

# TURKEY'S INTEGRATED BORDER MANAGEMENT STRATEGY

*This article assesses Turkey's integrated border management strategy in the course of its EU accession process. When considering Turkey's border management, the issue is not only Turkey's integration with the EU, but also how regulations among various institutions can be integrated. There are a number of different domestic institutions that are responsible for different issues in relation to border management. Integrated border management requires intra and inter-institutional domestic reforms as well as international cooperation. Despite many steps taken so far, there is a lot that must be accomplished before Turkey meets EU requirements.*

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**S**tarting with the Amsterdam Treaty, the management of both the internal and external borders of the European Union has become an important agenda item for EU policymakers. The conclusions of the Laeken European Council meetings of 14 and 15 December 2001 stated that there is a need for “better management of the [EU’s] external border controls” *via* understanding the “arrangements for cooperation between services responsible for external border control and [inspecting] the conditions in which a mechanism or common services to control external borders could be created.” Accordingly, integrated border management (IBM) was established to merge border control mechanisms and tools within the EU. This merger involves actions related to: how the member states are represented in non-EU member countries, developing procedures for cooperation with neighboring non-EU member countries, and undertaking measures at the EU border itself and within the Schengen area.

In 2006, the Justice and Home Affairs Council of the EU concluded that IBM is a multilevel concept. First, it consists of coordination and coherence between all border agencies of the EU member states so that they follow the same standards for border surveillance, border checks, and risk analysis. On a second level, IBM is also about inter-agency cooperation, particularly in order to better combat all forms of cross-border crimes and irregular migration as well as to accelerate the movement of trade and transportation. On a third level, it entails international cooperation, which according to the “four-tier access control model,”<sup>1</sup> entails cooperation with both neighboring and third countries.<sup>2</sup> Overall, there are three pillars of IBM, which are intra-service, inter-agency, and international cooperation. The main agencies in the field are border surveillance, border checks, control of goods/customs control, inspection of plants and plant products, inspection of live animals and foodstuff, and health checks for humans.

The concept of IBM for European Commission cooperation, i.e., international cooperation, was first mentioned in the European Commission 2002-6 planning program for the Western Balkans, in which it was pointed out that “a more integrated and all-encompassing approach to border management is the only way forward because the problems are so interlinked that they cannot be effectively tackled separately.” This was followed in 2004, with “guidelines for Integrated Border Management

1 Four-tier access control model means collecting information from and distributing risk analysis to a broad scope of partners, consisting of border control authorities both within the Schengen area and at the external borders (e.g. Customs) as well as Member State actors in cooperating neighbouring countries and non-EU states farther afield (<http://www.frontex.europa.eu/intelligence/risk-analysis>).

2 “Council Conclusions of 4-5 December 2006 on Integrated Border Management,” 2768th Justice and Home Affairs Council meeting in Brussels; also cited in “Guidelines for Integrated Border Management in EC External Cooperation,” *EuropeAid Cooperation Office*, Brussels, November 2009, [http://www.ue2006.fi/NEWS\\_AND\\_DOCUMENTS/CONCLUSIONS/VKO49/EN\\_GB/1165226396565/\\_FILES/76364282267959390/DEFAULT/91978.PDF](http://www.ue2006.fi/NEWS_AND_DOCUMENTS/CONCLUSIONS/VKO49/EN_GB/1165226396565/_FILES/76364282267959390/DEFAULT/91978.PDF)

in the Western Balkans” being endorsed by the relevant directorates general of the European Commission: External Relations, Justice and Home Affairs, Taxation and Customs Union, Health and Consumer Protection, and EuropeAid.<sup>3</sup>

It is within this international context –and specifically in relation to its accession process to the EU– that Turkey has started to develop an integrated border management strategy. Geographically, located on a transit point between three continents –Asia, Europe, and Africa– Turkey has become “the” transit country between the EU member states to its west and its other neighbors to the east, that are torn between ongoing wars and unstable conditions. Turkey is also a transit country into Europe for citizens of various other countries, such as Afghanistan, Bangladesh, Iran, Iraq, and Pakistan. At the same time, with its high level of economic development in its region, Turkey is becoming a destination country for citizens of the former Eastern Bloc countries, such as Belarus, Georgia, Moldova, Romania, and Turkmenistan, who usually enter Turkey with a valid tourist visa, but work illegally without authorized work permits. Thus, Turkey has become part of a vivid migration system with a dense level of border flows.

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The control and management of the borders of Turkey is a difficult task for several reasons. First, its mountainous geography and harsh climate conditions during winters –especially of the eastern and southeastern borders– are impediments to effective control operations. Second, these borders maintain historical as well as economic cross-border kinship relations, which create different necessities in terms of management. Third, the security forces along these borders are responsible for several tasks simultaneously that include fighting against smuggling and irregular migration as well as the task of fighting against terrorism and preventing the flow of terrorist groups into the country.<sup>4</sup> Moreover, Turkey’s non-European neighbors are not in a position to give sufficient priority to border security due to internal instability, insufficient resources, and/or geographical difficulties, which increases the responsibility and burden on Turkey in terms of providing border security. In all these respects, Turkey’s borders are rather distinct from the EU’s borders.

<sup>3</sup> EuropeAid Cooperation Office (2009).

<sup>4</sup> “Türkiye’nin Entegre Sınır Yönetimi Stratejisinin Uygulanmasına Yönelik Ulusal Eylem Planı,” [National Action Plan for the Application of Turkey’s Integrated Border Management Strategy], 2006.

Enhancement of border management is a significant necessity for any country, but it is especially important for Turkey with regards to the EU accession process. Based on Article 8 of the Additional Protocol of the Amsterdam Agreement, candidate countries are expected to have the capacity to apply the Schengen Agreement before becoming a member of the EU, in order to be able to execute the provisions of the Agreement after a possible membership. Therefore, Turkey must adopt the provisions of the Schengen Agreement during its membership process and take the necessary precautions with regards to the protection and security of its borders. Accordingly, Turkey is aiming to form a system of integrated border management, which includes reforms for intra-institutional, inter-institutional, and international cooperation in order to facilitate trade and traffic across its borders.

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In fact, intra and inter-institutional reforms actually mean a domestic merger of a number of bodies within the state apparatus.<sup>5</sup> Currently, border management in Turkey is the responsibility of the Ministry of Interior, which is fulfilling this task *via* governors and district governors. However, neither of these offices have direct authority over the border security forces of the army or the coast guard. There are a number of different domestic institutions that are responsible for different issues in relation to border management.

To begin with, while the entrance and exit of individuals at border gates are the responsibility of the Turkish National Police, hence, the Ministry of Interior, the control and management of the entrance and exit of goods and vehicles at border gates is the task of the Ministry of Customs and Trade since its establishment in 2011. According to Article 2 of the 5682 Passport Law, Turkish citizens and foreign subject persons are obliged to present valid passports or a passport substitute document to enter to and exit from Turkey. The entrance and exit procedures for individuals must be completed by police officers in order to fulfill customs and other operations.

Likewise, while the 3497 Law of Protection and Security of Land Borders, which became effective in 1988, designates the Turkish Land Forces as the responsible

5 Adem Akman and İsmail Kılınç, “AB’de Entegre Sınır Yönetiminin Gelişimi ve AB Sürecinde Türkiye’nin Entegre Sınır Yönetimine Geçiş Çalışmaları,” [The Development of Integrated Border Management in the EU and the Works on Turkey’s Transition into Integrated Border Management in the EU Process], *Türk İdare Dergisi*, [Turkish Administration Journal], No.467 (June 2010), pp. 9-28.

authority for the task of the protection and security of land borders. Although it is still the *Gendarmerie* that is responsible for securing the entire land border between Iraq and Turkey and 127 km of the Iran-Turkey border, i.e., the Hakkari province. The *Gendarmerie*, which is a military institution, but reporting to the Ministry of Interior, has not completely transferred its responsibility over these latter borders to the Turkish Land Forces; thus, creating a duality over the protection and security of land borders of the country.

Furthermore, at border crossings, veterinary, phytosanitary, food and feed safety controls in the field are performed by the Ministry of Agriculture. While the General Directorate of Primary Health Care Services controls issues concerning human health in relation to land borders, the General Directorate of Border and Coastal Health undertakes the same task in relation to sea borders. According to Coastal Security Law 2692, which became effective in 1982, the Turkish Coast Guard Command is responsible for the protection and security of the coasts, territorial waters, harbors, bays, the Marmara Sea, and Bridges. While the Turkish Coast Guard Command is a military institution that was established as a law enforcement agency, since 1985 it has been functioning under the Ministry of Interior, and it does not have any authority over the ports.

At the airports, the authority for border security lies under the Ministry of Interior, which is responsible for security operations. According to the Additional Article 1 of the 5442 Law for Provincial Administration, the Ministry fulfills this task *via* local authorities, police forces, the *Gendarmerie*, special security forces and related public and private institutions and organizations. This airport security program was prepared with the coordination of local authorities, the Police Department, the Regional Directorate of State Airports Authority, the Customs Clearance Office, and the *Gendarmerie*.

It is clear that the existence of more than one agency, which is responsible for providing security and passport checks at border crossings, and for supervising the borders of the country, makes inter-institutional collaboration rather difficult. Although there is a *de facto* collaboration and coordination among these different institutions, the scope of this collaboration must be enhanced for an effective IBM. In 2004, the Ministry of Interior established the Directorate for Project Implementation on Integrated Border Management to plan, prepare, and administer EU projects on IBM. In 2008, this directorate left its place to the Agency for Development and Implementation of Legislation and Administrative Capacity for Border Management, whose name was changed to the Bureau for Border Management in 2012. The Bureau's main task is to develop the legal and

institutional structures of an IBM system. This includes determining the requirements of EU and national strategy documents related to the process of adaptation to ensure that concrete aspects are met and steps are taken; making sure projects are carried out, are followed-up, and that their efficiency is measured to determine priorities; and finally, informing senior management about developments and carrying out other duties assigned by the Ministry.

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Despite these developments, in its 2012 Progress Report for Turkey, the European Commission states that there has been limited progress on external borders and the Schengen. The Report makes several criticisms, including about the lack of approved legislation on transferring border management tasks and coordination to a specialized and professional border security entity, as well as criticizing the absence of a roadmap for IBM that has been approved by the Parliament. It stresses the need to develop both intra-agency and inter-agency cooperation and coordination, and states that the lack of risk analyses, also comprising joint analyses

among relevant authorities in charge of border management, leads to inefficient border control and a less-than-optimal use of resources.

The Commission also claims in its 2012 Progress Report for Turkey that developments within intra-institutional and international collaboration are not sufficient. On the intra-institutional level, the Commission argues for the need for structured training for all border agencies, including language training, and warns that the rotation of border staff needs to be carefully reviewed in order to ensure the sustainability of expertise. It also points out that the existence of exclusive customs zones at the land border crossing points poses a major challenge to the establishment of a local IBM system. On the international level, since May 2012, there is a memorandum of understanding between the border management agency of the EU, Frontex, and the Turkish Ministry of Foreign Affairs. This memorandum enables a framework to be set up for enhanced operational cooperation between Frontex and Turkey, including participation in training activities and in joint operations, the deployment of Frontex experts to Turkey and a more organized exchange of information and risk analysis.

The Commission also asserts that there is a need for improvement regarding cooperation with neighboring countries and with countries of origin and destination.

Intra and inter-institutional cooperation at the state level or the level of international cooperation are not sufficient for an effective IBM. Other actors, such as civil society organizations and corporations are also involved in the process. To illustrate, considering the controls and security at airports, the Commission underlines the need for enhanced cooperation between border authorities and Turkish national airline, especially *via* combined training and better exchange of information leading to proper pre-boarding and pre-arrival screenings and analyses.

Furthermore, IBM is also not only about cooperation. It also requires the rebuilding of infrastructure, such as equipping border forces with thermal cameras, radar, night vision systems and devices, and communication devices, as well as the clearing of the landmines along borders. While IBM Project Phase 1 and Phase 2 are about building technical capacity along the borders, the Capacity Enhancement of Border Surveillance and Mine Clearance Project are about substituting landmines with safer and more efficient surveillance methods. The European Commission provides funding for these projects within its Instrument for Pre-accession Assistance (IPA) scheme that supports restructuring in the enlargement countries with monetary and technical help.

All things considered, in order to meet the standards of the EU on borders and Schengen, which means an established and well-functioning integrated border management system, Turkey requires additional international assistance in merging different domestic institutions and more funding for infrastructural investments. Turkey needs to achieve this goal not only for EU membership, but also to be able to become a part of the Schengen area. Regardless of the continuing impediments such as different conflict prone settings of the eastern and southeastern borders of Turkey, and the harsh geographical and environmental conditions in the country, Turkey will have to continue working towards establishing IBM.



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