



EUROPEAN UNION BORDER ASSISTANCE MISSION TO MOLDOVA AND UKRAINE (EUBAM)

Activity Report of the Head of EUBAM, Mr Udo Burkholder, to the OSCE Permanent Council, 1 December 2011

1. Introduction

On this day six years ago, the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM) began its work at its headquarters in Odessa and at six field offices on either side of the Moldova-Ukraine border, with a mandate to assist the border and customs agencies of both countries in approximating their border-management procedures and standards to those prevalent in the EU. EUBAM is a technical and advisory mission without executive power. The Mission has 227 staff in total, of which 101 are seconded and contracted international staff, and 126 are supporting staff from Ukraine and the Republic of Moldova. Currently, 17 EU Member States are represented in the Mission by contracted and seconded experts.

Today, six weeks after a third prolongation of the EUBAM mandate was confirmed, the Mission continues to provide technical advice and help build capacity in areas such as Integrated Border Management (IBM), joint border control and surveillance, joint patrolling, search and detection techniques, customs control and compliance, legislative reform, risk analysis, fighting corruption, border demarcation, and implementation of the visa liberalisation action plans. Uniquely, EUBAM is operational in two states, so we are keenly aware that progress in all of these areas largely depends on effective internal and cross-border co-operation. No less important is coordination of efforts with regional and international stakeholders, including the OSCE.

The EUBAM/OSCE partnership is one of growing relevance. EUBAM hopes it can profit from the OSCE's presence in the region; meanwhile, the OSCE can count on EUBAM's full cooperation in its areas of expertise.

Our approach is rooted in the idea that borders should unite, not divide, communities. This must be balanced, of course, with the need to enhance border security, support the rule of law and fight organised crime. Ultimately, the twin prerogatives of regional security and economic development



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must be progressed by way of cooperation and partnership, which EUBAM strives to facilitate in all of its activities.

The EU's own security, of course, has come to hinge increasingly on the security of its immediate neighbours. We live in a smaller and quickly evolving global community, with much interdependence between nations whose security and socio-economic fates are intertwined. There is broad recognition that genuine multi-lateral international cooperation is needed to contain and prevent organised criminal activities such as weapons, drugs and cigarettes smuggling, irregular migration, and Trafficking in Human Beings (THB) – phenomena which in today's world tend to know no borders.

2. Tackling international and cross-border crime

International organised crime is now transnational in nature, and tackling it therefore requires a high degree of cooperation among EU, national and international law-enforcement agencies. For six years EUBAM has been assisting the border, customs and law-enforcement agencies of Moldova and Ukraine to enhance their capacity to detect and prevent a range of cross-border criminal activities.

The Mission has been particularly successful in engaging agencies such as EUROPOL, SELEC, OLAF and Frontex, customs and border-guard services of EU Member States, and relevant Moldovan and Ukrainian services, for various joint projects. These include joint border control operations, common border security assessments, joint patrolling, joint working groups, and exchange of border and customs information.

EUBAM just recently published the results of *AKKERMANN*, the 8th Joint Border Control Operation (JBCO) carried out over two intensive operational phases during 2011. Coordinated by EUBAM with the participation of Moldovan, Ukrainian and international law-enforcement agencies, *AKKERMANN* made seizures of goods – including cigarettes, alcohol and vehicles – valued at EUR 3.2 million, a 600% increase on the value of goods seized during the JBCO conducted in 2010, *TYRA*.



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The importance of JBCOs lies not just in the quantity of goods seized. Information gathered during such operations may be subsequently used for the purposes of risk assessment and investigations, while the experience also serves to strengthen the intra and inter-agency cooperation and coordination that are prerequisites for tackling cross-border crime.

Other recently conducted joint crime-prevention operations include the anti-smuggling operation *PHENOMENA* at Odessa and Ilyichevsk ports, and *BRUT* – a joint operation with SELEC – which both focused on risk analysis and IBM.

During the summer of 2010, EUBAM gave investigative advice to an operation being conducted by the Security Service of Ukraine (SSUA), the State Border Guard Service of Ukraine (UASBGS), and the State Customs Service of Ukraine (UASC) that led to the seizure of almost two tonnes of cocaine at Odessa Port. Also in 2010, the UASC South Customs' anti-smuggling unit discovered 759 kg of cannabis resin in a consignment of ceramic wall tiles being delivered from South Africa to Ilyichevsk Port, after EUBAM experts had identified the shipment as high risk.

This year, EUBAM investigation experts again played a leading role in an operation – code name Megara – involving SELEC, customs and law-enforcement agencies in Moldova, Bulgaria, Romania, Turkey and Greece that led to the seizure in Megara, Greece, of 61.4 million cigarettes with a street value of EUR 12 million – the largest seizure of cigarettes made in Europe in 2011.

EUBAM has also created two permanent working groups with its partners in order to examine specific types of criminal activity. The first working group is devoted to the fight against THB and irregular migration; the second to counteracting weapons and drugs trafficking, smuggling and other customs fraud.

The Mission has continued to assist its partners in improving border surveillance and detection techniques so that security threats are better targeted and anticipated. One of the principal ways risk is measured and anticipated is through the Common Border Security Assessment Report (CBSAR), an analytical tool developed jointly with EUBAM's partners which focuses on trend identification



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and early warning. This year the annual version of the CBSAR was printed as a hard copy for the first time, and is now distributed to a wider circle of recipients.

Meanwhile, the Pre-Arrival Information Exchange System, introduced by EUBAM in 2008 for the purposes of preventing customs fraud through information exchange between Moldovan and Ukrainian customs officers, continues to operate effectively on the common border.

3. Building capacity and sustainability

The Mission's priority is to ensure sustainability and continuity in capacity-building efforts, with training playing a crucial role. There is a particular emphasis on the 'train the trainers' approach and the development of partnerships with the training academies of the border-guard and customs services in both Moldova and Ukraine. This will help to ensure a cascading or multiplying effect, it being envisaged that officers will benefit from our expertise long after the Mission has completed its work.

From 1 December 2005 until 30 November 2011, a total of 5,213 border-guard, customs and law-enforcement officers from Moldova and Ukraine received training in pertinent areas such as risk analysis, vehicle-search techniques, car trafficking and forged documents detection, money laundering, trade facilitation, social and cultural competencies, leadership and management, and public communication.

Training is conducted at both HQ and field office level, and often takes the form of a seminar or workshop, as well as 'on-the-job' training. EUBAM expects its partnerships with the training academies to lead to significant and positive influence the Mission can have on the curricula of those institutions. Officers from the partner services are also taken on theme-specific study visits to EU Member States, in order to observe best practice, which often occurs in conjunction with a complimentary training event.

In terms of legislative support, EUBAM experts have this year provided advice and recommendations for drafting amendments to the Customs Code of Ukraine as well as other relevant customs legislation in Ukraine, and advised in discussions over amendments to the



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customs legislation of the Republic of Moldova. Meanwhile, following a EUBAM initiative, a first trilateral panel on determining a common approach for the implementation of the Authorised Economic Operators (AEO) concept in Moldova and Ukraine took place in Odessa in April, with the participation of both customs services, DG TAXUD, and the Polish Ministry of Finance.

EUBAM has also stepped up its support for anti-corruption initiatives. We are acutely aware of corruption's destructive influence, and that it represents a serious impediment to the modernization of border-management procedures. But we need to be patient – the fight against corruption is a step-by-step process requiring a long-term commitment by state institutions, civil society, and international organisations.

EUBAM has now appointed two full-time experts to work exclusively on our expanded anti-corruption and good governance programme. Activities relating to the 'Excellent Border Crossing Point' pilot project at two BCPs in the Mission's Area of Responsibility have been extended, while cooperation with the Corruption Prevention Department in Ukrainian Customs Academy in Dnepropetrovsk has been established, with the aim of improving and introducing new anti-corruption modules in their training programmes. Assistance has also been provided to partners in improving transparency on the border with better public information for travellers and economic operators.

An integrity risk assessment was launched in the Moldovan Customs Service in September this year, while a Joint Statement on Cooperation was signed with the Lithuanian Special Investigation Service during the same month. EUBAM has now carried out four 'Youth against Corruption' schools for students in Moldova and Ukraine, and by way of further raising public intolerance towards corruption, presentations on anti-corruption given at EUBAM partner universities during 2011 were attended by more than 300 students. Cooperation has meanwhile been established with the Polish Central Anticorruption Bureau. During the next phase of operations, joint activities with both the Lithuanian Special Investigation Service and the Polish Central Anticorruption Bureau are planned.



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EUBAM also maintains a strong partnership with the public-relations departments of our main partners, who have benefitted from media and PR training, and taken part in study visits to EU Member States to observe PR best practice. In April 2011, press officers from Ukrainian partner services went on a study visit to Vienna and Berlin, in order to engage with press offices involved in planning public-information strategies for World Cup 2006 and Euro 2008. This is in the context of Ukraine's own preparations for next summer's Euro 2012 football championship. EUBAM's Communications Office has since conducted two Euro 2012 workshops for these press officers and their Polish counterparts, and at present they are developing common public-information approaches and tools for Euro 2012.

4. IBM, border demarcation, visa liberalization

Monitoring the implementation of national IBM action plans has been one of the key activities for EUBAM during 2011. Both the Republic of Moldova and Ukraine are the beneficiaries of IBM Flagship Initiative of the Eastern Partnership, which aims to align border management rules and adopt best practices in line with EU standards, focusing on areas such as border security, demarcation of the border, and customs procedures. EUBAM has been providing its expertise on a continual basis to the IBM Flagship Initiative through the development of enhanced action plans. Prior to the approval of the IBM action plans of both countries, EUBAM had assisted partners in the drafting of an IBM concept in Ukraine, and an IBM strategy in Moldova.

EUBAM has also been supporting its partner services in the implementation of a Jointly Operated BCP (JOBCP) pilot project at Briceni-Rossoshany. This year EUBAM prepared information signs for the JOBCP together with border-guard and customs specialists, and EUBAM completed the installation of fibre-optic cables. Both countries have agreed to create a new JOBCP at Udobnoe-Palanca-Maiaky, while an initiative to create a system of joint patrolling for both border-guard services is in progress. Coordinated patrols are already in place, and a Working Group on Joint Patrolling has also been established. During 2011, EUBAM supported three working group meetings. At the first two working group meetings the text of the protocol on joint patrolling was elaborated and agreed in cooperation with EUBAM. At the last working group meeting participants started to elaborate the complex training materials required for joint patrolling.



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As for visa liberalization, the ultimate goal is for Ukrainian and Moldovan citizens to enjoy visa-free travel when travelling to the European Union for short-term stays. But before that can happen, both countries need to fulfil certain criteria, and make progress in areas such as tackling illegal migration, integrated border management, biometric passports, security and fundamental rights. At present EUBAM is assisting both countries in implementing visa liberalisation action plans.

Demarcation of the Moldova-Ukraine border, 1,222km in length and including the Central (Transnistrian) segment, has continued through the work of the Joint Ukrainian-Moldovan Commission on Border Demarcation, to which EUBAM has provided technical support, advice and equipment.

5. Contributing to confidence-building initiatives

As alluded to in the Joint Declaration of the Eastern Partnership Summit in Warsaw at the end of September: “The resolution of conflicts, building trust and good neighbourly relations is essential to economic and social development and cooperation in the region.” Frozen conflicts such as that in Transnistria encourage the illicit economy, impede socio-economic progress, exacerbate social tensions, and isolate businesses and citizens. EUBAM welcomes the resumption of negotiations in the ‘5+2’ format, and in the meantime has stepped up its own contribution to the settlement process.

Since March 2006 EUBAM has been monitoring the implementation of the Joint Declaration on the customs regime concerning the trade activities of economic operators based in Transnistria. Under the terms of the Joint Declaration these operators can benefit from EU trade preferences by registering with the customs authorities in Chisinau. The most recent figures show 747 economic operators in Transnistria now registered in Chisinau.

The Mission played an advisory role in the resumption of the Chisinau-Odessa passenger rail service in October 2010; while this year, EUBAM developed technical proposals aimed at building confidence between Chisinau and Tiraspol, particularly in terms of the resumption of rail freight traffic through Transnistria. EUBAM presented these proposals at the ‘Wider Confidence Building



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in the Transnistrian Conflict Settlement Process' conference – co-hosted by the OSCE and the German Federal Foreign Office – in Bad Reichenhall, Germany, in September.

With EUBAM mediation, a working group meeting brought together customs representatives from Chisinau and Tiraspol for the first time since 2001. Following this, both sides attended a tri-lateral meeting at EUBAM headquarters in Odessa on 10-11 November, in order to discuss EUBAM proposals for the resumption of rail freight traffic through Transnistria.

6. Engaging with civil society and public outreach

A strong civil society represents one of the fundamental building blocks for any nascent democracy. It helps to strengthen good governance, democratic dialogue, citizenry participation, and accountability. This, too, was emphasised at the Warsaw summit, which underlined the important role civil society plays in pursuing the goals of the Eastern Partnership.

EUBAM has taken a lead in fostering the type of youth programme strongly advocated by participants in Warsaw. Since 2009, the Mission has entered into six formal partnerships with academic institutes and universities in Odessa and Chisinau by signing 'Joint Statements on Cooperation'. Plans to sign six further joint statements are in process.

Apart from the roughly 100 students who have already taken part in EUBAM's 'Youth against Corruption' schools, hundreds more students from the Mission's partner universities have attended lectures of EUBAM experts on EU and border-management related topics. In total, 18 lectures were delivered in partner universities during the 2010-11 academic year.

In 2010 the Mission began a summer school for students, entitled 'Borders of Europe'. Sixty-nine students have since taken part, following a summer school and summer camp that were organised in 2011. At present, 29 students from six universities in Odessa are taking part in a joint study course, 'Borders of Europe', which is a series of lectures highlighting economic, legal and security issues in the European Union, delivered jointly by partner-university professors and EUBAM experts.



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Meanwhile, the Mission's regular lectures programme is continuing for our partner universities in Chisinau, while a four-session workshop for journalism students from the Free International University of Moldova, devised by EUBAM's Communications Office, began at the end of November. During 2011, the Communications Office also organised 'open days' at EUBAM headquarters, and five study visits to Kuchurgan Road BCP, for approximately 180 more students. In 2012, EUBAM will invite some of the highest-achieving students from the summer schools on a study visit to an EU Member State.

7. Looking forward

EUBAM does not take lightly the responsibility entrusted upon it, as ambassadors of the European Union in Odessa, Chisinau, and on the Moldova-Ukraine border. The Mission has developed proactive working relationships with its partners in the Republic of Moldova and Ukraine, and believes it is well placed to meet ongoing challenges such as tackling international organised crime, irregular migration, supporting the rule of law, and enhancing transparency over trading activities.

In so far as the European Union should be protected as an area of justice, freedom and security, the interdependence between internal and external security has been acknowledged. Proper cooperation and coordination with the EU's neighbours, in order to safeguard security for both parties, is vital.

As both Moldova and Ukraine forge closer political and economic ties to the European Union, EUBAM will do its utmost to build on the positive partnership it has already cultivated, by promoting security and stability, by intensifying its support for the fight against corruption, by expediting confidence-building initiatives, and by deepening our engagement with civil society in both countries.

Now with a four-year mandate until the end of November 2015, the Mission will continue to provide technical expertise as its partners approximate their procedures to EU laws and standards, with particular focus on the visa liberalisation process and the implementation of IBM action plans.



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EUBAM will also strive to improve its capacity-building support through sustainable and innovative approaches to training.

In undertaking these tasks, EUBAM will adhere not just to the values of the European Union, but to its own set of core values: neutrality, partnership, reliability, results, service, and transparency. Ultimately, its goal will remain unchanged: to make a sustainable contribution to the development of border-management procedures that meet EU standards and serve the legitimate needs of Moldovan and Ukrainian citizens, travellers, and trade, which in turn enhances regional security and supports economic development.