fight against organized international criminality in the border regions, smuggling, drug-trafficking, fire-arms trafficking, and illegal migration of human beings. As part of the Joint statement on cooperation between the Euroregion Dniester and EUBAM, signed on 16 August 2012, a ‘Community oriented project to improve the process for crossing the border’ has been set up. The related action plan is currently being implemented. Actions to be implemented cover the decreasing of waiting times at the border, the improvement of quality of service, the improvement of infrastructure and equipment of the crossing points, etc. 45 actions altogether have been defined by the project team.

EUBAM is assisting the Republic of Moldova and Ukraine in their efforts to implement their visa liberalisation action plans. In this regard EUBAM is supporting its partners in the implementation and evaluations of specific actions and recommendations reflected in the action plans and progress reports. EUBAM experts are also supporting the partners in making preliminary evaluations on the degree of implementation of the action plans. On request EUBAM is supporting the Joint Ukrainian-Moldovan Commission on Border Demarcation. This Commission is taking all the initiatives to put in practice the border line between the Republic of Moldova and Ukraine. EUBAM experts are providing technical assistance based on EU best practices.

**Contribution to the settlement of the Transnistrian issue**

As one of its main activities EUBAM, as a technical body, is contributing to the settlement of the Transnistrian issue. In this regard EUBAM is monitoring and advising on the implementation of the Joint Declaration of the Prime-Ministers of Ukraine and the Republic of Moldova of 30 December 2005 on the external trade activity of companies based in Transnistria. EUBAM is providing assistance to the Republic of Moldova in fulfilling its international obligations and providing assistance to the Republic of Moldova in fulfilling its international obligations in cooperation with the OSCE, EUBAM is facilitating and supporting initiatives to enhance confidence-building measures between Chisinau and Tiraspol. As an example a study tour was organized upon EUBAM initiative, on 11 – 14 March for the Customs Service of the Republic of Moldova
and Tiraspol customs structure representatives together with OSCE, to the joint customs posts at Waldshut and Weil am Rhein at the German-Swiss border to allow the representatives to get knowledge on customs procedures applied at a joint customs post. It was the first time customs representatives at the level of Directors General from both banks of the Dniester River participated together in such event.

EUBAM is also assisting stakeholders to enhance movement of goods and people into/from Transnistria via road and rail, and is advising to enhance control over the migratory flow across Transnistria.

Contribution to compliance and trade facilitation, the implementation of trade policy measures and the modernization of customs procedures

Customs activities contribute substantially to the economic development of a country. EUBAM pays strong attention in assisting partner customs services in defining and implementing more effective procedures in relation to the needs of the business community and to bring them in accordance with the requirements of WTO, Kyoto Convention and other agreements.

Advice and recommendations are provided in drafting the new customs code of both countries and related regulations to ensure that their legislative documents are in accordance with the European expectations which are part of the further negotiations in the frame of the associations agreements currently discussed with both countries. At this stage EUBAM is looking forward to the outcomes of the Eastern Partnership Summit which will take place in Vilnius in November this year.

In regular EUBAM is assisting the partner services in the implementation of the single window concept, the development and implementation of the authorized economic operators concept, the enhancement of the risk-based customs control, the introduction and implementation of simplified procedures provisions, including simplified declaration and local clearance in accordance with EU regulations, and in the implementation of the customs clearance end-to-end process in accordance with EU best practice. EUBAM is enhancing the customs capacity of partners by developing and standardizing post clearance control and audit. To develop and implement those activities several working groups are established to ensure progress in those issues.

As part of the discussion in the frame of the association agreements EUBAM is contributing to the implementation of the EU requirements concerning the creation of a Deep and Comprehensive Free Trade Agreement between the EU and both countries, the Republic of Moldova and Ukraine. At this stage specific attention is given to the issue of controlling the origin of goods and to the protection of the intellectual property rights.

A specific system has been set up with the budget support of the EU and facilitated by EUBAM to develop and implement a pre-arrival information exchange system (PAIES) which allows the customs services of both countries to exchange information in real time on the transport of goods across the border. The application and use of such a system intends to prevent customs fraud and other offences. It is the intention to promote the PAIES to other locations and organisations of the Ukrainian border.

Contribute to the prevention and fighting of trans-national organised and cross-border crime

Economic development goes hand in hand with a secure environment. Security is considered as a pre-condition for successful economic cooperation. This is not a new observation only made by the EUBAM and / or the other partners. All partners, national and international recognize the importance of drawing attention to this topic. Therefore EUBAM, as part of its action plan, is contributing to the prevention and fighting of trans-national organised and cross-border crime.

Intensive support is provided at tactical and operational level to enhance the capacity of the law enforcement agencies of the Republic of Moldova and Ukraine in their response to the identified threats. One of the activities is to advise and assist the partners in the further development and implementation of the concept of Mobile Units inclusive the support in personnel training of mobile units, the implementation of the regulatory framework of the activities of mobile units, and support in strengthening the inter-agency cooperation.

EUBAM is also providing assistance related to the improvement of criminal investigations. This covers not only the attention to be given to the investigation itself but also to the prosecution of criminal cases. In this regard support is provided related to the adoption of modern investigation methods, evidence gathering and use of case analysis.

Related to the trans-national organized and cross-border crime specific attention is given to the issues of illegal migration and trafficking in human beings, vehicle related crimes at the border, trafficking in drugs and weapons, smuggling of goods and customs fraud, cigarette smuggling, and arms and nuclear material trafficking. Joint working groups as well as relevant joint task forces and operational meetings are established to analyse and define actions to fight those kinds of crimes. The exchange of information within those working groups is one of the main tasks. The improvement of the process for exchanging operational information gets specific attention in this regard.

In addition to the permanent attention given to those topics by the permanent working groups and other types of cooperating initiatives EUBAM is supporting its partner services in organising Joint Border Control Operations (JBCOs). Based on in depth analysis of the crime phenomena at the border between the Republic of Moldova and Ukraine, JBCOs are organized on a yearly basis in which also the international organizations dealing with cross-border related crime are involved. In addition EUBAM is supporting its partners in conducting of and participating in international operations.

As already mentioned before, attention is given to the development of the analytic capacity of EUBAM’s partner services. More specific EUBAM is providing analytical reports and alerts for direct input and tactical purposes and developing risk profiles more and more jointly developed with the partners. Since the beginning of its mandate, EUBAM has been assisting the partner services to establish and develop their CBSEARs. The reports provide the border police/border guards and customs agencies with information, statistics and other data, on relevant issues related to the trans-national and cross-border crimes within EUBAM’s area of responsibility. A system for collection of data as well as analyzing of all those data had to be established. At this stage it can be mentioned that a certain level of sustainability has been reached to develop monthly reports with a reduced support from the side of the EUBAM.

As part of the support related to the improvement of the analytic capacity, EUBAM is assisting its partner services in enhancing their risk analysis capacity on regional and local levels. A concept of risk analysis and selectivity including the development of risk profiles, setting up the needed procedures and structures has been established.

Supporting the anti-corruption efforts of partners and the implementation of EU principles of good governance

Having looked at the international Corruption Perceptions Index, it is obvious that the Republic of Moldova and Ukraine, as well as some other Eastern Partnership countries, have still serious problems in getting control over the level of corruption. Corruption is considered as one of the main problems in the further economic development of those countries. Indeed decreasing the level of corruption is essential to fulfill the aspirations of both countries e.g. to implement the visa free regime, to join the EU, to establish effective relations with the business community, etc. Therefore it is essential and also requested that EUBAM is supporting the anti-corruption efforts of its partners.

EUBAM developed an anti-corruption strategy which is also focusing on the need to implement the EU-principles of good governance.

In particular, EUBAM is supporting the partner services by strengthening their legitimacy and citizen trust by implementing the principles of transparency and openness, by providing a favourable environment for efficient and effective monitoring and investigation, and by improving the implementation and monitoring of their Codes of Conduct.

Knowing that an efficient and effective human resources management system is a crucial part of the functioning of an organization, EUBAM is also assisting its partners in installing sound integrity systems.

In particular, EUBAM is convinced that the involvement of the public can strongly support decreasing the level of corruption in public organisations. Therefore EUBAM contributes to increase the level of public awareness on the issue of corruption and its consequences and provides anti-corruption training, lectures and education as founding elements for counteracting corruption. Anti-corruption schools are organized for students of academies to discuss the problem of corruption in their countries. Students are involved in making surveys on the issue of corruption at the border between the Republic of Moldova and Ukraine.

The transfer of knowledge is stimulated between EUBAM partners and EU Member States, anticorruption institutions and other relevant international organizations on the EU best practices for fighting corruption. Anti-corruption experts of EU Member States are invited to exchange their experience with the managers and officers of the partner services.

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The global economic crisis has deeply affected national economies. Governments were aware about the prospects that have been achieved in the past, but they hadn't been aware of the new economic realities. Emerging decline of the western successful economies, focused governments on the new economic realities. Emerging decline of the western successful economies, focused governments on the external economic relationships, which led to the necessity of adapting to the new economic environment. The economic crisis has led to a decrease in economic activity, which has affected the national economies of many countries. The economic crisis has also led to a decrease in the purchasing power of the population, which has affected the social and economic stability of many countries. The economic crisis has also led to a decrease in the investment in research and development, which has affected the long-term economic growth of many countries. The economic crisis has also led to a decrease in the international trade, which has affected the economic integration of many countries.

Cooperation with civil society
Nowadays it is essential for any 'public organization' to pay attention to the issue of communication with the public. Therefore EUBAM is disseminating information on the EU and the mandate and achievements of EUBAM and partners in border management and increasing the visibility to enhance the public awareness in civil society.

Conclusion
It is EUBAM’s ambition, within its mandate, to bring together the different players in order to reduce and eliminate all sorts of barriers blocking the economic development of both countries. Through its support, assistance and advice EUBAM is contributing to the integration of the Republic of Moldova and Ukraine into the world economies, and to the facilitation of extension of their mutual exchange of goods and services.

THE SLOVENIAN REGIONAL DEVELOPMENT ASYMMETRIES AS EU WELCOMES NEW MEMBERS
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Водопивець Р. Асиметрій регіонального розвитку Східної Європи: уроки для нових членів ЄС.


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