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# The EU and Border Management in the Western Balkans: Preparing for European Integration or Safeguarding EU External Borders?

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**Abstract**

This article evaluates the European Union (EU)'s border strategy for the Western Balkans. It identifies an increasing tension between, on the one hand, the Union's use of its border strategy to foster the long-term stabilisation of the countries of the Western Balkans and their future integration into the EU and, on the other hand, the use of border management as an instrument to ensure its own internal security. This tension can be broken down into a three-fold contradiction inbuilt into the EU's strategy: short-term vs. long-term objectives; a security vs. development focus; and interventionism vs. local ownership approaches. These contradictions, aggravated by local and regional political, economic and security challenges, can explain existing shortcomings in the EU's border interventions in the Western Balkans.

**Keywords:** integrated border management, European Union, Western Balkans, effectiveness, coordination, local ownership.

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**Introduction**

Border management is often defined as the administration of borders by a 'professionally trained security apparatus with responsibilities, powers, functional mandates and a professional identity separate and distinct from other security providing structures' (Marenin 2006, 17). The rules, techniques and procedures within any border security system vary depending on the national and regional context, the organisational dynamics, and the multiple 'rationalities' under consideration (Hills 2006a, 2006b). In war-torn societies, poorly governed and weak states, border management responds to a peacebuilding and developmental rationality. Borders perform a crime-fighting and a trade function but are also part of building the international personality and territorial integrity of societies. Increasingly, border management also serves an internal security rationality whereby the international community uses border management as a strategy to protect Western populations from the consequences of the 'regressive developmental malaise' (Carnegie Commission cited in Duffield 2003, 307). That is, non-conventional and transnational forms of crime (including illegal flows of people, goods, capital and services) that flourish on the basis of local and regional socio-economic, political and environmental insecurities, and the privatisation of conflict. The 'War on Terror' has added impetus to the use of border management as a foreign tool to obtain domestic security due to the increasing association that can be found in many policy circles between terrorist networks and organised crime activities (Ioannides and Collantes-Celador 2011, 416-419).

This article seeks to contribute to an understanding of the role that border management plays in international interventions in third states. More concretely, the article evaluates the border strategy followed by the European Union (EU) in the Western Balkans. This strategy provides a good illustration of the internal security rationality

outlined above. On the one hand, it responds to the cross-border effects the ongoing political and socio-economic instability of the region is having on its long-term stabilisation. On the other hand, it is also motivated by the EU's internal security needs, which explains why border management is at the heart of the external dimension of the Union's Justice and Home Affairs (JHA). The argument developed here sheds light on the fact that, inbuilt into the EU's strategy, there is a three-fold contradiction: (1) between its short-term approach to border management and the long-term nature of the challenges facing the region; (2) between its own security needs and the national and regional socio-economic needs in the Western Balkans; and (3) between the temptation to intervene from the outside to impose quick fix solutions and the need to promote local ownership and sustainability of the reforms. The tensions arising from these contradictions are aggravated by the political, economic and security problems that have affected the region at least from the wars of the 1990s to date, *inter alia*, problems of corruption and organised crime, political instability (and thus, legitimacy, credibility and fragile statebuilding and democratisation processes); a difficult economic situation, and a weak absorption capacity.

This article starts first with a discussion of the dual logic guiding the EU's strategy in the Western Balkans, which has sought to promote its model of border management as a first step in the process of integrating these countries into the EU *and* as a way to defend the EU populations from external security threats. Second, the article moves onto examining the EU's Integrated Border Management Strategy (IBM) and its implementation in the Western Balkans. The article then evaluates the results so far achieved by this strategy, using coordination and effectiveness as key assessment variables. The aim here is not to quantify levels of coordination and effectiveness but rather to use these to map the challenges arising from the three-fold contradiction outlined

above. This article will draw primarily from the case studies of Bosnia and Herzegovina (hereafter referred to as Bosnia) and Kosovo with a particular emphasis on their border police agencies.[1]


**Securing the Borders or Integrating the Western Balkans?**

In the EU context, border management has been defined as 'activities carried out at a border, in response exclusively to an intention to cross a border, and consisting of border checks and border surveillance' (European Union 2009, 3; see also Hills 2006b, 42). The former refers to checks at border control points, while the latter concerns the monitoring of the blue and green borders, land and water border zones between two control points. The concept of border management has various dimensions (security, trade/business, foreign policy), something that Hobbing (2005, 3) explains by noting the evolution of the concept of 'effective' and 'integrated' border management, and Georgiev relates to the instrumental use of the border strategy for other EU policies (2010, 255). However, the security component remains central in the EU's border strategy, with some authors pointing out that other objectives associated with the internal European space – such as justice, freedom and development – are if necessary subordinated to that of security (Balzacq and Carrera 2006; Corrado 2006; Monar 2010). This assumption underpins the analysis of the EU border strategy in the Western Balkans developed in the rest of the article.

While the importance of internal borders in the EU has gradually decreased by the creation of the internal market and the implementation of the Schengen Agreement, a simultaneous process of hardening of its external borders has taken place in order to create what Monar (2007, 54) has described as an 'external shield for EU internal security' or what Georgiev (2010, 256) frames as a response to the 'security deficit' emanating from

the internal abolition of borders. But this process has not ended at the EU's borders. As part of the external dimension of JHA the EU has also attempted to project its model of border management beyond its external rims in an effort to create a 'buffer zone' to protect itself from 'unwanted' threats such as illegal immigration, organised crime and terrorism (Wolff 2008). Hence the EU has engaged in a form of 'remote policing' defined as 'remote control policies, whereby agents of social control attempt to maintain the security of Western populations by establishing checkpoints and control stations in defined zones of disorder far away from their home territory' (Bigo quoted in Gatev 2008, 103). The EU has therefore been involved in twinning exercises and rebuilding/transforming/strengthening the capacity of the border services in neighbouring countries as well as intensifying its cooperation with other Western agencies. Underpinning this understanding of the EU's border strategy is the conviction that security is relational and thus, the Union's internal security will be increased by improvements in border standards and the stability, more generally, of origin and transit countries (Balzacq 2009; Corrado 2006).

Conditionality has become one of the key mechanisms to externalise the EU's JHA strategy. An efficient border security service is considered a crucial requirement for those countries that want to join the EU family. The Schengen rules have been incorporated into the *acquis communautaire* and have thus become a condition for candidate countries (Rees 2008). In the case of the Western Balkan countries, border management requirements have been included in the Stabilisation and Association Agreements and are monitored in the Commission's annual reports. The border requirements associated with the membership accession process for the Western Balkans are nevertheless in direct confrontation with the ongoing perception of countries in the region as either themselves a source of security concerns for the Union or the 'last line of defence' against external threats.[2] The visa

liberalisation process in the region, as explained below, is a case in point particularly if we note, as Flessenkemper and Bütow (2011, 165) have done, that the conditions Western Balkan countries have been expected to meet were greater than for others in the Schengen white-list. They relate this situation to geographical explanations (the Western Balkans are surrounded by EU member states) and perceptions of the region in the 'old EU' as paternalistic, heavily influenced by discourses of criminality and corruption and 'a perception that violence and backwardness are an indelible part of the Balkans' (Flessenkemper and Bütow 2011, 168). According to an EU official,

> There is this kind of dual discourse. On the one hand, [the EU says:] 'you will be part of the family and we will make things easier for you and that is why you have to implement the Schengen *acquis* because one day you will be one of us'. On the other hand, […] with border management, the EU is telling them [the Western Balkan countries] you are a potential danger and we still see the security implications (personal interview by author, Brussels, 4 July 2007).

The inherent tension within EU border strategies in the Western Balkans is not an isolated phenomenon, but as pointed out by Berg and Ehin (2006, 53-71), it would appear as a characteristic feature of the EU border regime as a whole. They identify three policy paradigms at work in the EU border policy: the EU Regional Policy (promoting cohesion and cross-border cooperation); the Schengen provisions in JHA (emphasizing security); and another policy paradigm guiding enlargement and the European Neighbourhood Policy, which puts the accent on the fluidity and mobility of borders. Each of these policy paradigms has a different mode of governance, attributes different functions to the border regime and supports different degrees of openness. According to Berg and Ehin (2006,

54), 'the result of this vertically and horizontally fragmented policy process is a border strategy characterised by internal contradictions and a lack of coherence'.

In line with this conclusion, this article highlights three key contradictions at play in the EU's border strategy for the Western Balkans. First, there has been a tendency to focus on short-term challenges rather than dealing with the long-term structural problems (often of a socio-economic nature) that are frequently at the heart of the security challenges in the region. This 'shortermism', characteristic of many of the efforts of the international community in the Western Balkans more generally (Belloni 2007), has resulted in dysfunctional responses, aggravated by the fragmentation and lack of coordination of the international presence in the region. Having said that, some differences can be found in the strategies of different EU institutions and instruments, with Common Foreign and Security Policy (CFSP) instruments more focused on short-term (crisis management) responses and Commission instruments more prone to dealing with long-term issues. As mentioned before, there is also a tension between the EU's own security needs and the national and regional socio-economic needs in the Western Balkans. Ryan (2009) has referred to this as the 'security-first approach to socio-economic development'. In the cases of Albania and Montenegro, he notes that EU security sector reforms reveal a tension between 'a more holistic approach and a security-based approach that is top-down and largely founded on the self-referential security concerns of the European Union' (Ryan 2009, 311). Linked to the top-down nature of the EU's intervention in the region is the final tension, between the temptation to intervene from the outside to impose quick fix solutions and the need to promote local ownership and sustainability of the reforms. Before examining how these tensions have materialised in the cases of Bosnia and Kosovo, it is worth looking at the initiatives the EU has launched in the area of border management in the Western Balkans.

**The EU and the Management of Borders in the Western Balkans**

The EU's strategy in the Western Balkans is based on the concept of Integrated Border Management (IBM) which has become a prerequisite for accession to the EU. This strategy pursues the creation of open *and* secure borders. Effective border management should facilitate free movement of goods and people, but at the same time, prevent unlawful activities (Hobbing 2005, 3). The main elements of the IBM strategy include: (1) a comprehensive approach that goes beyond the physical security of borders to deal with issues of trade, transport, health and safety, etc.; (2) the need for inter-agency cooperation, *inter alia*, customs, border police and veterinary services; (3) regional and international cooperation as essential components to achieve effective border security; and (4) the development of appropriate professional skills, which requires a move from military border control to specialised police forces (Hobbing 2005, 2). The Schengen Catalogue is considered the guiding criteria for external border control (Council of the EU 2002).

To support implementation of the IBM concept, in 2004 the Commission produced some *Guidelines for Integrated Border Management in the Western Balkans* (European Union 2007). These guidelines focus on three aspects: intra-service cooperation, inter-agency cooperation and international cooperation. The first one refers to efficient vertical and horizontal cooperation within a specific agency. The second one, as mentioned earlier, concerns cooperation between the different national services involved in border management in order to ensure day-to-day communication and consistency among different activities. The final aspect seeks to ensure cooperation among different regional and international actors at a bilateral and multilateral level.

Until its termination in 2006, the CARDS programme financed Commission and member states projects in this area.[3] Its successor, the Instrument for Pre-Accession, also covers assistance for border management. In operational terms, the EU has deployed a broad range of instruments, from twinning programmes and other technical assistance provided on the ground by the Commission/EU Delegations to expert advice by the police and rule of law missions launched under the umbrella of the Common Security and Defence Policy (CSDP) in Macedonia/fYROM, Bosnia and Kosovo. The EU has also deployed an EU Monitoring Mission and two military operations (Concordia in Macedonia/fYROM and EUFOR Althea in Bosnia) that played a role in monitoring the security situation, and exceptionally, in the case of EUFOR, provided assistance to the local authorities when they have lacked the appropriate capacities. EUROPOL (European Police Office) has offered advice in the areas of organised crime and counter-terrorism and supported bilateral intelligence exchanges. FRONTEX, the European agency that coordinates operational cooperation between the member states in the management of external borders, has also concluded working arrangements with Western Balkan countries with similar objectives (FRONTEX 2012). These different activities reflect the complex nature of border management that requires a comprehensive range of instruments.

The EU has also cooperated with other international actors in multilateral projects. For instance, in 2002, following the crisis in Macedonia/fYROM, NATO launched an initiative aimed at promoting stability and security in the region with a particular focus on border security issues. The idea was – in the words of an EU official – to support 'if not EU, at least Euro-Atlantic objectives of border policing, and one of these is the civilian control of border management' (personal interview by author, Brussels, 4 July 2007) – i.e. the de-militarization of borders. The initiative crystallised in what was known as the Ohrid

Process (2003-2008). Under the umbrella of the Stability Pact, and bringing together the three major organisations operating in the region (the EU, NATO and OSCE) and the then five countries of the Western Balkans (Macedonia/fYROM, Serbia and Montenegro, Bosnia, Croatia and Albania), the Ohrid Process sought to coordinate activities among the international organisations involved, foster regional cooperation and promote the adoption of European standards on integrated border management (Stability Pact 2003). However, the security dimension was very much present in the minds of these organisations. As an EU official put it, 'you will see that the word "security" is put before "management" in the title of the process, and NATO insisted on this. So we emphasise this link [between borders and security], but this is a political process that focuses on the capabilities of the countries to manage their borders' (personal interview by author, Brussels, 4 July 2007).

The following analysis of the coordination and effectiveness of EU activities in the region will provide additional illustrations of the implementation of the abovementioned initiatives, with a particular focus both on the inherent tensions in the EU's strategy and the impact of local political imperatives and socio-economic realities.

**EU Border Management Activities: Coordination**

As in other security sectors, fragmentation characterises international intervention in border management in the Western Balkans. The EU is a relatively newcomer to this sector when compared to other international organisations active in the region since the Yugoslav wars of the 1990s, namely the UN, NATO and the OSCE. A multitude of other international actors have also contributed to border management, including the Stability Pact/Regional Cooperation Council, UNHCR (UN High Commissioner for Refugees) and UNDP (UN Development Programme) and bilateral donors such as the US, UK, Netherlands and Germany, among others.[4] Against this rich background of donor

contributions to border management, coordination has inevitably faced a number of problems. Among them is the fact that '[t]hese actors are driven by their own interests and priorities, which are sometimes in conflict with EU conceptions of IBM' (Marenin 2010, 118). A case in point is the international support to IT and communications systems for the Kosovo Border police. Support has come from donations from different donors and this has resulted in a 'piece by piece' approach (EULEX 2009, 80). Two overlapping IT systems have been used in Kosovo's border crossing points. One funded by the Commission and another one based on donations by the US and supported by ICITAP (International Criminal Investigative Training Assistance Programme), the so-called PISCES system (Personal Identification Secure Comparison and Evaluation System). However, the latter does not fulfil Schengen requirements (EULEX 2009, 80) and is being replaced by the new EU-funded version in all border crossing points at the time of writing (April 2012). This illustrates how a problem of coordination among international donors can have serious operational implications for the nascent border institution.

While problems of coherence have impinged upon the efforts of every international organisation and country involved in border management, internal coherence in the case of the EU represents a specific challenge. Different reasons explain this: the pillar division introduced by the Maastricht Treaty (1992),[5] the complexity of procedures, and the number of actors involved both in the decision-making and the implementation process. First, the traditional cross-pillar nature of border management raised significant challenges. Until the adoption of the Lisbon Treaty, no genuine 'cross-pillar' mechanisms to implement border management activities were in place, with the exception of the double-hatted EU Special Representative (EUSR) in Macedonia/fYROM (also acting as the Head of the Commission Delegation). This arrangement contributed to a more unified approach to security sector reform in general and border management in particular, but it

was the exception rather than the rule. The establishment of the position of High Representative for Foreign Affairs and Security Policy held by Catherine Ashton and an External Action Service were intended to ensure coherence at the Brussels level, but it is unclear how they might improve operational coordination between CSDP missions and other EU border management initiatives. Moreover, notwithstanding the positive changes brought by the Lisbon Treaty, it remains a matter of debate to what extent this treaty and the subsequent Stockholm Programme (2010-2014) will promote the external dimension of JHA (Trauner and Carrapiço 2012, 8-11; Monar 2010). For example, the fundamental question of where overall responsibility for border management lays, remains unsolved. As stated by Marenin (2010, 116), border management crosses over into 'three policy domains: community, member states and a common foreign policy' and reflects the 'reality that only limited agreement exists on who has authority over what policy'. The re-labelled EU Delegations, which have taken the role of the rotating Presidency in the country, should however help coordinate Commission and Council initiatives.

EU activities in Bosnia give an idea of the challenges in this area. Until 2011, the Commission Delegation had its own programmes supporting the implementation of the IBM strategy, through economic assistance and twinning programmes (personal interviews by author, Sarajevo, 17 September 2009 and 17 September 2010). For its part, the EUSR played an important political role in 'persuading' the local authorities to carry out reforms in the area of policing and rule of law, including border management. In 2011, the positions of Head of the EU Delegation and EUSR were merged, which should facilitate coordination in this policy area. The EU Police Mission (EUPM) has also helped strengthening the BiH Border Police, while the EU military force (EUFOR) deployed several operations to support local efforts in the fight against organised crime, including border patrolling, during the first two years of its mandate (December 2004-2006). Other

EU bodies such as FRONTEX and EUROPOL are involved in security sector reform activities in the areas of intelligence reform and the fight against organised crime.

In addition to the multiplicity of actors and the institutional fragmentation mentioned above, shortcomings in coordination within the EU reflect deeper problems in its overall strategy towards the Western Balkans. EU activities in the area of border management reveal a tension between short-term and long-term objectives, security and developmental focuses, and interventionism and 'local ownership' approaches. These tensions translate not only into different institutional responses but within institutions, into mismatches between overall objectives and actions on the ground.

On the one hand, Community activities have been more aware of the need to promote a holistic and long term approach. The Commission has also emphasised the importance of ownership of the reforms, although, as will be discussed in the following section, often its activities still fall short in this area. The Commission's *Security Sector Reform Concept* (2006, 3) acknowledges that 'Security Sector Reform should be seen as a holistic process, strengthening security for all citizens as well as addressing governance deficits […] Although some aspects of Security Sector Reform can be short-term, the overall Security Sector Reform process needs to be long-term and be based on strong national ownership'. Yet, in practice, in spite of the Commission's discourse, often Community assistance to border management has aimed at supporting infrastructure and institution-building projects, while the more developmental aspects, including democratisation and human rights issues, and the deep socio-economic roots of the problem, have not been adequately prioritised in Commission border management projects.[6] For instance, CARDS assistance to border management in Macedonia/fYROM during the period 2000-2004 focused on the provision of operational equipment to the Police and Customs Administration, the development of a National IBM Strategy and

other legislative and institutional elements such as the creation of an Inter-ministerial Commission for Border Management and a National Border Management Co-ordination Centre (European Agency for Reconstruction 2007).

On the other hand, CFSP actors have usually concentrated on security aspects and short term activities. According to Sheriff (2007, 88), 'Security Sector Reform actions driven by the EU crisis management agenda alone run the risk of downplaying norms that require a longer-term development perspective consistent with human rights, democratic oversight, good governance, accountability and transparency'. While these different EU approaches are justified in specific circumstances – e.g. CSDP  missions are allegedly launched in 'crisis' scenarios with a short-term and security focus – the various institutional realities have not always been adequately coordinated, both at planning and implementation stages.

One of the main problems affecting EU activities in the area of border management refers to the coordination between the different civilian agencies, including member states' activities, deployed in the field. Commission programmes and member states bilateral activities have concentrated on improving border management in accordance with the objectives of IBM, with a focus on institution-building (infrastructure, legislation, twinning programmes). For their part, interventions by the EU police/rule of law missions deployed in the region have focused on short-term capacity building and training. This division of labour is in theory a positive asset to ensure no duplication takes place. The problem is that in practice activities have usually been deployed separately and coordination among all these civilian actors has often only happened in an *ad hoc* way and *a posteriori* (i.e. once all the actors where deployed on the ground), leading to limited synergies between and among different projects.

At times coordination of civilian actors has been difficult simply because of the sheer number of actors involved (see Marenin 2010, 74). For example in the case of Bosnia, the EU's intervention in the area of border management dates back to the UN period with the launching of the so-called IMMPACT project. Experts from Denmark, Germany, France, Belgium, Italy, the UK and Ireland were posted to provide the BiH Border Police (at the time known as the State Border Service, and then as State Border Police) with expertise on interviewing techniques, forgery detection and profiling.[7] In addition, the European Commission, Hungary, the Netherlands, Denmark and the UK were involved, in some cases quite heavily, in the development of this institution during the UN phase, through bilateral assistance, donations and training programmes. It also received great assistance from the German government who saw border control in Bosnia as a top priority. With the deployment of EUPM in 2003, bilateral projects conducted by EU member states and Commission's projects through its CARDS programme continued, albeit not always in a coordinated fashion. However, the fact that Germany remained the main actor involved in the implementation of this project undoubtedly helped facilitate a smooth transition from the UN to the EU period and maintain policy consistency. A 70-strong EUPM team of co-locators, mostly German and commonly known as the 'State Border Service's godfathers', were deployed to mentor border officers. They were backed by bilateral assistance on funds and equipment (Merlingen and Ostrauskaite 2006, 71). The intensive involvement in these border activities of EU member states, in addition to EU institutions, does not constitute a problem in itself. The main challenge relates – to go back to a point made earlier on – to the fact that each of them has tended to have its own interest and its own model of border management, despite the existence of IBM guidelines at the EU level.

Coordination of these activities in Kosovo was even more complicated because of the existence until December 2008 of another major EU actor in charge of managing EU projects: the European Agency for Reconstruction (EAR). The projects managed by the EAR focused mainly on the construction or renovation of border police stations, provision of equipment (computers, vehicles, etc.) and training (European Agency for Reconstruction 2007).With the disbandment of the EAR, its projects were handed over to the European Commission Liaison Office in Kosovo. The Commission has also funded studies to assess Kosovo's needs in order to develop and implement an IBM strategy. The EU rule of law mission in Kosovo (EULEX) deals with customs and has some executive competencies in the fight against corruption and organised crime, key areas for the Union's internal security needs (Ioannides and Collantes-Celador 2011, 432-437). Coordination with the European Commission Liaison Office in Kosovo has run smoothly so far (Grevi 2009, 365), for example, concerning the monitoring of the implementation of an Intelligence-Led Policing programme (EULEX 2010, 8).

Coordination between military and civilian operations can however become a more challenging task. The emphasis of military crisis management operations on an executive and security approach to border management could lead (and has led) to tensions between CSDP military operations and other civilian actors, including police/rule of law missions and Community activities. These tensions were experienced in Bosnia after the deployment of EUFOR Althea in December 2004. EUPM (police) and EUFOR (military) encountered operational difficulties in coordinating their activities due to their conflicting outlooks on how to combat cross-border organised crime. For Muehlmann (2008, 399-409) this was expected but not inevitable; expected, due to differences in culture and philosophy, and organisational structures, but not inevitable given the role played by the 'human factor', or the impact that the decisions taken by the leadership of these two

missions had on generating or perpetuating the operational difficulties faced on the ground. EUPM chose the path of capacity-building due to its non-executive mandate and its belief on building local ownership, whereas EUFOR preferred a more 'pro-active' engagement (e.g. operations against illegal logging) due – at least partly – to what in its view was a weak border police that lacked the resourcefulness to act on its own when confronted with organised crime rings. The tensions on the ground were only resolved when Brussels and the EUSR in Bosnia put pressure on the two missions to agree on what came to be known as the *Seven Principles for Coordination* (personal interviews by author, Sarajevo, 2005-06).

In the case of Kosovo, informal agreements for operational cooperation between the NATO-led KFOR (Kosovo Force) operation and EULEX were negotiated in 2007-2008. However, Turkey blocked the adoption of four technical arrangements on cooperation between the two organisations until late 2008. The EULEX-NATO arrangements related to 'response to civil disturbance situations, military support to police operations (including protection of patrimonial sites) and exchange of information (including in the field of intelligence)' (Spernbauer 2010, 32), and have helped smooth cooperation between the two missions. In the area of border management, KFOR has gradually handed over the responsibilities for the surveillance of the green border to the Kosovo Border Police as the Mission is downsized. In April 2010, KFOR transferred the responsibility for the green border with Albania and joint patrols between KFOR, Kosovo Border Police and EULEX were established (EULEX 2010, 8). Responsibility for the surveillance of the border with Macedonia/fYROM and Montenegro was transferred in 2011 (European Commission 2011b, 52).

**EU Border Management Activities: Effectiveness**

Evaluating the implementation of the EU's border management strategy in the Western Balkans necessarily requires touching on a number of issues that go beyond the coordination challenge and that can be grouped under two sub-headings: EU-related explanations and contextual conditions.

*EU-related Explanations*

The main factor to consider when analysing the effectiveness of efforts to develop functional border agencies in the region is the agenda guiding the EU, which can be at odds with the needs on the ground (Woodward 2003, 276-302; Ioannides and Collantes-Celador 2011, 425-437). This situation is clearly illustrated by the Union's visa regime vis-à-vis the Western Balkans, driven to a large extent by political and security imperatives resulting from the wars of the 1990s rather than by socio-economic/developmental/trade concerns (see Flessenkemper and Bütow 2011).[8] Beginning in 2008, the visa liberalisation dialogue between the EU and the Western Balkans has been based on meeting 'stringent, non-negotiable conditions' (Flessenkemper and Bütow 2011, 165) in four 'blocks', of which only one went beyond security matters: (1) document security; (2) border control/management, migration and asylum (including re-admission agreements for the repatriation of illegal immigrants to countries of origin); (3) public order and security (including the fight against organised crime, corruption and terrorism), and (4) external relations and fundamental rights. As explained by an EU official, the first three security-driven 'blocks' were more important for Schengen countries when assessing Bosnia's progress in the visa liberalisation process (personal interview by author, Sarajevo, 16 September 2010).[9]

This 'security-first approach' – to use Ryan's terminology (2009) – could explain the tendency to 'securitize' the management of borders. That is, the propensity to prioritise tactical short-term objectives (capacity-building, investment on resources and personnel) in the fields of counter-terrorism, the fight against organised crime and corruption, and the maintenance of order in society, over long-term needs in the governance side of border agencies (accountability, legitimacy, transparency). This 'shortermism' has in occasions led to the 'export' rather than 'adaptation' of external security models, for the sake of expediency but at the expense of local ownership and sustainability (as explained below). It could also mean that the long term socio-economic and political roots of problems in the region are often either missed or put to the side, undermining the overall effectiveness of the EU's border strategy even when adopting the narrow security approach. This is despite the fact that polls routinely show that the main concerns among local populations are not security issues, but have to do with socio-economic problems. For instance, the UNDP 2009 Early Warning Report for Kosovo (2009, 4) shows that for a large part of the population the paramount problem is unemployment (46 per cent), followed by poverty (18 per cent) and lack of electricity supply (9 per cent) (see also Ioannides and Collantes-Celador 2011: 434-437). Data collected in June 2010 by EUPM shows that public opinion in Bosnia rates unemployment first (62.3 per cent) followed by crime (46.7 per cent) and very close after that the economic situation (39.8 per cent).[10] As put by a Bosnian official from the Directorate for European Integration,

> The EU sees this region mostly as a political and security issue [...] They have to change their focus […] The disparity in economic development and the lack of real convergence between Bosnia and the rest of Europe, that is the real threat to stability in the region (personal interview by author, Sarajevo, 10 June 2005).

In other instances, problems of effectiveness have directly resulted from the poor implementation of reforms by the international donors themselves. Examples abound, ranging from criticisms over the German influence on the design of the BiH Border Police,[11] to the mixed performance by UNMIK (UN Interim Administration Mission in Kosovo) Border Police and KFOR in assisting in Kosovo's fight against cross-border smuggling through the Administrative Boundary Line with Serbia prior to its independence in February 2008. The latter did in turn affect negatively the (perceived) impartiality and professionalism of the Kosovo Border Police among ethnic minorities at a time when it was developing its investigative capacities, infrastructure and communication systems. As summarised by a Commission official,

> UNMIK's poor management of the Administrative Boundary Line [was] a serious problem that, if not addressed, [would have] most likely result[ed] in Kosovo becoming permanently established as a centre for black market activity of such significance as to prove economically destabilising for the region (personal interview by author, Brussels, 4 July 2007).

Last, but not least, local ownership has not always been a top priority at the time of designing and implementing border management reforms, despite rhetorically receiving much attention. This gap has led to a problem of sustainability, both financial and operational. Let us examine the example of Bosnia. The 2010 annual report by the BiH Border Police reveals a 15 per cent decrease in the number of illegal crossings and a 28 per cent decrease in the number of registered offences (EUPM 2011, 11). The Commission 2011 Progress Report on Bosnia links this progress to the increase in joint patrols with counterparts in neighbouring countries, on the basis of agreements for border management cooperation, even if outstanding border demarcation or delimitation issues with Croatia,

Montenegro and Serbia remain unsolved. Progress has also been made in completing the adoption of the IBM-related legal framework and protocols of cooperation with other IBM-relevant Bosnian institutions were signed in April 2012 (European Commission 2011a, 22-23, 53; EUPM 2012; personal interview by author, Sarajevo, 17 September 2010). Notwithstanding these positive developments, the financial and in some ways operational sustainability of the border police in Bosnia remains a matter of debate. This border agency has been for much of its existence (over 11 years by April 2012) costly to maintain due to the initially higher salaries of its officers (compared with other police agencies in the country), state of the art equipment and specialised training. For some experts the introduction of the EU's IBM system is part of the problem. For example, the EU invested €34.5 million in the reconstruction of Bosnia's six priority crossing points (EUPM 2010, 5). As put by a EUPM official working on border issues, the IBM system is 'ambitious in content for some areas [and] certainly in the timescale [but] there is no money [in Bosnia]' (personal interview by author, Sarajevo, 15 September 2009). Moreover, as pointed out by a Bosnian official in the Ministry of Security, with Bosnia forced to respond to the effects of the global recession, it becomes more of a challenge to maintain the 89 border crossing points in the country (personal interview by author, Sarajevo, 22 September 2010). One can therefore conclude that the sustainability of the BiH Border Police system as it has been designed to operate depends – to an important extent – on the availability of funds. Plans to reduce the salaries of border police by five per cent under the 2012 state budget as part of a wider annual reduction of €20 million in the cost of public servants are a telling example of the country's economic difficulties (Jukic 2012). The question as put by an EU official is whether the freezing and/or lowering of salaries that has in fact been taking place at least since 2009 will lead to an increase in

corruption within the border police (personal interview by author, Sarajevo, September 2009).

In line with the IBM strategy border crossings in Bosnia are designed to meet best Schengen standards but are then not adequately used by the BiH Border Police because of lower volumes of traffic compared with Schengen countries, a persistent lack of skills in basic areas (e.g. interviewing, data gathering and analysis, etc.),[12] shortages of certain types of equipments (e.g. night vision devices, sensors, etc.) and recruitment levels. The number of unfilled positions, most of which are for police officers, represented in 2010 nine per cent of the overall personnel strength of this institution (at 2,536 employees) (personal interviews by author, Sarajevo, 2009-2010; OHR Press Office 2010; EUPM 2011, 11). However, as discussed below, better management of the available resources cannot have the desired impact if unaccompanied by a commitment to de-link political struggles from the functioning of police agencies, particularly for those – as is the case for the BiH Border Police – that have the added dimension of strengthening the state-level structures.

Concerns over sustainability have also been raised in the case of the Kosovo Border Police. For example, an assessment of the IT and communication systems showed that sustainability was problematic in this area (EULEX 2009, 80). More generally, the sustainability of an IBM strategy in Kosovo is affected by understaffed and under-equipped border crossing points, limited intra and inter-agency cooperation and regional cooperation (EULEX 2009, 131; Forum for Security, 2010). For instance, it is estimated that the Kosovo Border Police needs an additional 1,000 border officers in order to meet the Schengen criteria (FRIDOM 2009, 17).

Local ownership has been singled out as a key objective by the EULEX mission (EULEX 2009, 2010); however, it is still too early to ascertain how much the Mission has

contributed to achieving this goal. A serious concern, however, refers to the fact that the Mission still retains executive powers in some areas (Council of the EU 2008) and this could undermine efforts to promote local ownership (see Ioannides and Collantes-Celador 2011, 432-437). For example, EULEX has maintained executive responsibilities in Gates 1 and 31 in the north of Kosovo. Some observers have noted that despite the Mission's rhetoric, 'it is obvious that the EULEX leaders still keep a hand on the steering wheel and largely design the roadmap that must be followed – but that only partially reflects the actual situation of the country' (Keukeleire et al 2011: 194).

### Contextual Conditions

When analysing the contextual challenges on border management in the region one needs to go back to the local political and socio-economic realities mentioned earlier in the article. In the case of Bosnia, its border agency is weakened by the persistent politicisation of rule of law by local stakeholders. This improper use of politics led in 2005 to a situation that for a moment made the fragility of the reforms carried out by the international community since the end of 1995 seemed more apparent. On 9 September 2005, the High Representative at the time, Paddy Ashdown, appointed a number of individuals to senior positions in the BiH Border Police, including its Director and Deputy Director. The Bosnian Council of Ministers had repeatedly failed to appoint individuals, based on merit first and then ethnic representation, to these senior management positions. As a result, the BiH Border Police had been without a Director since February 2004 and effectively without any management since July 2005 (OHR Press Office 2005b). The impact that this crisis of leadership had on the effectiveness of the BiH Border Police was exacerbated by the August 2005 events that led to the killing of a Bosnia Muslim border officer by a Bosnian Serb colleague. This incident was described by some as an ethnic-

based killing, particularly after allegations that the BiH Border Police's authorities had in the past covered up other inter-ethnic conflicts between officers belonging to this agency. The Bosnian Ministry of Justice soon after refuted this claim. The Republika Srpska Prime Minister argued that such an incident would not have happened if the BiH Border Police was still under the jurisdiction of the Entities (OHR Press Office 2005a). These two events in 2005 illustrate the continuing power struggle between nationalist politicians and police structures that can provide Bosnia with a state 'personality' and whose appropriate functioning has become intrinsic to the country's path towards EU and NATO integration. In this regard, the year 2005 was not the last time the BiH Border Police was affected by the country's political situation. In 2009 Milorad Dodik, at the time Republika Srpska Prime Minister, attempted to return to the Entities up to 68 state competencies including customs and police (Alic 2009). And in June 2010, Raffi Gregorian, at the time Principle Deputy High Representative, stated, 'it is hard for the Border Police to fulfil all its tasks when some political leaders question the legitimacy of state institutions and seek to cut [their] funding […] so they can raise spending in the entities" (OHR Press Office 2010).

The dangers that the unsolved political situation in Bosnia can and have had on the functioning of the BiH Border Police would be, at least to some extent, disputed by those that consider the border police as administratively sustainable and with enough institutional identity to consolidate its development (personal interviews by author, Sarajevo, October-November 2006). Although one could mistakenly read too much into the specific events listed above, the challenge posed by those political authorities wanting to control – as much as possible – the BiH Border Police should not be underestimated. In the words of Kai Skogstrom (2006, 4), at the time EUPM Chief Advisor to the BiH Border Police, 'the State Border Police's structure […] continues to shield it from excessive local

political interference, although a level of interference still exists when speaking about upper management'.

Kosovo's border control has similarly been affected by contextual factors. Given the levels of organised crime and human trafficking in Kosovo, the effectiveness of the Border Police has been called into question on several occasions (see, for instance, Council of Europe 2007). The links between war criminals and members of the Kosovo Police are widely known. Economic underdevelopment and a political culture at odds with individual accountability have constituted a perfect breeding ground for corruption and organised crime (see ICG 2010, 11). As an illustration of this problem, Bolton (2005, 7) argued that the income of 50 per cent of the households in one municipality neighbouring the Administrative Boundary Line was supported by revenues from smuggling activities. However, despite assessments such as this one, one of the main problems has been the lack of reliable data and intelligence about illegal crossings and seizures, which makes it very difficult to assess accurately the impact of organised crime in Kosovo (EULEX 2009, 53). Corruption cases have also affected the Kosovo Border Police. For instance, in 2009 twelve border police officers were arrested for accepting bribes. According to the ICG, EULEX has recommended that 'border police be barred from carrying mobile phones at work, to prevent them from coordinating with smugglers' (ICG 2010, 11). The low salaries of border police officers have not helped in this regard. As mentioned by a Commission-funded report, '[t]he remuneration of the BBP [Border and Boundary Police] personnel remains modest, and they do not benefit from social or legal protection' (Kosovo Donors Conference 2008, 5).

The political uncertainty about the status of Kosovo has also undermined the effectiveness of the reform projects. Initially, it led to a complex border management system under UNMIK. Even though the UN introduced a single system of borders, two

different types of borders and, therefore, two different regimes could be distinguished: international borders with Montenegro, Albania and Macedonia/fYROM and the Administrative Boundary Line with Serbia. Besides, some international borders such as those with Montenegro have not been demarcated, not to mention that with Serbia (Forum for Security 2010, 4). When it comes to the implementation of IBM principles, the status of Kosovo has also had an impact. For instance, until recently, most of the green borders of Kosovo were patrolled by KFOR, against the EU's principle of civilian border management.

The limbo status in which Kosovo has lived for years also explains the lack of relevant legislation in the area of border control and management. A case in point here refers to the control of illegal immigration. It was only in July 2005 when a regulation on the matter came into force (Regulation 2005/16 on the Movement of Persons into and out of Kosovo). Travel documents, identity cards and driving licenses were issued by UNMIK and, even then, problems were encountered as the Serbian authorities refused to accept those documents as valid travel documents. After Kosovo's independence, new Kosovo passports were introduced, but they are not accepted by those countries that have not recognised Kosovo's independence. With the transition from UNMIK to EULEX more progress has been achieved. A law on integrated management and control of the state border was adopted in May 2008. Kosovo's national IBM strategy which was adopted in December 2006 was revised in 2009 and an action plan to improve intra- and inter-agency coordination was adopted in April 2009.

Yet, the politicisation of Kosovo's borders has not ceased after the declaration of independence. If anything, it has worsened due to strained relations between Belgrade and Pristina and the non-recognition of Kosovo by Serbia, as well as other five EU member states.[13] These problems delayed for a year the deployment of the EULEX mission until

December 2008. Opposition by Cyprus and Slovakia has also prevented cooperation between the Kosovo Border Police and FRONTEX (Forum for Security 2010, 6). Moreover, the fact that some EU member states do not recognize Kosovo also limits the instruments that the EU can bring forward to promote reforms in the country, in particular, the prospect of membership. However, in an effort to support the adoption of border management-related reforms, the Council stated that 'Kosovo should also benefit from the perspective of eventual visa liberalisation, once all conditions are met' [...] Without prejudice to Member States' positions on status' (Council of the EU 2009). Talks on visa liberalisation were launched in January 2012.

One of the main areas of disagreement between Kosovo and Serbia refers to the control of the territory north of the Ibar River, largely populated by Serbs. Kosovo's new independent institutions have been unable to exercise full control over the border in this area, which was the scene of violent acts in February 2008. According to an ICG report (2010), there were around 30 EULEX border police and another 20 custom officers at gates 1 and 31 in the border between Serbia and Kosovo, but the presence of local Kosovo Border Police officers was very small. Moreover, because of the political tensions, the EULEX role was limited, custom checks irregular and custom revenues were not collected. Attempts to reinforce the presence of the Kosovo Border Police in these checkpoints have led to more violent clashes between KFOR and Kosovo Serb protesters since July 2011. It is yet to see whether the EU-mediated talks between Kosovo and Serbia launched in 2011 might help tackle some of these border issues. So far, agreement has been reached to establish joint custom checkpoints in the north of Kosovo, as well as on issues related to car insurance and licence plates. Since December 2011, Serbia also allows Kosovo citizens to enter the country and move freely with documents issued at the border.

**Conclusion**

Located in its Southern periphery, and as part of a process of harmonisation in JHA matters, the Western Balkan countries are expected to undergo a transformation of their border management systems in accordance with EU principles (i.e. those in the IBM Strategy). The objective is to build effective and secure borders. Effective so that borders do not disrupt free movement of people, goods and services. And secure to ensure that they can successfully deter security threats. This two-fold objective has guided much of the design and implementation of border management projects in the region. However, in various important respects the security-driven rationality of this strategy has predominated in line with the development of an 'external shield' (Monar 2007, 54) that protects the Union's internal space from 'unwanted' threats.

The cases of Bosnia and Kosovo's border police agencies best exemplify the EU's efforts in the area of border management. The process and results in these two cases have varied greatly. While the first one (Bosnia) – despite its many shortcomings – is said to possess an advanced border security system; progress in the case of Kosovo has for long remained hostage to the political uncertainty that surrounded its status. However, in both cases one can identify a number of shortcomings associated with the tensions arising from the three-fold contradiction inbuilt into the 'security-first approach' (Ryan 2009) of the Union's border strategy, as outlined above. That is, shortcomings arising from tensions between short-term vs. long-term objectives; a security vs. development focus; and interventionism vs. local ownership approaches. These tensions shed light on the incompatibility at times – albeit not inevitable – of the Union's two-fold objective of using its border strategy to ensure the long-term stabilisation of the region and, eventually, its integration into the EU, but also its own internal security needs, as illustrated in the article using coordination and effectiveness as assessment variables.

The coordination of activities within the EU family and with other international actors has not always run as smoothly as planned, particularly among civilian organisations. Problems of coherence have reflected different institutional approaches to border management, with the Commission favouring long-term and developmental activities and the Council preferring short-term measures with an emphasis on security. Although in some respects both types of activities fall short of promoting 'local ownership', the Commission's approach could be said to have been less 'interventionist'. At the same time, the effectiveness of EU border management reforms in the Western Balkans – particularly in Bosnia and Kosovo – has been affected by a variety of factors, ranging from the contradictory EU agenda guiding its operational efforts to 'local realities' shaped by the political and socio-economic situation on the ground.

There are no two similar cases when it comes to assistance to border services or security sector reform more generally. However, at the same time, there is by now a wealth of 'lessons-learnt' in the region that one can borrow from. One can only expect that future EU activities will make good use of these learning experiences.

[1] This article draws from interviews conducted by the authors in Brussels and Bosnia between 2003 and 2010. These interviews are part of their ongoing research into issues of security sector reform, statebuilding and the role of the EU in the Western Balkans.

[2] For an illustration see Hills' analysis (2006a) of the motivations driving the EU intervention in border management matters in Bosnia.

[3] CARDS allocated a total of €107.20 million to the Western Balkan countries for the implementation of the IBM National Strategies.

[4] The Geneva Centre for the Democratic Control of Armed Forces (DCAF) has also played a very important role in encouraging regional cooperation through its Border Security Programme's annual ministerial conferences.

[5] The Maastricht Treaty established three pillars: the first or communitarian pillar, mainly covering trade and internal economic activities; the second pillar involving foreign and security issues; and the third pillar for justice and home affairs. The Lisbon Treaty (2009) formally abolished the pillar division.

[6] For a similar assessment of the EU's assistance to the rule of law in Kosovo, see Keukeleire et al. 2011. The authors argue the EU's 'institution-building paradigm' will not be successful unless its assistance is directed to improving key underlying factors such as income and education.

[7] For the sake of clarity this article will use throughout the most current name, BiH Border Police.

[8] The EU granted visa-free travel to citizens from Macedonia/fYROM, Serbia and Montenegro in 2009, followed in 2010 by Albania and Bosnia. Talks on visa liberalisation with Kosovo were launched in January 2012. Flessenkemper and Bütow point out that greater emphasis on solving the structural democratic and social deficits of the region came *after* visa-free travel had been granted (2011, 168).

[9] In the case of Bosnia activities falling under the fourth 'block' have included the protection of the fundamental rights of the Roma population and strengthening the institution of the Ombudsman, among others (personal interview by author, Sarajevo, 16 September 2010).

[10] Information available in EUPM's website, http://www.eupm.org/Public%20Opinion%20Research.aspx (accessed on 14 April 2012).

[11] The active role played by this country has inevitably led the BiH Border Police to develop operational practices very similar to the German ones. Not all international police experts in the field consider these practices as the most adequate for the Bosnian reality, leading some to suggest that with time this institution

would have to revise its working methods. By 2009 this was already happening (personal interviews by author, Sarajevo, 25 October 2006 and 15 September 2009).

[12] Similar deficiencies were identified in the case of Kosovo (Kosovo Donors Conference 2008, 13-16).

[13] As of April 2012, 22 Member States had recognised Kosovo's independence. Romania, Spain, Greece, Slovakia and Cyprus have refused to do so.

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