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Cross Border Controls

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Foreword

On 08 May 2003 the development of regional micro-disarmament[1] standards and guidelines was discussed during the RACVIAC sponsored seminar on '**SALW - A year after Implementation of the Stability Pact Plan** '. The consensus was that such standards and guidelines were desirable, and SEESAC agreed to develop a framework and then take responsibility for the future development of regional standards. It was agreed RMDS/G would be designed to support the work at the operational level, and would go further than the more generic 'best practice' documents currently available. After a wide-ranging discussion between stakeholders as to the status of RMDS/G it has been agreed that the term 'standards' will refer to the technical issues, whilst 'guidelines' will apply to 'programme' issues.

This RMDS/G [2] reflects the development of operational procedures, practices and norms, which have occurred over the past four years in the area of Small Arms and Light Weapons (SALW)[3] control. Best operational practices have been identified and reviewed from within the region and beyond, and included as appropriate within this RMDS/G.

SEESAC has a mandate under the Stability Pact Regional Implementation Plan to fulfil, among others, operational objectives of 1) sharing information on and enhancing co-operation in the establishment and implementation of SALW control and reduction programmes and approaches among regional actors; and 2) providing linkage and co-ordination with the other relevant regional initiatives. The development of RMDS/G is one means of fulfilling that mandate.

The work of preparing, reviewing and revising these standards and guidelines is conducted by SEESAC, with the support of international, governmental and non-governmental organisations and consultants. The latest version of each standard, together with background information on the development work, can be found at www.seesac.org. RMDS/G will be reviewed at least every three years to reflect developing SALW control norms and practices, and to incorporate changes to international regulations and requirements. The latest review was conducted on 01 March 2006, which has reflected the development of the UN Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS) www.unddr.org, which include RMDS/G as a normative reference in the Disarmament and the SALW Control modules.

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[1] Defined as: 'The monitoring, collection, control and final disposal of small arms, related ammunition and explosives and light weapons of combatants and often also of the civilian population. It includes the development of responsible weapons and ammunition management programmes'. Often used interchangeably with SALW control in the past, but SALW Control is now the recognised terminology. The term Micro-Disarmament has only been used here to ensure consistency of the RMDS/G concept, rather than renaming the standards.

[2] The layout and format of RMDS/G are based on the highly successful International Mine Action Standards (IMAS). The cooperation of the UN Mine Action Service (UNMAS) is acknowledged by SEESAC during the development of RMDS/G.

[3] There is no agreed international definition of SALW. For the purposes of RMDS/G the following definition will apply: '**All lethal conventional munitions that can be carried by an individual combatant or a light vehicle, that also do not require a substantial logistic and maintenance capability**'

Introduction

Small arms, light weapons and ammunition are inherently dangerous. In the wrong hands, and in sufficient quantities, they can be politically destabilising and lead to and exacerbate conflict. As such, they can present grave dangers, both to national governments and to international and regional peace-building efforts. The most effective way that they can be kept in check is by interventions and programmes for micro-disarmament and the control of SALW. This RMDS/G establishes best practices and guidelines on the responsibilities of a national government, including the national SALW commission, to control the flow of illegal weapons in and out of a country by establishing a system for border controls.

Effective border management serves not only as a deterrent to organized crime in all of its facets, but most importantly serves as a confidence-building measure to reinforce and supplement a program of sustainable socio-economic development and national confidence. Strict and effective border control is a precursor to any long-term program of national security and to reduce the flow of illicit SALW, narcotics and humans across international borders. Recent conflicts in the SEE region have created the climate for trans-national organised crime to flourish. State-sponsored smuggling networks developed in the early 1990's, have provided the basis for many of the current organised criminal networks. These organised criminal networks are a direct threat not only to the SEE region, but also to the security of Western European countries as well. Organised crime networks in the region have become well established, extremely violent and progressively more international, specialising in extortion, money laundering and the trafficking of cigarettes, narcotics, and humans for prostitution and SALW into the heart of Western Europe.

A long-term, results-oriented, strategy for effective border control in the region is needed and should concentrate on border policing and demilitarization of international borders. A bottom-up, top-down approach will prove to be of particular value, as current levels of cooperation between authorities across international borders require improvement. Enhancing cross-border cooperation is necessary in order to create regional cohesion, joint planning of border control strategies, sharing of technology and intelligence information at both the micro and macro levels and to create an environment conducive to improving law enforcement operations.

The establishment of such a system will assist the national government to implement other forms of arms control such as arms import and export legislation - no form of such legislation can work if it is not properly implemented. Even if the national government is not engaged in a micro disarmament programme, it will assist in controlling the flow of weapons, and especially illegal weapons, in transit through the country. Border controls will also allow documentation to be maintained, which will assist national governments to maintain a database of weapons held legally in the country.

Border Controls

1 Scope

This RMDS/G establishes the guiding principles for the establishment of system border controls to monitor the import and export of SALW. The border controls should be set in place by the appropriate ministry of the national government. Any necessary specialised assistance on the cross-border movement of SALW should be provided by the national SALW commission [4], which is responsible for the safe, efficient and effective planning and execution of all national and international SALW control and intervention activities.

2 References

A list of normative references is given in Annex A. Normative references are important documents to which reference is made in this standard, and which form part of the provisions of this standard.

3 Terms and definitions

A list of terms and definitions used in this standard is given in Annex B. A complete glossary of all the terms and definitions used in the RMDS/G series of standards is given in RMDS/G 02.10.

In the RMDS/G series of standards, the words 'shall', 'should' and 'may' are used to indicate the intended degree of compliance. This use is consistent with the language used in ISO standards and guidelines.

a) 'shall' is used to indicate requirements, methods or specifications that are to be adopted in order to satisfy the standard in full;

b) 'should' is used to indicate the preferred requirements, methods or specifications; and

c) 'may' is used to indicate a possible method or course of action.

The term **'national authority'** refers to the government department(s), organisation(s) or institution(s) in each SALW country charged with the regulation, management and co-ordination of SALW activities.

4 Border controls as part of a national SALW control programme

SALW control programmes can only be effective if the movement of illegal weapons into and out of the country can be controlled. This can be a highly difficult aim to achieve, especially in countries with long or inaccessible borders, whole border and customs control staff are few and poorly-paid, and the smuggling of goods is well established. The achievement of such controls requires a high degree of political will, and the ability for many different authorities to work together to support the national SALW programme. It also requires that certain agencies, such as customs agencies, and given the resources that they need to implement such controls.

The political will in the country has to be matched by an equivalent political will in neighbouring countries, so border controls are best implemented on a bi-lateral or even a regional basis. If successfully done, this can provide increased security and stability for all the nation states involved.

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[4] National SALW commissions have been called a variety of names in previous SALW interventions. These include; national SALW co-ordination committee, disarmament, demobilisation and reintegration (DDR) committee, DDR authority etc. For the purposes of this RMDS/G theses names all refer to a 'National SALW Commission'. For information on National SALW Commissions see RMDS/G 03.10.

5 Establishment of border controls

5.1 Border crossing control requirements

Under ideal conditions, border controls should be sufficiently tight to ensure that no people or goods passed into or out of the country without registration and, if necessary, inspection. In practice, this is a heavy burden. The movement of weapons usually requires reasonable roads, unless the weapons are to be moved by animals rather than trucks. This means that the number of border posts needed is very large, and the resources necessary to control the border crossings will be considerable.

In an ideal world, all dangerous goods, especially weapons, should be required to pass through effective border controls, and be registered as they move in and out of the country. Whatever the problems of implementation, this should be the target to which a nation state establishing a weapons control system should aim.

5.2 Developing Integrated Border Management

Countries within the SEE region have not taken a comprehensive approach to border management. This has resulted in loss of trade and tariff revenues, bottlenecks at border crossing points (BCP) and a marked increase of smuggling across international borders. A lack of checks and balances within the various border control agencies allows corruption to flourish. Border control agencies must cooperate with each other in order to negate the problems listed above and to make BCPs more efficient in allowing the free flow of international commerce and people in transit. Conversely, this approach will tackle the problem of cross-border criminal operations and illegal migration. Integrated border management will assist SEE countries in allocating scarce law and customs resources in an effective and all encompassing manner.

Integrated border management involves two key elements: inter-agency cooperation and strategic planning. This should be achieved by first forming an inter-agency commission consisting of high-ranking officials from pertinent border control agencies. Ideally, this commission should have representatives from the following agencies:

a) Border Police

b) Customs

c) Ministry of Interior

d) Ministry of Trade

This commission should establish each agencies line functions and set long-term strategic goals to be met. This will ensure that each agency clearly understands its function in obtaining the set goals and make sure that there is no duplication of effort or interference in another agencies line functions. The long-term strategic goals should show linkages between the various agency programs and should detail:

a) the development of standardized actions and procedures in combating cross-border crime;

b) the standardization of information technologies and information exchange;

c) equipment allocation;

d) capacity building;

e) the appropriate upgrading and maintenance of BCP infrastructure;

f) trade facilitation; and

g) facilitation of transit.

These established fields and agency line functions should be prioritised and logically sequenced. Funding needs for each field should be allocated according to priority. As part of its long-term strategic plan, the inter-agency commission should aim to meet general EU standards with regard to border management. These goals include: [5]

a)   clearly demarcated borders;

b)   good cooperation with neighbouring states;

c)   non-military border guarding structures;

d)   a sound legal framework, based on EU standards;

e)   well trained, equipped and managed services; and

f)   smooth bilateral and multilateral border guarding cooperation.

To achieve these general goals, a general framework for the evaluation of the present state of affairs should be agreed upon. Relevant EU and Schengen border control standards and mechanisms should be applicable. The following factors should be taken into consideration when examining the present systems:

a)   non-demarcation of borders and topographical characteristics;

b)   present organization, staff and management systems;

c)   legislative instruments;

d)   existing entry points at land, sea and airport borders;

e)   existing physical infrastructure and technical equipment;

f)   existing information technology;

g)   recruitment and training of staff as well as salary conditions;

h)   co-operation with police in general and with customs;

i)   application of visa and readmission rules; and

j)   reform and investment plans.

All strategic long-term goals set by the inter-agency commission should be practical and most importantly, achievable within set budgets, organizational capacities and timeframes. By being able to show that progress in border control in being made, the countries effected by budgetary constraints may be able to appeal for and achieve bi-lateral or multi-lateral donor support from the international community.

5.3   Development of region strategies and regional cooperation

It is of paramount importance that the inter-agency commissions of SEE countries that share common borders, establish regular contact with each other in order to set common goals and operational crime fighting strategies. The exchange of criminal intelligence during these meetings will further enhance law enforcement capabilities to combat cross-border crime and illegal migration. The establishment of an integrated, centrally maintained, electronic crime information systems such as SEMS would be of great assistance as it allows the real-time transfer of criminal information between all border control agencies, thus enhancing operation capabilities and the raising of law enforcement clearance rates. The integrated IT system should allow the terminal operator to access border security, national police and customs information.

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[5] Arto Niemenkari: EU/Schengen Requirements for National Border Security Systems, March 2002

5.3 Operational border control

Border control at the operational level should focus on:

a) Officer training and professional development;

b) Equipment;

c) Coordinated processing sequences; and

d) BCP infrastructure.

Most border control officials in the SEE region suffer from low pay, lack of equipment and poor BCP infrastructure. These deficiencies have resulted in corruption, low morale and reduced operational effectiveness. Promoting reform in these areas will result in:

a) Reduced corruption;

b) Increased officer professionalism;

c) A marked reduction in trans-border crime and illegal migration;

d) Facilitation of legal migration;

e) Increase in trade; and

f) Increase in revenue.

In order to achieve these goals, raising awareness and delineating line functions between border police and customs agencies is of paramount importance. It is important to note that this should not be construed as interfering with other agencies line functions, but actually complementing them, in order to achieve the common goal of more effective border control management. Inter-agency cooperation can manifest itself by coordinated border checks, processing and shared responsibilities. Border police and customs control should be conducted simultaneously within established SOPs that determines what functions each agency will perform and in what sequence.

BCP infrastructure should be developed so that officers are shielded from the elements. A separate search area should be constructed so that border police and customs officials can screen and/ or conduct defensive searches against suspicious vehicles or individuals. It is, however, important to ensure that the area where this activity will be conducted is fit for purpose and essential requirements include: [6]

a) a screened position, to deny observation by the general public, of the procedures and equipment being employed;

b) a dry environment in which vehicle contents can be removed if necessary and where seized items can be easily laid out, for the collection of forensic evidence to be conducted, without them being exposed to extreme climatic conditions;

c) sufficient space in which several vehicles can be held for examination. This allows the conduct of concurrent search operations to be maintained at the required level without causing unnecessary disruption to the flow of traffic; and

d) a secure temporary detention facility.

5.5 Border Control of SALW

Ideally, in the case of SALW, border controls should consist of:

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[6] SEESAC Ammunition Detection Survey, November 2003

a) identification and checking of the SALW;

b) visual inspection and random checking of weapon serial numbers or other markings; [7]

c) checking of export or import licences by the handling agencies to check transfer documentation; [8]

d) checking that the numbers and types of weapons and documentation are in accordance with the transfer licences, to assist in weapons accounting and verification; [9]

e) inspection of vehicles to check for arms or munitions smuggling;

f) despatch of weapons data to the central nationals weapons database, including date, time and means of entry;

g) confiscation of illegal weapons at import or export, and

h) detention of suspected illegal arms traders.

5.6 Supporting agencies

Border control agencies cannot work in isolation. They may need to be supported by:

a) the national SALW authority, to provide specialised technical advice on identification of weapons;

b) the SALW licensing authority, if separate from the national SALW authority, to provide links to the national weapons database;

c) the national government, to provide the legal and ministerial machinery, allocate the necessary resources, and continual political support;

d) international agencies, to provide training of border and customs control staff, and

e) donors, to provide financial assistance.

5.7 Legislation

The national government should enact the appropriate legislation for border control functions, which may include the following:

a) to establish the border and customs control agencies;

b) to enlist support of the agencies mentioned in clause 5.6 above;

c) to provide the customs and border control authorities with the legal authority to examine goods entering, leaving, or in transit to a third country, and

d) to detain unlicensed arms dealers or illegal arms traffickers.

The national government should also enact the legislation setting out the penalties for trading in weapons without a valid licence, and for failing to register SALW. [10]

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[7] See RMDS/G 03.40 - Marking and Tracing of SALW

[8] See RMDS/G 03.30 - Export Documentation

[9] See RMDS/G 04.20 - SALW Accounting, and RMDS/G 04.40 - Verification

[10] See OSCE Best Practice Guide on Export Control of SALW

5.8 International co-operation

Any form of border control will be more effective if carried out in co-operation with the equivalent border and customs officials of the nation state across the border. One method of co-operation should be the sharing of information. Such information may include [11]:

a)   authorised producers, dealers, importers, exporters and, where possible, carriers of SALW;

b)   means of concealment used in illicit manufacture or trafficking in SALW, and methods of detection of weapons in transit;

c)   routes commonly used by organisations engaged in illicit weapons trafficking, and

d)   legislative experiences, practices and measures to combat and eradicate the illicit manufacture and trafficking in SALW.

This will require political agreement between a number of countries - Serbia and Montenegro, for example, has seven neighbouring states, and such co-operation will possibly be easier to organise on a regional basis.

6 Areas of responsibility

6.1 United Nations Development Programme (UNDP)

UNDP has a general responsibility for enabling, assisting and encouraging the effective management of SALW control programmes by continuously maintaining an overview of RMDS/G to reflect developing SALW control norms and practices, and by informing of any changes to international regulations and requirements.

UNDP should apply RMDS/G to its SALW intervention programmes, activities and contracts within South Eastern and Eastern Europe unless the local situation precludes their effective application. In such circumstances, where one or more RMDS/G is not appropriate, UNDP will provide alternative specifications, requirements and guidance.

6.2 National SALW authority [12]

The national SALW authority should be responsible for ensuring the national conditions that enable the effective management of national SALW intervention projects. The national SALW authority is ultimately responsible for developing and managing the SALW intervention programme within its national boundaries.

The national SALW authority shall be responsible for establishing and maintaining a national SALW commission for the management of SALW intervention planning and operations. The national SALW commission should be consistent with the guidelines provided by RMDS/G, and other relevant national and international standards, regulations and requirements.

6.3 SALW Control organizations

NGOs, commercial companies and other organizations involved in SALW control interventions shall make every effort to liaise and cooperate with the national SALW commission in order to improve the effectiveness, efficiency and safety of SALW control interventions.

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[11] Taken from OSCE Draft Best Practice Guide on Export Control of SALW, paragraph 6

[12] In this case the national SALW authority, if the same as the national SALW commission, may be responsible to itself.

Annex A
(Normative)
References

The following normative documents contain provisions, which, through reference in this text, constitute provisions of this part of the standard. For dated references, subsequent amendments to, or revisions of, any of these publications do not apply. However, parties to agreements based on this part of the standard are encouraged to investigate the possibility of applying the most recent editions of the normative documents indicated below. For undated references, the latest edition of the normative document referred to applies. Members of ISO and IEC maintain registers of currently valid ISO or EN:

  a)   RMDS/G 01.10 - Guide to RMDS/G and SALW control measures

  b)   RMDS/G 03.10 - National SALW Commissions

  c)   RMDS/G 03.20 - Arms Control and Transfer Legislation

  d)   RMDS/G 03.40 - Marking and tracing of SALW

  e)   RMDS/G 04.10 - Management of SALW programmes

  f)   RMDS/G 04.20 - SALW Accounting

  g)   RMDS/G 04.30 - Monitoring of SALW programmes

  h)   RMDS/G 04.40 - Verification of SALW programmes

The latest version/edition of these references should be used. SEESAC hold copies of all references used in this standard. A register of the latest version/edition of the RMDS/G standards, guides and references is maintained by SEESAC, and can be read on the RMDS/G website: http://www.seesac.org/. National SALW authorities, employers and other interested bodies and organisations should obtain copies before commencing SALW programmes.

Annex B
(Informative)
Terms and definitions

B.1.1
micro-disarmament
the collection, control and disposal of small arms, ammunition, explosives, light and heavy weapons of combatants and often also of the civilian population. It includes the development of responsible arms management programmes.

B.1.2
national authority
the government department(s), organization(s) or institution(s) in a country charged with the regulation, management and coordination of **SALW** activities.

B.1.3
Small Arms and Light Weapons (SALW)
all lethal conventional munitions that can be carried by an individual combatant or a light vehicle, that also do not require a substantial logistic and maintenance capability.

Note: There are a variety of definitions for SALW circulating and international consensus on a 'correct' definition has yet to be agreed. For the purposes of RMDS/G the above definition will be used.

B.1.4
standard
a standard is a documented agreement containing technical specifications or other precise criteria to be used consistently as rules, guidelines, or definitions of characteristics to ensure that materials, products, processes and services are fit for their purpose.

Note: RMDS/G aim to improve safety and efficiency in SALW Control by promoting the preferred procedures and practices at both headquarters and field level. To be effective, the standards should be definable, measurable, achievable and verifiable.