

Smart Cars, Smart Phones, Smart Guards

With a topic as intriguingly broad as “Integrated Border Management and its Way Forward,” it was unsurprising 2014’s ED4BG main debate ran overtime and produced such a diverse array of opinions from the panel and the large audience of experts in the field.

Moderator Paweł Świeboda posed the first question, on the complex issue of the current international context for Europe and its future for border guarding, to Patryk Pawlak, senior analyst at the EU Institute for Security Studies, who outlined the principle challenges with the question: “What kind of border guards and border patrols do we need in the future?”


Any discussion of the future, he said, needed to be placed in a political context, which does not simply look at the volatility of Europe’s neighbours, but also of “the neighbours of the neighbours,” taking into account changing migratory patterns in this post-financial-crisis world. With these points in mind, the role of border guards will increasingly involve cooperation with intelligence and law-enforcement agencies and he warned of three implications.


The first, when confronting criminality, was to realise criminals operate freely, without the constraints and limitations that are imposed on modern border management. Secondly, care needed to be paid to a “blurring” of the dividing lines between border guards, intelligence agencies and police. Believing the job of a border guard was becoming tantamount to that of a superhero, with so many increased and expanded responsibilities, Pawlak thought it was an issue that could only be solved through effective training.

Finally, he said the third implication was for security research, but felt confident Frontex had a “dynamic unit” already working on these developments, fully aware of the larger societal effects those projects could have. And though politicians in Brussels may not always take risk analysis as seriously as they should, there was a huge role for Frontex in this area, ranging from the problems in new member states like Bulgaria and Romania, through staffing and training issues to EU counter-terrorism efforts.

Inviting Dr Anna Mrozek, a researcher at the Law Faculty at the University of Leipzig, to speak on the current legal framework, Paweł Świeboda asked if she believed it had evolved sufficiently to meet the challenges of the future.

Referring to the topic as an “amazingly interesting development politically, but also legally,” although facing challenges in the area of execution of powers, Dr Mrozek described how certain powers traditionally held by states would mean a new regime of sharing was required, leaving Frontex, as a supra-national institution, at the core of creating solidarity and harmonisation of anything new.





She highlighted the rule of law and human rights when matters of territorial sovereignty may muddy the situation, such as in cases where border guards need to move people between states. “The fundamental [human] rights ceiling is always there,” she said. Territoriality, particularly concerning sea borders, is an area in which current regulations will need to be addressed, Dr Mrozek asserted, necessitating creation of new conventions, though she was sure, even given these unresolved issues, that the current framework exists and is sound.

However, the problem of “what happens when you go extra-territorial” cannot be solved by laws alone, she said; the future’s practical problems will be governed by an evolved legal framework with additions that take into account the changing situation.

Professor of Criminology Dr Marc Cools, from Vrije Universiteit in Brussels, was the next speaker to elaborate on the topic. He saw the problem of crime, the perpetrators and victims of it, as something that will have an impact beyond its current limited local effects. Instead, he said, ordinary citizens would come to see it in its international context; one that will influence elections, security legislation and the behaviour of individuals.

Citing Robert Kaplan’s book *The Revenge of Geography*, Dr Cools pointed out the extra-territorial problem that the ports of Antwerp and Rotterdam will one day pose as they morph into a single ‘node’ despite being in different countries. He questioned what effects integration of the agencies concerned would have on dealing with cross-border crime such as human trafficking and organ-trading, but answered that traditional solutions would need to evolve with coordination management to include not just prevention efforts and policing but after-care.

A new concept of Frontex’s approach to border guarding was to consider its work scientifically, like in the “laboratory” that Ruben Zaiotti said Schengen had become in his opening lecture. Through diligent analysis, the missing links and missing pieces of these crime puzzles, Cools said, were going to be filled by a combination of an increased role of the private sector, long-term intelligence gathering and short-term surveillance.

On Zaiotti’s laboratory, the final speaker, Ilkka Laitinen, Frontex’s departing executive director, began by saying the time was right to discuss whether the 2006 Integrated Border Management Strategy was still valid going into the future and what, if any, gaps there were. His major concern, referencing a newly-released Frontex publication, *12 Seconds to Decide*, was the danger of grouping people for the purposes of simplification, considering recent statistics which show that while 700 million people crossed Europe’s borders legally in a 12-month period, only around 70,000 were detected crossing illegally. Certainly among the 70,000 there were risks, but also legitimate asylum seekers, so he asked if enough attention was in fact being paid to the potential risks in the other 700 million: “Have we really focused enough on the 700 million? I have to say that we haven’t.”

However, in tackling problems, Laitinen said, “the current structure is valid, but what more can we do?” Again, pointing the finger at politicians and the public, simplification was not the answer, he said. The kneejerk ‘more guards, more boats’ response was not a remedy to border-crossing problems.



Answering the points of law raised by Dr Mrozek, he believed that though there were legal concerns, they were becoming clearer by the day and, “we know what can be done and what cannot be done,” particularly with reference to Frontex's explicit core mission statement which stipulates that, “the purpose of border surveillance is to prevent illegal border crossings, period. That’s the purpose. It’s not a violation of the law.”

Even with growing complexity, that mission underscores the question of what sort of border guard, as a civil servant serving the public, the future will see in meeting the expectations of European society.

Patryk Pawlak answered Laitinen’s call to “clarify” but not “over-simplify” the future role of Europe’s border guards with the observation that while a lot of attention was being placed on the ‘smart borders’ system, “What we need to start talking about is S.M.A.R.T. border guards,” where S stands for Sensible, M for Motivated, A is Accountable, R is Responsible and T stands for Trained.

He believed those qualities would successfully take on the future challenges of the 12-second decisions and judgements about individuals border guards have to make. Dr Mrozek also agreed that in all the issues raised during the debate, “more and more clarification is coming.” In his final comment, Prof Cools called for “balance” and closed with a quote attributed to Benjamin Franklin: “People willing to trade their freedom for temporary security deserve neither and will lose both.”

An enthusiastic question-and-answer session ensued looking at the ethical dilemmas of new technologies in border management, future cooperation between border guards and customs, and the possible transfer of some powers from individual states to European institutions. But fittingly, Ilkka Laitinen, succinctly replying to the question “Why do we even have border guards?” which threatened to send the debate into a third hour, had the last word with his advice to his successor: “No revolution is needed. Let’s continue evolving and developing and... Let the machinery work.”