Border Police Reforms in the Context of the Transition of the Republic of Moldova to European Standards

Mariana Pavlencu
ORCID: 0000-0003-0074-5267
Stefan cel Mare Academy of the Ministry of Internal Affairs, Republic of Moldova

Abstract. Unlike the times when Moldovan state's security was based on military power, today's national security is based on a central theme that is comprised of the values of the rule of law, good governance, and strong institutions that exist to serve the people, not a select group. We must follow this direction with uncompromising exactitude. Otherwise, we will live in an environment of insecurity that benefits the minority at the expense of the majority. One of the fundamental objectives of the European Union is to create a space without internal borders, where people can move, live and work, with the firm belief that their rights are fully respected and their security is guaranteed.

DOI: 10.5604/01.3001.0053.9586
http://dx.doi.org/10.5604/01.3001.0053.9586

Keywords: rule of law, security, national security, border security, insecurity

Introduction

The end of the twentieth century through the beginning of the twenty-first century is mostly defined by deep transformations of the national, regional, and international security environment and by the emergence of new challenges and risks for states and societies. Political instability, regional conflicts, separatism, social unrest, terrorism, cross-border crimes, the proliferation of conventional and non-conventional weapons, unilateral dependence on external energy resources, massive migratory movements, and natural cataclysms represent contemporary threats to national and international security.

Various doctrines were used for the elaboration of this article, and numerous national and international normative acts were analysed.

This analysis was made using several scientific investigation methods specific to theory and doctrine: logical method, comparative analysis method, systemic analysis, etc.

In the content of this article, we aimed to research and analyse the internal normative framework, jurisprudence and doctrine regarding the border police reforms, as well as the development of optimal recommendations in order to guarantee them.

Main part

Since 1990, migration has transformed from a regional process into a global phenomenon, in which no country in the world has been left out of international
migratory flows. Regardless of the country’s status, the migratory process currently involves many states, either as a transit state or as an origin state.

The national security system of the Republic of Moldova is going through a complex process of searching for reforms, given that it faces a multitude of challenges, while also benefiting from some opportunities. The Eastern European area has become an area of confluence of the geopolitical interests of some major actors, causing pressure, in the sense that the external factor has a special role in the internal security policy, marking its exercise directions.

Lately, there has been an increase in the migratory flow to Europe, which is due to various factors, such as conflict situations, terror, and persecution in their countries of origin, such as the Syrian Arab Republic, Islamic Republic of Afghanistan, Libya, Republic of Iraq and more recently Ukraine. The preferred destinations of emigrants are especially the Federal Republic of Germany, the Republic of Austria, and the Kingdom of the Netherlands, which are perceived as countries that have prosperous economies with good educational and employment opportunities.

If an entry, stay and exit are carried out in compliance with all legal provisions, then in terms of regular migration, it cannot be the object of the efforts of the authorities of a state. If at least one normative regulation is violated, intentionally or not, migration becomes illegal. Illegal migration can involve a broad spectrum of facets, the main one being the organisation of movements by various criminal groups, such as trafficking networks against various benefits.

The intention of the Republic of Moldova to become a member state of the European family was formalised on March 3, 2022, when our country submitted its application for accession to the European Union, reiterating its firm commitment to democratic values and principles, as stated in Article 2 of the Treaty on the European Union.

The submission of the request was preceded by a broad range of commitments, including in the field of border security, which are contained both in the Association Agreement and in the Association Agenda between the European Union and the Republic of Moldova for the years 2021–2027.

The Republic of Moldova also expressed its determination to carry out a reform agenda based on the provisions of the Association Agreement between the Republic of Moldova and the European Union, with the European Atomic Energy Community and their member states, signed in Brussels on June 27, 2014.

The experience of implementing previous public policy documents reveals their close correlation with the European concept of integrated border management. The Republic of Moldova benefits here from consultancy within several projects.

with external funding. At the same time, the monitoring and evaluation of integrated management strategies of the state border highlighted deficiencies related to financing, as well as the need to strengthen efforts on cooperation aspects at the national and international levels.

In the context of the war in Ukraine, the necessity and importance of applying the European integrated border management model are increasingly visible, to contribute to the strengthening of the extended security belt in the region. At the same time, the application and further development of the concept of the integrated European management of borders in the Republic of Moldova will increase the ability to identify and assess constantly changing risks, will ensure the provision of quality services to citizens at the state border, will allow the creation of a balance between ensuring a high level of security at the state border and fluent cross-border traffic, while also representing a conditionality that ensures the continuous fulfilment by the Republic of Moldova of the reference criteria regarding the liberalisation of the visa regime with the European Union.

On September 23 2023, the Cabinet of Ministers approved the Strategy for the Development of the Field of Internal Affairs (SDDAI) for the years 2022–2030.5

The draft strategy establishes the vision for the strategic development of the internal affairs system until 2030 and ensures its sustainable and functional development, based on law enforcement, protecting the citizens’ interests, and providing quality services.

It is the first time the MIA (Ministry of Internal Affairs) has had such an integrated policy document, which provides a new approach to specific areas of the internal affairs system, starting from the benefits brought to citizens, so that the social environment remains stable and safe.

The new approach within this strategic development document was also determined by the threats and the unstable environment generated by Russia’s aggression against Ukraine. Thus, for the elaboration of this strategy, the new regional risks, which appeared with the outbreak of the war in the vicinity of the Republic of Moldova, were also taken into account. In addition to the analyses carried out on the fields of intervention during peacetime, priorities related to increasing the country’s resilience to crises and the long-term consequences generated by the new regional security picture are drawn.

The new public policy document is based on the provisions of the Association Agreement and Agenda between the European Union and the Republic of Moldova, as well as the MIA Roadmap, in the context of obtaining the status of a candidate country for EU membership. At the same time, the strategic priorities and objectives are formulated to achieve the government’s ‘Moldova’s good times’ activity program and the ‘Moldova 2030’ national development strategy.

Modern home affairs strategies start from the example of the European village, which is impossible to build without friendly community policing. Likewise, the economic development of European states is impossible to ensure without providing a safe environment for investors, without ensuring the freedom of movement of citizens, the mobility of goods and quality services, areas in which the contribution of domestic affairs is essential.

In the context of the transition of the Republic of Moldova to European standards, it is proposed to implement a strategy, which will include 6 sectoral programs that are already in the full consultation process, in various fields, such as:  

- public order and security,
- preventing and fighting crime,
- integrated management of the state border,
- management of the flow of migration, asylum, and integration of foreigners,
- prevention and management of emergencies,
- professional training, integrity, and digitisation.

Accession to the EU is a strategic political objective of the country, which involves, among other commitments, alignment with European regulations, standards and good practices in the field of border management on the part of the Republic of Moldova. This aims to achieve conceptual and operational compatibility between national and European specialised authorities. The border management model developed in the EU has proven its viability, offering the Republic of Moldova a conclusive example of experiences and good practices. On the one hand, it ensures the necessary balance between facilitating the movement of people and goods, based on respect for fundamental human rights. On the other hand, it makes it possible to prevent and combat illegal migration, cross-border crime, and other situations that endanger border security.

Currently, the mechanism regarding the coordination of external assistance provided by the EU in the field of securing the state border is highly functional and efficient.

The application of the various reforms of the Border Police highlighted several of its stages, among which we will highlight:

I. The initiation stage of the reform of the institution, completed since its establishment. It overlapped, in general terms, with the implementation of the first National Strategy for Integrated Management of the State Border for the period 2011–2013. The need to reform the Border Police was determined by the strategic orientation of the Republic of Moldova to join the European Union, which implies the adoption of European values and standards, including in the field of state border control. Thus, by approving the National Strategy for Integrated Management of the State Border for the years 2011–2013 (approved by Government Decision No. 1212 of 27/12/2010), the modernisation process of the Border Guard Service (currently the Border Police) was initiated, the long-term benefits of which aimed at developing trade and investments, facilitating and accelerating cross-border transit, better controlling illegal migration oriented towards the EU, promoting tourism, reducing tax and customs losses generated by smuggling, and ensuring a safer and more stable security environment in the region. This stage is aimed at preparing institutional changes, demilitarising and professionalising personnel, implementing the legal,
organisational and functional framework necessary for the new institution, and operationalising it according to its legal powers.

The results of the first stage of reform were highlighted in the 5th Progress Report of the European Commission regarding the implementation by the Republic of Moldova of the Moldova-EU Action Plan on visa liberalisation, dated November 15, 2013. As a result of the reforms carried out, the Border Police coped well with the EU assessments regarding the fulfilment of the obligations assumed by the Republic of Moldova in the context of the actions to obtain the liberalised visa regime.

II. The stage of consolidation of the reform and strategic institutional development. It is covered by the National Strategy for Integrated Management of the State Border for the period 2015–2017. The purpose and objectives of the stage of strengthening the reform and strategic institutional development were reflected in the Strategic Development Program (PDS) of the Border Police Department for the years 2014–2016. At the same time, to ensure the unitary character of the reform process, the purpose, objectives, and specific actions of the PDS 2014–2016 were integrated into the corresponding section of the National Strategy for Integrated Management of the State Border for the period 2015–2017.

Among the main purpose and objectives of this stage were: developing human resources; improving the normative framework and implementing specific legislation; strengthening the institutional system; strengthening border control and surveillance capacities and related powers; developing state border infrastructure at the regional and local levels; improving working conditions in the law enforcement sectors; developing inter-institutional and international cooperation in the field of border surveillance and control; developing the institution’s prestige, internal/external communication and increasing institutional transparency. A specific weight in the context of achieving the goal was improving the mechanisms for managing financial and material resources, and increasing the capacities to access international financing.

III. The stage of achieving the general strategic goal of the Border Police reform. It was highlighted in 2017, which ensured the achievement of the general strategic goal of transforming the Border Police into a modern, effective, and efficient European police institution, which is community-oriented, optimally positioned in the national and international environment, and compatible and interoperable with similar structures from other states.8

We should also mention that the concept of the respective stage of the reform was in line with the existing risk trends and challenges towards the border security of the Republic of Moldova. From the analyses carried out at the level of the state border, numerous risks and threats result, which have a major impact on border security, public order, and national security. Among them, we will list: illegal migration; human trafficking; illegal traffic in excisable products (cigarettes and tobacco products, alcohol and alcoholic products); illegal circulation of narcotics, psychotropic substances and precursors; illegal traffic with means of transport; terrorism. Another argument brought forward in this regard is the approval and implementation of Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14/09/2016 on the Border Police and the Coast Guard at the European level, whereby the traditional concept known until then, the integrated management

---
8 Ibid., [accessed: 25/10/2022].
of the borders, has been expanded and diversified with a series of components, not so much new as necessary to emphasise, especially in the temporal and situational framework created at the world level.9

The strategic vision of the national concept of Integrated Management of State Borders provides that by implementing the integrated management of its borders, the Republic of Moldova contributes substantially to regional and European security through appropriately trained and motivated personnel, integrated logistical and financial support, and the developed administrative capacity of the Border Police to guarantee border security and freedom of movement.

Highlighting the stages and terms of strategic development expresses the fact that within the Border Police, there is a unity of conception and action, and continuity of goals and objectives. These derive from each other and ensure, from one stage to another, the developments necessary to achieve the general strategic goal of the Border Police reform.

Currently, the integrated state border management segment aims for the years 2022–2025 to continue to develop the concept of integrated European border management in the Republic of Moldova, being adapted to the particularities of the technical and operative strategy for the integrated European management of borders, approved by Decision No. 2/2019 of the Board of Directors of the European Border Police and Coast Guard Agency (FRONTEX).10

That program is consistent with the 2030 Sustainable Development Agenda, which contributes to achieving Sustainable Development Goal 10 ‘Reduced inequalities’, especially Target 10.7 ‘… to facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies’, as well as Sustainable Development Goal 16 ‘Peace, justice and strong institutions for sustainable development’, in particular, Target 16.4 ‘By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime’ (United Nations’ Sustainable Development Goals 2030).

This program derives from the Development Strategy in the field of internal affairs for the years 2022–2030, contributing to its implementation, implicitly of the priority direction ‘Consolidating and maintaining a high level of border security’, characterised by the general objectives:
1) reduced vulnerability of the state border based on full knowledge of the situation;
2) safe, secure and functional state border;
3) supported capabilities for the effective implementation of the integrated management of the state border.11

---

Its geographic position in the east of the European continent, at the external border of the European Union, is why the Republic of Moldova is also a transit territory for foreign migrants. The illegal migratory flow of foreign citizens is represented by citizens from conflict-affected states (Syrian Arab Republic, Islamic Republic of Afghanistan, Republic of Iraq), most of whom are young men (18–40 years old). Although in 2021, some countries in the eastern part of the European Union faced an influx of illegal migrants and asylum seekers from the Islamic Republic of Afghanistan or the Syrian Arab Republic, the situation in the Republic of Moldova remained at minimum levels, with the reference figures decreasing.

The war in Ukraine is an important factor that boosted (starting on 24 February 2022) the increase of illegal migration at the state border of the Republic of Moldova. The military actions in the neighbouring country have destabilised the entire region, and the challenges caused by this war also put pressure on the Republic of Moldova. The situation in the east and south of Ukraine will further contribute to the increase in the number of cases of illegal migration, the war being a real reason why the population is determined to emigrate and the flows of migrants from Ukraine will certainly not bypass the territory of the country.

Conclusions

Accession to the EU is a strategic political objective of the country, which involves, among other commitments, alignment with the European regulations, standards, and good practices in the field of border management on the part of the Republic of Moldova.

Illegal migration, being a multidimensional phenomenon with consequences for the whole society, is characterised by a negative impact on several areas: state border security; security of people; the economic interests of the state; the development and diversification of organised crime; and the international image of the Republic of Moldova. The need for state intervention in combating this scourge is also determined by the fact that illegal flows of migrants also have negative effects on regional security.

The state border of the Republic of Moldova must become a place of dedicated human resources, effective means of border control, including state-of-the-art technologies, as well as European techniques and procedures for surveillance of the green sector of the border and control in state border crossing points.

References


About the Author

Mariana Pavlencu, PhD, Associate Professor, Stefan cel Mare Academy of the Ministry of Internal Affairs of the Republic of Moldova, Chisinau, Republic of Moldova. Study area: social sciences, branch of science: legal science, law. e-mail: mariana.pavlencu@gmail.com

Streszczenie. W przeciwieństwie do czasów, gdy bezpieczeństwo mołdawskiego państwa bazowało na sile militarnej, dzisiejsze bezpieczeństwo narodowe opiera się na głównym temacie, na który składają się wartości rządów prawa, dobre rządy i silne instytucje, które istnieją, by służyć ludziom, a nie wybranej grupie. Musimy podążać w tym kierunku z bezkompromisową determinacją. W przeciwnym razie będziemy żyć w środowisku niepewności, które przynosi korzyści mniejszości kosztem większości. Jednym z podstawowych celów Unii Europejskiej jest stworzenie przestrzeni bez granic wewnętrznych, w której ludzie mogą się przenosić, mieszkać i pracować, z głębokim przekonaniem, że ich prawa są w pełni przestrzegane, a bezpieczeństwo — zagwarantowane.

Resumen. A diferencia de los días en que la seguridad del Estado moldavo se basaba en la fuerza militar, la seguridad nacional de hoy se apoya en un tema central que consiste en los valores del Estado de Derecho, la buena gobernanza y unas instituciones fuertes que existen para servir al pueblo, no a un grupo selecto. Debemos avanzar en esta dirección con rigor inflexible. De no ser así, viviremos en un entorno de incertidumbre que beneficia a la minoría a costa de la mayoría. Uno de los objetivos fundamentales de la Unión Europea es crear un espacio sin fronteras interiores en el que la gente pueda desplazarse, vivir y trabajar, con la firme convicción de que sus derechos se respetan plenamente y su seguridad está garantizada.

Zusammenfassung. Im Gegensatz zu den Zeiten, in denen die Sicherheit des moldauischen Staates auf militärischer Stärke beruhte, basiert heutzutage die nationale Sicherheit auf einem zentralen Thema, das sich aus den Werten der Rechtsstaatlichkeit, der guten Regierungsführung und starken Institutionen zusammensetzt, die im Dienste des Volkes und nicht einer ausgewählten

Резюме. В отличие от тех времен, когда безопасность молдавского государства строилась на военной силе, сегодня в основе национальной безопасности лежат такие ценности, как законность, эффективное управление и сильные структуры, которые существуют для того, чтобы служить целому обществу, а не лишь отдельным группам. В этом направлении необходимо действовать бескомпромиссо и решительно. В противоположном случае придется жить в условиях неопределенности, выгодной меньшинству в ущерб интересам большинства. Одна из основных целей Европейского Союза — создание пространства без внутренних границ, в котором люди могут перемещаться, жить и работать с твердой уверенностью в том, что их права полностью соблюдаются и обеспечивается их безопасность.