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THE FIFTEENTH PLENARY SESSION OF THE GENERAL ASSEMBLY
LEGAL AND POLITICAL AFFAIRS COMMITTEE

REPORT

LEGISLATIVE FRAMEWORK FOR COOPERATION
AMONG THE LAW-ENFORCING CUSTOMS AND
MIGRATION AUTHORITIES

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I. INTRODUCTION

1. Within the context of the latest developments regarding strengthening of economic cooperation in the Black Sea region, the PABSEC Legal and Political Affairs Committee took up the subject on “Legal framework of cooperation among the law-enforcing, customs and migration authorities” as one of the main determinant of successful interaction between the countries and the regional cohesion. Present Report is submitted to the Fifteenth Meeting of the Committee in Moscow on 19-20 April 2000 and the Fifteenth General Assembly in Tirana on 6-8 June 2000.

Background

2. During the period since its establishment, the Parliamentary Assembly of the Organisation of the Black Sea Economic Cooperation has addressed itself to the discussion of priority issues for setting up sound legal framework for vigorous economic cooperation in the Black Sea region. From the very first meetings, the areas of prime importance such as law-enforcement, customs and migration were in the focus of the Parliamentary Assembly. The core of this work dealt with crime prevention and fight against organised crime and terrorism; impediments to trade, investment and services flows; improvement of foreign trade regimes; customs and standards; social and economic deterioration; forced migration and human trafficking. The Assembly analysed all these problems and came up with the Reports and Recommendations* on improvement of legislative framework in the related fields and enhancement of all aspects of cooperation in the Black Sea region.
3. At the same time, the Organisation of the Black Sea Economic Cooperation, devoted the work of its working groups as well as the specialised meetings and the seminars to the topical issues of cooperation in the fields of law-enforcement, customs and migration. It is noteworthy to mention, that the documents of the BSEC Summits and the initiatives elaborated at the four meetings of the BSEC Ministers of Internal Affairs and the Special BSEC Meeting of the Ministers of the Foreign Affairs with participation of the Ministers responsible for Economic Affairs significantly boosted cooperation among the law-enforcement, customs and migration authorities in the Black Sea region.

Scope of the Report

4. The present report can be considered as a follow-up of the recommendations adopted by the Assembly in relevant areas of cooperation, on the one hand, and

* Report and Recommendation 15/1996 on Cooperation among the PABSEC Member Countries in Combating Organised Crime; Report and Recommendation 17/1996 on Basic Principles of the Black Sea Convention on Combating Organised Crime and Terrorism; Reports and Recommendation 1/1994 and Recommendation 20/1997 on the Improvement of Customs Regulations among the BSEC Member Countries; Report and Recommendation 23/1997 on Harmonisation of Foreign Trade Regimes in the BSEC Participating States; Report and Recommendation 21/1997 on Rights and Social Protection of Refugees and Displaced Persons in the Black Sea Region; Report and Recommendation 35/1999 on Legal Framework on Combating Trafficking in People.

examination of the new developments in law-enforcement, customs and migration spheres, on the other. It also traces the challenges in the light of new vision of global response to the problems encountered in these areas and focuses on the necessity of sustained national and dynamic regional and international cooperation.

5. It has to be stressed that the present report does not contain detailed country-by-country information and statistics on crime-prevention, customs regulations or migration since the previous reports mentioned in the paragraph 2 presented comprehensive information including national policies and measures undertaken at national, bilateral, regional or international levels.
6. Contributions for the Report and Recommendation have been received from the national delegations of Armenia, Greece, Moldova, Romania, Russia and Turkey. In addition, the Rapporteur has made use of reference materials obtained by the PABSEC International Secretariat from the official internet sites of the Council of Europe, European Commission, Organisation for Economic Cooperation and Development (OECD), the United Nations Centre for International Crime Prevention (CICP), Interpol, International Organisation for Migration, World Customs Organisation, the World Bank, European Union, UN/ECE, etc.

II. LEGAL FRAMEWORK FOR COOPERATION AMONG THE LAW-ENFORCEMENT, CUSTOMS AND MIGRATION AUTHORITIES

7. All the three PABSEC committees covered the issues related to the legal framework for cooperation among the law-enforcing, customs and migration authorities in the years 1994-1999. These meetings thoroughly discussed the origin and scope of the existing problems, outlined the necessary measures to be taken by the countries individually and collectively, reviewed the process of elaboration or modification of existing legislative basis in the Black Sea countries and multilateral instruments and initiatives.
8. Today, taking into consideration the new stage of the Black Sea economic cooperation process as well as the new political, economic and social conditions in Europe and the world at large, we come back to the problem of cooperation among the law-enforcement, customs and immigration authorities with a view to identify the progress made and evaluate the new developments at national, bilateral, regional or international levels.

Cooperation in the field of law-enforcement

9. Crime and especially its organised form deeply rooted in the world community progresses in the Black Sea region regardless the methods and mechanisms taken against it. The criminal situation and the relevant combating measures are rather complicated in the countries in transition facing twofold impact of criminal actions aggravated by the heavy plight of socio-economic reforms. It should also be noted that newly independent states with fragile structures, unstable political climate, prevailing social unrest and wide-spread unemployment become hotbeds for crime to emerge and strengthen.

10. The national parliaments of the Black Sea countries place particular importance upon the review, update and modernisation of the existing legal regulations and elaboration of a proper legislative framework compatible to the international standards meeting the challenges of contemporary society. As a response to the criminal actions in the Black Sea region new legal enforcement policies are outlined and nation-wide programmes are launched. In its turn, PABSEC repeatedly recommended to mobilise strategies both at national and regional levels to end tolerance of crime and to implement proper combating measures against organised crime, drug and arms trafficking, corruption, terrorism, money laundering, etc. The two recommendations of the Assembly adopted in 1996 contain very important proposals on basic law-enforcement measures in this respect.
11. Although the success of national crime prevention efforts depends decisively on the policies undertaken by the law-enforcing institutions within the national borders, bilateral cooperation also plays important supportive role. Through the exchange of information, experience and expertise as well as assistance in combating measures the countries can efficiently deal with crime problem. According to the information from the national delegations: Armenia has bilateral agreements on legal assistance in civil, family and criminal issues with the Republic of Bulgaria and Georgia; Armenia has bilateral agreement with the Russian Federation on regulation of the process of a voluntary displacement; Greece signed bilateral agreements in law-enforcing area with Albania, Armenia, Bulgaria, Romania, Russian Federation and Turkey. In the stage of negotiations is the agreement with Ukraine. Greece also has trilateral agreements with Bulgaria and Romania; the Ministry of Interior of the Republic of Moldova concluded the bilateral agreement with Armenia, Azerbaijan, Bulgaria, Georgia, Romania, Russia and Ukraine; Moldova also has intergovernmental agreements with Romania and Ukraine. Romania has bilateral agreements with Albania, Bulgaria, Greece, Moldova, Turkey and Ukraine. Romania also has trilateral agreements with Bulgaria and Turkey, Bulgaria and Greece, Moldova and Ukraine.
12. One of the offences, directly affecting economic development and lately placed higher on the agenda in the countries is corruption. Rooted deeply in bureaucratic and political institutions through the theft of government financial resources or bribery, corruption penetrates both public and private sectors. The results of corruption are costly making a country vulnerable to financial crises and macroeconomic instability. As other forms of crime, corruption is more frequent in transition or developing economies where enforcement institutions are comparatively weak, government policies yet lax and social conditions poor. In order to tackle and control this ill practice it is necessary that economic policy and institutional reforms are developed, comprehensive strategies elaborated and a coordinated approach both at country and international level is outlined. Taking into consideration the negative consequences of corruption in the sector of SMEs and FDIs, so important for economic development, greater attention from PABSEC is necessary and it is appropriate if the issue is studied more deeply by one of the forthcoming meetings of the Committee.
13. One of the main issues raised by PABSEC in its recommendations was the establishment of mechanism of frequent contacts between the authorities of the

Black Sea countries with the aim to assist each other and get acquainted with the practices exercised by the authorities more advanced in crime prevention and fight against organised crime. At the same time, PABSEC recommended in 1996 the elaboration of a regional multilateral Convention on combating organised crime and terrorism and worked out the basic principles of this Convention.

14. In 1997 the BSEC launched the Meetings of the Ministers of Interior. The meetings held so far resulted in signing in Kerkyra (Greece) on 2 October 1998 of the Agreement among the Governments of the BSEC Participating States on Cooperation in Combating Crime, in particular in its Organised Forms. This Agreement envisages the mechanism of cooperation in the fields of prevention, suppression, disclosure and investigation of acts of terrorism, organised crime, illicit cultivation, production and trafficking in narcotic drugs and psychotropic substances, trafficking in weapons, international illegal economic activities, illegal migration, human trafficking, forgery of documents, trafficking of cultural valuables, corruption, computer crime, etc. At the same the Agreement puts forth cooperation in education and training of personnel, carrying out scientific research, development of information systems, communication means, special equipment, etc. As a forms of cooperation the Agreement outlines the mechanism of exchange of experience and information on organised criminal groups and trans-border crime; planning coordinated actions against criminal networks, taking necessary legal, administrative and security measures at the national borders to prevent smuggling, exchange of statistical data as well as national legal texts, organisation of meeting of experts, etc.
15. The Fourth Meeting of the BSEC Ministers of Interior is planned to be held in Romania on 27-28 April has evaluated the latest developments in crime prevention in the Black Sea countries and the region as a whole and adopted the Joint Statement.

Cooperation in the field of Customs

16. Improvement of customs regulations is one of the main pillars for creating favourable ground for the economic cooperation and freer trade. Promoting regional integration in the Black Sea region can bring considerable economic benefits to all participating countries in terms of sustained economic activity. This objective will be achieved only if the countries succeed to establish a stable and predictable legal framework of customs cooperation and harmonise contradictory regulations in the member countries.
17. PABSEC sees its role primarily in establishing proper legislative framework and facilitation of transfer of European customs standards to the member countries in view of softening the impact of considerable differences and disparities. Several PABSEC meetings discussed the basic issues related to economic cooperation and free trade in the Black Sea region calling for fostering and strengthening of the capacities of the least advanced member countries and of those in special need of accelerated economic development or recovery. A number of recommendations listed in the relevant documents adopted by the Assembly contributed in many ways to strengthen the process of economic transformation of the BSEC countries in transition.

18. The diversity of the economies in the Black Sea region with different practices, policies and legislative frameworks as well as economic and political obligations towards international or regional organisations they are affiliated with complicates the process of harmonisation of customs regulations. Nevertheless, BSEC countries adopted the Declaration of Intent for the Establishment of the BSEC Free Trade Area, which will boost effective intra-regional trade and make more efficient economic links. Although the process of implementation of necessary legislative or administrative changes have already started in the Black Sea countries, still there are major discrepancies in the field of customs and measures taken so far are not enough to fulfil the jointly expressed will.
19. Customs regulations constitute urgent priority for the process leading to the establishment of the BSEC Free Trade Area. This process requires practical measures from the member countries for speeding up the process of upgrading of regulations and practices in the customs sphere among the BSEC member countries and preparation of bilateral and multilateral agreements. According to the information from the national delegations: Armenia signed the inter-governmental and inter-agency agreements within the CIS framework on cooperation and assistance in customs affairs; on cooperation and assistance between customs authorities for combating illicit drugs and psychotropic substances and on cooperation and assistance in prediction and return of trafficked cultural valuables. At the same time, Armenia signed customs agreements with Bulgaria and Greece. Greece signed bilateral agreements in customs area with Armenia, Romania and Turkey. In the stage of negotiations is the agreement with Ukraine.
20. Sustained economic development and free trade depend upon the extension of cross-border cooperation and interaction between the authorities directly involved in this process. Efficient work of the customs authorities, both at national and regional levels, determines success of regional economic interaction and development. The problem of border crossing is one of the most important concerns. Long delays in transiting international borders are not only an inconvenience to travellers but also is a serious obstacle to economic development and trade. These problems are costly to the individuals and companies currently engaged in commerce and are discouraging to potential new entrants. In order to solve this matter, it is important to improve physical border facilities, to simplify, standardise and efficiently apply customs laws, regulations and practices as well as upgrade border services.
21. It should be stressed that integration into a multilateral trade system and flow of cross-border trade gives good opportunity to illegal traffickers as well. In this respect, liberated trade regimes and simplified border-crossing formalities have to include persistent protective mechanisms in order to facilitate legitimate trade on the one hand, and eliminate illegal traffic, on the other. It is very important that customs authorities better cooperate with their counterparts in the region as well as establish well-articulated mechanism of cooperation with law-enforcing agencies in the Black Sea countries.

Cooperation in the field of migration

22. Expansion of cross-border cooperation requires efficient border crossing procedures and infrastructures as well as proper visa regimes facilitating greater regional cohesion. The integration policies have to be focused on strengthening cooperation in harmonisation of visa regimes, facilitation of exchange of information on migration trends, freedom of travel for the citizens of the BSEC member states, cooperation among national border control agencies, etc. The very first meeting of the PABSEC Legal and Political Affairs Committee was dedicated to the harmonisation of visa regimes in the Black Sea countries.
23. Integration and liberalisation of border-control brings about the problem of illegal and illegal transit migration, which is a serious problem encountered by the Black Sea countries. Increased migration flows in the Black Sea region are brought about by various causes including social and economic deterioration, growth in unemployment, financial crises, overall poverty and many others. On the other hand, high living standards and better socio-economic conditions in some of the member countries attract illegal migrants. Finally, the ethnic conflicts in the region lead to sizeable displacements of the resident populations towards certain Black Sea countries. According to the information from the Moldovan delegation, many citizens of Moldova are illegally working in Greece and are exempted from any kind of social protection. In this respect, it is necessary that intergovernmental agreements are concluded between the member countries concerning temporary migrant workers and their social protection. The Republic of Moldova has bilateral agreements with the Russian Federation and Ukraine concerning temporary working activity and social protection of the citizens of both countries. At present under negotiations are bilateral agreements between Moldova and Azerbaijan, Georgia and Romania.
24. Difficult socio-economic situation in the Black Sea countries is being used by the criminal groups specialised in trafficking in people facilitating clandestine migration and illegal employment. Trafficking in people with its various manifestations – migrant smuggling, trade in children, trafficking in women, illegal employment, etc. - acquires more general character and becomes extremely dangerous for normal development of the society.
25. Illegal migration and trafficking in human beings are complex problems touching upon several areas of government policy, including those on criminal, judicial, migration and social spheres. In this respect, the relevant governmental agencies have to cooperate in a very coordinated manner to prevent and stop illegal border-crossing. The PABSEC member countries have to be more active in introducing and enacting legislation regulating border-crossing - tightening and loosening where necessary criteria for entry, residence or employment, i.e. facilitating free movement of people securing their rights and, at the same time, focusing upon the necessary measures to curb illegal border-crossing and reduce human trafficking and illegal entry.
26. Migration authorities have to better cooperate with police and other enforcement agencies to play a critical role in tracing and revealing trafficking operations. At the same time, the member countries have to use existing multilateral regional or

international instruments. In this respect, illegal migration problem can be considered within the framework of the Agreement among the Governments of the BSEC Participating States on Cooperation in Combating Crime, in particular in its Organised Forms.

27. The above chapters prove that most of the problems in the spheres of law-enforcing, customs, border crossing and migration encountered in the BSEC region are very much intertwined and interrelated. This means that relevant law-enforcement, customs and migration authorities have to mobilise joint response to address them with adequate measures. Participation in solving priority problems and proper cooperation and coordination between and among the law-enforcement, customs and migration authorities and their counterparts at national and regional levels are extremely important. Exchange of information between and among the above mentioned authorities on permanent basis within the state borders and in the region as a whole can greatly contribute to prediction and fight against crime and crime related offences including illegal traffic, illegal border-crossing and illegal migration.
28. On the other extreme, facilitation of the Black Sea Economic Cooperation requires more sophisticated approach at national and regional levels by the law-enforcing and border crossing authorities to harmonise relevant rules and regulations and reach the desired level of exchange of goods and services in the region and serve as a transit route beyond it.

III. INTERNATIONAL COOPERATION

29. The multilateral economic cooperation in the 21st century has to be considered within the scope of the latest political, economic and security developments in the contemporary world where the individual nations can no longer formulate their economic policies without taking into account their responsibilities in a regional and global framework. The prospect of the European Union's enlargement brings new dynamism to the process of European integration. Being the centre of political and economic gravity in Europe, the strategy of expanding EU towards the east embracing also some of the PABSEC member countries is an important process extending stability, economic prosperity and security to the adjacent regions in the name of wider European cooperation and integration.
30. Within this context, regional and sub-regional initiatives have become important elements in enhancing collaboration in the European space. For this reason, establishment of closer interaction with European regional and sub-regional organisations and initiatives such as South East European Cooperative Initiative (SECI), the Central European Initiative (CEI), Royaumont Process and the South Eastern Europe Cooperative Process (SEEC), having similar tasks and problems to resolve and embracing the six PABSEC member countries located in the central and south-eastern Europe, acquires more significance. On the other hand, exchange of experience and expertise with the Inter-parliamentary Assembly of Commonwealth of Independent States - uniting in its membership six former Soviet Union PABSEC countries - facilitates solution of many problematic issues.

31. At the same time, PABSEC has to continue its active partnership with the internationally renowned organisations like OSCE PA, PACE, IPU, etc., in order to secure efficient use of existing international instruments in the areas of interest, including implementation of major multilateral projects and promotion of the joint policies for combating organised crime, drug trafficking and illegal migration, improvement of socio-economic situation, etc. In this respect, establishment of closer cooperation with the European Parliament is very important.

Recent international and sub-regional initiatives

32. Problems in the sphere of law-enforcement, customs and migration are in the centre of the international attention. Many international organisations are concerned over the global threat of international illegal activities. Increased in scope, intensity and sophistication, it stretches over the world community without respect for national boundaries. This is why, the international organisations deem necessary to meet these problems through a comprehensive approach, multidisciplinary and integrated strategy shared by the countries also at the regional and sub-regional levels.
33. *The Tenth United Nations Congress of the Prevention of Crime and the Treatment of Offenders*, held in Vienna on 10-17 April 2000 adopted the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty First Century, which stressed the concern about the impact on the societies of the commission of serious crimes of a global nature and convinced of the need of bilateral regional and international cooperation. It also adopted the United Nations Convention against Transnational Organised Crime and the supplementary protocols: Protocol against the Smuggling of Migrants by Land, Air and Sea; Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
34. *The UN Centre for International Crime Prevention* pays special attention to combating transnational organised crime, corruption and illicit trafficking in human beings. The Centre also co-operates with a network of international and regional institutions allowing for a more comprehensive approach and an exchange of expertise. The Centre promotes the fundamental principles of the maintenance of the rule of law through integrated national, regional and interregional policies. The Centre focuses on three areas: anti-corruption, trafficking in human beings and control of organised crime. Particular attention is devoted to post-conflict situations, to developing countries, and to the countries with economies in transition.
35. On the initiative of the *Parliamentary Assembly of the Council of Europe*, the Speakers and Presidents of all European national and international Parliamentary Assemblies will gather in Strasbourg on 5 and 6 May 2000. The main theme of the Conference is complementary role of national parliaments and European Parliamentary Assemblies in shaping a greater democratic Europe and consists of two sub-themes – how to coordinate action between the national parliaments, the Parliamentary Assembly of Council of Europe and other European Assemblies in the drawing-up and implementation of European norms and the role of parliaments in the combat against organised crime and corruption.

36. Council of Europe's fight against corruption and organised crime is progressed through the *Conferences of European Ministers of Justice*. The latest Conference was held in Prague on 10-11 June 1997 and discussed the links between the corruption and organised crime. It came up with the Programme of Action against Corruption.
37. *Organisation for Economic Cooperation and Development* elaborated the OECD Convention on combating bribery of foreign public officials in the international business transactions, which entered into force on 15 February 1999. Among the countries that ratified the Convention are two PABSEC countries – Bulgaria and Greece. The Convention permits the OECD and other countries to move in a coordinated manner to adopt national legislation making it a crime to bribe foreign public officials. It requires from countries to impose dissuasive sanctions upon corruption and to provide mutual legal assistance in this respect.
38. *International police co-operation (Interpol)* – covers all types of criminal activity with international ramifications but it is particularly important in certain specific areas like crimes against persons, crimes against property, organised crime and terrorism. In addition to studying all the aspects of organised crime the long term plan is elaborated aiming at creation of a database of organisations and groups of persons permanently engaged in criminal activities and regularly updating a computerised file of information on individuals, associations and groups engaged in international organised crime.
39. *SECI Centre for Combating Trans-border Crime* was recently established for development of effective joint interagency working relationships between and within participating states. It seeks to identify, prevent, investigate and combat trans-border crime through information and document exchange and other appropriate activities, including facilitation of effective coordination, establishment and maintenance of channels of communication securing rapid exchange of information. It also assists to pending customs and criminal investigations of trans-border crime and identifies and studies the issues bearing on the quality of law enforcement cooperation in the region.
40. *Central European Initiative* through the relevant Working Group developed a number of activities related to the Trieste Declaration adopted by the Ministers of Interior in 1998. Within this framework CEI is actively involved in combating organised crime, drugs and arms trafficking, money laundering, terrorism, trafficking in human beings. It places particular importance on cooperation and coordination among relevant European and international organisations and regional cooperation initiatives, law enforcement agencies, border police and customs services in order to predict and halt trans-border crime.
41. *Commonwealth of Independent States* elaborated multilateral Convention on legal assistance and legal treatment in civil, family and criminal issues as well as CIS Agreements on cooperation among the CIS member states in fight against illegal migration; on cooperation and mutual assistance in customs affairs; on cooperation and mutual assistance in combating drug trafficking and psychotropic substances; on cooperation and mutual assistance in prediction and return of trafficked cultural valuables are important multilateral mechanisms.

IV. CONCLUSIONS

42. As is stated in the 1998 Yalta Summit Declaration and reaffirmed at the 1999 BSEC Istanbul Summit, the role of the Black Sea region in world politics and global economy will grow substantially in the twenty-first century. In this respect, strengthening of economic cooperation between and among the member countries and promotion of their full participation in the processes of European integration becomes priority strategy.
43. For this reason, BSEC and PABSEC have to increasingly view their objectives from an international prospective and being an integral part of Europe has to make its contribution to building new European architecture of the millennium. Strengthening cooperation with international, regional and sub-regional organisations will further pave the way towards sharing experience, better use of international resources and introducing new dimensions of cooperation as well as prevent duplications in activities.
44. The challenges of the new era of globalisation will require relevant innovation, development and greater synergy between the member countries in the specific areas of cooperation including law-enforcement, customs and migration.
45. Ongoing regional integration has to bring countries closer and enhance comprehensive bilateral initiatives and institutional contact as well as participation in joint plans and programmes at regional and international levels. PABSEC countries have to continue cooperation between law-enforcement, customs and migration authorities within the framework of existing mechanisms and study necessity and possibilities of concluding new bilateral agreements designed to cover more specific matters concerning certain countries and multilateral instruments providing coordinating policies permitting to collectively address the problems.
46. During the past six years significant progress has been made by the member countries in mobilising national efforts in addressing problems encountered in law-enforcement, customs and migration. The member countries have to take necessary steps to expand these activities and further shape a common, interwoven set of interests that complement the national policies aimed at overcoming prevailing problems.
47. It is equally important to jointly support the establishment of cooperative links with appropriate BSEC bodies as well as respective European institutions and the international organisations.
48. At the same time, the representatives of the national parliaments of eleven PABSEC countries have to spare no effort to help each other to recover social and economic situation and meet their obligations to ensure peaceful, secure and prosperous life of the peoples in the Black Sea region.