



Converging and conflicting ethical values in the
internal/external security continuum in Europe

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Milestone report 5.5: Security Strategies for non-military threats

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International Peace
Research Institute, Oslo

PO Box 9229 Grønland
NO-0134 Oslo, Norway

T: +47 22 54 77 00
F: +47 22 54 77 01

www.inexproject.eu

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‘Security Strategies for Non-Military Threats’

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1. Introduction

This Milestone Report represents the final deliverable of Work Package Five of the INEX project. Over the previous couple of years the Work Package team has conducted research on the implications of the EU's border policies towards the Eastern neighbours – specifically Ukraine, Moldova and Belarus. We looked at this vast range of issues through the prism of the European Neighbourhood Policy (ENP). Overtime, our research focus came to rest upon the theme of mobility and visa policy, which we argued, has emerged as one of the most important EU security practices executed towards third countries. Crucially, over the course of the past few years EU visa policy and the array of topics and issues wrapped up in it have become decisive factors in the EU's bilateral relations with the three neighbouring countries under study in our work package. Panning out more broadly, we argue that developments in this area have become a litmus test of the EU's commitment to the Eastern neighbourhood. We also see that ordinary citizens in ENP states increasingly view the EU through the prism of how easy the EU is to enter for reasons of tourism, work or family visits. These are just some of the issues which confirm the salience of our chosen case study. What is interesting now is to consider the ways in which the European Union is attempting to fit such concerns into policy matrixes and security strategies as it reviews the implementation of ENP.

In the remainder of this paper we present an overview of research conducted during the reporting period and chief conclusions arrived at. We stress that our research activities in this last period attempted to build upon some of the ideas and new avenues of enquiry we proposed in our previous Milestone Report. In this context we explored the implications for the EU of border demarcation and mobility within the CIS region and particularly between the three ENP states and Russia. A lack of border demarcation and use of 'proper' internationally recognized passports for citizens moving within the CIS space presents problems for the management of the Schengen border and identification of individuals and their nationality trying to enter the EU. Equally, we recognized the need to explore a little more fully the issue of migration, in terms of current trends and

implications for the Eastern borders. A final new avenue of enquiry that we pursued during this reporting period was the new Local Border Traffic Zones, which are new EU initiatives aimed at punctuating small portions of the Schengen border to aid localized cross-border mobility and exchange.

2. Threats and Challenges - A Complex Eastern Context for Strategy Making

Based on our research, we see that the European Union's policies for security vis a vis the Eastern Neighbourhood are premised on the idea that the region is a zone of instability and a source of insecurity for the EU and that there is a constant threat of spillover. This situation, both conceptually and empirically, is more nuanced than it might seem, moreover it is multi-vectored and is far from stationary – this affects the formulation of EU security strategies and their implementation. What do we mean by this? The following three interrelated points seek to provide some clarification.

2.1. Broad array of Security Challenges

We see that the region and the individual states that make up the Eastern domain do not present a 'threat' in a traditional sense, but rather a set of challenges – which thus defy a simple policy response. Fragile democracies, uneven economic growth and a lack of good governance and application of the rule of law are amongst the most obvious of the systemic problems in the region. Then there are a range of other more specific challenges which stem from these macro problems such as poverty, environmental mismanagement, corruption, disenfranchised segments of society and so on, all of which call for a response from the EU.

2.2 Domestic contexts matter to the EU

The EU has traditionally been more concerned about domestic politics in Ukraine, Moldova and Belarus than in the Southern ENP states. Brussels has, relatively speaking,

been fairly coherent and singular when condemning or celebrating political developments in the three Eastern neighbours. We also argue that the EU practices conditionality towards the Eastern ENP states in much more demanding and exacting ways. This suggests that the EU is pursuing a broader transformative agenda in the East, which at least as an aspiration seeks to shape domestic regimes in line with EU norms and standards.

2.3 ENP-East Partner States have a Common European heritage

The Eastern neighbours have a European identity and are part of a common European History, but are essentially excluded from the integration project by virtue of post-1945 geopolitics which arguably continues to have deleterious effects upon politics and society across the region. The states are sandwiched and in varying ways parts of two complexes – Russia and the Commonwealth of Independent States (CIS) on the one hand and the EU on the other.

We see that these factors, amongst others, add up to context which necessitates a multidimensional strategy from the side of the EU. Our main point is that in such a complex and demanding milieu to be fit for the job EU security strategies need to be grounded in a sophisticated understanding of the regional context and importantly to avoid being led by a threat-based notion of security. Instead, Common security, Human security and security as reciprocity need to be the prime drivers behind any EU security strategy. In theory the European Neighbourhood Policy provides a framework for such a strategy with its cross-policy focus, horizontal competencies and accent upon socio-economic development driven by ethical power considerations.

3. Main Findings – A Summary

3.1 Divisive Borders

EU documentation is awash with references to borders, which are referred to as sources of both security and insecurity. From its very inception, as we discussed at length in earlier reports, ENP was conceived as a way to avoid the negative effects of the creation

of new (Schengen) borders established by the eastern enlargement of the EU in 2004/7. ENP's offer to the new neighbours of closer ties and cooperation in return for political reform and a verifiable commitment to EU norms and standards can be understood as an attempt to transcend the hard realities of a new border which was to cut across what had been fluid geographical and demographically fuzzy boundaries. As our research has demonstrated ENP has actually contributed to a hardening of the EU's external boundaries by delineating who is in and who is outside of Europe, mainly by reinforcing the clear division between the enlargement process and neighbourhood policy.

Further into our research we found that over time efforts have been put in motion by EU member states to ameliorate the tensions thrown up by the imposition of the Schengen border and its reproduction of insider/outsider boundary around the EU27. In this context we proposed that EU Visa Policy and attendant initiatives at enhancing movement across the borders have emerged as one of the EU's 'security practices' towards the region.

3.2 An Exaggerated Security Threat

Our research discovered that in contrast to the alarmist predictions of influxes of migrants and uncontrollable cross border crime spilling over the Eastern borders into the EU in the wake of enlargement the reality on the ground is quite calm. Though criminal activities, trafficking, smuggling and irregular migration do bring insecurities to the EU's doorstep, it is not necessarily the land borders between Belarus and the EU and Ukraine and the EU or Moldova and the EU that form the main paths of entry. Consequently, the notion or framework 'security strategies for non-military threats' does not necessarily sit easily with our analysis of the eastern neighbourhood. Furthermore, it might not give us enough purchase to understand the subject matter nor set about constructing better strategies.

To be brief, if one looks at FRONTEX reporting and that of the Polish border guards, for example, the borders shared between the EU and the ENP countries of interest here are not routes of entry for terror suspects, nor are they major transit routes for large scale illegal movements of people or goods. Not to question or negate the significance of

suffering caused by victims of trafficking and smuggling that enter via the Belarus or Ukrainian borders with the EU, but the chief ‘daily’ concerns are, in reality:

- People trying to enter the EU without visas and / or the means to return (mostly Russians, Belarusians and Georgians)
- People who held Schengen or national visas and work permits but who stayed beyond their validity, and thus become irregular migrants.
- Nationals or third countries applying for refugee status (mostly Russians)
- Illegal smuggling of goods (mostly cigarettes, alcohol and cars)¹

EU border management strategies have, in part through technological innovations, altered migratory patterns and points of entry into the EU. This has had the profound effect of forcing irregular crossings into a relatively small portion of the land border between Ukraine and Slovakia. So, EU bordering strategies seem to have secured the lengthy border zones across the region between the EU and the ENP states, but in so doing have often sucked the buoyancy out of border regions and the towns and villages residing on or near to those borders. In other words, one might argue that at least from a current vantage point, EU strategies in this endeavour have not been able to effectively distinguish between regular/legal and irregular/illegal cross-border activities.

3.3 Visa Policy and Readmission Agreements - a Standard Tool for EU-Neighbor Relations

Our discussions with experts, both academic and practitioner, confirmed the notion that Visa Facilitation and Readmission agreements (VF/RAs) have become a standard formula in the EU’s approach to the Eastern neighbours. As discussed at length in our other reports, the signing of Readmission Agreements has been sweetened by the EU member states by the offer of Visa facilitation dialogues to make visa acquisition cheaper and easier for ENP citizens. Both Moldova and Ukraine have VF/RAs with the EU and are generally regarded as working well. Our research however, detected inter alia (a) the very slow pace of progress on the EU’s side when it comes to visa facilitation, which was

¹ ANIA please insert reference to Polish border guard source

lamented by ENP governments and civil society organizations (b) a lack of precision on the part of the EU to verify if RAs were being properly implemented in line with EU standards on Human Rights. In sum the package deal of VF/RAs offers the EU a neat method to secure its borders, but may be having negative consequences since it is not being implemented entirely in line with ideas of the EU as an ethical/normative power. Indeed, one might argue that EU policy is having the effect of diminishing security on the other side of the border since the positive impact for ENP citizens is being viewed as rather derisory.

3.4 EUBAM

We see that EUBAM is having a positive effect on improving the security of the border between Ukraine and Moldova. Though the mission has a quite modest remit we see that through its endeavours at bringing border management in the region up to EU standards it is having a marked spillover effect. Cross-border crime, trafficking, smuggling in illicit goods and corruption was endemic to this particular border. By tackling these issues and securing movements across the border EUBAM seems to be contributing to a wider sense of cross-border and regional security – in ways which were perhaps initially not imagined. For example, EUBAM hosts summer schools and encourages cross-border exchange and visits, which as confidence building measures seem to be having a mild transformative effect on the border and surrounding region.

3.5 Not enough EU oversight and verification

Following on from a point made earlier it is clear to the team that the EU is often guilty of disregarding oversight and verification of the various agreements it has with ENP states on difficult issues. This is a subject which arose frequently in our discussions with civil society groups. The point is that RAs (and therefore VF agreements) require partners to reform in the areas of migration management, asylum policy and practice and judicial reform – broadly speaking. The object of conditionality here is to ensure that if the EU sends an irregular migrant back to a country of origin or transit that they will be treated fairly and reach a safe destination in line with EU and international standards in Human Rights. We found that the EU is sometimes remiss in its commitment to verify

whether an ENP is sticking to its RA agreement. Again, this brings into focus the question of the EU's conformity to its declared values.

3.6 Still a Hard-Edged EU

Our discussions with experts and practitioners and visits to border regions confirmed that the very vibrant cross-border-activities which had characterized life in the border regions between Central and Eastern Europe had gone into free-fall since the imposition of Schengen rules and most importantly the enlargement of the Schengen Zone in 2007. As a consequence, important life-lines to communities at the borders were severed rather abruptly and nothing has, as yet, been offered to fully compensate for such losses. Initiatives such as the new Local Border Traffic Zones, set up between EU and ENP states or pre-existing Euro-regions have not been developed in a fulsome enough way to make a difference. Observations of LBTZs between Poland and Ukraine see mainly individual Ukrainians crossing the border once a day to sell cigarettes (maximum two packets) in Poland and then return home with a modest profit. We see that the EU is not thinking imaginatively enough about the potential for such initiatives to soften the negative effects of the borders in important 'every-day' socio-economic ways.

4. Improved Preventative Logic needed for EU Security Strategies

We posit that the EU's security strategies for non-military threats vis a vis the Eastern ENP countries needs to be led by a 'preventative' logic based on a principle of development, coupled with an emphasis upon strong, well managed borders and a fair visa policy. A strategy led by a traditional 'threat analysis' paradigm razes the EU's professed role as a normative power and would have negative ethical effects upon the neighbours, their security and subsequently the security of the EU. In line with such thinking our research suggests that the 'threats and challenges' for the EU are best dealt with by a root-cause oriented approach, including:

- A development-led strategy on migration management for the legal mobility of people between the EU and third countries.

- Proper EU assistance for building migration management capacities in the neighbouring states, which can be verified as being up to EU-standards.
- A speedier and fairer approach on the part of the EU in the area of trade, which will not see those areas of production where neighbours can offer a comparative advantage excluded from DCFTA deals.
- Better EU strategies and commitments from ENP elites to tackle corruption – which is arguably the key to fulfilling a range of other reforms, including border management, migration management and organized crime.
- Better EU capacities to tackle people trafficking and the root causes of this problem, including educating officials in ENP states on this phenomenon

At present the EU has two security strategies – the ESS and the ISS, both of which attempt to address the threats and challenges emanating from the EU’s immediate neighbourhood. We conclude that there is an artificial gap between the premises of these documents and that greater proximity should be nurtured. INEX shows that internal and external security are intertwined in often conflicting ways, a synthesized security strategy combining the two aspects potentially offers better purchase to overcome such tensions.

We see that at present the ENP as practiced towards the Eastern neighbours still remains to some degree based on a security / threat logic. The discourse of the 1990’s inside the EU which saw the East as a threat to its socio-economic security and cultural integrity still remains in place to a large extent. The backsliding of democracy in Ukraine, the entrenchment of authoritarianism in Belarus, coupled with widespread and worsening corruption all add up to a less than rosy picture and the suggestion that ENP is not, in its current formulation, working. The Eastern neighbourhood is, it seems, still presenting a security challenge to the EU. Our research suggests that the actual challenge for the EU is to come up with a more appropriate notion of security equipped with a strategy for the task in hand. Based on the research we carried out, at the core of such a new strategy needs to be a focus on creating devices to render the EU’s outer borders places of mobility and opportunity.