EUROPEAN EXTERNAL ACTION SERVICE

Civilian Planning and Conduct Capability – CPCC

Guidelines of the European External Action Service

of 09/02/2017

EEAS Reference	**EEAS(2017)187**
Distribution marking	*Limited*
To	**Civilian CSDP Missions**
Subject	**CIVILIAN OPERATIONS COMMANDER OPERATIONAL GUIDELINES ON BORDER MANAGEMENT**
[Ref. prev. doc.]	**n/a**

Made public
4/3/2020

**CIVILIAN OPERATIONS COMMANDER OPERATIONAL GUIDELINES
ON
BORDER MANAGEMENT**

Table of content

References

A.   CH IBM action plan 2014-2017
B.   EU Concept on CSDP Support to Integrated Border Management-December 2013
C.   European commission, DG COMM, The EU explained Borders and Security-November 2014
D.   European Convention on Human Rights (ECHR), Council of Europe/European Court of Human Rights, Rome-1950
E.   Human Rights Standards and Practice for the Police, OHCHR-2004
F.   Frontex Integrated Border Management-2014
G.   Guidelines for Integrated Border Management in EC External Cooperation-November 2009
H.   Transatlantic Council on Migration, A new architecture for Border Management-March 2011
I.   REGULATION (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)-15 March 2006
J.   UN DPKO Guidelines on Police Capacity-Building Development-1 April and 2015
K.   United Nations Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169-17 December 1979

_____

A. Purpose

1. The overall purpose of the Civilian Operations Commander Operational Guidelines on Border Management is:

    - To increase Civilian Planning and Conduct Capability's (CPCC) capacity to plan, conduct and review Missions at the operational/strategic level with regard to the specific subject
    - To further improve the capacity of civilian Common Security and Defence Policy (CSDP) Missions to implement their support to the strengthening/reform of Border Management, both at strategic and operational/tactical level in the framework of a civilian Security Sector Reform or Capacity Building activity; this will ensure greater consistency across civilian CSDP Missions and will support the process of defining the fundamental principles and approaches to this thematic area with host State authorities.

B. Scope

2. The Civilian Operations Commander Operational Guidelines (hereinafter 'Guidelines') on Border Management should be:

    - Used in the framework of operational planning (Concept of Operations-CONOPS, Operational Plan-OPLAN) as well as during the Mission's conduct phase in the framework of mandate review/Mission refocusing
    - As appropriate, used by Missions as guidance for the implementation of their respective Lines of Operations as well as for theatre-level operational planning (Mission Implementation Plan)
    - Reflected in and presented during relevant CSDP related pre-deployment training.

    The Guidelines divide possible support by the Mission into three phases (situational assessment, support to Border Management policy/reform formulation and planning and support to key areas of Border Management reform), which are outlined in Sections E.2-E.4 of these Guidelines. An indicative timeline flowchart of the ideal sequencing of actions is provided at Annex A.

3. The Guidelines will be focused on those agencies, which are responsible for the border control, containing border checks and border surveillance. Immigration control and customs enforcement are covered to the extent they have an impact to the border security. The inspection of plants and plant products, the inspection of live animals and foodstuff as well as Human health checks are not covered. They could however be of utmost importance due to a risk analysis.

These Guidelines are not intended to be a manual on the tactical level of border management activities, but rather a practical guide on the Mission's tasks/activities when delivering support to the strengthening/reform of border management to host State authorities.

A balance between general principles and practical approaches has been sought. The Guidelines are meant to be generic enough to be used by all Missions having a Border Management focus, allowing for flexibility to accommodate to the local context. They include a description of the aspects and related key Mission's task/activities that, in a general scenario, would need to be addressed to achieve sustainable results in the field of Border Management.

4.   In order to develop these Guidelines, the Civilian Operations Commander, with support of the CPCC has consulted with the current civilian CSDP Missions engaged in border management, namely European Union Border Advisory Mission (EUBAM) Rafah (established 2005), EUBAM Libya (established 2013), EU Assistance Mission (EUAM) Ukraine (established 2014), EU Rule of Law Mission (EULEX) Kosovo (established 2008), EU Capacity Building Mission (EUCAP) Sahel Niger (established 2012) and EUCAP Sahel Mali (established 2014) and with relevant European External Action Service (EEAS) departments.

C.   Rationale

5.   Civilian CSDP Missions are frequently mandated to assist host State authorities to improve their means and concepts for Border Management. The expected reader to make use of these Guidelines is a person either in theatre or in the CPCC who has professional knowledge about Border Management in a developed country context, while being less experienced in implementing, delivering, planning or supervising advice on reform and conduct related Border Management in a post-conflict context, i.e. when developing/implementing or reviewing civilian CSDP support to host State authorities.

6.   The Guidelines will, therefore *inter alia* explain to the user/reader:

-   Which general principles should be applied for sustainable support to host State authorities in the broader framework of a transition strategy (these principles will have to be related, for instance, to long term sustainability, local ownership or coordination of efforts)
-   What fundamental key elements need to be included/taken into consideration in order to assist a host State authority in refining their policies/methods/structures for Border Management (i.e. drafting laws and rules, staffing, equipment, operations etc.)
-   The importance of the sequencing of different activities/tasks; i.e. why some activities should not start in a process before others have first been initiated or sometimes even completed.

7.   The Guidelines have been designed to be as "hands-on" as possible. Without ignoring existing academic studies, recognised best practices and guidelines from other international organisations (in particular the United Nations Department of Peacekeeping Operations (UN-DPKO) Guidelines on Police Capacity-Building and Development), these Guidelines will however not adopt the format (or length) of an academic report/study. They will rather seek to be a comprehensive user-guide providing recommendations on how to provide support to the strengthening/reform of Border Management in theatres of operations in which civilian CSDP Missions operate.

D.   Definitions

8.   **Border Management** aims for the preservation of state sovereignty and territorial integrity through the protection of the external borders of a country by cooperation and collaboration of all relevant authorities and agencies, *inter alia* border police, border guard, immigration service, customs. Border control, checks at the land, air and sea border crossing points, the surveillance of the border between the border crossing points are carried out to ensure the security of the border and mitigate illegal border crossing activities as illegal entry, smuggling of illicit goods, weapons, drugs. Therefore Border Management consists of the following components: Border control, checks and surveillance including relevant risk analysis and crime intelligence, detection and investigation of cross-border crime in coordination with all competent law enforcement authorities, intra- and inter-agency cooperation for Border Management and international cooperation.

9.   A **Law Enforcement Officer** is commonly defined as a public-sector employee whose duties primarily involve the enforcement of laws. He/she is usually responsible for the prevention, investigation, apprehension and detention of individuals suspected or convicted of offences under criminal laws. He/she can be a police officer, a customs officer, a border patrol officer, an immigration officer. According to UN doctrine, the term "law enforcement official" includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention[1]. In these Guidelines we will refer to police officers as those law enforcement officers who carry out border management duties.

10.   **Border Control** includes all border protection activities carried out at a border in response to an intention to cross or the act of crossing that border, regardless of any other consideration, consisting of border checks and border surveillance.

11.   **Border Checks** means the checks carried out at a land, air or sea border crossing point, to ensure that persons, including their means of transport and the objectives in their possession, may be authorised to enter or leave the territory of the state

---

[1]   Code of Conduct for Law Enforcement Officials, adopted by UN General Assembly resolution 34/169 of 17 December 1979

12. **Border Surveillance** means the surveillance of borders between border crossing points and the surveillance of border crossing points outside the fixed opening hours, in order to prevent persons from circumventing border checks.

13. **Customs Controls** means ensuring the correct application of customs rules and other legislation governing the entry, exit, transit, transfer and end-use of goods moved to/from the customs territory of a country.

E.   Guidelines

E.1 Generic Principles (applicable to all Civilian Operations Commander Operational Guidelines)

- **Awareness and understanding of the local context**: a thorough assessment (baseline study) of the local context as well as the political, legal and administrative framework should be conducted as a pre-requisite, which should ideally be endorsed by the host State authorities, etc
- **Adoption of global intervention logic**: the intervention logic should ideally not be limited to a single sector but encompass the wider security and rule of law reform process (comprehensive approach). Nevertheless, the mandate of the Mission should prevail
- **Engagement of all host State stakeholders and adherence to local ownership**: to ensure buy-in and cross-societal consensus, the entire society should be engaged in the reform process. Host State authorities/institutions should be in the lead while the wider population should also be targeted in large communication/outreach activities, notably through civil society organisations and non-state actors
- **Adoption of a clearly structured phased approach**: such an approach should be agreed with host State authorities for the Mission's activities, ideally through technical and/or political level jointly agreed documents
- **Incorporation of sustainability goals**: sustainability should be integrated into every stage of any civilian CSDP Mission's task/activity planning, implementation and monitoring/evaluation
- **Adherence to European values, international standards and benchmarks**: adherence to these standards is paramount while respect and understanding of the cultural context, as well as flexibility, should also always guide the action
- **Promotion of integrity, accountability, transparency and equitable representation**: these principles are critical in terms of raising legitimacy in the eyes of the public and ensuring long-term sustainable effects, with the possible establishment of oversight structures to that end
- **Respect for and protection of human rights, minorities and vulnerable groups**: any civilian CSDP action should promote the participation of all groups at the various decision-making levels, while the outcome sought should ensure human rights protection
- **Mainstreaming of gender equality**: the participation of men and women should be guaranteed at all levels through the adoption of gender policy documents, statements or codes of conduct
- **Coordination with the EU family and other international donors**: regular coordination with the EU Special Representative office's activities, the EU Delegation programming, Member States bilateral projects and other international donors' activities should be pursued to

avoid overlap/duplication, ensure complementarity, explore possibilities of support and ensure sustainability. Possible projects to be conducted under the Mission's Project Cell or under the Capacity-Building in support of Security and Development (CBSD) should also be identified

- **Overall**, while promoting European values and international standards, local ownership and the local context should always be kept in mind at every stage of any civilian CSDP Mission's task/activity in order to have longer term and sustainable effects enabled through the buy-in from both the host State authorities and the population more widely.

E.2 Situational Assessment

In this section follows an outline regarding the importance to make a baseline study and early reflection on sequencing of actions. Different elements to be assessed, and interlocutors to interact with, have been listed. Some of those listed elements and interlocutors would be no different from conducting a baseline study in a developed country, while others may be unfamiliar for readers not used to the post-conflict context. The different elements to be assessed will subsequently assist the reader to describe a "Gap analysis" mentioned in the last paragraph of this section.

Map the Border Management landscape (make a baseline study)

14. **Sequencing of different actions**. As already mentioned in paragraph 6, in order to achieve sustainable goals, it is important to identify at the beginning if and where there is a need for "sequencing of different actions" and, if so, in which order. For instance, a thorough situational assessment must be conducted before starting to provide support to the Border Management authorities of the host State.

> *The situational assessment should also identify the existing problems including potentially hindering/delaying factors of change/improvement efforts. It could consist (with a correct sequencing of actions) of a prioritisation table of actions, highlighting the urgency/importance of the needed activities.*

Ideally, the assessment(s) should be endorsed by the host State authorities, so as to have a jointly-agreed baseline, and should involve the Border Management agencies and the units currently employed in carrying out Border Management duties.

The sequencing of activities is outlined in more detail in paragraph 77 and in Annex A.

> *When should you start to train and equip?*
> *Often training and equipping are instantly being thought as important tools to assist a host State Border Management agency. Training and equipping will indeed be likely to become an essential part of creating a new Border Management capacity at some point. However, to invest substantial efforts into training and equipping at the wrong time and sequence will not pay off well in terms of sustainability and efficiency as both the UN and the EU have learned in many theatres of operations. If there is no common understanding on what the laws are, what the Border Management concept will be and who the actual Border Management officers will be, it will of course be impossible to*

> *tailor and target the right training and equipping needs. Nevertheless to conduct a limited amount of training and equipping at a not optimum time for a carefully selected audience may sometimes be important for other reasons, such as endorsement by a counterpart. However, do not fall into the trap of thinking that training and equipping will be the ultimate solution to everything-it will not! Timing and sequence of training and equipping will be highly essential.*

15. **How to assess and what to assess?** The point of departure in any assessment is the host State Border Management agencies history and role in an eventual conflict[2]. Consulting with a wide range of state and civil society stakeholders and seeking views of people in rural areas as well as urban centers will help providing a fuller picture of the local context. Getting the support of host State authorities in conducting assessments will naturally also be critical to their accuracy[3]. At the end of the process, all provided information should be re-checked for validity. While conducting the assessment, Missions should focus on the areas listed below.

> *What are others doing related to your field?*
> *It is of utmost importance to gather information regarding development programs implemented e.g. by the European Commission's Directorate-General for International Cooperation and Development (DG DEVCO) or the Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) as well as bilateral project of EU Member States and projects in the Security Sector Reform context of third countries and international organisations.*

16. **Policy, legislative and regulatory framework**. At the start, Missions need to examine host State authorities existing Border Management related policy, legislative and regulatory framework. This includes all administrative levels, beginning with the ministerial level followed by the agencies and their Headquarters. It would also *inter alia* involve examination of legal Acts/documents. Such legal Acts/documents (or with equivalent titles) may include the Border Code, Immigration Law, Aliens Act, Border Police Law, Border Guard Law, Police Law, National Guard Law, Maritime Police Act, Naval Coastguard Act, Aviation Security Law, Maritime Security Law, Customs Act, Tax Law, Import/Export Act. Other examples are legal acts, policies and guidelines governing the use of force, investigations, regulations on budgeting procedures and procurement activities. If applicable it should also comprise an assessment of the division of labour and responsibilities, by law or regulation, between different actors involved in Border Management.

    Attention should also be paid to compliance with International Conventions *inter alia* such as the International Air Transport Association (IATA) and the Geneva Refugee Convention

---

[2]   UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 5
[3]   OECD-DAC Handbook on Security System Reform-Supporting Security and Justice, 2007, page 42-43

(1951). Attention should also be paid to the handling of complaints related to Border Management enforcement, disciplinary rules, procedures and oversight bodies.

Some practical questions might be: What are the cultural aspects that need to be understood? What is the local acceptance of different types of Border Management disorder?

The assessment needs to identify existing legal and regulatory gaps in the field of Border Management and propose solutions to address them to the executive branch, legislature and/or the relevant authority of the Border Management leadership.

The **assessment needs to identify existing legal and regulatory gaps in the field of Border Management** and to propose solutions to address them to the executive branch, legislature and/or the border authority leadership

17. **Existence of a Threat and Risk Assessment.** A national Border Strategic Threat and Risk Assessment should ideally be carried out by the host State authorities in order to determine the Border Management capability and capacity to mitigate the threat, as well as the range of challenges to the border and to understand the nature and character of all cross border movement of people and goods whether legal or unlawful. It is important to mention that this assessment should be constantly reviewed. In case it does not already exist, Missions could advise or support host state authorities in conducting such a threat assessment.

    The Local Threat Assessment should reflect the regional geographical and climatic situation and the special socio-and economic aspects of a border region related to potential cross border crime-and risk scenarios. In the case **statistics** are not available (because the agencies do not collect them) counterparts should be advised to collect the relevant information and submit to central level as a base for the risk assessment.

    > *Assessing the threat*
    > *When carrying out a threat and risk assessment, it is important to make sure that the host State is in the lead. Mission personnel should however actively assist as appropriate. It may often prove challenging for the host State authorities, which often are in a transitional process, to lead and it may affect the time of delivery. However, it is essential that the host State is aware and fully committed to mitigate identified risks and threats. (EUCAP Nestor)*

18. **Host State authorities and other stakeholders relevant for Border Management.** Assess the political, economic, social, cultural, climatic, geographic, infrastructure and other relevant aspects of the environment within which the border agencies work and which limit or restrict their resources and relationships with the public and non-governmental entities.

> *Obtaining relevant information*
> *The required information could be gathered within the relevant ministries, and other applicable actors in the host state. Use the experience and the knowledge of the EU Delegation and the embassies of the Member States to get a full picture of the situation in the country.*

19. The stakeholder analysis aims to assess the problems, interests and the potential of different groups in relation to the conclusions drawn from the situational assessment. It is used to identify potential stakeholders related to the Border Management reform and planning and to determine their interests, constraints, influence, power, and whether that influence is positive or negative to the reform. It is important to consult a wide range of actors beyond the narrow sector considereda priority. For instance, in the case of Border Management, it will also be important to interview other officials from police, justice, transport, finance, economy to look at potential linkages in the Border Management reform programme.

20. **EU and international stakeholders active in the field of the Border Management.** In order to identify what should be done in the specific field and avoid overlapping and analysis of the past and present activities of EU and international actors in support of Border Management (and in the wider content of the security sector reform and Rule of Law) should be done and regularly updated. Missions with assistance of the EU Delegation should know about all border related projects and programmes overseen by the European Commission, e.g. European Border and Coast Guard Agency (FRONTEX), Instrument contributing to Stability and Peace (IcSP), Technical Assistance and Information Exchange (TAIEX), twinning projects, technical assistance and supply projects, joint management projects, action grant projects, works projects, visa facilitation/freedom, trade and association agreement evaluations. It is very important to remember that several activities are additionally implemented by EU MS or by the partners funded by EU, including IOM, Organisation for Security and Co-operation in Europe (OSCE), United Nations Development Programme (UNDP) or private consultants.

> *Mapping*
> *Have any international donors provided training support in the past? Who, when, what specifically, existing links, what failures/lessons learned?* (EUAM Ukraine)

21. **Policy framework.** The existence/relevance/implementation of a national policy on Border Management should be assessed. Similarly the existence/relevance/implementation of a reform plan on Border Management should be assessed, including its inclusion in a broader Security Sector Reform (SSR) plan.

22. **Institutional framework.** The **organisational structure** has to be based upon a law or decree. The purpose of the assessment of the institutional framework is to ensure that the Border Management agencies/units have the required organisational structure to allow a professional implementation of their duties. Therefore, a comprehensive and holistic assessment of the organisational structure on central, regional and local level including the

staffing related to their tasks, the representativeness, the gender, the clear chain of command, the location of the departments and units is essential. On central level, the senior management is usually *inter alia* responsible for the policy development, the legislative drafting, the operational oversight and high level communication.

23. The assessment of the institutional **framework contains the analysis of an existing Border Management Strategy and the related concepts.** This means the creation of policy and strategy at the highest executive levels, where also accountability mechanisms including disciplinary rules and procedures should have been designed.

> *Accountability mechanisms (i.e. disciplinary rules and procedures, oversight bodies) should be in place to tackle the misuse of public resources, ensure integrity, good performance and to address misconduct. Missions should also assess whether a Code of Ethics exists, and if so, how closely it is adhered to. In this context, particular attention should be paid to the Police-Prosecution cooperation modalities.*

24. **The allocation of budget** to these institutions, Border/Management agencies/units should be analysed, to determine whether it is sufficient/proportionate.

25. It is in this context also important to assess **internal managerial structures** relating to national, regional and local levels and air, land (green) and maritime/water (blue) borders in the security, economic and environmental dimensions.

   This should cover the **organisational culture** to be aware of the planning and decision making process on all levels. It should also comprise the information management including a reporting system.

26. The existence use/professionalism of a **24/7 Border Management Crisis/Operation centre at national** and or on regional level should be assessed, including the existence of Terms of References and activation procedures. The organisation of the Command and Communication centres is crucial for a successful daily activity.

27. Beside the operational units for border checks at the border crossing points, border surveillance and customs control should have **mobile units** that could be deployed to different locations depending on the **security situation based on the conclusions of the risk analysis units**.

> *To collect the required information it will usually be an advantage to monitor the Border Management agencies at the operational level for a certain period of time. Evaluate the professionalism and integrity/anti-corruption, especially of the middle and senior management, e.g. awareness of the role of a border police/immigration/border guards/customs officer, knowledge of the law, tactical skills, leadership skills, report writing. The monitoring should include the analysis of the infrastructure at the border crossing point, the management of the border crossing point and the management of the border surveillance including technical equipment.*

28. The **administrative systems** (logistics, equipment and infrastructures): the assessment should cover the quantity and the quality of the Border Management agencies equipment, as well as the procurement process in place. The evaluation should also encompass the level and quality of vehicles, communications systems, weapons, specific detection equipment including the related supply and maintenance chain. The infrastructures for training should be considered as a priority for every Border Management agency.

29. **Procedures.** Procedures define how the work of an agency is done, by identifying responsibilities and giving a detailed description of how to implement a specific task. Clear procedures enhance consistency and avoid arbitrary; e.g. that similar cases are handled in the same way. Procedures can take the form of decrees, instructions, circulars or manuals. Clear procedures enable border management officers to act in a majority of more routine/normal cases without asking for supervision and approval in each and every case. Consequently it is of interest to scrutinise if the current procedures in the host State authority are detailed enough to enable its target audience/staff to act without specific direction in a majority of cases and situations. There has also to be a clear regulation in which situations superiors need to be informed in order to give guidance and decision making. The collection of procedures should also include the internal financial budget, a transparent way to prepare the budget for each unit and a clearly defined and implemented system for legal, administrational, operational and financial oversight.

    Similarly with the same aspects in mind, procedures for **human resources management** are also of interest.

    > *Assess the existence of control procedures, incorporating patrolling, checks of persons and means of transport, use of infrastructure and equipment, apprehension and handling of irregular migrants, investigation procedures, procedures for cases which pose a threat or would constitute a crime, customs control procedures including custom control for transit, export and temporary import, contingency procedures, documentation procedures, information flow procedures, information exchange content procedures.(CPCC)*

    The **procedures and mechanisms for exchange of information** including classified intelligence, mutual support and joint operational planning between border agencies themselves and between them and other law enforcement and government entities e.g. foreign ministry, transport ministry, aviation security etc., as well as civil society e.g. haulage associations, importers/exporters should also be arranged by procedures.

30. **National Intelligence Model**. The procedures of any existing National Intelligence Model and the use of intelligence in operational decision making and the allocation and direction of resources should be analysed. Intelligence gathering, dissemination, utilisation for decision making should also be carefully assessed, in particular with regards to cross-agencies coordination. Specific attention should also be paid in this context in assessing any (existing) inter-ministerial procedures and their application.

31. **Oversight, transparency and accountability**. Assess the mechanisms for oversight, transparency and accountability as well as the mechanism to identify and rank posts in terms of corruption vulnerability.

32. **Use of force and weapons policy applied in Border Management**. Similarly, this is a particularly important aspect to be assessed in the framework of Border Management capacity development. What are the local principles framing the use of force? Are the military forces involved at a certain stage in the management of border control? Do the Border Management agencies recognise and abide by UN principles and international standards associated with the use of force and firearms?[4] The generic principles to be followed for the use of force are: a graduated response, proportionality and absolute necessity to use it. When are the authorities allowed to trigger the use of force and according to what kind of rules (i.e. written agreement given to the police authorities on the ground)?

33. **Human Resources**. Sometimes the host State has "lost track of their staff". An assessment of the available **human resources** should then be carried out if needed in order for the host State to regain control. A census and identification programme pursues one fundamental and simple objective of identifying the boundaries in terms of personnel for the police: its primary purpose is to assess membership, not individuals, based on an objective and easily verifiable standard of recognised membership of the police[5].

> *A census of the available human resources capacity might take time to be gathered and can be more sensitive to conduct than one would imagine at first glance. The figures might not be readily available; there might also be (political) resistance within the host authorities or government to share the precise figures due to many different reasons sometimes connected to the initial conflict. A census and identification programme should not be confused with vetting of staff. (CPCC)*

The competence, the skills and the integrity of staff in the Border Management units and in the related Headquarters are essential to the quality of the service delivered. The competent staff should be recruited in a transparent selection procedure according to objective criteria. The Border Management training is as crucial as the training in basic skills in law enforcement skills. The promotion system should be transparent and merit-based.

34. **Training capacity.** The training capacity in Border Management should be assessed including the training institutions, their facilities, capabilities and methods. The existence of a Border Management dedicated faculty of e.g. the police or military or finance academy would be an asset.

---

4   UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 6-7
5   OECD-DAC Handbook on Security System Reform – Supporting Security and Justice, 2007, page 165

35. The current training programmes and the current training curricula for the basic as well as the advanced and the specific training courses that should form part of an overarching organisation wide Training Management System within the applicable Human Resource Management Plan should be assessed. The training curricula for specialised training should *inter alia* incorporate risk analysis, document examination, investigation, criminal intelligence, money laundering, cultural heritage protection, counter smuggling, counter Trafficking in Human Beings (THB). The courses for the management level should *inter alia* include leadership, Human Resourcesmanagement, Project management, communication strategies, Command and Control of joint operations. The basic training should integrate cross-cutting issues such as human rights, gender and anti-corruption.

36. The **professionalism and integrity** of personnel involved in Border Management functions (be it at the relevant Ministry, Headquarters or Units level) should also be evaluated: knowledge and skills (i.e. awareness of the role of a police officer, knowledge of the law, tactical skills, report writing, etc.) to deliver Border Management services, including Command and Control issues for the high and middle management.

37. **Communication and information exchange.** The Communication, Command and Control System, the information management including the existence of a 24/7 Crisis/Communication Centre should be assessed. Special observation should be put on Command and Control during operations. A structured communication and information flow should facilitate an efficient and rapid exchange of the required information and an effective documentation. The system of information exchange should be described in operational instructions, which should also include standardised forms and templates for the reporting and the submission of statistical data. Conditions allowing an electronic based information system would be an asset. Operational national and international registers, warrant lists, other relevant databases should be available.

38. The **Intra-agency cooperation** in terms of horizontal and vertical information flow as well as the quality, validity and rapidness of the information exchange should be assessed including communication methods, e.g. periodic meetings, circulars, briefing notes, databases, and reports. Assess the methods and procedures of the Border Management authorities to establish and review the situational picture at all levels: national, regional, local.

39. **The Inter-agency Cooperation as well as the International Cooperation** in terms of a structured bi- or multilateral information exchange, e.g. exchange of the monthly border situation picture, exchange of statistics related to illegal migration, trafficking in drugs/weapons/, THB, Counter-Terrorism (CT) or the implementation of joint command and communication rooms should be examined.

40. **The processing of the required information and data for the risk analysis** and its linkage as a basis for operational planning should also be analysed.

41. The capacity to implement and evaluate the operational planning cycle should be examined: situation-planning-orders-implementation-results-evaluation.

42. The cooperation between **Border Management agencies and prosecution should be assessed with regard to information flow**, periodical meetings and exchange of staff.

> *A crosscheck if the procedures on communication and information exchange are implemented is part of the monitoring task. By observing and asking your counterparts on all levels, you will complete your picture on this topic step by step.*

43. **Infrastructure and equipment.** The level, quality and allocation of the basic and the specialist equipment should be assessed. Personal basic equipment refers to uniforms, boots, helmets, batons, handcuffs, bulletproof vest. Basic equipment includes vehicles, weapons, entry and exit stamps, basic forgery detection equipment, basic search equipment, basic surveillance equipment, communication equipment and logistics. Specialist equipment comprises mobile or stationary x-ray machines, document examination systems, forensic laboratories, K9 units (dog patrol units), border surveillance equipment e.g. technical surveillance systems, cameras, sensors, radars, mobile surveillance equipment, e.g. thermal/night vision vehicles/goggles.

    The equipment should, in addition to reflecting the operational needs based on the risk analysis, ensure safety and security of the personnel and facilitate proportional and effective operations. Furthermore, **infrastructure and equipment** should support in particular operational staff and be adequate for performing effectively and efficiently their respective duties, while taking into consideration the importance to facilitate the cross border flow of passenger and goods.

44. **The infrastructure** at the land, air and sea border crossing points as well as the infrastructure at central offices, Headquarters, training institutions, administrative sections should be assessed. Infrastructure refers to physical structures as buildings and roads. This could be the number of control lanes, secure interview rooms, facilities for asylum seekers, communication network. Assess the equipment of the facilities at land, air and sea border crossing points, e.g. control booths, office space, equipment, detention rooms, control equipment, document examination, inspection spaces, CCTV, pre-determined passenger path, management of traffic flows including the maintenance as well as the procurement process. Overall, the allocation, amount, quality, availability, decision making of using equipment and resources should be examined.

45. **The activities of international actors** (e.g. UN, OSCE, AU) in support of the Border Management units in the field of equipment and infrastructures should be analysed, including the programmes carried out by the EU (EU Delegation, EU Member States) or in the framework of a potential support through the Capacity Building for Security and Development (CBSD-initiative).

46. **Additional areas to be mapped.** The **political relations with neighbouring countries** should be examined. One aspect considering the border security is the intensity of international cooperation of the border agencies: meetings, exchange of information, sharing risk analysis and statistics, means and methods of ad-hoc communications, joint planning and joint operations, such as document investigations or searches. Further to this shadow areas for border surveillance should be mapped that would later on require special border surveillance assets such as Satellites, Unmanned Aerial Vehicles (UAVs), Radar and other sensor systems. Assess the **public perception of the Border Management agencies**. This could for example be done by conducting polls or by interviewing interlocutors. There should also be tools to evaluate the causes of possible mistrust and lack of confidence of the Border Management agencies, e.g. corruption, poor performance and how to remedy this, as well as how to communicate to the public in order to improve public perception ad support of the population.

47. **Broaden capacity building beyond Border Management authorities: justice and corrections.** In respect of law enforcement functions, an accountable maritime police, navy or coast guard contributes little if prosecution, courts or prisons are dysfunctional. Capacity building of Border Management needs therefor ideally to take place in concert with improvements in the broader justice areas to ensure the sustainability of overall international rule of law support. It also has to be taken into account that different agencies most likely report to different ministries like the Ministry of Justice, Ministry of Interior, Ministry of Transport, Ministry of Defence etc. In case the Mission's mandate does not cover these areas, Missions are encouraged to identify and/or engage with possible other EU/international actors involved in such areas.

48. **Clarify responsibilities between the Mission and the host State.** Missions needs to encourage the host State authorities to express its support for the capacity building at the highest governmental level by endorsing a Development Plan and to provide funding for the process. The Plan needs to set target dates for the completion of various activities, expected outcomes and performance indicators, and ensure that the roles and mutual responsibilities of the host State and the Mission towards the implementation of the plan are clearly defined.

Needs Assessment

49. **Gap analysis.** The situational assessment should enable to identify the existing Border Management agencies capacity and resources. On that basis, Missions should ascertain what is needed to reach the desired performance level; this is done through a gap analysis, the purpose of which is to help identify the gap between the current situation and the future level that the host State authorities, with the support from the Mission, want to reach. However it will be important to check that the ambitions of the host State are realistic and within the means of the budget allocated to sustain personnel costs and to maintain logistics. This gap analysis, including recommendations on how to address this gap and

prioritise most urgent activities, should ideally be endorsed by the host State authorities. This will then help to structure the way the Mission will implement its tasks, in line with its mandate.

E.3   Support to Border Management Policy/Reform Formulation and Planning

Once the Situational Assessment and Gap Analysis are completed, including recommendations for reform/development, Missions can start planning their support to the Border Management policy/reform. Accordingly, this section lists important stakeholders to address. It also outlines general recommendations for the planning support to assist readers who are less familiar with a post-conflict context.

> ***"The Desired End State"*** *This is what EU Member States, in agreement with the host State authorities, would like to achieve. It could for example be limited to "the revision of the legislative framework related to Border Management". On the other hand "the desired end state" could be more ambitiously formulated, such as: "The Border Management agencies, composed of trained personnel, are operational and able to manage the security of the border in line with international standards with full respect for the human rights. A Border Management system is established, with a functional Joint Command and Control structure in place". (CPCC)*

Stakeholders' Engagement

50.   **Engage stakeholders throughout the process and set up a Border Management Reform Steering Board.** Engage identified stakeholders including national decision-makers within and outside the Border Management authorities. Stakeholder engagement should start from the outset during the assessment phase and continue during the policy design phase as well as the implementation phase[6]. A Border Management Reform Steering Board, supported by various sub-working groups characterised by plurality, should ideally be established with the national authorities in the lead, consisting of governmental agencies, international partners, civil society organisations, etc.

In order to avoid resistance to the change management process, it is essential to ensure the strongest political buy-in combined with the local ownership for all proposed activities, notably from the highest political authorities, e.g. the President, Prime Minister, relevant Ministers. If necessary, the EU Delegation and Member States Missions should contribute in that regard.

The aim is to establish a mechanism to design, monitor, evaluate and if necessary, adjust the Border Management development plan, as well as to coordinate donors support to the host State.

---

[6]   UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 12

> *The establishment of a Border Management Reform Steering Board is aimed at ensuring that host State authorities assume strong ownership of any changes. The Board should ensure that an adequate budget for the Border Management reform is allocated, and that relevant stakeholders are effectively coordinated. However, Missions should check and ensure that the established mechanism is conducted at the right pace (i.e. by performing the Secretariat role, especially if the Board is funded by the Mission). (CPCC)*

51. **Government.** Missions need to encourage the Government to be represented at a senior level on the Border Management Steering Board and to regularly chair and inject momentum in the Board discussions. The Government is also responsible for ensuring sufficient and timely budgetary allocation for the Border Management Reform/Development activities[7]. Members of Parliament (budgetary committee) could be involved with regard to the Border Management related budget.

52. **Public prosecutors and courts.** These authorities are important as they provide judicial oversight and are usually expected to prosecute if there has been Border Management Law Enforcement action that would constitute criminal acts committed by individuals. This is notwithstanding the fact that - in order to strengthen accountability - there should also be internal mechanisms within the Border Management agency responsible for enforcing a Code of Conduct and possibly taking disciplinary action.

53. **Civil Society Organisations (CSO), media and professional Border Management associations.** CSO (human rights Non-Governmental Organisations (NGOs), women's groups, vulnerable groups, etc.) can be extremely useful for a democratic-oriented and gender-oriented reform planning as a source on information throughout the policy process. Media might have an important role in reporting on achievements and/or exposing Border Management shortcomings. Professional Border Management associations, if existing, could offer a valid contribution[8].

54. **Managing donors relationships.** If not already existing, set up or rather support the host State authorities in setting up a donors committee, that will meet regularly, putting host state authorities in the driver's seat. The donors committee is set up only for a certain period of time, with the aim of reaching sustainability as soon as conditions allow. In close coordination with the EU Delegation, Missions could explore if the Capacity Building for security and Development (CBSD) concept within the EU mechanisms may be applicable.

> *It is vital to create functional and close cooperation with all international actors in theatre, participate in regular coordination meetings and adjust the implementation plan to avoid overlapping and find joint complementary. (CPCC)*

---

[7]   UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 13
[8]   UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 14

55. **Mitigation strategy.** In order to avoid that stakeholders in the Border Management authorities or other affected groups/individuals try to counteract parts of the Border Management Reform/Development, it would be essential to continue to secure the strongest political buy-in and ownership of all the proposed activities, notably from the highest political authorities and the relevant Ministries. If needed, the EU Delegation should contribute to this effect [9]. It could be useful to enlist the support of those divisions/Ministries that are not directly involved so as to avoid an "us versus them" mentality[10].

General Recommendations for the Planning Phase

56. **How to plan the Border Management policy/reform.** Before undertaking the policy planning, it is fundamental to immediately identify political will and guidance in the field of Border Management. Then, a common goal with the host State authorities and the steps that lead towards it have to be defined. Clear roles, responsibilities and timelines need to be identified, engaging national stakeholders in the process. Timelines and roadmaps should be endorsed by the host State authorities. All levels of hierarchy should be targeted and involved in the capacity building activities. Close cooperation with the relevant authorities and political leadership should be carried out in order to ensure a full understanding of the Border Management reform and its process. In order to ensure concreteness and buy-in, existing organisational systems and procedures should be integrated into Mission plan[11].

57. **Project management** tools are commonly used in many European Border Management agencies and civil administrations and they will more frequently also be used for the most important activities of civilian CSDP Missions. In order to align a mutual understanding of planning and performing of any supportive activity it often proves to be valuable to use interactions with the host State authorities to ensure a common understanding of progress.

58**.** **Support needs to be adapted to the context.** Missions need to be sensitive to local culture and traditions. Mission personnel should not ignore ground realities, still recognising and incorporating fundamental international principles and standards[12].

---

[9]   European Commission, Support to reform of the Myanmar Police Force in the areas of crowd management and community policing, 22 August 2013, page 10-11

[10]   ISSAT-DCAF, Course on Policing and Police Reform in Complex Environments, October 2015, lesson 3, page 22

[11]   ISSAT-DCAF, Course on Policing and Police Reform in Complex Environments, October 2015, lesson 3, page 17

[12]   Relevant international standards could be found in the European Convention on Human Rights (ECHR, Council of Europe/European Court of Human Rights, Rome, 1950) and in three UN publications: Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice (UNODC, 2006), United Nations Criminal Justice Standards for United Nations Police (UNODC, 2009) and Human Rights Standards and Practice for the Police (OHCHR, 2004)

> ***The balance between introduction of modern equipment and adaption to the context***
> *Quickly the International Community and the UN inter alia introduced brand new computers, forensics equipment and cars to the newly established Police National in Timor Leste (PNTL) in 2002-2005. Everything looked to be a sunshine story and the UN Mission was subsequently rapidly downsized by the UN Security Council to a minimum in 2006. After a couple of months the operational capability of the PNTL all collapsed. Among the reasons for the collapse it could afterwards be established that way too little attention had been spent on mechanisms to maintain and keep such (modern) equipment functioning within the PNTL.*
> *The UN Secretary General, Kofi Annan, made the following recommendations in his report (S-2006/628) to the UN Security Council on 8 August 2006 in order to better ensure a more sustainable institutional and operational functioning of the PNTL:*
> *"Insofar as insufficient logistical support, lack of resources and inadequate administrative systems significantly constrain the operational functioning of PNTL, it would be essential for the force's communications and information systems, fleet management and maintenance, budget and finance, power supply systems and other critical logistical functions to be reinforced in order to strengthen PNTL as an institution." (UN DPKO)*

59. **Absorption capacities and priorities definition.** Depending on the past history of the host State, the Border Management agencies absorption capacity might be very limited. Plans should be adapted to suit the target audience. Priorities, to be endorsed by host State authorities, must be identified and explained accordingly.

60. **Border Management policy/reform as part of a broader SSR plan/strategy.** Particular attention needs to be paid to ensuring (as much as possible) that the Border Management development plan is integrated into the broader police/SSR plan/strategy of the host State authorities. In this regard, and prior to the implementation of any reform/change approach, some basic conditions of the wider SSR must be clarified in order to target the right addressees as well as to "fine tune" the concept:

    - Future structure and future staffing of the Border Management agencies, human resources policy included
    - Future available budgets
    - Future approach towards Border Management agencies general education and training systems.

61. **The Border Management policy reform plan/strategy must be feasible and targets achievable.** All identified policy objectives should be SMART (Specific, Measureable, Achievable, Realistic- in terms of resources available-and Time-bound) and aligned with national priorities[13]. Ideally, a several years plan/strategy will be further detailed into Border Management authorities' annual plans and the host State authorities will have to align budget to annual goals based on sound financial assessment. Border Management

---

[13] OECD-DAC Handbook on Security System Reform – Supporting Security and Justice, 2007, page 69

agencies salaries, equipment, infrastructure, CIS and training expenses will be included based on a credible needs analysis.

> *"Easier to do it yourself?"*
> *Since a Mission usually has high-level experts at its disposal, it may at first glance seem faster and more effective for the Mission to "take over tasks and processes of the host State", for instance drafting of legislative proposals. It will be crucial that any Mission aims to build up a long term and self-sustainable capacity in the host State. This requires that the host State assumes primary responsibility and that the Mission actively supports the work and processes at an appropriate level. (CPCC)*

62. **Support host State authorities in ensuring wide dissemination/implementation, training, and compliance.** A solid legal and policy framework is an important step towards responsive, representative and accountable Border Management agencies but it must be matched by the rigorous enforcement of these policies. Accountability will be achieved by wide dissemination and consistent enforcement of the key rules and regulations (e.g. a pocket book for all police personnel, integration of legal provisions and policies in basic, advanced and specialised training, monitoring of compliance and sanction for non-compliance), investigation of serious misconduct cases and exemplary conduct by senior managers, serving as role models[14]. Missions might support the development/strengthening of such enforcement capacities/procedures.

E.4   Support to Key Areas of Border Management Reform

This section provides an outline regarding key areas related to Border Management reform to take in particular consideration for readers who are not familiar with a post-conflict context. The common denominator for all these key areas is that they tend to be less debated or controversial in a domestic context. However in a post conflict and international context each one of them has proven to be in areas where things can go wrong.

Border Management Agencies' Legislative, Regulatory and Institutional Framework

63. **Support to the review or update of the Border Management legislative/regulatory framework.** Missions could be asked to provide support to the drafting or to the review of relevant legislation and regulations on Border Management agencies. The legislative process could, for instance, be commenced with a law on border police. In doing so, it is essential to cooperate with other institutions involved for a broader oversight (e.g. prosecution services, intelligence services, military forces, correctional service, etc.). Attention needs to be paid also to the regulatory framework and procedures, which need to be in compliance with the requirements of law.

---

[14]   UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 10, para 33

> *Sequencing of actions*
> *The support to legislative, regulatory and institutional framework must ideally precede the capacity building support. Training conducted in the absence of a regulatory framework is much less likely to be sustainable.*

64. **Border Management agencies institutional systems.** Every State has its own border security needs. While sea borders naturally are the focus for States with vast sea borders, other States may have no sea borders at all, but are instead surrounded by land borders. Within the EU, Border Management is by definition a civilian law enforcement task under the policy area of Justice and Home Affairs. However within a particular EU Member State, Border Management agencies, by national legislation, may still be structured in civilian and/or military structure(s). Thus, the systems and structures a State uses for Border Management vary enormously within the EU and even more in third states - some have specialist border guards, while others use police units, military units or other authorities for border control[15]. Yet, demilitarisation of Border Management is a policy for EU Integrated Border Management[16]. In the CSDP context, it will however be important to remember that it is not compulsory by international standards for a State, to apply that policy, though often recommended[17]. Regardless institutional system for the Border Management system chosen by a State, democratic governance must always be ensured. It is also important, that the host State authorities have legal clarity where a Border Management operation ends and where a territorial military defence operation starts. Especially, in the area of insurgents' activities or air space control these distinctions will be critical in operational terms for cooperation and coordination.

> *Which Border Management system is better?*
> *There is unfortunately no straight-cut answer to that question. As a rule of the thumb: Mission personnel should try to retain as much as possible of the previous Border Management system- as long as it is within acceptable international standards and as long as it is what the host State and the public continue to want. If a more significant change to the Border Management system is determined to be needed, let that in any event be driven by the needs agreed with the host State and by needs that may have evolved as a result of an initial domestic conflict. Introducing an entirely new (foreign) Border Management system will often prove to be much more challenging and politically sensitive. (CPCC)*

---

[15] http://frontex.europa.eu/training/principles/, 2016-12-01
[16] The European Union and Security Sector Reform, David Spence, Philipp Fluri, 2008, page 176
[17] Democratic Control of Armed Forces (DCAF) - Border Management Reform in Transition Democracies, 2006
http://www.dcaf.ch/Publications/Border-Management-Reform-in-Transition-Democracies, 2016-12-01

65. **Support to the reform of Border Management Agencies related institutions, departments or units** (as a follow-up to a clarified division of responsibilities between central and local level as referred to above). Advice might be provided on institutions', departments', units' terms of reference and mandates, on job descriptions and on **human resources** and staffing aspects, including a possible link with the Ministry of Finance for the budgetary aspects (key for sustainability). In that context, Missions might have to support/advise host State authorities on some critical processes when reforming Border Management agencies structures:

- The possibility of political influence on activities of the personnel should be minimised (de-politicisation)
- A civilian model of operations and relations with the personnel should be preferred to the military one (de-militarisation)
- If determined to be feasible, de-centralisation should be encouraged
- Inter-agency Anti-corruption Strategies as well as a Common Code of Conduct should be developed.

Border Management Operational Aspects

66. **Coherence must always be sought.** When a new Border Management model has been identified and inserted in the overall policy/reform context, a maximum of coherence must be sought throughout the implementation phase (i.e. avoid using different doctrines in training, policy development and in the tactical procedures). Giving technical advice in the training activities conducted by other partners could ensure more coherence and consistency. Mission personnel should always seek coordination with other international/bilateral initiatives in the Border Management area in order to avoid confusion or overlapping as the below example will illustrate.

> *Coordination*
> *A challenge identified in Libya was that several countries provided training to the Libyan Police including border police without liaison or coordination with EUBAM Libya. They used EU or bilateral projects to invite Libyan Border Management agencies members to attend specific modules of training. (EUBAM Libya)*

In order to prevent the above-mentioned problems happening, it would be useful to pro-actively engage with other actors, previously identified with an accurate mapping. (See "Section E2")

67. **Operational Guidelines, Standard Operating Procedures (SOPs)** The following areas of local capacities/expertise should be covered:

- Strategic Leadership: key elements to be covered are, in particular, the local capacity to set clear strategic objectives, to agree tactical parameters and to establish/use various levels of delegated authority

- Operational Command: the local capacity to take fast decisions and make a flexible use of resources should be considered as a key element
- Tactical Command: in particular the local capacity to develop tactical options on the basis of an overall methodology
- Establishment or implementation of inter-ministerial and inter-agency coordination arrangements, as well as international coordination/cooperation arrangements
- Command and Communication Centre (CCC): the implementation or further development of a CCC is a critical element for a proper Border Management. Key elements to be covered are in particular the development/review of ToRs and responsibilities for the CCC
- Situational Awareness: in addition to obvious equipment related aspects, key elements to be covered are in particular the development, review and use of procedures for the gathering and exchange of information with relevant agencies and services, with the aim to deploy resources based upon real time threat assessments (see also below "Use of Intelligence")
- Communication Flow: in order to establish an efficient exchange of time critical information, a development/review of the communication procedures should be conducted
- An effective interoperability between different agencies and units is needed. The development or review of the division of responsibilities and related procedures/SOPs should be established or checked, with a view to maximising the use of all available assets-internal and external-especially in case of an unexpected threat
- Personnel identification and reallocation (match resources to demand), based upon the above mentioned threat/risk assessment, should be conducted.

> *Very often, the implemented Crisis/Operation Centre (C/OC) lacks the most important feature: real time information. A C/OC is a facilitating element to make correct decisions. The only way that a Commander seated in a C/OC can actually do it is when (s)he is fed with updated info in a given moment. A C/OC without detailed charts, real time video streaming and proper communications is virtually worthless. (EULEX Kosovo)*

68. **Use of Intelligence.** Intelligence-led action of the Border Management agencies is the model which probably fits better into Border Management than a more reactive approach. It treats data as a foundation stone of decision-making, with pre-emptive function[18] and helps Border Management agencies decide more effectively on priorities, resource allocations and crime-reduction strategies. Information gathering could also be carried out through surveillance throughout the Area of Responsibility[19]. The following areas of local capacities/expertise are considered essential elements for a proper use of intelligence in the context of Border Management:

---

[18]   UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 17-18. Intelligence-led policing works in tandem with community-oriented policing
[19]   EULEX Kosovo Standard Operational Procedure (SOP) SPD CRC Forces, 1 September 2014, page 4

- Development/review and use of procedures:
  - For the timely gathering and distribution of intelligence to inform command decision-making (both pre-event and real time)
  - For a coordinated process of intelligence analysis within all relevant agencies, to provide a comprehensive picture and avoid duplication of effort
  - For regular after action reviews/debriefs to identify lessons learned
- Provision of intelligence briefings for all relevant staff
- Development/review and use of assets to fill identified intelligence gaps, including intelligence gathering teams.

69. **Border Management operational planning.** Missions' support should cover the following areas of local capacities/expertise, considered essential elements for a sound operational planning capacity:

- Capacity to plan based on clear methodology, including strategic objectives and tactical parameters, as well as threat and risk analysis
- Capacity to start planning at an early stage and in consultation with relevant stakeholders
- Capacity to regularly update generic plans as well as develop viable contingency plans
- Development/review and use of procedures for regular after action reviews or debriefs to identify lessons learned[20].

70. **Border Management operational procedures.** Missions' support should concentrate on the development/review/use of such procedures in particular in the following areas:

- Checks at the border crossing points
- Surveillance of the border area
- Illegal migration
- Detection of fraud documents; detection of stolen goods; detection of illicit goods
- Respect for human and fundamental rights and consequences in case of breaches (oversight body, prosecution liability, etc.)
- Introduction of 'One-Stop' controls, as part of the process towards the implementation of the 'Single Window'
- Development of a Joint Inter-agency Risk Analysis/Management Model, including indicators and profiles, to gather, analyse and process information
- Production of Joint Station and Local Traffic/Commodity Risk Profiles; Application of Simplified Procedures, Authorised Economic Operators (AEOs) and Supply Chain Security (Customs).

---

[20]   EUAM Ukraine, A new Public Order Policing Approach for the Ukrainian National Police, 19 August 2015, page 16.

Utmost attention must be paid to the obligation of Border Management law enforcement officials to respect and protect the life and the security of all persons.[21] For that purpose-as in all other law enforcement activities-the authorities must abide by the principles of **legality**, **necessity**, **proportionality** and **precaution**, i.e.:

- Their action must pursue a legitimate (i.e. lawful) objective
- It must be necessary in order to achieve a legitimate objective (i.e. there is no less restricting measure available that would achieve the same objective)
- Any restriction of fundamental rights must be proportionate to the legitimate objective
- All precautions must be taken to avoid excessive use of force or endangering and injuring uninvolved persons, and the authorities must take all possible measures to minimise damage.

71. **Border Management agencies' media/communication.** Considering the high visibility of the Border Management duties, Missions' support should also focus on the development/review of Border Management specific media/communication capacity/policy/Standard Operating Procedures. Missions' support could focus on improving the publicising, broadcasting, displaying and disseminating of public information: launching of 'Stop' e.g. Human Trafficking, Drug Smuggling, Counterfeiting, Piracy and Intellectual Property Crime, and other similar campaigns, including Anti-corruption, should be developed and complemented with free-phone numbers, as a means of receiving information from the general public on illegal activities.

72. **Use of force/weapons policy.** An excessive use of force is often at the core of the distrust between the host State law enforcement authorities and local population[22]. Mission personnel should ensure that the development/review of the use of force/weapons policy is in full compliance with international human rights and criminal justice standards. The establishment/development of a Code of Ethics could also contribute to form a new organisational culture of the host State Border Management authorities.

> *Based upon law, the terms of reference with respect to graduation of the use of force should be explained in a document, endorsed by the head of Border Management agency and ministries as appropriate. The sequence of the levels to be applied by using different technical means should be clear. This will give the proper background support to the use of force in the theatre of operations. International conventions allow for "the proportionate use of force with a wide range of different technical means"(tear gas, dogs, water cannons, assault rifles, sub machine guns, etc.). However, the more technical means for the use of force that are allowed to be used by the Border Management law enforcement agency, the more training for staff will be needed to ensure maintained appropriate handling of those different technical means. Additionally most technical means will continuously need to be substituted/updated and/or maintained (e.g. Tear gas, water cannons and drugs). (CPCC)*

---

[21]   International Committee of the Red Cross (ICRC), Violence and the Use of Force, July 2011, page 16
[22]   UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 10

Enabling Services

73. **Border Management Agencies equipment, infrastructures and logistics**. Missions could provide support in developing or reviewing the equipment/infrastructures/logistics policy, including spare parts, maintenance, procurement. This includes the creation of an Inter-agency multifunctional Joint Operational (Coordination) and Risk Analysis Centres, in order to allow for the real-time sharing of relevant information between all the Border Agencies; Introduction of a National Intelligence Management Model (NIMM); Standardised Systems of Information Exchange as well as the development of Inter-agency Communications & IT Management Strategies.

Border Management Accountability

74. **Accountability is a key principle of civil service**. Fundamentally, Border Management agencies are accountable for their performance, the use of public funds allocated to them and for the way in which they exercise coercive powers entrusted to them by the law. Assisting the host State Border Management agencies in establishing or strengthening their accountability mechanisms is frequently an integral part of a Mission's mandate[23].

75. **Oversight mechanisms/bodies.** Missions should provide support in the set up/development of internal and external oversight mechanisms/bodies, if not existing or not correctly functioning.
They will be relevant for all policing and not only for Border Management enforcement duties. With reference to the field of Border Management, the oversight functions will mainly be related to legitimacy:

   - Whether measures taken are legal and have been proportionate
   - Whether agreed procedures have been respected
   - Whether there is accountability of the service and its personnel for their actions.

76. **Other accountability mechanisms.** A system of rewards (e.g. promotion) and sanctions (oversight and prosecution) should also be put in place. A close cooperation with the public and local communities, in the framework of a service model focused on solving issues faced by the community, should be implemented.

Border Management Training Related Aspects

77. **Sequencing of activities.** The sequencing of activities is particularly important in the training sector. For instance, it would likely be less sustainable to start training border police officers in Border Management if there is no common understanding with the host State authorities on concept/equipment/tactics, relevant legislation and available funding

---

[23] UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 29

for future Border Management. However, it may still be required to start conducting training for other reasons, such as attracting visibility and overall support for reform. Thus Mission personnel need to keep in mind that deviation from the preferred sequence may affect the sustainability factor. As outlined in Annex A, the ideal sequencing of actions would start from the Needs Assessment/Gap Analysis. It should be followed by the development of the Policy Framework, Legislative Framework, Institutional Framework, Procedures and finally Capacity Building. It must be taken into consideration that this sequence may vary depending on the situation in the host State.

78. **Development/strengthening of local Border Management training departments.** In coordination with the local training institutions and Border Management counterparts Missions should provide support to the development or strengthening of a Border Management training department/capacity within Border Management training institutions. Registration and certification procedures of the trainees should always be ensured. In theory, potential areas requiring reform or further development would require an appropriate targeted training to take place only once new procedures are established, new doctrine developed, etc. While this "perfect scenario" rarely happens, it needs at least to be kept in mind that a greater deviation will severely affect impact, output and sustainability of any training conducted.

79. **Development/review of manual/curricula/training schemes.** Based on a prior training needs assessment, support will also be provided in the development/review of manuals/curricula/training schemes and in the trainers/trainees selection. Missions should also pay attention to the importance of human rights, gender, anti-corruption and accountability/sanctions to be mainstreamed into training curricula to be developed or reviewed by the host State authorities. Support to the host State authorities could be given in providing direct training with the aim to handing-over training responsibilities (i.e. Train the Trainers activity). If this is the case, ensure that training curricula used by Mission personnel have been agreed or accredited by the host State authorities.

80. **Support the sustainability of training resources.** To deliver Border Management training in a sustainable way, Missions need to support the identification of a pool of qualified local Border Management personnel with good or potentially good training skills to become trainers by delivering training of trainers [24]. A framework regarding status, selection/generation process, funding, for these trainers should be developed, not least to ensure the sustainability of the training resource.

---

[24] UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 19

Monitoring, Review and Evaluation Phase

81. **Monitoring, review and evaluation of the achievements/performance of Border Management Agencies actors.** Even if this phase comes at the final stage of the process, it should be planned and integrated from the very beginning, setting aside the required human and financial resources. Missions should select quantitative or qualitative indicators that will provide clear means of measuring achievements or help assess performance and determine the data collection methods (documents review, questionnaires, surveys, interviews, etc.)[25]. Links with the Mission's Mission Implementation Plan (MIP)/OPLAN benchmarking have to be established. The measurement of the Border Management performance should be part of the evaluation system of the wider Security Sector performance.

82. **Monitoring and evaluation of the policy/reform plan/strategy by the host State authorities.** Support the development/review of monitoring and evaluation capacity within the host State authorities. Regularly track the implementation of approaches that work well and those that need refinement.

––––––––––––––

---

[25]   ISSAT-DCAF, Course on Policing and Police Reform in Complex Environments, October 2015, lesson 3, page 25

Border Management Indicative Timeline Flowchart

IDEAL TIMELINE TO BE FOLLOWED

- SITUATIONAL ASSESSMENT GAP ANALYSIS
- POLICY FRAMEWORK
- LEGISLATIVE FRAMEWORK
- INSTITUTIONAL FRAMEWORK
- REGULATORY FRAMEWORK PROCEDURES
- CAPACITY BUILDING (i.e. TRAINING AND EQUIPPING)

POSSIBLE BUT NOT IDEAL TIMELINE

- CAPACITY BUILDING (i.e. TRAINING AND EQUIPPING)
- SITUATIONAL ASSESSMENT / GAP ANALYSIS
- POLICY FRAMEWORK
- LEGISLATIVE FRAMEWORK
- INSTITUTIONAL FRAMEWORK
- REGULATORY FRAMEWORK / PROCEDURES

———————————