



Hacettepe University Graduate School of Social Sciences
International Relations

**SHIFTING ROLES IN SECURITY GOVERNANCE: THE CASE OF
BORDER CHECKS IN TURKEY**

Burçe Arı

Master's Thesis

Ankara, 2013

**SHIFTING ROLES IN SECURITY GOVERNANCE: THE CASE OF BORDER
CHECKS IN TURKEY**

Burçe Ari

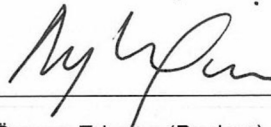
**Hacettepe University Graduate School of Social Sciences
International Relations**

Master's Thesis

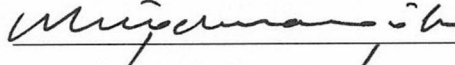
Ankara, 2013

KABUL VE ONAY

Bure Arı tarafından hazırlanan "Shifting Roles in Security Governance: The Case of Border Checks in Turkey" bařlıklđ bu alıřma, 18 Ocak 2013 tarihinde yapılan savunma sınavı sonucunda bařarılı bulunarak jürimiz tarafından Yüksek Lisans Tezi olarak kabul edilmiřtir.



Prof. Dr. Aylin Özman Erkman (Bařkan)



Do. Dr. Müge Kınacıođlu (Danıřman)



Do Dr. Havva Kök Arslan

Yukarıdaki imzaların adı geen öđretim üyelerine ait olduđunu onaylım.

Enstitü Müdürü

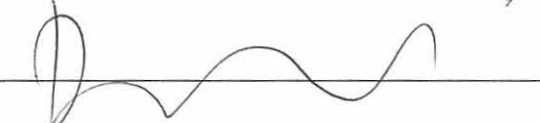
Prof. Dr. Yusuf elik

BİLDİRİM

Hazırladığım tezin tamamen kendi çalışmam olduğunu ve her alıntıya kaynak gösterdiğimi taahhüt eder, tezin kağıt ve elektronik kopyalarının Hacettepe Üniversitesi Sosyal Bilimler Enstitüsü arşivlerinde aşağıda belirttiğim koşullarda saklanmasına izin verdiğimi onaylarım:

- Tezin/Raporumun tamamı her yerden erişime açılabilir.
- Tezim/Raporum sadece Hacettepe Üniversitesi yerleşkelerinden erişime açılabilir.
- Tezin/Raporumun 1 yıl süreyle erişime açılmasını istemiyorum. Bu sürenin sonunda uzatma için başvuruda bulunmadığım takdirde, tezin/raporumun tamamı her yerden erişime açılabilir.

18 Ocak 2013


Burçe Arı

Can'a...

ABSTRACT

ARI, Burçe. *Shifting Roles In Security Governance: The Case Of Border Checks In Turkey*, Master's Thesis, Ankara, 2013.

Globalisation facilitated greater mobility of commercial services but also crime. The rise of new forms of threats and the blurring of internal and external security concepts compel the modern state not only to cooperate internationally, but also to involve private sector for certain tasks in security sector. Border management concept has also changed – trade facilitation and security to be ensured at the same time in the framework of new notion of integrated border management. These transformations challenged the classical meaning of sovereignty and led to changes in the understanding of the state.

This phenomenon appears in different shapes depending on the motivating factors of a given state to survive efficiently. Part of the literature on privatisation of security covers military type of border protection at post-conflict states and post-authoritarian states. With respect to the transformation in the developed countries, the handing over to the private sector is mainly linked to the innovation and the increasing need to utilise the information technologies. Another important motivation valid also for developing states like Turkey is the compelling provisions of international regulations to improve the trade facilitation, while at the same time ensuring secure flow of goods and persons. In the new era of the borderless world, states have the means to grow stronger in combating the new security threats by making intelligent use of non-state actors, mainly the private companies. Regardless of the level of involvement of the private sector, it is still the states retaining the power to take policy decisions and holding the monopoly to regulate the security.

Keywords

State, sovereignty, security governance, border security, public-private partnerships

ÖZET

ARI, Burçe. *Güvenlik Yönetiminde Rollerin Değişimi: Türkiye’de Sınır Kontrolleri Örneği*, Yüksek Lisans Tezi, Ankara, 2013.

Küreselleşme yalnızca ticari hizmetlerin değil, suçların da daha büyük çapta hareket etmesini kolaylaştırdı. Yeni tehdit formlarındaki artış ve iç ve dış güvenlik kavramlarının bulanıklaşması, modern devleti, uluslararası işbirliği yapmaya ve aynı zamanda güvenlik alanındaki birtakım görevlerde özel sektörü devreye sokmaya zorlamıştır. Sınır yönetimi kavramı da değişime uğradı – yeni oluşan entegre sınır yönetimi fikri çerçevesinde, aynı anda hem ticaretin kolaylaştırılması hem de güvenliğin sağlanması gerekliliği oluştu. Bu dönüşümler klasik anlamda egemenliğe meydan okudu ve devlet anlayışında da değişimlere neden oldu.

Bu olgu, devletlerin etkin varlıklarını korumak için motive eden etmenlere bağlı olarak farklı şekillerde belirmektedir. Güvenliğin özelleştirilmesi ile ilgili teorik yazının bir kısmı otoriter yönetimler sonrası devletler ve çatışmadan çıkmış devletlerde görülen askeri tipteki sınır koruma konularını ele almaktadır. Gelişmiş ülkelerdeki dönüşümler sonucu özel sektöre görev devri yapılması ise, daha çok buluşlarla ve bilişim teknolojilerini kullanma konusunda artan ihtiyaçlarla bağlantılıdır. Türkiye gibi gelişmekte olan ülkelerde görülen bir başka önemli motivasyon faktörü de, kişilerin ve malların güvenli dolaşımını sağlarken aynı zamanda ticaretin daha da kolaylaştırılmasını gerekli kılan uluslararası düzenlemelerin zorlayıcı hükümleridir.

Bu yeni sınırsız dünya döneminde, devletlerin, başta özel şirketler olmak üzere devlet-dışı aktörlerden akıllıca faydalanarak yeni tür güvenlik tehditleri ile daha güçlü olarak mücadele etmek için araçları bulunmaktadır. Özel sektör ne boyutta dahil olursa olsun, güvenlik konusundaki politik kararları alma gücü ve yasal düzenlemeleri yapma tekeli hala devletlerin elindedir.

Anahtar sözcükler

Devlet, egemenlik, güvenlik yönetimi, sınır güvenliği, kamu-özel ortaklıkları

TABLE OF CONTENTS

KABUL VE ONAY	i
BİLDİRİM.....	ii
ADAMA.....	iii
ABSTRACT	iv
ÖZET.....	v
TABLE OF CONTENTS	vi
ŞEKİLLER DİZİNİ.....	viii
INTRODUCTION	1
PART 1	4
SHIFTING OF ROLES IN SECURITY GOVERNANCE	4
CHAPTER 1	4
THEORETICAL FRAMEWORK OF THE TRANSFORMATION OF BORDER SECURITY	4
CHAPTER 2	11
CHANGING CONCEPTS: STATE, SECURITY, BORDERS	11
CHAPTER 3	21
INVOLVEMENT OF THE PRIVATE SECTOR IN PROVIDING BORDER SECURITY	21
3.2.1 Customs Checks	30
3.2.2 Border Police Checks.....	33
PART 2	39
THE CASE OF TURKEY	39
CHAPTER 4	40
POLICY REFORMS IN BORDER MANAGEMENT	40
CHAPTER 5	52
ISSUES ON THE PATH TOWARDS AN IBM SYSTEM IN TURKEY IN RELATION TO THE INVOLVEMENT OF PRIVATE SECTOR	52

5.1.1 Implementation of Authorised Economic Operators (AEOs) for supply chain security and in particular Recognised Security Organisations (RSOs) for the implementation of the ISPS Code	55
5.1.2. Sharing of the pre-arrival information by the carriers (Advanced Passenger Information, Advanced Cargo Information leading to risk based controls by the public authorities at borders).....	57
5.1.3. Operation of service facilities at the BCP within the Scope of Public Private Partnerships (PPPs) (restaurants, free shops, gas stations)	59
5.1.4 Securing of the BCP area (use of technological equipment for that: CCTVs, X-ray luggage scanners).....	61
5.2.1. Seaports	64
5.2.2 Airports	70
5.2.3 Land BCPs	75
CONCLUSION	79
REFERENCES.....	83

ŞEKİLLER DİZİNİ

Figure 1. Truck queue at Mersin Port	69
Figure 2. İstanbul Atatürk Airport arrival and departure levels	74
Figure 3. Map of Kapıkule BCP	78

INTRODUCTION

This study aims to assess the changes in security governance within the context of border security and evaluate how these changes have found expression in the Turkish case. It further intends to explore the roots of the dynamics in new forms of security provision.

The concept of sovereign states defined as the sole provider of security has considerably changed. States are in need of non-state actors to fulfil their role as security providers. In this sense, cooperation and coordination with such actors have become increasingly significant requirements for states to be efficient and effective security providers. Within this context, border security governance in Turkey provides a good case for studying the processes of involving the private sector in security governance and the measures needed in order to make the best use of the presence of the non-state actors while keeping the regulatory and supervisory functions that are expected from the state.

In the last decade, there has been an increasing trend in a number of regions and countries to involve the private sector in tasks related to border security. The trend appears at different levels and forms depending on the motivating factors of a given state. The common factor of all is the fact that what was traditionally defined as core state tasks are now transforming to an area where the private sector is also an important actor in the domain of border management.

This study specifically aims to investigate these changing concepts of security and border management in relation to the involvement of the private sector. Turkish border management is selected due its virginity in the sense that it is a lively area that promises considerable reforms-to-come and yet not much analysis has been made on the increasing reliance to the private sector input on checks of persons and commodity to enter into the country. The study also examines the impact of this transformation of security governance on the definition of state sovereignty. Within this framework, this study takes the advances in technology, mobilisation caused by globalisation and the compelling regulations of international organisations as independent variables/determining factors.

The following non-exhaustive questions comprise the main research questions: How justified is sub-contracting of these tasks to the private sector? Are the crucial factors for good governance like credibility and accountability maintained? Is it an indicator that states are getting weaker because their sovereignty is constrained by globalisation or on the contrary are the states benefiting from the presence of strong private sector by ensuring appropriate supervision to face these challenges in the name of being efficient? Despite the commonalities in the challenges brought by taking over the classical nation state monopoly of providing security; such as dilemma of accountability versus efficiency and the question of regulation by the state, it is out of the scope of this thesis to discuss the privatisation of security in the context of outsourcing “military-type” security. By the same token, the increasing need of international cooperation to ensure security is also out of the present study. Rather, the research is limited to the impact of the necessity to involve the private sector as a non-state actor to the border security area, on traditional understanding of the classical notion of sovereignty.

The area of border security encompasses two main tasks: border checks that are conducted at the designated border crossing points (BCPs) and border surveillance of the green and blue border lines in between the BCP points. For the purposes of this research, the analysis is limited to the factors relevant to the state and non-state actors for border checks only.

In this respect, the study not only examines the ongoing policy reforms, but also looks at the effectiveness of the Turkish policy based on the analysis of the facts in place by considering the particularities of three main types of BCPs (sea, air and land). Since this transformation is both recent and incomplete in Turkey, the analysis of the efficiency of the involvement of private sector is excluded in this study.

The thesis comprises two main parts; commencing with the background of the evolution of the shifting roles in security governance in the first part, followed by a deeper analysis of the case of Turkey both in policy and practice level focusing on the involvement of private sector in border checks. In the first chapter of Part I, the literature in the IR theory, security studies and eventually in the domain of border security is reviewed. This chapter sets out the theoretical framework with the puzzle of understanding of state sovereignty deriving out of the changes in security governance.

The thesis focuses in the second chapter on the shifting roles from public to private in the security area, and limits the analysis to the checks conducted on persons and commodity at the borders in the third chapter. Part two continues with two more chapters: Chapter four addresses the ongoing reforms on border management in Turkey. Finally, the last chapter provides an analysis of the particular challenges at three different types of BCPs: seaports, airports and land BCPs with one pilot example given for each type.

Due to the scarce sources about the case of Turkey in the field of border management, findings of the study are mainly based on the expert reports. As for the checks on persons, the major source of information has been the reports drafted by a team of EU experts in the scope of a project co-financed by the EU and Turkey. Those reports lay down the needs observed at various field visits to the BCPs conducted by the EU experts in the scope of the cooperation between the EU and Turkey towards harmonisation of the standards with that of the EU. Regarding the checks on commodities, besides the roadmap, a number of studies carried out by the customs experts have been scrutinized.

PART 1

SHIFTING OF ROLES IN SECURITY GOVERNANCE

CHAPTER 1

THEORETICAL FRAMEWORK OF THE TRANSFORMATION OF BORDER SECURITY

This chapter will review the literature in the IR theory in relation to the impact of globalization on state sovereignty, the change in security studies and the domain of border security. It will underline the transformation of border security, which has been a consequence of the accumulation of the changes in the concept of security and borders. Changes in the world realities both at structural and actor level are being mirrored in the IR theory. Likewise, security studies, being a sub-discipline of IR, have been under considerable change especially since mid-1980s. Changes in security studies have important implications on border security domain. What is mostly challenged by those changes is the concept of state sovereignty.

Literature review suggests that the world is dynamic, undergoing vast and rapid transformations (Rosenau, 1996; Waldrop, 1992). In order to understand these complex transformations, Rosenau calls for “puzzling” rather than simply “theorising” to wonder why and how things culminate as they do. According to Rosenau;

“we need to view all continuities as problematic, all theories as tentative, all events as potentially hiding unrecognised patterns, all breakdowns of human systems as complex and significant messages, all patterns as tending towards both order and collapse...”

It is also agreed in the literature that IR is subject to change due to changes in the real world (Rosenau, 1996). The expectation is that the range of subject-matters covered by

the discipline will grow wider. The growing importance is likely to be directed to the products of changes in the international system, which goes beyond the competence of the states. Departure from state-centric approach requires deeper analysis of the involvement of other actors and political and ethical questions in connection to that. This is predominant in the transformation of the roles of the state in relation to providing security.

For some scholars, IR could respond to the radically changing world by the orthodox theories. While realist theory dwells upon the balance power and liberals on the power of global trade and democracy, constructivists defend that it is the ideas and values that are the main building blocks of international life (Snyder, 2004). Even though the transformations may challenge some of the assumptions of a given theory, there may still a lot to say by those theorists on the motivations that lead to those changes. The new era leaves a wider arena for discussion from different angles in IR.

The IR theory debate on the state sovereignty between the realist theory and neo-liberalism is mainly concentrated on the globalisation. While realists argue that it is still the state as dominant actor on the international scale, neo-liberals claim that the days of the nation-state are over owing to the changes brought by globalisation (Dunne, 2007). Although the discussion is mainly whether we are now at the end of sovereignty or sovereignty still remains a supremely important factor for world politics, the recent literature widely accepts that the classical nation state is in decline due to globalisation. More specifically, the very role and meaning of sovereign statehood has become contested under the conditions of global structures embedded in the process of globalisation (Albert, 2000).

In parallel to the changes brought by the process of globalisation, a theoretical challenge for the concept of security emerged whereby its redefinition is required due to the appearance of transnational companies influencing the financial systems and the sovereignty of states worldwide.

According to Keohane, sovereignty is becoming “less a territorially defined barrier than a bargaining resource for a politics characterised by complex transnational networks” (Dunne, 2007: 268).

Since it is changing in ways that are unforeseeable by the traditional IR approaches, “sovereignty” is listed among non-traditional issues. It is now generally accepted that sovereignty of a state should not be considered as given.

Most of the literature takes the end of Cold War as the milestone for the emergence of the concept of “individual security” in relation to the proliferation of new security threats (Owen, 2010). With the decline of the Cold War, conventional theories of security were argued to be inadequate and therefore new constructivist perspectives have begun to emerge that are critical of realist and neo-realist theories.

On the other hand, it is widely argued that territorial borders no longer represent barriers to security threats. As Bigo (2006a) and others express, strict division of military and domestic security policing is blurred and contemporary security practices are not anymore limited to territories clearly demarcated by state borders. This is due to factors varying from increase in mobility and capital flows enabled by economic, social and political globalisation to revolutions in technological innovation (Salter, 2010).

In a similar vein, Salter contends that the security threats are less traditional and more asymmetric. He underlines that risk management dominates deterrence as a strategy. The dominant role of innovations on information technology is also a common argument in the literature, although debate is confined to the efficacy and cost-effectiveness (Lodge, 2010).

Private sector plays a vital role particularly on the use of technology to collect and store data. The states on the other hand are supposed to conduct risk analysis methods in order to effectively utilise the data provided by the private actors. One of the biggest shares of utilisation of advanced technology in border security is on the databases that are developed and often run by private operators. Moreover, what is new is not only that the governments resort to private databases but also they make use of the tactics of those private operators. For example, US-VISIT programme in the United States as well as EU Schengen Information System in the European Union are databases that are holding records (including of biometric nature) of enormous number of persons travelling to those territories. Salter refers to the increased ability to control the borders remotely by way of using advanced technology as follows:

“Airports, borders, and other sites of public-private interface have become increasingly important in surveillance studies, because the technologies of monitoring and control have been made possible and necessary by the delocalization of borders and the deterritorialization of personal data. The disappearing physical state boundary is replaced with a dispersed virtual border composed of databases, decisions and ‘remote control’.” (Salter, 2010: 188)

Use of Close Circuit Television (CCTV) systems at borders for surveillance, satellites to identify illegal passages, collection and storage of biometric information are only examples of the widespread use of technology for security purposes.

Bigo (2002) and Salter highlight that the new security is about pre-emption but not about deterrence. By way of using private collaborators and their technologically stored databases on the risk-based profiles of individuals, the idea is to prevent the illegal passage happening even before the subject arrives at the borders.

Leander (2010: 208-216) asserts that involvement of private actors in the security sector has triggered IR debates about conceptualisation of the state:

“The statism in IR and political science combined with the focus on *privatisation* means that the resulting scholarly production has concentrated on the question of how privatisation transforms states.”

Impact of privatisation on the state monopoly on the legitimate use of force has been central question in the IR literature. Some scholars are of the opinion that transformation in global politics is overstated, thus instead, they focus on the stability of norms. (See for example: Lynch and Walsh, 2000) However, most scholars conclude that state monopoly on the legitimate use of force is transforming but not disappearing. (See for example: Avant, 2005) Compared with the studies on state monopoly of use of force, there is rather less research on the “consequences” of the privatisation of security. Thus, the question whether or not privatisation of security leads to a change with respect to the balance between national interests and politics on one hand and cost-effectiveness and feasibility on the other remains open. In addition, there are still questions to be studied further on the ethics and accountability due to the different types and levels of training and professional background of the security officials of the state and the private companies.

One other consequence of this transformation i.e. giving responsibility to the private actors is de-politicisation of the criteria for letting individuals and commodities inside the territory, since the practical exercise of authority lies with the private sector and therefore actual decision-maker turns out to be the commercial actor (Leander, 2010).

Consequently, it can be said that having checks conducted before the arrival to the territorial borders is leading to de-territorialisation of the border controls (Gammeltoft-Hansen, 2009).

Similar to the discipline of IR itself, security studies as a sub-discipline of IR remains to be mainly a Western-centric area developed largely in the US and Europe. However, there is a growing dominance of the European schools on security studies which have different focus of analysis than the security studies in the United States. While in Europe debates are over a number of competing schools: critical studies, the Copenhagen School, traditionalism and feminism, in the US it is more common to see the major debates between offensive realism and defensive realism. This is interpreted as deriving from partly the variety of issues on the broad security agenda of Europe such as ethnic identity, environment and integration – compared to the American agenda of “global war on terror”. Furthermore, the rise of alternative approaches to security studies in Europe stems from the conception of the relationship between politics and knowledge. While American security studies generally address cause–effect relations that enable the optimal policy decision, European security studies in line with the critical IR theoretical approach focuses security matters from an interpretative perspective in terms of ethics, dilemmas and choices, whereby researcher himself/herself is taken to be a participant in the process (Woever, 2004).

Notwithstanding the different American and European schools, it is commonly agreed in the literature that since the end of the Cold War the state-centric interest in security studies is increasingly abandoned. (Krahmann, 2005) One reason for this shift in analysis stems from the emergence of new security threats; such as terrorism, the proliferation of weapons of mass destruction, migration and ethnic conflict. As a result, a wider understanding of the security concept has become commonplace especially after the Cold War (Buzan and L. Hansen, 2009). On the other hand, changes in the security threats have raised the need for new tools for combating these new security threats.

Strong armed forces and strictly protected national borders are no longer suited for the fight against transnational threats. Hence, governments are reconsidering the meaning of security and the ways to achieve that. The new security agenda, which was formed also by the disappearance of the distinction between internal and external security, has led to the involvement of new actors. International organisations and the private actors have increasingly come to the stage to supplement the security functions of the states. For most scholars, such as Krahmman and Bigo, non-state actors are progressively complementing states in the provision of security. However, Krahmman points out the dual side of the involvement of non-state actors in security domain, both as the cause of security threats and as the security providers in combating threats.

As such, the scope and notion of security is still a contested area within IR theory (Walt, 1991; Rothschild, 1995; Baldwin, 1997). In addition to the most theoretical approaches which agree on the need to have a broader understanding of security, policy makers as well increasingly recognize the requisite for a wider tool-box to provide security.

It is in this context that collaboration among the state and non-state actors are referred to as a shift from “government” to “governance”:

“Contrary to “government” which refers to a system of centralized political control within the state, “governance” denotes a fragmented mode of policy making that includes state and non-state actors at the sub-national, national and international levels.” (Krahmann, 2005: 12)

Governance stands for efforts to respond to the challenges brought by the new types of security threats, which otherwise would go beyond the capacity of states to address individually. Cooperation and collaboration are key factors to achieve success in governance of security. Pooling the capabilities of multiple actors is meant to provide more effective and efficient means to cope with new security threats.

Some scholars, however, do not take the positive contribution of the non-state actors for granted. Avant (2004) for example, argues that, private security can both enhance and undermine the security of individual states. The change of mechanisms brought by the redistribution of power over control of violence enhances the influence of actors outside the state. This opens avenues for private security companies to affect foreign policy decision making. Avant concludes that privatisation of security promises change in the practice of sovereignty.

In the literature it is contended that, the factors that led to the shift from “government” to “governance” has varied from financial reasons to outsource private security companies to growing awareness on transnational crimes and globalisation (Giandomenico, 1997). The term “security governance” is linked with commodification and commercialization of security by many scholars such as Salter, Avant, Caparini, Abrahamsen and Williams. It is widely agreed that security governance raises issues of transparency, accountability and oversight. Some authors questioned the justifications of effectiveness and efficiency of security governance. Daase and Friesendorf (2010) analysed the unintended consequences of security governance – having unpredictable outcomes, often negative surprises.

Daase and Friesendorf explain the differences between “security policy” and “security governance” as follows:

“While security policy used to have a clear chain of command, security governance is marked by non-linear, horizontal policy coordination...Generally, traditional security policy relied on codified rules, explicit agreements and strict measures of verification (and sometimes enforcement) to secure compliance. Security governance, in contrast, prefers less institutionalized forms of cooperation in which compliance is not ensured through narrowly defined self-interest or fear of punishment, but through the shared belief and conviction to do the right thing. Thus, softer forms of regulation and self-regulation such as ‘codes of conduct’ have become more prominent in security affairs.” (Daase and Friesendorf, 2010: 3)

Given the literature review above, the following part 2 of this study will address the transformation of security governance in Turkey by focusing on the border checks as part of security provision at borders and analyse how Turkey provides security as part of its sovereign statehood functions.

Before moving to the discussion on changing interrelated concepts of state, security and borders, this chapter has set out the theoretical framework with the puzzle of understanding of state sovereignty. The questions deriving out of the changes in security governance is demonstrated with a focus on the involvement of the private actors in border security.

CHAPTER 2

CHANGING CONCEPTS: STATE, SECURITY, BORDERS

It can safely be argued that the transformation of the concept of state sovereignty and also the understanding of security are closely connected. As mentioned above, this transformation has gained momentum with the challenges brought by globalisation. By implication, another concept that is departing from its classical meaning is “borders” and consequently “border security”. Despite a number of concerns, many states have opted for letting private sector to undertake security related tasks. Notwithstanding varying motivations, there is certainly a rising trend of privatisation of border security in the last decade. This chapter will lay down the debate regarding the conversion of the three interlinked concepts of state sovereignty, security and borders by showing the shifting roles from public to private in the security area.

2.1. CLASSICAL NATION STATE IN DECLINE WITH ITS SOVEREIGNTY CHALLENGED

As laid out by political theorists, there were two historical transformations that impacted the formation of the modern state: the first one from medieval to modern territorial state and the second one from monarchical governments to national ones (Buzan and Hansen, 2009).

In the medieval world, religious and political authorities were overlapping. There was no territorial sovereign authority. With the conclusion of the Thirty Years’ War by Peace of Westphalia in 1648, the states decided not to interfere with each others’ religious choices (Buzan and Hansen, 2009).

Among other characteristics, sovereignty is about the state having “supreme authority to give and enforce law within its territory” (Jackson and G. Soresnsen, 2007: 266). It is assumed that the state has the monopoly of providing security and protection to its citizens. The citizens of state have the right to expect from the sovereign state to control

the borders within which they could feel safe. The border of a nation state is defined as “the physical place that defines the lives of millions of people.” (Palacio, 2009:266) Indeed, it is generally agreed that the agreement of Westphalia (1648) marks the origin of the nation state having autonomy on internal issues by recognition of the territorialisation of the public sphere of the state by other states. Parallel to that recognition, the individuals have started to be respected as bearer of rights and considered relevant in the definition of power after the Enlightenment (Palacio, 2009:267).

As Hobbes argued, the individual grant with a ‘contract’ the state the right to secure in exchange of an acknowledgement of its sovereign authority.

Early modern territorial states were governed by non-democratic rulers until the French and American revolutions. By then, with the rising concept of nationalism the individuals felt the sense of common identity and shared past and future. The legitimacy of the government was connected to its ability to rule according to the interests of the people. Hobbesian solution was no longer sufficient. Military powers of the states were fundamental in ensuring the security.

This was sufficient until the end of Cold War, which marked the start of new threats to stability like ethnic conflict and civil wars. New approaches were developed in IR security studies, particularly the critical ones in Europe.

With regard to autonomy of the State for security and development, there is a distinction between the developed world and the under-developed world. Since World War II, the most developed states have shaped the world economic system that governs worldwide development through international organisations like the World Bank, the International Monetary Fund, and the World Trade Organisation. Those international organisations are establishing the policies to be applied, in particular in the so-called third world (Palacio, 2009:271).

Nation-states do not have the capacity to deal with issues that are global in scope and scale. Emergence of trans-national companies led to a “multi-layered and multi-level political landscape” where the nation-state is no longer the principal actor. Neoliberal literature contents that, in order to enhance their managerial capacity, rational states

may sacrifice by pooling elements of their sovereignty in the design and development of institutions of trans-national governance (Dunne, 2007).

With emergence of new forms of security threats like terrorism, fundamentalism, environmental degradation, financial crises and migration movements, it is now generally agreed that a nation state's sole capability to control borders should be complemented by measures at global level:

“The markets, multinationals, the IMF, World Bank and World Trade Organisation – the institutional embodiment of globalisation- undermined the role and function of state (sovereignty and territorial integrity)...” (Aldis and Herd, 2004: 177)

“States are no longer in exclusive control of the means of violence in their domestic jurisdiction. In the United States for example, expenditures for private security forces are now more than double the amount spent on public police forces...Globalisation obliges advanced states to cooperate with others for mutual benefit; the industrialised democracies reap considerable welfare benefits from globalisation.” (Palacio, 2009: 267-268)

2.2 BLURRING OF EXTERNAL AND INTERNAL SECURITY LEADING TO PUBLIC-PRIVATE PARTNERSHIPS

External security refers to the threats that are originating from outside, which accordingly require tools to defend the state by way of measures to be prepared for a war. It is also related to the concerns on the maintenance of the regional/international order that would eventually lead to risks for the state concerned. Measures in relation to the external security are therefore usually considered to be military-type. On the other hand, internal security refers to the threats that are originating from inside. Those are the threats to public order such as crime. As a result measures to ensure internal security are generally conceived to be police-type investigations. Nevertheless, the distinction between these two categories of threats has become obsolete in the new era of globalisation and this is pertinent to border management to a great extend.

The conventional understanding of the security, which suggests issues limited to the use of traditional military force and to the concept of national interest, is no longer dominant since the late 1980s. The new concepts of security, such as financial crisis, environmental degradation, infectious viruses etc. are now being addressed as new

forms of threats that are to be focused in debates on security. With the 1990s economic, social and environmental threats took place considerable among the national interests of particularly the developed states. Following 9/11, efforts have focused on strengthening the transport security.

Another change in the definition of security is on its relativity in relation to the specific values of a given society (Albert, 2000). This explains all the different motivations and forms of resorting to private sector at different parts of the world.

In short, the current security threats are more diverse, less visible and less predictable.

“During the Cold War threat perception was clearly divided into two realms: one concerned crime, and law and order inside the state, the other concerned war and deterrence between states. The first was a concern, but not a question of survival. The second, with the precept of mutually assured destruction, was the serious one. After the end of bipolarity, we witnessed a change in perceptions as the threat of a major conflict involving nuclear weapons diminished, but the threat of transnational organised crime and terrorism rose...Immediately after 11 September 2001...the ‘core’ of the world, meaning the West, was now endangered by the infiltration of the violence of the ‘rest’ of the world through transnational channels...” (Bigo, 2006b: 387-388)

Classical understanding of security contends to defend the presence of the traditional role of borders and state actors, while at the same time advocates for the increasing need for more investment, mainly for more technology, at borders. However, the newly emerged group of non-state actors such as private companies and think-tanks have argued for the de-territorialisation of security by underlining the rise of an interdependent global insecurity.

The consequent disappearance of the conventional distinction between external security and the internal security is interpreted as undermining traditional state sovereignty since it forces states to collaborate internationally (Bigo, 2006b: 389).

Similarly, some scholars indicate that roles of the military and the police forces are increasingly mixed. One example is the international police forces conducting military type tasks. In this respect, Albert argues that in addition to the gradual disappearance of police/military division, the blurring of this external/internal distinction is equally growing in the public/private security domain, with private security companies taking over roles from sovereign states (Albert, 2000: 59).

Bigo suggest that this blurred picture of internal and external security domains raises the need for public agencies to focus more on the new forms of insecurity. For that purpose, privatisation of certain forms of security is required (Bigo, 2006b: 398).

Consequently, given globalisation and the rise of new forms of threats that require combination of internal and external security measures, states are no longer able to maintain security on their own. In addition to the need of international cooperation; other factors such as technology, trained human resources and higher standards of intelligence are required to cope with the new threats.

These conceptual redefinitions of security can be seen as a reflection of the shift in the structure and functioning of modern society in which private actors co-exist in the public sphere as security providers (Albert, 2000: 78).

2.3. CHANGING DEFINITION OF BORDERS AND BORDER MANAGEMENT

National borders are sensitive areas from which national security threats could leak into the territory. The security of borders is therefore highly important. However, today borders are invisible. Increasingly in the last decade, border controls commence even before people and commodity physically attempt to enter into the territory. The first line of border checks of persons is conducted by checking the visa applications, while for goods it is the time of manifesting the load by the carriers in advance. Border surveillance need not to be done by traditional patrolling but could be done via satellite as well as unmanned air vehicles and observation towers. As a consequence the classical state borders no longer serve the purpose as before the globalisation of both trade and crime.

While states are no longer regarded as the (only) power-holders in security domain, borders are no longer regarded as the limits of fixed, geographical territories. Rather, it is the border control and surveillance networks, alliances beyond borders that are conducting the territorial controls. What is referred is mainly with respect to the technology. These include digital communication networks, collection of fingerprints and other biometric identifiers, forge-proof IDs, computerised tracking of entrance, residence, accommodation and exit, satellite surveillance, or enlarged data-storage

(Bigo, 2006: 394). Although some still define a border of a nation state as “the physical place that defines the lives of millions of people” (Palacio, 2009:266), others claim the ineffectiveness of national borders, “as they no longer operate as effective barriers behind which the population could feel safe.” (Bigo, 2006b: 389) Some authors even argue that the borders need not be a country’s geographic periphery, are not holistic, and can even be outside a country (Zamowiecki, 2011: 37). The evolution of the border management demonstrates that prevention of the threats at countries of origin is deemed as more effective than prevention at the borders.

In terms of blurred borders, the states are pushing their border outward in a virtual sense through mandating of advance information prior to departure of persons and goods. Particularly after 9/11, it is generally agreed that terrorist attacks are not only targeting the leading states but also the leading symbols of world trade. This has led the states to take measures to safeguard their political but also economic well-beings both at national and international levels. The risk of illegal trade has also increased due to the widened scope of trade via the spread of e-trade and technological advances.

The international community have identified priorities to prevent illegal actions by ensuring secure international supply chain while facilitating trade by taking into account the freedom of movement of goods and persons. This marked the start of an era of introduction of new measures. The new measures include obtaining pre-arrival information and utilisation of these in the risk analyses by the border authorities. These new measures have given way to a holistic approach in terms of actual policies, which comprises an integrated and interdependent process with multiple players assuming different tasks at different stages of the transaction from the inspection to completion (Widdowson and Holloway, 2011). It gives time and space for the border agencies to make a risk based decision and early identification. In relation to goods, the information is to be obtained as far back in the supply chain as possible, while for persons, it is the visa process that makes possible the first pre-screening.

Within this framework, border management can be defined as:

“...the procedures applied to persons and objects crossing the border to ensure they comply with the laws. It also means how different agencies are organised and how they fit into a unified concept of border management. Finally, it means how the

physical infrastructure that accommodates the agencies is designed and managed.”
(Zamowiecki, 2011: 37)

As suggested by this definition, three key elements are the procedures, organisation of agencies involved and the proper infrastructure at borders. Any question with regard to the efficiency and effectiveness of the border management practices needs to be analysed by considering these three main variables.

The World Bank guidance book on modernisation of border management (McLinden, 2011) indicates that the outdated and overly bureaucratic border procedures are seen as posing greater barriers to trade than tariffs do. Moreover, costs and delays that are also caused by the poor infrastructure leads to inefficient border management which in turn makes a country less competitive and more prone to administrative corruption. The respond to this assessment is reforming border management by taking measures for removing barriers to legitimate trade.

While it is the “trade facilitation”, which is increasingly deemed as a function of the border check authorities of the developing states, the developed states have rather shifted focus of their functionality to prioritising rather the security aspects of the border procedures. However, security focus is presented by the international organisations as “outdated” belonging to old protective approach. Despite that the developed countries are inclining towards strictly security-driven border management policies. Furthermore, the developed countries also obligate the rest of the world to align their systems with their new requirements for travel to their territories and trade, regardless of the above mentioned guidance of the international organisations in the opposite direction. Since this is a very recent change, the impact of this contradiction remains to be seen in the future.

The relatively new concept of “integrated border management” is developed to address exactly this challenge of having open but at the same time secure borders. The tensions and contradictions for border management authorities at all countries are similar. They are all expected to make sure that legitimate movement of goods and persons is facilitated while at the same time illegal moves are prevented and identified. This is to be ensured via measures taken at all levels.

According to the European Union (EU) definition, integrated border management (IBM) is a concept consisting of first, border control comprising border checks and border surveillance- (as defined in the Schengen Borders Code-<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R0562:EN:NOT>), including relevant risk analysis and crime intelligence, and second, detection and investigation of cross border crime in coordination with all competent law enforcement authorities. A third dimension is the four-tier access control model (which is consisting of measures in third countries, cooperation with neighbouring countries, border control, control measures within the area of free movement, including return). Inter-agency cooperation for border management (border guards, customs, police, national security and other relevant authorities – including non-state actors such as the private companies) and international cooperation is accepted as another dimension. Lastly, coordination and coherence of the activities of the EU Member States and Institutions and other bodies of the Community and the Union is also an important part of the EU IBM concept.

Coherence between these dimensions and the way they are applied by Schengen States is the key to the success of the Integrated Border Management concept. (Conclusions of the 2768th Justice and Home Affairs Council meeting in Brussels on 4-5 December 2006)

As indicated by Doyle (2011a):

“In collaborative border management a virtual border encompasses the entire transport and supply chain, assessing goods and passengers for admissibility and clearance in advance of arriving at the physical border. Border management agencies work together, collate, and share more data, a complete view of risks and opportunities emerges, encouraging a knowledge sharing culture and a border management strategy built on proactive decision-making.” (p.14)

Integrated border management would provide for greater control of cross-border movements through advanced data collection and analysis methods applied by the border agencies. For that, the states need recognise at policy level that the vast majority of travel and trade is legitimate and what is required is to target and intervene at only high risk passengers and consignments.

Conducting border checks in advance at the early stages of transport and supply chain allows for the border agencies to focus on the examination of high risk passengers and

shipments. In order for this to be possible, involvement of the private sector - in particular the carriers, is vital.

Upgrading of the BCP facilities is seen as another step towards cost effective trade facilitation and security checks. Outsourcing technology, maintenance and operations for upgrading is presented by the World Bank (Doyle, 2011a: 17) as even more cost efficient, however with the risks of economic espionage, access to valuable or sensitive code, data privacy and business continuity. And a public-private partnership such as BOTs, or contractual agreement between a public agency and a private sector entity, can be models for outsourcing.

“For collaborative border management to be effective, border management agencies should develop a common vision and an interagency approach. Even if particular regulatory control and trade facilitation activities are distributed across multiple agencies, all functions and organisations should be aligned around the same mission, should work together to achieve the same goals, and should integrate their information seamlessly (within data protection and privacy legislation requirements)...Unlike in the business or military world, where actors strive to gain a competitive advantage against their rivals, collaborative border management is win-win: strengthening a partner’s capacity reduces pressure on one’s own.” (Doyle, 2011a: 21)

Terrorism is seen as the main border threat and directing the focus on this may lead to ignorance of other threats such as spread of infectious diseases. On the other hand, conflicts between security and trade facilitation should be avoided by the policy makers with the perspective that facilitation does not increase the risk of facing security threats since the former is meant to identify low risk profiles (Zamowiecki, 2011).

The policy makers and the border agencies should create an effective and efficient system by analysing different policy objectives such as tourism, labour immigration and economic competitiveness that are encouraging facilitation and on the other hand, national security and public health that are encouraging a more interventionist approach. At the heart of this border management effectiveness and efficiency, lies the risk management.

Before concluding the part regarding the changing concepts of state sovereignty, security and borders, the variation among the states in relation to the implications of those changes the should be revisited.

At the failed states, post-authoritarian states and post-conflict states, these interlinked changes of concepts are discussed mainly in the scope of security sector reform (SSR). SSR at those countries represent the most extreme examples of involving the private sector, comprising, such as, deployment of armed border troops at the frontiers of those states protecting the territory.

With regard to the developed countries, private sector involvement in border management is also relevant, but in different forms, as an actor to cooperate with in order to operate effectively. The forms of involvement include developing new technologies for a secure border management and sharing of certain data with the state authorities by the private carriers. In the recent increase of the security measures taken by the member states of the European Union as well as in the United States after 9/11, reliance to the information obtained from the private companies has gained further importance for the national security interests.

As to the developing countries, there is a visible compelling affect of the international trade requirements. With the emergence of the new security threats it is acknowledged that efforts of one state alone are not sufficient to take necessary measures and cooperation with other states is of utmost significance. Thus, the framework of security measures has been determined by international agreements and the rules set by the international organisations. Abiding by those rules and recommendations has become a factor that forced the states to continue with the secure connection with the rest of the world. Significant parts of these regulations require private sector involvement.

This chapter laid down how the states have responded to the challenges to their sovereignty posed by the emerging forms of blurred security threats. The response has been triggered at the international level by regulations that have led to cooperation and coordination with other actors, including the involvement of the private actors in the management of borders. Thus, from the above analysis it could be concluded that states have the task of ensuring security and trade facilitation at the same time by maintaining well-functioning procedures and organisations at the borders governed under the scope of clear regulations.

CHAPTER 3

INVOLVEMENT OF THE PRIVATE SECTOR IN PROVIDING BORDER SECURITY

This chapter discusses the principal question of whether and how security turned out to be a commodity instead of a supposedly public service due to the increasingly intensified delivery of the services by the for-profit private actors.

As indicated by Krahmman (2007), IR scholars have generally overlooked the discussion on how the conceptualisation of security as a commodity rather than collective good affects the meaning and implementation of security in Western democracies. The difference between the two raises questions to public accountability and transparency – good governance and regulation.

Krahmann highlights a crucial point by defining the collective good. According to her, the main characteristic of the collective good lies within its “non-excludability”, i.e.; inability to exclude beneficiaries from its consumption. This is the opposite for private goods, where the service providers have the ability to exclude them.

The question is reviewed in the literature also in connection with the distrust to public services for different reasons. Citizens of failed states for instance, prefer to receive the security services from impartial private companies mainly with political concerns. However, in the Western countries, the growing demand for private security is due to the decreased trust in the quality of public security provision (Berndtsson and M. Stern, 2011).

Krahmann also underlines that the states themselves are in fact the consumers of private security for threat analysis and policy implementation in search for cost-efficiency. At developed Western states, the private companies are seen as innovators who are better able to develop new solutions to existing security problems.

This situation results in influence of the market to shape state security policies by offering and producing particular goods and services as well as to define and assess the

threats and policies at the positions that they are involved (Berndtsson and M. Stern, 2011: 399).

It is assumed that, in relation to border management, the public demand for speed, safety and security at the same time (Doyle, 2011b: 147-156). Since state authorities are traditionally not very good at maintaining and updating technological systems and equipment, in response to the growing external pressures, they tend to outsource the private sector, and rely on their power for technological infrastructure. Developed countries are increasingly outsourcing the private companies even for the stage of visa applications. For example, in the US and in the EU, mostly the private sector is used for supplying high technology, principally software for securing borders, for which requires technical oversight. Another type of enrolment of the private companies into the border management system is by introducing carrier sanctions to those who fail to cooperate with the states. In addition to those, major seaports, airports and land border crossing points are being privatised, ranging from development of architectural designs to navigating CCTV cameras at those sights.

“Many Western democracies no longer hold the monopoly of the legitimate use of violence to protect their citizens. Instead, an increasing number of profit-oriented companies, such as risk consultancy firms, security firms and military contractors, have taken on the role of alternative suppliers of security to both citizens and states” (Krahmann, 2007: 380)

In whatsoever manner the private sector is involved, “Guidelines for Integrated Border Management in EC External Cooperation” (Guidelines for Integrated Border Management in EC External Cooperation, 2009) refers to the significance of cooperation of the border agencies with non-state actors. Private sector actors at borders include an extensive list of companies and services such as: airlines, ferry and cruise operators, air and sea cargo carriers, railway companies, postal companies or services, freight forwarders and importers in countries of origin and destination of goods. Cooperation with these actors is vital in order to reduce the waiting times at borders and by this way to continue attracting transport companies to the BCPs having adequate infrastructure and swift procedures.

As concerns the EU, the most recent document that gives indications on the policy approach about involving the private actors in the domain of security is the Stockholm Programme. The Stockholm Programme (<http://eur->

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010XG0504\(01\):EN:NOT](http://lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010XG0504(01):EN:NOT)), adopted by the European Council of 10-11 December 2009, is a comprehensive framework for EU actions on security, justice, asylum, immigration and citizenship policies for a five year period. It contains 170 initiatives, which are of political nature. Improved cooperation with the private sector is widely covered in the Programme. To translate these political objectives into concrete proposals, the European Commission selected a number of key actions to be conducted (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0171:EN:NOT>). The ones relevant to border security include elements on improved dialogue and partnership with the private sector on areas mainly about technological investment (newer technology with higher expenses) such as access to PNR data, and development of a comprehensive entry-exit system to avoid overstayers. This is interpreted by some scholars as a reflection of the perception of the EU on border crossing activities as dangerous movements but not normal economic and social activities (Guild and S. Carrera, 2009).

“...the temptation inside the Commission is to resolve the question of ‘border controls’ via a technological fix. Ideas such as ‘smart borders’ and an ‘EU entry-exit system’ with massive technological spending implications has caught in the some parts of the Commission...” (Guild and S. Carrera, 2009: 7)

This approach of the EU, confirmed once more by the Stockholm Programme, is criticized by some of the scholars as being too stretched with the strategy of involvement of the private sector in security. According to those scholars, the Stockholm Programme permits access to all manner of information to the ones other than the legitimate law enforcement and judicial authorities which “proceeds without sufficient ethical, socio-legal or political control, public consent or public accountability”(Lodge, 2010: 1). This is problematic in the sense that “outsourcing the private sector is expensive, risky and potentially counter-productive.” (Lodge, 2010: 19). Moreover, the risk of not remedying deficiencies is causing greater securitisation of citizens. While giving the private security sector co-responsibility (through outsourcing or public private partnerships), the states are expected to ensure Parliamentary control over the operation of for-profit entities so that it should not escape effective and democratic oversight.

On the other hand, some scholars (For example; Bigo, 2002, 2006a, 2006b) stress that certain forms of security requires privatisation to allow for the public agencies to focus on more core threats and therefore allocate state sources to those areas that became even more difficult to control due to unexpected threats, such as a customs official dealing primarily with drug traffickers intensely, rather than internal security and surveillance activities which could be delegated to private operators (Bigo, 2002, 2006a, 2006b).

Similarly to the situation in the EU countries, the US state is highly dependent on the partnership with the private companies for the development and utilisation of new technologies. Ackleson (2003: 56-74), points out the increasing trend at the US to establish smart borders via close cooperation of public-private sector. This is observed very clearly from a speech of former President Bush, where he maintains that:

“...the scientific community is serving on the front lines of this war, by developing new technologies that will make America safer. And as you tackle new scientific challenges, I want you to know, our government will stand by your side to make your job easier. It is in our interest that we work together.” (Ackleson, 2003: 60)

This shift in the relationship between states and the market is evaluated by some scholars as an opportunity for the states to extend their capacity for action in case the strategy works (Buuren, 2009). This comprises the addressing of the ethical concerns which remain to be a key factor for success in public perception of private security. The private security providers need to be accountable and transparent.

On the other hand, the developing states are resorting to private security companies due to practical necessities, such as lack of investment resources, lack of know-how on management as well as due to motivations that are forced by the international rules to have certain safety and security standards. For instance, in his article focusing on airport privatisations and analysing the case study of the Republic of Congo, Janecke points out the International Civil Aviation Organisation’s Universal Safety Oversight Audit Program and the European Union Black List banning airlines operating to Europe (Janecke, 2010: 10-18).

Some areas of private security industry are more regulated than others, such as airport security staff falling under the common rules on civil aviation security, which requires that all staff requiring access to security-restricted areas are subject to minimum 5-year

background check and also receives regular training in aviation security (Born and C. Caparini, 2007).

Janecke indicates that the earliest examples were mostly in the European region starting at late 80s and as of 2010 36% of the top European airports are privately managed. He adds that, unexpectedly, airport privatisation is advanced also in Africa and Latin America, but for different reasons and with different types – not with the method of initial public offerings like frequent in Europe but rather the temporary forms of privatisations like concessions and build operate and transfers (BOTs). He thinks this trend will be followed by privatisation of Asian airports, however, not a point of agenda in the near future for some parts of the world like the Middle East and North America (Bigo, 2006b: 11).

Hanggi (2004) observes the tendency to broaden the scope of the security sector beyond its state-centric core as a response to the post-Cold War and post 9/11 developments, which results in

“consideration of non-statutory private security and civil society actors as parts of the security sector and the conceptualisation of the security sector on regional and trans-regional levels...All states are challenged by this new security agenda, irrespectively if they are developed or developing countries, transition states or consolidated democracies, post-conflict societies or those countries which are part of the ‘democratic peace’ area...”

With regard to the situation in the post-authoritarian states particularly in post-communist states - in Central and Eastern Europe and beyond, and the post-conflict states – the so-called ‘failed states’, and states emerging from violent internal or inter-state conflict, such as Afghanistan and Iraq, the developments in the security domain are shaped by the above defined SSR tool which aims to facilitate and reconstruct the practical coordination and conceptual integration of defence and internal security reforms.

Hanggi indicates that:

“given the prevalence of private and other non-statutory security actors in an increasing number of states, forces such as guerrilla and liberation armies, non-state paramilitary organisations as well as private military and security companies have to be considered either as part of de facto security sector or at least as important actors shaping security sector governance...”

He also points out the adverse implications of the privatisation of security by giving examples of often unaccountable private military and security companies in conflict and post-conflict environments (Hanggi, 2004).

While concentrating on developing capable institutions providing security in line with human rights and the rule of law, SSR is also trying to build an effective system of democratic regulation and oversight of security actors, including private sector (Richards, and Smith, 2007). The majority of the private security companies are recorded to be offering “passive” services such as training and logistical support, rather than traditional military services. A distinction is made by some scholars on consequences in relation to state tasks based on the types of the services delivered by the private companies: “The introduction of armed private security companies weakens the state’s monopoly over the use of force and, where unregulated, hinders rather than helps law enforcement.” (Richards and Smith, 2007: 8)

In the case of Russia, for example, in the early 1990s, private companies took over the role of providing security from the state. Volkov (2000) examines the structural change resulting from Russia’s liberalisation reforms, which encompass privatisation of not only security but also law enforcement organs:

“The growth of the private security sector and the wide range of protective and adjudicative functions that it performs puts under question the capacity of the Russian state to maintain the monopoly of legitimate violence vital for the very existence of the state.”

As such, there are two sides of the coin regarding the question of transformation of security as a commercial commodity with the involvement of the private actors. On one hand, the emergence of private enforcers can be interpreted as fragmentation of the state, while on the other; state controls established over them through various legislation on licensing can be seen as delegation of powers. In the latter point of view, security would be argued to remain as a public good but not a commodity given the state retaining the power to regulate.

In order to have a more condensed analysis of the roles of the private sector in border security, the following analysis will focus on the privatisation of the BCPs via public-private partnerships and further, to the checks conducted on persons and commodity at the borders.

3.1. DELIVERY OF SERVICES AT BORDERS BY PRIVATE ACTORS: PUBLIC-PRIVATE PARTNERSHIP IN BORDER SECURITY

Current governments have generally the main concern of having good quality of public provision reflecting achievements of the public investment. This results in focusing on public-private partnerships in order to solve funding problems (Trim, 2011:50).

Public private partnerships describe the cooperative ventures between the state and private business for efficiency and quality. It is increasingly accepted as a new generation of management tool needed for adapting to changing needs and circumstances (Linder, 1999: 35).

“Public-private policy partnerships have in common a shared responsibility for policy that impacts citizens. Authentic partnering, in theory, involves close collaboration and the combination of the strengths of both the private sector (more competitive and efficient) and the public sector (responsibility and accountability vis-à-vis society).” (Rosenau, 1999: 12)

In fact, public-private partnerships at borders are results of high level policies based on wider strategic objectives of states. These are driven basically by considerations of economic efficiency and competition as well as the need to outsource the financing of the internationally required level of standards. To ensure the smooth implementation of these policies, the states should guarantee an appropriate level of supervision by using its regulatory function. As Rosenau highlights, the citizens attribute the governments a mission to deliver justice and democracy in the performance of public sector tasks (Rosenau, 1999: 15). The regulation by the state becomes critical at this stage to ensure that the sovereignty prevails.

The balance of the competing interests of profit making of the private sector and securing of the public authorities should be maintained in a prudent manner.

In the area of border management, the public-private partnerships are seen in the form of privatisation of the BCPs. In a privatised BCP, the private operator is naturally interested in trade facilitation with profit concerns, while the implementing state actors are more focused on securing the borders. Private sector and the state authorities in operation at the same BCP raise certain questions pertaining to the risk of conflict of interest.

For example, having broad risk management criteria by the Customs for the inspection of the goods would finally result in checking of excessive number of items in long durations. This would consequently lead to delays in border procedures. For the sake of ensuring secure flow of goods as the primary aim, the customs authority would opt for detailed checking of the big proportion of goods, regardless of the risk of delaying the border procedures. Systematic delays on procedures at a given port would have a deterrent effect for the traders, who would rather prefer other routes/ports. Therefore, such an approach would not serve the primary benefit of the port operator whose interest is attracting more traffic of goods at the BCP concerned.

Another dilemma is the one between efficiency and accountability:

“...the partners involved handle an autonomy dilemma which means that the public and private actors need to strike a balance between being a partner, on the one hand, and being a sovereign actor, on the other.” (Mörth, 2007: 603)

This balance is not always kept. An extreme example is the Russian case. In Russia, although the private security companies took the role in ensuring security, the uncontrolled involvement has led to other problems of management that harmed the public service eventually. This is deriving because of the process that pushed Russia to take on board the private sector. Unlike the privatisation of security in the Western Europe being a result of an evolutionary process, Russian case is a result of a bang-bang in the early 1990s as an unintended consequence of the collapse of the Soviet Union. Weak Russian state institutions were not able to preserve the state monopoly of force and private security companies filled the gap, however, having security as a commodity opened the door for corruption (Bigo, 2006b: 18). To avoid such potentials of conflict of interests, the EU states have adopted legislation restricting the undue accumulation of activities.

Profile of the private security staff would create another example of conflict of interest. Born H. and Caparini points out the necessity of regulation and enforcement of laws by referring to the profile of the private sector security staff:

“If the private security sector is not strongly regulated or if laws are not enforced, there is a risk that the high incidence of former police and military personnel working for private security companies may lead to undue influence, favours and

obligations between current policemen and their former colleagues working for private security companies.” (Bigo, 2006b: 20)

Services of the private operators at the BCPs are composed of commercial services like customs clearing brokers, personal services like parking lots, fuel stations and catering facilities and duty free shops. A further potential conflict of interest would be that the more there are delays in procedures, the longer individuals spend time at the BCPs and consequently, business opportunities augment for the personal services and duty free shops. To avoid such a conflict and also to be in line with the nature of the tax free shopping, duty free shops should be placed between the last control post of the exit country and the first of the entry country:

“The legality of the duty free shops at land border has been disputed. Unlike sea travel – where duty free purchases are consumed (in principle) at sea, and can therefore be considered as exported – goods purchased at a land border inevitable will be consumed on another customs territory. They should be taxed on entry – because tourist allowances are based on duty paid items.” (Zarnowiecki, 2011: 42)

However, there are examples of duty free shops at land BCPs, such as in Turkey. Allowing the private operators to run duty free shops at the BCPs is an important attraction factor to take part at the privatisation of the land BCPs. Otherwise, there would be less interest for a private operator to operate and profit from a land BCP.

The use of the public-private partnerships is widespread despite all these risks it bears with. Codes of conduct are required to diminish these potential points of conflict. Supervision of the state authorities should not be neglected to ensure the public service nature of security provision.

3.2. OPERATIONAL INVOLVEMENT OF THE PRIVATE ACTORS AT BORDER CHECKS – COMMODITY AND PERSONS

The dual mandate of the border authorities being facilitation of trade and free movement of persons while ensuring security was mentioned before in a general manner. In the broadest sense, while customs checks are focusing on goods, the police officers are tasked to check the persons. Although in some countries these two tasks are merged under the umbrella one authority – such as border guards, the distinction is preserved in the majority of the countries.

3.2.1 Customs Checks

The events of 9/11, driven by the multinational security agenda has led to new regulations for more security, while maintaining the facilitation of the commerce. The World Customs Organisation (WCO) endorsed a resolution on supply-chain security, and the United States has led to the Container Security Initiative (CSI), which was later added to the EU Community Customs Code (Regulation (EC), No.684/2005).

Under the CSI programme, port authorities agree to let the other state party to inspect “high risk” containers destined to that State’s territory, based on reciprocal bilateral agreements. It is voluntary to take part in the CSI for the states and the procedure depends on the cooperation of the respective foreign customs services. The identification and targeting is to be done based on the electronic cargo manifest received 24 hours prior to the ship loading at the foreign port.

These types of regulations require international cooperation for advance notification and the screening of export prior to their shipment to the destination. In addition, preferential clearance is given to the trader companies that abide by the strict security measures (Chafin, 2007: 1615).

WCO introduced the Security and Accountability for Every Port Act (SAFE) framework in 2005 with the final aim of facilitating world trade, ensuring better security measures against terrorism and setting up a new and integrated platform where both the customs organisations and the tradesmen contribute to the economic and social welfare of the states.

SAFE foresees that each customs administration establishes a partnership with the private sector in order to include them in the supply chain security. For this, an international system is created that would identify the private companies that guarantee high level of security depending on their roles in the supply chain. The private companies active in the international supply chain are obliged to fulfil the security requirements.

The EU Council Regulation of 648/2005 amending the Community Customs Code is establishing a status of “authorised economic operator” identified based on an agreed set

of criteria. Within the European Community, the authorised economic operator is assumed as trusted and therefore granted certain privileges. Those privileges are benefits such as facilitations with regard to customs controls relating to security and safety and/or simplifications provided for under the customs rules. The status may be suspended or withdrawn in case of non-abidance by the conditions and criteria.

The modern state confronted with modern threats has to perform checks with a risk analysis. Risk analysis is conducted based on the advance information given by the private companies (carriers). Although, there is always a question of dependence on the information taken from the private sources, there is an important benefit of this involvement. By this way, the customs authorities enjoy the possibility to check the goods before shipment. This is expanding the scope of the customs' power of oversight both in time and in space – moving beyond the nation state territory to virtual space (Chaflin, 2007: 1626).

By way of pre-arrival and pre-departure information system, the customs authorities and the private companies would enter into a closer cooperation and partnership. This would be beneficial for the customs, also because it allows for receiving full information on the activities of the private companies. Conducting risk analyses based on the pre-arrival and pre-departure notifications is advocated also as being beneficial for the use of efficient human resources by some scholars (Nesimoğlu, 2008).

In the scope of full-time production system, stocks are not stored. It is therefore fundamental for the companies working in that system to have the flow of commodity at the borders completed as soon as possible. The private sector has a clear interest in the swift conclusion of the border check procedures. Then again, terrorism is a common threat for both the private companies and the states. The security measures taken are supposed to balance the interests of both the private companies and the states for the benefit of the supply chain security. Cooperation between the state and the private sector is important to avoid any negative impact originating from the security measures on the legal trade (Bavli, 2009).

Actors of the international supply chain are the companies, states and international organisations. Basic security measures of international supply chain are composed of pre-arrival information, risk management, external checks, and physical security of the

customs zones and vehicles, trade facilitation and cooperation. Supportive precautions are also necessary via ensuring information and communication security and regulations (Bavli, 2009).

Having efficient and fast international supply chain in place would not always mean that it is functioning under the rule of law. There should be a structured system in place to effectively fight against the illegal activities such as violation of intellectual property rights, customs offences, drug and weapon smuggling. The State should intervene to the system when there are concerns for public safety, national security and public health. Intervention of one state would create an impact on another state. For that reason, a general framework of such interventions was needed to be designed.

Connected to this need, the ISPS Code is developed by the International Maritime Organisation (IMO) as part of the SOLAS Convention – binding for the state parties to introduce precautions to increase the port security after 9/11 terrorist attacks. The overall objective of the ISPS Code is to identify and to take preventive measures against the security threats to the international trade ships and the port facilities. In order to achieve this objective, it is targeted to set up a method for evaluation of security by establishing an international structure comprising cooperation between the state authorities and the maritime and port industries, ensure early and effective collection and exchange of data related to security. ISPS Code is formulating and standardising the global security precautions for the States and the ship and port operators.

It was not the fear of potential terrorist attacks which convinced the port sector for implementing the ISPS Code. The state parties had to adopt their practices with the ISPS Code since otherwise, the non-compliant ships and ports were to be declared as “unsecure” and their activities would accordingly be limited. This compelled the states to adopt the ISPS Code although it was quite costly. ISPS necessitates considerable level of investment for infrastructure and equipment at the ports. Particularly for the developing states, this high cost had been one of the motivating factors for cooperating more extensively with the private sector leading to private port operators.

Although the international regulations address mainly checks based on risk analysis, the United States SAFE Port Act of 2006 has been amended with a contradictory requirement named: “Secure Freight Initiative”. The amendment obliges the scanning of

all containers that will arrive to the US via radiation identification equipments as well as external control equipments at the latest by 2012 (Bavlı, 2009). Unlike the CSI, Secure Freight Initiative (SFI) is obligatory. Another difference is that CSI is about targeted cargo based on risk analysis, where the SFI is about nuclear and radiological screening of all cargos destined for the US market.

3.2.2 Border Police Checks

In order to ensure secure borders, technology and international cooperation are utilised. The main tools for effective border management include data collection and intelligence sharing. Sharing of information at all local, national and international levels is the key to better combat cross border organised crime networks. Followed by the efforts to coordinate and cooperate, the capacity to transform the data obtained to a strategy is vital. States need to have the technological tools to collect, store and share the data in order to develop strategies and tactics for border checks.

Bigo indicates that technology has an important role in understanding the structure of alliances beyond national borders. It is leading to stronger cooperation among border institutions regarding combat against terrorism, drugs, crime, trafficking and illegal migration when they use the same technology. This could be applicable in the ways of computerised identification systems such as fingerprinting, biometric identifiers, forge-proof Ids, computerised tracking of entrance, residence, accommodation and exit, setting up expert IT systems, satellite surveillance, or enlarged data storage (Bigo, 2006a: 394).

For their border check functions, states have now turned into consumers of private security by buying security products and services in the search for greater cost-efficiency and relying on private firms for threat analysis and policy implementation (Krahmann, 2007: 396).

To demonstrate the trend of utilisation technology for border checks on persons, three examples from the US and Europe will be analysed below: EU intelligence-led border management, UK e-borders programme and US Registered Traveller Programme (RTP).

Registered Traveller Programme (RTP) of the US is an example of public-private partnership in the area of border security. In this model, the private sector builds, owns and operates a dimension of the passenger security screening process at US airports.

The purpose of the RTP is to make elimination of travellers via pre-screening and by this way ensuring the fluent flow of persons registered as “trusted travellers”, while being able to focus better on the risky travellers composing of those who have not been registered.

“Pre-screening takes the form of collecting biographic data (name, address, birth date, social security number) and biometric data (fingerprints and/or iris scans). The collected information is cross checked against various public and private sector databases to assure that only low risk passengers are registered in a program...” (Stone and Zissu, 2007: 444-446)

The biometric information is transmitted to the private sector that is in charge of providing the service for the RTP. Good governance requires that the privacy laws should be binding for the private sector as well with clearly defined sanctions of breach of the law. In addition to the legal obligations, the private companies are also bound with the financial pressures of a failure in the RTP. This concern forms a common interest for both the public and private sector (Stone and Zissu, 2007: 447-453).

The e-borders programme in the United Kingdom is a highly advanced and relevant example of utilisation of technology with the involvement of private companies. The e-border programme is keeping the records of all persons crossing the borders. The data is transferred to the electronic environment beforehand to identify the risky passengers. In this framework, the carriers are giving the information on the passengers and the crew.

Three types of data are collected from the carriers:

The first type is “Advanced Passenger Information” (API) which is about the information that is automatically readable contained on the travel document required from all air carriers. API is a requirement for the EU Member States (For the EU this is regulated with the Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data). The data is started to be transferred 48 hours before takeoff. It should be sent at least 60 minutes before takeoff. API obtained from the carriers enables the border agencies to complete risk analysis and focus their efforts on those deemed to be high-risk, while reducing the time spent on those considered to be low-risk. Receiving of advance information allows the border agencies to process

passengers more efficiently and leads to improved targeting and better law enforcement results.

Second type of data collected from carriers is information concerning the vehicle that the travel takes place.

Another type is the “Passenger Name Record” (PNR) comprising the passenger reservation and check-in details. The data is started to be transferred 48 hours before takeoff. It should be sent at the latest by takeoff. In the EU, the Passenger Name Record (PNR) Directive is likely to expand the number of data elements required (The draft Directive 2011/0023 (COD)).

The EU Stockholm Programme is reflecting the comprehensive strategy of the Union to improve border management based on plans and processes that count on the effective working of new technologies. The eventual aim is to boost the capacity of the border authorities to fulfil their tasks efficiently (Lodge, 2010: 2).

EU intelligence-led border management is used particularly for fighting against irregular immigration flows. It is described by the EC as below:

“Intelligence-led border management describes a process of gathering and analysing data for threat analysis and risk assessment, with a view to establishing certain risk criteria. This would allow border control authorities to filter out passengers who fall under one of these categories, in order to carry out additional checks.” (COM, 2006: 6, footnote 6)

Lodge takes the same stance by advocating for the role of technology in improving border controls, by particularly referring to the biometric measures taken to verify and authenticate the identity of individuals (Lodge, 2010: 7). He further underlines the increasing public distrust in governments, matched by distrust in communication technologies, their cost, leakiness, improper access to and manipulation of personal data and e-data (Lodge, 2010: 24). The states have to introduce necessary safeguards to avoid such kinds of drawbacks.

To sum up, regardless of the fact that states may seemingly be empowered to some extent by letting the private in, the limits of the dependency on the private sector ??? determines whether the state are in fact or in effect weakened. In this respect, blurring division of internal/external security is highly relevant to border security. In parallel to

the re-definition of borders as being invisible, border controls starting from the time of visa application and purchase of a plane ticket and border surveillance that could be done by satellite as well as unmanned air vehicles, the classical state borders no longer serve a traditional purpose as before the globalisation of both trade and crime. Sovereignty is about the capability to respond to these challenges and the private sector definitely contributes that. Private sector contributes to states' capability to respond to the challenges posed by globalisation. However, there are serious concerns on the limitation of powers of the private sector.

The combination of the facts analysed above brings the evolution of "government" to "governance" in security but also in a wider context, the transformation of the nature of rule of modern state from "sovereignty" to "governmentality".

More precisely, today, state is concerned mainly about facilitating flows of persons and goods rather than preventing. The state faces challenges imposed by the forces of globalisation, pushing it to find ways to remain competitive to reach economic efficiency. Moreover, today's state is to cooperate with others to be capable of combating against the new forms of security threats. Private sector is the most obvious actor to cooperate with. Epstein adds another actor: the "individual". Utilisation of biometric information, such as the registration of the travellers in the RTP system in the US, is a clear example of the benefits of cooperation with the subjects of a state. In this connection, one can observe the intention of the state to enable the legal/justified movement rather than preventing. Using of biometrics for border security stems from the conviction that the objects of security are the live bodies not the state itself. Thus, not only public-private partnership but also partnership with the individual is also an element needed for efficient functioning of the system. The system is looking for the risky body. The traveller with no bad intentions to break a law is becoming invisible and unremarkable (Lodge, 2010).

While analysing the biometric borders, Epstein explains the transformation of the state as below:

"In the exercise of state power, a new cluster of functions began to form, in relation to what Foucault called "the population question"...The twin historical processes of demographic explosion and industrialisation required finding new ways to optimise these productive capacities. "Governmentality" thus provides a vantage point from

which to observe the state other than the state-as-sovereignty and it highlights the modern state as essentially *managerial*.” (Epstein, 2007: 151)

Overall, the security imperatives ultimately serve to strengthen the governmental state. An argument defending this point is brought by Chaflin, who indicates in relation to privatisations that the state is in fact delegating its functions and therefore sovereignty is not lost:

“In the case of privatisation, the state stands not as a proxy for extra-national interests but as an agent or source of delegation...Sovereignty is both lost and gained but in a different way.” (Chaflin, 2007: 1626)

In order to conclude that sovereignty co-exists with governmentality, safeguards for privacy and legal protection must be put in place by the state through its regulatory functions.

There are two key points of discussion questions that are left open in this connection:

1. Do states still have the alternative not to choose resorting to private sector to ensure border security? This question would be read differently by each state depending on the motivating or pushing factors. For the United States for example, it is about allocating huge bunch of sources from state funds to developing research in border security technology. Whereas for Sierra Leone, a post-conflict country, the fundamental security services could not be delivered to the recipient due to distrust and incapacity of the existing forces, without private security companies. Given globalisation and the rise of power of the transnational companies, no state is able to sustain security on its own. In addition to the necessity of international cooperation, technology, trained human resources and higher standards of intelligence is required. Those require budgetary resources that are beyond the state expenditures.
2. Are states capable of ensuring sufficient level of oversight of the private security companies? Although it is common for all cases that private sector is interested in profit and they always work under the terms of a contract, the answer would depend based on different cases of privatisation of security at different parts of the world. In Africa, for instance, states are not only in need of capacity building but also of good governance. It is doubtful whether the role of private sector is well-regulated and monitored by those states, so that they would not harm the

sovereign right of that state to provide security for its citizens. In the United States or in EU, largely the private sector is used for supplying high technology, principally software for securing borders, for which oversight would be extremely technical and difficult.

These two points which are about the “capability” of the state thus leave the discussion open.

PART 2

THE CASE OF TURKEY

Turkey, as a developing country, targets economic efficiency via liberal policies. In terms of foreign policy, Turkey strives to be a regional actor especially in the last decade. Public-private partnerships are pursued as a tool to improve the infrastructural and superstructural situation in various sectors, including border management. Border management is a cross-cutting sectoral domain comprising areas such as transport, trade, taxation, health, veterinary and phytosanitary checks and migration and asylum. Turkey is committed to fight against illegal cross-border activities and terrorism. These two threats for security feed each other since the cross-border crimes are known to be used for financing of terrorist activities as well. Combat against these threats requires strong measures both through surveillance of green and blue borders and also checks at the designated border crossing points.

This part analyses the Turkish case in connection with the involvement of private sector in the border checks from a security perspective. Border checks are conducted at the BCPs that are the designated entry and exit points to the country. Where applicable, analysis is made based on the type of the BCPs: airport, seaport and land BCPs - due to differences in the procedures and the types of border check practices. The rare railroad BCPs in Turkey are not covered by this study. The study continues with an in-depth examination of some selected BCPs in Turkey and the specific characteristics in relation to the subject matter. Recently in 2011, an EU funded project called “Technical Assistance for Development of the Border Management Roadmap and Execution of a Border Gate Survey in Turkey” (TR0702.15-02/001, 2011a and 2011b), has been conducted. This has been the widest study ever identifying the needs at Turkey’s BCPs and to analyse their feasibility. This study has benefited largely from the outputs of that project which are also approved by the relevant Turkish authorities bearing the most updated information.

CHAPTER 4

POLICY REFORMS IN BORDER MANAGEMENT

This chapter will provide the ongoing reforms on border management in Turkey. Following a general introduction on Turkey's situation and policies linked to border management, current division of tasks among the border authorities will be discussed. Further, the framework of the main policy documents and the pending discussions on them shall be elaborated. Finally, the existing tools for the key aspects of coordination and cooperation will be analysed.

Turkey is classified internationally as a transit country for irregular migration and drug trafficking. Since those are among the most challenging new security concerns of the Western countries, Turkey is externally under pressure to take strict measures at borders to prevent smuggling of goods and persons. This external pressure is deriving mainly from the European Union, not only because Turkey is a neighbouring country but also in connection with Turkey's accession process. Turkey needs to be prepared to become the guards of the external borders of the EU once the accession to the Schengen area is in place.

On top of this, Turkey is increasingly becoming a country of destination for the irregular migrants originating mainly from ex-Soviet bloc countries. This brings an additional internal challenge to address the problems this phenomenon cause for public security as well as economy leading to use of illegal labour force.

Regardless of these challenges, with respect to visa policy, Turkish foreign policy is moving to an opposite direction. Turkey has a flexible visa policy that contradicts with the efforts for alignment with EU standards in the area of border management. In order to become an influential regional actor, Turkey targets to have open borders policy with the countries in the neighbourhood and even beyond. Turkish Ministry of Foreign Affairs (MoFA) explains this as a reflection of special ties and relations with Central Asian Republics and its neighbours. Accordingly, it is stated by the MoFA that this visa liberalisation policy with neighbouring and near countries is aimed to enhance regional peace and stability, as well as to further promote people-to-people contacts in many

fields. As a result of this liberal visa policy, since 2009, Turkey has been signing visa exemption agreements with countries - not considering whether they are in the EU negative list or not.¹

Based on the official statistics published by the Culture and Tourism Ministry, there has been a boost of human mobility in the aftermath of the visa liberalisation where the number of foreigners entering Turkey from the countries concerned has been increased. These efforts that are steadily continuing in the past four years are pointing out the opposite direction for Turkey's path through acceding to the EU. It is in contradiction with three major aspects:

First aspect is in relation to the obligation to align with the EU *acquis* in the visa area. By the date of accession, Turkey needs to have its visa regime harmonised with EU's negative and positive lists. However, Turkish visa policy is disregarding the EU lists and moving towards a different direction to open doors mutually with the countries where there is a national interest to cooperate further.

A second point of contradiction lies in the area of migration. Turkey expresses its commitment to cooperate with the EU to combat transit migration to the EU territory by passing through Turkish lands. This commitment is highly challenged by Turkey's flexible visa policy which risks triggering further migration flows through Turkey from the countries of origin. In Turkey, the policy and practices signal that, contrary to the trend in the EU, migration is not perceived as a primary security threat and irregular migration from these regions where most migrant originate from is not on the high political agenda in Turkey. Consequently, issuing of visas does not occupy a significant place in Turkey's understanding of effective border management preventing irregular migration. On the other hand, Turkish authorities defend that the borders would be more secure with the support of the neighbouring countries. In addition, local considerations play a role for instance for Syria: some Arab origin population in Southern and South-East of Turkey have relatives at the other side of the border and would certainly travel more frequently and conduct small scale cross-border trade.

¹ Azerbaijan, Bolivia, Bosnia-Herzegovina, Equator, Georgia, Iran, Jordan, Kazakhstan, Kyrgyzstan, Kosovo, Lebanon, Libya, Mongolia, Morocco, Russia, Syria, Tajikistan, Tanzania, Trinidad-Tobago, Turkmenistan, Tunisia, and Uzbekistan.

Dedication to improve the border management practices and strengthen border checks in line with EU standards is another aspect that contradicts with flexible visa policies of Turkey. The “first stage” of border control, which starts directly in third countries at consular posts evaluating the visa applications, is now disappeared at the countries concerned. No additional measures are reported to be taken to further strengthen the “second stage” – checks at the border itself.

The public opinion as well as the civil society organisations in Turkey are mostly in support of the new policy and view any potential reaction from the EU as an “additional excuse” (Arısan, 2010) for not abolishing visa requirements for Turkish citizens. These negative perceptions are caused by the uncertainties regarding EU accession as well as the recent frustration due to the lack of mechanisms for dialogue on visa exemption for Turkish citizens travelling to the EU.

It is also argued that since Turkey is representing the values of the EU as a negotiating candidate country, introducing visa exemption to many countries that fall under EU's neighbourhood policy, in the medium and long term, would contribute to EU's relations with the countries in the region as an indicator of showing that the soft power of the EU can still be influential in the region.

However, there are also certain critics who interpret the new policy as the ruling government's aspirations for "Neo-Ottomanism". The social effects of the visa policy should not be underestimated. The visa-free travels are attracting tourism and small-scale trade which brings economic but also cultural impact.

Comparing with the trends at the Western countries in the recent time of new forms of security threats and respective measures to address them, this policy is genuine to Turkey disregarding the assumed links between human mobility and security. Visa requirements are meant to be used by the states as a tool of conducting checks of persons at the time of visa applications - at a time before they appear physically at the territorial borders. Turkish policy makers seem to prefer to cultivate on advancing people-to-people relations with the countries concerned considering the added value of establishing closer relations with those states, rather than treating them as potential

security risks. The impact of this flexible visa policy remains to be seen in the coming years by observing the statistical data analysis.

Since 2002, Turkey is under an intensive reform process in the areas of migration and border management. This process is motivated and guided mainly by the efforts to harmonise the legislation and implementation for accession to the EU. In a parallel footing, strategy papers followed by action plans are adopted in both inter-connected sectors. EU has been supporting this process by allocating considerable share of funds from the whole package of instrument for pre-accession (IPA) to provide technical expertise as well as co-financing of investment. EU is at the same time closely monitoring the reforms in these fields of priority at policy level. EU has an interest in seeing immediate improvements of these sectors since they have direct impact on the security of the member states. Turkey is continuing to put efforts to align relevant legislation and administrative practices with EU standards.

In 2008, two directorates have been established within the MoI, one on “asylum and migration” and the other on “integrated border management” (IBM) to work on drafting legislative and administrative tools to take up reforms in line with the EU acquis and standards. Both directorates are being confronted by enormous difficulties since they are tasked to bring a change with a civilian perspective to the existing rooted and stable systems that are mostly security oriented. The bureaucratic resistance of the authorities in charge is the main challenge. As for the purposes of this study, focus is on the work of the directorate for IBM. The directorate for IBM is tasked to coordinate activities related national strategy on IBM. This coordination includes both legislative and regulatory matters as well as project programming. The directorate is in many cases the beneficiary of EU funded projects. The unit also coordinates and chairs the official fora for discussion/decision-making concerning the reforms on IBM as defined in detail below. Since the directorate for IBM is not a decision-making body, it lacks the authority over relevant operational bodies that are involved in the reform process.

4.1. ORGANISATION AND TASKS

The Coast Guard General Command has the duty of the protection and security of all coasts, Marmara Sea and Straits, and bays. The Coast Guard Command has no duty or responsibility at sea BCPs.

The Land Forces General Command is responsible for the protection and security of the land borders. There is still a small part of the borders with Iraq which is under the control of Gendarmerie, but eventual transfer to the Land Forces is planned. However, the Land Forces General Command has no law enforcement powers. The persons apprehended by the Land Forces units are immediately delivered to the Gendarmerie or Police units.

Duties related to the entry and exit of the persons at border crossing points are performed by the General Directorate of Security (passport police).

Duties related to the entry and exit of the goods at border crossing points are performed by the Ministry of Customs and Trade.

4.2. POLICY DOCUMENTS

The initial document defining the policy in the field of integrated border management is the Strategy Paper, approved by the Turkish Prime Minister in April 2003. This document constitutes the very backbone of any border management developments happened in Turkey ever since. The bottom line of the paper is that there should be a civilian and specialized border management organization under a single authority. The paper refers to Tampere European Council conclusions (1999) as well as to EU progress reports on Turkey.

As a conclusion on existing situation in Turkey, the paper states that the appropriate action would be to institute a new organization within the Ministry of Interior for all border protection services including coast guards to be carried out by non-military specially trained professional police forces.

The paper lists and prioritizes actions to gradually change over to a border police system in parallel with the developments in Turkey's EU accession process. It underlines that the cost of this transformation relies upon the financial assistance from the EU resources. The Strategy Paper does not lay down the decision to set up the new border management organisation. Instead, it leaves the eventual decision to the political authority of the time after the targets to be set for short, medium and long term will be achieved. In case it is eventually decided by the political authority, the new organisation is to be established in the form of a "Directorate General of Border Security" within the Ministry of Interior staff to be made up of the personnel of the Directorate General of Security, the Coast Guard and the Gendarmerie in addition to personnel from the Land Forces with experience in border protection.

The transformation of the new border authority is defined as a requirement of the EU acquis. This, however, is a misinterpretation of the EU requirements. There was no acquis in 2003 and still in 2013 there is none that imposes the existence of a distinct border authority. It is the EU guidelines and recommendations (Schengen Catalogue) (<http://www.consilium.europa.eu/media/1406673/st07864.en09.pdf>) that identify establishment of a civilian authority in charge of border management as a best practice. The EU acquis (Schengen Borders Code) (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R0562:EN:NOT>) is limited to the requirement of having specialised and professional border staff.

The Strategy Paper foresees that following the transfer of duties and authority, the necessary legislative provisions should be prepared to allow for the Turkish Armed Forces to assist the Ministry of Interior in border services and for the Ministry of Interior to assist the Turkish Armed Forces in terms of national defence needs and for the border police under civilian authority serving at the borders in times of peace to come under the control of the Turkish Armed Forces in places under martial law. Based on the Strategy Paper, the "National Action Plan towards the Implementation of Turkey's Integrated Border Management Strategy" (NAP) was adopted with an approval of the Prime Minister in March 2006. The NAP mainly reflects the Strategy Paper's intentions in a more detailed manner. There are several short and medium term objectives, establishment of a new organisation, activities at land, sea and air borders,

removal and deportation procedures, and coordination and cooperation among institutions. Finally there is an investment and financing plan.

The NAP was drafted with the help an EU project². Despite that, the misinterpretation of the EU requirements continued in this document. The final output was disputed by the EU side of the project mainly for this reason. The comparative analysis of the NAP with the EU requirements was later addressed in the meeting on the Screening of Chapter 24 at Brussels, held on 13-15 February 2006. The distinction with the EU *acquis* (law) and the EU recommendations (guidelines for standards) were clarified to the Turkish experts by their EU counterparts. This was important to clarify the legal obligations for acceding to the EU. However, the EU expressed its appreciation to the Turkish commitment to follow the EU guidelines in their action plans. The clarification has led to a better understanding of what is the minimum to harmonise the border management system with that of the EU. The opponents of the reforms to come substantiated their arguments on this misinterpretation and argued that the recommendation of having one single border authority under a civilian authority is not applicable in Turkey's unique situation having further risks of neighbouring instable countries as well as struggling with terrorism at the border areas – that could necessitate rather a military structure.

This background is striking in the sense that it shows the concerns among the stakeholders at borders in civilianising the conduct of border management tasks. This concern is valid mainly for border surveillance at Eastern borders of Turkey.

In this atmosphere, with the help of another EU project³ a very inclusive “Roadmap” was prepared in 2012. The roadmap is still⁴ a draft document in 2013. The adoption process is coordinated by the Turkish Ministry of Interior. It is basically about detailed implementation of the NAP and also an update of the document tailored based on the existing needs of the current border institutions as well as the future border security organisation to be set up. It is also meant to address the gaps of the NAP vis-à-vis the actions that need to be taken and the respective institutions in charge of taking those actions.

² Twinning Project with French and UK Consortium

³ Technical Assistance Project with a consortium led by TÜBİTAK

⁴ As of January 2013

In the absence of legislation in force on the future structure, the starting point of such a planning document is missing. There is no goal or vision jointly adopted by institutions in charge of border management. The structure, organisation, status and competences of the new Turkish Border Guards, including timeline and possible geographical limitations/specialities are disputed. The progress as regards the adoption of the roadmap would be tied to the developments on the draft law on the establishment of the future border security organisation.

4.3. COORDINATION AND COOPERATION

Although the structures are in place for cooperation and coordination at policy level, it is the biggest challenge in Turkey to cooperate and coordinate at operational level.

The highest level forum for coordinating the border management reforms is the “Coordination Board for IBM”, established in May 2010 with a Prime Minister’s circular published in the Official Gazette. Consisting of decision-making level officials of relevant authorities, it is supposed to meet regularly, at least twice a year.

The “Task Force on IBM” is composed of operational level officials from relevant authorities. It is supposed function to exchange information about developments, as well as to discuss horizontal issues. Task Force is chaired by the IBM unit under the MoI.

Within the most IBM-relevant ministry, MoI, there are severe shortcomings in internal cooperation and communication. Regardless of being formally under the MoI, Gendarmerie and Coast Guard are mentally, operationally and practically more closely attached to the General Command and respective branch commands. Decisions with regard to promotions, staff removals and reallocations and supply procurements are taken at the military commands, not at the MoI. The military commands have a veto over decisions made by the MoI.

Different IBM relevant divisions at the Directorate of Security of the MoI (the National Police headquarters) do not interact at the desired intensity. This phenomenon applies vertically all through the organisation: there is very little or no horizontal coordination at each organisational or regional level. The POLNET IT network of the Police is nevertheless a feasible solution and would allow horizontal data exchange, if required.

Customs is facing the same situation: within the Ministry of Customs and Trade the tax and revenue side is separate from the law enforcement component. This leads to duplication of resources.

As concerns interagency cooperation, there is very little collaboration between the border management bodies.

At the BCPs, the Customs is a major actor. According to the legislation, "customs zones" defined at BCPs are of Customs exclusive authority. This means that other authorities, like passport police, cannot operate in the area without the permission obtained from the Customs. This of course prevents the authorities from having equal cooperation partnership.

At the land borders, the Land Forces do not have direct operational level contacts with other authorities. This prevents information exchange especially in immediate and emergency cases, when contacts have to be made with the other authorities.

The governors and designated sub-governors are important actors in the field of IBM. They have a coordination task over the IBM authorities.

Due to fragmented border management organisation, there is no common approach towards international cooperation.

At regional level the governorship has a coordinative role. It is again up to the governor to define the methods and practises, in accordance of limitations set by the law.

In March 2011 a cooperation protocol between the Ministry of Interior and the Ministry of Customs and Trade on smuggling was adopted. It covers all kinds of smuggling, including humans.

The "Coordination Board for IBM" adopted a directive on 'Integrated Border Management Inter-Institutional Cooperation Procedures and Principles' at their meeting on 10 August 2010.⁵

⁵ Members of the board are: Deputy Undersecretary/Ministry of Interior (chair), Vice Deputy Undersecretary/Ministry of Food, Agriculture and Husbandry, Vice Deputy Undersecretary/Ministry of European Union, Vice General Director of Customs Enforcement/Ministry of Customs and Trade, Risk Management and Control Deputy Director General/Ministry of Customs and Trade, General Director of Provincial Administration/Ministry of Interior, General Director of GDHBC/Ministry of Health, Deputy Director General/General Directorate of Security, Deputy Director General of Customs Directorate/Ministry of Customs and Trade, Deputy Director General of Fundamental Health Services

The main aim of the directive actually underlines the basic and generic tasks of each relevant authority; the added value comes from the procedures. It covers all border authorities and all border management related tasks. However, clear distinction is made between border checks at the BCPs and border surveillance. More solid elements for reforms are observed regarding procedures at BCPs as compared to border surveillance side. The procedures for border checks include joint action plans, mutual information exchange, joint controls and other activities, sharing of resources, entering information into joint database, aligning information technologies and aligning training activities. Procedures for border surveillance are mainly about transfer/delivery of the identified cases to the relevant law enforcement authorities by the surveillance authorities and sharing of data.

Most effective procedure mentioned would be the establishment of the IBM National Coordination Centre and Joint Risk Analysis Centre after Board's decision. This aims at "National Borders Situation Picture and Situational Awareness".

At the BCPs the service standards, timekeepers and reporting should be unified. The fluency of traffic could improve from the passenger's point of view. Each institution is supposed to select a contact person at national, regional and provincial level; these contact points are communicated to the IBM Coordination Board's secretariat which is the IBM Unit at the MoI.

Simultaneously with the aforementioned directive, a directive on Board's working principles and procedures was adopted. It defines the Board's main duties and authorities.

The cooperation directive offers a good starting point for further development of inter-agency cooperation. Implementation of the directive is a challenge, but at least at the

Directorate/ Ministry of Health, Deputy General Director of Land Transportation/ Ministry of Transport, Deputy General Director of State Airports Administration/ Ministry of Transport, Head of Smuggling and Organized Crime Department /Gendarmerie General Command, Head of Plans and Policies Division/ Coast Guard Command, Head of the Department of Military Security and Border Services/General Staff, Head of Immigration Department/Ministry of Foreign Affairs, Head of Traffic Department/General Directorate of State Railways, Deputy Head of Civil Aviation General Directorate Aviation Safety Department/Ministry of Transport, Head of the Department for Structuring Ports and Coasts/Undersecretariat of Maritime Affairs.

BCPs there is a good possibility to enhance cooperation and thus security and fluency of traffic.

The most recent report on the level of preparedness of Turkey to accede to the EU - 2012 Progress Report

(http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/tr_rapport_2012_en.pdf) published in November 2012 identifies the steps that are needed to be taken by Turkey in this domain. While stressing the need to have an efficient border management, the need for the adoption of the draft law and the roadmap, as well as developed cooperation and coordination at all levels are mentioned:

“Legislation on transferring border management tasks and coordination to a specialised and professional border security entity has not yet been submitted to parliament for approval. The draft roadmap for Integrated Border Management (IBM) has not yet been approved. The delays in the adoption of the law and the IBM roadmap are a major institutional hindrance towards the institutional development and implementation of integrated border management. Both intra-agency and inter-agency cooperation and coordination need to be developed considerably in the interests of efficient border management.”

In border management, the states target to be efficient by way of involving the private actors. This is possible if complemented with utilisation of proper risk analysis as analysed above. The Report also mentions the deficiencies in this regard:

“Overall, the lack of risk analyses, including joint analyses among relevant authorities in charge of border management, has led to inefficient border control and less-than-optimal use of resources...”

The Progress Report also points out the issues rising from the privatisation of the land BCPs with respect to the need to revisit the architectural designs where necessary:

“Problems posed by the architectural designs for the operational functionality of land border crossing points (BCPs) need to be addressed. Border agencies at local and central level need to be consulted regularly during both the design phase and utilisation of the modernised BCPs. This entails establishing proactive border checks procedures and regulations to control irregular migration at transit zone areas in the airports.

Among other level of cooperation, the Report notes the importance of enhanced cooperation with the primary private actor at the airports:

“Enhanced cooperation between border authorities and the Turkish national airline also needs to be enhanced, in particular through joint training and better exchange of information leading to proper pre-boarding and pre-arrival screenings and analyses.”

This chapter demonstrated the efforts in Turkey to reform the border management and the main challenges faced. However, all of the above developments do not have any focus on the cooperation with private actors involved in border management. While dealing with some major policy issues on the division, confusion and transformation of powers and authorities, Turkish policy makers have not yet prioritised the private sector involvement that bears issues directly linked to efficient and effective border management. Thus, it can be concluded from the above analysis that the private sector's contribution to efficient border management is neglected.

CHAPTER 5

ISSUES ON THE PATH TOWARDS AN IBM SYSTEM IN TURKEY IN RELATION TO THE INVOLVEMENT OF PRIVATE SECTOR

In order to have a more focused analysis of the case study, this final chapter will first give a snapshot of the major issues on the path towards introducing an IBM system in Turkey and then will evaluate the particular challenges at three different types of BCPs: seaports, airports and land BCPs with one pilot example given for each type.

As indicated in the introduction part, border surveillance is not analysed within the scope of this study. Yet, it is noteworthy that this is the major complexity in Turkey as regards border management reforms due to following reasons: Turkey's combat in terrorism necessitates military type border protection activities at mainly the green borders. However, the EU reform process –shaped by Schengen Borders Code (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009DC0489:EN:NOT>) and Schengen Catalogue (<http://consilium.europa.eu/uedocs/cmsUpload/catalogue20EN.pdf>) of recommendations- is to bring a non-military but specialised and professional border guards that are to conduct surveillance activities to prevent illegal crossings of borders.

This picture is getting complex considering the difficulty –if not impossibility- to distinguish the illegal cross-border activities from terrorist activities. The complexity lies in regulating and organising the functioning of the overlapping military and civilian interests that are both vital for Turkey to ensure.

It needs to be mentioned that, in any case, private sector involvement at border surveillance is very minor in Turkey. Activities of private companies are only limited to supplying of technology and conducting of innovation. It is out of question for Turkey to deploy private security companies to conduct border surveillance. This makes the border surveillance part less relevant for this study.

Concerning the border checks, a big challenge is to synchronise the efforts for reforms by the different border agencies involved, in particular the Ministry of Customs and Trade due to the considerable portion of powers and authorities at the BCPs. Although they have different roles and competencies at the BCPs, benefits of coordination among border authorities are often missed and lead to inefficiencies.

Areas of coordination and cooperation would be sharing of information and analysis and joint operations and activities. While the strategic development plans of the Ministry of Customs and Trade covers important elements of an IBM system, the IBM as such is not (yet) an institutional priority for that institution. However, the balancing of trade and security at the BCPs are mainly related to the tasks and duties of the customs administration. Pursuing already functions of a Customs Union country, Ministry of Customs and Trade is occupied with transforming to an electronic system in order to achieve an effective and efficient performance. Since customs controls in relation to trade are in an advanced level, due to Turkey being a member of the Customs Union, the majority of the activities led by EU accession are on customs enforcement side focusing on improving the capacity related to security aspects.

The scope of the powers and authorities of the customs administration at the BCPs is evaluated as excessive by most of the EU IBM experts. As mentioned above, Ministry of Customs and Trade is the sole law enforcement authority responsible for the security of the customs zone which is forming the majority of the BCP area. Other state authorities, such as the police is to take permission from the Ministry of Customs and Trade to conduct an investigation activity in the customs zone. Equipping one of the border authorities with such extensive powers is undermining the spirit of cooperation with other border institutions. On the other hand, Ministry of Customs and Trade is increasingly broadening its vision and increase awareness among the staff on the benefits of IBM.

Moreover, Ministry of Customs and Trade is the state authority that is overseeing the privatisations of the BCPs. In particular the seaport operators and the land BCP operators are in contact with mainly the customs officials as representatives of the state administration. They need to have daily relations with the customs officials for the conduct of their functions of operating. The situation is different at airports, where

contracts with the operators are signed with the State Airports Authority and the functions are limited to the rental or management of the services such as the restaurants. Private sector is increasingly gaining importance and power in Turkey. The private operators are also willing to increase their margin of profit at the BCPs. The very limited regulation in Turkey in this domain would be expected to progress towards this direction. Currently, the only law applicable to the private actors at the BCPs is the Law on Private Security Services no. 5188. Some new provisions would take place in the (currently draft) law on setting up of the new border security detachment.

5.1. MAIN AREAS RELEVANT TO THE PRIVATE SECTOR IN TURKEY'S BORDER CHECKS

In Turkey, private sector appearance is relevant to the below areas at the border check related functions:

- Implementation of the International Ship and Port Facility Security Code (ISPS Code) related tasks by the RSOs and tasks of the Authorised Economic Operators (AEOs) for supply chain security
- Sharing of the pre-arrival information by the carriers (Advanced Passenger Information, Advanced Cargo Information leading to risk based controls by the public authorities at borders)
- Operation of service facilities at the BCPs within the Scope of Public Private Partnerships (PPPs) (restaurants, free shops, gas stations etc.)
- Securing of the BCP area (use of technological equipment for that: CCTVs, X-ray luggage scanners)

The above mentioned EU project identifies as compared to the EU standards, below gaps on the subjects that are relevant to the involvement of the private sector. These are the areas where the procedures need to be reviewed with a view of cooperation with the private sector.

5.1.1 Implementation of Authorised Economic Operators (AEOs) for supply chain security and in particular Recognised Security Organisations (RSOs) for the implementation of the ISPS Code

International supply chain security could be divided into two:

- ship and port facilities (ISPS Code, pre-arrival and pre-departure information, other data transfers such as AIS⁶)
- cargo (shipment) (x-ray, gamma-ray scanners, CCTV, nuclear material detection equipment, vehicle tracking system, automatic plate recognition system)

Private sector has an important role on ensuring supply chain security. Supply chain security and AEOs are necessary to reduce the time for processing of border controls. They both rely on a close correlation with the private sector; i.e, business community.

An AEO is defined as: “a party involved in the international movement of goods in whatever function that has been approved by or on behalf of a national Customs Administration, as complying with WCO or equivalent ‘supply chain security standards’. AEOs include, inter alia, manufacturers, importers, exporters, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses and distributors”. An AEO Certificate - Customs Simplifications (AEO C) is issued to any economic operator established in the EU that meets the criteria of customs compliance, appropriate record-keeping standards and financial solvency. The AEO concept is also one of the main building blocks within the WCO SAFE Framework of Standards (SAFE) (TR0702.15-02/001, 2011a).

As also indicated in the EU project, although the AEO concept has been introduced in Turkey, it still has not yet entered into force.

The final end being to have swifter processing while ensuring security at the same time, could be achieved by introducing enhanced risk-based controls and further simplified procedures.

⁶ AIS is a digital system by which information of the ships’ identity and rotation is automatically transferred. AIS had made it possible to follow up the ships from the coasts. It is used in a variety of areas such as identifying illegal cross-border activities like smuggling, illegal fishing activities, search and rescue and the maritime traffic.

Turkish customs experts (Bavlı, 2009) acknowledge that the concept of supply chain security is not well-known in Turkey. However, they contend that the policies on combating smuggling and trade security are already serving to the international supply chain security in direct or indirect ways. The powers and authorities granted to the customs enforcement on facilitating trade and on preventing and identifying smuggling is interpreted in connection to the establishment of the supply chain security.

For a fully-fledged international supply chain security, the political commitment should be in place. Private sector involvement is essential for the supply chain. Apart from the private sector input, among the law enforcement authorities, exchange of information and access to each others' databases is also necessary. Exchange of data with the other countries' customs administrations is also one of the necessities for a well-functioning supply chain since by this way checks of the risky commodities could be conducted at the countries of origin. Another condition is the presence of an integrated border management system. In that connection, as recommended by the Turkish customs experts (Bavlı, 2009), states should resort to the private sector experience and knowledge where relevant, in particular as concerns the implementation of the Recognised Security Organisations (RSO) for the ISPS Code.

“The International Ship and Port Facility Security Code (ISPS Code) is a comprehensive set of measures to enhance the security of ships and port facilities, developed in response to the perceived threats to ships and port facilities in the wake of the 9/11 attacks in the United States.

The ISPS Code is implemented through chapter XI-2 Special measures to enhance maritime security in the International Convention for the Safety of Life at Sea (SOLAS).

In essence, the Code takes the approach that ensuring the security of ships and port facilities is a risk management activity and that, to determine what security measures are appropriate, an assessment of the risks must be made in each particular case.

The purpose of the Code is to provide a standardised, consistent framework for evaluating risk, enabling Governments to offset changes in threat with changes in vulnerability for ships and port facilities through determination of appropriate security levels and corresponding security measures.”
(http://www.imo.org/blast/mainframe.asp?topic_id=897#what)

Turkish Maritime Undersecretariat is in charge of the implementation of the SOLAS Convention and the ISPS Code. The Undersecretariat is ensuring the supervision of the activities conducted under the Code, regulate necessary procedures and give necessary trainings and relevant authorisations. Some of the tasks have been transferred to the RSOs. Those are mainly tasks related to the issuance of security certificates related to both the ships and the port facilities subject to the approval of the Undersecretariat.

In Turkey, some of the tasks for the implementation of the ISPS Code have been transferred to the RSOs. Those are mainly tasks related to the issuance of security certificates related to both the ships and the port facilities subject to the approval of the Ministry of Customs and Trade (<http://www.denizcilik.gov.tr/dm/isps/uygulamaTalimati.aspx>). More details on the role of the private sector in the implementation of the ISPS Code will be analysed below under the heading “seaports”.

5.1.2. Sharing of the pre-arrival information by the carriers (Advanced Passenger Information, Advanced Cargo Information leading to risk based controls by the public authorities at borders)

The state authorities are dependent on the private sector carriers for efficient border controls also in relation to obtaining information on the person or good arriving to the borders before a certain period of time to make the necessary analysis in advance and save time.

According to the EU experts report, in Turkey, not enough use is made of pre-arrival information, be it for Passport Police, Customs, Phytosanitary or Veterinary Services. Such information allows Border Agencies to analyse traffic (people, goods or vehicles) prior to arrival, and depending upon the level of risk, allocate resources accordingly using effective profiling and by the targeting of traffic regarded as either suspect or of high risk.

Although the legislation for the pre-arrival Customs clearance of goods is in place in Turkey, this simplified procedure is not yet introduced since the required necessary technical infrastructure to operate the system is not there. Pre-arrival information is given at maritime transportation 3 hours in advance of the arrival of the ship. Although the ships’ manifests are currently received by Ministry of Customs and Trade in advance, according to the EU experts, clearance and control procedures start only when the vessel has docked (TR0702.15-02/001, 2011b).

At other forms of transportation the pre-arrival information is given at least by arrival. At land BCPs pre-arrival clearance checks could not be conducted due to lack of a controlling system for commercial vehicles. Non-compliance with the pre-arrival information rules is sanctioned under the Turkish Customs Code.

As regards phytosanitary or veterinary services at the BCPs, clearance times are vital for perishable cargoes and animals. By way of pre-arrival notification and risk analysis, the numbers of animals inspected would be reduced. Preparation for a legislation to allow for this is reported to be pending in the EU harmonisation process.⁷

For the Passport Police pre-arrival information is a crucial part of meeting EU standards at airports. In 2004, in the aftermath of the Madrid bombings, the European Council established a legal basis for EU Member States to require APIS data from airlines for all passengers arriving from outside the Schengen area. Air carriers travelling to the EU are obliged to transmit data on the third country origin passengers they carry. Advanced cargo information is also mandatory in the EU. Turkish border authorities do not receive advance airline passenger information and the advanced freight information is not used for selecting and targeting based on a pre-arrival risk management. Due to non-existence of APIS at Turkish international airports, full risk analysis could not be conducted prior to passengers' arrival.

“The lack of pre-arrival information reduces the ability of the Border Agencies to conduct risk based profiling and selection. This again leads to staff applying their time and resources in a random, unstructured and unsystematic control of people, goods and vehicles. This is proven to be both ineffective and inefficient, with the result that there are fewer interceptions, less thorough examinations and fewer instances of smuggling being identified, with less revenue being collected.” (TR0702.15-02/001, 2011a: 60)

Necessary legislation requiring advanced cargo information for all modes of transport needs to be in place (<http://consilium.europa.eu/uedocs/cmsUpload/catalogue20EN.pdf>). Because of the lack of necessary information obtained by the border authorities in advance as regards the persons and goods to cross the borders, there are no elements to be used for a structured and standardised risk analysis. Absence of a risk management system prevents the efficient and effective functioning of the BCPs. The time spent on the checking procedures takes long leading to operational problems. Also, security could be ensured in an ideal way based on selective targeting. This demonstrates the important role of private sector, i.e.; carriers at border management.

⁷ For veterinary checks: EC regulation on the Advance Notification of Cargo for livestock and veterinary controls (282/2004/EC) and Veterinary Inspection (136/2004/EC).

Carrier's liability in Turkey is regulated by the Law on Combating Smuggling. The carriers are bound by the legal provisions that regulate their responsibilities and are subject to sanctions in case of non-compliance. As expressed by the Turkish customs experts (Kocabay, 2011), the historical background of today's legal provisions against smuggling is reflecting the motivations for combating this group of offences. Initially the laws regulating combating smuggling in Turkey were of "protective" nature and sanctions of imprisonment were foreseen for smuggling crimes. This has changed with the entry into force of the Law no. 4926 on Combating Smuggling in 2003 with the understanding of "economic sanction to economic offence". Within the scope of the EU harmonisation process, however, the provisions of the law that created problems during implementation were reconsidered and this has led to departing from the understanding of economic offence. With the new law adopted in 2007 on Combating Smuggling no.5607, except certain small size smuggling actions, all smuggling offences have been regulated as subject to imprisonment sanctions.

One should not underestimate the possibility that the carriers could obtain considerable level of crime assets by getting involved to criminal smuggling activities within the scope of international transportation in cooperation with the organised crime gangs.

5.1.3. Operation of service facilities at the BCP within the Scope of Public Private Partnerships (PPPs) (restaurants, free shops, gas stations)

With the 1980s, in parallel to the global trend in privatisation, the IMF and World Bank supported the liberal economic programmes of the ruling governments. With this motivation of developing the economy into a free market for the sake of efficiency, the government has also withdrawn from most of the seaports and airports via the privatisations. In the last decade, land BCPs are also being privatised via "build operate transfer" (BOT) method.

Private sector is very much visible at Turkish BCPs since they operate the service facilities at various levels depending on the type of the BCP.

Renovation of the border crossing points by BOT model, as well as privatisation of the seaports and airports for limited periods in Turkey are examples of PPPs in the domain of border management. Although the core tasks of security remains with the state, private companies are involved in hand-in-hand operation of the BCPs that would lead to a certain level of influence to policies in that respect.

Customs Code, article 218 stipulates that the operating institutions of the stations, seaports and airports are supposed to address the needs of the Customs authority on establishing convenient physical structures and all related facilities for their functioning in line with the customs procedures and their maintenance as well as necessary technical equipment with no cost.

As also observed by the EU experts (TR0702.15-02/001, 2011a), there are problems with regard to operational functionality deriving from the design at some renovated BCPs. The EU experts indicate that although aesthetically pleasing in terms of infrastructure, a number of newly constructed and upgraded airports and land BCPs lack the required operational functionality for customs and passport police to effectively carry-out. These include the position of the passport control booths that undermines easy profiling of the travellers and/or for the simple presentation of travel documents.

Similarly, the Customs Red and Green Channels at all international airports are found to have poor infrastructure and operational functionality, particularly in relation to clear signage, covert work areas (hidden from public view), baggage benches, and search and interview rooms.

Another problematic design of infrastructure is as concerns the land BCPs. The current design is separating inbound and outbound lanes, reserved for commercial freight, buses and private vehicles. Such a design leads to duplication of procedures and loss of time as well as problems in the traffic management. It also does not allow for flexibility on the part of the border authorities. The EU experts found these land BCPs “too rigid and do not allow for reversal of traffic direction, which would automatically increase the number of control booths available to support prevailing inbound versus outbound flows – this is important given the significant seasonal traffic fluctuations.” (<http://consilium.europa.eu/uedocs/cmsUpload/catalogue20EN.pdf>: 112)

The EU experts therefore recommend for a smoother management of the traffic, a simplified layout, with a single inbound and outbound flow of traffic, regardless of the traffic type (commercial freight, buses or private vehicles).

It seems from the visits conducted at the BCPs that the state authorities neglect to enforce their legal and procedural requirements on the BCP operators. To ensure that, the infrastructure at Turkish BCPs allows for efficient operational functionality in a secure and properly controlled environment, the operators should be obliged to meet these terms and all for profit interests need to be secondary to the effective execution border check duties.

Overall, existing workflows, procedures and the future possible needs should be taken into account for the redesign of existing or reconstruction of new BCPs.

5.1.4 Securing of the BCP area (use of technological equipment for that: CCTVs, X-ray luggage scanners)

In Turkey, the CCTV usage differs depending on the type of the BCP. At the seaports, the CCTV is locally operated by the seaport operator and the images are shared with the Ministry of Customs and Trade. At some seaports, Ministry of Customs and Trade also located their own CCTVs which are in general less than the number of the ones that belong to the private sector operator. At seaports, usage of the CCTVs is mainly focusing on the aim to ensure security of the port area but also to observe and monitor any potential problems in the processing of the border control procedures.

At the land BCPs, the CCTV room is managed by the Ministry of Customs and Trade both centrally and locally. The company that is operating the land BCP does not have any intervention or access to the CCTV images. Similarly with the seaports, the Ministry of Customs and Trade is using the CCTV system to monitor the procedures and the state of play on the workload and also to secure the land BCP area.

The CCTV images taken at both the seaports and the land BCPs are monitored centrally from Ankara in office located in the Ministry of Customs and Trade headquarters. The

cameras that belong to the Ministry of Customs and Trade could be navigated also from the headquarters.

At the airports, the police is in charge of operating the CCTV room. The police officers navigating and monitoring the images are originating from the public order department. Their priority area of interest is the VIP buildings and vehicles. The cameras are utilised to secure the airport area against offences such as theft or bomb explosion. They are not focusing on identifying for instance the potential illegal migrants in the transit zone or any trafficking of illegal substances. However, under suspicion the police officer in the field is directed to the area concerned to conduct necessary checks.

In none of the BCPs the images are shared with any other border authority. There is no common centre where all relevant border authorities control and command the CCTVs for their own area of interest.

The World Bank evaluates the monitoring of the images from a central control room as inefficient and unnecessary costly. The concern here is deriving from the interpretation of the system as leading to a “big brother attitude” at the side of the customs headquarters. Since it allows the directors of the customs to call and instruct the local manager when there is traffic jam etc., it is believed to reduce the motivation by discharging local management from the obligation to take any initiative (Zarnowiecki, 2011: 42-57).

Born et al (Born and Caparini, 2007: 10), points out another dimension to be taken into account on the utilisation of the CCTVs by referring to a research carried out on the working practices of CCTV operators. Accordingly, the fact that the individuals are often selected for observation according to their physical appearance or behaviour brings into question ‘the ethics of methods’. Targeting people before an offence has even been committed is found to be problematic in the sense that the CCTV enables ‘a pre-emptive approach to security in contrast with the reactive style of state police agencies’. This can contribute to ‘restrictions on freedom of movement’... A second ethical concern is on the risk of transferring to third parties the data collected from CCTV cameras.

These are indeed valid concerns and they need to be addressed in Turkey as part of data protection. Considering the increasingly widespread usage of the CCTVs, in the absence of a law on data protection, the regulations on procedures should be reviewed and strict implementation of the rules concerning the protection of human rights should be ensured.

Border agencies use x-ray scanners for compliance, security and investigative controls. X-ray scanners help identifying undeclared prohibited and high value goods that are even usually part of wider criminal or terrorist activities.

At land BCPs and seaports, they are used by the Ministry of Customs and Trade officials. The BCP operators are not involved in that activity. However, the situation is different at airports. At airports, x-ray scanners are used for passenger and luggage security by the private security staff under the supervision of the police. At the cargo hall, the airline companies use x-ray scanners.

X-ray scanners could be fixed or mobile. The fixed ones have a deterrent impact. Mobile X-rays are important elements for the flexibility and availability of the equipment to be used based on tactics developed following risk analysis.

The World Bank book states that:

“scanning merely encourages smugglers to be more innovative – or to make bribes to corrupt officials...Scanners, however promising for detection, are only as good as their operators...With risk based vehicle and container selection, scanners become an extremely powerful law enforcement tool ” (Zarnowiecki, 2011: 71-73)

The importance of skilled staff trained in the proper utilisation of the equipment is therefore once more underlined.

The utilisation of x-ray scanners by the customs enforcement officials are not evaluated as efficient. This is linked to the evaluation on risk management capacity. The risk analysis logic is not fully absorbed by the customs administration. Risk profiles are identified at the central level and the operators do not know the reason for scanning a given vehicle or container. The transmitting forms that are meant to also declare the reason for the risk are not filled in properly. Almost at all times, the box indicating “other reasons” is ticked and as an explanation only “risk analysis” is written. Since the

operators do not know what to check, this situation leads to checking of all parts of the scanned vehicle to identify all types of illegality, which is highly time-consuming.

Turkish customs administration is increasing the number of x-ray scanners and in parallel improving the risk management capacity via trainings within the scope of the EU projects.

5.2. ANALYSIS OF THE THREE TYPES OF BCPs IN TURKEY

To draw the picture more clearly the three main types of BCPs will be further analysed followed by examples per each type of BCPs mostly based on the relevant parts of the reports of the EU technical assistance project.

5.2.1. Seaports

The tendency of the states to withdraw from their monopoly over ports has shaped due to the need to improve the port efficiency necessitated by increasing competition between the ports. Private companies are involved in the port sector to enhance the performance to contribute to the country's competitiveness. The question of balance between public and private sectors is also reported as a reflection of the level of strength of the capital markets in a given country and the philosophy of the country with respect to alternative service delivery (Demirel, 2009).

All categories of seaports have three main functions (Demirel, 2009: 19):

1. Regulatory function (granting the legislative powers)
2. Landowner function (managing and developing the port estate)
3. Operator function (physical transfer of goods and passengers between sea and land)

The literature review points out the significance of the public sector in an environment where the influence of private sectors in the port sector is indispensable for economic efficiency.

“In reality, infinite variety of administration structures of ports lie in between the structures where only the public interests are considered and the other extreme structures in which only the objectives of private sector enterprises are followed...However, the role of private sector in the port or terminal operators is growing, and the governments are in tendency towards keeping the only regulatory function in the port sector.” (Demirel, 2009: 22)

The principle of sovereignty on the territorial waters of Turkey is regulated in the Law on Turkish Territorial Waters. Turkey has been party to the SOLAS Convention in 1980. Given the fact that the coastline of Turkey is legally public property, its utilisation has to contribute to the public interest.

The strong competition among ports that is caused by globalisation has led to the rising of the importance of the port governance (Oral, Kişi, Cerit, Tuna and Esmer, 2007). With the privatisations, the Turkish state is gradually withdrawing from operating the ports for the sake of efficiency.

Turkish port policy, based on the legislation on ports, cabotage, coasts and privatisation⁸, is determined by its role in global trade triggered by its economic and cultural influence in the region the country is located. Turkey has withdrawn from the monopolistic operational regime of the ports to privatisation in order to be competitive in the region and better serve the national economy via strengthening the major ports' capacity with modern infrastructure and equipment.

Until 1980s, there were only public ports in Turkey owned by Turkish State Railways (TSR) (managing the ports connected to the railway system), Turkish Maritime Organisation (TMO) (operating small scale and generally non-cargo ports) and Industrial Ports of State Owned Companies.

In 1994, TMO was included in privatisation programme and affiliated to the Privatisation Authority. In 2007, two of TSR ports (Mersin and İskenderun) were privatised and the rest of the TSR ports (except Haydarpaşa, which is planned to be converted to a cruise passenger terminal) are included in the privatisation programme. Both TSR and TMO are managed centrally from Ankara, which creates the above mentioned weaknesses on decision making on port management issues. The long procedures take a long time and fail to respond to the local needs and market conditions.

⁸ Law 618 (ports, dated 1925), Law 815 (cabotage, dated 1926), Law 3621 (coasts, dated 1990) and Law 4046 (privatisation)

TSR makes substantial losses that create high burden for the Treasury due the necessity to make transfers from the national budget (Demirel, 2009). TSR has the responsibility to supervise the private operators to avoid or minimise the risk of them acting like a monopoly or oligopoly (Demirel, 2009).

The current administrative structure of the seaports in Turkey could be classified into four groups: public (all three functions are controlled by the government) (for example: İzmir), municipal (operated by municipalities for small scale trade, for example: Ayvalık), affiliated (both landowner and operator functions rest in private control, while the regulatory function remains within the public sector) (for example: Mersin) and privately owned (all three functions are controlled by private sector) (for example: Marport) ports (<http://consilium.europa.eu/uedocs/cmsUpload/catalogue20EN.pdf>: 172).

According to Maritime Sector Report (2007), among all port facilities in Turkey (cargo, passenger, yacht and fishery), out of 160, 108 are private, 27 are operated by municipalities and only the remaining 25 are operated by the government (Demirel, 2009: 27).

In a comparison made by Ersel Zafer Oral et al. of the public and private operated seaports, a distinction is made vis-à-vis the connection between the cooperation with labour force and profit making:

“The main concerns of public ports are social and economic issues. Their principal aims are to increase the economic benefits of the port for the nation or region to cooperate with labour unions in seeking to achieve this. While private multipurpose and container ports are much more focused on value-added services and a non-union labour force to maximise their profits, the public port enterprises have operated ports by involving strong labour unions in the issues. After privatisation, the labour unions are rather weakened or have been eliminated.” (Demirel, 2009: 27)

Same authors point out that the public ports are inefficient due to their characteristics of being inflexible, financial dependence and lack of clear goals on delivering services. They also argue that above all, efficiency is hampered due to political interference in employment issues and the high turnover rate in top managerial positions, all in contrary to the affiliated ports. While addressing the need to have a “single supreme organisation” to coordinate port privatisation period in Turkey, the authors at the same time criticises the central planning of the ports due to the barriers it creates by

interferences of the politicians and the bureaucracy, which in turn is resulting in missing some particular needs and causing confusion in decision making process and coordination. The need for such a single port authority having centralised regulatory functions has also been emphasised by the State Development Plan issued by the State Planning Organisation (with its new name “Ministry of Development”).

In another comparison, it has been found by Demirel (2009) that private seaport terminals in Turkey have higher efficiency than public container terminals. The main reason for efficiency is driven by the removal of traditional, bureaucratic operating procedures and controls and the opportunity to renew the port facilities and equipment.⁹ At the seaports which hold the necessary security certificate according to the ISPS rules, in order to ensure the port security, in addition to the customs enforcement personnel, also the private security companies are conducting security checks and searches of the persons and vehicles entering and exiting through the port area. According to the customs experts this is creating duplications in checks and even overlaps since the private security staff confuse and intervene also to the cases where customs authorities are in charge while conducting their security checks (Duran, 2005). In some cases, such as following the private security checks of the fuel and chandler to be transmitted to the vessels, the customs personnel disregard their roles of controlling the related transaction documents and also operating in the scope of export regime, due to the confusion caused by the implementation of the ISPS Code together with the private security staff. According to the customs experts (Duran, 2005), since the law authorises the customs enforcement administration for the public security within the customs zones, the private security personnel functioning under the scope of the ISPS Code should work in coordination with the customs enforcement officials and should be responsible to the customs enforcement administration. Such confusions could be avoided only by implementing the relevant legal provisions on the oversight of the private service providers: Law on Private Security Services, article 6 obliges the private security personnel to abide by the orders of the administrative head of the BCPs (who is the deputy governor) and the chief of the law enforcement.

⁹ between a range of 17-22 % more efficient

Another problem in implementing the ISPS Code is on the sequence of the conduct of the security checks: according to the customs experts, the private security staff could only take on board for security declaration required by ISPS Code¹⁰ only after the checks of the health, police and the customs are conducted and in any case they should be taking on board to the ships that are subject to customs obligations. This requires trainings on the tasks and duties of the law enforcement to be given by the public law enforcement to the private security staff.

At the seaports, the port authority is in charge of the security and safety of the port premises. In the scope of the privatisations, the private operators install CCTV cameras which are operated, directed by the private operator staff. The images are shared simultaneously with the Ministry of Customs and Trade. Additionally, the customs enforcement administration own and operate their own CCTV cameras and control rooms (which are in general less than the ones of the private operator). The maintenance of the CCTVs is a challenge for the customs as a public authority. For instance, the EU co-financed cameras installed at Mersin port were not fully working and part of the equipment were therefore not in use until the problem is fixed after a long period.

As an example for the seaports, this study will analyse the Mersin Seaport because of its commercial importance for Turkey, being the second largest container port.

The port, which was privatised, is operated by a company named MIP. Commercial cargo is of key importance, while passenger traffic, ferries and cruises are secondary. Since 2007, Mersin Seaport is operating with ISPS Code certification.

Mersin Port covers handling of all major types of cargo, with 130 staff in charge of security employed by the port operator, MIP. The port surveillance is conducted by 360 CCTV cameras by the MIP personnel.

The entry and exit points for passengers, cars and trucks are controlled by customs enforcement officials. As observed by the EU experts,

“Altogether there are 3 different groups of personnel at each gate - MIP security, private security and Customs Enforcement. This is an inefficient system with overlapping duties.” (Gap Analysis Draft Report 4.1.4 Procedures – Customs – Gap 16 refers)

¹⁰ Chapter A, article 5

In addition to this issue with regard to duplication of efforts, the EU experts found also the procedures ineffective. According to the experts, trucks and freight agents enter the port prior to customs clearance. Absence of a pre-arrival import clearance system together with the lack of an electronic interface between MIP and TCA cause unnecessary blockage within the port and queues at the gates. The blockage is taking place because of the checking procedure by the customs enforcement. Since the customs enforcement does not receive advance information, the drivers are required to hand a clearance slip to the customs enforcement official by stopping the traffic flow in the meantime, which creates a bottleneck and causing delays in processes.

Figure 1. Truck queue at Mersin Port



Photo source: EU Technical Assistance Project for Border Checks
(Project no: TR0702.15-02/001)

“Pre- arrival clearance will at Mersin seaport remove the long unnecessary stops at the port gates and the congestion also caused by the exchange of documents at the gates. Furthermore, it will reduce, if not stop altogether, the health and safety hazards caused by the activities of the freight agents running to and from the port.”
(Gap Analysis Draft Report 4.1.4 Procedures – Customs – Gap 16 refers)

The key solution to the current problems in the delayed border check procedures is to collect necessary cargo information in advance from the shipping company and share this information with all the stakeholders to avoid duplication. This practice would also lead to a good implementation of the integrated border management system based on coordination and cooperation for the sake of efficiency. It would also serve the security concerns via the use of the advance information for the risk analysis that would allow the customs enforcement officials focus on the high risk containers. In order for that to be realised, however, a system of local risk management should also be in place. As indicated before, risk analysis activities are not conducted locally but are undertaken

centrally by the TCA headquarters (Risk Management and Strategic Assessment Unit).

As reported by the EU experts, the following are the measures taken by the MIP to increase the efficiency of the Port:

An agreement with Customs was reached to reduce congestion. Accordingly, first cargo will be cleared and then trucks will be allowed to enter the port for collection.

For the handling of, Roll-on-Roll-off (Ro-Ro) services, MIP has built new offices for Customs, where currently all trucks go for clearance and inspection. (In case of pre-arrival clearance system, only the ones selected for inspection would go to this lane).

MIP has developed an electronic interface with Customs to enable information obtained from the electronic licence plate readers to be accessible to TCA.

5.2.2 Airports

Although there is systematic functioning at the international airports, the structures there as well should be reconsidered with a security dimension.

The involvement of private sector is crucial for a well-functioning secure and efficient operation of airports. In the last decade, the state authorities increasingly depend on the information provided by the private airline companies. The state security authorities, based on the information collected from the private actors, conduct their risk analysis. They therefore impose sanctions on the airline companies which fail to fulfil these tasks properly.

It is established by the EU experts that the security measures in terms of baggage, supplies (life support¹¹), security restricted areas, overall surveillance of airports, in accordance with aviation security requirements (EU Regulation No 185/2010) are generally in place at most of Turkish airports. What is needed is a structural intelligence-led risk analysis based on exchange of information. Currently, at most of Turkish airports, two security checks are carried out. The first is located at the entrances and screens all persons entering the terminals. The second control is for departing passengers and is situated after passport checks or at the gates. As a step for EU

¹¹ Total life support includes catering, support services, maintenance, etc. for the effective and efficient functioning of the airport.

harmonisation of the practices, an integrated single security check can be developed in line with the EU plans to remove the ban on liquids, aerosols and gels (LAGs) by 2013¹².

In Turkey, state authorities does not benefit as such from the private sector input at airport procedures.

Currently Advanced Passenger Information (APIS) is not in place at Turkish international airports. A comprehensive risk analysis in advance of passengers' arrival, in relation to cross-border crime cannot be conducted. With the lack of APIS mandatory for the airlines at Turkish international airports, Passport Police and Customs cannot undertake a full cross-border crime-related risk analysis in advance of the passengers' arrival.

As identified by the EU expert reports (TR0702.15-02/001, 2011b), AIS and PNR¹³ are tools that Turkish border agencies needs to utilise to be able to organise and collect information systematically to use for planning, statistical, operational and law enforcement purposes. Turkey also needs to align its rules on air carriers' obligation to return passengers refused entry or transit at their expense, in addition to the penalties imposed.¹⁴

¹² By 29 April 2013 all airports shall screen liquids, aerosols and gels (LAGs) in accordance with the requirements of implementing rules adopted pursuant to article 4 (3) of Regulation (EC) No 300/2008.

¹³ Set of data on airline passengers consisting of:

1. PNR record locator code
2. Date of reservation/ issue of ticket
3. Date(s) of intended travel
4. Name(s)
5. Available frequent flier and benefit information
6. Other names on PNR, including number of travellers on PNR
7. All available contact information (including originator information)
8. All available payment/billing information
9. Travel itinerary for specific PNR
10. Travel agency/travel agent
11. Code share (PNR) information
12. Split/divided (PNR) information
13. Travel status of passenger
14. Ticketing information, including ticket number, one way tickets and Automated Ticket Fare Quote
15. All Baggage information
16. Seat information, including seat number
17. General remarks including other service-related information
18. Any collected APIS information
19. All historical changes to the first 18 PNR data elements.

¹⁴ as per the EU Council Directive 2001/51/EC of 28 June 2001, supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985, as amended

Although it is a standard practice in accordance with ICAO, Turkey does not impose sanctions or penalties against those airlines which carry travellers without the appropriate visas and entry documentation.¹⁵

The EU experts mark this lack of sanctions or penalties to be imposed against the airline companies as a “pull” factor for irregular migration via Turkey.

“Since there is no financial cost to the airlines, there is no disincentive to persuade or force them not to carry improperly documented individuals. This is exploited by criminals involved in people smuggling and human trafficking, who target those source countries not requiring Turkish visas, and/or where check-in staff are often more susceptible to bribes. This is another “pull” factor which has made Turkey a nexus point for people smuggling and human trafficking.” (TR0702.15-02/001, 2011a: 36)

A second area of concern that is connected with the private sector input at the airports is the location of the duty free shops. Duty free shops in international airport baggage reclaim halls between the passport police control booths and the red and green clearway systems and passenger examination areas are seen as problematic as concerns customs controls. The EU experts state that this should be addressed with the modifications in the designs of the airport to make sure that the public security takes precedence over profits of the private company:

“The duty free shops act as a focus of passenger activity in the baggage hall other than for the collection of their luggage. This is an added distraction for Customs Officers attempting to identify passengers of interest. It presents an opportunity for passengers who have criminal intentions to hide their arrival in the baggage reclaim hall, observe the workings of the Customs Officers and to wait for an opportune moment to pass through the controls.” (TR0702.15-02/001, 2011b: 69)

The EU experts consider this also a risk for collection of revenue as it may present opportunities for passengers to purchase duty free items far in excess of the legal limits. For those reasons, the locations of the duty free shops should be changed to appear prior to any border controls.

Istanbul Atatürk Airport is selected for this study in order to analyse the largest airport in Turkey with growing international passenger traffic.

¹⁵ in accordance with Schengen Handbook, Number 6.10 & 6.11 and Directive 2001/51/EC..

It is a large modern mainline airport utilised mainly by flag carrying airlines. It was privatised in 2000. Since then it is being operated by TAV (Tepe-Akfen-Ventures). In 2005 TAV was granted a new 15 year concession to operate the airport.

As identified by the EU experts report, at İstanbul Atatürk Airport, customs enforcement officials have access to Turkish Airlines reservation computer. This is ensured via a terminal hardwired into their offices at the airport. By this way, they are able to interrogate fully both the reservations side and DCS (Departure Control System) also known as check in. Turkish Airlines are training the state officers on how to interrogate the reservation and DCS sections of the airlines active database and profile passengers of potential interest.

It was observed that the Ministry of Customs and Trade use the Turkish Airlines system to proactively target passengers that they believe are engaged in the smuggling of revenue goods. They examine risk determined flight routings and checked in baggage weights to indicate potential offenders. Between 4 or 5 hours before a flight of interest arrives, a profiling of the passengers is performed based on the information obtained from the system of Turkish Airlines. This practice is limited to only the Turkish Airlines flights. Agreements with other airline operators should also be concluded for a systemised risk analysis.

At the airport, Turkish Airlines operate the main warehouses using a bar-coding system for all goods. Airline cargo manifest are issued three hours in advance of the aircraft arriving. However, this is only on a voluntary basis and needs to be formalised.

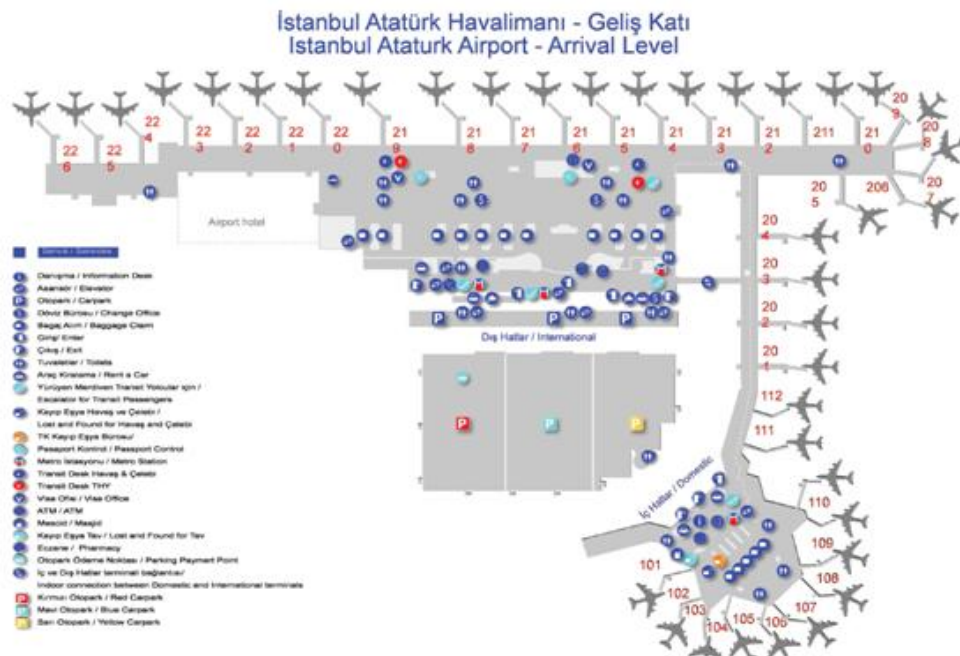
Security of the airport is provided by the Police and the Gendarmerie as well as private security agencies, vetted by the Police. Security of the outside of the airport area is provided by Gendarmerie and regular Turkish National Police patrols.

Inside the airport, TAV operates baggage X-ray scanners and walk through metal detectors. On suspicious baggages police and private security personnel cooperate and coordinate. The suspicious cases are immediately brought to the attention of the law enforcement authorities and if required emergency action taken.

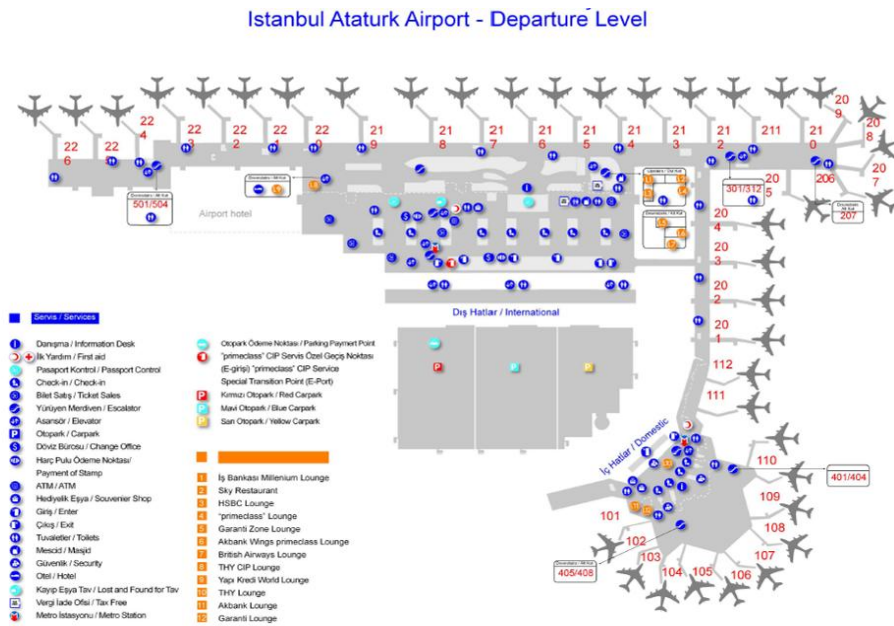
At İstanbul Atatürk Airport, there is another private security company employed by a number of airlines, called Gözen Aviation Security (G.A.S). G.A.S. is providing border security and enforcement functions via performing checks concerning passport and visa validation services at various points during the check-in and boarding. The company undertakes occasional security checks for international passengers arriving and moving through the transit area and into the departure lounge. The passenger profilers of the company receive trainings from the Police and the Customs on relevant subjects such as identifying document forgery, targeting, selection and risk analysis elements. The private security staff is authorised, based on sound grounds to deny boarding. Suspicious passengers and their documents are to be handed over to the Passport Police (TR0702.15-02/001, 2011b).

At the airport, the police control a CCTV room equipped with 2500 CCTV cameras in operation. 1518 of those are used by TAV for operational purposes, while 982 are used by the Police for law enforcement purposes (TR0702.15-02/001, 2011b).

Figure 2. İstanbul Atatürk Airport arrival and departure levels



Source: http://www.ataturkairport.com/tr-TR/ucus_onesi/Documents/ISTgelisinfo.pdf



Source: http://www.ataturkairport.com/tr-TR/ucus_onesi/Documents/ISTgidisinfo.pdf

The EU experts conclude in their report that at the İstanbul Atatürk Airport, cooperation between airport operator TAV and the state border authorities is excellent. TAV provides the state border authorities with the needed facility and the latest equipment. (TR0702.15-02/001, 2011b)

5.2.3 Land BCPs

The land BCPs in Turkey are being modernised in a quite speedy pace. However, as observed by the EU experts, the procedures are not improved in parallel to these upgrades. In addition, some mistakes in the architectural designs are creating problems in the functioning of the BCPs.

As also stated in the World Bank guidance book on border modernisation:

“...land border station infrastructure improvement- whatever its architectural or engineering merit- rarely contributes to better border management outcomes unless it is supported by the adoption of modern approaches to managing passenger and cargo flows.” (Zarnowiecki, 2011: 37)

The ways that the land BCPs are designed, organised and operated have a direct impact on the security performance. Technological solutions like detection equipment

including x-ray scanners and information and communications technology infrastructure are necessary to achieve a reasonable level of security with to a least extent of disturbance for legitimate cross border movements.

Operation of duty-free shops at road BCPs was recognized as a risk factor and an issue that requires approximation with the EU laws and standards (TR0702.15-02/001, 2011b).

At a number of Turkish Road BCPs public facilities (e.g. duty-free shops, restaurants, banks, etc) are positioned between Passport and Customs (inbound) controls. This is indicated by EU experts as a direct security breach since it does not allow for the effective, efficient and secure control of passengers and vehicles entering Turkey. These facilities should be accessible only after clearance of Passport Police and Customs controls and necessary changes in the design of the infrastructure should be made by the BCP operators.

Kapıkule BCP will be analysed as an example for the land BCPs.

The BCP was modernised in a short time of 14 months between April 2008 and June 2009, pursuant to the Build-Operate-Transfer contract signed between the Ministry of Customs and Trade and the TOBB (Union of Chamber and Commodity Exchanges). The operating company is called GTI.

It is the busiest land BCP with the figures of border checks reaching to for 7500 vehicles and 45000 passengers per day in the summer season.

Ministry of Customs and Trade is authorised to conduct all checks on passengers and vehicles. They operate the automatic plate recognition system and the vehicle registration system that is linked to the centre. They also manage the radiation portal monitors, X-ray scanners, canine units and the CCTV camera system with 62 cameras. In addition, security at the BCP is responsibility of customs enforcement.

Passport Police tasks is limited to passport control only. The Passport Police does not have access to the CCTV system of the Ministry of Customs and Trade but operate their own, with considerably less cameras.

Advance passenger information is not in place, however, should be required of all organized transportation modes - mainly regular and charter buses but also for individual car drivers for faster processing (TR0702.15-02/001, 2011b).

The design of the BCP is found to be too rigid by the EU experts since it does not allow reversal of direction. This avoids the border authorities to be flexible in increasing the number of control booths operating in accordance with the prevailing traffic flow (inbound vs. outbound) based on the seasonal traffic flow.

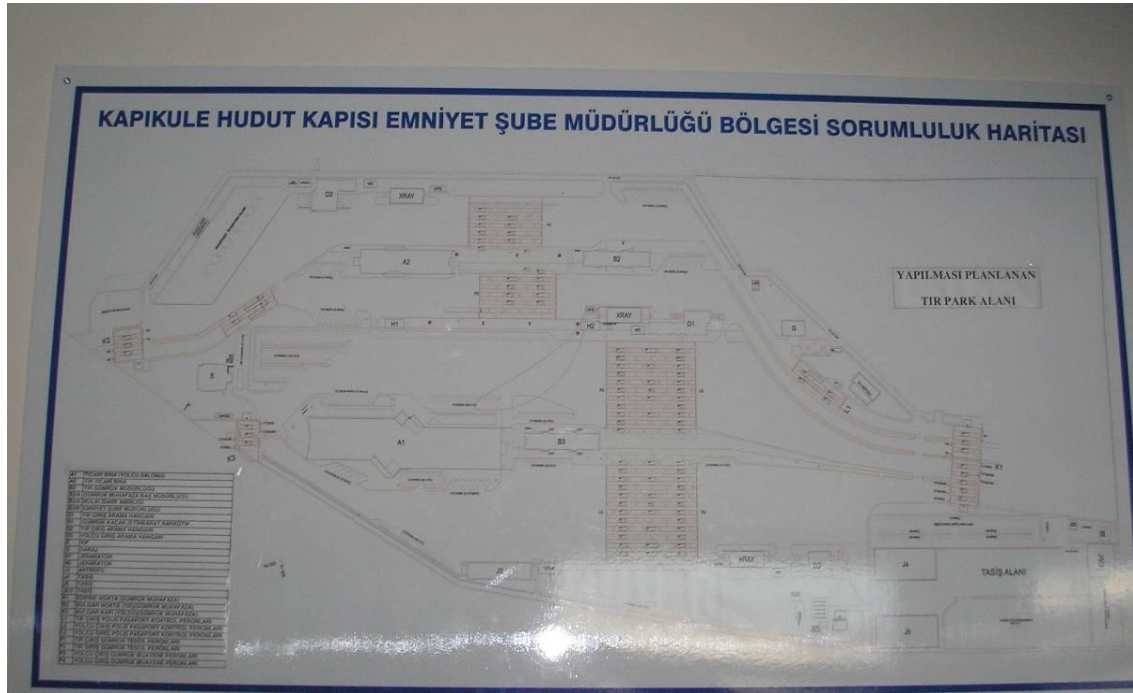
Another problem identified in the design is with respect to the security breach:

“Between the registration plate reader and the passport control – there is a wide area which allows passengers entering Turkey in vehicles to get out of their cars before they have cleared passport control and even visit the duty free shops, restaurants and various other facilities – this is a direct security breach and does not allow for the effective, efficient and secure control of passengers and vehicles entering Turkey. This area should be blocked-off from all passengers until such time as they have cleared Passport Police and Customs controls.” (TR0702.15-02/001, 2011b).

The EU experts identified that the design, layout and structure of the BCP was, mainly determined by GTI, the private operating company responsible for the administration of the BCP. It is therefore recommended that the Ministry of Customs and Trade and Passport Police hold meetings with GTI, to ensure that certain infrastructure changes are undertaken, as a matter of priority.

These observations suggest that priority should be given to efficient and effective operational functionality of the border check procedures. Commercial interests of the operating companies should be secondary.

Figure 3. Map of Kapıkule BCP



Source: EU Technical Assistance Project for Border Checks
(Project no: TR0702.15-02/001)

The private operator GTI makes profit from the weighbridge for heavy goods vehicles. The information collected is not connected to any other database. However, as recommended by the EU experts:

“International Vehicle Weight Certificate should be accepted routinely and trucks should not be subject to repetitive and time-consuming weighing controls and the ES-Truck Vehicle Weighing System operated by GTI, should be integrated into Customs Information Systems.” (TR0702.15-02/001, 2011b).

This chapter reviewed and discussed the specificities of the three types of BCPs in Turkey in order to have a deeper understanding of the Turkish case and to emphasize the diverging challenges to ensure border security with the involvement of the private actors.

CONCLUSION

This study has evaluated the case of Turkey with a view to understand the motivations behind the current border management policy and the efficiency of the implementation. Turkey is undergoing a vast set of restructuring at its borders and implementing a policy of privatisation of the BCPs. The type of privatisation appears in different forms at different types of BCPs (land, airports, and seaports). The level of involvement of the non-state actors also varies considerably. This process has started to take place in the last decade and continues in a fast pace. In this very dynamic process, studies on a draft law for the transformation of the border management tasks to one single border security authority are ongoing, together with the efforts to regulate and agree on ways of coordination and cooperation among the border actors. This carries with it intensive efforts to establish new information communication infrastructure responding to needs of modern era, mainly guided by EU standards in the accession process. At this important timeline, the impact of the private sector involvement on the security aspect was not sufficiently dwelled upon.

The engagement of the private sector in border management in Turkey is continuing in a steady pace and in an evolutionary process. This pace is regarded as positive since it does not appear in an environment where the State is pushed due to a certain immediate factor that require vast changes in a short period of time.

In Turkey, the core state tasks are not dependent upon the private sector (yet). The reason for that is the immaturity of the border management practices. Turkey is in a transformation period and the tendencies observed in the strategies of the state border authorities show that this process will end up with a more structured involvement of the private actors.

The cooperation and coordination with the private sector is a concern in relation to the checks of both the persons and the commodity. Therefore, the stakeholders are basically the customs and the police in Turkey. Moreover, the Ministry of Interior is also holding a considerable share as taking the lead in reforming border management in Turkey. The

future border security organisation seems to become the main counterpart for the private sector actors in this area.

The Turkish case demonstrates that Turkey needs to catch up with the practices in the European Union and the United States in particular on obtaining the advance information from the carriers. However, having a structured mechanism to receive pre-arrival information is not sufficient to have an effective border management. There should be a strong capacity to analyse the obtained data and translate them to elements bringing to identification of the risky flows. In the absence of a properly functioning risk management system, the involvement of the private actors would be of no use for the State.

Another identified issue at Turkey's BCPs in relation to the participation of the private sector is about the infrastructure. The State authorities should be paying particular attention to the design of the BCPs with a view to facilitate the procedures in line with the basic principles of border management. The security considerations as well as the appropriate sequence of the steps of border controls should take precedence over the private actors' profit-making concerns.

The motivating factor for reforming border check procedures is more economy-driven rather than security. At the higher strategic level, the privatisation policy is adding up to this course of action.

Apart from the above mentioned internal pull factors, the EU accession process is a push factor towards more extensive involvement of the private sector in border procedures. In order to harmonise the legislation and administrative practices with the EU acquis and standards, Turkey is determined to take necessary steps. Another external push factor is the ever evolving and demanding rules and recommendations of the international organisations that are finding roots in the United States policy of combating terrorism after 9/11.

The concept of state sovereignty in Turkey is also in a transformation process. This side of the overall impact requires particular attention and sensitive consideration of the decision makers at this very time period when the laws, regulations and administrative protocols on IBM are under severe discussion among the state authorities concerned. In this connection, the new regulations should take into account the issue of accountability

of the private sector. In Turkey, the risks of having private in are not avoided yet by regulations and/or administrative measures. Their access to valuable or sensitive information is uncontrolled. Moreover, there are no concrete rules set forth on the protection of data and privacy. The public interest is therefore cannot be regarded as sufficiently safeguarded. Protection of data and the abidance of the staff to the ethical rules should be ensured in the legislation.

There is a gap of legislation in Turkey as regards the involvement of the private sector. The State should make use of its sovereign right to regulate. Regulations should primarily cover details on the supervision power and authority of the state on the private actors. In addition, the regulations should specify the border check tasks with the purpose of avoiding duplication and confusion of tasks on securing the BCP and therefore the territory.

The economic impact of the privatisations of the BCPs has not yet been analysed. However, there are indicators that those upgrades in the infrastructure are contributing positively to the economy.

Transformation of security governance is visible in Turkey's case as the previously core state tasks in security domain are being transferred to the private sector gradually.

The privatisation policy considerations with respect to the BCPs are limited to the economic efficiency. The impact of private sector involvement on security has been neglected.

Despite the privatisations, bureaucratic procedures are there causing delays. Prioritisation of the public needs vis-à-vis the profit concerns of the private sector should be done in a more decisive manner. Flexibility in the infrastructure should be the main principle for efficiency at the BCPs.

The privatisation of border security process in Turkey is an indication of the State being "managerial" where sovereignty and governmentality co-exist. Turkish State is also acting in a non-traditional manner in order to manage the country rationally. On the other hand, the critical points that are raised in the literature concerning governmentality are also observed in the Turkish case. The problems that potentially may arise from lack of regulation and strong supervision appears to be valid in Turkey. Deficiencies in

regulation and supervision by the State as well as increasing dependency on private actors unavoidably weaken the “sovereign state” in its classical meaning. Thus, it can be said that Turkey can be expected to perform its regulatory function over the private enterprises, and keep the reform process and the transformation of the border management tasks under strict control.

The key idea of this study has been the “change”, the transformation of the concepts of borders, security and consequently the state. The consequence of the shifting roles in governance of border security does not comprise merely the involvement of private actors. Private sector participation appears to be rather the cause. The indirect consequence is its impact on the sovereignty of the states. In the new era of the borderless world, states have the means to grow stronger in combating the new security threats by making intelligent use of non-state actors, mainly the private companies. Regardless of the level of involvement of the private sector however, it is still the states retaining the power to take policy decisions and holding the monopoly to regulate the security. Therefore, utilisation of regulatory and supervisory functions of the states lies at the heart of the upcoming debate on the transformation of security governance.

REFERENCES

- Ackleson, J. (2003). *Securing Through Technology? 'Smart Borders' after September 11th*, Knowledge, Technology & Policy, Vol. 16, No.1
- Action Plan on the Stockholm Programme
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0171:EN:NOT>,
 13 January 2013
- Albert, M. (2000). *From Defending Borders towards Managing Geographical Risks? Security in a Globalised World*, Geopolitics, Vol.5, No.1
- Aldis, A. and Herd, G. (2004). *Managing Soft Security Threats: Current Progress and Future Prospects*, European Security, Vol 13
- Arısan, Eralp N. (2010). Interview in Turkish Weekly
- Avant, D. (2004). *The Privatization of Security and Change in the Control of Force*, International Studies Perspectives 5
- Avant, D. (2005). *The Market Force: the Consequences of Privatizing Security*, Cambridge: Cambridge University Press
- Baldwin, David A. (1997). *The Concept of Security*, Review of International Studies 23, no.1
- Bavlı, Avgören, S. (2009). “Uluslararası Arz Zinciri Güvenliği, Düzenlemeler, Uygulamalar ve Türkiye”, Gümrük Uzmanlık Tezi
- Berndtsson, J. and Stern, M. (2011). *Private Security and the Public-Private Divide: Contested Lines of Distinction and Modes of Governance in the Stockholm-Arlanda Security Assemblage*, International Political Sociology 5
- Bigo, D. (2002). *Security and Immigration: toward a critique of governmentality of unease*, Alternatives: Global, Local, Political, 27 (1): 63-92
- Bigo, D. (2006a). *Security, exception, ban and surveillance*, in Lyon (ed.), "Theorizing Surveillance: The Panopticon and Beyond", Cullompton: Willan Publishing
- Bigo, D. (2006b). *Internal Security and External Aspects of Security*, European Security, Vol. 15, No.4
- Born, H. and Caparini, C. (2007). *Regulating Private Security in Europe: Status and Prospects*, Geneva Centre for the Democratic Control of Armed Forces (DCAF), Policy Paper no:20

- Buzan, B. and Hansen, L. (2009). *The Evolution of International Security Studies*, Cambridge University Press
- Chaflin, B. (2007). *Customs Regimes and the Materiality of Global Mobility – Governing the Port of Rotterdam*, *American Behavioral Scientist* 50:1610, SAGE Publications, Vol 50, Number 12
- Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data
- Council Directive (draft) 2011/0023 (COD)
- Daase C. and Friesendorf C. (eds), (2010). *Rethinking Security Governance - The Problem of Unintended Consequences*, “The Routledge Handbook of New Security Studies”
- Demirel, B. (2009). *Private Container Terminal Efficiency in Turkey*, Master’s thesis
- Doyle, T. (2011a). *The Future of border management*, in the “Border Management Modernization” (Eds. Gerard McLinden, Enrique Fanta, David Widdowson, Tom Doyle), The World Bank Publication, Washington D.C.
- Doyle, T. (2011b). *Information and communications technology procurement for border management*, in the “Border Management Modernization” (Eds. Gerard McLinden, Enrique Fanta, David Widdowson, Tom Doyle), The World Bank Publication, Washington D.C.
- Dunne, T. et al. (eds), (2007). *International Relations Theories*, Oxford University Press
- Duran, M. (2005). *Türkiye’nin Deniz Taşımacılığı ve Uluslararası Gemi Liman Tesisi Güvenlik Kodu Uygulamasının Kaçakçılıkla Mücadele Açısından Değerlendirilmesi*, Gümrük Uzmanlık Tezi
- Epstein. C. (2007). *Guilty Bodies, Productive Bodies, Destructive Bodies: Crossing the Biometric Borders*, *International Political Sociology*, I
- Gammeltoft-Hansen, T. (2009). *The refugee, the sovereign and the sea: European Union interdiction policies*, in R.Adler-Nissen and T.Gammeltoft-Hansen (eds), *Sovereignty Games: Instrumentalising State Sovereignty in Europe and Beyond*, London: Plagrove
- Giandomenico, M. (1997). *From the Positive to the Regulatory State: Causes and Consequences of Changes in the Mode of Governance*, *Journal of Public Policy* 17, no.2
- Guidelines for Integrated Border Management in EC External Cooperation, November 2009, European Commission Publication

- Guild, E. and Carrera, S. (2009). *Towards the Next Phase of the EU's Area of Freedom, Security and Justice: The European Commission's Proposals for the Stockholm Programme*, CEPS Policy Brief, No: 196/20
- Halliday, F. (1996). *The future of international relations: fears and hopes*, in "International theory: positivism and beyond", (Eds. Steve Smith, Ken Booth, Marysia Zalewski)
- Hanggi, H. (2004). *Conceptualising Security Sector Reform and Reconstruction*, in Hänggi, Bryden (Ed.) *Reform and Reconstruction of the Security Sector*, Geneva Center for the Democratic Control of Armed Forces (DCAF)
- Jackson, R. and Sorensen, G. (2007). *Introduction to International Relations – Theories and Approaches*, Oxford University Press
- Janecke, H. (2010). *Managing and Delivering an airport privatisation programme: Case study of the Republic of Congo*, Henry Stewart Publications 1750-1938 Airport Management, Vol 5. No.1
- Krahmann, E. (2005). *From State to Non-State Actors: The Emergence of Security Governance*, (ed.) *New Threats and New Actors in International Security*, Palgrave
- Krahmann, E. (2007). *Security: collective good or commodity?*, *European Journal of International Relations*, 14 (3)
- Leander, A. (2006). *Eroding State Authority? Private Military Companies and the Legitimate Use of Force*, Rome:Centro Militare di Studi Strategici
- Leander, A. (2010). *Commercial Security Practices*, in "The Routledge Handbook of New Security Studies"
- Linder, H.S. (1999). *Coming to Terms With the Public-Private Partnership – A Grammar of Multiple Meanings*, *American Behavioral Scientist*, 43: 35, SAGE Publications
- Lodge, J. (2010). *Quantum Surveillance and 'Shared Secrets'-A Biometric step too far?*, CEPS "Liberty and Security in Europe"
- Lynch, T. and Walsh, A.J. (2000). *The good mercenary*, *Journal of Political Philosophy*, 8: 133-53
- McLinden, G. (2011). in the "Border Management Modernization" (Eds. Gerard McLinden, Enrique Fanta, David Widdowson, Tom Doyle), *The World Bank Publication*, Washington D.C.

- Mörth, U. (2007). *Public and Private Partnerships as Dilemmas between Efficiency and Democratic Accountability: The Case of Galileo*, European Integration, Vol.29, No.5
- Nesimoğlu, U. G. (2008). “Varış ve Kalkış Öncesi Bildirim ve Risk Analizi Açısından Değerlendirilmesi”, Gümrük Uzmanlık Tezi
- Oral, E. Z., Kişi, H., Cerit, A. G., Tuna, O. and Esmer, S. (2007). *Port Governance in Turkey*, Devolution, Port Governance and Port Performance Research in Transportation Economics, Volume 17
- Owen, T. (2010). *Human Security, A Contested Contempt*, in “The Routledge Handbook of New Security Studies”
- Palacio, M. (2009). *An Evaluation of Geopolitical Borders*, Journal of Poverty, 13
- Percy, S. (2007). *Mercenaries: STRONG NORM, WEAK LAW*, International Organization, 61(2)
- Regulation (EC) No.684/2005
- Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R0562:EN:NOT>,
 13 January 2013
- Rosenau, J. (1992). *Governance, Order and Change in World Politics*, in “Governance without Government: Order and Change in World Politics, eds. James N. Rosenau and Ernst-Otto Czemplie, 1-29 (Cambridge University Press)
- Rosenau, J. (1996). *Probing puzzles persistently: a desirable but improbable future for IR theory*. in “International theory: positivism and beyond”, (Eds. Steve Smith, Ken Booth, Marysia Zalewski)
- Rosenau, V.P. (1999). *The Strengths and Weaknesses of Public-Private Policy Partnerships*, American Behavioral Scientist, 43: 35, SAGE Publications
- Rothschild, E. (1995). *What is Security?*, Daedalus 124, no.3
- Salter, Mark B. (2010). *Surveillance*, in “The Routledge Handbook of New Security Studies”
- Singer, P.W. (2003). *Corporate Warriors: The Rise of the Privatized Military Industry*, Ithaca, NY: Cornell University Press
- Snyder, J. (2004). *One World, Rival Theories*, Foreign Policy no 145 N/D

Stockholm Programme

[http://eur-ex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010XG0504\(01\):EN:NOT](http://eur-ex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010XG0504(01):EN:NOT),
13 January 2013

Stone C. and Zissu A. (2007). *Registered Traveller Program: The Financial Value of Registering the Good Guys*, Review of Policy Research, Vol.24, No:5

Trim, P. (2011). *Public-private partnerships in defence industry and the extended corporate intelligence and national security model*, Strategic Change 10: 49-58

Updated EU Schengen Catalogue on External borders control, Return and readmission
<http://www.consilium.europa.eu/media/1406673/st07864.en09.pdf>, 13 January 2013

Van Buuren, J. (2009). *Security as a Commodity – The Ethical Dilemmas of Private Security Services*, Inex Policy Brief No.6

Volkov, V. (2000). *Between Economy and the State: Private Security and Rule Enforcement in Russia*, Politics Society 28:483

Waldrop, M. Mitchell. (1992). *Complexity: The Emerging Science at the Edge of Order and Chaos*. New York: Simon & Schuster

Walt, S. M. (1991). *The Renaissance of Security Studies*, International Studies Quarterly 35, no.2

Widdowson, D. and Holloway, S. (2011). *Core border management disciplines: risk based compliance management*, in the “Border Management Modernization” (Eds. Gerard McLinden, Enrique Fanta, David Widdowson, Tom Doyle), The World Bank Publication, Washington D.C.

Woever, O. (2004). *Aberystwyth, Paris, Copenhagen New ‘Schools’ in Security Theory and Their Origins between Core and Periphery*, Annual Meeting of International Studies Association, Montreal, March 17-20 2004

Zarnowiecki, M. (2011). *Borders, their design, and their operation*, in the “Border Management Modernization” (Eds. Gerard McLinden, Enrique Fanta, David Widdowson, Tom Doyle), The World Bank Publication, Washington D.C.

2768th Justice and Home Affairs Council meeting in Brussels (4-5 December 2006)

TR0702.15-02/001 Technical Assistance for Development of the Border Management Roadmap and Execution of a Border Gate Survey in Turkey, Risk Assessment Report (2011a)

TR0702.15-02/001 Technical Assistance for Development of the Border Management Roadmap and Execution of a Border Gate Survey in Turkey, Field Survey and Need Assessment Report (2011b)

EU 2011 Progress Report on Turkey

http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf, 13 January 2013

ÖZGEÇMİŞ

Kişisel Bilgiler

Adı Soyadı : Burçe Arı
Doğum Yeri ve Tarihi : Ankara, 16.06.1974

Eğitim Durumu

Lisans Öğrenimi : Ankara Üniversitesi Hukuk Fakültesi
Yüksek Lisans : Hacettepe Üniversitesi Uluslararası İlişkiler
Öğrenimi Bölümü
Bildiği Yabancı Diller : İngilizce, Fransızca

İş Deneyimi

Stajlar : Avukatlık Stajı

Çalıştığı Kurumlar : Arı Hukuk,
Dışişleri Bakanlığı,
Avrupa Birliği Türkiye Delegasyonu

İletişim

E-Posta Adresi : burce.ari@eeas.europa.eu

Tarih : 18.01.2013