BORDER SECURITY
IN CONTESTED ENVIRONMENTS

Edited by Cem KARADELİ

Centre of Excellence - Defence Against Terrorism

Ankara, 2023

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Preface

The Centre of Excellence Defence Against Terrorism (COE-DAT) is pleased to present this booklet on the topic of Border Security in Contested Environments. It is the culmination of four years of sustained interest in the evolution of border security in an ever-changing world.

This increasingly connected world is less constrained by the geographic borders which we see on maps. Nevertheless, managing our physical boundaries in the 21st Century remains a challenge. Regional conflicts continue to motivate massive population migration, testing nations' ability to address the humanitarian concerns amassing on their borders. Moreover, malicious actors constantly seek opportunities to exploit compassion for migrants and the vulnerabilities of strained border management systems. Viewing border control as a contested environment may introduce a new perspective from which we can consider innovative ideas and solutions to these complex problem sets.

In this context, COE-DAT, in collaboration with UN OCT/CCT, organized a series of workshops inviting other key partner organizations and experts from the COI in order to increase information sharing and demonstrate progressive research on establishing Good Practices for border security. COE-DAT submits the results of those studies so that they can serve the Alliance and Partner Nations to enhance their capabilities in their fight against terrorism.

Bülent AKDENİZ

Colonel (TUA)

Director COE-DAT

Acknowledgments

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GENERAL INTRODUCTION AND CONCEPTS

Cem Karadeli

1. WORKSHOPS, GOOD PRACTICES, AND NEW REFLECTIONS

This book you are reading is the end product of a North Atlantic Treaty Organization (NATO) Centre of Excellence - Defence Against Terrorism (COE-DAT) workshop held in Ankara, Türkiye, between 13th and 15th June 2023. The workshop was entitled "Border Security in Contested Environments", and was itself an intellectual follow-up to the COE-DAT workshop with the same title, held again in Ankara, Türkiye in 2020. The first panel proposed a series of good practices that were based on the United Nations (UN) good practices on border security.

The reason for the issue of border security requiring a group of good practices is the fact that many UN member states, - and hence many NATO member-states, - are facing problems in terms of border security from the end of the Cold War Era, and these problems have not been encountered before. Due to the opportunities and disadvantages created by Globalization and the ease of technology transfer, communication, access to geographical data, and the transfer of people around the globe, it has become harder for nation-states to protect their borders and their citizens' way of life against organized crimes related to irregular migration, trans-border violence, and illicit transfer of goods and services across borders. As a result, nation-states and important international organizations such as the United Nations or NATO founded by nation-states, are currently trying to find ways to counter threats to border security and to enhance capabilities of nation-states, organizations, and collaborating nation-states that share a common border without causing problems in terms of diplomacy, security, and human rights.

The United Nations had come up with the following good practices for the issue of border security:

Good Practice 1: Enhance intra-agency cooperation.

Good Practice 2: Enhance inter-agency cooperation.

Good Practice 3: Enhance international cooperation.

Good Practice 4: Develop and establish comprehensive remote border-area surveillance programs.

Good Practice 5: Engage with and empower border communities as key contributors in border security and management.

Good Practice 6: Develop and implement Border Community Policing programs.

Good Practice 7: Develop and implement Border Security Management (BSM) information exchange programs and mechanisms.

Good Practice 8: Establish Border Cooperation Centres.

Good Practice 9: Nominate and assign Border Liaison Officers.

Good Practice 10: Conduct joint and coordinated cross-border patrols, as well as joint multi-agency and interdisciplinary operation exercises.

Good Practice 11: Define parameters for cross-border operational engagement.

Good Practice 12: Conduct effective risk analysis assessments.

Good Practice 13: Create National Border Management Strategies and Action Plans.

Good Practice 14: Establish Joint Border Crossing Points.

Good Practice 15: Identify corruption as a serious risk for effective and robust Border Security Management.

As can be observed, these good practices focus not only establishing border security but also on finding solutions to potential tensions that affect the relations between two countries that share a border. Some of these seem to be very applicable in real life and some others would experience more difficult circumstances surrounding their application, some can be applicable in countries that share borders, a common language, and common customs, traditions and worldviews, but are inapplicable in other parts of the world. For instance, the UN managed to establish a complex mechanism where these good practices are successfully applied in the Republic of Korea (i.e. South Korea).

As NATO is a security cooperation organisation, it surely needs guidelines and good practices concerning the issue of border security. To this end, a group of academicians, scientific area expert civilians, and military staff came together in a 2020 workshop in Ankara, Türkiye, at NATO COE-DAT and went on to establish a set of proposed good practices for NATO member countries. Another workshop, at the same institution, with different participants, brought along new approaches to the idea of border security in a contested environment as there were many new developments in world politics in terms of security concerns, movement of refugees, and border problems in between the two workshops.

Based on the good practices put forward by the UN, the 2020 workshop had come up with the following 13 good practice proposals; however, these were never approved. The 13 proposed good practices for NATO are as follows:

Good Practice 1: Enhance intra-agency cooperation (GP1 of the existing UN good practices focused on civil border agencies)

Good Practice 2: Enhance inter-agency cooperation (GP2 of the existing UN good practices focused on civil border agencies) Military expertise in operational planning is not often matched by other agencies. The military can facilitate a combined, interagency environment with the capacity to interconnect multiple agencies to coordinate efforts

Good Practice 3: Develop and establish comprehensive remote border area surveillance programs (GP4 of the existing UN good practices focused on civil border agencies)

Good Practice 4: Engage with and empower border communities as key contributors in BSM; recognizing continuity in understanding local issues is a key contributor in BSM (GP5 of the existing UN good practices focused on civil border agencies)

Good Practice 5: Develop and implement BSM information exchange programs and mechanisms (GP7 of the existing UN good practices focused on civil border agencies)

a) Providing on-the-ground intelligence collection, exploitation, and assessments to enhance overall situational awareness;

b) Sharing of relevant counter-terrorism information with key non-military actors (law enforcement and emergency services);

c) Maintaining a system of indicators and warnings to facilitate early detection of imminent threats;

Good Practice 6: Nominate and assign military Border Liaison Officers to Border Cooperation Centres

Good Practice 7: Conduct an effective risk analysis assessment (GP12 of the existing UN good practices focused on civil border agencies)

Good Practice 8: Create National Border Management Strategies and Action Plans (GP13 of the existing UN good practices focused on civil border agencies)

Good Practice 9: Identify corruption as a serious risk for effective and robust BSM (GP15 of the existing UN good practices focused on civil border agencies)

Good Practice 10: Conduct joint and coordinated border patrols with law enforcement as the lead agency, as well as joint multi-agency and interdisciplinary operation exercises (mostly GP 10 from the UN with LE added.

Good Practice 11: Develop policies and procedures for military support during crisis periods to provide support as first responders, during mass casualty events, and reinforce civil law enforcement.

Good Practice 12: Build physical infrastructure to support border security

Good Practice 13: Training, advising, and assisting host nation security forces.

The 2022 workshop discussed new developments, new possibilities, and also evaluated the above good practice proposals. Some of the most vital discussions in the workshop are to be found here in this book as the chapters of the book are mostly evolved versions of the workshop presentations. The advantage of this book's chapters is that the authors now have hindsight after many discussions and question and answer sessions, and now each have a clearer vision concerning the issue of border security and how good practices should be implemented.

2. NOTES ON TERMINOLOGY USED IN THE BOOK

Border Security, Border Protection, Border Defence, Border Management, Integrated Border Management, Radicals, Violent Radicals, Terrorism, Migration, Migrants, Refugees.

In current political science vocabulary and in daily use of world public opinion and media there are several concepts that are presented to every human being and the number and variety of the terms used may lead to misapplication of a term to events that take place, or downright to strong confusion. The same is true for the terminology used in this e-book. There are several concepts that are employed in the essays, and there are important nuances in their use. This short chapter will give definitions of these terms and explain their differences from each other.

Terms About Borders

Border Security is the term used to describe the measures taken by governments to enforce their border control policies and prevent the irregular movement of people, goods, weapons, drugs, or other contraband across their borders.[1] Border Security can include controls on the

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[1] https://www.dhs.gov/topics/border-security

movement of people and goods across land, air, and maritime borders. *Border Protection* refers to measures taken by a country to regulate and monitor its borders to prevent irregular immigration, smuggling, and other criminal activities. In the United States, for example, U.S. Customs and Border Protection (CBP) is the agency responsible for border security. It uses a variety of techniques to assure that global tourism remains safe and strong.

There are several types of **border management** that countries can implement to regulate and monitor their borders. According to IOM, effective border management policies and operations should address at least four areas of work: 1) Advanced Border Management Information Systems (BMIS), 2) Rights-based Identity Management, 3) Integrated Border Management (Int.BM) procedures, and 4) Humanitarian Border Management (HBM) as a model to deploy in exceptional circumstances such as an humanitarian crisis.

1. Border Management Information Systems (BMIS) are used to collect, store, and analyse data related to border crossings, in order to expedite cross border movements of nationals and regular migrants, improve border security and facilitate legitimate travel.

2. Identity Management refers to the process of issuing and verifying secure and reliable identity documents (from breeder documents, such as birth certificates, to the identity and travel documents). In border control procedures, Identity Management also includes the capacities of a border authority to verify and manage the identities of individuals crossing national borders, including both documented and undocumented people.

3. Integrated Border Management (IBM) involves coordination and cooperation among all relevant authorities and agencies involved in border management and trade facilitation, in order to establish effective, efficient, and coordinated border management.

4. Humanitarian Border Management (HBM) focuses on ensuring that the rights of crisis-affected people, including migrants, are upheld and their needs addressed to the best extent possible, regardless of their immigration status or circumstance, while honouring prerogatives of State security and border integrity..

Integrated Border Management (IBM) is a concept that involves national and international coordination and cooperation among all relevant authorities and agencies involved in border management and trade facilitation. The goal of IBM is to establish effective, efficient, and coordinated border management that enhances security while facilitating legitimate cross-border movements. IBM seeks to enhance three levels of coordination: intra-service, inter-agency, and international cooperation. This means that different agencies within a country, as well as agencies from different countries, work together to manage borders and cross-border related issues in a coordinated manner.

Contested Spaces refer to social spaces where cultures meet, clash, and struggle with each other, often in the context of highly asymmetrical relations of power.[2] These are spaces where people or ideals collide resulting in a place for each player within the situation. A contested space can be formed in various ways and can exist in different forms such as in schools, public spaces, and even geopolitical regions. One example of a contested space in international politics is the competition between global powers to shape governance and exert influence in priority states. For instance, adversaries of the United States, including Russia and China, are exploiting situations such as the COVID-19 pandemic to advance their interests in strategically important countries and regions. These global competitors try to mould destabilized states to benefit their interests, and this can result in contested spaces where different models of governance and influence compete.[3]

Terms About Human Dislodgment and Movement

Forced Displacement is the involuntary or coerced movement of people away from their homes or home region due to reasons such as conflict, persecution, violence, natural disasters, or ethnic cleansing. It can affect refugees, internally displaced persons, or migrants, who have different legal statuses and protections. Forced displacement is a global humanitarian crisis and a development challenge that impacts millions of people and their host countries. Forced displacement can also be a mechanism for committing mass atrocities and genocide.

It can prompt asylum-seekers to migrate irregularly when people are forced to flee their homes and cross international borders without proper documentation or authorization. This can

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[2] Vandeyar_Contested_2021.pdf (up.ac.za)
[3] Contested stabilization: Competing in post-conflict spaces | Brookings

happen when people are unable to access legal pathways for seeking asylum or when they are in immediate danger and need to leave quickly. Irregular movements can have a range of negative effects on both those seeking asylum and the countries they move through or to. Asylum-seekers who enter a country through irregular means may face detention, deportation, or other legal consequences. They may also have difficulty accessing basic services and support, and may be vulnerable to exploitation or abuse. Irregular migration can also strain the resources of host countries and may create tensions between refugees and host communities.[4]

Terms Regarding Security

Violent Radicals are individuals or groups who embrace extremist beliefs and resort to violent tactics in order to achieve a specific political, religious, or ideological objective. The term "violent radicalization" refers to the process by which individuals come to adopt these beliefs and behaviours.[5] It is important to note that not all radicals are violent, and that radicalization can take many different forms. Examples of violent radicalism can include terrorist groups such as DAESH - not to be confused with the coincidental and alternate name for the Islamic State, which is an entirely separate entity-, Al Qaeda, and Boko Haram, which spread messages of hate and violence as well as religious, cultural, and social intolerance.[6] These groups often distort and exploit religious beliefs, ethnic differences, and political ideologies to legitimize their actions and recruit followers.

Borderization is a term used to describe the process of transforming a line of actual control into an international border. It can involve the installation of artificial barriers, fences, barbed wire, border signs, trenches, and fire lines to create an occupation line that subsumes new territories. This term has been used in the context of contested territories, such as the situation between Russia and Georgia, where Russia has been gradually seizing Georgian territories through its *borderization* policy.[7]

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[4]https://www.unhcr.org/people-forced-to-flee-book/wp-content/uploads/sites/137/2021/10/Natalia-Krynsky-Baal_Forced-Displacement-Data-Critical-gaps-and-key-opportunities-in-the-context-of-the-Global-Compact-on-Refugees.pdf

[5] BBC, Incels: A new terror threat to the UK? - BBC News

[6] Counter-Terrorism Module 2 Key Issues: Radicalization & Violent Extremism (unodc.org)

[7] https://gfsis.org.ge/maps/view/georgian-territories-occupied-by-russia and for further discussion, please see Natia Seskuria, "Russia's "Hybrid Aggression" against Georgia: The Use of Local and External Tools (csis.org)

Border Security and Security Concerns in the 21st Century World

Cem Karadeli

Border Security Since the Cold War

Since the end of the Cold War, the world has experienced many changes including the collapse of the Soviet system and the rise of the Russian Federation as a regional power; the establishment of new nation-states in Eurasia; the establishment of the European Union (EU) and the Schengen Area and Eurozone and hence the introduction of the Euro as a rival currency to the US Dollar; several wars in the Balkans; the 9/11 attacks and the ensuing War Against Terrorism; invasions of Afghanistan and Iraq; the rise of different kinds of terrorist threats; the Arab Spring; the Syrian civil war; the rise of the People's Republic of China as a totalitarian state that applies liberal economic ideas; the Russo-Ukrainian conflict; Globalization and its effects on all the world states and all world economic balances and, related to Globalization, the new ease of movement of people, workforces, financial products, capital, technology, and ideas related thereunto.

All these changes and newly emerging concepts affected how the world states and world public opinion began to think about borders, national security, border management, and measures against terrorism to make national and global borders safer. The EU's Schengen Area which removed controlled borders between Schengen Treaty signatory states brought an ease of movement for people and goods and yet also required new approaches to the concepts of border security and counter terrorism. Even though the Schengen Area provides great ease for EU member states' citizens, it also creates security concerns regarding the illegal transit of people and illicit goods within EU territory.

Consequences of border changes and conflicts

All these developments led to new security concerns in the modern world. Consequently, we saw a rise in internal and inter-state/cross-border destabilization and conflicts, mass eviction of populations, irregular migration and illegal immigration, cross-border organized crime, illicit cultivation, fabrication, and trafficking of narcotic drugs, trafficking in human beings and people smuggling, epidemics and pandemics due to forced migration and vice versa (as both people who change location may cause epidemics and pandemics in the new location they migrate to, and, epidemics and pandemics may force people to move from their homelands) ,

smuggling of goods, significant deterioration of socioeconomic circumstances in a regional context, terrorism, foreigners fighting abroad to support terrorist organizations and violent extremism, and other forms of serious transnational crime.

These changes affect not only the peaceful existence of people in their usual social environments, but also create very serious demographic shifts, increased violence, increased levels of epidemic and pandemic diseases, and, as a result, a rise in each state's perception of security, augmenting the chances of a security dilemma-kind of escalation in regional security.

Consequently, states began to use different methods to protect their borders, territories, and subjects/citizens.

The Need for Security and Role of the State

As far as the modern nation state is concerned, protecting its citizens or subjects from external threats has been a main function of the state. To achieve this end, the modern state developed the task of protecting the area on which it is sovereign. In time, external threats that were seen as invading armies from abroad began to include access of undocumented human beings to each state's territory. Illegal immigration and mass immigration began to be seen as security threats.

José Jorge Mendoza sees two concerns in modern Western political thought in discussions on immigration: the security concern and the liberty concern. The security concern stems from the idea that a political regime ruling a state should be able to keep its subjects safe and provide them with a well-ordered, stable society. In order to achieve this goal, the state should sacrifice some of the individual freedoms because the security concerns dictate that any limitation on a regime's power would damage its legitimacy and cause some sort of Hobbesian state of nature in which rules do not apply and there is total chaos. Therefore, in issues like immigration, the state generally uses all possible powers it is constitutionally given, giving way to a state of exception. In a state of exception, the sovereign or prime minister uses unrestrained power. However, this creates a dilemma in itself as it is the state that uses unrestrained power and hence subtracts from the individual freedom of its subjects.[8]

The second concern introduced by Mendoza is the liberty concern. As the state has to provide for its citizens and has to protect them from outside perils, there may be problems concerning a clash stemming from prioritising democratic self-determination, individual

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[8] José Jorge Mendoza, *The Moral and Political Philosophy of Immigration* (Lanham: Lexington Books, 2016), 1-

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freedom, and, universal equality. Classical Liberalism favours individual freedom over the other two while Civic-Republicanism prioritises democratic self-determination and universal equality over individual freedom. John Rowls has developed an approach to reconcile all concerns involving the subjects of a political regime, and therefore within the borders of one country taken as a closed system. So, according to Mendoza, Rowls does not provide an answer for the liberty, security, and equality of foreigners, that is, of immigrants.[9]

At the moment, there are millions of people in economically less developed states who long for the freedom and economic opportunity they could find in Europe or North America. As a result, there is a considerable number of people who try to reach these parts of the world and who, to this end, take great risks to access their destination. If the borders were open, millions more would move. Preventing these people seems hard to justify from a perspective that takes seriously the claims of all individuals to be regarded as free and equal moral persons.[10] On the other hand, opening borders would also mean to undermine the freedoms, quality of living of the subjects and the authority and legitimacy of the ruling regime. As a result, even though individual states may advocate globalization and equality of all people on earth, they cannot admit immigrants into their territories with ease at all, and begin to establish rules concerning legal and illegal migration into their territories.

The reason why states take such a position stems firstly from the fact that they have to create their country's and subjects' rights, freedoms, and quality of life so that they can claim they performed their duty as a state to protect and sustain their citizens. Secondly, all the states that are targeted by the more inconvenienced people are democracies, and governments have to consider their policies so they would not lose elections. Consequently, if the majority of voters have developed a so-called immigration phobia, then the government develops immigration phobia to stay in government and/or to keep being seen as legitimate by the voters.

Immigration Phobia and Border Walls

Mikhail Alexeev coins the term *immigration phobia* to describe the psychological and philosophical reaction in societies to an 'unwanted' inflow of people to their countries. According to Alexeev, the perceived attributes of migration and its exaggerated perception by the receiving nation's members affect the individual sense of general fear and cause aggressive

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[9] Ibid., 47.

[10] Joseph H Carens, "Immigration, Political Realities, and Philosophy," in Matthias Hoesch, N. Mooren (eds.), *Joseph Carens: Between Aliens and Citizens* (Cham: Springer, 2020), 28.

responses to migration and migrants. The nation may develop severe security anxieties when the government weakens and loses its control over its country and hence borders causing the public of that state to develop fear for their safety and prosperity. In that case, there is no need for a change in the ethnic composition of the country in question. The ethnic balances may remain unchanged, but the nation may live in fear due to the government's loss of control over its country.

Migration, however, is another cause of such security concerns. In the case of migration, the authority of the government remains the same, but the number of ethnic groups and their population change through the influx of newcomers; this can signal to the current majority ethnic groups that it may change in the future. Governments may be strong, but they may not necessarily know how to deal with the migrants, contributing to uncertainty and concern about security among the host populations. Migration – as cross-border movement of ethnically heterogeneous populations – is a process that makes different groups potentially insecure not because government authority suddenly declines, but because these groups become suddenly their neighbours. Migration may therefore lead the nation to question their government even though the government has not lost any of its power: The appearance of being soft on immigration is likely to undermine domestic support for the government. But pursuing a tough policy of restrictions may result in economic costs, and it may criminalize immigration – intensifying exactly the problems that need to be resolved.[11]

In return, people can feel insecure when they feel uncertain about their future and become subject to manipulative political messaging, hence making them ready to retaliate against a suspected adversary, in this case, the migrants. Migration therefore contributes greatly to inter-ethnic security dilemmas. There are four main concerns that contribute to this dilemma:

a) a sense of anarchy or fear of anarchy;

b) uncertainty about the migrant group's intensions – whether they are peaceful or aggressive, offensive or defensive;

c) uncertainty about the incomers' cohesiveness or distinctiveness – whether they can form a unified group identity or not; and,

d) uncertainty about the host nation's or host state's social and economic vulnerability.

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[11] Mikhail A Alexeev, *Immigration Phobia and the Security Dilemma* (New York: Cambridge University Press, 2006), 37-38.

Even though migration does not necessarily produce nested minorities[12] that act like a group with some sort of hive-mind, the fear of such minorities still emerges in the host country. As the human mind does not appreciate vacuums, these four uncertainties are answered collectively by the host nation and generally the answers are of an accusing nature towards the newcomers and aim at protecting the host nation's members. Exaggeration of the threat from migration is there because exaggerating the threat means the government then has to provide reassurances to those feeling aggravated by the foreign migrants' influx to their country.

An easy way to reassure the population of a country against threats regarding changes in ethnic balances inconveniencing the native community is to establish border walls. The familiar international norm is that a sovereign state should not criticize the domestic policies of another. It applies to the fact that no other state can interfere with what a state does within its own borders, including establishing border walls. When the state is governed democratically, the norm is even stronger and therefore it is acceptable to argue that states should enjoy wide latitude in setting their immigration and citizenship policies in order to protect their subjects.[13]

Since 1989, nation-states have constructed, or begun the process of constructing, about 80 new border walls to prevent infiltration of unwanted migrants to their territories and to secure their nation's safety. These border walls include those at the borders of Botswana/Zimbabwe (2003), Brazil/Paraguay (2007), Brunei/Malaysia (2005), Bulgaria/Türkiye (2014), China/North Korea (2006), Costa Rica/Nicaragua (2010), Egypt/Gaza (2009), Greece/Türkiye (2012), Hungary/Croatia (2015), Hungary/Serbia (2015), India/Bangladesh (2005), India/Kashmir (2004), India/Pakistan (2004), Iran/Afghanistan (2000), Iran/Pakistan (2011), Iran/Iraq (2015), Iran/Pakistan (2007), Iran/Türkiye (2014), Iraq/Syria (2018), Israel/Gaza (1994), Israel/West Bank (2002), Kazakhstan/Uzbekistan (2006), Kuwait/Iraq (1991), Pakistan/Afghanistan (2007), Russia/Georgia/South Ossetia (2011), Saudi Arabia/Iraq (2014), Saudi Arabia/Yemen (2004), Spain/Morocco (around the exclaves of Ceuta [2001] and Melilla [1998]), Thailand/Malaysia (2013), Türkiye/Syria (2015), Turkmenistan/Uzbekistan (2001), United Arab Emirates/Oman (2005), United Arab Emirates/Saudi Arabia (2005), United States/Mexico (2006), Uzbekistan/Afghanistan (2001), and Uzbekistan/Kyrgyzstan (1999).[14]

A border wall is different from the actual border. Firstly, it is decided unilaterally by the state that constructs the wall. The demarcation line is decided bilaterally between the two states that

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[12] Ibid., 39, 46.

[13] Joseph H Carens, *The Ethics of Immigration* (Oxford: Oxford University Press, 2013), 8.

[14] Miguel Diaz-Barriga and Margaret E Dorsey, *Fencing in Democracy: Necrocitizenship and US Mexico Border Wall* (Durham: Duke University Press, 2020), 7-8.

share the border. However, by erecting a wall, one of these states declares its security concerns towards the other state by showing a need to construct a wall. Secondly, the wall constructed by one of the neighbouring states in fact follows the demarcation line from inside the territory of the constructing state. Thirdly, a wall brings in the notion of a hard border which is closed, sealed, and exclusive.[15]

In their current appearance, border walls represent a duality of spaces, one that is secure and one that is insecure. For the side that constructs the wall, it is a presumed space of security because the border wall is seen as a means to prevent the passage of illicit goods and unwanted immigrants to the country, and consequently defines the other state as insecure. Governments defend walls by emphasising the dangers of migration, terrorism, and smuggling. However, the illusion of impermeability of the border wall is temporary and territorially restricted, because the thought process that leads to the construction of a wall does not calculate that local border actors would adapt to the new conditions and challenges brought along with the construction of the border wall. For instance, when a country erects a series of fences at the border with its neighbours, the outsiders may not penetrate the border, but instead of individual terrorist attacks, this time they may begin to use missiles to hit the country that erected the wall from the other side of the border. To respond to that, that country then may develop an air defence system to prevent missile attacks. As a result, they can be faced with underground tunnels to overcome the fences and use of kites to carry weapons to overcome that very air defence system.[16] Therefore, the use of border walls may lead to the unwanted people to find new ways to penetrate the country that wants to defend itself from unwanted outsiders. In addition, the construction of a border wall may also escalate mutual insecurity and hence create a classic case of security dilemma, one of the fundamental issues in the Neoclassic Realist theory of International Relations.

However, even as illegal immigrants, terrorist attacks, and trafficking of illicit goods cannot be prevented by constructing border walls, other methods need to be applied to provide border security and securing the well-being, security, and ethnic composition of a state and its subjects. Governments have to achieve this security so they would not only cause their country to become a weaker state but also to remain in government legitimately. It is hence crucial to understand the main problems that threaten border security and the social peace and harmony

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[15] Élisabeth Vallet, "State of Border Walls in a Globalized World," in Andréanne Bissonnette and Élisabeth Vallet (eds), *Borders and Border Walls: In-Security, Symbolism, Vulnerabilities* (London: Routledge, 2021), 8-9.
[16] Ibid., 11-13.

of states. The main problems can be named as irregular migration and mass evictions due to poverty, climate change, and armed conflicts on the one hand, and, cross-border terrorism on the other hand.

Irregular Migration and Mass Evictions

When we look at these significant issues, it can be seen that border security and the associated issues of smuggling of goods and people, and illegal immigration have recently become highly politicized issues. Two of these issues are the irregular migration and mass eviction of people due to violent conflict.

Irregular migration is caused mostly by the economic, political, social and security-related factors in the countries that migration originates from. The instability that causes people to migrate from one country also directly affects border security and border management in the transit and target countries, also creating migration routes that cause another level of threat to peace and security on a regional, continental, and even global scale.

Countries have to respond to such a threat. As a result, sovereignty and border controls lie at the heart of a regulatory framework that separates "insiders" from "outsiders" on the basis of the countries' individual understandings of national identity.[17] Sovereignty is exercised and preserved through government, which relies on classifying those without "appropriate" paperwork as threatening outsiders. The nationals of a country are legally documented citizens as opposed to the undocumented aliens who are named as "illegal immigrants," "illegals," "aliens." This 'insiders-versus-outsiders' style adversarial conceptualisation process is fundamental to maintaining the boundaries of nations both in terms of nationhood and of geographical definitions. Hence, the nation has easily definable rules to identify itself as a cohesive group and the outsiders are also easy to identify. Also, borders become more than geographical notations and become integrated to the society's everyday life.

As a result, we end up with a two-sided observation of the problem. On the one hand, we have people who are not able to secure employment, a healthy life, ownership of their possessions, or even their right to remain alive; and, on the other hand, we have the target countries' populations who are not welcoming to anyone or anything that upsets their country's existing status quo – they do not want to compete for jobs with foreigners, they are afraid of migrants or refugees carrying diseases, even epidemics, endemic to the country of origin, or

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[17] Jessica Lee Ann Urban, *Nation, Immigration, and Environmental Security*, (New York: Palgrave Macmillan, 2008), 80.

from the establishment of foreigner-only illicit activities or ghettos. These concerns make border security a very important problem.

Cross-border Terrorism

In recent times, terrorism "came to be regarded as a calculated means to destabilize the West as a part of a vast conspiracy". This is probably especially true in the case of terrorist organizations such as DAESH, al-Qaida, Lashkar-e-Taiba whose actions are mainly directed at confronting and contesting the Western order or Western concepts such as democracy or freedom of choice.

As the actions of groups like these go beyond national borders and have consequences that are international, their kind of terrorist activity is considered as international and/or cross-border terrorism. Nevertheless, nowadays the term 'terrorism' is usually designated as an illegal type of violence carried on by non-state actors whose actions are aimed at a coercion of a government in order to obtain specific political results. There were attempts at defining terrorism and international terrorism by the UN, the EU, and the African Union, but we cannot yet reach a globally accepted definition of the term. Still, terrorist activities are quite clear in the minds of most people.[18]

Many terrorist groups are given international support and sanctuary so they can destabilize competing countries and prevent targeting of a country's population, but such support turned out not to be a reliable option. However, this did not help the country that supports the terrorist groups' security and in the long run they returned to the use of counter-terrorism measures.

In countries where securing the borders is not easy due to several problems ranging from weak or failed state structures to demographic challenges, the problem is not whether or not to support terrorist groups but to prevent them from crossing borders. Lashkar-e-Taiba mainly targeting Jammu Kashmir and India and Boko Haram in East Africa can cross borders or use their terrorists based in several countries for their acts of terror. Such border-crossing is a real problem to be faced. In the European Union, the Schengen Area provides open borders between 26 EU member states and that has alarming prospects in terms of monitoring the movement of terrorists.

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[18] Alice Martini and Emeka T Njoku, "The Challenges of Defining Terrorism for Counter-Terrorism Policy," in Scott Nicholas Romaniuk et al (eds), The *Palgrave Handbook of Global Counterterrorism Policy* (London: Palgrave Macmillan, 2017), 78.

In this respect, to monitor migration management, EU agencies such as European Border and Coast Guard Agency, (FRONTEX), and numerous technology-driven border control operations are used.

Integrated border security options are not the only solution. Different countries may adopt different approaches. For instance, India's response to terrorism in Kashmir is multidimensional, as it includes a military response to deal with terrorists, border management to prevent infiltration, political dialogue and negotiations with all parties that have given up violence, economic measures to improve the living conditions and job opportunities of the local population, diplomatic initiatives toward peace to include confidence-building measures with neighbouring countries, and counterterrorism cooperation in the international arena with friendly countries.[19]

Integrated Border Security

To solve the problems caused by the issues discussed so far, erecting border walls and creating a distinction between "us" and "them," "insiders" and "outsiders" is proven not to be the solution. The military option is too costly, the multidimensional approach is too long-term, and violating human rights is not the solution. Therefore, even though it is not the only solution, integrated border security, and specifically integrated border management seems to be the logical solution to these problems. Integrated border security requires cooperation amongst neighbouring states, their relevant agencies, and their databases.

The principle of Integrated Border Management is the EU's way of handling integrated border security inter alia. It can be summarized as a sum of national and international harmonisation and cooperation among all the related authorities and agencies involved in border security and trade assistance.[20] In order to effectively implement the concept of improved border control and border surveillance, the four-pillar model of International Border Management was developed by the Federal Policy of Germany and was adopted by the rest of the European Union with added developments. The EU's Integrated Border Management system is based on four clear pillars. These are,

a) Strategy of forward displacement, i.e., using other countries' border officers as advisers in the area of travel documents and visa checks;

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[19] James J Forest (ed), *Essentials of Counterterrorism* (Santa Barbara: Praeger, 2015), p. 364.

[20] Johann Wagner, *Border Management in Transition – Transnational Threats and Security Policies of European States* (Cham: Springer Nature, 2021), v.

b) Consistent service-orientated security checks at the Schengen external Borders;

c) Cross-border cooperation with third countries; and,

d) Consistent increase of detection risk within EU member states' territory.

In most EU member states, border guards or border police are the primarily responsible parties for state border surveillance and security, control of international traffic of people and the administration of customs control of goods. They generally work under the Ministry of Interior and customs officers are generally part of the Ministry of Finance. However, integrated border management also includes participation from the likes of the Foreign Office, Immigration Office, the Police, Ministries of Transport and Tourism, the Ministry of Defence, and the Ministry of the Environment.[21]

At such a level of cooperation amongst national organizations, integrated border management appears to be an effective way of coordinating the efforts to monitor, protect, and secure national borders. On the other hand, the efforts of a single state cannot be enough to secure borders as such security is dependent on cooperation between neighbouring, riparian states. If the relevant organizations and agencies of states sharing a terrestrial, maritime or lacustrine border can cooperate as the organizations within a state can, then integrated border security and management can really be achieved.

Integrated border management uses modern technology and human resources simultaneously. As a result, it is a complex and expensive process. For instance, the European Commission proposed to nearly triple the funding for migration and border management for the period 2021 to 2027 to €34.9 billion from €13 billion in the previous period. This is to be used as an Asylum and Migration Fund and as an Integrated Border Management Fund and for securing the EU's borders, supporting a robust and more realistic migration policy, and to maintain border security and internal security of member states.[22]

With integrated border management, it would be easier to establish effective, efficient, and integrated action by cooperating countries. The main issues here are firstly the degree of trust and the degree of cooperation among the participating countries and international organizations, and secondly, the cost of establishing and sustaining a practical and successful border management system as can be seen from the example of the European Union.

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[21] Ibid., 196, 199.

[22] Jussi P Laine, "Ambiguous Border Practices at the EU's Edges," in Andréanne Bissonnette and Élisabeth Vallet (eds), Borders and Border Walls: In-Security, Symbolism, Vulnerabilities (London: Routledge, 2021), 78.

United Nations, NATO, and Good Practices

There are many areas of the world where it is not possible to establish the close cooperation for border management as was established within the EU. The fact that there are about eighty border walls in the world at the moment is a testament to this obvious fact. In addition to establishing trust amongst terrestrial, maritime or lacustrine neighbour states, it is also necessary to find and share funding for border management operations.

To ease cooperation between neighbouring states, to establish an aura of trust, and to facilitate the formation of a list of what needs to be done for cooperation in terms of border security and border management, the United Nations has come up with a list of good practices. These good practices are meant to be referred to for establishing border security in individual states while cooperating with other states. When we look at the UN Good Practices for Border Security, there are fifteen good practices listed. These good practices emphasize enhancing intra-agency cooperation, international cooperation, establishing comprehensive remote border area surveillance programs, engaging with and remaining in touch with border communities, establishing border security information programs and mechanisms including border cooperation centres, employing border security liaison officers who would speak the bordering country's language, and many other areas of cooperation between neighbouring countries.[23] These United Nations Good Practices accentuate cooperation between neighbouring countries as a sine qua non of the issue, and try to incorporate the support and help of border communities. All the things mentioned in these good practices are to provide more humane border security, better conditions for those who want to cross borders with legal documentation, and to make sure each UN member country has its borders protected and monitored in the most cooperative and least costly manner with an important degree of communication between the countries, officers, travellers and merchants.

These good practices were implemented for the first time in the Republic of Korea (i.e., South Korea) and it has been deemed a successful operation.[24] However, these good practices are to be used by all UN member states, and that creates a problem, because the Republic of Korea is a country that has one land border and it is with Democratic People's Republic of

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[23] United Nations Office of Counter-Terrorism, *Good Practices in the Area of Border Security and Management in the Context of Counterterrorism and Stemming the Flow of "Foreign Terrorist Fighters"* (https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/goodpractices_bsm_english_2018_0.pdf, 2018), 3 through 24.

[24] For details, please see: Jenny Town et al., *Good Practices in the area of Border Security and Management in the context of Counterterrorism: The Republic of Korea Model* (UN Office of Counter-Terrorism, https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/220607_compendium_of_good_practices_web.pdf, 2020)

Korea (i.e., North Korea) as well as several ports and airports to implement these good practices. Although this land border relationship is a complex one due to serious political, ideological, military, and cultural reasons, both countries still share a common cultural past and speak the same language. In the case of countries like Türkiye which has eight different countries with which it shares borders, or for countries less affluent than the Republic of Korea, the implementation of quite a few of these good practices becomes very hard. Finding border liaison officers who speak the neighbouring country's language, establishing centres, enhancing international cooperation, and establishing information exchange centres, is very hard for countries with many neighbouring states and with scarce financial resources or educated staff members for the border security jobs. As a result, the UN good practices could be implemented in the Republic of Korea but could not yet easily become best practices applicable to the rest of the world.

NATO, as a collective security organization, has chosen to attempt adapting these UN good practices. On 2nd and 3rd December 2020, a group of NATO experts met at the Centre of Excellence - Defence Against Terrorism headquarters in Ankara, Türkiye. These experts had prepared a list of 13 proposed good practices for NATO member countries. They are:

- Good Practice 1: Enhance intra-agency cooperation;

- Good Practice 2: Enhance inter-agency cooperation;

- Good Practice 3: Develop and establish comprehensive remote border area surveillance programs;

- Good Practice 4: Engage with and empower border communities as key contributors in Border Security & Management (BSM); recognizing continuity in understanding local issues is a key contributor in BSM;

- Good Practice 5: Develop and implement BSM information exchange programs and mechanisms;

- Good Practice 6: Nominate and assign military Border Liaison Officers to Border Cooperation Centres;

- Good Practice 7: Conduct an effective risk analysis assessment;

- Good Practice 8: Create National Border Management Strategies and Action;

- Good Practice 9: Identify corruption as a serious risk for effective and robust BSM;

- Good Practice 10: Conduct joint and coordinated border patrols with law enforcement as the lead agency, as well as joint multiagency and interdisciplinary operation exercises;

- Good Practice 11: Develop policies and procedures for military support during crisis periods to provide support as first responders, during mass casualty events, and reinforce civil law enforcement;

- Good Practice 12: Build physical infrastructure to support border security;

- Good Practice 13: Training, advising, and assisting host nation security forces.[25]

These proposed good practices have not been adopted by NATO. Just as in the case of the United Nations good practices, these proposed good practices also emphasize cooperation between neighbouring countries. However, they also make a case for orderly use of military forces in border security, and emphasize the importance of training and coordination. Some of these good practice suggestions are exactly the same as UN good practices, and some others are new proposals. Some are practical and can be applied to NATO member and partnering countries' border security, however, some other good practice proposals are impractical and cannot be implemented in real life conditions.

However, they are also an important step in the attempt to integrate NATO member countries' border management efforts. As a result, the proposed NATO good practices for border security are in need of revision and rearrangement regarding their current format.

Conclusion

In conclusion, border security is a challenge that has increased since the end of the Cold War. Such problematic issues as trans-border terrorist activities, undocumented migrants crossing borders, trafficking of illicit goods and other organized crime activities rose more dramatically in the globalized world.

Solutions to these challenges include constructing border walls, establishing stronger border security, integration of security efforts amongst different organizations in a country or amongst corresponding organizations between different countries, integration of migrants into the host societies without creating problems for either side, and stronger military and political action against terrorist organizations.

The UN has adopted fifteen good practices and used them firstly in the Republic of Korea. However, these are practices for civil use. In the case of NATO and its member states, it is imperative that border security is maintained by the determined, applicable good practices

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[25] COE-DAT, *Border Security in Contested Environment Workshop Report* (Ankara: NATO COE-DAT, 2021), 4-5.

which may turn to best practices in time. Such a step would be very important for NATO in particular and for overall world security in general as NATO's example is sure to create a strong precedent for other non-NATO-affiliated countries as well.

When we look at the proposed thirteen good practices, it can be seen that they are broadly based on the UN good practices and some of them cannot be applied to real-life military alliances. Alternatively, for some other good practice proposals, their application might be possible, yet the application of these might be extremely costly for NATO member states to implement and for the general NATO command structure to coordinate.

As a result, the good practices proposed for use in NATO in 2020 should be regrouped, rearranged, and seriously revised so they can be applied to real life conditions. Only the future will see if NATO will acquire durable and applicable good practices, even best practices, that all its member states can implement.

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(https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/ files/goodpractices_bsm_english_2018_0.pdf, 2018).

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Illegal Migration to Europe, on the Western Mediterranean

János Besenyő and Ottó Kaló

Introduction

This chapter first summarizes some definitions such as migration and illegal migration. Next, it will try to provide an actual but general overview on illegal migration across the EU external borders introducing the key developments and the main migration routes to the continent. Next, it will provide information about the different regions of the Mediterranean route including Eastern, central and especially the Western maritime routes.

The authors have tried to give a short summary regarding the reasons for illegal migration such as Sub-Saharan migration to the North via Morocco and Algeria. They have brought together some experiences with migration in Spain as an EU member state. Finally, they have made conclusions focusing on possible solutions.

Migration

Migrations are an integral part of human history. Migration in Modern Age Europe has become much more intensive recently, which has not been experienced for a long time. Many compare its intensity and size to the great historical migrations in the European past.

Migration[26] is the process of movement from one geographical location to another for various reasons. This movement can be within a country or to another country, and it can be temporary or permanent. Migration is a complex phenomenon that has been happening for centuries due to various factors. People migrate primarily to improve their economic condition or to escape from political instability, environmental disasters, persecution, or war in their home country. People migrate for better employment prospects, living standards, education, and healthcare facilities, among others.

One of the main causes of migration is economic. People move to seek better employment opportunities or to escape poverty in their home countries. In addition, people may also migrate for education and healthcare facilities, which may not be available in their home country.

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[26] Póczik, Szilveszter, "A nemzetközi migráció tendenciái a 20. és 21. században elméleti és történelmi nézőpontból", in: Póczik, Szilveszter and Dunavölgyi, Szilveszter, *Nemzetközi migráció- nemzetközi kockázatok*. (Budapest: HVG-ORAC, 2008): 78.

Another reason for migration is political instability, persecution, and war. People may be forced to flee their homes due to unrest, persecution, or war. They may seek refuge in other countries, where they hope to live safely and improve their quality of life.

Environmental issues such as natural disasters and climate change also contribute to migration.[27] People may migrate because their homes are no longer safe due to natural disasters such as floods, hurricanes, and earthquakes. Climate change and environmental degradation force people to leave their homes to seek better living conditions.

Migration has both positive and negative impacts on the source and host countries.[28]

Illegal migration

"Irregular migration refers to the movement of people across national borders without proper documentation or legal authorization"[29] This may include crossing borders clandestinely, using fraudulent documents, or overstaying a visa. Illegal migration is often motivated by economic, social, or political factors, such as poverty, war, or natural disasters, or by a desire to join family members who are already living in another country. Illegal migration can create significant challenges for both the countries of origin and destination, including legal, social, and economic issues. It is also a subject of political debate and controversy, with some arguing for stricter immigration policies and others advocating for compassion and the protection of human rights.

Illegal migration, also referred to as undocumented migration, entails persons crossing borders without proper documentation.

The economic impact of illegal migration can be positive, but more often it is negative.[30] Social impacts of illegal migration are also significant. Another notable impact of illegal migration is the impact it has on the political environment of the host country. These shifts can

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[27] Kate Burrows, and Patrick L. Kinney, "Exploring the Climate Change, Migration and Conflict Nexus," *International Journal of Environment Resolution Public Health* 13, No. 4 (2016), https://www.mdpi.com/1660-4601/13/4/443.

[28] Gra͵tiela Georgiana Noja, Simona Mirela Cristea, Atila Yüksel, Ciprian Pânzaru and Raluca Mihaela Drăcea, "Migrants' Role in Enhancing the Economic Development of Host Countries: Empirical Evidence from Europe". *Research Group in Social and Economic Complexity, Department of Sociology, Faculty of Sociology and Psychology, West University of Timisoara*, March 20, 2018.

[29] "Irregular Migration", *IOM Glossary on Migration*, 2019, https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/irregular-migration_en.

[30] Thomas J. Espenshade and Charles A. Calhoun, "An analysis of public opinion toward undocumented immigration," *Population Research and Policy Review* 12, (1993): 189–224.

cause polarization among citizens and may contribute to the rise of extremist movements and parties.

Governments and international organizations have put in place different policies and solutions that reflect how to manage illegal migration. Some of these include stepped-up enforcement of border control policies, diplomacy measures to address underlying political, economic, and social conditions that drive illegal migration, and incentivizing legal migration channels to curb the demand for illegal migration. Other policies may include providing adequate economic growth opportunities and social security in home countries to persuade people to remain in their homes.[31]

General overview on EU's external borders in 2022: Number of irregular border crossings highest since 2016[32]

Nearly 330,000 irregular border crossings were noted in 2022 at the external border of the EU. This is the highest number since 2016 and is an increase of 64% from 2021.

Besides the deep problem created by the pandemic in 2020, this was the second year of a rather large rise in the number of unauthorized entries. The Western Balkan route was responsible for almost half of the whole sum. Afghans, Syrians and Tunisians were by far the greater number of the 47% of the received cases in 2022. Syrians were responsible for nearly double, rising up to 94,000 persons. Almost 12 million Ukrainian refugees crossed the EU borders in 2022 from Moldova and Ukraine;[33] 330,000 illicit border violations were noticed in 2022, the largest since 2016. About 45% of the illicit border crossings in 2022 took place through the Western Balkans. The highest increases were in the Western Balkan and Eastern Mediterranean routes. As noted above, Syrians, Tunisians and Afghans made up the largest numbers.

Migration Routes to Europe[34]

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[31] Clare Castillejo, "The EU Migration Partnership Framework: time for a rethink?" *Deutsches Institut für Entwicklungspolitik (DIE)*, No. 28 (2017).

[32] EU's External Borders in 2022: "Number of irregular border crossings highest since 2016," *frontex.europa.eu* (website), January 13, 2023, https://frontex.europa.eu/media-centre/news/news-release/eu-s-external-borders-in-2022-number-of-irregular-border-crossings-highest-since-2016-YsAZ29.

[33] Justin-Damien Guénette, Philip Kenworthy and Collette Wheeler, "Implications of the War in Ukraine for the Global Economy," *EFI Policy Note* 3 (website), April 2022, https://documents1.worldbank.org/curated/en/099616504292238906/pdf/IDU00bdb5a770659b04adf09e600a28 74f25479d.pdf.

[34] Besenyő, János, "Migrációs útvonalak," in: Besenyő, János-Miletics, Péter-Orbán, Balázs, *Európa és a migráció*.
(Budapest: Zrínyi Kiadó, 2019): 35.

There is no single or fixed route for migrants. However, there are several known routes commonly used by migrants to reach Europe.[35] These routes are as follows:

The Central Mediterranean route is currently the largest source of illegal immigrants. Almost 60% of all migrants enter the EU via this route.[36] This route starts via Libya in North Africa, crossing the Mediterranean Sea to Malta and Italy. The Libyan assembly points receive migrants from almost all African countries who want to make a living in Libya or Europe. For many years, the most frequented point of entry location to Europe has remained Lampedusa.

All the other routes to Europe have been less busy for longer periods including the Eastern or Western Mediterranean routes. Periodically, there are some busier times with more migrants but according to the statistics the numbers of illegal migrants reduced or remained at the previous levels.[37]

The Mediterranean route:[38] This is the most popular migration route to Europe. It involves crossing the Mediterranean Sea from North Africa to Southern Europe, especially Italy, Greece, and Spain.[39]

The Eastern Mediterranean migration route[40] refers to the path taken by individuals and families who are seeking to migrate from countries in the Middle East and North Africa regions to Europe, specifically through the Eastern Mediterranean. The route typically involves travelling through Türkiye, crossing the Aegean Sea to Greece, and then continuing to other parts of Europe.

This migration route has become increasingly popular in recent years, particularly since the start of the Syrian civil war in 2011. The conflict has displaced millions of people, many of whom have sought refuge in neighbouring countries such as Türkiye, Lebanon, and Jordan. As the situation in these host countries has become less stable, many people have turned to migration to seek safety and stability in Europe.[41] In recent times, smaller Sub-Saharan migrant groups from Mali, Sierra Leone, Cameroon, Congo, Guinea - Conakry, and Sudan have

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[35] "Infographic – Migration flows: Eastern, Central and Western routes," *Council of the European Union* (website), September 1, 2023, https://www.consilium.europa.eu/en/infographics/migration-flows-to-europe/.

[36] Besenyő, "Migrációs útvonalak": 49.

[37] By the author Otto Kalo as a FRONTEX officer.

[38] "Infographic – Migration flows:".

[39] Anita Orav, "Search and rescue efforts for Mediterranean migrants," *Briefing*, *European Parliament* (website), October 2022,
https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733712/EPRS_BRI(2022)733712_EN.pdf.

[40] "Migration flows on the Eastern Mediterranean route," *Council of the European Union* (website), August 30, 2023, https://www.consilium.europa.eu/en/policies/eu-migration-policy/eastern-mediterranean-route/.

[41] Besenyő, "Migrációs útvonalak": 48.

appeared, and bigger groups of Palestinians or Somalians. In time, some Afghani and Central Asian migrants came as well.[42]

The route has also become increasingly difficult to navigate due to stricter border controls and policies in European countries designed to deter migration.

The Central Mediterranean migration route[43] refers to the path followed by migrants from North Africa and the Middle East who cross the Mediterranean Sea to reach Europe. This route starts from the coasts of Libya and Tunisia and heads towards Italy and Malta, where migrants arrive after crossing the central Mediterranean Sea. The journey is perilous and often involves overcrowded and unsafe vessels, which puts the lives of migrants at risk.

In recent years, the largest numbers of migrants have come from Somalia, Tunisia, Nigeria and Eritrea.[44] In addition, the Italian government applied for an extension of the EUBAM Libya[45] project in 2014 in order to better manage the situation.

The Western Mediterranean migration route[46] is one used by thousands of migrants who cross from North Africa to Southern Europe via the Mediterranean Sea.[47] This route begins from countries such as Morocco, Tunisia, and Algeria, and the destinations are mainly Spain, Italy, and Malta.

The journey is dangerous and hazardous, as many migrants die during the voyage due to overcrowded and unseaworthy vessels. The migrant population is diverse, including people fleeing conflicts, poverty, and unemployment.

Spain is currently the primary entry point for migrants in the Western Mediterranean route, with the Canary Islands serving as the most popular destination.

In the Western Mediterranean path there was a lower entry tendency in 2022, by nearly a fifth fewer notifications than the year before. Since 80 % of the illegal immigrants arrive via Northwest African states, Sub-Saharan African residents accounted for large increases, just like the Syrians.

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[42] Interview with FRONTEX officer Otto Kalo on March 10, 2023.

[43] "Migration flows on the Central Mediterranean route," *Council of the European Union* (website), August 30, 2023, https://www.consilium.europa.eu/en/policies/eu-migration-policy/central-mediterranean-route/.

[44] Bak, Pál-Hangácsi, Ádám-Polák, Attila-Szabó, Márk-Veres and Eszter Adrienn, "Az Európát érintő fő migrációs
útvonalak és a bevándorlás alakulása," *Honvédségi Szemle* 146., No. 5. (2018): 51-59,
https://kiadvany.magyarhonvedseg.hu/index.php/honvszemle/issue/view/32/33.

[45] EU Integrated Border Management Assistance Mission in Libya.

[46] "Migration flows on the Western routes," *Council of the European Union* (website), August 30, 2023,
https://www.consilium.europa.eu/en/policies/eu-migration-policy/western-routes.

[47] "Migration flows on the Western routes".

The Balkan route:[48] This route covers the land crossing from Türkiye to Greece and through Bulgaria, Serbia, and Hungary generally to Austria and Germany. 145,600 illegal migrants were detected on the Western Balkans pathway in 2022, 136% more than in 2021. Since 2015, the above-mentioned count is the largest in border violations on this route and in 2022 nearly half of them were documented as illicit entries.

Citizens of Syria, Afghanistan and Türkiye accounted for the largest number of detections. The Western African coastal route:[49] This route starts from West Africa and ends in Spain, typically the Canary Islands, and Cape Verde. 15,460 arrivals were reported in 2022, near the Western African pathway, which was a 31% reduction compared to 2021. At least two-thirds of the noted illegals were Moroccan and Sub-Saharan migrants.

Sub-Saharan Migration

Migration has been a critical issue in Europe in the 21st century because of the influx of Africans, mainly from Sub-Saharan Africa.[50] These Africans migrate to Europe in search of a better life and to escape several issues such as conflict, poverty, high unemployment rates, poor governance, and lack of basic needs such as food and shelter. The immigration of Sub-Saharan Africans has sparked a significant debate on immigration policies in Europe, as most European countries have adopted tough policies to control the in-flow of immigrants.

Migration Patterns

The migration of Sub-Saharan Africans to Europe has been fuelled by the search for a better life.[51] Statistics from the United Nations show that the population of Sub-Saharan Africans increased from 186 million in 1980 to 956 million in 2018, accounting for 13 percent of the world's population. The population increase has been accompanied by numerous socio-

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[48] "Western Balkans route'', *Council of the European Union* (website), August 30, 2023, https://www.consilium.europa.eu/en/policies/eu-migration-policy/western-balkans-route/.

[49] "Migration flows on the Western routes," *Council of the European Union* (website), August 30, 2023, https://www.consilium.europa.eu/en/policies/eu-migration-policy/western-routes/#afric.

[50] "Africana Collections," *Library of Congress and Illustrated Guide* (website), November 5, 2010, https://www.loc.gov/rr/amed/guide/afr-countrylist.html.

[51] Marie-Laurence Flahaux and Hein De Haas, "African Migration: trends, patterns, drivers," *Comparative Migration Studies* 4, No. 1 (2016), https://comparativemigrationstudies.springeropen.com/articles/10.1186/s40878-015-0015-6.

economic and political challenges[52] that have led to increased migration to Europe. The migration is primarily regulated by the agreement between the European EU and African governments, through which European countries grant temporary work permits to skilled and qualified immigrants.

While the Sub-Saharan countries differ in economic, political, and demographic settings, most of them lack a strong economic base, hence they are unable to provide food security, education, and basic needs to their populations.

Sub-Saharan Migration to Europe

Sub-Saharan Africans migrate to Europe for different reasons, such as ones of social and economic origin.[53] Economic reasons include poverty,[54] unemployment, climate changes and lack of economic opportunities in their home countries, while social factors include conflicts, insecurity, and poor governance.

Poverty is a major reason why Sub-Saharan Africans migrate to Europe. Most of these individuals are in their prime for work, yet are unable to secure jobs that can sustain them and their families. In most cases, their wage is barely enough to cater to their basic needs, such as food and shelter. With little hope for a better future, they migrate to Europe in search of better employment opportunities that can elevate them out of poverty.[55]

Another critical factor is the protracted conflicts that have plagued most Sub-Saharan countries. Civil wars have displaced millions of people and destroyed vital infrastructure, disrupting services such as health, education, and agriculture. The insecurity and instability of these countries make it hard for the people to stay and survive, hence, forcing them to look for safe havens elsewhere.[56]

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[52] Eleonora Castagnone, "Building a Comprehensive Framework of African Migration Patterns: The Case of Migration Between Senegal and Europe," *Tesi di dottorato, Univeritá degli Studi di Milanoi, Facoltá di Science Politiche*, 2009/2010, https://www.ined.fr/fichier/s_rubrique/22087/phd.thesis.castagnone.np.fr.pdf

[53] "Development Challenges in Africa Towards 2050," *JICA Research Institute* (website), June 2013, https://www.jica.go.jp/jica-ri/publication/booksandreports/jrft3q00000029i2-att/TICAD_Africa_2050_JICA-RI.pdf

[54] Jeanne Lavallard, "Climate-induced migration in Western Sub-Saharan Africa: Improving the policymaking of the European Union. The case study of Senegal and Nigeria," *A thesis submitted for the Joint Master degree in EU Trade & Climate Diplomacy (EUDIPLO)*, 2021/2022, https://www.ie-ei.eu/Ressources/FCK/image/Theses/2022/EUDIPLO_Lavallard_Thesis.pdf

[55] Wim Naudé, "Conflict, disasters and no jobs: Reasons for international migration from Sub-Saharan Africa," *The United Nations University World Institute for Development Economics Research (UNU-WIDER), WIDER Research Paper*, No. 85 (2008).

[56]"Sub-Saharan Africa. Growing up in crisis in a world of opportunities," *UNICEF Child Alert* (website), April 2021,

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Poor governance, corruption, and leadership coupled with ineffective policies have led to the underdevelopment of some Sub-Saharan African economies. As a result, citizens are unable to access basic services such as health and education, hence making it difficult for them to achieve good standards of living.

Sub-Saharan Africans who migrate to Europe encounter numerous challenges upon arrival. Some of the most significant challenges are discrimination and racism. Many Sub-Saharan Africans struggle to integrate into European communities, face exploitation, harassment, and xenophobia. The discriminatory attitudes and actions of some Europeans can lead to mental health problems, such as anxiety and depression. In addition, Sub-Saharan Africans are often reluctant to seek help reporting incidents of discrimination and racism due to fear of reprisals and being stigmatized.[57]

Language barriers are a significant challenge for Sub-Saharan Africans in Europe.

Inadequate access to healthcare and education also poses significant challenges to Sub-Saharan Africans in Europe. Most of these migrants have limited or no access to quality health care, which can lead to complications in cases of illness.

Many sub-Saharan Africans who migrate, rely illegally on smugglers, who charge them exorbitant fees to facilitate their entry into Europe. They are subsequently exploited for their cheap labour in industries such as agriculture, manufacturing, and construction. They also work in high-risk and sometimes brutal conditions including working long hours without safety equipment or rest periods.[58]

The migration of Sub-Saharan Africans into Europe has positive and negative impacts on host countries. Positive impacts include filling labour gaps, supporting economic growth, and reducing population decline in some countries. Sub-Saharan Africans who migrate through legal means contribute immensely to their host countries' economies, particularly by filling the labour gap sectors such as in healthcare, manufacturing, and agriculture.

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https://www.unicef.org/media/96161/file/SubSaharan%20Africa%20%E2%80%93%20Growing%20up%20in%20crisis%20in%20a%20world%20of%20opportunities%20.pdf.

[57] Jacques Barou, "Sub-Saharan Migrations to Europe during the Three Last Decades", December 19, 2022, in: Dr. Ingrid Muenstermann, *Human Migration in the Last Three Centuries*. *InTechOpen*, https://www.intechopen.com/online-first/84057.

[58] Marsai, Viktor, *Afrika a globalizalt vilagban, lehetosegek es kihivasok*. (Budapest: Dialog Campus, 2019).

As a result of demographic changes and plummeting birth rates, European countries face a decline in population numbers in the future. Migration from Sub-Saharan Africa could contribute to population growth and help to stabilize the population decline.[59]

The negative impacts of Sub-Saharan migration to Europe include pressure on social services, such as schools and healthcare facilities, and increased competition for employment, which can lead to a rise in unemployment rates for the resident population.

Section Conclusion

In summary, Sub-Saharan migration to Europe is a complex issue driven by various factors, including those of an economic, social, demographic, and political origin. These migrants face numerous challenges in their adopted countries, including racism, discrimination, language barriers, inadequate healthcare and education, and lack of job opportunities. However, the contribution of Sub-Saharan Africans to European economies cannot be ignored, particularly in fulfilling labour shortages and sustaining economic growth. Future policies should address the negative impacts of Sub-Saharan migration to Europe, while promoting the positive effects, to ensure that both regions benefit from the phenomenon.

The Fight against Illegal Migration in Spain on the Western Mediterranean

Illegal migration refers to people who enter a country without proper authorization or without fulfilling the legal procedures required for immigration. This issue has gained much attention in Spain due to its geographic location, economic situation, and social policies. Spain is located on the European continent's southern coast and has a shared border area with the African continent. As a result, it is one of the primary entry points for migrants seeking to enter Europe.[60]

Spain's economic stability and social welfare policies make it an attractive destination for migrants seeking economic opportunities and better living conditions. However, the country's struggle to handle illegal migration has become a thorny issue. Spain has tightened its

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[59] Münz, Rainer, "Demography and migration. An outlook for the 21st century," *Policy Brief, Migration Policy Institute*, No. 4. (2013), http://www.migrationpolicy.org/research/demography-and-migration-outlook-21st-century.

[60] Graham Keeley, "Spain Looks to Africa for Ways to Curb Migrant Influx," *voanews.com* (website), April 6, 2021, https://www.voanews.com/a/europe_spain-looks-africa-ways-curb-migrant-influx/6204204.html.

immigration laws over the years, but the influx of illegal migrants[61] persists, leading to various social, economic, and political consequences.

Factors Contributing to Illegal Migration in Spain

Spain shares a long border area with Africa across the Strait of Gibraltar. This location has made Spain an attractive entry point for migrants seeking to enter Europe in recent decades.

Spain is known for its relatively high unemployment rate and low economic growth compared to other European nations. However, despite these challenges, Spain is still a preferred destination for migrants seeking employment opportunities.

Illegal Migration in Spain - Overview[62]

Illegal migration in Spain [63]has become a significant challenge for the government and society. It is estimated that over 35,000 asylum seekers and migrants arrived in Spain via the Mediterranean Sea in 2020. However, according to the International Organization for Migration (IOM), these figures only represent a part of the migration problem. The IOM estimated that over 150,000 migrants could have arrived in Spain illegally in 2020 through different routes.

Migrants' routes to Spain have varied, with many opting to cross the Strait of Gibraltar by boat, while others opt for the Western Mediterranean route, crossing from North Africa to the Spanish mainland along the Moroccan coast. Additionally, migrants from the Middle East and Sub-Saharan Africa have chosen to enter Spain through the Canary Islands and the Spanish enclaves in North Africa, Ceuta, and Melilla.

Illegal migration in Spain has led to various social consequences, ranging from xenophobia to racism.[64] The surge of irregular migration has also led to an increase in hate crimes perpetrated against immigrants, refugees, and ethnic minorities. The perception of immigrants as taking away jobs and taxing social services, as well as the association of immigration with criminality, have led to discrimination against these groups.

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[61] "Immigration in Spain – statistics & facts," *statista.com* (website), August 30, 2023, https://www.statista.com/topics/7226/immigration-in-spain/#topicOverview.
[62] "Illegal Immigration in Spain – statistics & facts," *statista.com* (website), July 21, 2023, https://www.statista.com/topics/7855/illegal-immigration-in-spain/#topicOverview.
[63] "Number of foreigners entering Spanish territory by sea without authorization between 1999 and 2022," *statista.com* (website), July 21, 2023, https://www.statista.com/statistics/1187510/irregular-immigrants-arriving-in-spain-by-sea/.
[64] Glied, Viktor, *Az európai migráció két arca*, (Ad Librum Kiadó, 2020).

Illegal migration has also led to various economic consequences in Spain.[65] The lack of authorized documentation, coupled with the irregular working status, has led to many immigrants working in low-skilled jobs with substandard wages. This, in turn, has created a situation where immigrants are vulnerable to exploitation, job instability, and mistreatment from their employers.

The surge of illegal migration in Spain has led to debates on immigration policies and the country's place in the European Union.[66] Some political parties are pushing for more significant support of refugees and asylum seekers, while others argue against the country's open borders.

Section Conclusion

Illegal migration remains a thorny issue in Spain due to its geographic location, economic situation, and social policies. The lack of a comprehensive strategy for handling illegal migration has led to various social, economic, and political consequences. Spain must prioritize the creation of a policy framework that addresses the root causes of illegal migration while also safeguarding the human rights of all parties concerned. Only then will the country begin to mitigate the negative effects of illegal migration.

FRONTEX in Spain

The agency's mandate includes enhancing the level of cooperation among EU Member States, supporting the development of a common European border policy, and assisting national authorities in carrying out their border control duties.

FRONTEX has been instrumental in improving the management of external borders of the EU, especially in the context of migration and the fight against cross-border crime.[67] One of the examples of the agency's cooperation with national border control authorities is its long-standing Joint Operation Indalo in different cities of Spain such as Algeciras, Málaga, Motril, Almeria, Cartagena, Alicante, and probably later Palma de Mallorca.

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[65] Horváth, Péter and Sarudi, Csaba, "A bevándorlás társadalmi, gazdasági és területi jellemzői Spanyolországban, The social, economic and regional characteristics of immigration in Spain," *Tér és Társadalom*, 28, No. 1 (2014): 155-172.

[66] Peter Scholten," Introduction to Migration Studies; An Interactive Guide to the Literatures on Migration and Diversity", *IMISCOE Research Series (eBook)*; https://doi.org/10.1007/978-3-030-92377-

[67] *Risk analysis for 2022/2023*, *FRONTEX*, September 2022, https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/ARA_2022_Public_Web.pdf.

Almeria is one of the most intense field offices in the southernmost provinces of Spain that shares maritime borders with the North African countries of Morocco and Algeria. The region's strategic location has made it a major gateway for irregular migration and smuggling activities including the unforgotten and abandoned island of Aboral. The province's coastline stretches over 200 km, and its vast areas of rugged terrain provide ideal conditions for illegal border crossings, human trafficking, and drug smuggling.

The success of the operation was attributed to several factors, including the high level of coordination and cooperation between various agencies, cross-border information sharing, and mutual assistance amongst Member States.

Operation Indalo[68] was introduced, starting as a pilot project, in 2009, and aims to bring about a more significant degree of flexibility and agility for FRONTEX in dealing with complex migration and security challenges.

The model, combined with strong cooperation between the national border authorities and FRONTEX, has helped improve the efficiency and effectiveness of border control. As a result, FRONTEX's cooperation with Spanish border control authorities has been instrumental in detecting and preventing illegal activities, improving the management of external EU borders, and promoting cross-border cooperation and communication between Member States.

Morocco and Spain

Morocco and Spain share a unique situation that has led to fruitful cooperation in the fight against illegal migration. The countries are separated by a narrow strip of water, the Strait of Gibraltar, which has become a major transit point for migrants from Africa to Europe. With the increasing influx of migrants into Europe, Morocco and Spain have adopted joint efforts to combat this phenomenon, mainly through bilateral cooperation[69] and international agreements.

Morocco has long been a transit point for migrants from Sub-Saharan Africa to Europe. Thus, Morocco has always been seen as a critical country in the fight against illegal migration, in recent years, Morocco has become an essential partner for Spain in addressing irregular migration, both at the national and international levels.

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[68]"Search results: "operation indalo," *Frontex* (website), 2023, https://frontex.europa.eu/search-results/?q=operation+Indalo.

[69] "Disposiciones Generales," *BOE*, No. 100., April 25, 1992, https://www.boe.es/boe/dias/1992/04/25/pdfs/A13969-13970.pdf.

Morocco and Spain's cooperation in the fight against illegal migration can be traced back to the 1990s. Both countries recognize that illegal migration presents a significant challenge that cannot be solved alone. Consequently, the two countries have worked together to address this issue.

One example of this cooperation is the 1992 Bilateral Agreement on Readmission.[70] This agreement allowed for the repatriation of migrants who entered Spain through Morocco illegally. Under this agreement, Morocco agreed to readmit its nationals who entered Spain from its territory.[71] In exchange, Spain agreed to provide Morocco with financial support to develop its border control infrastructure.

Another significant development was the creation of the Rabat Process in 2006. The Rabat Process[72] is a regional initiative that aims to bring together African and European countries to address the challenges of migration. The process is based on the principles of shared responsibility, partnership, and common interests. The initiative has four main pillars: development, legal migration, protection, and fighting against irregular migration. The Rabat Process[73] has created a framework for dialogue and cooperation between countries in North and West Africa and Europe.

The Rabat Process has been instrumental in promoting dialogue and cooperation between Morocco and Spain. The two countries have used the initiative to discuss issues relating to migration, including border management, trafficking, and irregular migration flows. The Process has facilitated the creation of joint projects aimed at addressing these issues, such as the "Moroccan-Spanish Joint Initiative on Migration and Development" launched in 2014.[74]

One of the critical measures taken as part of this initiative is the "Programme for the voluntary return of migrants." This program aims to provide support to migrants who wish to return to their countries of origin voluntarily.

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[70] "Chapter 2. Returns from Spain to Morocco," in: *Return Mania. Mapping Policies and Practices in the EuroMed Region*, *EuroMed Rights*, April 2021, https://euromedrights.org/wp-content/uploads/2021/04/EN_Chapter-2-Returns-Spain-to-Morocco_Report-Migration.pdf.

[71] F. Pizzutelli, „The 1992 Spain-Morocco readmission agreement * in English and Spanish,", *The Rights Angle* (website), December 19, 2013, https://therightsangle.wordpress.com/2013/12/19/the-1992-spanish-morocco-readmission-agreement-in-english/.

[72] Jana Wessel, "Looking into EU-African Collaboration and Its Rabat Process through a Foucauldian Perspective: A Real Development Collaboration or an Intent to Curb African Emigration towards Europe?" *Malmö University, Faculty of Culture and Society (KS)*, 2019.

[73] "Africa," *Migration and Home Affairs*, *European Commission* (website), https://home-affairs.ec.europa.eu/policies/international-affairs/Collaboration-countries/africa_en.

[74]"Joint Initiative on Migration and Development," *ccme.com* (website), October 13, 2014, https://www.ccme.org.ma/en/what-s-new/37576.

Morocco and Spain have also cooperated in securing their borders through technical assistance and training programs.[75] The two countries have worked together to establish a comprehensive border management system that includes the use of modern technologies such as drones and surveillance cameras.

Joint Operation Indalo, by FRONTEX in Spain[76]

Indalo is a joint operation launched by FRONTEX in 2009 to provide a coordinated response to the growing number of migrants and refugees arriving at the borders of the EU. Spain is one of the primary focus areas, along with Italy and Greece, where FRONTEX has deployed significant resources to manage the influx of migrants and refugees entering the country.

The FRONTEX Indalo Operation in Spain[77] employs several strategies to achieve its objectives. The operation is integrated with other Spanish law enforcement agencies and border management authorities to facilitate information exchange and coordination. It involves the deployment of additional personnel, equipment, and intelligence assets to strengthen the border control capabilities of the Spanish authorities.

It also includes search and rescue missions to assist migrants and refugees who find themselves in danger at sea. FRONTEX deploys aerial assets, naval vessels, and ground units to detect, prevent and neutralize any threats to the border security of Spain. The organization also provides support to the Spanish authorities in identifying and processing irregular migrants and refugees, providing them with the necessary protection, and assisting them in their integration into Spanish society.

The operation faces challenges from smugglers and trafficking networks that exploit vulnerable migrants and refugees, increasing the risk of human rights abuses and deaths at sea. Smuggling networks are adapting to the increased presence of FRONTEX patrols in the Western Mediterranean by using more dangerous and sophisticated routes to enter Spain, increasing the risk of casualties.

Another challenge is the lack of harmonization in the asylum procedures in the EU.

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[75] Sergio Carrera, Jean-Pierre Cassarino, Nora El Qadim, Mehdi Lahlou and Leonhard Den Hertog, "EU-Morocco Cooperation on Readmission, Borders and Protection: A model to follow?" *CEPS Centre for European Policy Studies*, No. 87 (2016).

[76] "Frontex continues its support for Spain," *Frontex.europa.eu* (website), January 29, 2021, https://frontex.europa.eu/media-centre/news/news-release/frontex-continues-its-support-for-spain-nOvbKi

[77] "Search results: "operation indalo".

Section Conclusion

In conclusion, the FRONTEX Indalo Operation in Spain has played a crucial role in managing the external borders of the EU, especially in Spain. The operation has contributed significantly to the identification and processing of irregular migrants and refugees, providing them with the necessary protection and assistance. However, the operation faces several challenges, such as the increasing number of migrants and refugees arriving in Spain, the lack of harmonization in the asylum procedures in the EU, smugglers and trafficking networks, and the impact of the COVID-19 pandemic on the operation.

The EU's border agency, FRONTEX and its activities in the Canary Islands

FRONTEX's focus is border management and security at the external borders of the EU. In recent years, it has been involved in various operations across the Mediterranean Sea and the Canary Islands, working closely with national authorities and other EU agencies to address irregular migration and other border-related issues.

In the Canary Islands, FRONTEX has been part of several operations since 2006, when the migratory flows from West Africa to the archipelago surged. The agency has provided EU-funded technical and logistical support to Spanish authorities, including maritime surveillance, border surveillance, and search and rescue activities.

Operation Hera:[78] Launched in 2019, this FRONTEX-led operation aimed to enhance border surveillance in the Atlantic Ocean, focusing on the area between the Canary Islands and West Africa.[79] It involved the deployment of aerial and maritime assets, such as planes, helicopters, and drones, as well as cooperation with national and international partners.

Operation Minerva: This FRONTEX-coordinated operation started in 2020 to support the Spanish authorities in managing the high number of arrivals of irregular migrants in the Canary Islands.

Ceuta and Melilla

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[78] Annexes of the Operation Plan. *EPN Concept*, *Joint Operation EPN HERA 2014*, 2014, https://www.statewatch.org/media/documents/news/2017/feb/eu-frontex-operation-hera-2014-annexes-censored.pdf.

[79] "Search results – operation Hera," *Frontex* (website), https://frontex.europa.eu/search-results/?q=operation+%22Hera%22.

Ceuta is a Spanish territory located in North Africa, just across from the Strait of Gibraltar. The city has been a focal point for migration and refugee flows for many years, as it has a land border with Morocco and offers easy access to Europe.

Most migrants who try to enter Ceuta are from Sub-Saharan Africa, although there are also significant numbers of Moroccan nationals attempting to cross the border.

In recent years, the Spanish government has taken steps to reinforce the border defences in Ceuta, including the construction of a high fence and the deployment of more security personnel.

One of the biggest challenges that Melilla faces is its position as an enclave within Morocco. This has led to tensions with the Moroccan government over the years, as Morocco has long claimed the city as part of its own territory.

On 24 June 2022,[80] a group of migrants attempted to cross the border into Melilla. The incident resulted in clashes with security forces, the arrest of several migrants and the deaths of at least thirty-seven. This event highlights the ongoing migrant crisis that has been unfolding at Europe's southern borders.

The tragedy of Melilla is a result of several factors that have contributed to the larger issue of illegal immigration in Europe. The primary reasons for the surge in migrant activity in Melilla can be linked to the poverty, lack of opportunities, and difficult living conditions in the countries of origin. Additionally, the unrest and violent regime in Libya, a major transit hub for migrants, has decreased the number of available routes for migrants. This has caused an overflow of migrants in the other North-coastal countries, including Morocco.

In response to this, the Spanish government has made it increasingly difficult for migrants to enter Europe, by deploying more security forces and reinforcing the border fences separating Spain and Morocco.

To prevent such tragedies from occurring in the future, a multi-faceted approach towards immigration policy must be adopted. First, anti-immigrant policies, such as the ones currently being implemented by the Spanish government, are counterproductive and need to be replaced by more humane and pragmatic policies.

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[80] Jack Sapoch et al., "Reconstructing the Melilla Massacre," *Lighthouse Reports* (website), November 29, 2022, https://www.lighthousereports.com/investigation/reconstructing-the-melilla-massacre/.

One potential solution may be to invest in aid and development programs for countries of origin. This would aim to reduce poverty and improve living conditions, providing people with better opportunities, and reducing the incentive for them to move to Europe.

Section Conclusion

The tragedy at Melilla is a stark reminder of the enormity of the migration crisis in Europe. The surge in migrants trying to enter Spain via the Melilla border underscores the urgent need for Europe to adopt a more comprehensive and holistic approach to addressing the underlying issues driving mass migration. The Spanish government alone is not capable of finding the solution, and ultimately, only by addressing the root causes of migration can the tide of human tragedy be stemmed.

Cooperation between Spain and Algeria[81] in the fight against illegal migration

Algeria and Spain have a history of immigration and labour migration. In the 1960s, many Algerian workers migrated to Spain to fill vacancies in the country's booming economy. However, these labour migrants were not always welcomed, and prejudice and discrimination against them were common.

In the 1990s, Algeria experienced a civil war, causing many Algerians to flee the country for safety.

In recent years, the number of Algerians migrating to Spain has again increased. Many of them criminals from prisons forced to leave Algeria by the authorities.

Algeria and Spain have already been collaborating in recent years to combat migration through various measures (but these measures have been suspended due to the poor diplomatic relationship). These measures include joint border patrols, immigration agreements, investment in Algeria and diplomacy.

While these measures have had some success in reducing migration, they have also been criticized for their restrictions. The two countries have disagreed from time to time over the Western Sahara.[82]

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[81]Supplement. *boe.es*, February 16, 2004, https://www.boe.es/boe_catalan/dias/2004/02/16/pdfs/A01295-01298.pdf.

[82] Stephen Zunes and Jacob Mundy, *Western Sahara: War, Nationalism, and Conflict Irresolution, Second Edition*. (Syracuse, N. Y.: Syracuse University Press, 2010).

The FRONTEX Standing Corps

The FRONTEX Standing Corps[83] was established in 2019 to enhance the EU's external border management. The unit consists of up to 10,000 personnel that can be deployed rapidly to help EU member states in situations of increased migratory and security pressure.

The FRONTEX standing corps faces numerous challenges that must be addressed for it to be effective. Firstly, the deployment of personnel from different EU member states could pose significant communication issues. Incompatibility of equipment used by different member states can lead to communication difficulties and interoperability in the absence of standardized communication tools.

There is a need to establish a standard training program for standing corps members, which should encompass fundamental knowledge, technical capabilities, and common operational procedures.

Also, there is the issue of data sharing and coordination between different EU member states.

Section Conclusion

The establishment of the FRONTEX Standing Corps has played a critical role in enhancing the EU's external border management and the protection of its citizens. The standing corps has provided valuable assistance to EU member states, particularly in times of increased migratory and security pressure, enabling them to respond quickly to challenges.

Root Causes of Illegal Migration to Europe

Several factors have contributed to the increased wave of illegal migration to Europe. The foremost reasons are poverty and insecurity in the migrants' countries of origin. Most of these migrants come from Africa and the Middle East, where social and economic disparities are rampant. In their home countries, they lack necessities such as food, water, healthcare, and decent housing. Some of these regions are also prone to civil war, internal conflicts, and terrorism, resulting in a disrupted social fabric, loss of life, and destruction of property.

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[83] Frontex, *frontex.europa.eu* (website), https://frontex.europa.eu/about-frontex/standing-corps/.

Another factor is the lure of better employment opportunities in Europe. Many immigrants view Europe as the land of promise, where they can find jobs that pay well, have better working conditions, and offer protection under the law.

Illegal migration poses numerous challenges for Europe. The first challenge is the issue of social and cultural integration. Most of these migrants come from different socio-cultural backgrounds, which makes their integration into European societies difficult. This can lead to feelings of isolation and discrimination, which may intensify if the migrant communities remain unchecked and unabated.

Another challenge is that illegal migration rates have led to societal distress in host countries. This has led to the rise of extremist factions, with far-right groups advocating anti-immigrant violence, social and economic transformation that has caused closure of borders and even built walls and closed borders depriving other nations of the necessary opportunities to access the larger market that is the EU.

Possible Solutions to Illegal Migration to Europe

Europe needs to work out a comprehensive plan, one that ensures that policy is guided by the principles of equity, respect for human rights, and concerns about social justice. The plan should address the root causes of migration, both on a regional and international level.

Improving economic and social conditions within migrants' home countries is crucial. Efforts should focus on providing access to education, building stable institutions, reducing corruption and increasing transparency, strengthening security and justice systems, and promoting economic and social integration, which will reduce the economic disparity between the migrants' countries of origin and Europe.

Furthermore, to reduce the appeal of illegal migration to Europe, the EU should collaborate with migrants' home countries to create employment opportunities for their citizens. This will reduce the occurrence of illegal migration by providing migrants with alternatives in their home countries, thereby preventing them from the risk of travelling to Europe. The EU should also invest in these countries by building infrastructure, undertaking the facilitation of trade, and reducing foreign debt burdens.

Measures must be taken to curb illegal migration, including border control mechanisms. FRONTEX, the EU's border management agency, should be given more resources to limit illegal cross-border migration. Additionally, the EU should improve its asylum processes, ensuring the involvement of the judiciary in decision-making processes, ensuring that asylum

is not merely a bureaucratic process, but a process that ensures justice and protection for those who need it.

To tackle integration challenges, hosting countries should take proactive measures to ensure the universality of basic human rights for immigrant communities. This can be achieved through the facilitation of language-training programs, the promotion of mutual understanding between the host country and new immigrants, and the promotion of the right to education for children of all backgrounds regardless of their citizenship status.

Lastly, the EU needs to increase humanitarian aid to refugees and migrants.

Conclusion

Illegal migration remains one of the most complicated problems for Europe.[84] Action must be taken to ensure that suffering is minimized, and expedited to stem the tide. The solutions suggested above underline the significance of placing equitable policies that foster the well-being of all, including the migrants. The EU must support nation states through building institutions,[85] reducing corruption, and promoting socio-economic stability. The mitigation mechanisms within the European Union should encompass improving border control and asylum procedures, and the humane handling of refugees and migrants. By promoting equitable policies, promoting human rights, and creating an environment that promotes social justice, Europe can take a step forward towards resolving one of its greatest challenges[86] – illegal migration.

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[84] "The Future of Migration to Europe: a Systematic Review of the Literature on Migration Scenarios and Forecasts," *nidi*, 2020, https://publications.iom.int/system/files/pdf/the-future-of-migration-to-europe.pdf.
[85] "EU seeks to deploy border agency to Senegal," *france24.com* (website), February 11, 2022, https://www.france24.com/en/live-news/20220211-eu-seeks-to-deploy-border-agency-to-senegal.
[86] "Infographic – EU emergency trust fund for Africa," *Council of the European Union* (website), May 5, 2022, https://www.consilium.europa.eu/en/infographics/eu-trust-fund-africa/.

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"Migration flows on the Western routes," *Council of the European Union* (website), August 30, 2023, https://www.consilium.europa.eu/en/policies/eu-migration-policy/western-routes.

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EU Border Security and Prevention of Terrorism

Elif Özdilek

Introduction

Security has always been an integral part of international relations encompassing different actors within different contexts. However, regardless of the actors, it has always been the primary objective that security should be safeguarded. After the global oil crisis with the embargo of the oil-producing countries, the world has evolved into a place where states realized that they need each other and this era commenced the understanding of 'interdependence'[87] Particularly in the early years of the 1980s, a new liberal movement with the diminishing of the borders between the countries and the transformation of the world into a 'global village'[88] brought about a radical change in the agenda of international relations.

In the field of globalization, the radical political, social, and economic changes with the impact of information technologies created new approaches and reshaped the priorities of the states and international organizations. States may be claimed to be the main actors in preserving peace and order. Although their agenda may change in times of economic depression, natural disasters or political turbulence, terrorism is realized to be the main concern and priority of all countries.

Globalization also gave rise to transnational civil societies and increased the complexity of global threats such as terrorism, human trafficking, and climate change. During globalization, changes and transformations in the perception of terrorism compelled the world to take a stand against the variety of threats and act accordingly.

The bombing of the Twin Towers on 11th of September, 2001 is regarded as a new era in international relations for many scholars as it radically changed the scope of threat and proved the fact that threat has been globalized. Terrorism being featured as 'borderless' made the countries cooperate and take collaborative measures in advance to prevent severe consequences. In terms of cooperation, there may be some problems to be addressed. One of which is the 'conflict of interest'. In some regions, there may be a 'zero-sum game' where the

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[87] Keohane, Robert O. Nye, Joseph S. "Power and Interdependence: World Politics in Transition." Boston: Little, Brown, 1977.

[88] Giddens, Anthony. "Globalisation." In Understanding Business Environments, 1st ed., 6-6. Routledge, 2000. eBook ISBN: 9780203992265.

interests of two states may be mutually exclusive and the conflict becomes unlikely to be resolved. Under these circumstances, international cooperation is required where common interests are created and some peaceful strategies and tactics are laid out to preserve peace and order.

In the post-Second World War period, the only wish of all the states regardless of winner or loser, was to maintain peace and order and never have a new world war in the future. To guarantee that desire, international organizations were formed, one of which was NATO (North Atlantic Treaty Organization), a political and military alliance comprising 30 countries both from North America and Europe. It aims to form policies to encourage countries to act together and create collective defence and security mechanisms.[89]

It is worth underlining that NATO acknowledged the significance of partnerships and cooperation with different states, regional integrations, and international organizations in different regions. NATO has diversified tactics to prevent terrorism and sustain peace and order. Being in communication with the local authorities, political and economic institutions, opinion leaders, non-profit organizations, citizens, and the academic environment is a necessity to succeed. Hence, NATO contributes to the prevention of terrorism in different ways, considering the identification of the severity of the problem, geographical peculiarities, political and economic conditions, and the dynamics of issues, et cetera.

Historical Background

The European Union is also an important region where peace and security should be sustained for the maintenance of world order. It was founded as the 'club of the wealthy' with six founding states when the European Economic Community (EEC) was established. They had common economic interests which were based on the 'win-win game'. Although the main aim of the European Union seemed to be an economic integration where all the members benefit, the hidden intention was to prevent these countries from fighting again. Through the years, the EEC transformed into a union whose objective is to further political integration. At that time, the number of countries included in the Union increased as did its own common policies while

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[89] Daalder, Ivo H. "NATO in the 21st Century: What Purpose, What Missions?" April 1999. Erişim Tarihi: 24 Eylül 2023. https://www.brookings.edu/wp-content/uploads/2016/06/reportintro.pdf

the newcomers were not as homogenous as the founders of the Community in terms of politics, economic indicators, priorities, and problems.

As Zaborowski argues, 'the threat perceptions in Central Europe, Eastern Europe and Balkans were different. Central Europeans identify their necessities with divergence which is reflected in their perception of threat and defence priorities in spite of the fact that they belong to the same Alliance. As for the North East of Europe, there was a divergence of opinions and attitudes where Russia was the threat to be protected against. In Central Europe and the Western Balkans, there were again divisions in attitudes towards non-European countries due to economic or political relations.[90]

Particularly after the collapse of the Soviet Union, post-communist states were intended to be embedded in the EU in order to prevent the Eastern Bloc from prospering again. Changing borders within and outside the Union required some modifications, and redefinitions in the area so that the newcomers be integrated into the structure of the European Union.

It was a proven fact, that without having its own common security policy, it was impossible to be a legitimate international actor using only initiatives in global issues. Although security, health, and education are regarded as the primary missions to be carried out by the state, recent developments have revealed the fact that the European Union as an international actor should have its own identity with its own instruments to act.

From the formation of the EEC till the 1970s, Europe had been very dependent upon NATO since it was devoid of the necessary legal base and common intention to create its own security policy. Moreover, member states had different expectations from the integration, some of which were very much satisfied with the dependency on NATO. Commencing from the 1970s, the frequency and the severity of terrorist attacks, and the repercussions of these acts created panic and urged the member states to necessary measures. Europe had become so volatile that the need for common security had become unavoidable.

The impact of the Cold War and the contextual changes and political and social contextual changes in international relations triggered the formation of an international institution arising from the Conference on Security and Cooperation in Europe (CSCE), whose main aim was to mitigate problems and security deficiencies via communication, negotiation and cooperation. This conference was very impactful upon the following developments within the EU. After periodically holding official meetings, the Helsinki Final Act was agreed in 1975, resulting in

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[90] Zaborowski, Marcin. "Central European Security: History and Geography Matter." NDC Policy Brief No. 04, February 2021.

10 fundamental principles. These principles briefly include sovereignty rights, prevention of the use of force, territorial integrity, prevention of border violations, non-interference in the domestic issues of the states, prevention of conflicts, use of peaceful instruments in resolving disputes, and preservation of fundamental rights and freedoms.

As a result of the participation of the member states in the Conference, the Paris Charter was signed in 1992. It occupied a very important place since it resulted in very important decisions envisaging sustainable cooperation within the European Countries. The primary mission of the Organisation for Security and Co-operation in Europe (OSCE) was to preserve peace and order. Hence, it carries out the mission for arms control, border management, prevention of human trafficking, conflict prevention, ensuring cyber security, protection of human rights, laying out policies for minorities, and fighting against terrorism.[91]

The OSCE also laid the foundation for an international legal framework against terrorism and guaranteed its implementation. It required cooperation between the member states, opinion leaders, and civil societies to fight against terrorism and safeguard border security among the states. The decisions taken also set for close cooperation with the United Nations.[92]

The ad-hoc groups worked together in the name of TREVI (abbreviated from French terrorisme, radicalisme, extremisme, et violence international – terrorism, radicalism, extremism, and international violence) before the Maastricht Treaty in 1975; during a Council of Ministers meeting in Rome, an initiative was begun to lay out some strategies and tactics against the increasing incidents of terrorism in Europe and the ineffective functioning of international institutions in preventing these incidents.[93]

The TREVI Group was established in 1976 by 12-member states of the European Community for the purpose of coordinating police activities. Thanks to the awakening led by the OSCE Conferences, ad-hoc groups were formed to fight against terrorism, one of which was TREVI, carrying out the mission to upgrade the capacity of the member states to prevent terrorist attacks.[94] It also aimed to fight against drug trafficking and illegal drug use by strengthening cooperation and consolidating the national efforts of the member states. TREVI was formed to provide both lateral, upward, and downward communication within the states.

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[91] Organization for Security and Co-operation in Europe İstanbul Summit, İstanbul Document, 1999

[92] Countering terrorism", https://www.osce.org/countering-terrorism, (Access Date: 21 September, 2023.

[93] "The Trevi Acquis, Key Texts on Justice and Home Affairs, 1976-1993." Statewatch, https://www.statewatch.org/media/documents/semdoc/assets/files/keytexts/ktch1.pdf. Erişim Tarihi: 17 Eylül 2023.

[94] Tony Bunyan, "Trevi, Europol and the European State," State Watch, https://www.statewatch.org/media/documents/news/handbook-trevi.pdf (Access Date: 16 Eylül 2023).

Meetings among the ministers of the interior, senior officials, working groups, technical consultancy, and police training were the essential activities of the group which was mainly to address counter-terrorism. The steady flow and exchange of information and experience accelerated the effort to initiate a more permanent institution for cooperation. TREVI's activities raised awareness about global threats and underlined the significance of cooperation. Moreover, it also revealed the tools and initiatives required for the creation of a common security policy.

The next concrete step was the signing of the Schengen Agreement in 1985 between the member states, namely Belgium, the Netherlands, Luxembourg, West Germany, and France which foresaw the step-by-step eradication of the border controls among the states. It was a very crucial step towards a borderless Europe. In 1995, seven other member states were added to the Schengen region. The region was a very radical initiative towards further integration between the member states and the easing of free movement and guaranteeing security cooperation and standardization of the practices among the member states.[95]

The Schengen Agreement clearly states the authorized organizations that are assigned to implement the agreement.[96] The division of labour has been clearly demarcated and sanctions have been identified in case of violations. It entailed the permanent flow of information and a very large-scale database monitoring border controls, police, and customs checks.

Only the law enforcement agencies of the EU had jurisdiction authority; these were the European Union's law enforcement agency (EUROPOL), the European Union Agency for Criminal Justice Cooperation (EUROJUST), and the European Border and Coast Guard Agency (FRONTEX).

The preconditions for involvement in the Schengen area were clearly stated in the agreement.[97] The Schengen Agreement both guarantees free movement and prepares the basis for a security partnership initiative. As Atieno argues, the Schengen Agreement is very crucial in terms of creating joint border controls and police cooperation.

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[95] Adrian Favell, "Review: [Untitled] Reviewed Work: Europe without Borders: Remapping Territory, Citizenship, and Identity in a Transnational Age by Mabel Berezin, Martin Schain," Social Forces 83, no. 2 (Aralık 2004): 869-871, https://www.jstor.org/stable/3598353., p.870

[96] Ibid.

[97] The Difficult Road to the Schengen Information System II: The legacy of 'laboratories' and the cost for fundamental rights and the rule of law
Author(s): Joanna Parkin
Subject(s): Politics / Political Sciences, Politics, Social Sciences, Political Theory, Sociology, Security and defence, Politics and law, Migration Studies, EU-Accession / EU-Development (2011)
Published by: CEPS Centre for European Policy Studies

The Schengen Information System, a large-scale database, was established and was significantly expanded with updates in 2018. Control of the border and cooperation in terms of law enforcement are the primary missions. There are some institutions that may use power in terms of border controls, police and customs checks, visas and residence permits, such as EUROPOL, EUROJUST, and FRONTEX. To join the Schengen area and benefit from visa-free travel, states must meet certain conditions. The purpose of setting these conditions is to guarantee security within the Schengen area. They are expected to sustain border security by collaborating with the other related agencies. States are also obliged to act in accordance with the Schengen agreement and cooperate with the police. Moreover, they have to be sensitive to personal data protection and utilize the Schengen Information System. In this context, the Schengen Agreement can be claimed to play a significant role in controlling borders and ensuring security within the Schengen Area.

As for the most concrete step towards border security management, the Maastricht Treaty was signed which transformed the European Community into the European Union (EU) aiming to create common policies to further political integration. The Maastricht Treaty is the agreement that brought together the European Communities under the name of the European Union. This treaty established a three-pillar structure consisting of the Economic and Monetary Union, Common Foreign and Security Policy, and Justice and Home Affairs, through which the EU common policies were determined. Also known as the Treaty on European Union, the Maastricht Treaty introduced a new legal framework for the EU. It encompassed various forms of intergovernmental cooperation under the EU umbrella, covering areas such as asylum policy, external border control, migration (entry, circulation, residence, and combating illegal migration), fighting drug trafficking, and international crime. Cooperation on civil matters, criminal matters, customs cooperation, and police cooperations was also brought into the EU framework.

Efforts related to counterterrorism and internal security are concentrated within the third pillar of the Treaty, which constitutes Cooperation in Justice and Home Affairs. There were three pillars, one of which was foreseeing the further integration of Justice and Home Affairs. Key issues in this pillar were counterterrorism, cooperation against international criminal organizations, combating drug trading and trafficking, and addressing illegal immigration.[98]

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[98] Den Boer, Monica. "The Fight against Terrorism in the Second and Third Pillars of the Maastricht Treaty: Complement or Overlap?" European Democracies Against Terrorism. 1st Edition. Routledge, 2000. Sayfa 16. eBook ISBN: 9781315188386.

The Maastricht Treaty specifically highlights the regulations relating to illegal migration and arrangements of EUROPOL, which envisage police cooperation, internal and external border controls and asylum policy as the major components of internal security. Mr. Peter Lloyd, Minister of State at the Home Office, confirmed that EUROPOL is a central organization to ease the exchange and coordination of criminal information, and the development of intelligence between Member States in respect of crime extending across the borders of Member States. As Kendall defines, EUROPOL is a European-style FBI.[99]

With the three pillars, the Maastricht Treaty was a turning point in the European Union's history as a very concrete step towards political integration. The more the EU has enlarged, the more urgent it was to identify the strategies and tactics to maintain border security. It was also required to adopt an appropriate approach against terrorism. The main difference between the Schengen and Maastricht Treaties was that the Schengen Treaty excluded some of the countries such as Ireland, and Denmark whereas the third pillar acknowledged the objective of the free movement of people in order to further cooperation in the fields of justice and home affairs.

The third pillar is regarded as a very concrete legal statement for European internal security policy. Moreover, it confirms terrorism as a global threat to all the member states regardless of any differences, (together with organized crime and drug trafficking). It also brings about collective responsibility and collaboration for the member states targeting some of the institutions such as the Justice and Interior Ministers Council and the K4 Committee. It also consolidated the previous efforts made in this area and legitimized the non-treaty organizations such as TREVI.

Cooperation among the member states which is based on the Schengen Agreement aims to regulate the relationships between the local police organizations, exchange information and data when needed, and develop intelligence and coordination among the member states. Customs controls were another significant provision in the Maastricht Treaty. It explicitly stated the desire to have a common visa policy, and integrated migration and asylum policies which will automatically help to make the EU's external border much stronger.

'The EU agreed on new rules on the interoperability of EU justice and home affairs information systems. The rules establish interoperability for information systems on searches, biometric matching, identity repository, and detection. The rules relate to Information Exchange between the entry/exit system, the visa information system, the European travel information and

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[99] Kendall, Raymond. "Interpol Today." Policing, Winter 1992, ss. 279-285.

authorization system, the European Union fingerprint database for identifying asylum seekers and irregular border-crossers EURODAC (European Dactyloscopy), the Schengen information system and the European criminal records information system for third-country nationals, as well as other relevant databases on travel documents'.[100]

The Maastricht Treaty has been an important step in terms of security and border management. However, there was still a long way to go. On October 2, 1997, a new treaty was signed envisaging some modifications to the previous Treaty and the Treaty of Rome.

Officially known as the Treaty of Amsterdam, is one of the major treaties that has shaped the EU. It was signed on October 2, 1997, in Amsterdam, Netherlands, and entered into force on May 1, 1999. The treaty made significant amendments to the treaties that had previously established the European Communities, including the Treaty of Rome and the Maastricht Treaty. As for justice and home affairs, the legal document increased the role of the European Union in compelling the member states to further cooperation. Regarding Freedom, Security, and Justice, the Amsterdam Treaty underlined the importance of creating an area of freedom, security, and justice within the European Union particularly focusing on organized crime, drugs, and terrorism.[101]

The prior areas in the Treaty regarding cooperation were in combating crimes such as terrorism, human trafficking, crimes against children, and illegal drug and weapon trafficking.[102] The related articles aim to maintain security within the EU borders and lay out more effective policies in cooperation with the member states. EUROPOL was underlined as an authority to preserve peace and order requiring operational cooperation among police, customs, and other security units; tracking, collecting, storing, processing, and analysing suspicious transactions and relationships via EUROPOL; raising awareness via training, equipment usage, and forensic investigations; tracking and investigating organized crime; advocating the activities led by EUROPOL and empowering EUROPOL to request support from member states in terms of investigations, data sharing, and providing experts in specific fields.

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[100] "Interoperability between EU information systems: Council Presidency and European Parliament reach provisional agreement." Press Release, 5 Şubat 2019. https://www.consilium.europa.eu/en/press/press-releases/2019/02/05/interoperability-between-eu-information-systems-council-presidency-and-european-parliament-reach-provisional-agreement/.

[101] Monar, Jörg. "Justice and Home Affairs." JCMS 2002, Volume 40, Annual Review, pp. 121-136.

[102] "Council and Commission Action Plan of 3 December 1998 on how best to implement the provisions of the Treaty of Amsterdam on the creation of an area of freedom, security and justice." EUR-Lex. Accessed September 24, 2023. https://eurlex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l33080&from=EN.

It was a very crucial treaty in terms of both deepening and widening cooperation. As it grew, the EU had to modify the policies and relevant decisions in accordance with the peculiarities of the new members.[103]

The September 11 Attacks and Their Repercussions on Border Management and Terrorism:

The September 11 attacks caused international relations to be redefined since the dynamics had changed remarkably. Together with the impact of globalization, the threat was realized to be global which required encompassing several actors in different units of analysis.

Although terrorism has always been on the European agenda, the way the member states tackle the issue has had to be broadened, inserting new actors and giving more importance to cooperation. Not only the member states but also civil societies, international organizations, citizens, and the supranational European Union institutions should interact with each other so that the most efficient and constructive strategies and tactics can be adopted.

The subsequent events in Madrid and London proved the fact that there is no border to terrorism. Although they has been much associated with a certain worldview of terrorists, counter-terrorism strategies are required to involve some other variables as well. The basic properties of the global threat, namely terrorism, entail the end-result being large-scale ruin via the weapons of mass destruction and conciliation among the parties who are directly or indirectly involved in the processes.[104]

The September 11 attacks made the EU member states realize that terrorism is not a threat that could be overcome with the existing institutions, legal framework, and partnership. Instead, it required adapting both the national and supranational legislations into the new contextual framework.

Another important development in terms of European Security was to bring about a new scope-wide strategy satisfying the needs of the changing international environment aiming to have a more effective strategy to guarantee peace and order in the enlarged borders. In 2003,

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[103]Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts, 02 October 1997, Amsterdam, Title 4.

[104] Drumbl, Mark A. "Judging the 11 September Terrorist Attack." Human Rights Quarterly 24, no. 2 (May 2002): 323-360. https://www.jstor.org/stable/20069607.

the European Security Strategy was adopted to guarantee the existence of a 'Secure Europe in a Better World'.[105]

The European Security Strategy document noted that states cannot solve security problems by themselves. They have to cooperate, interact, and act collaboratively to confront the severe consequences of the global threat of 'terrorism'. Not only the Union, but also with other international actors outside Europe such as the states in other regions and international organizations such as NATO and the United Nations, should be inserted into a very large mechanism so that the severe consequences of terrorism may be mitigated.[106]

In the European Security Strategy document, the areas that should be dealt with are enumerated as organized crime, weapons of mass destruction such as biological or chemical weapons, drug trafficking, human trafficking, and illegal immigration. Terrorist groups having these dangerous weapons may threaten the legitimacy and credibility of governments and pose a big threat.[107]

Enlargement waves of the European Union changed the borders. Also, the heterogeneous structure of the new members necessitated tailoring the issue according to these differences being taken into consideration, as with migration management and Security, which have been regulated by the EU states.

There are many mechanisms ensuring the success of coordination, guaranteeing the system and updating information. The changing conjunctures both within the European Union and World Politics changed the strategies and tactics. The Syrian War was one of these dramatic changes and the other states had to take a stand accordingly. Citizens suffering from the severe consequences of the wars legally or illegally abandoned their countries which automatically compelled the other countries to reshape their migration and asylum policies.

In the European Union, it became urgent to guarantee security in the EU borders. Since the four freedoms enabled the citizens to move from one country to another, this constituted a serious threat to the EU. It is crucial for non-EU citizens to be screened before entering any of the European states. Although the rules and regulations regarding migration and asylum issues were thoroughly covered in the Geneva Convention, it was nationwide till the Amsterdam Treaty. It had to be modified and updated according to changing circumstances aiming to

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[105] Tocci, Nathalie. "From the European Security Strategy to the EU Global Strategy: explaining the journey." International Politics 54, no. 4 (2017): 487-502.

[106] Ibid, 490

[107] Minculete, Gheorghe, and Daniela Rapan. "Approaches on Current Risks and Threats to the International Security Environment." Science & Military 2, no. 2012 (2012): 14-20.

control the legality of asylum and migration movements. The Dublin Agreement has been modified and updated three times, the third time of which was in 2013, the aim of which, was to simplify the process and address the state who will carry the sole responsibility for the migration and asylum policy.[108]

For the effective management of the policy, new instruments were created namely EURODAC and FRONTEX; the former is a mechanism benchmarking the fingerprints of asylum seekers and illegal immigrants so that the states can easily detect the irregularities and provide a control mechanism at the borders.[109]

Furthermore, it makes it possible to cooperate with EUROPOL and share fingerprints in case of examining serious criminals and terrorists. In addition, saving the fingerprints of all refugees enables the states to prevent criminals from entering the European borders.

Another important control mechanism constituted in 2005 by the EU is the FRONTEX designed to assist EU border management according to the related legislation and Integrated Border Management concept.[110]

Recent Developments Regarding Border Management and Counterterrorism:

There have been improvements in developing effective tools and instruments to manage borders and counterterrorism, particularly after the Lisbon Treaty, the pillars created by the Maastricht Treaty have been institutionalized and consolidated in terms of decision-making, cooperation with the member states, and operational capacity. There used to be overlapping among the institutions, using relevant tools and instruments and no objective criteria for defining the priorities. In order to increase the performance of the operations in counterterrorism, a new centre, namely the European Counter Terrorism Centre (ECTC), was established in 2016 and positioned in the hierarchy of EUROPOL, whose main mission is intelligence sharing and competence in terrorism financing, combating foreign fighters, online

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[108] Brekke, Jan-Paul, and Grete Brochmann. "Stuck in Transit: Secondary Migration of Asylum Seekers in Europe, National Differences, and the Dublin Regulation." Journal of Refugee Studies 28, no. 2 (June 2015): 145–162. https://doi.org/10.1093/jrs/feu028.

[109] Frontex. "Tasks & Mission." Frontex - European Border and Coast Guard Agency. https://frontex.europa.eu/about-frontex/who-we-are/tasks-mission/ (Accessed 16 September, 2023).

[110] Mészaros, Edina Lilla. "An Assessment of the Existent Databases and Instruments for Registering and Monitoring Immigrants in the EU: The Schengen Information System (SIS), the Visa Information System (VIS), Eurodac and the Creation of Frontex." Published by Editura Universitatii din Oradea. Subject(s): Politics / Political Sciences.

terrorism propaganda and extremism, arms trafficking, and international cooperation among counterterrorism authorities. The weight of the institutions also changed. The most crucial change was in the decision-making in terms of internal security where there was a shift from unanimity to majority voting. Moreover, the structure and the task definition of the Permanent Committee for Operational Cooperation on Internal Security (COSI), were explicitly defined in Article 71 of the Lisbon Treaty. It has been enumerated as guaranteeing effective operational cooperation in EU internal security matters, appraisal of the overall direction and efficiency of operational cooperation, and supporting the Council against terrorist attacks.[111]

As for the developments in the recent decade, consecutive terrorist attacks in Paris, Nice, and Berlin were regarded as a message from terrorist groups that necessitated taking emergent measures to prevent potential terrorist movements. These attacks were claimed by DAESH. The increasing terrorist activities of radicals in Europe have been evaluated by NATO as an intelligence gap that should be coped with promptly. The commonality between these terrorist attacks was the involvement of extremism and radicalization which also proved the fact that there was a deficiency in border management and immigrant tracking. It was apparently observed that there was misuse of existing networks and the EU was devoid of adequate capacities to guarantee border security and prevent terrorism. Some lessons have been taken from the attacks in the more strategic cities of the EU. It was understood that terrorists use technological communication tools very effectively, which requires the EU to improve their capacity for Intelligence, existing databases, and information sharing which can only be achieved via cooperation among the EU institutions and national governments. In 2018, a new initiative was adopted by the Council aiming at upgrading the Schengen Information System and launching new proactive tactics and tools related to terrorist movements.[112]

NATO and the European Union Cooperation in terms of Border Management and Prevention of Terrorism

The North Atlantic Treaty Organization (NATO) is a military alliance formed against the Soviet Union in 1949 and has evolved into dealing with more complex security threats that have been redefined throughout the years. The missions and task identities of the EU and

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[111] Andreeva, Christine. "The Evolution of Information-Sharing in EU Counter-Terrorism Post-2015: A Paradigm Shift?" In Collective Securitization and Crisification of EU Policy Change, 134-159. 1st ed. Routledge, 2022.p.139
[112] Ibid., p.146

NATO intersect in terms of border management and fighting terrorism. There are many areas of cooperation between NATO and the EU, listed as cross-border mobility, intelligence sharing, conflict zones, operational cooperation, training and capacity building, intelligence sharing, preventing radicalization, border security, and migration management, particularly in border management and prevention of terrorism. An agreement was signed in 2002 envisaging collaboration between NATO and the EU. The agreement stated that EU member states could participate in military and civilian crisis management activities alongside NATO.[113] The EU can advocate NATO in the field of civilian crisis management, while NATO can support the EU's military operations. The areas where they cooperate are in mutual border security, and the provision of technical support by NATO border security. They are also expected to exchange information and provide training regarding border security management. They also agreed to act together in times of terrorist movements. Through these institutions, information sharing to prevent terrorist attacks will be essential. The other area in which cooperation is promised is in crisis management. Recently, the term 'crisis' also took on different meanings, and now requires taking necessary measures in cooperation as NATO and the EU cooperation in this field will facilitate all parties involved.[114]

The approaches of the states vary in accordance with the geographical location, population, economic structure, historical background, and different perceptions of security in terms of priorities, thus, the tailoring process will be that which is the most feasible approach to adopt. In spite of differences within the EU member states, it is an accepted fact that terrorism is a global threat to all the states, international organizations, and all the parties involved which inevitably requires cooperation.

This is the reason why NATO was established. With the EU, they have very common concerns in the fight against terrorism. They both have the objective of preserving security and stability. They both agree that terrorism is the biggest threat to the existence of a state. Terrorist attacks carry security risks and they may disrupt the stability of society. Another important factor is cross-border cooperation. Terror organizations act beyond borders when they try to lay out policies, strategies, and adopt tactics to avoid war.

Both organizations collaborate in the fight against terrorism to enhance the security of Europe. While NATO focuses on strengthening military capacity and maintaining territorial

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[113] EU-NATO Declaration on ESDP." Press Release (2002)142, issued on 16 Dec. 2002.
[114] "Official Text: The North Atlantic Treaty, 1949." NATO. Accessed 11 September, 2023. https://www.nato.int/cps/en/natolive/official_texts_19544.htm.

integrity, the EU focuses more on increasing civilian capacity and ensuring border security. By working together, they aim to prevent terrorism and create a more effective approach to countering this threat.

Evaluation of Practices of NATO in terms of Border Management and the Fight Against Terrorism

NATO has various practices to effectively manage borders and counter-terrorism. However, each of these practices has both strengths and weaknesses. Moreover, a strength for a specific region with its peculiar problems may be considered to be a weakness for another region. There are so many parameters to be considered in evaluating these practices.

Intra-Agency Cooperation: As can be understood from the name, it denotes cooperation within a single, separate agency. It is preferred due to the fact that it eradicates ambiguities and may provide coordination and effective resource allocation since everything is managed by the same determined agency. However, the main drawback is the realpolitik. States have different conflicts of interest which may require them to diversify the institutions to analyse problems thoroughly and find solutions

Inter-Agency Cooperation: This refers to the involvement of multiple agencies and departments. Different units with various fields of expertise bring about different resources, capabilities, and different perspectives. Collaborative operations with enriched data sharing are the positive aspects of this practice. Yet, diversification may lead to overlapping and miscommunication due to the simultaneous use of channels.

International Cooperation: It encompasses the collaboration of countries and international organizations. Since the unit of analysis is the country, it provides greater institutionalized knowledge and intelligence with the use of more hi-tech devices in information gathering. The drawback of this practice is the bureaucratic impediments that may arise from the different decision-making mechanisms of different countries.

Remote Border Area Surveillance Programs: This refers to the management of the borders from a distance by using technological devices. Its main strength is the use of technological devices which may ease the process and provide effective time-management. The use of cameras, sensors, drones, and satellites may help detect problems more professionally and the need for human resources may be reduced. On the other hand, due to the frequent use of technology, it is costly and there may be some technical limitations depending on the use of technology.

Engagement with Border Communities as Key Contributors in Border Security and Management: Since border communities have knowledge based on their experience, it is valuable to benefit from them. However, it is impossible to solely depend on the border communities. There may be mistrust towards them due to a lack of sufficient education or due to personal interests. These people may not want to cooperate in a way which may be contrary to their interests.

Border Community Policing Programs: This is an effective method to build a bridge between border communities and law enforcement agencies. This type of cooperation may provide a double-check between these groups. However, mistrust of the public towards the border communities and also a lack of trust towards the law enforcement agencies by the border communities may hinder the process.

Border Security Management Information Exchange Programs and Mechanisms: This involves parties such as customs departments, governmental institutions, immigration authorities, and border security agencies. It is quite beneficial to facilitate different parties with different fields of expertise and this enhanced cooperation may lead to more efficient decision-making. In addition, it may provide effective risk management. On the other hand, there may be political interests conflicting with each other. The more parties are involved, the more complicated it will be to make the decision.

Establishing Border Cooperation Centres: They primarily serve as a hub for information sharing, communication, and coordination. Having a single centre to communicate may be regarded as an advantage to having a more integrated approach. It is easier to follow and avoids overlapping. In spite of its advantages, there are some downsides, one of which is the

differences in operational procedures. It may lead to misunderstanding and disagreement due to a conflict of interests and lack of trust.

Nominating Liaison Officers: These are a more personalized form of Border Cooperation Centres. Liaison officers serve as points of contact. They may be easier to follow but it is too individual-based. If the person lacks capacity or an awareness of standardization, it may lead to problems.

Conducting Joint and Coordinated Cross-Border Patrols: This involves expertise and intelligence from various agencies and countries. Since there are many experts from different fields, it is easier to detect the problem, however, there may be coordination problems and changing priorities.

Defining Parameters for Cross-Border Operational Engagement: The most positive aspect is that parameters provide a common perspective which eases communication and sharing of information. During the brainstorming sessions to conciliate, it may take time to achieve these.

Effective Risk Analysis Assessments: It is very advantageous to evaluate the risk, the volatility of the issues, and the expected consequences. It makes it easier to apply the strategies and take necessary precautions in advance. On the other hand, people may have some prejudgements which may mislead the authorities. People may not be impartial enough to make efficient risk assessments.

Creating National Border Management Strategies and Action Plans: These are very long-term plans providing a holistic approach. It eases the detection of problems and security challenges. Having such a long-term plan is very advantageous to being alert to instant cases but such plans also carry the risk of losing their significance and becoming obsolete.

Establishing Joint Border Crossing Points: These are also an outcome of cooperation. They provide a steady flow of information, ease standardization, and resources may be used more strategically via these points. There may be problems such as political challenges prevalent in some countries and complexities may slow down the decision-making.

Identifying Corruption as a Serious Risk for Effective and Robust Border Security Management: It is advantageous due to the need for transparency. It reduces the potential for misuse of power. Since citizens can rid themselves of illegal activities, they trust in the practice.

Conclusion

EU member states have varying approaches to border security. However, they generally agree on the importance of a shared border security policy and cooperating in the fight against terrorism. Cooperation provides so many privileges. It increases mutual understanding, enhances communication, and allocates resources more effectively and efficiently. NATO has also a collaborative approach and envisages partnership at the borders to improve communication, exchange of information, and capacity-sharing.

Since the formation of the European Union, there have been very radical changes both within the EU and in world politics. The increasing number of member states with divergent problems and priorities, the changing definition of terrorism as a global threat, and its borderless feature made the EU and NATO modify their strategies and form partnerships to increase their operational capacities.

The European Union, currently embracing 27 countries, created new borders with new problems. Border Management and Counterterrorism are the most crucial issues for both the states and international organizations. It is an inevitable fact that technology should be inserted into these processes so that more effective strategies and tactics may be adopted.

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Humanitarian Border Management: Balancing State Security and Humanitarian Imperatives

Donato Colucci and Andria Kenney

This chapter seeks to articulate the concept of *Humanitarian Border Management* or HBM, as referenced in IOM's institutional language,[115] which aims to balance the legal, operational and logistical facets of ordinary border management, with the extraordinary circumstances that arise during cross border humanitarian crises – whether occurring in a neighbouring country, across a region, or much further afield. The chapter explores concepts of migrants versus foreigners; the mental spaces in which a sense of shared community is created and reinforced; and concepts of humanitarianism, neutrality, and non-discrimination that are championed through numerous international legal conventions, which may be perceived, occasionally, to be in direct opposition to State prerogatives of sovereignty and security. This is framed against a clear dissection of core border management functions and security mechanisms. Finally, the chapter details nine comprehensive recommendations, which align consistently with NATO Centre of Excellence Defence Against Terrorism (NATO COE-DAT) Border Security Good Practices 2, 3, 4, 5, 6, 8, 12, and 13.

Introduction

If nowadays it is still important to talk about fundamental human rights linked to the migration of people, it is because there are still situations in which governments are too frequently unable to respond promptly and effectively to border management challenges.

This may happen when the "ordinary" border management model is challenged by the unplanned massive arrival of people or by specific individual cases that go beyond the scenarios taken into consideration when that specific border management model was conceived and then adopted by the government of a given State.

It is precisely due to the combined pressures of honouring human rights law and treaties, alongside the preservation of sovereignty and obligations to achieve the highest standard of

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[115] https://www.iom.int/humanitarian-border-management; https://www.iom.int/mcof

national security, that different border and migration management models have arisen, often attempting to formulate operations under moral obligations, before codifying legal ones.

While governments may acknowledge that "protection-*sensitive*" measures are necessary when responding to humanitarian cases, the concept of a Humanitarian Border Management (HBM) model has only recently begun to take its place within operational frameworks enacted to manage and control their borders. Likewise, it is relatively recent that international organizations have explicitly advocated for governments to establish a clear model for dealing with crisis-affected populations.

Three-Dimensional Analysis of the HBM Model

To better understand the HBM model, it is necessary to broaden and analyse the three dimensions that this model integrates into a single coordinated response:

1. the humanitarian dimension;
2. the border governance dimension,[116]
3. the security aspects that the border dimension intrinsically brings with it.

To these three dimensions, already complex to deconstruct and analyse, we must add a fourth one that is relevant across each of the three above: i.e., the human dimension inextricably embedded in the dichotomy of foreigner versus migrant. In other words, to better understand the difficulties of a border management model that takes into consideration humanitarian imperatives *before* the administrative rules that regulate the entry and the exit movements from and to a given State, it is necessary to take a step back and understand a basic concept related to "humanity". This does not exist as a unitary body, nor does it result from a political, socio-cultural, or legal framework, neither advocating for, nor affirming its universality. That is why the law makes clear distinctions at the border between a national, a foreigner, a regular and an irregular migrant. This is one of the most critical aspects to consider in order to have a humanitarian border management model that not only embodies international human rights laws and humanitarian principles, but is also largely understood and accepted by the communities where the HBM model is implemented. So, how and why can the law make a difference at the border? And, most importantly for our analysis, can these laws be "flexible"

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[116] This includes both a unified vision of countries sharing borders in implementing coordinated policies for the benefit of the region, as well as the individual management models that shall be aligned with individual governments' visions.

when people flee from a concrete risk of violation of their human rights? Let us go to the border and see.

The Border

When attempting to address complex realities such as a migration crisis by employing a management model in contexts that are most often resource-limited, it is necessary to understand existing social, political, operational, and security dimensions of the border itself. Perhaps most useful, is to start from an anthropological lens that examines why human beings seem to prefer boundaries, frontiers and, sometimes barriers, instead of *"open bridges"* that facilitates people and cultures meeting and evolving together.

Although it may sound too far from the core topic addressed in this analysis, an anthropological lens could offer further insights that would not only help the decision makers in better understanding the problems to be faced by an HBM model, but it may also elicit a number of alternatives that decision makers must take into consideration to broaden the range of responses put into practice. From an anthropological point of view, therefore, we must understand the ever-changing relationship that arises between the *frontier*, in the sense of a mental limit even before encountering a physical one, the legal and political border, and the human being as part of a social group that exists within that limit. This in particular reference to the *community*, which carries a number of inalienable rights, regardless of how long the list of obligations, that governments might enforce for administrative and security purposes.

The community is firmly grounded in the concept of "identity schemes" which are a vital element for the formation of the community,[117] The personal identity scheme of each member of a community is the primordial phase of those *boundaries* which, more or less unconsciously, sooner or later will bring the community members towards a need to create frontiers for themselves and barriers for "*the others*".

The relationship between the mental space to which each of us has a sense of belonging, and the physical space around us, depends on our individual capacities to analyse external factors and read them through our most intimate lens. The subjective perception of the same physical space changes according to the human relationships between those who share that same physical space.

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[117]D.S. Wilson, *The Natural Selection of Populations and Communities*. (Menlo Park, CA: Benjamin/Cummings, 1980).

Therefore, for the members of the same community, physical space and mental space merge into one single sphere where they start collectively transferring their respective identity schemes, often unconsciously. As this process consolidates, the space also becomes a symbolic place that belongs to the community, both individually and collectively. The relationship with the physical space is such a strong necessity for human beings that members use the space around them to transfer and project ideas, needs, thoughts and also fears, which ultimately further fuse that space, and, at the same time, harden its limits.[118]

Unconsciously, members of a community activate a spatial 'self-cage' process that mirrors their mental space, and the combination of the mental and physical elements results in a self-assigned ownership of that specific space. As such, this space must be defended *a priori* from anyone who does not share the same "identity scheme".[119]

The self-cage or auto-cage gives human beings a natural sense of security. There are essentially two main elements for developing this sense of belonging to a group or occupying the same cultural space:

1) sharing a language and
2) the visible, or presumed, manifestation of common belonging, such as habits, culinary culture, historical and patriotic values, and naturally, a degree of similarity of somatic characteristics.

With this in mind, it explains why politically, legally and, as a consequence, administratively, there is a clear distinction between a national (member of the same community), a foreigner (someone who does not belong to the same community) and a migrant (a foreigner who enters the community without perceivably sharing the same mental schemes).

This distinction is also important to understand in the context of our analysis. In fact, where in an ordinary migratory process, the receiving State manages foreigners who intend to settle for a relatively substantial period of time (migrant), people moving as a consequence of humanitarian crisis do not always move with the intention of settling in the host country; hence they become "foreigners" to the members of the hosting community. Prolonged displacement, however, may yet oblige them to become immigrants permanently or for a comparatively longer period of time.

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[118] Wilson, *Natural Selection, 1980.*

[119] Fabrizio Eva, *Le dinamiche geopolitiche contemporanee: metodologie di studio e interpretazione.* (Milano: Consorzio Universitario Euro Mediterraneo, 1997).

Compassion to assist people under the auspices of saving lives is best invoked when they appear entirely innocent within their predicament, whereas those who are perceived as having any ounce of complicity in their circumstance – especially if involving irregular migration, economic aspiration, or implicit criminal activity – are immediately disqualified as unworthy under humanitarian imperatives. As quoted by Boltanski,[120] "humanitarianism requires innocent sufferers to be represented in the passivity of their suffering, not in the action they take to confront and escape it". It is often expected that those truly deserving of humanitarian assistance or amnesty on humanitarian grounds must be and remain innocent, while the commissioners of humanitarian support maintain the role of helper or saviour. Any divergence from these roles upsets the ingrained expectation and can lessen the motivation to help.

It is exactly this difference between *migrant* and *foreigner[121]* that initiates the need for the receiving State to develop a border management model tailored for specific and exceptional circumstances; this is in contrast to historic models that often do not account for the wide range of variables when developing migration pathway schemes and related management models for ordinary circumstances. For example, the assignment of entry quotas for pre-determined nationalities, or the identification of specific nationalities who can benefit from a visa waiver programme while others cannot, or when assessing risks to establish which nationalities should be examined with additional control procedures, prior to their arrival as well as at the entry stage of their journey.

When people affected by a humanitarian crisis move across borders, rarely can they do so in compliance with the country of destination. For this reason, the receiving State should have policies in place to recognize and accommodate the vital need for these people to have at hand an immediate action plan in order to escape serious harm or even death.

Core Aspects of Border Management

Before going into the details of the key aspects of the Humanitarian Border Management guiding principles and model, let us try first to understand the imperatives from which governments cannot derogate when shaping their border management models, including the

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[120] Miriam Ticktin. "Thinking Beyond Humanitarian Borders" *Social Research: An International Quarterly 83*, no. 2 (Summer 2016): 255-271

[121] https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf

minimum list of requirements to enter the country, which are the main objectives of the border control procedures.

These are exactly the aspects that turn out to be the main challenge that governments find themselves facing, when viewing their *ordinary* border management system through the lens of national and international obligations pertaining to reception, humanitarian protection, and assistance. This is further complicated when receiving those who have crossed borders due to no other option, to escape from concrete risks that endanger their lives and/or that of their loved ones.

The tasks of the border police forces encompass a variety of interconnected operational areas, ranging from the facilitation of regular movements of people and goods up to actively ensuring national security. Although there is no consolidated standard to be replicated at the international level, we can still identify key tasks that are common among the border police of different countries.

One key aspect to consider is the legal obligation for border officers - in particular the immigration officers - to perform their duties in full compliance with the national law that regulates the movement of people and goods across their international borders. Another key aspect is the legal obligation to adhere to and enforce the rules derived from international conventions, as well as bilateral agreements signed with individual states or supranational entities related to aspects of migration and border governance.

A key function of the border police of a typically "administrative" nature, is the series of controls related to the management of cross-border movements. These are the set of operations carried out at the entry and exit border control points to expedite the movement of bona fide people and licit goods across the borders.

Further among the functions of the border police, are the activities aimed at ensuring that people and vehicles are authorized to enter and/or leave the national territory. These functions also include the prevention of illegal activities perpetrated "across the borders", therefore directly connected to public security, and to ensure that external threats do not become an internal issue. This is applicable both at the Border Control Posts, where the activities are usually performed by Immigration/Civilian Police authorities, but also along the green and blue borders,[122] where activities are usually performed by Border Guards and Military Forces.

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[122] Defined in: https://frontex.europa.eu/assets/Publications/General/Frontex_at_a_Glance.pdf

In this context, by establishing multi-agency surveillance programs, immigration authorities coordinate and collaborate with other border authorities whose mandates also contribute to national security, such as Customs, Border Guards, Military, and Health authorities, to name just some.

Finally, among the fundamental tasks of border authorities as well as immigration agencies, is the purposeful collection and analysis of data and information, which are essential to develop and update evidence-based analyses of risk and predictable modelling. For an effective border management system, the data collected during border management processes and the subsequent analysis should be shared with relevant decision and policy makers in a timely fashion and to routinely adjust outputs to the latest verified trends.

Refusal of Entry

Another key feature that prompts the need for a specific Humanitarian Border Management model, lies in the legal obligation for immigration and border authorities to refuse the entry[123] of non-nationals who do not meet the minimum requirements indicated by the law on entry and staying. In particular, the refusal of entry of a non-national shall be enforced both at the border control posts and along the physical borders. This is enacted by the authorities who are delegated this authority by law whenever the border officer detects any of the following issues upon conducting the checks, as described previously:

- the presence of any impediments to the entry of the person in the national territory, such as a match in the national and/or international alert lists;
- the lack of, or inadequacy of any legal requirements for entry and stay in the national territory (the most relevant examples in this case are the lack of an identity document or an entry visa where applicable, or a suitable housing situation and/or financial means that covers the entire duration of the stay on the national territory);
- the presence of elements which suggest that the person entering into the country represents a real, immediate, and serious threat to the internal security, public order, or international relations of the Member States, and/or a threat to public health.

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[123] Refusal to allow entry to a State when the individual does not fulfil all entry conditions laid down in the national legislation of the country of which entry is requested (IOM Glossary 2019 - Adapted from European Migration Network, Asylum and Migration Glossary 3.0- (2014)

In the context of a humanitarian crisis and the logical action of moving away from its reach, can a State refuse entry of a person who, while not satisfying the entry requirements, may not reasonably be expected to, due to extenuating circumstances?

"What to do now"?

In summary, border management is a twofold process that comprises on one side, all the activities conducted by relevant government agencies with a legal mandate to protect the borders of the country from possible crossing of illicit goods and unlawful activities, including irregular migration, and on the other side, are activities aimed at promoting a smooth and regulated crossing of licit goods and bona fide travellers, so the country may benefit from the many positive outcomes linked to migration, mobility and transnational trade.

It goes without saying that there is no clear demarcation between these two processes, as they must be performed in a continuous "dynamic equilibrium", shaped by evolving national policies, standard operating procedures, risks assessment, and trends analysis.

A critical consideration is the knowledge and skills of individual border officers, the variance of which may jeopardize even the soundest and well-founded immigration policy. In every time and place - where democratic principles are the standard - the powers of border officers must be exercised in full conformity with the imperatives of protecting people's fundamental rights, and in full respect of their individual and collective dignity, regardless of their administrative status.

It must be noted; however, that in repeated cases of massive numbers of people arriving at the border, sometimes even in the management of extraordinary individual cases, border officers fail in their duty to ensure unconditional respect and protection of the fundamental rights of people. Evidence suggests that a lack of training and preparedness is the cause of these deficiencies, which is particularly unacceptable in countries that assert high standards of the rule of law.

Now is the time to analyse how the obligation to leave the borders open to people fleeing a humanitarian crisis, who often cannot fulfil the minimum requirements to enter a country, may be perceived as lessening the effectiveness of the control procedures, and, as a direct consequence, undermines the objectives of border management as indicated above. To a great extent, this perception is amplified when the border controls specifically aim at countering irregular migration flows, including mass arrivals at the land border outside of a humanitarian

crisis, as well as at the sea borders, where an urgent response from the receiving country is always needed. This is still relevant when related to search and rescue operations at sea, in consideration of the greater risks that the people involve face in such perilous situations. Even if less frequent than on land and at sea environments, also at air border-posts, relevant border authorities may face specific cases that might require extraordinary operational responses, that often are not included in the standard operating procedures in force.

It is therefore no coincidence then, that the regulatory frameworks of modern democracies inspired by the principles of the rule of law, assert that border control must always be exercised in compliance with human rights imperatives, as enshrined in numerous international legal instruments. The most salient of said instruments in this context tend to be as follows: The Universal Declaration of Human Rights, The International Covenant on Civil and Political Rights, The United Nations Convention on the Rights of the Child, The Convention relating to the Status of Refugees and the Obligations Concerning Access to International Protection, with particular reference to the principle of non-refoulement. To these are added further international legal instruments, which cover different branches of international migration law and which apply to numerous cases of mobility and migration by land, sea and air.

It is also true however, that regardless of how detailed the standard operating procedures may be, they do not always allow for rapid responses to extraordinary situations. How do these standard procedures fit together when border agencies are faced with thousands of people arriving at the border without the necessary travel documents, often without identity papers, rarely with a means of support and often without sufficient justification to land at that specific country beyond the perceived need to flee from an imminent danger to life, with said country justified as the most viable legal option?

In almost all cases, migration policies, immigration and border management laws and standard operating procedures are conceived for ordinary situations. This is logical, given that every year millions of people cross borders around the world by sea, land and air in ordinary and peaceful situations. A humanitarian crisis; however, can turn migration into an exceptional situation which requires the receiving State to be equipped with extraordinary response measures and adequate technical, operational and human resource capabilities. These are usually reserved only to deal with emergencies and cannot be deployed in regular settings given their high costs.

The challenges faced in the context of humanitarian crisis cover such a panoply of situations, so diverse in their circumstance and nuance, that a rapid deployment of resources from a variety

of governmental and non-governmental agencies - not all with specific border and immigration management mandates - can become necessary. One of the first challenges that governments must address is to establish a multi-agency operational platform to coordinate the different entities as well as their coverage, level of authority, and limitations and deploy these in the shortest time possible. Among other tasks, this coordination platform should work from tried-and-tested joint needs-assessment model(s), to identify both the needs of the crisis-affected migrants as well as those of the host and/or transit community.

A sustainable and comprehensive HBM model needs to acknowledge and incorporate the spectrum of humanitarian needs, which cannot be overshadowed by the administrative status of the people affected. A persistent challenge is the need to rebalance all the security aspects embedded in the primary objectives of border management with the imperatives related to a humanitarian response to a crisis. This challenge is even more complex if we consider all those situations where the law explicitly does not allow a regular crossing of the border; for example, outside the authorized points of entry. Even more complex are those exceptional situations when the borders are legally closed, for example during regional or global crises whereby the mobility of people across borders is heavily affected, such as the global COVID19 pandemic beginning in 2020.

Another critical point to consider during the response to a crisis, and which often slows down the outcomes of the response, is the processes of effectively managing the identity of the crisis-affected migrants, who often have inadequate or no documents for this purpose.

As with ordinary processes of border and migration management, even during a migratory crisis, identity management is a fundamental duty of the receiving countries that better guarantees the security aspects mentioned above, while concurrently expediting the flow of operations to manage the crisis-affected population, through the appropriate use of digital resources employed by governmental agencies called to intervene.

The first step, and perhaps the most important one, given the complex circumstances of a mass arrival, is the registration. When initially registering migrants, and if security conditions permit, law enforcement officers should collect all the types of verifiable information to start establishing identity and a case to manage, using, if possible, *in situ* rapid verification procedures such as identity documents of the person identified, when available.

In contrast to what happens during a request for an entry visa, or during border checks upon entry of a foreign citizen into the territory of the State, the identification process - including

the collection of biometric data - must be postponed to a further moment in time, and often to a different physical space, given that protection needs should be given priority. This reinforces the importance of the first registration when responding to a migration crisis.

Beyond arrival across the border, effective registration can contribute to more efficient humanitarian interventions by various agencies, including the calibration of needs and distribution of basic goods and services, by having disaggregated figures already prepared.

In the medium and longer term, a complete and correct registration of a crisis-affected population can permit the receiving country to facilitate processes of identification by the authorities of the country of origin much faster. Such practices can facilitate re-documentation when necessary, and/or hasten decisions pertaining to resettlement or integration options for crisis-affected people. This collaboration is, of course, dependent on the will of the migrants in question and in due consideration of protection risks, especially when concrete risks involving the authorities of the country of origin are identified, most often in the case of asylum seekers.

The process of managing the identity of migrants requires a comprehensive approach, which takes into consideration all the humanitarian issues considered above, in addition to the principles of fairness and respect for the fundamental rights of the people involved, including their right to privacy and confidentiality.

What is Humanitarian(ism)?

If we are to propose that States reconsider the application of fundamental processes of border management in order to accommodate humanitarian obligations, it is important to first interrogate the meaning of *humanitarianism* and to an extent, humanitarian crisis, such that what is being asked of States is justified and clear.

While the advent of the Geneva Convention in 1864 and development of modern International Humanitarian Law are often perceived as the dawn of humanitarianism, the concept was articulated at least 100 years prior "as part of an effort to remake the world so that it better served the interests of humanity".[124] At its core, humanitarianism is about saving lives and alleviating human suffering, usually driven by a normative belief or ethical imperative, and contemporarily underpinned with principles of neutrality, universality, and independence. It

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[124] Craig Calhoun, "The Imperative to Reduce Suffering: Charity, Progress, and Emergencies in the Field of Humanitarian Action", in *Humanitarianism in Question: Power, Politics, Ethics,* eds. Michael Barnett and Thomas Weiss ((Ithaca, London: Cornell University Press, 2008), Chapter 3.

should be straightforward then, that any humanitarian intervention relating to border management is motivated purely by the impartial preservation of human life when under threat, and the protection of humanity's collective interests. This incentive should ideally remain pristine in its application and untainted by preconceived notions, human-made legislation and restrictions that prioritize economics, politics, or temporal demands. In this way, humanitarianism is powerful in its simplicity and makes for a convincing argument, even among long-standing norms of State sovereignty and border management.

But humanitarianism has not remained so simplistic since its inception, expanding in tangible operations on a global scale while conceptually, adopting elements of transition and recovery, development, and partisan tendencies. Even long ago, colonialism and the subjugation of once-free populations were touted as an act of humanitarianism.[125] The environments where humanitarian action is applied today and the complicated realities of those it is intended to serve, are plagued with challenges of war, poverty, and climate change, perceptions of urgency, inherent imbalances of power, and the limitations of human compassion.

The conceptualization of humanitarianism and what is considered 'good' for humanity relies on the feelings and belief systems of human beings, which are naturally varied across distance and customs but also between individuals. Despite this range of possibility, humanitarianism may ultimately boil down to *emotions* though it is argued that this "emotional constellation" is very narrow.[126] This can limit our ability to recognize the value of particular lives, as opposed to human life in general, or our ability to mourn the deaths of particular people, as opposed to grieving all loss of life.[127] Thus, while codified to an extent in international human rights law, UN Conventions, and national legal frameworks, such seemingly basic norms can be said to remain subjective and open to interpretation.

Such interpretation is also influenced by common expectations that are projected onto those seeking protection on humanitarian grounds.

Neutrality as a Basis

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[125] Calhoun, "Imperative to Reduce Suffering", Chapter 3.

[126] Miriam Ticktin. "Thinking Beyond Humanitarian Borders" *Social Research: An International Quarterly* 83, no. 2 (Summer 2016): 255-271

[127] Ticktin," Thinking Beyond Humanitarian Borders", 2016

In the sphere of humanitarian action, the staunch alignment to absolute neutrality is what has afforded organizations access to otherwise untouchable armed groups as well as detainees and other affected populations. The concept of having no political leaning or even expression of disapproval frees humanitarianism from political discourse and prejudice, allowing a pure focus on the life-saving tasks at-hand and posing no hindrance to any authority.

But neutrality is at once fruitless if States are to be the ultimate solution to humanitarian emergencies. Silence in the face of grave rights violations and/or abandonment of legal obligations does not prevent further harm, and thus positions must be taken. As humanitarian action increasingly incorporates development, the promotion of democracy, gender equality and peace building, among others, then it is difficult to detach from interest-driven actors.[128] As border management is an obvious prerogative set exclusively by States, it becomes impossible to distinguish a humanitarian approach to border management from the political one.

Not only is a separation of humanitarianism and State increasingly difficult, but it can be argued that humanitarianism is itself an extension of foreign policy.[129] Therefore, at borders, management from a humanitarian angle can reflect both foreign and domestic policy, neither of which are neutral.

Thus, a humanitarian basis for border management in times of crisis is not without conceptual challenges; however, it remains the strongest and perhaps most universal norm by which exceptional measures can be taken in the interest of preserving human life and preventing suffering.

Defining a Crisis

Furthermore, reference to a humanitarian crisis can be interpreted in various ways. The Inter Agency Standing Committee[130] or IASC, a forum comprised of UN and non-UN humanitarian bodies and essentially the international adjudicator of humanitarian policy, standard operating procedures and tangible approaches, defines a humanitarian crisis as '*any circumstance where*

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[128] Michael Barnet and Thomas G. Wise, in *Humanitarianism in Question: Power, Politics, Ethics,* edited by Michael Barnett and Thomas Weiss (Ithaca, London: Cornell University Press, 2008), 4.

[129] Michael N. Barnett "Humanitarian Governance," *Annual Review of Political Science*, no. 16 (2013): 379-98. 10.1146/annurev-polisci-012512-083711

[130] https://interagencystandingcommittee.org/

humanitarian needs are sufficiently large and complex to require significant external assistance and resources, and where a multi-sectoral response is needed, with the engagement of a wide range of international humanitarian actors'.[131]

The definition for a collective international humanitarian response generally hinges on the perception of whether national authorities are capable of and willing to respond adequately to the crisis situation(s) on their territory or at their doorstep, and less about neatly defining the scale or nature of the crisis itself.

Thus, humanitarian organizations have the liberty to declare a crisis any time the apparent response is insufficient, which it so often is. While organizations may not be compelled to designate an exact list of criteria that warrant the label of humanitarian crisis, governments typically must establish more clear parameters if they are to arrive at a moment where a normal or medium crisis crosses the line into humanitarian crisis, thus potentially triggering new or separate protocols. This is especially the case if the declaration of a humanitarian crisis, akin to the more familiar term of a declaration of emergency or state of emergency, reorients the ultimate decision-making authority and chain of command. Set criteria become crucial if their fulfilment would therefore suspend usual legislation in favour of temporary, exceptional measures designed to address such a crisis.

Our conceptualization of a humanitarian crisis is also hampered by traditional assumptions that such emergencies are a sudden event which could not be anticipated. In some respects, this emotive stance is necessary to garner international support which Ticktin describes as "reeling from crisis to crisis"; a focus on the emergency which "requires us to be surprised over and over again".[132] But this time-space compression excludes far too many contexts that could (or should) still be viewed as a humanitarian crisis, whether by the IASC's definition or that of individual states. The sheer volume of migrant boats sailing for northerly destinations, departing from either the North coast of Africa or the North coast of France and the security structures in place to monitor their location, is evidence that this comes as a surprise to no one. People migrating in response to drought or famine may fail to capture global attention as their movement does not occur suddenly enough; even less so for those intending to migrate due to

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[131] UNICEF, "Commitment to Deliver on Core Commitments to Children," UNICEF, Institutional Responsibilities, August 24, 2023, https://www.corecommitments.unicef.org/ccc-1-4#:~:text=Footnotes,range%20of%20international%20humanitarian%20actors.

[132] Miriam Ticktin. "Thinking Beyond Humanitarian Borders" *Social Research: An International Quarterly* 83, no. 2 (Summer 2016): 255-271

climate-related hardships resulting in the depletion of crops or livestock, rising insecurity over access to water sources or appropriate pasture, and where food insecurity accrues over many months. The term 'crisis' gives the impression of surprise, but many of these crises - which easily devolve into migration crises - are in fact, repetitions of well-known and often anticipated trends.

This reality implores States to recognize that humanitarian and by extension, *migration* crises, permit two additional factors:

1) many scenarios can in fact, be anticipated; and

2) crises can amass over a long period of time and do not require the element of shock. For both, it is clear that early warning systems and intervention can avoid the deterioration into a full-scale crisis for which actors are not adequately prepared.

The need to constantly monitor and evaluate information and analyse data with fast, effective methodologies, has already been mentioned previously. In closing this chapter, we need to focus on the importance of how governments formally declare a state of emergency, under a clear and public process.

The terms for declaring an emergency or crisis may vary depending on the type of crisis, and the regulatory and administrative frameworks of the State. That said, in order to swiftly and efficiently apply an HBM model, it is of paramount importance that governments equip themselves with a clear procedure to declare the start of a crisis, which, among other processes, launches implementation of the HBM model. This declaration creates a status that will remain in force until the declaration of the end of the crisis, the declaration of which must also be clearly defined within the protocol.

Clear communication on the inception of a crisis is necessary for two main objectives:

1. The government has the obligation to communicate to the public regarding events that may impact daily functions; the responses already taken and those that will be adopted; relevant safety precautions to adopt, and any anticipated next steps

2. The declaration of a crisis can activate new or expanded coordination between agencies and organizations including law enforcement agencies, military forces (as necessary), medical services, relief agencies, non-governmental organizations and other key actors, as ideally already detailed in the HBM model developed.

Challenges faced by border agencies during crises

We know that people migrate, or attempt to migrate, for a wide range of reasons that may or may not include elements of immediate crisis situations. It may be impossible to define all the different constellations of social, economic, political, environmental, security, and personal factors that motivate a person to undertake a perilous journey, whether they know it to be dangerous or not, and/or to bring children or other family members with them. Despite this wide array of possible circumstances, there are particular considerations that need to be taken into account through both immigration policies and practical approaches to border controls when faced with migration crises, such that migrants are handled in a compassionate, rights-based manner.

Almost invariably, migration crises involve a heightened degree of irregular migration as regular channels become backlogged, or were never a viable option due to requirements involving identity documents, economic assurance, visa acquisition, and other criteria for entry that are typically less attainable for certain nationalities. This is especially the case for nationalities who are known to experience more layers of crisis, or in States where governments are less able or willing to protect them. This immediately presents a challenge to border authorities as they must contend with the obvious breach of existing law along with the humanitarian imperative of saving lives as well as preserving non-derogable rights and human dignity, within laws and protocols that often cannot reconcile the two.

Migrant conduct and ability to provide accurate information

Migrants presenting at border crossing points in the context of a crisis are quite possibly facing, or have recently faced, extenuating circumstances that affect their conduct with receiving authorities. They may have a reduced ability to respond accurately to questions, or to speak truthfully at all, due to fear of retaliation from perpetrators who may or may not be travelling in their vicinity. They may be unable to verify standard information due to a lack of materials or documentation, or may be so drastically affected by recent experiences of loss, violence, exploitation, vicarious trauma, injury, displacement and instability, that their ability to cooperate is gravely affected. Receiving authorities may encounter seemingly hostile or uncooperative individuals which would normally warrant a specific approach, except that a crisis-sensitive, humanitarian perspective would consider the possibility that the current encounter is happening upon numerous, cumulative, distressing experiences, thereby

exhausting the migrants' coping ability and capacity to manage the next interface with law enforcement.

Possible exploitation, coercion

While no different than during normal border management operations, the possibility that people traveling in groups or pairs may be under a situation of coercion or control may be harder to discern during migration crises. This is especially the case if the displacement happened quickly; if extended families or communities are travelling together and/or children were sent separately with relatives or neighbours; and if some family members opt to stay behind whether voluntarily or involuntarily. Such dynamics can also call into question the authority to provide consent, for whom and by whom.

Immediate medical needs

In the case of immediate medical or healthcare needs, a humanitarian approach would advocate to permit entry and the provision of immediate treatment, regardless of immigration status or legal context. Such needs could be due to injury, recent or chronic illness, a discontinuation of prescribed treatment, or the cumulative effects of malnourishment or poor conditions. Severe, evident psychiatric cases who are, nonetheless, in need of international protection, should theoretically be admitted and treated, though this is controversial and resources may be insufficient.

Potential for communicable disease

Persons with possible communicable disease could be among the migrant population, who in stable contexts, may have entry postponed until appropriate measures or assurances are in place. During a crisis, the imperative to provide protection should take precedence though receiving authorities may not always be equipped to receive and appropriately quarantine such cases. Nonetheless, it is in everyone's best interest, including those of the receiving country, that such cases are managed immediately and not deflected, as this will not serve the health or safety of any host nor migrant community. This is especially the case if the potentially ill migrant remains among groups attempting to cross the border at different points.

Pregnancy

Pregnant women will invariably be among the migrant population, whether their condition is physically evident, and/or declared by the woman or her companion(s). Such cases carry an inherent vulnerability and duty for all to protect, although anti-migrant discourse – or explicit policies – may actively discourage receiving authorities from allowing entry of pregnant women precisely to avoid the issuance of residency or automatic citizenship, and the potential for further admissions of associated family members. Border officers may face dilemmas between explicit or implied instructions and the obvious obligation to receive and adequately care for pregnant women, which could be even further complicated if the pregnancy is not immediately verifiable by physical appearance or proven medical evidence.

Family separation

The need for families to remain together is expressed through various international conventions, yet, national laws may not fully align to this. As such, approaches to immigration may deem security or administrative protocols that separate family members, as primary obligations even during migration crises. Beyond the immigration counter, shared or temporary accommodation will often separate men from women and children which may be a logistical necessity in light of available resources, though it can become the first of many instances whereby families must endure separation and duress, prompting changes in decision-making and authoritative dynamics, often with socio-economic consequences. Separating children from adults can be warranted if their wellbeing is in question, which again, can be further complicated when identity or other documents are missing or insufficient, and/or when the pervasive disarray of the situation hinders the ability to extract clear responses.

Age determination procedures

Age determination procedures can be controversial in their execution but also hugely consequential for the migrant in question and possibly their family. . Concluding whether an individual is situated before or after 18 years of age can alter the entire trajectory of their situation as well as the course of actions taken by authorities. Naturally, individuals may have reasons to prefer being registered as a child or an adult, depending on their intentions and understanding of the law, with which authorities must contend. During migration crises it is imperative that standards of privacy, data protection, and the acquisition of free and informed consent are not undermined, even when age determination is seen as essential.

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Considerations for detention

Whether or not a State regularly detains migrants on immigration grounds in administrative or criminal detention environments, advance considerations should be made in the application of detention measures for crisis-affected migrants. Noting the point above about the common increase in irregular entries, existing protocols relating to migrant detention may become exceedingly disproportionate in light of a crisis context, not to mention wholly unrealistic from the perspective of infrastructure and running costs. Safe and regulated alternatives to detention should be sought, with options catalogued in advance of a migration influx.

Provisions for all nationalities including statelessness

Determining provisions for nationalities for whom there is no coherent plan: it is extremely common for migrants to be repeatedly displaced or simply caught within a crisis where they are already existing as a foreigner. While receiving authorities may have general knowledge of and/or explicit plans in place to accommodate the most salient, anticipated nationalities during a crisis, they may be confounded by outlier nationalities that cannot be predicted, and for whom there may be limited or no arrangements. In drafting contingency plans and especially when considering special, temporary permissions, the full range of possible nationalities should be acknowledged. This spans the entire spectrum of those who may be in the departing country regularly, irregularly, and those who are stateless. A degree of flexibility should be integrated into the planning such that all nationalities can be addressed, to avoid undue administration, delays, and above all, discrimination.

Forced migration related to climate change

In response to the widespread effects of climate change, it is anticipated that migrants will increasingly make asylum claims on this basis, which – unless coupled with elements of insecurity or persecution as detailed in the 1951 Refugee Convention definition – are unlikely to qualify for refugee status. Climate disasters as well as the slower-onset effects of climate change, perceived by many as a legitimate crisis though perhaps not as blatantly acute as an armed conflict, will drive more people across borders in search of safety and stability. Without the foresight to consider climate migration, receiving authorities will be limited to the traditional criteria for asylum or other protective status, which may well result in refusals or forced returns.

Gender identity, sex, and identity documents

While identity documents almost universally indicate the biological sex of a person, varied and evolving perspectives on gender and gender identity have resulted in some document issuance that legally allows classifications of sex beyond standard *male* or *female*, which may not align with national norms or legal provisions of the receiving country. Furthermore, individuals may present as a sex that does not match that indicated on their identity document, and/or, they may insist that they are a different sex from the one they appear as, or, as indicated on their identity document. This is still a widely controversial topic that tends to invite discrimination and often ridicule, and naturally, this may raise suspicion among border authorities in terms of security, true intentions, and the validity of their legitimate request for entry. If not adequately addressed in national policies and standardized in operational procedures across the country, this can present a dilemma to receiving officers as they aim to balance the primacy of human rights and humanitarian imperatives in the context of a migration crisis, with logical security and administrative concerns. Further, it may be underpinned by their own worldview of sex and gender as well as common cultural perspectives.

As mentioned throughout, the balancing of all-encompassing humanitarian principles with national and regional security obligations can present many challenges to border authorities. Whether or not in the context of crisis, the threat of destabilizing elements is ever-present and cannot be discarded in favour of expedited entry. While all migrants are entitled to non-discriminatory procedures and applicable due protections, the reality is that criminal elements such as gangs, terrorists, even non-state armed actors might take advantage of the situation and opt to move along with the migrant population. This is perhaps the most salient and challenging dilemma that border authorities can face in situations of humanitarian crisis.

Lastly, though this is not an exhaustive list, it is the very common reality that communities in the receiving country are not always keen or able to absorb large numbers of migrants, or even small numbers if they are perceived as critically *foreign*, often triggering feelings of discomfort or threat to social cohesion. In cases where compassion is initially expressed, host communities – whether situated in border areas or throughout the country – will eventually have their absorptive capacity tested, which will often devolve into resistance and hostility towards migrant populations. Worldwide, perceptions of immigration are an easy platform on which to exploit political aspirations and campaign messaging, which only serves to deepen anti-migrant sentiment and shift blame for all social ills away from their core, towards seemingly faceless groups of foreigners who have little means of proving otherwise.

Maintaining law and order, stability, and inclusive social cohesion among host communities and migrant populations is a difficult task requiring political will, resources and investment, and dedication to open dialogue whereby grievances can be expressed.

These situations present dilemmas to border management systems that often cannot be solved with unilateral decision-making at the border crossing point. Rather, States must envision such situations and prepare emergency measures by way of specific policies, bilateral and international cooperation, and the adaptation of legal frameworks, with special permissions that can accommodate these exceptional, though not uncommon, circumstances.

Conclusions

Summarising and adequately preparing for the infinite possible scenarios that may present at borders is an arduous and ambitious task. Yet, there are key milestones that governments can work towards in an effort to be able and ready to respond effectively to situations that may challenge existing border management systems - whether at the border control posts or along the "blue and green borders".

The core feature in which to invest for an effective and sustainable HBM model is preparedness. During a crisis, governments can only respond with the tools and resources that are ready to be deployed. While stop-gap measures are possible, time is most often insufficient to divert resources to training, workshops, or lengthy negotiations over legal provisions.

While there is no one-size-fits-all approach, below are recommendations compiled from concrete experiences before, during, and after migration crises, and upon direct consultations with stakeholders across multiple regions and contexts:

Recommendations

1. **Strengthen border management surge capacity:**
   assess and quantify in advance resources required to safely process increased volumes of people, including at what pace and during the different seasons throughout the year; identify infrastructure that can be adapted or further enhanced, as well as surveillance technologies that can be scaled up in response to a crisis;

identify and quantify procurement needs for equipment or materials in advance to support the scale-up;

identify training needs among various personnel and prepare emergency measures for swiftly hiring, deploying, and/or redeploying existing human resources to areas in high need;

ensure that training content includes topics relating to human rights, gender sensitivity, protection of vulnerable groups, child-specific considerations, and humanitarian principles, as well as the standard topics of border control operations and security. [NATO COE-DAT Good Practices 12, Build Physical Infrastructure, and 13, Training and Advising].

2. **Comprehensive and inclusive immigration policies:**

review existing legal frameworks and immigration policies to establish special entry permissions to activate in extraordinary times of crisis; consider pre-drafting special or temporary protection measures that can be invoked upon a declaration of emergency or migration crisis, which can be applicable to any crisis-affected person seeking entry regardless of their nationality, marital, economic, or immigration status;

take stock of entitlements, social services, as well as permissions relating to employment, education, and healthcare, that can be made available to crisis-affected migrants under exceptional circumstances and identify the processes to access them, ensuring that these are embedded within an emergency response plan in consultation with all stakeholders involved, and that a user-friendly process to enrol people and disperse such support is established. [NATO COE-DAT Good Practice 8, Create National Border Management Strategies].

3. **Comprehensive protection protocols:**

identify existing legal and administrative provisions involving children, including those under guardianship and household or domestic affairs involving potential violence or abuse;

those who report protection concerns or are flagged through preliminary screening as a case requiring further examination and possible protection, and ensure that processes are equipped to address large or complicated caseloads in the event of a migration crisis;

establish and/or strengthen existing processes for addressing unaccompanied or separated migrant children, appropriate protocols in terms of age determination – taking into consideration data privacy laws and the ability to provide consent – as well as determination of parentage or familial relations;

ensure that a clear process for establishing guardianship of migrant children is prepared prior to a crisis, whereby children are taken into the care of the State or delegated to another family member or vetted adult, recognizing that this could require solutions for large numbers of children;

clarify the means and legal process of family tracing both inside and beyond the country in question, and the conditions for, and authority over, family reunification. [NATO-COE Good Practice 8, Create National Border Management Strategies].

4. **Bilateral and multi-lateral cooperation:**

based on geographic location as well as past and/or predicted migration trends, identify logical States and government counterparts with whom to engage on issues of mass migration and regional security;

foster opportunities for dialogue and sharing of intelligence as well as data analysis and migration trends, in full respect of data protection principles;

where possible, establish partnerships and/or cross-border cooperative agreements, coordinated strategies, and an ongoing commitment to monitor common challenges;

establish points of contact and open channels for engaging on issues of migration and cross-border dynamics in the case of a crisis. [NATO COE-DATGood Practice 2, Enhance Inter-Agency Coordination; 4, Engage with Border Communities; and 6, Assign Liaison Officer].

5. **Early Warning Systems:**

build capacities to identify, formalize, establish and/or strengthen systems of gathering, producing and sharing information on potential changes to migration dynamics and possible security threats. This could be a combination of analysing immigration data from border control points and border patrolling activities, intelligence sharing among States and military forces where feasible, news and social media monitoring, and information conveyed by local law enforcement, social services, as well as obtained directly from the migrants themselves;

consider establishing dialogue with bilateral or multi-lateral contacts to communicate developing or potentially new migration issues stemming from one's own country, in the spirit of transparency, cooperation, and preparedness. [NATO COE-DAT Good Practices 2, Inter-Agency Cooperation; 3, Remote Border Area Surveillance Programs; 4, Engage with Border Communities; 5, Information Exchange Programs].

6. **Humanitarian Assistance:** anticipate the possible humanitarian needs of incoming or exiting migrant populations and pre-position supplies and personnel accordingly; collaborate with State-run emergency services as well as national non-governmental international, and volunteer organizations that may be equipped to provide services in the realms of accommodation, transportation, food, water, medical care, protection and case management, telecommunications, information management, and other areas of coordination, noting also the potential role for military forces if necessitated by the security context;

where institutional rapport is consistent, seek to formalize collaborative protocols or at a minimum, general language on cooperation upon which contemporary Memoranda of Understanding can be drafted;

establish a humanitarian focal point which can liaise with the potential influx of external actors or national actors from elsewhere in the country, to ensure appropriate permissions, activities, and standards are well coordinated; establish procedures for launching emergency protocols that clearly delineate authority over specific functions as well as an over-arching chain of command and hierarchy, such that each participating stakeholder is aware of their role and limitations, including among volunteer organizations;

consider pre-drafting terms of reference and/or memoranda of understanding such that cooperation with national, international, non-governmental, volunteer, and/or other civil society organizations is guided by clear legal conditions;

establish connections with local and/or border communities in the event that their participation in and/or endorsement of the response is required. [NATO COE-DAT Good Practices 2, Inter-Agency Cooperation; 4, Engage with Border Communities; and 8, Assign Liaison Officers].

7. **Sensitization and social cohesion**:

take steps to mitigate anti-migrant sentiments and sensitize host or border communities to the circumstances migrants may face;

undertake transparent consultations with host communities to ensure their grievances and concerns are documented, and jointly seek solutions to issues that can be addressed locally;

ensure that the concerns and expectations of host communities are continually explored and dialogue remains open at all levels, to avoid the development and escalation of frustration or social unrest;

invest in infrastructure and social development programming among host communities to foster a sense of visibility and validation, which may facilitate a more sympathetic and proactive response to the influx of migrants, thereby mitigating initial hostility or apathy. [NATO COE-DAT Good Practices 4, Engage with Border Communities; and 5, Information Exchange].

8. **Constantly monitoring security aspects**:

Implement comprehensive strategies to maintain national security and public order, as well as prevent any unlawful initiatives of organized crime taking advantage of the increased vulnerability of affected populations. Such strategies may include addressing socio-economic factors, promoting inclusive societies, empowering local communities, and offering alternatives to extremist ideologies through education, outreach programs, and access to economic opportunities. [NATO COE-DAT Good Practices 3, Remote Border Area Surveillance Programs; 4, Engage with Border Communities; 5, Information Exchange; and 8, Create National Border Management Strategies].

9. **Long-Term Development and Stability**:

Address the underlying socio-economic, political, and security factors that contribute to mass migrations and insecurity. Investing in long-term development, conflict resolution, good governance, and stabilization efforts can help address the root causes and reduce the likelihood of these issues arising. [NATO COE-DAT Good Practices 4, Engage with Border Communities; and 13, Training, Advising, Assisting].

It is abundantly clear that managing mass migration while ensuring national security is a complex and multi-faceted challenge, but one that must be faced if we are to collectively address wide-spread tragedies as well as global security. While the recommendations above provide a starting point, it is recognized that each context will require specific analysis, tailored approaches, and continuous evaluation, so as to prepare and adapt as circumstances evolve.

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Africa, Counter-terrorism and Security: The Case of Rwanda

Paul Milas

Introduction

This chapter examines the intricate security dilemmas encountered in Rwanda and the neighbouring countries within the African Great Lakes region, delving into the dilemmas' far-reaching implications for border security. This region has endured a protracted and tumultuous history marred by persistent violence and conflicts. The origins of these conflicts are multifaceted and convoluted, encompassing interstate strife, intrastate discord, and disputes over land, resources, and deep-seated ethnic divisions. Given the multifarious nature of historical violence and conflict within Rwanda and the African Great Lakes region, it is important to acknowledge this chapter does not aim to encapsulate these complexities in their entirety. Instead, the chapter's primary objective is to illuminate the pressing security challenges emanating from these conflicts that invariably transcend national borders - thus, imperilling the stability of the region's borders. This chapter identifies these security challenges and advocates for the implementation of good practices in border security as a means to protect a populace that has borne the brunt of unrelenting conflict and violence for the past half-century. NATO member states can draw invaluable insights from this case study of Rwanda to enhance their border security.

Rwanda at a Glance

Rwanda, a landlocked country situated within the Great Lakes region of Central Africa, is slightly smaller than Belgium. With a population of approximately 13.4 million people, it is one of Africa's most densely populated countries.[133] Bordering the Democratic Republic of the Congo (DRC), Uganda, Burundi, and Tanzania, Rwanda's borders are often characterized by challenging terrain, dense vegetation, and remote areas. The porous nature of the borders, terrain, and limited infrastructure present substantial difficulties in monitoring and controlling the border regions.

The country operates under a presidential republic that is dominated by a strong authority figure, with President Paul Kagame having maintained a firm grip on the government since the

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[133] *The World Factbook*, s.v. "Rwanda," https://www.cia.gov/the-world-factbook/countries/rwanda/.

start of his presidency in 2000. The Rwandan Patriotic Front, the dominant political party, has remained in power since the end of the 1994 Rwanda genocide.[134] In the post-genocide era, President Kagame's administration has placed a strong emphasis on internal security and addressing threats to regime stability.

Rwanda's security apparatus comprises several key entities: the Rwanda Defence Force (RDF), the Rwanda National Police, the Rwanda Investigation Bureau, and the National Intelligence and Security Services. The RDF, in addition to defending the territorial integrity and national sovereignty of Rwanda, prevents the infiltration of armed groups from neighbouring countries.[135] Both the RDF and the Rwanda National Police are charged with internal security and intelligence, and the Rwanda Investigation Bureau performs investigative functions, including counterterrorism investigations.[136] Crucially, civilian authorities effectively exercise control over Rwanda's security forces.[137] Each of these agencies, in a collaborative effort, plays a role in the domestic security mission, including border security. Playing an integral role in this mission is the Rwanda Directorate General of Immigration and Emigration.

A Brief History: Independence to Genocide

Rwanda gained independence from Belgian colonial rule on July 1, 1962, but the legacy of decades under colonial influence and a history of ethnic divisions between Hutu and Tutsi populations presented formidable challenges in the quest for stable governance. Following independence, Rwanda continued to grapple with ethnic tensions between the Hutu majority and the Tutsi minority - tensions that periodically erupted into violence and gave rise to waves of refugees seeking shelter in neighbouring countries.[138] From 1973 until 1994, the country was governed by President Juvénal Habyarimana, whose leadership was characterized by authoritarianism and favouritism toward the Hutu majority. These policies further exacerbated

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[134] *The World Factbook*, s.v. "Rwanda."

[135] Quality Assurance and *Official Gazette* Directorate General, *Official Gazette*, Special Edition (June 9, 2011), 11; and *The World Factbook*, s.v. "Rwanda."

[136] Bureau of Democracy, Human Rights, and Labour, *2022 Country Reports on Human Rights Practices: Rwanda* (Washington, DC: Department of State, March 2023), 1.

[137] Bureau of Democracy, Human Rights, and Labour, *Rwanda*, 1.

[138] "Historical Background," Outreach Programme on the 1994 Genocide against the Tutsi in Rwanda and the UN (website), n.d., accessed on October 10, 2023, https://www.un.org/en/preventgenocide/rwanda/historical-background.shtml.

ethnic divisions and ultimately led to the 1994 Rwanda genocide (the Rwandan government and UN terminology is the 1994 genocide against the Tutsi in Rwanda).[139]

Over the course of 100 days in 1994, extremist Hutu militias, with the support of elements within the government, systematically killed an estimated 800,000 Tutsis and moderate Hutus (the government of Rwanda and the UN estimate over one million people were killed). The genocide ended in July 1994, when the Rwandan Patriotic Front, a Tutsi rebel group led by Kagame, took control of the country. In the aftermath of the genocide, an estimated two million refugees fled to the neighbouring countries of Zaire (today known as the DRC), Tanzania, Burundi, and Uganda. Hundreds of thousands were placed in refugee camps where *génocidaires*—former Rwandan soldiers of Habyarimana's regime and the Hutu militia group known as Interahamwe—regrouped, rearmed, and staged cross-border incursions into Rwanda against the Rwandan Patriotic Front and the newly established government.[140]

Regional Conflict: Trouble for Border Security

The underlying causes of conflict throughout the African Great Lakes region are complex and multifaceted. Geopolitical interests, marginalization, ethnic rivalries, and competition for valuable resources contribute to the enduring cycle of violence that has plagued the region for decades. Particularly in the eastern DRC regions of Nord-Kivu, Sud-Kivu, Ituri, and Tanganyika, more than 120 armed groups exist that differ in size, capability, ethnic composition, political affiliation, and objectives.[141] Several of these groups harbour political, religious, or ethnical motivations the Rwandan government perceives as existential threats, significantly impacting Rwanda's threat perception and border security efforts.

Armed Groups: Pervasive Threat to Border Security

Allied Democratic Forces

The Allied Democratic Forces, also known as the DAESH – Democratic Republic of the Congo, emerged in the mid-1990s as an insurgency that opposed the Ugandan government. The group is currently based in the Ituri and Nord-Kivu provinces of the DRC, near the

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[139] "Historical Background."

[140] UN High Commissioner for Refugees, "The Rwandan Genocide and Its Aftermath," in *The State of the World's Refugees 2000: Fifty Years of Humanitarian Action* (Oxford, UK: Oxford University Press, 2000), 246; and "Historical Background."

[141] "Democratic Republic of the Congo," Global Centre for the Responsibility to Protect (website), August 31, 2023, https://www.globalr2p.org/countries/democratic-republic-of-the-congo/.

Ugandan border.[142] The group is often described as having a murky ideology with a mix of religious extremism and political motivations. In 2019, the Allied Democratic Forces pledged allegiance to DAESH and received public recognition by Syrian leaders of that organization.[143] The Allied Democratic Forces have been responsible for numerous atrocities in eastern DRC, particularly in the Beni territory in Nord-Kivu province. These atrocities have included the mass killing of civilians and indiscriminate bombings, drawing international concern and concerted efforts to counter the group. In 2021, the Rwanda National Police and Rwanda Investigation Bureau announced the arrest of 13 suspected Allied Democratic Forces members who were plotting bombing attacks in Kigali, Rwanda.[144] The attacks were viewed as reprisals for the Rwanda Defence Force's deployment to counter DAESH-linked insurgents in Cabo Delgado Province, Mozambique.[145]

Democratic Forces for the Liberation of Rwanda

The Democratic Forces for the Liberation of Rwanda, one of the largest armed groups in the DRC, is particularly active in Nord-Kivu province.[146] The forces were formed in the aftermath of the Rwandan genocide in 1994, which saw the mass killing of ethnic Tutsis and moderate Hutus. Many of the founding members of the Democratic Forces for the Liberation of Rwanda were affiliated with the pre-genocide Rwandan army and the regime that orchestrated the genocide.[147] Although the forces claim to promote an "inter-Rwandan dialogue," their true objective lies in covertly seeking to overthrow the Rwandan government.[148] The Democratic Forces for the Liberation of Rwanda have been accused of perpetrating mass atrocities, including human rights abuses, sexual violence, civilian massacres, and the recruitment of child soldiers.[149]

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[142] Jared Thompson, "Examining Extremism: Allied Democratic Forces," *Examining Extremism* (blog), July 29, 2021, https://www.csis.org/blogs/examining-extremism/examining-extremism-allied-democratic-forces.

[143] "ISIS–Democratic Republic of the Congo (ISIS-DRC)," National Counterterrorism Center (website), updated February 2022, https://www.dni.gov/nctc/ftos/isis_drc_fto.html.

[144] Edmund Kagire, "Rwanda Arrests ADF-Linked Terror Suspects," *KT Press* (website), October 1, 2021, https://www.ktpress.rw/2021/10/rwanda-arrests-adf-linked-terror-suspects/.

[145] Kagire, "Rwanda Arrests."

[146] "Forces démocratiques de libération du Rwanda (FDLR)," UN Security Council (Website), n.d., accessed on July 27, 2023, https://www.un.org/securitycouncil/sanctions/1533/materials/summaries/entity/forces-démocratiques-de-libération-du-rwanda-%28fdlr%29.

[147] "Armed Groups," Kivu Security Tracker (website), n.d., accessed on August 3, 2023, https://kivusecurity.org/about/armedGroups.

[148] "The Foreign Armed Groups," UN Organization Stabilization Mission in the DR Congo (website), n.d., accessed on August 8, 2023, https://monusco.unmissions.org/en/foreign-armed-groups.

[149] "Forces démocratiques de libération".

The Democratic Forces for the Liberation of Rwanda reached its peak strength in the early 2000s, boasting an estimated 6,500 fighters in 2008.[150] In more recent times, the forces have experienced a series of internal fractures and defections.[151] Now comprising 2,000 combatants, the group has weakened in size, but the Rwandan government still considers the group especially dangerous due to its ties to the 1994 genocide, ethnically motivated extremism, and targeting of ethnic Tutsis.[152] Since the Democratic Forces for the Liberation of Rwanda's formation, a multitude of military operations, orchestrated by the UN Organization Stabilization Mission in the Democratic Republic of the Congo, the Armed Forces of the Democratic Republic of the Congo (FARDC), and the Rwanda Defence Force, have been launched against the group. Rwanda has consistently accused the Congolese government and the Armed Forces of the Democratic Republic of the Congo of collusion with the Democratic Forces for the Liberation of Rwanda, charging that the former provides financial and military support and political cover, thereby posing a threat to Rwanda's sovereignty.[153] Additionally, Rwanda has criticized the UN Organization Stabilization Mission in the Democratic Republic of the Congo for allegedly turning a blind eye to this complicity.[154]

Rally for Unity and Democracy – Urunana

Rally for Unity and Democracy – Urunana, an armed group that emerged in 2007 after splitting from the Democratic Forces for the Liberation of Rwanda, currently operates in the Nord-Kivu province along the Rwandan-Ugandan border.[155] Rally for Unity and Democracy has purported collaborations and affiliations with other anti-Rwandan government groups, including the Democratic Forces for the Liberation of Rwanda, the National Liberation Front, and the Rwanda National Congress. In 2019, the group made an incursion into Musanze District in northwest Rwanda to loot and destroy property, killing at least 15 people and injuring 14 others.[156] Later the same year, the Armed Forces of the Democratic Republic of the Congo carried out a military operation against Rally for Unity and Democracy in eastern DRC along

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[150] "Armed Groups."

[151] "Armed Groups."

[152] "Foreign Armed Groups."

[153] UN Security Council, "Mission Drawdown in Democratic Republic of Congo Must Not Create Stability Vacuum, Jeopardize Civilian Protection, Senior Official Tells Security Council," United Nations (website), June 26, 2023, https://press.un.org/en/2023/sc15334.doc.htm.

[154] UN Security Council, "Mission Drawdown."

[155] "Armed Groups."

[156] Hudson Kuteesa, "Senior RUD Militia Commander Killed in DRC," *New Times* (website), December 17, 2022, https://www.newtimes.co.rw/article/3658/news/africa/senior-rud-militia-commander-killed-in-drc.

the Ugandan border, killing its commander, General Musabyimana Juvenal.[157] Although Rally for Unity and Democracy's influence has waned since then, the Rwandan government continues to track the group due to its demonstrated capability to conduct attacks on Rwandan soil.

National Liberation Front

The National Liberation Front is the armed wing of the Rwanda Movement for Democratic Change, a Rwandan opposition group mainly composed of members living in exile or within the diaspora.[158] In 2018, Paul Rusesabagina, the cofounder of the Rwanda Movement for Democratic Change, called for the use of "any means possible to bring about change in Rwanda as all political means have been tried and failed."[159] Between 2018 and 2022, the National Liberation Front claimed responsibility for a series of attacks inside Rwanda that originated from both Burundi and the DRC.[160]

Platform Five

Platform Five is a coalition of Rwandan opposition groups that primarily comprises former high-ranking Rwandan Patriotic Front government and military officials.[161] General Kayumba Nyamwasa, the former Rwandan army chief of staff, purportedly leads the group.[162] Platform Five has been accused of orchestrating several attacks inside Rwanda in 2018 and 2019.[163] Rwanda has accused Platform Five of working directly with the Burundian and Ugandan governments, a charge both governments deny.[164]

March 23 Movement

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[157] "RUD-Urunana Commander, General Musabyimana Killed," *IGIHE* (website), November 11, 2019, https://en.igihe.com/news/rud-urunana-commander-general-musabyimana-killed.

[158] "Rwanda: Fair Trial Violations in Rusesabagina Trial Verdict Must Be Effectively Remedied," Amnesty International (website), September 20, 2021, https://www.amnesty.org/en/latest/news/2021/09/rwanda-fair-trial-violations-in-rusesabagina-trial-verdict-must-be-effectively-remedied/.

[159] "Rwanda: Rusesabagina Was Forcibly Disappeared," Human Rights Watch (website), September 10, 2020, https://www.hrw.org/news/2020/09/10/rwanda-rusesabagina-was-forcibly-disappeared.

[160] "Suspected Militants Shoot at Bus in Southwestern Rwanda, Kill Two," Reuters (website), June 20, 2022, https://www.reuters.com/world/africa/suspected-militants-shoot-bus-southwestern-rwanda-kill-two-2022-06-19/; and "Rwandan Rebel Leader Pleads Guilty to Terrorism," *News24* (website), May 23, 2019, https://www.news24.com/News24/rwandan-rebel-leader-pleads-guilty-to-terrorism-20190523.

[161] Group of Experts on the Democratic Republic of the Congo, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, S/2018/1133 (New York: UN Security Council, December 2018).

[162] Paul Nantulya, "Escalating Tensions between Uganda and Rwanda Raise Fear of War," Africa Center for Strategic Studies (website), July 3, 2019, https://africacenter.org/spotlight/escalating-tensions-between-uganda-and-rwanda-raise-fear-of-war/.

[163] Nantulya, "Escalating Tensions."

[164] International Crisis Group, *Averting Proxy Wars in the Eastern DR Congo and Great Lakes*, Crisis Group Africa Briefing no. 150 (Brussels: International Crisis Group, January 2020).

The March 23 Movement emerged in eastern DRC in 2012, when approximately 600 soldiers from the Armed Forces of the Democratic Republic of the Congo – primarily, former members of the anti – Congolese government National Congress for the Defence of the People – mutinied against the DRC government following the failure of a 2009 peace agreement.[165] The March 23 Movement derives its name from the date of these failed peace accords: March 23, 2009. In late 2012, the group gained a significant fighting force and seized the eastern DRC city of Goma. After two weeks of peace talks and international pressure, the March 23 Movement retreated from Goma and engaged in peace talks with the Congolese government.[166] In early February 2013, infighting among senior leaders led to the March 23 Movement splitting into two factions. In March 2013, the UN deployed the Force Intervention Brigade, which targeted the March 23 Movement and other armed groups, while the Armed Forces of the Democratic Republic of the Congo launched an offensive against the March 23 Movement, prompting one contingent of the group to surrender in Uganda and move into refugee camps and another to flee to Rwanda.[167] The movement remained relatively dormant in the eastern DRC until November of 2021, when the group attacked several FARDC military positions. In November 2021, the movement overran the Armed Forces of the Democratic Republic of the Congo's largest military base in Nord-Kivu and seized several important cities along the DRC-Ugandan border.[168] Since the March 23 Movement's inception, the DRC government, along with the United States and the UN, have accused Rwanda of supporting the group through the provision of arms, training, financing, and even direct combat support, a claim Kigali denies.[169]

International Security Actors in the Eastern DRC

In the volatile eastern DRC, international security actors play a pivotal role in addressing the intricate and persistent challenges that have plagued the region. One of the primary actors in this context is the UN, through its peacekeeping mission known as UN Organization Stabilization Mission in the Democratic Republic of the Congo, (MONUSCO; Mission de l'Organisation des Nations Unies pour Stabilisation en République Démocratique du Congo).

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[165] Felix Makonye, "Demystifying March 23 (M23) Rebellion: Case of Eastern Democratic Republic of Congo (DRC)," *African Journal of Terrorism and Insurgency Research* 4, no.1 (2023): 5–17.

[166] "Armed Groups."

[167] "Rwanda and the DRC at Risk of War as New M23 Rebellion Emerges: An Explainer," Africa Center for Strategic Studies (website), June 29, 2022, https://africacenter.org/spotlight/rwanda-drc-risk-of-war-new-m23-rebellion-emerges-explainer/ and Mélanie Gouby, "The Rebirth of Congo's Rebellion," *Foreign Policy* (website), July 4, 2022, https://foreignpolicy.com/2022/07/04/m23-rebel-group-congo-rwanda-uganda/.

[168] "Rwanda and the DRC."

[169] UN Security Council, "Mission Drawdown"; and "Rwanda and the DRC."

Several other international organizations have also deployed security forces to the region, facilitated peace processes, and implemented security mechanisms aimed at quelling the cycle of violence and restoring peace and stability. Despite these concerted efforts, achieving enduring security and peace in this region remains an elusive goal.

Organization Stabilization Mission in the Democratic Republic of the Congo

The UN Security Council established the UN Organization Mission in the Democratic Republic of the Congo in 1999. The organization's mission initially focused on monitoring the peace process following the Second Congo War ceasefire agreement.[170] In 2010, the mission was renamed the UN Organization Stabilization Mission in the Democratic Republic of the Congo to reflect a new phase in the peace process.[171] Currently, the organization's primary focus lies in addressing conflicts in the provinces of Ituri, Nord-Kivu, and Sud-Kivu.[172] Although it maintains a network of bases throughout eastern DRC, the organization is gradually withdrawing from these positions as part of its transition plan.[173] Notably, one of the bases is situated in Goma, eastern DRC, where it straddles the border with Rwanda and is frequently a target of protests by the anti–UN Organization Stabilization Mission in the Democratic Republic of the Congo and anti-Rwanda groups.[174] Furthermore, the DRC government has frequently criticized the peacekeeping mission and its perceived inability to restore peace and security after operating in the region for more than two decades.[175] In September 2023, during a UN General Assembly meeting, President Félix Tshisekedi directed his government to initiate discussions with the UN to accelerate the UN Organization Stabilization Mission in the DRC's withdrawal, advancing it from December 2023 to December 2022, with the vision that the DRC will assume full responsibility for shaping its own future.[176]

International Conference on the Great Lakes Region Expanded Joint Verification Mechanism

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[170] "Background," UN Organization Stabilization Mission in the DR Congo (website), n.d., accessed on July 23, 2023, https://monusco.unmissions.org/en/background.

[171] "Background."

[172] "Background."

[173] "Beni: MONUSCO Shuts its Military Base in Mutwanga," UN Peacekeeping (website), February 23, 2023, https://peacekeeping.un.org/en/beni-monusco-shuts-its-military-base-mutwanga.

[174] David Zounmenou, "Anti-MONUSCO Protests Send a Clear Message to Tshisekedi," Institute for Security Studies (website), May 5, 2021, https://issafrica.org/iss-today/anti-monusco-protests-send-a-clear-message-to-tshisekedi.

[175] Remadji Hoinathy, "Eastern DRC Peace Processes Miss the Mark," Institute for Security Studies (website), February 8, 2023, https://issafrica.org/iss-today/eastern-drc-peace-processes-miss-the-mark.

[176] "Democratic Republic of the Congo: His Excellency Félix-Antoine Tshisekedi Tshilombo, President," UN General Assembly General Debate (website), September 20, 2023, https://gadebate.un.org/en/78/democratic-republic-congo.

The International Conference on the Great Lakes Region established the Expanded Joint Verification Mechanism (EJVM) in 2012 to monitor and investigate security incidents in the region. The EJVM comprises military experts from the conference's member states, including Rwanda and the DRC.[177] In recent years, Rwanda has frequently called upon the EJVM to investigate security incidents occurring along the country's borders.

East African Community Regional Force

In July 2022, the heads of state of the East African Community agreed to deploy a joint force, the East African Community Regional Force, (EACRF) under the umbrella of the Community and tasked the force with restoring peace and security in eastern DRC following the resurgence of the March 23 Movement.[178] The Community's mandate is ensuring "observance of ceasefire and in addition overseeing the withdrawal of armed groups who have handed over to the EACRF most of the areas that were under their control."[179] President Tshisekedi adamantly opposed Rwandan participation in this regional force, citing the country's alleged support for the March 23 Movement and heightened tensions between the two countries.[180] Consequently, Rwanda's role in the regional force has been limited to providing liaison officers to the sectoral headquarters, gathering intelligence, and positioning security forces along the DRC-Rwandan border.[181] Kenya assumed the role of force commander, with Burundi, South Sudan, and Uganda deploying their forces under the agreement.[182] The East African Community agreed to extend the regional force deployments until December 2023.[183]

Peace Processes

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[177] "Expanded Joint Verification Mechanism (EJVM), Goma," International Conference on the Great Lakes Region (website), n.d., accessed on August 12, 2023, https://icglr.org/ejvm/.

[178] East African Community Secretariat, "Status of the East African Community Regional Force in Eastern Democratic Republic of the Congo," East African Community (website), May 1, 2023, https://www.eac.int/statements/2791-status-of-the-east-african-community-regional-force-in-eastern-democratic-republic-of-congo.

[179] East African Community Secretariat, "Regional Force."

[180] Nelleke van de Walle, "East Africa's DR Congo Force: The Case for Caution," International Crisis Group (website), August 25, 2022, https://www.crisisgroup.org/africa/great-lakes/democratic-republic-congo/east-africas-dr-congo-force-case-caution.

[181] van de Walle, "DR Congo Force."

[182] Simon Peter Owaka, "DRC President Presides over Signing of Agreement Giving Greenlight to the Deployment of the EAC Joint Regional Force," East African Community (website), September 9, 2022, https://www.eac.int/press-releases/151-international-relations/2589-drc-president-presides-over-signing-of-agreement-giving-greenlight-to-the-deployment-of-the-eac-joint-regional-force.

[183] "East Africa Force Combating Congo Violence Extended to December," Reuters (website), September 6, 2023, https://www.reuters.com/world/africa/eafrica-force-combating-congo-violence-extended-december-bloc-2023-09-06/.

Over the past decade, numerous dialogues and initiatives have been introduced to improve relations and address long-standing issues in the African Great Lakes region. The Luanda process is one such peace initiative that is aimed at de-escalating tensions and normalizing political and diplomatic relations between Rwanda and the DRC.[184] This initiative emerged in response to growing tensions between the two countries and Rwanda's alleged support of the March 23 Movement. A complementary effort, known as the Nairobi Process, calls for an immediate ceasefire and implementation of the disarmament and demobilization process for armed groups operating in eastern DRC.[185] The Nairobi Process authorized the deployment of the East African Community Regional Force into the DRC in 2022.[186] These complementary processes have been brought together by the East African Community heads of state for full implementation.[187]

Rwanda and its Neighbours: Impact to Border Security

Effective border security often hinges on cooperation and information sharing with neighbouring countries. Conflict and strained relations between Rwanda and its neighbours, however, hinder collaborative efforts to address regional security challenges, particularly along the border with the DRC. Bilateral relations between Rwanda and Uganda and Rwanda and Burundi also suffer from periodic conflict and escalating tensions that impede the regional capacity to address shared security concerns cooperatively.

Over the past three decades, Rwanda and the DRC have experienced periods of cooperation, tension, and conflict along their shared border. The First and Second Congo Wars (1996–97 and 1998–2003, respectively) caused significant loss of life in the region as Rwanda, with the help of Uganda and other African nations, invaded the DRC, citing concerns *génocidaires* in eastern DRC which remained a threat to Rwanda's ethnic Tutsi population.[188] Conflict has persisted into the twenty-first century, with both sides accusing each other of supporting anti-

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[184] Arnaldo Vieira, "Luanda Hosts Summit on DRC, Rwanda Crisis," *EastAfrican* (website), November 21, 2022, https://www.theeastafrican.co.ke/tea/news/east-africa/luanda-hosts-summit-on-drc-rwanda-crisis-4027634.

[185] Third Heads of State Conclave on the Democratic Republic of the Congo, "The Nairobi Process," East African Community (website), June 20, 2022, https://www.eac.int/communique/2504-communiqu%C3%A9-the-third-heads-of-state-conclave-on-the-democratic-republic-of-congo-the-nairobi-process.

[186] Third Heads of State Conclave on the Democratic Republic of the Congo, "Nairobi Process."

[187] East African Community, "Launching of the Third Inter-Congolese Dialogue under the EAC-Led Nairobi Process," East African Community (website), November 28, 2022, https://www.eac.int/communique/2691-launching-of-the-third-inter-congolese-dialogue-under-the-eac-led-nairobi-process.

[188] Center for Preventive Action, "Conflict in the Democratic Republic of Congo," Global Conflict Tracker (website), updated July 20, 2023, https://www.cfr.org/global-conflict-tracker/conflict/violence-democratic-republic-congo.

government and armed groups for the countries' political, economic, and military purposes. Notably, these accusations revolve around Rwanda's alleged support of the March 23 Movement and allegations of collusion between the Armed Forces of the Democratic Republic of the Congo and the Democratic Forces for the Liberation of Rwanda. Tensions escalated in 2021, when the DRC permitted Uganda and Burundi to deploy soldiers into DRC territory to combat anti-government armed groups, a move that irked Rwanda.[189]

A grave concern for the Rwandan government is the presence of ethnically motivated extremism and anti-Rwandan rhetoric in the eastern DRC and the DRC's inability or unwillingness to suppress the rhetoric. The Rwandan government views these ideologies as existential threats to its existence and regional peace.

Adding complexity to the situation is the mutual accusation of border violations through military intervention by both the Rwandan and DRC governments. In 2023, both the UN Group of Experts on the Democratic Republic of the Congo and the US government implicated the Rwanda Defence Force in directly supporting the March 23 Movement's resurgence and even attacking Democratic Forces for the Liberation of Rwanda and FARDC positions in the DRC.[190] This instance of the Rwanda Defence Force being accused of illegally crossing the border was not the first; the force is also suspected of supporting the March 23 Movement's initial rise in 2012.[191] Conversely, in 2022 and 2023, the Armed Forces of the Democratic Republic of the Congo was accused of cross-border shelling, and FARDC soldiers crossed the border and engaged with Rwandan security forces multiple times.[192]

Occasional turbulence marked by phases of cooperation and conflict has characterized Rwanda's relationship with Uganda. Both countries have, at various times, taken the drastic step of closing their common borders in response to escalating tensions. Rwanda, for instance, closed its border with Uganda in February 2019, citing concerns related to the former's security and grievances over the latter's unlawful arrest, detention, and torture of Rwandan citizens. Furthermore, allegations of espionage and subversion have surfaced, with both countries

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[189] International Crisis Group, *Easing the Turmoil in the Eastern DR Congo and Great Lakes*, Crisis Group Africa Briefing no. 181 (Brussels: International Crisis Group, May 2022).

[190] Group of Experts on the Democratic Republic of the Congo, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, S/2023/431 (New York: UN Security Council, June 2023), 2; and "Press Release: Treasury Targets Individuals Contributing to Increased Conflict and Instability in the Eastern DRC," U.S. Department of the Treasury (website), August 24, 2023, https://home.treasury.gov/news/press-releases/jy1703.

[191] Bureau of Democracy, Human Rights, and Labour, *Rwanda*.

[192] Djaffar Al Katanty et al., "Congo Accuses Rwandan Forces of Attacking Its Border Guards," Reuters (website), July 28, 2023, https://www.reuters.com/world/africa/congos-army-rwandan-forces-crossed-congolese-border-2023-07-27/.

accusing each other of supporting dissident groups and spies operating within their territories.[193] In contrast to Rwanda's current icy relationship with the DRC, the former's rapport with Uganda has improved since 2022.[194]

The border issues between Rwanda and Burundi predominantly stem from political disagreements and historical disputes, with both sides pointing fingers at each other for supporting rebel groups and interfering in domestic affairs. Sporadic reports of border incidents involving security forces have resulted in border closures and further strained relations between the two nations.[195]

Table 1 displays a summary of border security incidents from 2018 through to 2023. This data is not all-inclusive and is only intended to illustrate the array of border challenges and security incidents in Rwanda during this period.[196]

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[193] Nantulya, "Escalating Tensions."

[194] Bureau of Economic and Business Affairs, *2023 Investment Climate Statements: Rwanda* (Washington, DC: Department of State, 2023).

[195] Tigist Kebede Feyissa, *Burundi-Rwanda Relations: The Road to Normalization*, Institute for Peace and Security Studies Policy Brief 15, no. 7 (Addis Ababa, ET: Institute for Peace and Security Studies, April 2021).

[196] James Munyaneza, "Victims of MRCD-FLN Attacks in Southern Rwanda," *New Times* (website), October 2, 2020, https://www.newtimes.co.rw/article/180402/News/victims-of-mrcd-fln-attacks-in-southern-rwanda; Nantulya, "Escalating Tensions;" Munyaneza, "Victims of MRCD-FLN Attacks;" "Rwandan Forces 'Kill 19 Terrorists' in Retaliatory Attack," *BBC News* (website), October 6, 2019, https://www.bbc.com/news/world-africa-49952545; Dan Ngabonziza, "Police Arrest Four Men Connected to Grenade Attack in Western Rwanda," *KT Press* (website), October 27, 2019, https://www.ktpress.rw/2019/10/police-arrest-four-men-connected-to-grenade-attack-in-western-rwanda/; "Rwandan Military Pushes Back Armed Attack from Burundian Territory," *Radio France Internationale* (website), June 29, 2020, https://www.rfi.fr/en/africa/20200629-rwandan-military-pushes-back-armed-attack-from-burundian-territory-yanze-nkurunziza-covid-19; "Regional Verification Mechanism (EJVM) Starts Investigations on Burundian Combatants Captured in Rwanda," Rwandan Ministry of Defence (MOD) (website), October 5, 2020, https://www.mod.gov.rw/news-detail/regional-verification-mechanism-ejvm-starts-investigations-on-burundian-combatants-captured-in-rwanda?tx_news_pi1%5B%40widget_0%5D%5BcurrentPage%5D=28&cHash=81bc038ba5d6a6485fb89e41edeabb21; Kagire, "Rwanda Arrests;" "DRC Fires Rockets into Rwanda," Rwandan MOD (website), June 10, 2022, https://www.mod.gov.rw/news-detail/drc-fires-rockets-into-rwanda; "RDF Requests Investigation of the Forces Armées de la République Démocratique du Congo (FARDC) Shelling on Rwandan Territory," Rwandan MOD (website), May 23, 2022, https://www.mod.gov.rw/news-detail/rdf-requests-investigation-of-the-forces-armees-de-la-republique-democratique-du-congo-fardc-shelling-on-rwandan-territory; "RDF Requests Release of Soldiers," Rwandan MOD (website), May 28, 2022, https://www.mod.gov.rw/news-detail/rdf-requests-release-of-soldiers; "Kidnapped RDF Soldiers Returned," Rwandan MOD (website), June 11, 2022, https://www.mod.gov.rw/news-detail/kidnapped-rdf-soldiers-returned; "DRC Fires Rockets into Rwanda," Rwandan MOD (website), June 10, 2022, https://www.mod.gov.rw/news-detail/drc-fires-rockets-into-rwanda; "Suspected Militants Shoot at Bus in Southwestern Rwanda, Kill Two," Reuters (website), June 20, 2022, https://www.reuters.com/world/africa/suspected-militants-shoot-bus-southwestern-rwanda-kill-two-2022-06-19/; "DRC Soldier Crosses into Rwanda, Fires at Rubavu Border Post Injuring People," Rwandan MOD (website) June 17, 2022, https://www.mod.gov.rw/news-detail/drc-soldier-crosses-into-rwanda-fires-at-rubavu-border-post-injuring-people; "Rwandan Troops Kill Congolese Soldier Who Crossed Border," Reuters (website), November 19, 2022, https://www.reuters.com/world/africa/suspected-congolese-soldier-killed-after-crossing-border-rwanda-ministry-2022-11-19/; Anne Soy and Cecilia Macaulay, "Rwanda-DR Congo Tension: Shooting of Plane an 'Act of War,'" *BBC News* (website), January 25, 2023, https://www.bbc.com/news/world-africa-64397725; Rwanda MOD, "Cross-Border Shooting Violation by DRC Troops," news release, February 15, 2023, https://www.mod.gov.rw/news-detail/statement-on-fardc-continued-provocations; and "Rwanda Says Congo Soldier Killed After Crossing Border and Opening Fire," *Reuters* (website), March 4, 2023,

Year	Month	Incident	Suspected Perpetrator	Result
2018	June	Armed attack in southern Rwanda	National Liberation Front	3 civilians killed; 2 civilians injured
	July	Armed attack in Rwanda	Platform Five	Unknown
	December	Armed attack in southern Rwanda	National Liberation Front	6 civilians killed; dozens of civilians injured
	December	Armed attack in Rwanda	Platform Five	2 Rwanda Defence Force soldiers killed; unknown number of Platform Five killed
2019	April	Armed attack in Rwanda	Platform Five	2 civilians killed; 8 civilians injured
	October	Armed attack in northwest Rwanda	Democratic Forces for the Liberation of Rwanda	14 civilians killed
	October	Grenade attack in southwest Rwanda	National Liberation Front	4 civilians injured
2020	June	Armed attack on displaced persons camp in southern Rwanda	unknown assailants	4 attackers killed; 3 attackers captured
	September	Rwanda Defence Force captures members of an armed group crossing into Rwandan territory in southern Rwanda	RED-Tabara	Unknown number of armed group members captured by Rwanda Defence Force
2021	October	Disrupted improvised explosive device attack in Kigali, Rwanda	Allied Democratic Forces	13 suspects arrested
2022	March	Cross-border shelling incident in northwest Rwanda	Armed Forces of the Democratic Republic of the Congo	Unknown

https://www.reuters.com/world/africa/rwanda-says-congo-soldier-killed-after-crossing-border-opening-fire-2023-03-03/.

		Border Incidents and Terrorist Attacks in Rwanda 2018–23		
	May	Cross-border shelling incident in northwest Rwanda	Armed Forces of the Democratic Republic of the Congo	Several civilians reported injured; property damaged
	May	Rwanda Defence Force soldiers reportedly kidnapped by the Armed Forces of the Democratic Republic of the Congo in northwest Rwanda	Armed Forces of the Democratic Republic of the Congo	2 Rwanda Defence Force soldiers returned
	June	Cross-border shelling incident in northwest Rwanda	Armed Forces of the Democratic Republic of the Congo	No casualties reported
	June	Armed attack on civilian bus	National Liberation Front	2 civilians killed; 6 civilians injured
	June	Border shooting: The Armed Forces of the Democratic Republic of the Congo and the Rwanda Defence Force exchange gunfire at border post in northwest Rwanda	Armed Forces of the Democratic Republic of the Congo	1 FARDC soldier killed; 2 Rwanda National Police injured
	November	Border shooting: The Armed Forces of the Democratic Republic of the Congo and the Rwanda Defence Force exchange gunfire at border post in northwest Rwanda	Armed Forces of the Democratic Republic of the Congo	1 FARDC soldier killed
2023	January	Border incident: Rwanda Defence Force fires rocket at DRC fighter jet in northwest Rwanda	Rwanda Defence Force	No damage or casualties reported
	February	Border shooting: The Armed Forces of the Democratic Republic of the Congo and the Rwanda Defence Force exchange gunfire at border post in southwest Rwanda	Armed Forces of the Democratic Republic of the Congo	No casualties reported
	March	Border shooting: The Armed Forces of the Democratic Republic of the Congo and the Rwanda Defence Force	Armed Forces of the Democratic Republic of the Congo	1 FARDC soldier killed

Border Incidents and Terrorist Attacks in Rwanda 2018–23				
		exchange gunfire at border post in northwest Rwanda		

Table 1. Border security incidents and terrorist attacks in Rwanda, 2018–23

Rwandan Counterterrorism and Border Security Improvements

As depicted in table 1, Rwanda faces a spectrum of border security challenges, ranging from terrorist attacks within the country's borders to incidents involving Rwandan security forces and those of neighbouring countries. Rwanda has already implemented measures to enhance border security, and five of NATO's 13 border security good practices can serve as a valuable framework for further refining the response capabilities of Rwandan security forces to border security challenges.[197] Improving border security requires a multifaceted approach that encompasses enhanced coordination, awareness, deterrence, and response capabilities.

Good Practice 2: Enhance Interagency Cooperation

Strengthening interagency cooperation constitutes a pivotal step in enhancing border security. Effective collaboration among agencies such as the Rwanda Defence Force, Rwanda National Police, Rwanda Investigation Bureau, and Directorate General of Immigration and Emigration would create a formidable defence against diverse border threats. This collaborative synergy would facilitate the seamless exchange of critical information, pooling of resources, and sharing of expertise, resulting in a more comprehensive understanding of potential risks and vulnerabilities. By coordinating the agencies' efforts and streamlining operations, interagency cooperation would minimize gaps in border security and increase the difficulty of breaching the borders. Moreover, this collaborative approach would promote the efficient and targeted allocation of resources, resulting in a more cost-effective and agile response to emerging security challenges.

Good Practice 3: Comprehensive Remote Border Area Surveillance Programs

Certain segments of Rwanda's borders span rugged terrain, dense vegetation, and sparsely populated regions, rendering them difficult to monitor and control effectively. The development and implementation of comprehensive remote border area surveillance programs

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[197] NATO Centre of Excellence Defence against Terrorism, *Border Security in Contested Environment Workshop Report* (Ankara, TR: NATO Centre of Excellence Defence against Terrorism, December 2020).

represent a critical strategy for enhancing border security. Such programs offer several advantages, including improved situational awareness, real-time data acquisition, reduced risk to personnel, and optimized resource allocation. Although limited financial and technological resources may hinder the deployment of advanced surveillance and monitoring technologies, even modest investments in technologies (such as cameras and motion detectors) can assist in detecting illegal border crossings.

Good Practice 6: Nominate and Assign Military Border Liaison Officers

The Rwanda Defence Force plays an essential role in the domestic border security mission through collaborative efforts with other Rwandan agencies. Equally significant is the collaboration and partnership with neighbouring countries and international organizations, which further bolster border security. The Rwanda Defence Force's participation in regional security structures, such as the provision of staff officers to the East African Community Regional Force and the International Conference on the Great Lakes Region EJVM enhances the response mechanisms that address border security challenges. Sustained engagement with neighbouring countries, joint patrols, information sharing, and intelligence exchange would contribute to a more robust and coordinated approach in addressing cross-border threats.[198]

Good Practice 10: Conduct Joint and Coordinated Border Patrols

Rwandan security forces engage in regular patrols of areas of concern to safeguard against activities such as smuggling, illegal border crossing, and potential threats emanating from neighbouring countries. Collaborating with various law enforcement agencies, including the Rwanda National Police, along the borders, is crucial for ensuring effective border security. Simultaneously, robust intelligence networks maintain a keen focus on armed groups and other threats along the borders. These patrols must be conducted jointly and coordinated with law enforcement as the lead agency to maintain civilian oversight and ensure cohesive efforts.

Good Practice 11: Develop Policies and Procedures for Military Support during Crisis Periods

Rwanda has experienced many crises over the years, from mass migration resulting from decades of conflict in the eastern DRC to humanitarian emergency responses such as the 2021 eruption of Mount Nyiragongo in the eastern DRC, which caused thousands of

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[198] van de Walle, "DR Congo Force."

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Congolese to seek refuge in neighbouring Rwanda.[199] Additionally, severe flooding and landslides in 2023 claimed the lives of over 130 Rwandans and destroyed thousands of homes.[200]

Military support plays a vital role in responding to a wide range of emergencies, disasters, and crises. A military's capacity to provide support to first responders is critical when the scale of the crisis overwhelms the capabilities of civilian first responders or when specialized military assets are required. Effective crisis management necessitates a unified command structure in which civilian and military agencies collaborate under a single leadership framework to ensure seamless coordination.

The use of military forces for domestic crisis response must adhere to legal frameworks, uphold human rights standards, and adhere to humanitarian principles. Both civilian and military personnel must undergo training and participate in exercises to prepare for crisis response scenarios and ensure effective collaboration, an aspect the Rwanda Defence Force seems to emphasize. For example, the Rwanda Defence Force's participation in the Military in Internal Security Operations Workshop organized by the International Committee of the Red Cross at the Rwanda Peace Academy exemplifies this commitment to preparation. One of the many courses the Rwanda Defence Force attends is to understand the military's role in crisis periods better, this workshop is specifically designed to assist officers of the force in understanding how the military operates with and assists civilian authorities under national and international law.[201]

Good Practice 13: Training, Advising, and Assisting Host-Nation Security Forces

The Rwanda Defence Force is widely regarded as one of the most professional and effective security forces in Africa. Therefore, unsurprisingly, the Rwanda Defence Force and other Rwandan security institutions actively seek training and assistance from foreign partners to strengthen their border security efforts. Notable instances of this collaboration include a joint seminar organized by the defence ministries of Rwanda and Israel in 2020 for sharing lessons

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[199] Samantha Beech et al., "8,000 People Cross from the Democratic Republic of the Congo into Rwanda following Volcano Eruption," *CNN* (website), May 24, 2021, https://www.cnn.com/2021/05/22/world/volcano-mount-nyiragongo-goma-congo-eruption/index.html.

[200] Aimée-Noël Mbiyozo, "Loss and Damage Funding Vital After DRC and Rwanda Floods," Institute for Security Studies (website), June 5, 2023, https://issafrica.org/iss-today/loss-and-damage-funding-vital-after-drc-and-rwanda-floods.

[201] "RDF Officers Train in 'Military in Internal Security Operations' at RPA," Rwandan MOD (website), January 27, 2020, https://www.mod.gov.rw/news-detail/rdf-officers-train-in-military-in-internal-security-operations-at-rpa.

learned and developing strategies for cross-border security and border protection.[202] Additionally, Rwanda has received training and support provided by international organizations like Interpol. Operation Smuggling Training and Operations Programmes offered Rwandan customs, immigration, and the Rwanda Investigation Bureau the training to strengthen their capacity to combat cross-border crime effectively.[203] These training programs and assistance efforts play a pivotal role in expanding the pool of well-trained border patrol personnel, ensuring comprehensive coverage for border regions.

Rwanda as a Security Exporter

Rwanda has proactively positioned itself as a security exporter across the African continent - primarily, through the country's participation in UN Peacekeeping missions. Rwanda's involvement in UN Peacekeeping efforts originated in 2005 and since then the nation has ranked among the top five troop-contributing countries. Rwanda supplies military and uniformed police.[204] This engagement has provided much-needed peacekeeping support and enabled Rwanda to accumulate significant experience and cultivate a reputation in the field of security. In a notable instance in 2021, Rwanda deployed a contingent of Rwanda Defence Force forces and Rwanda National Police to Cabo Delgado Province in Mozambique under a bilateral agreement, achieving considerable success in countering insurgents alongside forces from the Southern African Development Community Mission in Mozambique.[205]

Furthermore, in 2022, talks between the governments of Rwanda and Benin began to establish cooperation that focused on border security and logistical support for combating religiously motivated terrorist groups in the northern regions of Benin.[206]

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[202] "Rwanda and Israel Conduct Joint Seminar on Border Protection," Rwandan MOD (website), January 15, 2020, https://www.mod.gov.rw/news-detail/rwanda-and-israel-conduct-joint-seminar-on-border-protection?tx_news_pi1%5B%40widget_0%5D%5BcurrentPage%5D=42&cHash=1f447dcb0647eaf143dbb7854c908d69.

[203] "Border Security Focus of Operation STOP in Rwanda," Interpol (website), January 10, 2023, https://www.interpol.int/en/News-and-Events/News/2023/Border-security-focus-of-Operation-STOP-in-Rwanda.

[204] "Service Born of Sacrifice: Rwanda's Commitment to UN Peacekeeping," *UN News* (website), May 11, 2018, https://news.un.org/en/story/2018/05/1009492.

[205] "Mozambican Security Forces Host Rwanda Security Forces and SADC Forces to a Get Together Concert in Mocimboa da Praia – Cabo Delgado," Rwandan MOD (website), December 22, 2021, https://www.mod.gov.rw/news-detail/mozambican-security-forces-host-rwanda-security-forces-and-sadc-forces-to-a-get-together-concert-in-mocimboa-da-praia-cabo-delgado.

[206] *Agence France-Presse*, "Rwanda, Benin Discuss Border Security against Militants," *Voice of America* (website), April 15, 2023, https://www.voanews.com/a/rwanda-benin-discuss-border-security-against-militants-/7052411.html.

One must acknowledge Rwanda's role as a security exporter is not without controversy. The Rwandan government's involvement in conflicts in neighbouring countries - particularly, the DRC - and accusations that Rwanda has engaged in transnational repression, have raised concerns about the country's motivations and actions.[207]

Conclusion

This chapter has provided an in-depth exploration of the intricate security challenges faced by Rwanda and its neighbouring countries in the African Great Lakes region and shed light on the challenges' profound implications for border security. The historical backdrop of this region is marked by enduring violence and conflicts driven by a complex interplay of factors that include interstate and intrastate disputes, contestations over resources and land, and deep-seated ethnic divisions. This chapter's objective is to spotlight the pressing security challenges that transcend national boundaries and threaten regional stability, *not* to encompass the full scope of these complexities. The chapter advocates for the adoption of NATO's border security good practices as a roadmap for enhancing border security and safeguarding a population that has endured relentless conflict and violence over the past half-century.

Rwanda faces a spectrum of border security challenges, ranging from domestic terrorist threats to incidents involving the country's security forces and those of neighbouring countries. To address these challenges, Rwanda has already implemented measures, such as interagency cooperation, border patrols, and participation in regional security structures, to enhance border security. Rwanda can draw upon NATO's border security good practices, which encompass enhanced coordination, awareness, deterrence, and response capabilities, to address border security concerns further.[208] In turn, NATO member states can gain valuable lessons from this case study to bolster their border security strategies and border security management. Key recommendations include fostering interagency cooperation; implementing comprehensive remote border surveillance programs; conducting joint patrols with a law enforcement agency serving as the lead agency; developing crisis response policies; and investing in additional training, advising, and assisting of security forces.

Rwanda and other countries in the African Great Lakes region must unequivocally respect the territorial rights of nations and refrain from providing support to armed groups that may threaten their stability and security. In an ever-evolving security landscape, Rwanda and its

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[207] Freedom House, *Case Studies: Rwanda* (Washington, DC: Freedom House, 2021).
[208] NATO Centre of Excellence Defence against Terrorism, *Workshop Report*.

neighbouring nations must continue to adapt and collaborate to overcome the persistent threats to peace and stability in the African Great Lakes region.

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Border Security, Georgia and the Caucasus Region

Natia Seskuria

Introduction

Over the decades, the South Caucasus region has constantly been affected by cross-border tensions. The region has undergone several wars and has contained frozen conflicts. The security environment in the region has remained tense since the dissolution of the Soviet Union. On the one hand, tensions escalated between Armenia and Azerbaijan over the Nagorno-Karabakh region and on the other hand, Georgia went through the Russian occupation of 20% of its territories - Abkhazia and the Tskhinvali region (so-called South Ossetia). However, the Georgian example is still a distinct case study since the country is facing the most pressing security threat; the ongoing Russian occupation of its territories. This article analyses Georgia's security challenges with a particular emphasis on its border security and the best practices.

This article also makes a reference to NATO border security good practices that were elaborated during the 2022 workshop in Ankara and draws conclusions on to what extent some of these practices have been implemented within the respective systems of Georgia.

Shifting Security Environment in the South Caucasus

The South Caucasus has undergone profound shifts due to decades of violence and territorial disputes. The Nagorno-Karabakh region - which is internationally recognised as Azerbaijan's territory and has been home to tens of thousands of Armenians - has been under the spotlight since the dissolution of the Soviet Union even though the conflict in the region dates back to 1919.[209] At the end of the Soviet Union, separatist ethnic Armenians living in Nagorno-Karabakh declared its independence and intention to unify with Armenia which has led to a war and displacement of thousands of people. The ceasefire that was brokered in 1994 with the Russian mediation left the enclave and seven swathes of Azerbaijan's territory in control of the Armenians. Until the second war, that has fundamentally changed the geopolitical landscape in the South Caucasus, cross-border hostilities have been erupting consistently in the region

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[209] "Nagorno Karabakh Conflict", Center for Preventive Action (website), September 28, 2023, https://www.cfr.org/global-conflict-tracker/conflict/nagorno-karabakh-conflict.

including deadly incidents as well as four days of intense fighting in April 2016 that has indicated that the so-called frozen conflict would not stay "frozen" any longer.[210]

However, in 2020, the second Nagorno-Karabakh war fundamentally shifted the power dynamics in the region. Six weeks of armed conflict has resulted in the displacement of tens of thousands of people. Azerbaijan managed to recapture much of the territory however, and eventually Russia ceased the momentum and negotiated a ceasefire between the opposing sides. As a result, Moscow has deployed 2000 of its troops as so-called peacekeepers that at the time marked the deployment of the Russian troops in all three South Caucasus states.[211] Perceiving the South Caucasus to belong to its backyard, Russia has been directly involved in fuelling ethnic conflicts in the region. Moscow has portrayed itself as a mediator and a peacekeeper in conflicts. However, since the beginning of the war in Ukraine in February 2022, Moscow's role as a mediator has been heavily undermined.

The Russian-brokered peace deal has failed to bring an end to military hostilities over the disputed region and tensions have remained high with regular outbreaks of fighting between the two sides. These tensions eventually escalated into a new offensive that Azerbaijan launched on 19th September 2023 in Nagorno-Karabakh with the announcement of "anti-terrorist operations".[212] Russia, that has traditionally been seen as an ally to Armenia, has failed to act as a security guarantor to Yerevan, which has led to a gradual deterioration of the relations between the two countries. At the same time, disappointed by the lack of support from Moscow, Armenia has stepped up its links to the West. Most recently, Yerevan has conducted joint military drills with the United States running alongside the shrinking Russian influence in the region. The recent hostilities in the region were marked by the rapid advancement of Azerbaijani forces and within 24 hours the authorities in Nagorno-Karabakh and Azerbaijan announced a ceasefire mediated by Moscow. The Azerbaijani President Ilham Aliyev celebrated victory declaring Nagorno-Karabakh under full control of Baku.

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[210] " The fighting in Nagorno-Karabakh reflects decades of conflict", The Economist (website), October 29, 2020, https://www.economist.com/europe/2020/10/29/the-fighting-in-nagorno-karabakh-reflects-decades-of-conflict?utm_medium=cpc.adword.pd&utm_source=google&ppccampaignID=18151738051&ppcadID=&utm_campaign=a.22brand_pmax&utm_content=conversion.direct-response.anonymous&gclid=Cj0KCQjwmvSoBhDOARIsAK6aV7i23nAUJCbtyh-nHJmxCwG9m8wgrx6FsajJBZypsKjHwsy8_05uyIUaAqfjEALw_wcB&gclsrc=aw.ds.

[211] AFP, "Russia says 'no alternative' to its Karabakh mediation after US initiative", The Moscow Times (website) May 2, 2023 https://www.themoscowtimes.com/2023/05/02/russia-says-no-alternative-to-its-karabakh-mediation-after-us-initiative-a81008

[212] Marie Dumoulin and Gustav Gressel, "The war of opportunity: How Azerbaijan's offensive against Nagorno-Karabakh is shifting the geopolitics of the South Caucasus", The European Council on Foreign Relations (website), https://ecfr.eu/article/the-war-of-opportunity-how-azerbaijans-offensive-against-nagorno-karabakh-is-shifting-the-geopolitics-of-the-south-caucasus/

The volatile regional security environment and constant cross-border hostilities in its immediate neighbourhood has left Georgia in a particularly uncertain situation. In addition to the conflict between Armenia and Azerbaijan in its immediate neighbourhood, Georgia is part of the Black Sea security framework as a littoral state, however the Black Sea region itself has been deeply affected by the war in Ukraine and as a result has experienced regional changes. Simultaneously, Georgia itself has been facing some of the most pressing challenges and constant efforts from Russia to change its borders by force.

Georgia's Security Challenges

Since the 1990s Georgia has experienced protracted conflicts on its soil. However, a brief war in August 2008 between Russia and Georgia, fundamentally shifted the country's security and reshaped the security environment in the region. The August war of 2008 was the first full-scale military intervention on European soil since the end of the Second World War. Eventually, the war ended with the mediation of the French President Nicolas Sarkozy who managed to broker a five-point peace plan. However, despite the fact that the fighting only continued for five days, Georgia is still affected by the consequences of the war as Russia occupies around 20% of Georgian territories, namely Abkhazia and so-called South Ossetia.[213]

The catalysing event that preceded the August war was the NATO Bucharest Summit of 2008, where Georgia and Ukraine were promised an eventual membership into the alliance without indicating any concrete timeline. Despite high hopes and strong backing by George W Bush's administration, neither Georgia, nor Ukraine were given a Membership Action Plan (MAP) leaving the prospects of these countries joining NATO quite distant. Yet, the Bucharest Summit made it clear that both Tbilisi and Kyiv were the closest they had ever been before to receiving a MAP. These events were interpreted by Moscow as a provocation as Russia has always viewed both countries as falling within its sphere of influence. Tbilisi and Kyiv both view NATO membership as the only viable security guarantor and deterrence against Russian aggression that would enable both countries to protect and ensure their sovereignty and territorial integrity. So far, the Russian President Vladimir Putin has never tried to attack a country which is under the NATO Article 5 protection.

Unsurprisingly, according to the Russian President Putin, Tbilisi and Kyiv's quest for NATO membership represents a "direct threat" to Russian national security. More than 13

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[213] Luke Coffey, "The creeping Russian border in Georgia", Al Jazeera (website) July 27, 2015, https://www.aljazeera.com/opinions/2015/7/27/the-creeping-russian-border-in-georgia/.

years later, since the August war of 2008, prior to its military intervention in Ukraine in 2022, the list of demands that Russia has issued to NATO included non-expansion of the alliance.[214] However, back in 2008, the lack of consensus among the Western allies to provide Georgia and Ukraine with a MAP, has eventually emboldened the Kremlin to wage a full-scale war against Georgia and punish Tbilisi for its pro-Western foreign policy choice.

The strategic aim of the military offensive was to make Georgia pay the price and reverse its foreign policy course. However, the confrontation was also about an ideological struggle between Russia and the West. From 2003, Georgia has gone through a set of reforms and has advanced on its path to democratisation with the help of its partners. Once a failed state, it managed to emerge as a Western-style democracy in a very uncertain region. Additionally, the Kremlin feared that Georgia's success story and eventual integration with Western institutions might have set a precedent and prompted other post-Soviet countries to forge closer ties with the West. Such a scenario was in direct contradiction with Moscow's long-term imperialistic ambitions.[215]

Within this context, Georgia had crossed Moscow's red line and went too far in its quest for Western integration. By using various hybrid tools of warfare, Moscow was simultaneously trying to put pressure on Georgia and change public opinion in its favour. The Kremlin's inability to deal with Georgia's pro-Western aspirations and foreign policy direction led to the escalation of the conflict in 2008. The war that came as a surprise to many, was preceded by a number of provocative actions from the Russian side.

Since the early 1990s, Russia has actively supported the separatist forces in the Abkhazia and Tskhinvali region. In 2008, hundreds of Russian tanks and armoured vehicles passed through the Roki tunnel on the Russian–Georgian border. Despite the major flaws of the Russian military operation, which prompted the Kremlin to launch a modernization program and carry out various reforms, Russia still managed to achieve its strategic goal by occupying 20% of Georgia's territories, recognizing the independence of Abkhazia and so-called South Ossetia. Up until 2008, Russia recognised both regions to be part of Georgia's territory. Yet, internationally, Russia failed to achieve such recognition as the international community is fully committed to the non-recognition policy of occupied regions. Since the war, the two

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[214] Andrew Roth, "Russia issues list of demands it says must be met to lower the tensions in Europe", The Guardian (website), December 17, 2021https://www.theguardian.com/world/2021/dec/17/russia-issues-list-demands-tensions-europe-ukraine-nato.

[215] Natia Seskuria, "Russia's hybrid aggression against Georgia: The use of local and external tools", Centre for Strategic and International Studies (website), September 21, 2021, https://www.csis.org/analysis/russias-hybrid-aggression-against-georgia-use-local-and-external-tools.

regions are almost fully dependent on Moscow. The so-called occupation line is being patrolled by security forces from the Federal Security Service (FSB).

The lessons of the Russo-Georgian war were used by Russia against Ukraine in 2014 in a much more advanced way. The Russian aggression was accompanied by extensive cyberwarfare and disinformation campaigns. Similar to Russian pretexts for waging the so-called "special military operation" against Ukraine in 2022, Moscow claimed it was defending the Russian-speaking population against the alleged Georgian genocide.[216] While the key aim was to restore Russian influence, the Kremlin claimed that it was playing the role of a mediator rather than being a party to the conflict. These claims have been eventually diminished by the historic ruling of the European Court of Human Rights (ECHR) that has established that since 12 August 2008, Russia has been exercising "effective control" over the Tskhinvali region which is internationally recognised as Georgian territory.[217]

In fact, Russia started preparation for the war in 2006, with large scale military exercises in the North Caucasus. Prior to the August war, the Kavkaz-2008 drills involved 10,000 servicemen and hundreds of tanks; the military exercise served as a final preparation for the war. Following the official conclusion of "Kavkaz-2008" drills, a task force of two reinforced battalion tactical groups remained in a field camp on the Russian side of the Roki tunnel, indicating the imminent threat of war.[218]

The war only lasted for five days. However, Russia never fulfilled its obligations under the six-point cease-fire agreement. Since the Russian occupation of Abkhazia and the Tskhinvali region, the so-called administrative boundary lines have been pushed further into Georgian territory, further deteriorating the humanitarian situation on the ground. The so-called 'state banner' entitled - Republic of South Ossetia, is getting ever-closer to Georgia's central highway connecting East to West, while more and more territory is being gathered behind the barbed wire fences representing the so-called 'border'

Creeping Occupation within Georgia's Internationally Recognised Borders

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[216] Natia Seskuria, "Russia is re-enacting its Georgia playbook in Ukraine", The Foreign Policy (website), February 22, 2023, https://foreignpolicy.com/2022/02/22/russia-ukraine-invasion-georgia-2008-south-ossetia-tskhinvali/.

[217] "European Court Verdict into Georgia vs. Russia case over 2008 war", Civil.ge (website), January 21, 2021,https://civil.ge/archives/392226.

[218] Brian Whitmore, "Did Russia plan its war in Georgia?", The Radio Free Liberty (website), August 15, 2008, 1191460.html.

Georgia has long served as a testing ground for Russia's malign activities and hybrid warfare. The occupation of Georgian territories in 2008, has fundamentally shifted Georgia's security landscape, however, Russia did not manage to fully achieve its aim in terms of destroying Georgia's European and Euro-Atlantic aspirations. The war has clearly diminished Moscow's soft power in Georgia and increased popular support for the pro-Western political agenda. Since the end of the war, Moscow has used creeping occupation tactics that are enabling Russia to exert influence over Tbilisi. This process is often referred to as "borderization" which entails gradual annexation of Georgian territory by illegally expanding the occupation zones. According to international law, the Tskhinvali region and Abkhazia are Georgian territories, therefore there can be no border between the territory controlled by the Russian FSB forces and de facto authorities and the Tbilisi-controlled territory. The Administrative Boundary Line (ABL) is usually referred to as the dividing occupation line, however Russia has been increasingly attempting to convince its allies (with little success) to treat ABL as an international border since the Kremlin recognised the independence of Abkhazia and South Ossetia in 2008.[219]

The "borderisation" process began in 2011, however, since 2013 it has become much more visible and intense. The occupying forces illegally install fences, barbed wire and the so-called border signs to mark and expand the occupation line in total violation of Georgian sovereignty and international law. The borderisation has even included the segment of the British Petroleum operated Baku-Supsa pipeline that was located inside the Russian-occupied territory.[220]

Russia eventually stationed its fully operational military bases - the 7th military base of the Russian 58th army deployed in Abkhazia, the 4th Russian military base deployed in the Tskhinvali region. Prior to the beginning of the war in Ukraine, the military bases hosted up to 10,000 military and 3,000 FSB personnel as well as Moscow-deployed modern offensive weapons. Despite the Russian claims that it has the role of mediator, the so-called FSB "border guards" patrol the occupation line. Additionally, prior to the war in Ukraine, the occupied territories have been used to host a number of military exercises. In 2020, more than 120 exercises were organised at the 7th and 4th military districts. The FSB bases are also located

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[219] "Behind the barbed wire: human rights toll of "borderization" in Georgia, Amnesty International (website), July 3, 2019, https://www.amnesty.org/en/latest/press-release/2019/07/georgiarussia-post-conflict-boundary-splits-communities-leaving-thousands-in-limbo/.

[220] Natia Seskuria, "Russia's hybrid aggression against Georgia: The use of local and external tools", Centre for Strategic and International Studies (website), September 21, 2021, https://www.csis.org/analysis/russias-hybrid-aggression-against-georgia-use-local-and-external-tools.

in a number of villages with around 1250 FBS personnel being illegally deployed on occupied territories.

Over the past years, the Kremlin has turned Georgia's occupied regions into military bases by deploying modernised offensive weapons and stationing its troops on the ground, the Kremlin had to choose a long-term and multifaceted strategy. This included the gradual seizure of Georgian territories through its "borderization" policy. This entails dividing the Georgian population while the humanitarian situation on the ground deteriorates.

In March 2017, the de-facto armed forces of the Tskhinvali region were fully integrated into the Russian military as a result of a defence agreement that involved the merging of certain units of the armed forces of so-called South Ossetia into the Russian Armed forces. Russia is consistently moving towards the annexation of Georgia's occupied territories; for instance, Moscow has signed the so-called integration treaties with occupied regions which envisage coordinated foreign policy, the creation of a common security and defence space, and the implementation of a simplified process for Abkhazians and ethnic Ossetians to receive Russian passports. The establishment of a joint military command between Abkhazia and the integration of the Tskhinvali region into the Russian military, enables Russia to deploy its border guards to patrol the administrative boundary lines. Hence the Russian FSB border guards are stationed at the crossing.

Despite the increased efforts to absorb Georgian territories and violate Georgia's sovereignty, Moscow does not admit to being directly involved in the conflict. However, both Abkhazia and South Ossetia are run by de-facto regimes that are subordinated to Russia. Russia has been trying to portray them as independent due to the recognition of their independence in 2008, despite the fact that they are within Georgia's internationally recognized borders. Yet, in reality Moscow holds the decision-making power and both regions are almost fully dependent on Kremlin's funding.

In light of such complex threats on Georgian soil, one of the key challenges remains the lack of international monitoring mechanisms of occupied territories. Russia has been against a number of initiatives that would provide international missions an opportunity to operate from the occupied territories. After the war, Moscow was against the continuation of the Organisation for Security and Co-operation in Europe (OSCE) mission in Georgia and rather argued that OSCE had to establish two separate offices in the Tskhinvali region and in the

Georgia-controlled territory. Additionally, Russia went against the continuation of the United Nations Observer Mission in Georgia.[221]

Due to such a vacuum, the EU came into play with the establishment of a peacekeeping mission in 2008. The EU mission is an important international mechanism; however, its main shortcoming is the lack of access to the occupied regions. The EU operates only from Tbilisi-controlled territory. By vetoing access to international observation missions to the occupied regions, Russia is violating the six-point ceasefire agreement, which makes the humanitarian situation on the ground even more of a concern.

Human Rights Impact

The process of "borderization" represents one of the key challenges from a human rights perspective as it constantly worsens the humanitarian situation. The Kremlin-backed forces are involved in illegal detention and kidnapping of Georgian citizens. One of the key challenges for Georgia is an illegal detention of Georgian citizens due to the so-called "illegal border crossing" allegations. Kidnappings and illegal detention of Georgian citizens are taking place systematically.[222] In most cases, the detained citizens are paying a fine in order to regain freedom, but there have been a number of violent incidents as well as cases of detained citizens being tortured and killed by occupying forces. According to the latest report by the Georgian State Security Service in 2021, there were 70 cases of illegal detention in the area of the Tskhinvali region and 11 cases in Abkhazia.[223]

There have been cases when one day, people have woken up in a new reality, by seeing their homes being absorbed by the Kremlin-backed de-facto forces and ending up on the other side of the barbed wire fences. The so-called moving "borders" have resulted in families being broken and cut off from their households and sources of income. The fact that Russia is increasingly trying to further annex the Georgian territory and turn the de-facto boundary lines into "international borders" causes greater confusion among the local residents as they may end up being detained by the Russian FSB border guards for the illegal crossing of the so-called

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[221] "Behind the barbed wire: human rights toll of "borderization" in Georgia, Amnesty International (website), July 3, 2019, https://www.amnesty.org/en/latest/press-release/2019/07/georgiarussia-post-conflict-boundary-splits-communities-leaving-thousands-in-limbo/.

[222] "Russia's actions at the occupation line of Georgia constitutes gross human rights violations", HumanRights.ge (website), August 21, 2019, http://www.humanrights.ge/index.php?a=main&pid=19939&lang=eng.

[223] "2021 Report by the State Security Service of Georgia", State Security Service of Georgia (website), 2021, სახელმწიფო უსაფრთხოების სამსახურის ანგარიში 2021 წელი .pdf

"border" that in reality represents an internationally recognised Georgian territory. The lack of freedom of movement has also come to include local residents who seek medical treatment in the Tbilisi-controlled territory. In some cases, such restrictions have resulted in fatal outcomes.[224]

Passportization

The so-called passportization policy is another illegal attempt within the Russian arsenal to hand in Russian passports within Georgian territories. This process started a long time before the beginning of the August war of 2008 and the "borderization" process, and still remains one of the key tools that Russia is using not only in Georgia but also in Ukraine. In 2002, Russia adopted a Federal Law on Citizenship of the Russian Federation, which enabled the people from the former USSR to obtain a Russian passport through a simplified procedure. Around the same time, Russia actively started to use "passportization" in Abkhazia and so-called South Ossetia by illegally distributing Russian passports to the locals by making the case that they would have better pensions and higher social benefits.

Around 2006, around 90% of the local population were already holding Russian passports. According to the Russian law on citizenship, the state has a responsibility to protect its citizens through the deployment of Russian armed forces if needed. Both in the case of Georgia and later on in the case of Ukraine, Russia has employed the same tactics and subsequently justified its action through the protection of its population from alleged genocide and ethnic cleansing.[225]

In the aftermath of the 2008 war, the process of passportization has intensified even further. The de-facto authorities in the Tskhinvali region and Abkhazia were forcing ethnic Georgians to give up Georgian passports, otherwise they were threatened with expulsion. Through this policy, Russia is violating international law and tries to "make" new citizens outside of its borders on Georgian sovereign territory.

Georgia's Approach to Border Security Management

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[224] "Behind the barbed wire: human rights toll of "borderization" in Georgia, Amnesty International (website), July 3, 2019, https://www.amnesty.org/en/latest/press-release/2019/07/georgiarussia-post-conflict-boundary-splits-communities-leaving-thousands-in-limbo/.

[225] Andrei Iovu, "The role of the West in countering Russian passportization in the Black Sea", The Middle East Institute (website), November 16, 2020, https://www.mei.edu/publications/role-west-countering-russian-passportization-black-sea.

In line with the NATO Border Security Practice 8, Georgia has elaborated most recently the 2023-2027 strategy of integrated management of the state border of Georgia, which underlies that there are global and regional developments that represent an ongoing challenge for Georgia's border management. Such threats are Russian aggression in Ukraine, the subsequent economic and political developments in the world, international terrorism and cross-border organised crime, as well as various kinds of hybrid threats that Georgia is facing (underlined in previous sub-chapters) and natural and man-made disasters. The key challenge from the Georgian perspective remains the Russian occupation and constant attempts of "borderisation" and lack of respect towards Georgia's internationally recognised borders.[226]

In terms of delimitation and demarcation of Georgia's state borders, the process began when Georgia regained its independence from the Soviet Union in 1991. Out of all Georgia's neighbours, the process has only been completed with Türkiye in 1992 as a result of signing the agreement 'On friendship, cooperation and good neighbourly relations' between the two countries. The respective commissions are still working bilaterally with Armenia and Azerbaijan;[227] due to the ongoing occupation and recognition of the independence of Abkhazia and the Tskhinvali region, Russia has violated agreements reached prior to the 2008 war with Georgia.

Government commissions are conducting bilateral negotiations with bordering states, except the Russian Federation. There is some progress in this direction with the Republics of Armenia and Azerbaijan, and the negotiation process with the Russian Federation will be resumed only after the de-occupation of the territories of Georgia. In addition, as a result of the military aggression of 2008, the occupation of Abkhazia and the Tskhinvali region by Russia and their recognition as independent states, Russia has ignored the agreements reached earlier at the level of governmental commissions. Moreover, there have been a number of provocative statements made in the recent past from the Russian side. In 2021, Moscow came up with an initiative to delimit borders between the Georgian and Russian-occupied regions. These statements represent the continuation of Russia's long-standing policy towards Georgia as there can be no talks on demarcation of the border while Georgia is still under occupation.[228]

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[226] "2023-2027 strategy of integrated management of the state border of Georgia", Government of Georgia, 2023, https://matsne.gov.ge/ka/document/view/5904088?publication=0.

[227] Ibid.

[228] "Tbilisi condemns Moscow's statements on delimitation of occupation line", Agenda.ge (website), October 14, 202, https://agenda.ge/en/news/2021/3128.

The main body responsible for border protection is the Border Police of Georgia operating under the Ministry of Internal Affairs of Georgia. The agency works very closely with Georgia's international partners to improve border management and implement control mechanisms as well as create an effective infrastructure. The Coast Guard operating under the Border Police ensures the protection of Georgia's maritime space in the Black Sea. However, the main challenge towards the maritime dimension represents the lack of control over the territorial sea of Georgia adjacent to occupied Abkhazia. Smuggling and illicit trafficking has been one of the main concerns due to unregulated ports within occupied Abkhazia. In this context, the Integrated Border Management Strategy underlies that it is particularly important to further develop rapid response capabilities in order to ensure the security of the port infrastructure and the effective control of the coastline. In this sense, NATO Border Security Good Practice 12 is particularly important for Georgia in terms of building a physical infrastructure to support border security.

NATO Border Security Good Practice 2: In order to enhance inter-agency cooperation, Georgia's Integrated Border Management Strategy prioritised inter-agency cooperation and coordination. At a national level, permanent inter-agency cooperation formats have been created, which involves a number of thematic directions of state-border management issues, including migration management (Government Commission on Migration Issues), the fight against trafficking (Trafficking Council and Secretariat) and the smuggling of Improvised Explosive Devices (IED) materials involving the Interagency Coordinating Council for Combating IED Threats and Secretariat.

NATO Good Practice 7 underlies the importance of conducting an effective risk analysis assessment. This particular element remains a challenge for Georgia and is underlined in the strategy. Currently, the relevant units of the Ministry of Internal Affairs of Georgia carry out the situational analysis on the state border, maritime space and border regions, and determine the risk and threats, however, the implementation of the European system of risk assessment remains at the same time, a priority and a challenge.[229] In the recent past, some progress has been made in terms of developing a legal framework for the implementation of a unified system of risk analysis as well as a relevant methodology which is based on the Common Integrated Risk Analysis Model (CIRAM).

International Cooperation

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[229] "2023-2027 strategy of integrated management of the state border of Georgia", Government of Georgia, 2023, https://matsne.gov.ge/ka/document/view/5904088?publication=0.

Bilateral and multilateral cooperation remains one of the key priorities for Georgia. In this sense, cooperation with partner countries and implementation of information sharing mechanisms is important for ensuring effective border management. As a littoral Black Sea state, Georgia is part of the Black Sea security framework. Therefore, deepening relations with Türkiye, Romania, Bulgaria and Ukraine in terms of maritime security is highly important.

Since the signing of the Association Agreement with the EU, Georgia has made a formal commitment to deepen cooperation with the EU when it comes to tackling illegal migration. Georgia also has an ongoing agreement with the European Border and Coast Guard Agency, FRONTEX to tackle the cross-border crime and irregular migration as well as to exchange information on the best border management practices.[230]

The Georgian Border Police and its Coast Guard also successfully cooperate with NATO's Allied Maritime Command (MARCOM) and participates in NATO Maritime Security Operation (MSO) also known as "Sea Guardian"[231] that focuses on facilitating unrestricted maritime navigation and increasing maritime security capabilities, combatting terrorism and preventing illicit economic activities. Additionally, with regards to maritime security, as part of the NATO-Georgia Substantial Package (NGSP), NATO contributes to improving the capabilities of the Georgian Coast Guard with a primary aim to increase its interoperability with NATO.

In line with NATO Border Security Good Practice 13, as a NATO partner, Georgia has substantially cooperated with the alliance in terms of training and assisting its security and law enforcement agencies as well as investing in a long-term capability development.

Conclusion

Located in the turbulent South Caucasus region, Georgia's security has constantly been contested. Apart from regional challenges that are impacting Georgia, the country has been directly facing Russian aggression which is still ongoing and makes the Georgian security environment increasingly fragile. This article has overviewed some of the key strategies that Russia is using against Georgia, such as borderisation and passportization to weaken the state. Moreover, across the years, especially since the end of the August war of 2008, Russia has

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[230] "Frontex renews working arrangement with Georgia", Frontex (website), February 11, 2021, https://www.frontex.europa.eu/media-centre/news/news-release/frontex-renews-working-arrangement-with-georgia-e02I2v.

[231] "Georgian Coast Guard officers join NATO's 'Sea Guardian operation", Civil.ge (website), September 12, 2023, 558838.

been trying to create an alternative reality on the ground, by contesting and not recognising Georgia's international borders and its sovereignty. By pushing through the policy of "borderization", the Kremlin has been trying to annex Georgian territories and illegally place fake border signs to legitimise its decision to recognise the independence of Georgian territories. These processes have been directly affecting the civilian population as well as causing a deterioration in the human rights situation. Additionally, the lack of international mechanisms to track Russian activities on the ground from the Abkhazia and Tskhinvali region (so-called South Ossetia), increases the uncertainty.

Such an uncertain environment makes border management particularly challenging. Despite Georgia already using some of the NATO border security good practices, there are also areas where Georgia needs to improve its efforts, such as good practice 5 which involves Border security management information exchange programs and mechanisms, or Good Practice 4 which entails engaging and empowering border communities as key contributors to border security management.

However, as a country aspiring to join the EU and NATO, cooperation with international partners makes it possible for Georgia to increase the capabilities of the Border Police to be able to tackle some of the most pressing challenges. As a country with small resources, international cooperation will remain the cornerstone to ensuring effective border management.

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CONCLUSION

Proposal for a New Set of NATO Good Practices

The book began with a general discussion and went on with analysing irregular migration from the Mediterranean region to Europe and the role of EU organs that fight against illegal migration. The European theme continued with a presentation on EU procedures and institutions on migration, refugees, and border security. The idea of humanitarian border management in relationship with the standard operating procedures of the International Organization for Migration is discussed and the importance of preparedness was underlined. Two case studies showed the problem is not only a one for the EU or the US. One of the chapters analysed the situation in Rwanda. How the Nord-Kivu Region experiences border security problems and how terrorist organizations manage to work across the Rwanda – Democratic Republic of Congo border. A different problem was analysed in the last chapter as this looked at the situation at the Tskhinvali Region in Georgia in relation to the newly reimagined concepts of Borderisation and Passportisation.

All these different chapters and points of view provided us with new insights and new ways to look at border security issues. Additionally, they also provided us with a new perspective on how to consider the fifteen UN and thirteen NATO Good Practices. As a result of these discussions and their takes on the NATO Good Practices proposed in 2020, this book's authors came to the conclusion that the UN Good Practices, while very extensive, are not suitable to be applied *in whole* to the NATO members and in willing NATO partner countries.

After considering all these issues and based upon the contributions of the authors, COE-DAT concludes that the NATO Good Practices should be:

a) less complicated than both UN and proposed NATO Good Practices

b) be reduced to a more limited number than the 2020 proposal, and,

c) should emphasize some points more, and generalize others.

As a result, this following set of good practices are proposed for NATO members and willing-to-adopt NATO partner states by the NATO COE-DAT upon the contributions of the authors. These are as follows:

1. Good Practice One: Enhance intra-agency and inter-agency cooperation by coordinating NATO member military forces' efforts on border security and provide NATO-wide training to related staff in order to coordinate and standardize NATO members' operating procedures, and ensure effective synergies with border authorities' operational mandate. Establish Border Cooperation Centres and assign border liaison officers to these centres.

2. Good Practice Two: Develop and establish comprehensive remote border area surveillance programs as well as Border Security Management information exchange programs (on the basis of similar existing programs that work in FRONTEX or INTERPOL), and risk assessment and analysis units.

3. Good Practice Three: Engage with and empower civil society, Non-Governmental Organizations (NGOs), and communities as key contributors in Border Security Management.

4. Good Practice Four: Practice the common policy arrangement - to be determined by the North Atlantic Council - in all member countries.

5. Good Practice Five: Establish the means to achieve strategic communication so that NATO member states' strategies are clearly communicated to people both inside and outside NATO, either friendly or hostile. Security forces should be the first source of information for border security-related issues.

6. Good Practice Six: Build the necessary infrastructure to support border security and to develop smoother border operations.

7. Good Practice Seven: Develop and implement policies to provide necessary infrastructure and logistical support to the Border Management agencies under peaceful conditions and to provide first-responder support in times of crises.

8. Good Practice Eight: When providing peacekeeping operations, establish strategic communication and cooperation, and coordinate with the host country military command and policy-makers. Develop policies to complement and provide support and logistical assistance to civil society and NGOs and local government organizations.