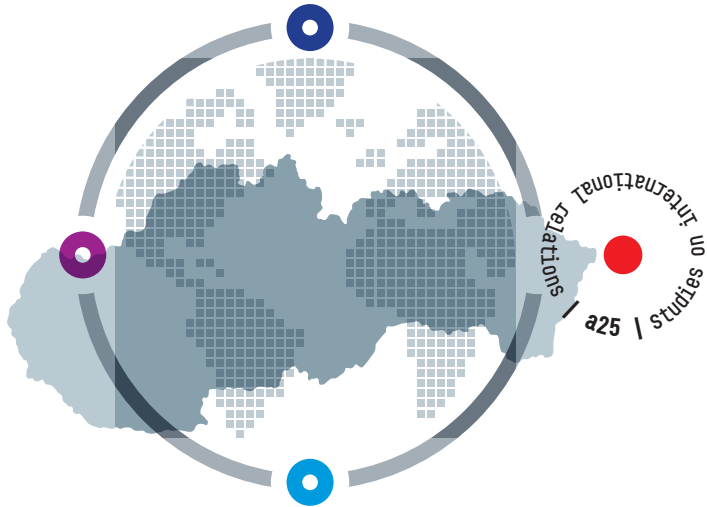




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# Mechanism for communication and coordination between border management agencies

Mária Blahová  
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Thibault Rabussier  
& Christian Kuran

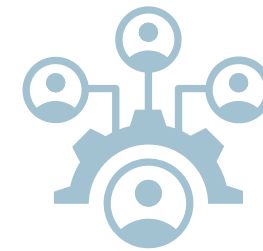
Iceland  
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Norway grants



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The overall goal of the SIBSU project is to facilitate the exchange of ideas, knowledge, information and experience among border and custom services of Slovakia, Ukraine and Norway. The aim is to analyze the opportunities for deepening integrated border management and increase awareness and understanding about the work of the border police and custom services in border regions and municipalities in Slovakia and Ukraine. The project also includes an analysis of the impact of the border on the socio-economic development of the border regions, as well as on opportunities for further cross-border cooperation on both sides border.



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State Border Guard  
Service of Ukraine



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The concept of integral border management is widely accepted by states and international organizations around the world with variations in name and approach. “Collaborative Border Management” is the term used by the World Bank, while the OSCE has “Comprehensive Border Management”, and the World Customs Organization opts for “Coordinated Border Management.”<sup>1</sup> The EU and non-EU European states use the term “Integrated Border Management” (IBM). All these approaches involve collaboration between authorities involved in border management, as well as the planning and implementation of tasks through integrated cooperation.

According to the approach adopted by the World Customs Organization, the agreed principle of interaction involves the following stages: level of coexistence, communication, cooperation and finally coordination. Each stage is characterized by a gradually enhanced level of formality and quality of inter-agency relationships. All these forms of interaction, such as sharing (or not sharing) information, resources, actions and responsibilities, are not necessarily hierarchical and may be simultaneously represented in a single border management process. Here the terms communication, coordination, cooperation and interaction may be used synonymously.

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<sup>1</sup> “Coordinated border management. An inclusive approach for connecting stakeholders,” World Customs Organization. Available online: <http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/cbm-compendium.PDF?la=en> (accessed on February 24, 2023).



In Ukraine, border management follows the IBM principles, largely due to the ongoing security sector reforms. It is an approach that calls for systematic coordination and cooperation between border authorities. The aim is to increase institutional capacity. In 2006, the concept of collaborative border management was set out in the Schengen Border Code. It included an additional component – interagency border management cooperation, i.e., border control, customs, police, security service and other specialized agencies. Importance was attached to international cooperation and consistent actions among EU member states, EU institutions and other Union agencies. In its full version, this approach is buttressed by the principles of the security sector reforms that call for an integral and holistic approach.

Ukraine began developing its collaborative border management in 2010. Following the adoption of the first concept of IBM, it was developed into an IBM model. The subsequent concept, conceived of in 2015, fleshed out the objectives. In 2019, the Ukrainian government adopted its holistic IBM strategy for up to 2025.<sup>2</sup>

<sup>2</sup> “Уряд схвалив Стратегію інтегрованого управління кордонами,” [Government approves Integrated Border Management Strategy] Official website of the Government of Ukraine, July 24, 2019. Available online: <https://www.kmu.gov.ua/news/uryad-shvaliv-strategiyu-integrovanogo-upravlinnya-kordonami> (accessed on February 24, 2023).

Slovakia had been bolstering its IBM since before joining the EU. It has adopted numerous strategies that have improved IBM.<sup>3</sup> The most recent one is the National Strategy of Integrated Border Management for 2019–2022, adopted under government resolution No. 27 of January 2019. It contains 10 components of European Integrated Border Management (EIBM).<sup>4</sup> Search and rescue operations at sea were not included as Slovakia is a landlocked country. The chapters on education, training and human rights are horizontal and apply to all other chapters.

The Slovak border authorities come under the remit of the interior ministry,<sup>5</sup> in common with most European countries. Border authorities are all authorities as defined in law no. 171/1993 on the police force, which defines and specifies the organization and division of the police force. Under Article 4 paragraph 1, the border and foreign service (police) is one such authority.

The role of the border authorities is set out in Article 2 para 1 h), which states that one of the tasks of the police force is to “control the borders of the Slovak Republic.”

<sup>3</sup> For example, the strategy for building the Schengen type protection of the State Border, adopted under government regulation No. 835 of August 7, 2002; the National Plan for the Management of the Protection of State Borders of the Slovak Republic, adopted under government regulation No. 465 of May 30, 2007; The National Plan for Management of Border Control for the years 2011–2014, adopted by government regulation No. 473 on June 6, 2011; National Plan for the Management of Border Controls for the years 2015–2018, adopted under government regulation No. 128 of March 18, 2015.

<sup>4</sup> According to Article 4 of the Border and Coast Guard Regulation, EIBM consists of 11 components (parts) and is obligatory, as is implementation, in contrast to the 2006 version.

<sup>5</sup> The protection and administration of the Slovak borders is stipulated in Article 11 a) of Act no. 575/2001 on the organization of the work of the government and other central administrative authorities. See “Zákon z 12. decembra 2001 o organizácii činnosti vlády a organizácii ústrednej štátnej správy,” 575/2001 Z. z. Available online: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/575/> (accessed on February 24, 2023).

Further information is given in the Organizational Chart and Organizational Order of the Police Force.<sup>6</sup> According to Article 3, the Presidium of the Police Force is the section of the interior ministry that is responsible for managing the border and foreign police service. The Bureau of Border and Foreign Police (BBFP) is the national authority responsible for border management in the Slovak Republic. It is one of the bureaus and departments that comprise the presidium. The President of the Police Force has overall responsibility for the bureau. There are also two vice presidents, one of whom is responsible for the border and foreign police.

The main responsibilities of the BBFP are stipulated in Article 25 of the organizational order. Its cooperation and coordination responsibilities are as follows: coordination of the work of border plenipotentiaries, cooperation with the European Border and Coast Guard, implementation of EU financed projects and bilateral cooperation programs, implementation of EIBM in Slovakia, exchange of information and statistics on legal and illegal migration and drafting analytic reports on bilateral and multilateral cooperation.

Under Article 3 of the European Border and Coast Guard Regulation,<sup>7</sup> the BBFP are part of the European Border and Coast Guard.<sup>8</sup> In Slovakia, a single authority, the BBFP, is

<sup>6</sup> "Regulation no. 84/2019 of the Presidium of the Police Force on the Organizational Order of the Presidium of the Police Force."

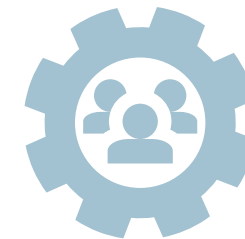
<sup>7</sup> "Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624," OJ L 295, November 11, 2019, p. 1–131.

<sup>8</sup> According to Article 3 (1) of "Regulation(EU) 2019/1896..." op. cit.: "the European Border and Coast Guard is formed by the European Agency for Border and Coast Guard and the national authorities of the Member States, who are responsible for managing borders including the coast guard in the extent, in which it carries out tasks in relation to border management."

responsible for managing the institutions directly participating in the implementation of EIBM. This system, known as "line management," is an effective system for delegating and carrying out tasks on all levels from the central to the regional and local level.

In Ukraine, the State Border Guard Service (SBGS) has come under the remit of the Ministry of Internal Affairs of Ukraine since December 2012. According to the Regulation on the Administration of the SBGS, the head of the SBGS administration is the Head of the State Border Guard Service, who is appointed and dismissed by the Ukrainian government at the behest of the prime minister.<sup>9</sup> The head has two deputies who are appointed and dismissed by the government at the behest of the prime minister, based on a recommendation by the internal affairs minister.

The internal affairs ministry is the central executive body and is directed and coordinated by the government. It is the main central executive body and is responsible for formulating state policy, including on the protection of the state border and Ukraine's sovereign rights within its exclusive (maritime) economic zone. Most of the practical



<sup>9</sup> "Постанова Про затвердження Положення про Адміністрацію Державної прикордонної служби України," [Resolution on approval of the regulation on the administration of the State Border Guard Service of Ukraine] 533-2014-p, April 28, 2021. Available online: [https://zakon.rada.gov.ua/laws/show/533-2014-%D0%BF?fbclid=IwAR2Gm-46-SYB-5V7CrCIhBLEAe5W4s\\_GRHIZ0H8Pasyu0tz0DwZx361LNxPk#Text](https://zakon.rada.gov.ua/laws/show/533-2014-%D0%BF?fbclid=IwAR2Gm-46-SYB-5V7CrCIhBLEAe5W4s_GRHIZ0H8Pasyu0tz0DwZx361LNxPk#Text) (accessed on February 24, 2023).

side of cooperation is functionally defined in the responsibilities of the head of the SBGS, who is responsible for the interaction between the SBGS administration and a structural unit (Department on interaction with SBGS) within the internal affairs ministry designated by the minister. One of the key tasks of the Department unit is to comply with the procedure established by the minister for the timely exchange of information between the ministry and the SBGS administration.<sup>10</sup>

As the SBGS is subordinated to the ministry, it has issued dozens of regulations on cooperation in various spheres. However, the key documents regulating the interaction between the two agencies are the Regulations of the Cabinet of Ministries concerning the State Border Guard Service Administration and the Regulation of the Cabinet of Ministers concerning the Ministry of Internal Affairs of Ukraine.

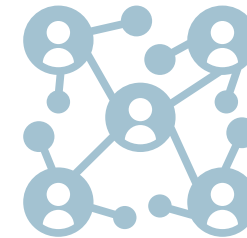
The Ukraine–Slovak agreements cover various issues relating to border cooperation and mutual assistance. More than 10 bilateral agreements – some of which are intergovernmental – define the general principles of border management at land/road and railway checkpoints, for countering crime and for joint patrols. Some provisions regulate data exchange and mutual assistance in an emergency, while some of the documents relate to the functioning of specialized ministries and agencies.

Border Plenipotentiaries fulfil the objectives stipulated in most of the agreements on bilateral cooperation. They serve to enhance security and maintain order on the joint border and undertake joint actions and coordinate bilateral

<sup>10</sup> The Department on interaction with State Border Guard Service of Ukraine is part of the Ministry of Internal Affairs of Ukraine. More see “Структура,” [Structure], the Ministry of Internal Affairs of Ukraine. Available online: <https://mvs.gov.ua/uk/ministry/struktura> (accessed on February 24, 2023).

activities. Cooperation between the border authorities of both countries at the level of cooperation of Main Border Plenipotentiaries is the highest one. Main Border Plenipotentiaries are appointed by the prime minister of each state. At the same time, Main Border Plenipotentiaries are Heads of the Border Guards of both countries.<sup>11</sup> Their legal status is conferred by an agreement between Slovakia and Ukraine on the Slovak–Ukraine border and associated cooperation and mutual assistance (signed in Bratislava on October 14, 1993).<sup>12</sup> It was agreed at presidential level and so takes primacy over the national legislation. The agreement did not enter into force until January 10, 1995, as both parliaments had to ratify it. The bulk of the agreement concerns the remit of the border plenipotentiaries, organizational aspects of their cooperation and their tasks.

The border plenipotentiaries are mainly tasked with ensuring security and order on the joint border and coordinating the work of the border authorities. This involves



<sup>11</sup> The Czech Republic, Poland and Hungary also have Main Border Plenipotentiaries. As a rule, this function is held by Chiefs of the Border Guards of these countries. Similar agreements exist between the Slovak Republic and Czech Republic, the Slovak Republic and Hungary, and the Slovak Republic and Poland. In Slovakia, Colonel Robert Gucký is the current incumbent and in Ukraine it is General Major Serhii Deineko.

<sup>12</sup> “Communication No. 2/1995 of January 10, 1995, of the Ministry of Foreign Affairs of the Slovak Republic on signing of the Agreement between the Slovak Republic and Ukraine on the regime on Slovak–Ukraine state borders, cooperation and mutual assistance in border issues.” Available online: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1995/2/19950110.html> (accessed on February 24, 2023).



managing border traffic and border crossing points and cooperating with other control authorities working on border crossing points.

In the fight against crime, their role is to detect and investigate all incidents at the border. They also inform each other of any natural disasters that may affect the other territory and any violations of the air border. For example, the use of drones has become a problem in recent years.<sup>13</sup>

The way the parties outlined in the agreement communicate will depend on the issue. In emergencies, such as natural disasters or airspace violations, the parties must immediately inform one another. In other cases, they use the usual diplomatic communication channels.



<sup>13</sup> Recently, there have been problems with unauthorized flights across the border. Flying devices are used to smuggle goods, particularly tobacco.

Direct cooperation between the authorities on both sides is set out in the Protocol between the Border and Foreign Police of the Presidium of the Police Force and the State Border Guard Service Administration of Ukraine on the Direct Mutual Cooperation of Operative Authorities, signed in Uzhgorod on October 25, 2005. It is based on the provisions of the 1993 agreement<sup>14</sup> and is intended to facilitate the implementation of the Agreement between the Government of the Slovak Republic and the Cabinet of Ministers of Ukraine on Cooperation in the Fight against Organized Crime, signed in Bratislava on December 5, 2000.<sup>15</sup> As the preamble indicates, the main objective is to protect the Slovak–Ukrainian border, which is also the EU–Ukraine border, and to prevent criminal activity on the border and to organize and support cooperation between the Slovak BBFP and the SBGS administration in Ukraine. Prior to the protocol entering into force, cooperation among the operative authorities was set out in a document from 1995. The principal aim was to protect the joint border and strengthen cooperation.

Since 2010, the bilateral cooperation on the exchange of statistical and analytical information has been handled very professionally. Communication and cooperation between the authorities responsible for the exchange of information, particularly statistical data and analytical reports, is covered by the Protocol between the Ministry of

<sup>14</sup> Pursuant to Act no. 400/2015 on drafting legal acts and on the collected laws, international treaties are included in the collected laws only if ratified by the president or if they contain provisions relating to the legal status of persons or their other rights. This protocol is not publicly available.

<sup>15</sup> “Communication No. 282/2001 of July 18, 2001, by the Ministry of Foreign Affairs of the Slovak Republic on signing of the Agreement between the Government of the Slovak Republic and Cabinet of Ministers of Ukraine on cooperation in the fight against organized crime, signed on December 5, 2000, in Bratislava.” Available online: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/282/> (accessed on February 24, 2023).



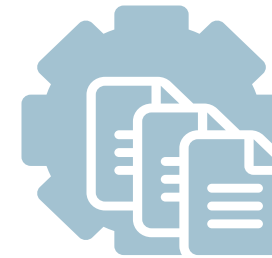


Interior of the Slovak Republic and the State Border Guard Service Administration of Ukraine on the Exchange of Information, signed in Kyiv on April 15, 2010.

Data is exchanged on illegal migration, and the effectiveness of the cooperation is strengthened by twice-yearly joint meetings between the relevant border authority departments. Regional and central authorities are responsible for the exchange of information. Data is exchanged centrally between the Slovak BBFP and the Ukrainian SBGS administration monthly, quarterly, and annually. The Directorate of the Border and Foreign Police in Sobrance District in Slovakia and the Western Border Unit of the SBGS in Chop, Ukraine, exchange data on a monthly, quarterly, six-monthly, and annual basis. Data is exchanged in written and electronic form. Statistical data is exchanged on the pedestrians and vehicles crossing the border, persons detained for breaching the law when crossing the border, persons refused entry, violations of the rules and regulations on the movement of goods and on the detection of illicit goods and forged documents.

Vertical communication between central and regional authorities and departments in Ukraine is covered in the key strategic documents of the border management agencies. But the key source of communication is the SBGS. The main communication principles are defined in the Strategy of the State Border Guard Service.<sup>16</sup> It sets out the tasks for improving the information side of the state border protection system by enhancing the system for information analysis and evaluation and modernizing the communication system, informatization and information protection. The action plan for the implementation of the strategy is aimed at expanding the format of information exchange and cooperation among operational bodies, implementation of the information exchange mechanism and joint risk analysis.

Slovakia has clear vertical procedures of communication and coordination. At government level, the interior ministry has primary responsibility for border protection and related issues. The ministry has a special international relations department. It is the main coordinator of the ministry's international and European activities. The department emerged out the legal affairs section and department of foreign protocol and international agreements. Staff levels have increased yearly, largely in response to the need to harmonize and implement the EU and Schengen *acquis*.

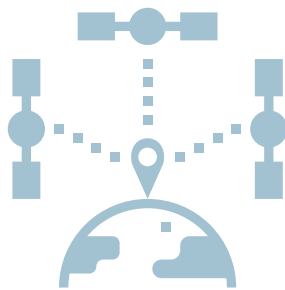


<sup>16</sup> "Стратегія розвитку Державної прикордонної служби," [Development Strategy of the State Border Guard Service] 1189-2015-p, November 23, 2015. Available online: <https://zakon.rada.gov.ua/laws/show/1189-2015-%D1%80#Text> (accessed on February 24, 2023).

The Presidium of the Police Force is another element in the vertical coordination and is the main coordinator of international issues after the Office of the Minister of Interior of the Slovak Republic. The Bureau of International Police Cooperation of the Presidium of the Police Force has the main authority for coordinating activities. It existed prior to Slovakia joining the EU and is responsible for regular day to day international cooperation with Interpol, neighboring countries and third countries. It subsequently took on responsibility for cooperation with Europol and Sirene on Schengen matters.

Integrated border cooperation presents a test for effective bilateral relations. Various forms of communication can be used to enhance the mutual benefits of bilateral cooperation. The means of communication used by the Ukrainian and Slovak sides in bilateral relation were mainly established in the 1990s, when Ukraine became independent. Communication is increasingly playing a role in Ukrainian border management since the launch of the visa-free regime with the EU and the introduction of integrated border management in 2015–2017. These two new European projects have had an effect on communication approaches, with the old, centralized working meetings having been replaced by interagency cooperation.

Since the Slovak Republic was founded in 1993, bilateral relations have grown considerably. Border management and cooperation among law enforcement



authorities, are no exception. Despite most bilateral relations being based on bilateral agreements are almost 20–30 years old, they are just as relevant today. The Bureau of Border and Foreign Police still plays a key role, as do the main border plenipotentiaries, which is the main mechanism for cooperation with Ukraine and other neighboring countries. What has changed is that Slovakia became a member of the EU, and that has had a substantial effect on the approach to border management, particularly the creation of the European Border and Coast Guard. Notwithstanding these changes, national integrated border management is still important, especially in cooperation with third countries and above all with countries with which EU member states share an external border. But, as the Ukrainian side highlighted in the recommendations section, it has also changed the nature of joint expert meetings, as Slovakia is bound by both the national legislation and the European and Schengen *acquis*.

With the introduction of an integrated approach on both sides, the involvement of other border authorities is essential. There is a need to further strengthen horizontal and vertical cooperation between countries. Many of the new border management methods and approaches have now become part of the regular practices of agencies in partner countries. Yet, they are not tied into the broader context of border policy and border management. Now, the focus is too narrow. Border protection is only part of the problem.

With the emergence of new challenges, there needs to be effective communication and good exchange of information to regulate the rapid flow of data and data processing. Operational staff working for border management agencies need relevant, up-to-date information so they can fulfil their duties properly and respond to threats and emergencies appropriately. Border management agencies should adopt more methods to help them address emergencies. Effective communication is provided not only through routine team meetings and interdepartmental meetings but should form part of ad hoc meetings and joint activities between the agencies in both countries.

An effective communication mechanism is needed to overcome the challenges that arise in the new circumstances. Along with formal instruments of communications, such as formal meetings at the central and regional levels, there is a need for more informal communications chains. All aspects of border management need to be monitored and covered, including integrated border management



Mechanism for communication and coordination between border management agencies

and collaborative border management, as well as the four management levels of coexistence, communication, cooperation and finally coordination. The research conducted within the SIBSU project has revealed the need for more interactive mechanisms whereby local communities can engage in direct contact with stakeholders. Effective communication has to include sustained partnerships with international organizations and be open to the best practices of partner countries.



# About SFPA

Slovak Foreign Policy Association (SFPA), founded in August 1993, is an independent, non-partisan and non-profit organization whose activities are devoted to active contribution to the integration of the Slovak Republic to the community of democratic states and their political and security structures. It is the oldest foreign policy think-tank in Slovakia. Through its programs of meetings, seminars, workshops and publications, the SFPA spreads objective information about international relations from primary sources. Its research center (RC) was established in 1995. In accordance with its status, the RC SFPA provides:

- independent expert analyses on crucial issues of international relations and foreign policy;
- publishes periodical and non-periodical expert publications serving to increase awareness in the field of international relations and foreign policy and to serve as a source of qualified information for both, the expert and general public;
- organizes expert events and participates in international scientific cooperation in the field of international relations and security;
- contributes to the fostering of the expert discourse on international relations and foreign policy;
- creates a favorable environment for the growth of the new generation of the Slovak experts in the field of international relations; and
- stimulates the interest of wider Slovak public in the global events as well as a deeper understanding of the significance of foreign policy and its link to the domestic policy.

## Slovak Foreign Policy Association

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