

PRACTICAL ASPECTS OF COOPERATION BETWEEN THE STATE BORDER GUARD OF LATVIA AND FEDERAL SECURITY SERVICE BORDER GUARD SERVICE OF RUSSIAN FEDERATION

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Abstract. *One of the main State Border Guard priorities is to maintain and develop the state border guarding system, according to the European Union external borders requirements, by fulfilling the conditions of the Schengen acquis. Schengen acquis provides that international cooperation in the field of border security can have multilateral, bilateral and local dimensions. In this context, an agreements concluded with bordering countries on cooperation in the field of border management is an effective tool to strengthen border security (EU Schengen Catalogue, 2002). In research as methodology are used scientific literature in the field of international law, treaties and agreements, the law of the Republic of Latvia, the State border guard of the internal regulations and the State border guard of unpublished materials. The Republic of Latvia and the Russian Federation cooperate in the field of development and implementation of coherent measures for the border control. Cooperation with RF is executed based on treaties and agreements concluded, as well, maintaining contacts between competent representatives of both countries at various management levels. The extensive cooperation between neighbouring countries on maintenance of security at the border results in the elucidation of the incidents occurring at the state border and other relevant issues, at the same time providing stability and security at the common border.*

Keywords: *cooperation, liaison officers, plenipotentiary border representatives, training, integrated border management*

Introduction

Integrated border management (IBM) is essential for the maintenance of security and its mechanism need to be strengthened. Latvia, as EU Member State, has an obligation, must and possibility to strengthen its state borders based on the IBM concept and, thus, contributes to the internal security. In accordance with the IBM concept, international cooperation is the one of the key pillars and should be implemented at national, regional and local levels. Therefore, well-developed cooperation with neighbouring countries plays an important role in ensuring border security and a common EU internal security.

The research aim is to explore the State Border Guard of Latvia and the competent authorities of the Russian Federation the field of State border

security cooperation in the legal framework and the practical aspects, as well as provide opportunities for innovation. Hypothesis – the Latvian State border guard and the competent authorities of the Russian Federation in the field of cooperation in the border is one factor delaying the implementation of the cooperation agreement adopted by the above inconsistencies in accounts receivable. Research design are used in scientific literature in the field of international law, international treaties and agreements, the law of the Republic of Latvia, the State border guard of the internal regulations and the State border guard of unpublished materials.

The novelty – this research may be used for official purposes of the implementation of the practical cooperation with officials of the State Border Guard, the competent authorities of the Russian Federation in the field of border control, as well as by training the competent officials of the State Border Guard.

Practical aspects of cooperation

In the course of cooperation on border matters with the competent authorities of the Russian Federation (the Federal Security Service (FSS) and the Federal Migration Service (FMS)), the State Border Guard should acknowledge threats and risks, as being neighbouring country with the Russian Federation, and the country's internal as well as external processes. In recent years, several factors influenced illegal migration tendencies (to and via) Latvia, such as: the civil war in Syria, unstable political situation in the South Caucasus (Georgia), political and economical situation in the North Caucasus region of the Russian Federation, RU liberal visa policy towards the countries of origin of irregular migrants (Vietnam, North Africa and the Middle East), massive visa issuance for study or tourism purposes (without cross-checking reasons for issuing visas with the actual circumstances) to the nationals of afore mentioned countries.

To ensure the border security, the Article 8 of the State Border Law of the Republic of Latvia (adopted on 12 November 2009), lays down a set of measures aimed at preventing possible threats for border control, guaranteeing safe and stable check performance and ensuring border checks and border surveillance infrastructure functioning. The above mentioned comprises activities abroad of a consular officials and a specialized attaches (**liaison officers**) of the Ministry of Interior, **international cooperation** of a public administration structures, **plenipotentiary border representative** cooperation, mutual coordinated activities, on a daily basis, on the state border and within the country, among the competent authorities and law enforcement authorities. Two

documents serve as a basis for the cooperation in the field of security assuring among the competent authorities of the Republic of Latvia and the Russian Federation: *Agreement between the Government of the Republic of Latvia and the Government of the Russian Federation on cooperation in Border Protection matters* (26 February 1996) and *the Latvian Government and the Government of the Russian Federation Agreement on Plenipotentiary Border Representatives* (14 December 1994).

In the frame of the EU project "*Immigration Liaison Officer Point of the Republic of Latvia, the Republic of Lithuania, and the Republic of Estonia in Russia*", implementing the *Memorandum of Understanding signed between the Latvian State Border Guard, Estonian Border Guard Board, Lithuanian State Border Guard Service on Liaison Officer Point activity in Russia*, from February 2010 to 31 May 2011 in the Russian Federation (Moscow) the **State Border Guard liaison officer** was deployed, from 1 January 2013 a liaison officer activity in Russia was reinstated.

Liaison officer cooperates and communicates with the number of institutions and organizations (see Fig. 1).

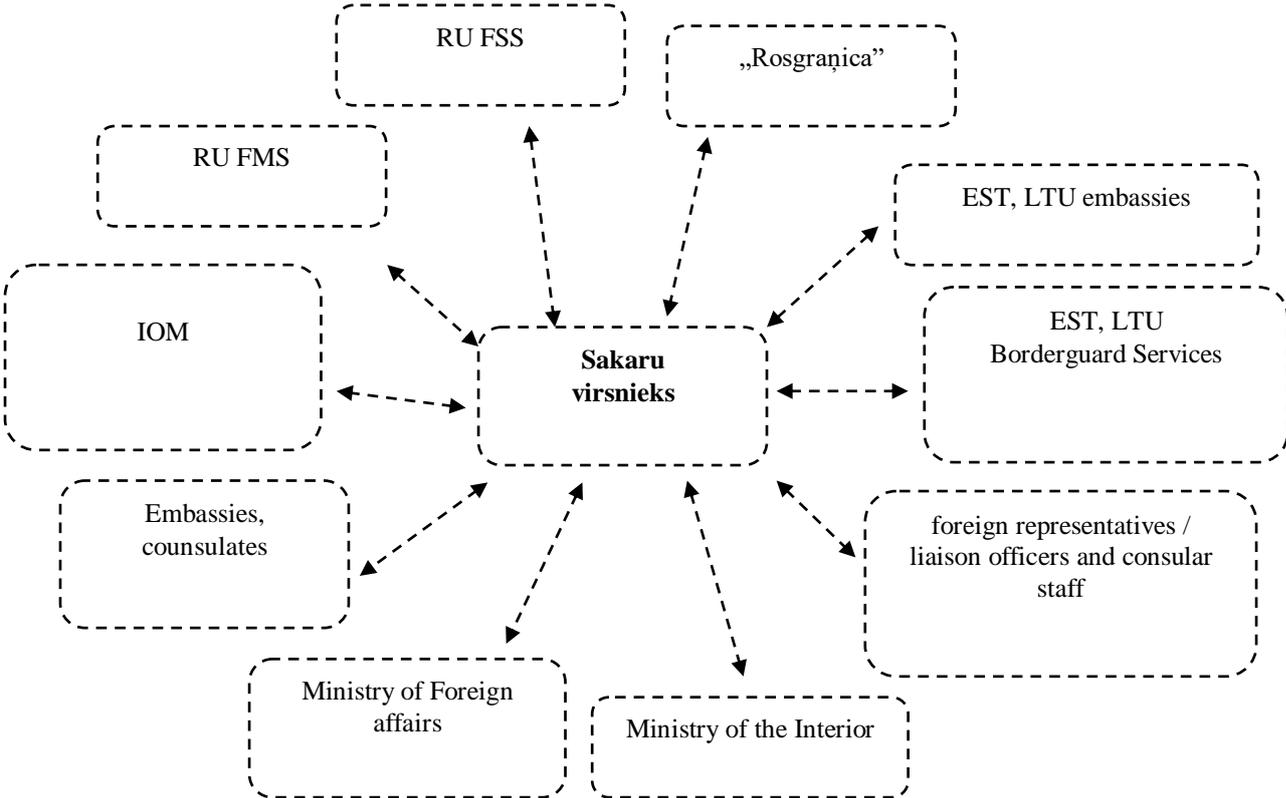


Fig.1. Liaison officer partners (author drawn)

The most efficient method in the work of a liaison is the exchange of information: at regular meetings, by telephone contacts, e-mails and direct meetings with representatives of the Russian authorities', as well as information sharing about counterfeit and fraudulently obtained

documents, individuals posing risks of illegal migration and illegal migration trends. Having regard to the Schengen *acquis* and, in particular, in the field of information exchange, a joint liaison officer network has been established, which includes the following network partners:

1. Common Foreign Liaison Officer Community (FLOC) in Moscow - representatives of police, customs, immigration and border guard services (approximately 68 representatives from the EU countries, Norway, Switzerland, USA, Canada, Australia, Korea, Israel, India, Iran, Japan and Serbia). Usually, joint meetings are held once a month (if need to be, than more than once a month) in order to identify the actual problems, that can be prevented by sharing experiences, exchanging information and so on.
2. Moscow Immigrant Control Alliance (MICA) - network of immigration liaison officers and document advisers. An important advantage is the fact that in this network participates representatives not only from the EU Member States, but also from the United States, Canada, New Zealand and Australian (in total 15 officers from 11 countries).
3. Anti-Fraud Group (AVG) - consular staff and immigration liaison officers of the EU/ Schengen countries as well as from the US, Canada, Australia, New Zealand, Korea and Japan.
4. The customs attaché in Moscow club - acting customs officers, providing cooperation in customs matters (with the participation of Latvian customs attaché in Russia).

So vast network facilitates information sharing on counterfeit and stolen documents, counterfeiting techniques and persons, who create risks of illegal migration, their travel routes with the State Border Guard, as well as Lithuanian and Estonian border guard services, the State Border Guard liaison officers in Belarus and Georgia and the Estonian Liaison Officers in Ukraine and Moldova.

On the basis of *the Agreement between the Government of the Republic of Latvia and the Government of the Russian Federation on cooperation in Border Protection matters (26 February 1996)* and perceiving that illegal migration poses a threat to public and national security, economic stability and elevates criminogenic situation, a Latvian Republic - Russia Federation Border Working Group has been established.

Analysing the practical organization of cooperation, the author would like to highlight that the Border Working Group reached a substantial agreements in the field of implementation of the border surveillance measures and increasing their effectiveness in the context of cooperation, as well as in the field of risk analysis.

At the Border Working Group meeting, held on 6 December 2012, among SBG Ludza and Viļaka board units and FSS Border Guard Service of the Pskov Region was agreed on *methodology on cooperation* that provides the harmonization of warden shifts at the “green” border in the course of implementation of active phases of joint operations. During the above-mentioned meeting was approved SBG Ludza and Viļaka board units and FSS Border Guard Service of the Pskov Region *methodology of information exchange* that provides sharing of tactical alerts. In addition, it should be noted, that the Border Working Group has also approved *a joint document verification methodology*, thus preventing the entry of individuals to the neighbouring country with forged documents.

Having regard to the effectiveness of the practical application of the afore mentioned methodologies, the author puts forward a proposal for the future cooperation with neighbouring country and to consider to examine the possibility about information exchange on transportable goods that are prohibited to be imported. For example, about undeclared excise goods transported from RF to Latvia hidden in vehicles. The exchange of information can be implemented in everyday cooperation process - when the parties have information that some individuals are going to transport undeclared excise goods in a hidden way to the neighbouring country or by sharing a tactical warning - if a new trend was observed, for example, when self-made hiding places in a rail transport revealed.

An effective tool in forming the practical cooperation is an economic, scientific - technical, humanitarian and cultural operational Intergovernmental Commission, which was established in accordance with the agreement of 13 October 2006. In the framework of the Intergovernmental Commission a working groups are established, which are responsible for the development of practical cooperation and issues affecting the security of the state border areas, thus ensuring a functional bilateral cooperation.

Border crossing Working Group activities are focused on a joint proposal elaboration for the development of border-crossing point's throughput capacity and simplify control formalities, as well as promoting the cooperation between the institutions involved. A topical issue for the Border crossing points Working Group has been “Single green corridor” project introduction feasibility at a border crossing point “Grebneva-Ubilinka”. It is essential to continue the constructive dialogue on matters related to border crossing points in order to avoid unilateral decisions or uncoordinated actions.

Transport Working Group activity is to maintain cross-border cooperation on trade facilitation, with the aim of developing the state border crossing transport network connections. One of the most pressing

issues is study on how to reduce the passenger train "Riga-Moscow" journey time. The author considers it useful that SBG officials are taking part in the Transport Working Group and that that allows actively address the issue of an international agreement project with the Russian Federation on rail passengers' data and customs information exchange negotiation, respecting personal data protection provisions.

The globalization of the world economic, the development of relations among countries and the risks associated with the destabilization of the political situation, requires continuous improvement of the management of migration flows and its adaptation to labour market needs, as well as to the social and economic situations in the countries of destination. That is why migration (including illegal) is an important integral part of the EU and RU cooperation within the Common Space of Freedom, Security and Justice. In 2006, FRONTEX Agency launched cooperation with the Russian Federation FSS Border Guard Service when the Working Arrangement was signed. Such cooperation format served as the basis for cross-border crime prevention, exchange of information, joint training and implementation of **joint operations** (Good Will 2009, Baltics 2011). In the course of implementation of the joint operations at the EU's external border with RU, according to the author, the main illegal migration routes and methods should be taken into account. As the main routes of illegal migration, originating and transiting via RF, the following can be mentioned:

1. Russian Federation → EU / Schengen countries;
2. Syria → Russian Federation → EU / Schengen countries;
3. Egypt → Russian Federation → EU / Schengen countries;
4. Vietnam → Russian Federation → EU / Schengen countries;
5. Vietnam → Russian Federation → Republic of Belarus → EU / Schengen countries.

Evaluating the quality of the cooperation with EU Member States in the field of border security, also RU FSS representatives stressed the importance of implementation of the joint operations with all EU countries neighbouring with RF - Finland, Norway, Latvia, Lithuania, Estonia and Poland.

SBG together with the RF FSS Border Guard Service of the Pskov Region annually organize and implement *joint operation* "Kordon" that aims to evaluate the potential cross-border risks and to draft a joint risk assessment at border crossing points on the state border, as well as to define the future directions for the cooperation. The fact that, in spite of the FRONTEX Agency is not organizing joint operations similar to "Baltics 2012" at the time being, the joint operation "Kordon" was implemented in 2013-2015 involving SBG and RF FSS Border Service of the Pskov Region forces and funds and functioned as a permanent tool for mutual operational

cooperation. The authors would like to note that during the implementation of active phases of the joint operations, the presence of party's *observers* at road and railway-crossing point foresees, justified by plenipotentiary border representative mechanism. In order to increase the overall effectiveness of joint operations, it would be necessary to define legitimately the competence of experts-observers, defining their duties and rights at the FRONTEX Agency and RF FSS level.

SBG *practical* cooperation on border matters with RF, primarily, is based on the **Plenipotentiary Border Representative** tool. Over the years, the role and involvement of Plenipotentiary Border Representative in processes related to border security has grown and become stronger. Undoubtedly, the Latvian initiative to cooperate constructively with RF as equal partners have contributed to this issue. Subsequently, as well as in the light of the structural changes, the role of RF Plenipotentiary Border Representative Apparatus has increased in various related processes.

Based on the Plenipotentiary Border Representative working plan for the following calendar year, it is foreseen to organize *experience-sharing secessions* for the both side officials on annual bases. Noteworthy is the practice of organising an experience sharing sessions on the local level, where SBS Main Board Expertise Unit official are taking part and performing training for RF officials on the detection of fraudsters.

One of the illegal state border crossing problems that clearly lays in the competence of Plenipotentiary Border Delegate is readmission. Problems that are faced during the execution of the faster readmission procedure are judged negatively, thus it can be concluded that the faster implementation of readmission with Russia is a topical issue and problem exists on the Russian side.

It should be noted, that the SBG Heads order document provides a wide range of officials, who, according to the service needs, have the right to exchange information with the Russian side - a part of these officials have been appointed as the Plenipotentiary Border Representative assistants. These officials' everyday duty is to collaborate with the representatives of FSS Border Guard Service and from their competence and abilities are depending the outcome of the border incident evolvement process. Taking into account the current situation and the issue under consideration in the context of the state border security, the author believes that there is a need to draft a professional development study program, aimed at regular Plenipotentiary Border Representative assistants training, thus increasing the level of professionalism and allowing qualitatively to carry out official duties in cooperation with neighbouring Border forces representatives. Possible training topic overview given in table 1.

The authors suggested training topics provide not only advancing of professional skills, but also personal traits development, as well as suggest the possibility of logical argument in Latvian side's view, subject to national security interests.

Table 1. Plenipotentiary Border Representative Assistant's training topics (authors drafted)

No.	Topic
1.	<p><i>Latvian Republic Plenipotentiary Border Representative legal frame:</i></p> <p>1.1. The Latvian Government and the Government of the Russian Federation Agreement on Border Representatives. (14 December 1994);</p> <p>1.2. Agreement between the Government of the Republic of Latvia and the Government of the Russian Federation on cooperation in Border Protection matters (26 February 1996);</p> <p>1.3. Latvian Ministry of Internal Affairs and the State Border of the Russian Federation Federal Border Service Cooperation Plan (16 August 2011);</p> <p>1.4. The Government of Latvian Republic and the Government of the Russian Federation Government Protocol of 25 May 2006 Agreement between the European Community and the Russian Federation on readmission implementation.</p>
2.	<p><i>Description of the Russian Federation border control competent authorities:</i></p> <p>2.1. FSS, FMS structure</p> <p>2.2. FSS, FMS competence</p> <p>2.3. other cooperation format (working group) description</p>
3.	<p><i>National security issues, and possible risks of contact time:</i> (Sub-themes are defined in agreement with the responsible authority)</p>
4.	<p><i>In practical cooperation used behaviour models:</i></p> <p>4.1. Basics of public speaking (in Russian);</p> <p>4.2. Recognition of psychological influence methods;</p> <p>4.3. interpersonal diplomacy;</p> <p>4.4. Behavior in conflict situations.</p>

Towards achieving the objectives of the training, it would be helpful to invite relevant experts in different fields (for example, the Security Police representatives). As well, the development of personal character, it would be useful to examine the possibility to use a variety of psychological training techniques (role-playing, business games). In general, the Plenipotentiary Border Representative apparatus is recognized as a stable functioning mechanism for cooperation.

Conclusions and suggestions

It can be concluded, that the State Border Guard has accumulated considerable experience in coordinating cooperation with the Russian

Federation competent authorities in the field of border control. Positive practice is regularly collected, analysed and presented to the regional units, successively, the negative aspects and issues are solved by improving the legislative framework, advancing the qualification of personnel, as well as continuing negotiations with the Russian Federation partners at all possible levels.

Negatively assessed the fact that, despite the law regulated procedure, the practical cooperation among the officials of the State Border Guard and the Russian Federation competent authorities is impaired by not fulfilment of the previously reached agreements, ignoring of approved operational provisions, inconsistency in contact maintaining, when the contact phones or e-mails are not reachable, as well as inefficient cooperation depending on the world-wide political situation.

Latvian Republic and the Russian Federation cooperation of the border control can be considered a well-organized, develop areas of cooperation, the issues raised are dealt with properly, respecting the other party's point of view, however, consistently adhering to the existing regulatory basis and subject to its national interests. The issues discussed at work shows the importance and necessity of multilateral cooperation of neighbouring countries in the implementation of the integrated border management of the overall context of European Union.

The following would be convenient to improve cooperation among the officials of the ***State Border Guard*** and Russian Federation competent authorities:

1. After the completion of demarcation there is a need to continue to put forward and to conclude an agreement on Latvian - Russian State border regime, thus revising and updating the area of responsibility of the Plenipotentiary Border Representative.
2. In order to prevent the illegal movement of excise goods across the state border, the ***Border Working Group*** should reach an agreement with RU FSS officials regarding improvements in cooperation between border crossing points – to inform in-time counterparts about excise goods that are prohibited to import and specifying the list of information that is detectable as agreement.
3. In the framework of Border Working Group, in cooperation with RU FSS Border Guard Service Pskov region, it would be necessary to address the issue of including the officials from FMD Pskov region in it.
4. SBG representatives acting in the economic, scientific - technical, humanitarian and cultural operational Intergovernmental Commission ***Transport Working Group*** should continue to put

- forward the agreement on passenger data share who are travelling on passenger trains.
5. SBG representatives acting in the economic, scientific - technical, humanitarian and cultural operational Intergovernmental Commission **Border Crossing Point Working Group** should achieve RU FSS Border Guard Service of the Pskov Region representative involvement in this working group in order to address matters in accordance with the level of competence.
 6. SBG Main Board **Service Organization Department** needs to arrange systematization of the information gathered by the liaison officer regarding illegal migration and to examine the possibility to include information about individuals posing risks of illegal migration and whose purpose of entry, probably, do not coincide with the visa' application, insertion in the Border Guard electronic information system (operational database).
 7. In order to increase effectiveness of cooperation of Plenipotentiary Border Representative Assistants, as well as for the SBG officer's image building, in cooperation with the neighbouring country representatives, **the State Border Guard College** in collaboration with the Plenipotentiary Border Representative should draft professional development program.
 8. To put forward and define legitimately the competence of experts-observers, defining their duties and rights at the FRONTEX Agency and RF FSS level.

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