

Lithuania in the Schengen Area: New Challenges to National Security and State Border Guard Control

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Abstract

The national security interests of Republic of Lithuania are linked to the sovereignty, territorial integrity, democratic constitutional order and the preservation of civil society, respect for human rights and freedoms and the protection of their implementation. Lithuania like other countries is threatened by military, political, economic, social and environmental threats. This article aims to reveal the major threats emerging regional security and sought a proposal from the law enforcement authorities' activities of overall coordination, discussed priority areas of cooperation. A state as an organization is required through the creation of relevant institutions and operational procedures, to ensure order and security throughout its territory, to protect its citizens from threats. The author presents the solutions to border management, which significantly affect the security of the state, and therefore a sense of security for citizens.

Keywords: national security, threats, state borders.

1. Introduction

The principal goal of Lithuania's foreign policy is to create a secure environment for the country and its people, to safeguard the continuity of statehood and to ensure future development and prosperity. Characterizing the general direction in Lithuanian foreign policy since the proclamation of its independence, it should be mentioned that from the first steps of its existence our state rushed towards the formation of good-neighbors relations both with nearby countries and other states. It is may be formulated that Lithuania's foreign policy based on three major objectives: effective membership in EU; membership in NATO and good relations with neighboring states.

Nowadays one of the most important purposes of the state is to cherish opened space of Schengen Convention as the space of freedom, security and justice.

Having such space it is very important to cherish and secure free people motion, respect human rights and liberty, however, take suitable measures related to the control of foreigners. It is very important to control arrival, departure and presence of foreigners in the Republic of Lithuania.

Illegal migration menaces state security and new not known crime tendencies, such as illegal migration or human trade, appear. The national security interests of Republic of Lithuania are linked to the sovereignty, territorial integrity, democratic constitutional order and the preservation of civil society, respect for human rights and freedoms and the protection of their implementation. An institutional system is necessary for the protection and implementation of those interests. This article presents actual problems, related to regional security, which occur in EU in the process of globalization.

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The aim of this article is to present ways of thinking about security as well as border management solutions which significantly influence on Lithuanian security system. The following methods were applied in the research: analysis of scientific literature and documents, content analysis.

2. Schengen Area and Threats for National Security

International Community started to share ideas about the need to find another security enhancement models, for example, the Organization of European Security and Cooperation in Europe began to develop different concepts of security, which, in essence, called for parties to make obligations not to increase their own security at the expense of security of other countries. The traditional concept of security perceives the country as the main entity that has to ensure its own security and survival. Normally, creating of security strategies is concentrated on public authorities and actual execution of such strategies rarely involves members of society. It should be noted that a safe state does not necessarily mean the safety of its citizens. It is considered that protection of the citizens against foreign military attack – is a necessary, but not a sufficient condition to ensure the security of the citizens. Citizens of states that are secure' according to the traditional concept of security can be perilously insecure in terms of their daily existence.

EU gradually created a huge national borders unfettered space, where people can move around unhindered without the border control. One of the cornerstones of the EU's privileges are EU citizens enshrined the right of free movement². Though the right of free movement enshrined in the EU is founded, but it has required people to ensure a safe built environment and create an effective mechanism to control the external borders - in 1985 signed the Schengen Agreement that provides for the elimination of border controls between signatory states. The intent of the Schengen Agreement was to create an area without travel restrictions, in which border controls between participating countries were eliminated and there was greater cooperation in combating transnational crime. In order to create an area with a common external border and no internal border controls, all participating countries establish similar requirements for entry³.

This means, for example, that must have common rules on visa requirements for nationals of third countries. The Schengen *acquis* also provides for cooperation between police authorities of the participating countries. The Schengen Information System, a joint information system, allows the police to the Schengen countries to issue communications concerning wanted criminals, missing persons and stolen property. This system centralizes two broad categories of information relating to a vehicle or other objects sought and on people.

In the system fit into other data types, including those related to arrests for extradition purposes, like in case of loss, search for minors or persons who should be interned following a decision by a competent authority, not admitted to the territory under an administrative or judicial decision taken in accordance with national procedural rules, or on a public or national security threat, or failure to comply with the standards for entry and stay of foreigners, with the arrest to be brought to justice, even as a witness in criminal proceedings or to comply with a term of imprisonment. The European Council has become the main executive body on the application of Schengen rules⁴.

² Plan for the management of the external borders of the Member States of the European Union, agreed by the JHA Council on 13 June 2002 (10019/02 FRONT 58 COMIX 398).

³ Wawrzusiszyn, A. (2008). Udział Straży Granicznej w zapewnieniu bezpieczeństwa państw Unii Europejskiej, [in] Pedagogika obronna wobec procesów globalizacji i edukacji międzykulturowej. Scientific ed. R. Stępień, Warsaw.

⁴ EU Schengen Catalogue volume 1. External borders control, removal and readmission: Recommendations and Best Practices. Council of the European Union, General Secretariat DG H, February 2002.

Schengen area - is an important achievement in the development of Europe as an area of open borders. Freedom of movement means that each person is entitled to cross the internal borders at any point and no border checks are needed. The refusal of border checks at internal borders necessarily means a lack of security, since the Member States lose an important national tool to control people coming into the country, establishing their identity. What the future will bring as regards law enforcement authority's cooperation is difficult to predict. Given that globalization is more likely to increase overall in many areas rather than decrease, there is every reason to assume that the globalization of law enforcement authority's cooperation will also continue.

This will in the first instance involve the expansion and refinement of the existing types of cooperation. This is because the EU Treaties offers opportunities to organize law enforcement authority's cooperation not only from a more operation point of view than at present but also to make it more mandatory for the Member States. One of the core objectives of the European Union is to provide its citizens with a high level of security within an area of freedom, security and justice⁵. That objective is to be achieved by preventing and combating crime through closer cooperation between law enforcement authorities in the Member States, while respecting the principles and rules relating to human rights, fundamental freedoms and the rule of law on which the Union is founded and which are common to the Member States.

At the same time, each state has to provide its citizens with a sense of security, which is related to the management, including the protection of the state border. Functioning state border management system, coordinated with border security management system of the EU, is an integral component of the national and European security system. It provides freedom and smoothness of the legitimate movement of people and goods across the border. These standards are achieved while maintaining a high level of security and cohesion of the social community by protection of the border against threats to national security, the national economy, public health and the unauthorized crossing.

The implementation of the statutory tasks by the services responsible for border protection and certain public institutions, which form the broader border management system, helps to raise the level of national security and a sense of security for all citizens⁶.

The national security interests of Republic of Lithuania are linked to the sovereignty, territorial integrity, democratic constitutional order and the preservation of civil society, respect for human rights and freedoms and the protection of their implementation. In order to protect and implement these interests a national institutional system is necessary. According to Lithuanian Law on basics of national security, Lithuanian national security should ensure citizens of Lithuania, their communities and organizations, the President, Parliament, Government, Army, Police, Department of State Security, other governmental bodies, which are created for this purpose⁷. Despite that the above-mentioned state institutions necessary for security protection has been built successfully, it was clear that in case of external aggression Lithuania had insufficient defensive capability to defend itself. Therefore from the first days of the restoration of independence, Lithuania was integrated into the international defense, economic, environmental and similar international organizations.

⁵Commission Communication "Towards an integrated management of the external borders of the Member States of the European Union", COM(2003).

⁶ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, OJ L 210, 6.8.2008, p. 1 and Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, OJ L 210, 6.8.2008, p. 12.

⁷Greičius, S.&Pranevičienė, B. (2010). Challenges to Lithuanian national security: Security of Society and Public Order: Proceedings of scientific articles (10) / Kaunas, MRU. Nr. 4, p. 31-40.

Lithuania, like other countries is threatened by a variety of transnational phenomena (such as terrorism, organized crime, human trafficking, smuggling, illegal arms trafficking, drug trafficking, illegal migration), which transcends national borders and become international security risks, dangers and threats. Lithuania is too dependent on other state's strategic raw materials and energy supply. This factor makes influence to national security and poses a threat not only to economic prosperity, but also to public safety. Groups of shadow economy and activities of organized criminal groups pose a serious threat to the State and society. Illegal drugs and arms proliferation, human trafficking, illegal business and use of illegally received funds for political objectives are especially dangerous. A threat to Lithuanian national security is created by the activities of intelligence service of other countries. This activity is characterized by traditional and nontraditional methods and new technologies in order to illegally obtain the information and hence act destructively in order to make influence to the military capabilities, political processes and other social and economic spheres of life.

Uncontrolled migration, spreading illegal migration and increasing emigration of Lithuanian citizens are other risk factors for national security. After Lithuania has joined European Union, controlling of migration has become one of the most important tasks. Loss of control of migration as a result of regional conflicts may become a destabilizing factor for Europe as a whole and in conjunction endanger the interests of Republic of Lithuania⁸. The most significant International organizations for ensuring security, which member became Lithuania, are the following:

- United Nations (1991 09 17);
- Organization of Security and Cooperation in Europe (1991 09 10);
- Interpol (1991 11 04);
- World Customs Organization (1992 06 18);
- NATO (2004 03 29);
- Schengen Convention (2004 05 01).

Characterizing the general direction in Lithuanian foreign policy since the proclamation of its independence, it should be mentioned that from the first steps of its existence our state rushed towards the formation of good-neighbors relations both with nearby countries and other states.

Solving the most difficult international problems, our state proved its ability to do this by political means, thus demonstrating to the whole world that any problem can and should be solved without threats and use of force. Active participation in proper international organizations and multilateral forums, unconditional implementation of the existing agreements as for the arms control comprise the considerable contribution of our state to strengthening of international security of XXI century. The importance of clear determination of priorities in Lithuanian national security stipulates the attention today as for elaboration of strong scientific-methodological foundations, guided by which, it becomes possible to perfect normative and legal base in the above-mentioned sphere. Legal foundations of the Lithuanian national security are stated in the Lithuanian Constitution - Fundamental Law of our state.

One of Chapter of the Lithuanian Constitution determines that the protection of the sovereignty and territorial indivisibility of Lithuania, and the ensuring of its economic and informational security are the most important functions of the State. Lithuanian Constitution proclaimed that foreign political activity of Lithuania is aimed at ensuring its national interests and security by maintaining peaceful and mutually beneficial co-operation with members of the international community, according to generally acknowledged principles and norms of international law.

⁸Seniutienė, D.(2010). Migration processes of accession to the Schengen Area/ Security of Society and Public Order: Proceedings of scientific articles (4) / Kaunas, MRU. Nr.4 p. 186-201.

Pursuant to this Law, the President of Lithuania develops and approves the Strategy of National Security of Lithuania, the doctrines, conceptions, strategies and programs, which determine special purpose options and leading principles of military cooperation, as well as the directions for the activities of public authorities in specific situations aimed at defining, preventing and neutralization the threats to the national interests of Lithuania in proper time.

The main attribute of the state is its territory, which is the space of existence and development of opportunities for the society that changes it. The relation of state to its territory is called the sovereignty or territorial superiority. The content of this superiority is the subordination of all persons and things within the territory to the state's law and jurisdiction. It is an essential element of state sovereignty, without which it could not exist. The oldest form of the safety of participants in international life is the concept of state security. The needs and interests of the safety of the nation (or nations in the case of multinational states) are implemented by the state authorities. Care of internal stability and national security are the main tasks of the state. State politics (internal and international) should be run so as not to be conducive to the development of conflict situations and phenomena of conflict, leading to the destabilization of the internal situation and limiting state sovereignty.

These tasks are also connected with the ensuring by the state authorities the security of citizens and achieving such level of state development which would allow the society adequate level of existence. Lithuanian accession to the structure of NATO, European Union and Schengen Area required a number of specific actions to shape a new security policy, international cooperation and to adapt institutions and departments responsible for national security to new tasks and challenges. In the new reality the case of state border security and its protection has not lost importance as well as theoretical and the practical relevance. Because borders provide a control function, they are also, to a greater or lesser extent, the barrier to migration of people, the free exchange of goods, money, and sometimes the possibility of cultural and ideological influence. The integrated system of external border management is a concept introduced by European Council in 2001. It is based on the principle that better management of the Union's external border controls will help in the fight against terrorism, the organizations involved in illegal immigration and trafficking in human beings. Thus, it will have a positive impact on the security level of the Member States and their citizens.

The elaborated action plan indicates that on the legislative level common legislative solutions should be implemented, and on the operational level the implementation of joint operations of the national services responsible for the control and surveillance of external borders should be carried out. In 2004 the conclusions on the structure, functional requirements and biometric identifiers that should be included in the future European visa system were adopted. A year later, the European Council set targets for the development of the area of security and justice in the next five years, representing a new step towards the inception of the European policy of Union's external border management. The program assumed a further gradual building of an integrated border management system and strengthening the control and surveillance of external borders. What is more, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) was established.

Frontex Agency, based in Warsaw, coordinates the various activities of the Member States in the management of the common border of the EU, as well as assists in the manner of conducting of these activities. Border protection imposes on Lithuania a very responsible task to ensure the security of all Member States against threats from the side of undesirable people and goods within the European Union territory, while maintaining good neighborly relations with the countries that remain outside the Union⁹.

⁹Seniutienė, D.&Greičius, S. (2005). The Schengen Convention influence on Lithuanian Border Organization. *Jurisprudencija*. T. 73(65), p. 77-85.

This task is multi-faceted and involves organization of group of administration and political undertakings, sanitary and military with different scope of rigors, undertaken by each sovereign state to prevent illegal crossing of the state border, carrying certain goods across the border without a permit, to prevent the penetration of infectious diseases, etc. Lithuanian border is protected along the entire length, with particular emphasis on the maritime border and land border sections of the Russian Federation and the Republic of Belarus, which are the external border of the European Union and the Schengen Area.

At the external border road, rail, sea and air border crossing points are located; and sea and air border crossing points support also the Schengen internal traffic. Border protection system is adapted to the four-level management system of the European Union external border security. This model distinguishes four complementary areas of border security:

- System of issuing visas.
- Cooperation with the third countries to counteract illegal migration and border threats.
- Immigration control carried out on the state territory by border.
- State border protection.

The State Border Guard protection in particular includes: border line, border crossing points (land, marine, and airports), the usage of mobile and stationary technical surveillance units, perimetric devices, aircraft, border reconnaissance, security control in air traffic.

Adjusting services to the functioning in the frame of system refers not only legal or organizational regulations, but also the quality of cooperation and operational capabilities of all Lithuanian border services. The State Border Guard plays key role in the Lithuanian national security system - effective protection of state border and border traffic control in accordance with the interests of national security. Another important area is monitoring and control of foreigners' migration to the territory of the country. Strategy of the State Border Guard activities is designed to:

- Protect parts of Lithuanian state border which are external Schengen border and control of border traffic in those parts;
- Effective actions of immigration service carried out on the territory of Lithuania.

To fulfill standards mentioned above on the land border the procedures have been elaborated, following the premise that the majority of crossing the border people and goods moves in a legal way according to the declared purpose. The „one stop” system is a solution based on the fact that duties related to crossing the border are carried out in the same time by both the Border Guard and Customs Service officers. The idea is to introduce border and custom control at one stop of traveler. The system has an influence on the capacity of border crossings. Another element affecting the efficient management of road border crossing is the concept of the implementation of "green corridors", which is based on legal institutions "nothing to declare". The idea of „green corridor" is based on the traffic organization in which the traveler chooses "green corridor" at the time of entry at the border crossing on the side of a neighboring state, then moves the line until the end of border and customs control on the Lithuanian side, without the possibility of changing the passage on the area of border crossing and on the boundary line.

The purpose of such a solution is to facilitate the crossing of state border for travelers who do not have the goods subject to customs duties or other restrictions. Border control on such line is carried out in a simplified way. To the state border management it is also necessary to maintain a clear, visible and geodesic defined border line. One of the statutory tasks of the Border Guard is the embedding and maintenance of border signs on the land and preparing, updating and storing the border geodetic and cartographic documentation. This task is connected to international cooperation with neighboring countries based on international agreements on joint borders.

As a part of this cooperation the border signs and posts are renewed and geodetic site measuring is carried out in order to elaborate new or update existing border documentation. Except for the Border Guard important role of the safety management system of the border, is also played by other services entitled to the border protection and border checks.

3. Generalization

One of the core objectives of the European Union is to provide its citizens with a high level of security within an area of freedom, security and justice. The ongoing consolidation period of the area of freedom, security and justice enables to enhance the most valuable element of the efficient management of external borders which is mutual trust between Member States and between Member States and the institutions of the European Union.

It is assumed that the intelligent use of modern technologies in border management will contribute to the fact that Europe will become more accessible for people travelling in "good faith" and stimulate innovation among enterprises in the European Union. Consequently, this will lead to greater prosperity and growth in Europe and provide a sense of security to the citizens of each country. Each state's priority is national security, therefore Republic of Lithuania like every country, created the National Security Strategy, which sets forth national security interests, security policies, national security policy, national security strategy, and means and methods of risk factors, risks and threats to national security. It is noted that threats and risks to national security are very dynamic, and there are dozens of factors affecting national security: social or economic life and the political situation in the country as well.

References

- Commission Communication "Towards an integrated management of the external borders of the Member States of the European Union", COM(2003).
- Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, OJ L 210, 6.8.2008, p. 1 and Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, OJ L 210, 6.8.2008, p. 12.
- EU Schengen Catalogue volume 1. External borders control, removal and readmission: Recommendations and Best Practices. Council of the European Union, General Secretariat DG H, February 2002.
- Greičius, S.&Pranevičienė, B. (2010).Challenges to Lithuanian national security: Security of Society and Public Order : Proceedings of scientific articles (10) / Kaunas : MRU. Nr. 4, p. 31-40.
- Plan for the management of the external borders of the Member States of the European Union, agreed by the JHA Council on 13 June 2002 (10019/02 FRONT 58 COMIX 398).
- Seniutienė, D.&Greičius, S. (2005). The Schengen Convention influence on Lithuanian Border Organization. *Jurisprudencija*.T. 73(65), p. 77-85.
- Seniutienė, D. (2010). Migration processes of accession to the Schengen Area/ Security of Society and Public Order : Proceedings of scientific articles (4) / Kaunas, MRU. Nr.4 p. 186-201.
- Wawrzusiszyn,A.
(2008).UdziałStrażyGranicznejwzapewnieniubezpieczeństwapaństwUniiEuropejskiej,[in] Pedagogikaobronnawobecprocesówglobalizacjiiedukacjąmiędzykulturowej.Scientific editor R. Stępień, Warsaw.