Security-Cooperation Dilemma
in Post-Soviet Border Policies

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Abstract

The paper categorizes the ways in which post-Soviet states try to solve the dilemma of maintaining border security but also promoting cross-border communication in their border policies. For the purpose of such categorization, the author uses several classifications that address a range of border policies from strict and unilateral to liberal and cooperative. The paper argues that in the vast majority of cases, unstable and complicated relations along with low levels of trust in the integrity of a neighboring country's border, immigration, and customs control preclude an integrated border policy among post-Soviet states. The author also suggests that post-Soviet states should make much more effort towards the development of intensive and efficient cross-border law enforcement cooperation, supporting a unilateral and joint struggle against border related corruption. Specifically, these countries should provide far more opportunities to law-abiding border crossers to be heard and to defend their interests.

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After the collapse of the USSR, the post-Soviet states had to develop new models of border policy taking into account the resources available to them. The pre-iron curtain model seemed both unacceptable and unachievable at least due to the following reasons: aspiration to maintain closer relations with the external world, lack of financial resources, and emergence of new technologies that made the use of high levels of manpower for border protection outdated.

The key dilemma that has arisen before countries searching for new models of border policy is that between prioritizing border protection or cross-border communication. Prioritizing the former enables the state to more reliably thwart cross-border flows of illicit drugs, illegal immigrants, militants and terrorists, smuggled consumer goods etc. At the same time, tightening of border control typically slows down cross-border flows of law-abiding travelers and permitted goods. Extended and arbitrary powers of border protection services create fertile ground for corruption, extortion, and other kinds of misconduct that seriously damages legal trans-border communications. Border guards and customs officials worldwide stick to their traditional mantra, stating that a border is allegedly impenetrable for trespassers, but not an obstacle for law-obedient people. However, in most cases statements like this are little more than good wishes, and the reality may be quite the opposite.

What types of strategies do post-Soviet countries use to address this dilemma? What are the typical advantages and disadvantages of such strategies? What recommendations can be made based on this diagnosis? This paper is divided into three main parts according to these three questions. First, I will examine some existing border policies in the light of the "security-cooperation dilemma" and introduce my own classifications, which can be useful in this respect. Then, using these classifications, I will attempt to categorize border policies adopted by post-Soviet states based on their strengths and weaknesses. Finally, I will offer some general recommendations for improving post-Soviet border policies will be made.

Conceptualizing international experience of border policy

There are many ways to categorize border policy approaches according to various criteria. The problem of almost any of such formal categorization is that real border policies do not completely fit within strict schemes. Thus it is sensible to consider categorized types of border policies as ideal models to be used as a reference points, facilitating better understanding of real border policies which often combine elements of two or more ideal models.

Interdependence borders regulate distribution of asymmetric resources between asymmetrically developing neighbor countries which have better mutual relations and are generally interested in cross-border cooperation.

Many Border Studies researchers see borders as not more than the projection of the respective states and their institutions[1], and as such border policies can be conceptualized according to these states' external relations: autarkic, protectionist, free-trade, integrationist and so on. At the same time it is much more difficult to conceptualize border policies according to internal political regimes. Specifically, the division between democratic and authoritarian regimes is not of much help in this case, as not all democratic regimes encourage free trade and especially immigration, while not all authoritarian regimes are protectionist and restrictive of cross-border communication.

One of the most prominent academic classifications of borders, according to the criterion of their openness to cooperation, has been offered by Oscar Martinez, who distinguishes between alienation, co-existence, interdependence, and integration borders. The typical features of the first type are closedness of a border, strained relations between neighboring countries, and, as a consequence, degradation of neighboring borderland areas. In the second case, cross-border cooperation develops only to a limited extent while there is still an element of alienation in bilateral relations between adjacent countries. Interdependence borders regulate distribution of asymmetric resources between asymmetrically developing neighbor countries which have better mutual relations and are generally interested in cross-border cooperation. Finally, integration borders are open and there are no any serious restrictions on the cross-border movement of goods and people.[2] It seems that an important problem with Martinez's classification is that it is not always easy to draw a clear distinction between co-existence and interdependence borders, given that their characteristics are not mutually inconsistent and that relations between neighboring countries may fluctuate.

The author of this paper has offered two classifications of border policy patterns. As mentioned above, these patterns do not exactly fit the real border policies of the majority of countries (including post-Soviet states). However, they can be used as reference points of a scale measuring toughness/liberalism or unilateral/cooperative character of border policies.

1 Prescott, J.R.V. (1965) The Geography of Frontiers and Boundaries, London: Hutchinson and Co: 76-77.

2 Martinez, O. (1994) Border people: life and society in the U.S.-Mexico borderlands, Tuscon : University of Arizona Press: 7.

The first of my classifications[3] includes several models. According to the first one, a border is a rigid barrier while allowing cross-border contact to a small extent (it happens, for instance, when a country is at loggerheads with its neighbor or fenced off by the "iron curtain" from the outer world). According to the second model, a border, is a weak barrier but cross-border communication is also weak (examples are those Asian and African countries that have no sufficient power to control their borders passing through remote and hardly accessible areas). The third model has a border as a weak barrier that allows intensive communication across it (for example, the EU's internal borders). Finally, the fourth type is a strong barrier that also allows intensive cross-border communication (the most prominent example is the U.S.-Mexico border which is strictly protected, but at the same time serves as gateway for high volume legal cross-border flows[4]).

Leaving aside the marginal model of weak border control together with weak cross-border communication, it should be noted that every model has its advantages and disadvantag-

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es. A strong border barrier allowing only weak cross-border communication enables the control of dangerous trans-border flows, but deprives the country of trade, tourism and other kinds of cross-border communication with a neighbor state. Relaxed border control together with intensive cross-border communication, vice versa, increases chances to gain profit from cross-border activities but also puts the state at greater risk to drug smuggling, undesirable immigration, trans-border criminal networks, or by other harmful illicit trans-border flows. In theory, a strongly protected border that allows intensive cross-border communication looks like the best option, but it is not easy to implement this model. Indeed, firstly, it may appear to be quite expensive for it demands costly modern technologies to protect the "green border" as well to secure rapid movement of huge flows of travelers and cargo through checkpoints. Secondly, even if such technologies are used, it could be very difficult to maintain the balance between high quality control and high flow capacity when viola-

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3 See also: Golunov, S.V. (2008) The Factor of Security in Russian and Kazakhstan's Border Policies towards these Countries' Common Border [dissertation for the degree of Doctor of Political Sciences], Nizhny Novgorod: Nizhny Novgorod State University. pp. 177-179.

4 In 2011 this border was crossed 157,3 million times by people and 66,3 million times by vehicles. See: Bureau of Transportation Statistics (2012) 'Border Crossing/Entry Data: Query Detailed Statistics', http://www.bts.gov/programs/international/transborder/TBDR_BC/TBDR_BCQ.html

tors constantly try to find new ways to exploit vulnerabilities of border and customs controls. If the system supporting strong border protection and simultaneously intensive cross-border cooperation is created by combined efforts of the neighbors (as it is in case of the U.S.-Canada cooperation[5]) there is a risk of its destabilization if bilateral relations between the neighbor countries deteriorate.

The second classification that I propose[6] focuses not just on analyzing all possible variants of border policies, but dealing with the most distinctive patterns. The first pattern, which can be called unilateral fencing, focuses on unilateral measures without serious cooperation with an adjacent state. Countries practicing this kind of border policy are usually in conflict with their neighbors or do not rely on the effectiveness of border protection and other law enforcement measures taken by them. Some of these countries (e.g. India, Israel, and the U.S.) fence off their borders with spectacular barriers supported by surveillance technologies. In some cases rigid border protection barriers are erected because of an initiator country's inability to protect its territory from militants' intrusions by other means (as it has been in the case of Israel), in other cases by the pressure

of public opinion[7]. Yet even a tough border protection system supported by fences and other barriers has its vulnerabilities, for its violators can enter a country or bring prohibited goods by legal channels via checkpoints, climb over a fence or dig tunnels under it, throw an item over the wall, etc. Thus, such border protection systems are more efficient for alienation borders (according to Martinez) and far more efficient against militants (when the use of mines and other hostile deterrents attracts less criticism from the international community) than against irregular migration and especially against drug trafficking, which can enter a protected country via checkpoints[8]. The second pattern – maintaining border security by joint efforts (that can be illustrated by the example of the U.S.-Canada border) – is based on systematic and complementary actions by adjacent countries' border protection agencies. This requires a high level of mutual trust and confidence that in the future this system will not become a casualty of worsening bilateral relations. Finally, the third pattern assumes the abolition of control at a political or

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5 See: Golunov, S.V. 2009. "U.S.-Canada Border Security Agenda: before and after September 11." SshA-Kanada – ekonomika, politika, kultura, 4: 45-62 (in Russian).

6 Golunov, S. (2012) EU-Russian Border Security: Challenges, (Mis)perceptions, and Responses, London: Routledge. pp. 28-33.

7 This factor probably played the key role in Indira Gandhi's decision to initiate erection of fence at Indian border with Bangladesh in 1980s. See: Bhagwati, J. (1986) 'U.S. Immigration Policy: What Next', in S. Pozo (ed.), Essays on Legal and Illegal Immigration, Kalamazoo: W.E. Upjohn Institute for Employment Research: 124.

8 For example, in the middle of 2000s only 1,5-3% of cocaine transported to the USA via its land borders were intercepted at the stage of border crossing. See: McCaul, M. (2007) 'Line in the Sand: Confronting the Threat at the Southwest Border', U.S. Representative Michael McCaul. Online. Available HTTP: <http://www.house.gov/sites/members/tx10_mccaul/pdf/ Investigaions-Border-Report.pdf>

economic union's internal borders, to be compensated by strengthening this union's external borders, as has occurred with the EU. This pattern implies removing a barrier for cross-border movement of people and goods to diminish the transaction costs of such movement. At the same time, this option creates its own problems, including the lack of trust in the quality of border protection by some participants of a political union as well as breaking ties between the Union's external borderlands and adjacent territories outside the common border as a result of the latter's increased protection.

The above classifications can be used to analyze ways of managing the "security-cooperation" dilemma both separately and together. I will attempt to pursue the second way, using these classifications to analyze the border policies of Soviet successor states.

Categorizing post-Soviet states' border policies in the light of 'security-cooperation dilemma'

The collapse of the USSR and further developments in the post-Soviet Eurasia gave rise to the configuration of numerous national borders and temporary demarcation lines, management of which was influenced by various landscape, political, economic, and other conditions. Some of these borders and demarcation lines (especially in the Caucasus) have become frontlines of smolder-ing military conflicts, other borders (e.g. a large part of Russian and EU's post-Soviet ones) are increasingly hi-tech barriers protected by means of sensors and other electronic surveillance technologies. In the case of the Belarus-Russia border, customs controls were abolished and moved to these countries' boundaries with third countries.

According to the above-mentioned classifications of Oscar Martinez, some internationally recognized and de-facto temporary borders between countries and non-recognized, separatist actors involved in Abkhazian, Nagorno-Karabakh, and South Ossetian conflicts can be considered as alienation borders. Additionally, the boundaries between Armenia and Turkey, Turkmen and Uzbek boundary with Afghanistan and Uzbek boundary with Turkmenistan largely fit the same category. In the majority of these cases, limited cross-border communication exists but it is heavily controlled and restricted. Such alienation is caused either by ongoing military and political conflicts, by autarkic policies of at least one of the neighboring countries (especially Turkmenistan) or through fear of cross-border penetration of militants, as in the case of Uzbekistan, which has constructed a mined and electrified barbed wire fence at its border with Afghanistan. It should be noted, however, that even very strict border barriers do not always represent an insurmountable obstacle against

shadow cross-border activities such as drug trafficking and smuggling of consumer goods.[9]

Most other Central Asian and Caucasian borders (with the likely exception of the border between Kazakhstan and Kyrgyzstan[10]) can be categorized as co-existence ones. In such cases, relations between the adjacent countries are better than in the previous case, and these countries are more open to cross-border communication. Still, cross-border communication is controlled fairly strictly and generally via one-sided efforts (cooperation between neighboring countries' border protection agencies is

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not intensive), and a large proportion of cross-border travelers and vehicles are thoroughly inspected. Moreover, this communication is unstable and can easily be interrupted due to bilateral conflicts or a deteriorating political or economic situation in one of the countries (for instance, Uzbek

borders are periodically closed because of this kind of reasons). The 'green border' in such cases is often fortified by physical barriers: fences against smugglers and illegal migrants exist at Uzbek borders with Kazakhstan and Kyrgyzstan[11], while the Uzbek-Tajik border is mined. Yet, barriers and restrictions for the most part do not succeed in stopping either intensive cross-border informal contact, or shadow activities. The latter are flourishing, since border protection and customs services of Central Asian states are heavily corrupt and their representatives are often ready to turn a blind eye to smuggling and illegal border crossings.

The external and internal borders of post-Soviet states not mentioned above (except Belarus-Russia and Kazakhstan-Russia) can be categorized as interdependence borders having some features of coexistence borders. In such cases, cross-border communication is usually intensive, and caused by asymmetric economic potential between the countries in question (differences in prices for consumer goods, raw materials, and labor, for instance) and by selective control over trans-border flows. Cross-border cooperation initiatives are often encouraged at an official level, but are never materially realized.

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9 12news.uz (2012) '52 kg of Drugs Were Seized from a Smuggler Killed at Uzbek-Afghan Border',(in Russian); Barsegyan, A. (2009) 'The Border Will Be Protected by Contract Serviceman', Mail.ru, 27 May, http://my.mail.ru/community/armenia/41C8B2D8497C0DC0.html (in Russian);

10 This border is more open in terms of cross-border communication and rather can be categorized as an interdependence border.

11 It should be mentioned that in the case of Kazakhstan-Uzbekistan border fencing was initiated mainly by Kazakhstan while in the other considered cases by Uzbekistan.

However, border and customs barriers still seriously slow down cross-border flows. The vast majority of people travelling between the EU or China and the adjacent post-Soviet countries need visas, application for which is generally both time-consuming and costly process. Those who live far from consulates are at a particular disadvantage, as they must go there at least once, probably twice, and pay for their travel. Border and customs control can also be time-consuming: low capacity of checkpoints and cumbersome inspection procedures sometimes cause huge queues in which vehicles sometimes have to wait more than a week, for instance at EU-CIS borders. A further problem even is that border guard and customs officers typically have large discretional powers, and are entitled to decide what percent of people and vehicles to inspect, the duration of the inspection, how to treat minor violations of customs and immigration rules, and so on. This creates fertile ground for large-scale corruption and extortion (to which carriers of perishable products are especially vulnerable), forcing crossers to pay bribes for acceleration of inspections.

Post-Soviet co-existence and interdependence borders are typically not very efficient barriers against smuggling and illegal migration. One should not underestimate the deterrence effect that impressive-looking border protection systems have on the less bold or skillful would-be

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violators. On the other hand, skillful violators have a wide range of sophisticated techniques and practices at their disposal. Drug traffickers can conceal narcotics in their bodies, clothes, cars, within shipments of other goods, etc. It is especially difficult to find something in trucks transporting fruits or vegetables or in trains that only stop briefly at border and customs control. According to my estimation, only around one percent of

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opiates is seized at Russian borders, and even less at the border of other post-Soviet countries.[12] Co-existence and interdependence borders are also fairly permeable with regard to irregular immigration, since the clear majority of such immigrants enter a destination country quite legally[13],

12 Golunov (2012), p. 112.

13 It is important that visa-free regimes exist between the vast majority of post-Soviet states.

and only later violate nation immigration rules (i.e. by overstaying the terms of the entry visa). The efficiency of post-Soviet borders as barriers against smuggling consumer goods is hindered both by the fact that smugglers use various and sophisticated means for concealing these goods and that many corrupt post-Soviet border guard and customs officers are complicit in smuggling, sometimes with the support of top officials[14]. Furthermore, it is not always easy to separate smuggling from so-called «ant trade» of small amounts of restricted items, commonly practiced both by inhabitants of borderland areas (who often have no other sources to earn significant income) and by larger entrepreneurs hiring "ants" in order to avoid responsibility for smuggling. Though authorities from time to time try to penalize cross-border shuttle trade, this meets with little success, as shuttle traders usually manage to invent new tactics to keep their business both legal and profitable.[15]

Intensive cooperation between adjacent countries' could increase efficiency of border and customs controls and contribute to reducing the damage that this causes to law-abiding border crossers. Yet such cooperation with participation of post-Soviet countries is generally not very stable and intensive.

Actors on both sides of the border often have to receive the approval of central authorities for cross-border meetings and bilateral operations, while unilateral actions (e.g. alterations in customs regimes) that damage bilateral relations or cross-border communication are not unusual between post-Soviet borders. Yet bilateral cooperation between border protection agencies in some cases is very close. Specifically, the Russian-Finnish experience (based on numerous meetings and consultations, stable information exchange, work of liaison officers, and joint actions initiated at a local level) is considered to be an ideal model for managing the EU's external border protection. In terms of models for close bilateral cooperation between border protection agencies, one can also look to joint checkpoints that abolished double immigration and customs controls in 2000s: e.g. Russia, Kazakhstan, and Ukraine. Still, even in those cases cooperation, is far less close than between the USA and Canada for example, where interaction is based on a high level of mutual trust and sharing of duties to avoid doubling of checks when possible[16].

Belarus-Russia and to some extent Kazakhstan-Russia borders can be considered integration borders. The first one is virtually transparent, and travelers or vehicles are not usually inspected. It is compensated by immigration and customs controls at

14 See for example: Wikipedia (n.d.) 'Three Whales Corruption Scandal", http://en.wikipedia.org/wiki/Three_Whales_Corruption_Scandal .

15 See for example: Golunov (2012).

16 See: Golunov (2009).

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other Russian and Belarusian borders. Since July 2011 there has been no customs control at the Russia-Kazakhstan border. The process is now carried out at the external borders of the trilateral Customs Union between Belarus, Kazakhstan, and Russia. Nonetheless, border control between Russia and Kazakhstan remains in place and trains must wait at Russian border stations for up to two hours.

The integration of national immigration and customs spaces between Belarus, Russia, and Kazakhstan has clear positive consequences: the acceleration of cross-border exchange and reduced costs of border crossings, thereby stimulating trade and tourism. However, as mentioned before, integration borders are potentially vulnerable to worsening bilateral relations or mutual mistrust. Belarus-Russia relations are not unproblematic and conflicts concerning energy supplies or debts arise periodically. During such conflicts, Russian officials sometimes threaten to restore border and customs controls, claiming that Belarus inadequately controls the movement of potentially dangerous immigrants from its territory to Russia[17] or that it turns a blind

eye to smuggling of some consumer goods from the EU. Periodically, Russia even establishes non-stationary control points at the border, but this has not become permanent despite continuing bilateral conflicts.

It should be noted that cross-border cooperation is not very efficient even when border control is weak. The problem is that most post-Soviet countries are highly centralized and local authorities have no power to take routinely important decisions on international cooperation without waiting for approval from central authorities. Though some cross-border regions consisting of post-Soviet countries' and current EU member states' provinces, or of two or more post-Soviet countries' provinces did appear during the 1990s and 2000s, cooperation is generally far less intensive than similar cooperation within the EU. Thus, an international border is significant not only as a physical barrier but also as a separation line between two cumbersome national bureaucratic systems that struggle to interact.

Thus among post-Soviet national border policies one can find almost every option for resolving the "security-cooperation dilemma": from fencing off a neighboring state to removing immigration and customs barriers and moving control to a union's external borders. The latter option seems to be the optimum one, but it requires high

17 Plugataryov, Igor (2007) 'The Border Guard Service Has Discovered a New Breach That Can Be Used by Terrorists', *Nezavisimoye voyennoye obozreniye*, 2 February, http://nvo. ng.ru/wars/2007-02-02/1_sluzhba.html (in Russian).

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level of mutual trust between border protection agencies and preferably stable relations between participating countries. Meanwhile, relations between the majority of post-Soviet countries are fairly unstable, and their border protection services are highly corrupt. Thus, the most realistic option seems to be interdependence borders protected mainly by unilateral measures with medium-intensity cooperation on common issues (such as combating cross-border crime and synchronizing border and customs control regimes).

Conclusion

The choice between prioritizing border security or cross-border communication is the key border policy dilemma. It can be solved through various means, each of which has its strengths and weaknesses depending on the particular problems and conditions to be dealt with by the adjacent countries. Post-Soviet countries address the "security-cooperation" dilemma by various means, starting with unilateral fencing off, and finishing with integration of immigration and customs spaces and the abolition of border inspections.

It is however the middle way that prevails: moderately and selectively strict immigration and customs controls that are combined with diversified but not very stable and intensive cross-border cooperation in law enforcement and other domains. The efficiency of such cooperation is reduced by instability of bilateral relations, bureaucratic constraints, weak levels of mutual trust, and the pervasive corruption that affects most post-Soviet border protection services.

Notwithstanding these constraints, it seems that many post-Soviet countries could take some measures to improve their border policies without damaging their national interests.

First, law enforcement services should in general have sufficiently wide powers to take immediate cross-border joint actions against transnational criminals without the approval of the respective central governments. This would significantly weaken transnational criminal groups operating in the post-Soviet space; law enforcement bodies would be empowered to react quickly to changing circumstances, without having to interact with slowly-moving bureaucratic structures.

Second, greater efforts could be made to combat the corruption that both undermines the reliability of border protection systems and damages cross-border trade and tourism. The simplification of control procedures,

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introduction of efficient queue management (the Estonian experience of "electronic queues" applied at the country's border with Russia can be used in this case), periodical rotations of border guard and customs officers, special operations (including provocations of bribery) and the application of other internationally recognized anti-corruption practices with further monitoring of their efficiency (e.g. through independent surveys) could resolving the problems.

Finally, the common problem of border and immigration policies worldwide is that the voices of border crossers are generally not heard. Some standard measures are taken to improve the situation include: introducing trust lines and other feedback collecting options, meetings with the participation of customs officers and cross-border entrepreneurs, etc. However, there are counter-practices aimed at silencing complainants. Trust lines often do not work, complaints are forwarded to their targets, and during joint meetings entrepreneurs are afraid of criticizing customs officers who can later retaliate by subjecting their vehicles to scrupulous inspection. Encouraging additional mechanisms will allow border crossers to be heard (e.g. via mass-media, forums, international consulting bodies with both governmental and non-governmental participation, independent field research on border-related corruption perceptions) could provide valuable feedback for adjacent countries and border protection agencies. A multi-stakeholder approach to this issue could make policies more flexible, sensitive to changes, and ultimately more efficient.