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Border Regimes and Security in an
Enlarged European Community Police
Co-operation with CEECs:
Between Trust and Obligation

DIDIER BIGO

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FOR ADVANCED STUDIES**

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Introduction

Policing by network, policing by remote control: these are the new forms of control and surveillance in European societies. They presuppose numerous changes: in targets, technology, control points and conceptions of security. These changes are exported towards the CEECs, but often without a clear understanding of the norms and interests which are at stake. The official discussions give rise to myths concerning the security deficit, a global mafia threat, and efficiency of the external border controls through the Schengen information system. They bring with them the belief in an homogeneous internal area without border checks and a strong external border even though the actual practices of policing show the contrary. External border controls are weak but a lot of internal controls continue to exist, even if they are privatised or delocalised. Controls have also *already* been launched in the countries on the periphery of the European Union by the strategy of policing by network and surveillance at a distance.

Before we can understand the effects on the CEECs of these new forms of policing it is necessary to describe them and their effects on the EU countries. In a nutshell, the activities of police forces, whether they are initiated by home affairs or justice departments, have been extended along two lines. First, the extension of police activities reaches *beyond national borders*, namely by the establishment of interconnections between the different countries. Second, new forms of control have considerably extended the sphere of police activity *beyond crime control*. The term "internal security" or "internal affairs" in use throughout Europe is an indicator of this double extension which is both geographical (through increased European cooperation) and structural (in the light of the new tasks assigned to the different security agencies).

The geographical extension and the consequent redefinition of spheres of competence have been much discussed, especially the causal link between economic globalisation, the increase in crime and the need to create a European police authority. Europe is presented alternatively as a "sieve" or as a "fortress" by those wishing to stress either the need to strengthen controls or the dangers to individual liberties brought about by strengthening of controls. However, the debate concerning *fortress Europe has little point* given that there can be no control of land borders in Europe without changing the whole economic and political system (Bigo Le Monde Diplomatique Octobre 1996). Thus, the practical implications of the theoretical transfer of internal border controls to the external borders of Europe have not been correctly assessed. Preoccupation with geographical extension has meant that there has been little discussion about the essential problem, which is the development of police activities in relation to the

control of transnational flows of people and the security aspects of immigration and even human rights.

The label "internal security" at the EU level has, however, created a new definition of police activities in all the different countries. It has carved out, through the numerous police activities of each European country with their strong individual differences, a common basis for action in the fields of terrorism, drug trafficking, and organised crime, which excludes some of the specificities of each country, but adds the common task of border surveillance and immigration controls. Within the European Community, legislation and the political debates concerning internal security have resulted in the Trevi informal agreement, Schengen Convention and Maastricht. They have created a *continuum* of internal affairs which include: the fight against terrorism and drug-trafficking, domestic and international organised crime, and illegal immigration as well as the surveillance of cross-border movements (migrants, asylum-seekers, travellers). The latter even stretches to persons who do not conform to the law-enforcers' image of "normal" national identity (*e.g.*, young people of immigrant extraction, minority groups, etc.). Even if Amsterdam and Tampere, by distinguishing between first and third pillar activities, have the effect of removing the link between asylum, migration and cross border activities, on the one hand and crime control on the other, it seems that the Commission still has difficulty in creating an alternative debate to that of the "necessity" of compensatory measures with regard to freedom of movement.

This debate on compensatory measures and security deficit created by the opening of the internal borders is one of the strongest myths of EU self-presentation. It is argued that the very nature of criminal activities - or what are claimed to be such - has rapidly evolved in the last 30 years, providing the explanation for the changes within police forces. Drug trafficking, cross border crimes, the globalisation of terrorism and mafia activities are always quoted to explain the transnationalisation of the police and the development of police networks at the European level. However, even if there is some truth in the idea that police forces seek to adapt constantly to what they perceive, or what is presented to them, as an objective threat (terrorism, mafia, organised crime), there are doubtless other reasons for this europeanisation of police activity. The most important of these reasons are:

- first, the struggle between and within various bureaucracies and services (police, customs, secret services, armed forces), and their competition for budgets and legitimacy. This obliges them to find more and more "European partners sharing the same vision" concerning the nature of the threat in order to impose their point of view at the national level;

- second, the move towards larger budgets for technological surveillance at a distance (information technology, satellites, non lethal weapons, etc.).

Leaving behind the debates of politicians on why the security deficit calls for europeanisation, we need to understand how the process of convergence and conflicts between the different official or private agencies of any one country and those between all or any of these agencies of another country leads to networks of policing around questions concerning the practices of surveillance: how to check, codify, classify, identify or categorise population movements and how to organise them; how to deter them from choosing the European territory as a point of arrival; how to exercise mobile surveillance adapted to these movements; how, if these populations cannot be massively expelled, to stabilise and normalise them ?

This is the type of knowledge that they share and exchange. It is often very technical and far removed from the rhetoric concerning rule of law in policing or democratic and community based policing. Each agency (the different national police forces, customs officers, immigration services, the diplomatic service and even the armed forces) presents its own solutions and considers itself as the more competent. However, this extension of activity, which favours a new conception of surveillance, especially benefits the interior ministries and ministries which are responsible for police with military status or border guards, in so far as they have established, in parallel with this extension, a network of relationships between officials responsible for European police co-operation. This gives them an excellent awareness of the situation existing beyond their own borders. The result is to confer considerable expertise in foreign affairs on such ministries - one might even speak of an "internationalisation" of home affairs departments. This process occurs to the detriment of social ministries (Health and Employment) or specialised ministries such as European Affairs. As a result, the spheres of activity of internal security ministries overlap those of ministries such as Foreign or European Affairs which have international responsibilities. Thus the former do not hesitate to take initiatives in the fields of immigration or foreign policy when the policies in question can have repercussions on internal security. They become essential counterparts of the leaders of countries generating strong emigrant flows or intervene directly when these countries are undergoing a political crisis. Conventional distinctions between domestic and foreign affairs thus lose their significance. Traditional points of reference and conventional delimitations between spheres of bureaucratic activity have been modified. With respect to the CEECs, it is important to understand the pre-eminence of interior and even defence ministers over foreign affairs ministers on these subjects.

This is not a temporary phenomenon. On the contrary, it is possible to determine the long-term tendencies of this extension of the functions of the police beyond national frontiers and into new forms of surveillance within our societies. These tendencies are not all linked to European construction, but result also from the evolution of the means of controlling international flows of goods, capital, information and persons as well as infighting within the security agencies. There is a progressive movement away from methods of surveillance established by nation-states, such as national identity cards and border controls of foreign citizens. In the 1970s, the security agencies began to establish interconnecting systems in order to create a *worldwide network based on computer records*, on the *presence of liaison officers* in foreign countries and on close European collaboration. The connections made by agencies and politicians at the EU level – following the example of the US – between terrorism, drugs, crime, delinquency, border surveillance, the fight against major trafficking, and control of illegal immigration *widen the spectrum of public security* to encompass different activities. Information and *military activities* to counter clandestine organisations from abroad, which use political violence against national citizens or which use the national territory as a transit zone or for the sale of drugs, usually fall into the domain of customs officers (border controls, the fight against trafficking, economic intelligence, etc.). They find themselves drawn into internal security and surveillance activities which are increasingly delegated to private operators on a local scale. The connection is stronger when the different agencies employ the same technologies and know-how (fingerprinting, unforgeable ID's, computerised tracking of entrance, residence, accommodation and exit, setting up expert IT systems, satellite surveillance, widespread data-stocking, etc.). The price of this new method of policing which is less concerned with territorial surveillance has been looser and less systematic attention to individual surveillance. The result for the great majority of people has been greater freedom of circulation within Europe. However, the prior designation of groups requiring closer surveillance, such as immigrants or ethnic minorities, has introduced an element of discrimination, especially since these groups are not the only potentially-criminal ones. The overlap between crime control and immigration control has modified the whole rationale and effectiveness of surveillance as well as causing a violent reaction from groups targeted for special surveillance. It involves more and more military technology and proactive surveillance from the secret services and diminishes the role of criminal or judicial police. At any time, however, the thrust of these new conceptions of surveillance can be altered in the interests of the different politicians in each country. Nothing is stabilised but there is a strong tendency to use technology as well as networking as a technique of policing.

In brief, policing is now carried out using networks. There are networks of administrative bodies in which customs officers, immigration offices, consulates and even private transport companies and private security companies join forces with national and local police forces. There are networks of information technology based on the creation of national or European data files on wanted or missing persons, on those who have been denied residence, expelled, turned back at the frontier or refused asylum (SIS, Interpol and Europol files). There are networks of liaison officers who have been sent abroad to represent their governments and enable information exchange as well as networks of semantics in which new doctrines and new concepts on conflict and political violence are developed. Remote policing is ever more pervasive with work done outside the national territory and with the help of technology. Security checks are no longer necessarily done at the border on a systematic and egalitarian basis, but can be carried out further downstream, within the territory, within the border zone or even upstream with police collaboration in the immigrants' home country, through visa-granting systems and through readmission agreements.

From this perspective, the purpose of this article is to formulate a series of preliminary questions on the underlying principles governing control in a Europe that includes Central and East European countries (CEECs), and to do so by focussing the research on police co-operation. It will consider both practical methods and the probable consequences of control. This article is based on the sparse documentation available in this particular field and is supplemented by three months' worth of conversations and e-mails with a score of police and military chiefs from both EU member states (France, Germany, United Kingdom, The Netherlands, Belgium, Italy, Greece) and some of the countries in the first wave of EU enlargement (Poland, the Czech Republic, Hungary, Estonia – I have no information from Slovenia, Cyprus or Malta). Thus it is not so much a description of current relations between the EU and the CEECs as a preliminary study of the implications for the implementation of the third pillar in a 20-member European Union.

My intention is to identify the perceptions of those involved in co-operation on a daily basis in order to highlight a series of problems that are often overlooked, even though they affect co-operation practices. Such problems include mutual trust (or lack of it), corruption, markets and state interests, as well as the ambiguity of objectives concerning the link made between transborder crime and population flows. The legal complexity of the issues raised by the post-Amsterdam third pillar (shared Commission and Council competencies, the status of Europol, the Schengen acquis, etc.) has tended to overshadow other concerns. Indeed, the actual purpose and legitimacy of setting-up police and legal collaboration is often simply forgotten in the eager discussion of the means of doing so. Consequently, enlargement is only judged

according to its implications for relations between the Commission and the Council, for community and intergovernmental considerations, for the balance between the pillars and quarrels over areas of competence. However, it may also be useful to look at the substance of the co-operation, at the sociological profile of the actors involved, at the legitimacy of such an evolution. Even a rather fragmentary analysis of the relevant actors' norms, ideas and interests may enable us to pose other questions. These are not without interest, even though they are less Euro-centric and not so directly tied to the current legal debate.

In order to do so, I will begin by describing the various forms of police co-operation with CEECs and their purpose. I will try to show the importance of direct contacts between police officers from EU countries and acceding countries and emphasize the informal nature of this co-operation. I will consider the interests of the different security industries and how the zones of influence that western governments want to create are related to the implementation of the third pillar and are not confined to matters relating to the second pillar. I will show how institutional co-operation raises a contradiction between the objectives of crime prevention and the objectives of the prevention of immigration and mass population flows.

At the heart of this contradiction lies the right to freedom of movement, on the one hand and the devices of control related to the shifting Schengen borders, on the other. Enlargement upsets the already precarious balance between freedom of movement and security. It uncovers the extent to which we are dependent on the myths we propagate and the fears we have (Paul Veyne).

What are we really trying to export to CEECs? Our democratic practices, our control technologies, or our fears of the Other? Is organised crime a problem in itself or is it being used as a pretext for tighter border controls to block population flows? What kind of analysis are we carrying out in respect of organised crime and what are the consequences of this analysis on the image of the political structures of the countries in which that crime is able to develop? To what extent can one have confidence in CEE police forces and to what extent is this mutual? Is there not an attempt to deflect the basic contradictions in respect of population flow management onto the new entrants, the CEECs which will be in charge of a large part of the new external borders of the EU? No amount of militarised technology can solve these problems. We must reconsider our own failures and limitations before exporting them as solutions.

I. Police Co-operation with the CEECs: Between Trust and Obligations

1. Current methods of police co-operation

There are three different types of police co-operation, each posing its own particular problems: operational, technical and training, and institutional. These three types of co-operation already exist among EU member countries.

– The first type dates back to the creation of national police forces. It is often bilateral and, with the creation of the Trevi group, the Palma agreement and the negotiations for the Schengen convention, it has found a new lease of life in the prevention of terrorism and drugs trafficking as well as in border control. This modern form of operational co-operation dates back to 1984-1986. Since then, Europeanization has emerged as *the* forum for co-operation, overshadowing both transatlantic and world-wide co-operation, and weakening governments' sovereign standpoints on national police forces. Co-operation at European level is now accepted, although some are sceptical about its actual impact (interviews).

Policing methods within these specialised fields have been transformed by informal contacts between European police officers, by the creation of liaison officers and later of police attachés to reinforce co-operation, and by the installation of computer systems that can be connected up only via trusted human intermediaries. There is new know-how based on exchanges of experiences, and it is considered to be an integral part of any modern democratic police force (BIGO 1996).

– The second form of co-operation has also existed for some time, but it has been more important for relations between EU police forces and their ex-colonies or certain Third World countries (in the 1960s for France and the United Kingdom, much more recently for Germany) than between EU states. The aim of this technical assistance and training co-operation is to extend one's zone of influence in equipment, technology or specific know-how (French-style peacekeeping, English-style community policing, German information technology, Italian anti-Mafia methods). There is no convergence towards a unique European police model. Each country clings to its own particularity and tries to promote this abroad as being the best model. Indeed, the acceptance by a CEEC of a particular model is used as an argument for its wider implementation inside the actual EU. The end of bipolarity opened up the CEECs to this particular "training market" in their search for other policing models.

– The third form of co-operation requires acceding countries to accept a number of principles or norms that are both non-negotiable and a condition of entry. This form of co-operation has implications for the Union itself. It

presupposes uniform application within the Union which future member states would also have to accept. But internal differences undermine the credibility of the notion that there is uniform application, despite the fact that all discourse on institutional co-operation appears to suggest the contrary.

2. Operational Co-operation: the Importance of Mutual Confidence

Operational co-operation with CEECs is not a new phenomenon. Even during the Cold War, criminal investigations officers were occasionally known to co-operate, and since 1992 there have been bilateral exchanges of know-how and technology. In France this co-operation has been channelled through the SCTIP (police department for international technical co-operation) which at the time created a division for co-operation with eastern European countries. In Germany this co-operation is carried out through the BKA, the BGS or regional transborder police.

– EU member states prefer to act individually and maintain bilateral relations with CEECs. In France, numerous visits and contacts led in 1994 to collaboration with the new CEEC chiefs of police (particularly with the police forces of Poland and the Czech Republic, held to be more respectable than their Romanian or Ukrainian counterparts). France has sent specialists from narcotics and organised crime divisions, making sure not to recruit from the DST or the RG. The French have emphasized their operational techniques in the fight against serious crime and drugs. Liaison officers have been sent to CEECs since 1994, followed by police attachés in 1997. Despite being limited by the small number of police officers who speak the languages of these countries, this co-operation is on the increase and the SCTIP has recently taken over the management of the various embassy attachés (BIGO 1998, ENSCHEDE's article in SHEPTYCKI, BROGDEN and SHEARING). The aim is to increase information exchange, to co-operate on controlled deliveries and undercover surveillance, and to demonstrate the efficiency of French crime-fighting techniques.

Germany is undoubtedly the country which has invested the most money and men in operational co-operation with the CEECs, followed by France and the United Kingdom. Austria invests substantial efforts bearing in mind its size and capacity. The CEECs try to maintain links with all the different European police forces, so as not to depend on one single partner. Nevertheless, there are marked zones of influence. Poland and the Czech Republic mainly work with Germany and the United Kingdom. France is more involved in Romania and is trying to get a foothold in Hungary. Austria already has strong links with Hungary, and the United States with their FBI Academy also play the Hungarian "card" for influence in the CEECs.

This level of analysis of the member states' strategies is not sufficient. We need to analyse the strategies of different bureaucracies. Very often, in contrast to those responsible for foreign affairs, police and security agencies continue to prefer bilateral operational and informal co-operation as this allows them to build up a relationship with their partners. As was the case in the past when there were twelve member countries, police officers in the field are increasing the number of informal contacts and have little faith in the EU's legal norms and the political texts signed by their states. Some officers, at ground level, even fear that Europol will use these texts to claim the right to define EU interests in police co-operation, thus trying to replace bilateral co-operation by an homogeneous network under its own control. According to various interviews with policemen from both the EU and CEECs, Europol is seen as the by-product of German ambitions on the grounds that its director is of German nationality.

– Although CEEC police forces do not have direct access to SIS or Europol, they can often get hold of information. Through informal exchanges with police officers who do have access to these computers and because they themselves are particularly good at providing information on drugs routes, they can ask for counterpart information. Nevertheless, CEEC police forces complain of the lack of western reciprocity and express regret at not having enough liaison officers in western countries. Apparently Poland is the only country with liaison officers in Germany at the level of the border Länder. Elsewhere, bilateral co-operation has yet to deliver, and CEEC governments complain of the imbalance between the number of EU police officers on their territory and the number of their own representatives (police officers or diplomats) invited to EU countries.

– With respect to relations with international police organisations, it should be pointed out that the success attributed to Europol in the discovery of the “Balkan road for drug trafficking” is due to the exchange of information with CEEC police forces. Nevertheless Europol is limited by its mandate, and the sensitivity of its data makes it loath to share information. Some governments or police chiefs do not want to commit themselves too far in their co-operation with the CEECs.

Interpol, in contrast, has been quick to open its doors to CEEC police officers to exploit its comparative advantage vis-à-vis Europol. This organisation uses its worldwide structure to build strong links with Russian and CEEC police forces in the hope of becoming *the* hub of information exchange, over and above Europol.

– Operational co-operation among police officers does well when the police officers trust each other and when they are dealing with specific criminal matters. In this case, exchanges are informal and operate at bilateral or even

multilateral levels. However, with regard to the immigration and anti-terrorism police squads, as well as with respect to problems of minorities relations, the subjects tend to be more political. They often rise above the police level to involve diplomatic channels and governments exchanges.

3. Technical Assistance and Training, the Importance of Models of Influence and Competition Between States

Technical assistance is based on training sessions, contact between police (or customs or military police) academies, and radio contact in transborder operations. Politicians are involved to an extent but implementation is basically a police matter.

There are two types of training sessions; sessions whose aim is to provide an institutional framework and promote a certain concept of the rule of law, and those whose aim is to train CEEC police forces in sophisticated techniques. The first type are often held by lawyers with an emphasis on data protection and civil liberties. The second type are carried out by police officers and provide training on the latest methods for detecting weapons, explosives and drugs or techniques to prevent money laundering.

- With respect to transborder operations, Germany and Austria plan to train their neighbours' police forces and probably to set up joint police stations (or police and customs co-operation centres) on the border, as they did on their western borders.

- Clearly there are government strategies involved in both cases. Different western police models (and concepts of the rule of law) compete with one another. There are economic interests at stake. There are also longer-term strategies at work (SHEARING). There is competition between German, British and French police models and they try to use these training sessions as a vector of influence. The intensification of exchanges between national or local police academies is a good indicator of how much is at stake. The desire to establish democratic norms is not necessarily at issue, but a lucrative trade in security technology and a belief in the comparative efficiency of one's own national model can lead to a strong bias. The Americans also have an important role in training and influence (NADELMAN). The official idea is to transfer norms, practical know-how and technology in order to make the police forces of future member countries more efficient.

Training sessions are organised bilaterally, at European level, or under the auspices of UN CIVPOL operations, aid for transition to democracy and various development programmes for the prevention of organised crime (UN, G7-G8).

The money to be made from internal security technology (IT equipment, remote tracking technology, airport equipment, computerised identity cards) plays no small part in co-operation strategy. Western countries and their private or quasi-public companies compete for this market and sometimes, lessons held by police officers for CEEC officers concerning rule of law are transformed into sales promotions for their own equipment. Aid is directly linked to sales of equipment produced by their companies. Moreover, immigration control and police co-operation with liaison officer access to sensitive data is linked to acceptance of their police models. The fight against organised crime is often a front for concern over migration flows and the solution proposed for organised crime, namely tighter security on external borders, pulls the wool over the public's eyes. Increased border security reassures the public but it is ineffective in both the prevention of crime and the prevention of transnational population flows.

The political rhetoric does not reflect the strategies of the different services. Despite declarations that uniform policy is being implemented throughout the EU, police models and methods differ substantially between countries.

Germany proposes a model of proactive, highly computerised policing which relies heavily on strategic analysis. This model is governed by the law and the clear-cut division of competencies between its different organisations. Unlike the American model, it makes little use of undercover techniques.

France promotes a pragmatic model, which focuses more on operations and men than on strategy and intensive use of IT. Its mixed model of national and local police is presented as an advantage and they emphasize its possible transferability from external security missions to internal ones.

Like Germany and France, Britain is also trying to get into this market and uses the reputation of both Scotland Yard and British prevention of terrorism (IRA) to promote specific technology and organisational structures. Britain often acts in unison with the United States.

There is an intense battle over the development of the organisational norms that will dictate CEEC preferences. This threatens to shatter the image of a single democratic police model in the EU and also gives the CEEC an opportunity to play one EU country off against another. To a lesser degree, other western services also try to compete for markets and highlight their specificity and their originality: the overthrow of dictatorships and their experience of democratic transitions in the case of Spain and Greece, the fight against the Mafia in the case of Italy. However, competition is dominated by the main police forces of the United States (FBI, DEA), Germany (BKA, BGS), France

(SCTIP) and the United Kingdom (NSIS), and it proliferates in other areas at service level by the inclusion of customs, military status police and intelligence services or the armed forces. Each service makes the most of its own specificity and its comparative advantage, in terms of resources, within a specific "security field in Europe" (Bigo 1998)

– Clearly there is no consensus among EU governments on the content of police training sessions nor on the methods of organisation against crime and investigation techniques. It would be interesting to put together a comparative study of the CEEC police or military training programmes carried out by the various EU countries and the US in order to go make a more rigorous analysis of the "norms" passed on by these training sessions and in order to identify governments' more indirect strategies. Despite ambitious projects established in 1995-96, the role of the European Union is not central at this level. The EU has not been able to agree on setting up a police academy worthy of the name and up to the standards of the American one.

Seminars, however, do take place in Poland and Hungary. The Commission has also helped to set up seminars on border control in Strasbourg in order to share its experiences, but these seminars are not terribly influential, particularly in comparison to bilateral action that focuses on operational practices.

– Such contradictions leave CEEC players in a position of relative strength. They can take advantage of the competition among Europeans which is made all the stiffer by the strong American presence in the sector (FBI Academy in Hungary). As Eberhard BORT points out, the US has invested some 8 million dollars in the ILEA (International Law Enforcement Academy) in Budapest. This is seen not only as a means to combat crime but also as a way of training CEEC police forces in American methods rather than leaving it to the Europeans. The Americans are keen to outdo the others and have made this training a strategic objective. Hungarian leaders receive this interest with mixed feelings. They are clearly sceptical about any help in moving towards democracy. They interpret all action by American or European governments as a form of neo-colonialism and as a recycling of systems that have already been tried out in the Third World and are now being forced onto them.

As is the case with respect to operational co-operation, training co-operation can easily take place without any institutional agreement and many police officers in the field are wary of institutionalisation (EU authorities). They are in favour of flexible bilateral relations according to the so-called national interests of the different countries and against the formalism sought by lawyers

and foreign affairs officials. They are sceptical about agreements signed at EU level.

Some British and French police officers support what, in legal language, is described as an “inter-governmental” position, although in fact this is basically an expression of their general distrust concerning the judicial and the formal agreement (and not simply a distrust of the Court of Justice or the Commission). They are not convinced that crime that ignores borders can only be dealt with by a European police force. That would only make sense if there were a European state with one government and one parliament with real control over police organisations. In its absence, there is a risk of those organisations becoming autonomous. As they explain in interviews, enlargement increases the risk of an autonomous organisation given that the means of control and lines of appeal are currently so dispersed. The danger is that Europol will determine the norms of international police co-operation at European level according to its own interests and infighting. Nevertheless, in the opinion of many police officers, institutional co-operation should concentrate more on judicial matters than on police co-operation, because this forms the basis for any criminal police co-operation.

4. Institutional Co-operation: the Normative Path to Europeanisation

Institutional co-operation with CEECs in police matters is only just beginning. The pre-accession pact on organised crime was one of the first documents to bring them to the negotiating table (European Union 8331/98 Council CRIMORG 72 version 19/05/98). But the conditions of this “pact” are difficult to realise and it is not certain whether convergence will go beyond judicial agreement to the homogenisation of practices or whether it will remain a simple formality. This issue is often overlooked and the only concern seems to be the timely signing of an agreement. The Commission (and the Council) seem to be mostly interested in the normative aspect. The signing of conventions and texts is regarded as a political guarantee, a sign of goodwill on behalf of future members. There is little concern, at least officially, over whether the transformations are effectively carried out. The debate is essentially a legal one. But can it remain so?

– The conditions of pre-admission impose at least six criteria that CEECs need to fulfil on organised crime: (1) an efficiently structured police organisation with all necessary powers; (2) qualified personnel and technical equipment needed to combat crime; (3) an appropriate legal system and sufficient legal grounding; (4) practical capacity of the relevant services to fight crime and prevent drug addiction; (5) rigorous gun legislation; and (6) infallible protection of computer data. In other words, they are subjected to a series of

criteria that would make them models of behaviour even in comparison to established democracies. In so doing, EU members assume that the problems of transition and of adapting the police forces and various security agencies have already been solved.

But is this reasonable? It is not the purpose of this paper to analyse the processes at work in the transformation of the social practices of bureaucracies anymore than it is to study the relations of these police forces with the different sectors of their societies (Jobard). More research should be done on this subject in relation to the "models" proposed by western governments.

The behaviour of police forces in democracies are not as transparent as we would like to believe. What are the real practices of security agencies in democracies and how can efficient crime prevention and necessary freedoms be reconciled? What importance do security agents give to the notion of liberty when it clashes with the quest for efficiency? What can be said of the proposed norms when examining the social practices of western countries? To what extent are norms respected concerning the professional code of ethics, non-invasion of privacy, the presumption of innocence, the preference for law against illegal efficiency? Do they lead to different practices or are they the basis of a more elaborate system of justification?

The co-operation provided for by the pre-accession pact on the prevention of organised crime brings together the various recommendations of G7/G8 and requires the CEECs to adhere to them. But EU countries themselves find it difficult to transform these recommendations into actual practices. How far should the CEECs be held responsible for the application of these recommendations? The paradox is that by demanding too much of them, the EU may end up demanding nothing at all, as it will be satisfied simply with formal assent; the actual application will scarcely be looked into. Isn't that what already happens within the EU before enlargement?

In demanding more information exchange, more reliable organisations and better technical competence, EU countries show that their idea of co-operation is that CEECs need to pull themselves up to EU standards. This imbalance casts a shadow on the idea of the reciprocity of information exchange.

The ambiguity of relations between CEEC and western police forces lies in the fact that the latter want to give CEEC officers advice and advocate co-operation but at the same time they are reluctant to put their trust in them and are not prepared to work on a reciprocal basis. The advice given becomes a form of pressure which is not always well accepted by the CEEC agencies. There is little

scope for innovations or initiatives of their own, even ones that might reflect their specificity, and their democratic capacity is measured by how well they adapt to the model imposed upon them. Co-operation is transformed into an unequal relationship in which they are expected to obey. This is not well received. Even if CEECs recognise their own weaknesses, they are not impressed by the strengths of western European countries and are not prepared to follow their lead. The American model often seems more coherent and less "hypocritical" than those from the EU.

US agents have long experience of non-colonial but non-reciprocal relations (US-Mexico or US-Colombia) and they play that game quite well. This is not the case of EU police forces with regard to CEECs. Heads of security agencies in EU countries complain of the possible discrepancy between police practices (in terms of both efficiency and the protection of basic rights) and the texts signed by the political leaders of the countries in question. In their view, European diplomats and lawyers do not have sufficient understanding of the subject and are too formalistic; failing to ensure that the CEECs have the means to implement the texts. They often cite the example of the complex relationship between the United States and Central America to highlight the problem of the attainable level of confidence between EU and future member police forces. Some officers believe that co-operation is good and getting better all the time. However others, speaking off the record, bring up the issue of CEEC police access to sensitive data (particularly in relation to the development of Europol), their role in Schengen and the dangers of infiltration by criminal networks. For their part, the CEEC police forces are extremely sensitive about this subject and concerned for their reputation, which explains the kind of diplomatic double-talk that avoids the issues most hotly debated by the people concerned. But this "question of confidence" must be posed.

Although some reject the strong institutionalisation of police co-operation, there is rarely any opposition to European institutional co-operation in legal matters. Penal co-operation is an essential element of police co-operation and mainly achieved through the institutions. It would be difficult to work together without some common penal qualification of organised crime or other offences. But despite their efforts, EU members have not been able, or have not wanted, to agree on a common definition and so make up for this lacuna by quoting all the appended texts that condemn acts under the general heading of criminality. Terms such as organised or serious form of criminality (a formula that includes both organised and non-organised crime) are symptomatic of their indecision. This state of affairs is unsatisfactory and there have been many calls for a uniform definition of crime. The problem with this, however, is that legal harmonisation would ignore the heterogeneity of the social practices of crime in the various countries. The desire to reach a common definition at all

costs could lead to a distorted view of the phenomenon itself if the overriding ambition is to unify what is, in fact, heterogeneous. After the question of mutual trust in operational co-operation, this is perhaps one of the most important issues at stake in the process and needs to be examined. Enlargement leads to texts that, in an attempt at synthesis and consensus, become more and more general and less and less in touch with social practices. The building of unity by means of the fairly artificial creation of a convergence of threats or of a new enemy is a process that needs to be carefully studied (LEVEAU in KASTORIANO 1998, DAL LAGO 1998).

By including the issue of Schengen and its *acquis*, Amsterdam institutional co-operation has renewed some of the ambiguity of Maastricht and has re-established a link between police co-operation, migration flows and border issues. The inclusion of Schengen has made matters even more complicated (if possible) than they were under Maastricht, despite the fact that its very objective was to clarify and simplify the relationship between the pillars. Disagreements over the legally constraining nature of the decisions and over the distribution of the various *acquis* means that after Amsterdam, for important points of regulation of practices, the Schengen *acquis* remain within the third pillar. Thus the pessimistic hypothesis about the Treaty of Amsterdam is likely to be confirmed (BIGO in DE LA SERRE and LESQUESNE 1998). Police and judicial co-operation will continue to depend upon a vision that wrongly links crime and migration. It will be based more on dealing with the fears and worries of western countries than on the identification of crime problems.

The move towards more solidarity and integration among member countries inherent in the first pillar will be undermined by the spirit of distrust in the third. This is not because of crime itself, but because it will be imported into the first pillar through the domains of migration and transborder flows. Institutional co-operation with CEECs will only be judged relevant if it corresponds to the unspoken elements of western policy on migration, and under the cover of arguments for the prevention of organised crime.

But what exactly are we trying to solve, and by what means? These are two essential issues at stake in enlargement that force current EU members to examine their own practices.

In this second part I will pose several questions on the complex interplay of the norms we suggest, the norms we follow, the practices we adopt, the myths we propagate and what effects of reception, reproduction and resistance these might entail. As before, I will avoid entering into a theoretical discussion of the relationship between values, ideas, norms and interests, ideologies and practices,

power and resistance, importation or hybridisation, etc. I will simply identify different levels of problems and different ways of posing the problem.

II. Organised Crime: the Main Focus of Co-operation with CEECs?

Is the “question” of organised crime and the “response” to it at the heart of the relationship between western and CEEC police forces? Practically every agent in the field of security automatically thinks so; their vision is organised that way. They think there is a threatening reality that must be combated by the development of state co-ordinated public policy. I have already questioned the way this problem is formulated and the assumptions that it makes (BIGO in JOPKE and GUIRAUDON, forthcoming). Security agencies do not simply respond to threats, they take part in creating them by objectifying them in their routine work, in the way they put their statistics together, in the hierarchy given to different dangers, in the priorities they set, in the technical solutions available, in the know-how they think they possess.

I do not share the view of some experts who believe that organised crime can be intrinsically defined as a social reality “independent” of the security field, whose sole origin lies in the practices of “underworld” actors. But, even if this were true, it is too simplistic to think that tighter border control, with the use of technology and the military, will stop it. It is more appropriate to co-ordinate intelligence and to infiltrate. So why do so many agents support the first solution? To what extent is concern over organised crime useful to certain services (in terms of missions and budgets) or politicians (dealing with fears over difference, immigrants, foreigners)? It can, for instance, be seen as one way of furthering technology, to the advantage of a few private and quasi-public companies. Aren't the fears of citizens and their representatives strengthened by exaggerating the dangers?

The answer depends on one's view of whether organised crime is highly transnational or not. Does it operate on a transborder scale within a limited area, or does it operate on a continent-wide scale? American intelligence service discourse tends to speak of global terrorism, global mafia and transnational organised crime (TOC), but there is little concrete evidence of this and European police forces doubt that there is such a degree of organisation. Of course, there are local forms of organised crime, such as the Sicilian Mafia, Neapolitan Camorra, or Japanese Triads, but the connections between them are weak. Furthermore, the response to them also depends on the belief that the most dangerous and sophisticated mafia organisations use the police's own undercover methods against them and manage to infiltrate the police and local or national politics. But are they that powerful? Isn't it more a case of the police

seeing in their adversaries the very characteristics that they would like to possess themselves?

1. Beliefs on the Origins of Organised Crime

The image of a mafia that has invaded Russian political circles and then spread to CEECs remains one of the most potent images portrayed by politicians, journalists and a minority of security agents (usually those furthest from the field or working in different specialised sectors). This image nevertheless forms the basis for the main argument in security debates and it combines with or replaces fears over migration flows from Russia. Yet associating the Russian polity with organised crime in this way is a complex matter (FAVAREL).

There are criminal activities in Russia, and their extent is all the more surprising since communist propaganda deliberately played down criminality to make us believe in the virtues of socialism. However, these activities are concentrated within Russian territory and their exportation is far from proven. Even if true, it would be in no way peculiar to Russia. Thus although there are suspicions of money laundering, ties with tax havens, with the US and with Germany, the activities of the Russian mafia outside its territory are probably fairly limited. In France, enquiries carried out by criminal investigations police have shown that French territory serves as a holiday resort for Russian "nouveaux riches" but that mafia activity is virtually non-existent and is a product of journalistic imagination in search of an exciting subject (interviews).

In Germany and Belgium there are more concrete signs of infiltration, but they remain fairly limited, too. It would also be an exaggeration to say that the Polish or Hungarian mafia are a conduit for the Russian mafia. Once again, a particular phenomenon (in this case, the trafficking of stolen cars between 1992-1995) has been extrapolated to establish a theory of a global mafia linking criminal milieus. Since 1996, following the setting up of car assembly plants in Russia which cater to the needs of rich Russians, there has been a fall in the traffic of stolen cars. But once ideas on global mafia have been formed, they are self-perpetuating through the "simple rationalisation" of events often based upon conspiracy theories creating an invisible, and all-powerful adversary (AFSP round table on the enemy within).

Like EU countries, CEECs have problems with criminality and significant problems linked to structural transformations in the economy and the labour market, but they are not a conduit for Russian criminality and should not be seen as threatening an invasion of western countries through crime and/or immigration. Yet this is how they are viewed by a significant fringe of those in the field of security who have no qualms in calling for a "buffer zone" which

would keep western countries from coming into contact with the dangers of the East. Ideas are forming on the need to "hold" and "control" borders in the name of sovereignty or the safeguarding of national identity. The image of a fortress or an electronic wall is valued as a protection against an "invasion" seen as either "massive" (people fleeing war or repression) or "creeping" (illegal or even legal migration which is seen as a threat if migrants refuse give up certain values from the old country) (BIGO in REA 1997). Such security ideas and debates have been increasingly criticised but their symbolic effect has not been reduced (see the issue of *Cultures & Conflits*: "Sécurité et Immigration" 1998). This forms the basis for a whole series of more or less well-reasoned fears over CEEC entry to the EU.

Before or even while "we" criticise "them", we need to understand and classify our own fears by analysing who voices them, what they are based upon, to what extent they influence discussions between EU members and CEECs, and to what extent they may affect CEEC rights.

2. Fear of Corruption in the Future Member-state Police Forces and Organised Crime

As was said earlier, when EU police officers are asked about their fears over CEECs, they all mention corruption and the infiltration of CEEC police forces by the mafia. What western security agencies fear is that when they work with CEEC police forces and give them information, that information may well end up in the hands of mafia organisations. Their suspicions are confirmed by the fact that when CEE states or organisations are accused of such practices, their reaction is to defend their own case whilst giving credit to the general theory of overall corruption by accusing the other services or CEECs (interviews).

There are many reasons given to explain the corruption: lack of finance, late payment of salaries in certain countries, new habits of capitalism where everything can be bought, the weak notion of public service wrongly associated with socialism. The "weakness of the state" and public regulations, and even mafia control of central political power (in other countries) are also used to explain infiltration.

This lack of trust and solidarity among CEECs affects their international credibility and increases western distrust. That is why one of the Commission's priorities must be to create the conditions of mutual trust that are currently lacking. This would entail an energetic fight against presenting security issues in a way that spreads unreasoned fear.

Of course, the situation differs from one country to another. There is a correlation between those countries that are the first in line to be admitted (with the exception of Cyprus), and those with the least risk of conflict with minorities, political upheaval, migration flows, organised crime, or terrorism.

Poland has made some effort to improve the credibility of its security forces, as have the Czech Republic and more recently, Hungary. Slovenia has also made an effort in wanting to show that it is already prepared for Schengen. Various countries have emphasized their techniques and repackaged the image of their police force, calling upon specialists in image creation from the private sector. Criminal investigations police have distanced themselves from the intelligence services and former militia by pointing out how little they were involved in the former regimes. Services specialised in narcotics claim to be a new generation of police officers, trained in modern investigation methods, very often after a course in the United States. The language of policing has changed and adapted to western models: community policing, proactive methods, sophisticated surveillance technology in ports and airports. Acceptance of western technology is often seen as a sign of modernisation and hence democracy, although the correlation is highly questionable.

CEEC governments will have to impose visa requirements for certain countries and take restrictive measures against illegal immigration from outside the community. They will need to be equipped with the IT needed for SIS and have legislation in place on data protection. However, despite what agents from the security field may claim, such measures will not necessarily have an impact upon their behaviour towards minorities and migrants. Technology and democracy do not always go hand in hand. If CEEC intelligence services have access to SIS, which already has over 8 million entries and will soon reach 14 million, will it be used for other ends than those intended? Certain NGOs have already signalled their unease (ECRE, European Parliament report, Statewatch).

How will anyone check how strict or lax controls of migrants from outside the community are, or how effective the detection of false documents is? CEEC police forces will be judged by western security agencies, by governments and by NGOs. Their opinions will differ. They will be open to accusations of being both lax and arbitrary. One side is worried about the possible ill-treatment of minorities and of asylum seekers from outside the community. The other side wonders just how far they can trust badly paid police officers who may be bought off by smugglers. At the same time, lawyers and diplomats argue that the new governments must be trusted to manage their police forces. A lack of trust would lead to a politically untenable situation of co-operation substitution whereby, *de facto*, the role of liaison officers from

western countries would be to observe, control or even direct as much as to advise.

Furthermore, the fixing of efficiency standards assumes that all countries, both CEECs and current members, will adhere to them. But are they prepared to do so? Would we accept having our own police forces inspected by foreign governments and forces? Countries like the United Kingdom (or France) that adopt an intergovernmental approach will surely refuse, and once the CEECs have joined the EU it seems likely that they will reinforce an intergovernmental stance on police matters. They do not appear to favour a Europol that is either too powerful, too German or too interfering.

3. Fear of the Migration Invasion, Schengen, and the Moving of the Union's "External" Border

As Malcolm Anderson points out, borders are complex institutions and any alteration necessarily carries certain consequences. Borders are identity markers a means of protection, junction points, solidarity boundaries, and demarcations of competence and the power to sanction (ANDERSON *Frontiers* 1997). As long as borders demarcate the nation state, these different functions more or less coincide. However, given the current distinction between the EU's internal and external borders and the decoupling of territorial and identity controls, our frame of reference needs to be changed. How can we manage the protection of territory in a world without "borders"? As the role of external security linked to the risk of conventional war in Europe declined, the role of internal security was revived by playing on fears of loss of national identities through large-scale immigration and population movements. There was talk of insufficient security and people's fears hinged upon links between immigration, crime, political violence, unemployment and deficits in social welfare.

I have explained in detail how this continuum of threats to security is put together and how it shapes a vision of a world that is threatened from without and within by highlighting transnational phenomena, e.g., violence from the Middle East, drugs rings, modern slave-trade, illegal immigration, refugees fleeing political persecution or war. This (in)security continuum has gradually forged a link between security and migration (even asylum) which works on three levels. On an ideological level there has been a marked decline in the idea that there is a contradiction between security and liberty. This notion has been replaced by a conviction that security guarantees liberty. On a normative level the creation of statistical instruments and laws and regulations link the two phenomena. On an instrumental level each country puts policies in place in the name of European constraints (BIGO 1992, BIGO in ANDERSON and DEN BOER 1994, BIGO 1996).

The original idea of a state delimited by EU borders with a uniform regime of external (increased control) and internal relations (freedom of movement) soon gave way to a series of complex relations between the different member countries. Some, such as the UK or Ireland, oppose any change. Others will only accept change if there is some form of compensation. None interpret the safety clauses in the same way (Schengen countries, French attitude). Over the years Schengen has done more to shape the debate on the justification of controls than it has to establish freedom of movement. It has been much less a laboratory for the idea of a community of European citizens than a source of opposition to it. It has short-circuited the Commission by quickly developing a rationale of surveillance and control which limits freedom of movement in practice. The idea behind Schengen is to make border control coincide with the deployment of migration flow police made up, in the absence of federalisation, of co-operating national police forces from all member states. Yet there is still a myth of Schengen as the laboratory of the EU and as the bearer of the values of freedom of movement which makes it difficult to uncover these strategies of control.

Enlargement now alters the balance of relations between the geography of the external border and its function, strongly advocated by some governments, as a barrier to migration flows. This poses a serious problem for those behind the creation of Schengen.

The first consequence of EU enlargement for internal security matters lies in the change in the geographical area and in the people to be monitored and controlled. Theoretically, as members of the community, CEEC citizens will no longer be the object of any particular surveillance and will be free, not only in their movements, but will also, under certain conditions, be able to settle in countries which currently protect themselves from migration flows from these very countries. This should make controls much easier as the new borders further to the East are currently far less active. Intra-community flows will greatly outweigh flows at the community's periphery.

This tendency will be reinforced once Poland, Hungary, the Czech Republic, Slovenia, Estonia and Cyprus have been integrated. If the priority is freedom of movement and the creation of solidarity among European countries, then the situation calls for some rejoicing. If, on the other hand, the idea (hidden behind Schengen) is to protect prosperous countries from flows from poorer countries and to create common policy in immigration countries towards emigration countries, enlargement will profoundly alter the balance of relations. For the first time, the Schengen area will include both immigration and emigration countries.

The external border will no longer correspond to migration concerns. It will continue to function with respect to flows from further afield, *i.e.*, Asia, Africa, etc., but because it will have moved further to the east it will be ineffectual in relation to the economies of western Europe. Western countries can react in two ways. They can accept this state of affairs and clearly favour migration within the EU. On the other hand, they can reinstate controls on internal borders, or at least on borders with emigration countries, which is what the CEECs are likely to remain for some years to come despite the changes currently taking place. This would have to be done under the pretext of a special exemption to avoid questions being raised about the historical (and colonial) ties with countries south of the Mediterranean.

Although Germany would be little affected by this evolution, the same cannot be said for France and the United Kingdom. Unlike Germany's intra-community ties, their strongest ties will continue to be with countries outside the community. Relations with the east and south will change, as will relations between Germany and its partners.

4. Immigration and Emigration Countries within One Area?

Although one might hope that a strong spirit of integration within the EU would help CEECs by giving their citizens rights and guarantees on movement and settlement that they otherwise would not have had, it seems that a lot of political parties, including some in power, as well as security agencies have a tendency to link migration from CEECs to organised crime. Such criminal activities include trafficking in works of art, stolen cars, prostitution, the heroin trade in the Balkans, as well as money laundering and mafia activity linked to Russian capitalism. Those who make that link call for greater internal control within the EU directed towards CEEC citizens.

Although it is seldom brought to the fore, such a (unofficial) view is common among security agencies and has become one of their points of reference. It explains security agents' misgivings about the rationale behind "Europe" and more particularly about the power of the Court of Justice to actually assess their actions. What is at stake is not so much an issue of sovereignty as an unwillingness to exercise transparency or explain motives hidden behind the reason of state. The contradiction between the logic behind the first pillar (economy, integration, citizenship) and the third (security and migration) is not dispelled by enlargement and the Treaty of Amsterdam. Quite the contrary.

Police officers in the field support the idea of a return to tighter national controls, which in practice would be at odds with freedom of movement, not because of organised crime but because of immigration. Others see the solution in a reinforced informal Schengen where immigration countries would co-operate against emigration countries within the official Schengen. This would create the famous buffer zone and a system in which the entry of CEECs would be no guarantee of freedom of movement for their citizens.

There is no shortage of reasons, both good and bad, for setting up a system that will alter the regime of controls, thus 'abandoning the Schengen discourse which justifies the tightening of controls at external borders by abolishing controls on internal borders'. Such a system would be comprised of a series of sluice-gates with various levels of border control according to a country's prosperity. External borders would be maintained and even tightened, with the help of western technology and using personnel with the military know-how that CEEC security agents exercised in former times. At no stage, however, would there be any compensation in the form of freedom of movement.

This is all the more important given that the EU's final border has not yet been traced and the first wave of new entrants will shape future relations with the ones that follow. The reasoning that Romania or Ukraine will enter under the same conditions as Poland creates new fears. There is talk of the risk of internal conflict in these countries due to their problems with minorities once they join the EU (Hungarian minority in Slovakia and Romania, Roma and ethnic Albanians in the Balkans, cf. BORT). Freedom of movement will have had its day. It will apply to some sections of the Union's membership but not to others. How should we react to this argument which destroy the European idea? Can we accept a division of an enlarged EU into two zones, one with freedom of movement and one without?

5. Transformation of CEECs and the Hypothesis of Sluice-gates

Many diplomats hope to avoid this contradiction which plays into the hands of those playing the security card. They argue that distrust at official level based on security fears undermines freedom of movement. They try to ignore or belittle the problem, despite the fact that some, albeit marginal, politicians have adopted this discourse as their own. According to diplomats, the very nature of migration flows from CEECs is changing, so the situation is only transitory. Provided that CEECs manage, through economic development, to keep their populations at home, they will soon become immigration countries rather than emigration countries and our concerns over migration will focus on the external border. In future the problem will be more one of transit across their territory rather than one of migration within the EU.

Recent trends highlighted in official reports are encouraging. We are far from the apocalyptic predictions of the Berlin Conference of 1994, and although it continues to be a point of reference for G8 and the European Council, sociological descriptions have shown that migration tends to fluctuate. Transborder crossings are principally a form of commercial tourism to supply the local transborder economy (cf. fourth meeting report, see also European Parliament libe-104, civil liberties, Migration and asylum in central and eastern Europe). Nevertheless, it is quite reasonable to assume that the current flow from CEECs to western countries will not dry up upon their entry into the EU.

In that case, the European Union would form an area with enormous differences in economic development and a preference for "internal" migration over migration from outside. Its rationale would resemble NAFTA and this would again raise questions on the issue of freedom of movement for individuals within this area.

6. Militarisation of External Borders Through Technology: Not a Solution.

The issues at stake in the militarisation of borders, with the increasing intervention of armed forces in the control of transnational population flows, have been studied in some depth. The research focuses on a comparative analysis of the situations in America at the Mexican border, in Germany at the Polish border, in Austria at the Hungarian border, and in Italy at the Straits of Otranto. It also covers armed forces participation in domestic operations such as the Vigipirate operation in France which has been in place since 1995, various anti-mafia operations in Italy (the most famous being Vespri Siciliani), and the Northern Ireland situation in the United Kingdom.

The stakes involved concern the use of the most sophisticated technology (helicopters, radar, night vision, video surveillance, heat detectors, telecommunications tapping, high speed intervention vehicles), personnel training, and the relationship between the army, "mixed" forces and the police. They also concern issues of freedom and democracy as they undermine the principle of non-intervention of the military in domestic civilian life. These points are outside the scope of this paper (Direction des Affaires Stratégiques report 1999, BIGO, TSOUKALA, HANON, La participation des militaires aux questions de sécurité intérieure).

Suffice it to note that Poland is already on its way to militarising its borders and the head of border control clearly entertains the possibility of using available military equipment to secure the eastern border as it is impossible to do so by more traditional means. Furthermore, Poland has called for American and German help in setting up an electronic border (heat detectors, night

surveillance, etc.). Hungary is also interested provided the United States can give them technical assistance and Slovenia has approached commercial companies to supply the necessary equipment. Even Estonia is considering such action, although such a move certainly would not ease their relations with Russia. As for Cyprus, it plans to increase its forces, not as a defence against Turkish invasion, but to fight against traffickers and illegal immigration.

The militarisation of borders through the intense use of warfare technology redeployed in the surveillance of transborder flows is seen by many professionals as the solution to the problem. In fact militarisation creates more problems than it solves. It is very expensive for public coffers even if it does bring returns for private companies. It creates arbitrary situations in certain enclosed areas such as airports, ports, and certain border crossing-points. However, it cannot manage and control all unauthorised crossing-points and therefore does not provide effective protection. Determined individuals will continue to cross borders if they want to. Land borders cannot be closed off in their "green zone" without an unacceptable increase in personnel costs. Militarisation also leads to further confusion in distinguishing between migrant and enemy and can encourage fragile democracies to slip back into authoritarian habits. After the rapid demilitarisation of borders, we could be insidiously sliding towards remilitarisation involving the same people but with different uniforms. That could have serious consequences in terms of infringements of human rights for those from outside the community. Under what conditions will people be turned back at the eastern borders in Poland or Slovenia and what rights will asylum seekers have? It is not necessarily a good idea to direct the armed forces of these countries towards internal issues and border protection. It would be better to train police forces to have greater respect for human rights. Militarisation also encourages countries with powerful NGOs to transfer external border management onto their neighbours thus avoiding any internal protest. We have called this remote policing or remote security control (Bigo in Rea 1998).

CEEC police officers in the field get the impression that they are being forced into police practices that are out of step with the discourse on democracy, particularly when it comes to immigration and asylum. They feel that they are being made to do the "dirty work" of blocking population flows at their borders. The recent western reaction to the Kosovo situation, with a general refusal to accept refugees in anything but the smallest doses, is seen as a clear sign of hypocrisy. The most critical among them feel that EU officers want to replace them in their work while imposing responsibilities upon them when serious problems arise. Tighter controls have already upset the bazaar economy that had sprung up on Poland's eastern border and created tension with its neighbours. The Germans give the Poles little credit for exercising tighter control, despite

the fact that they recently experienced similar problems themselves and were considerably more conciliatory towards the Poles than they expect the Poles to be towards their eastern neighbours, particularly Ukraine. There are signs of disillusionment in the interviews. Police officers have realised that this is the price they have to pay if they want to join the EU. Membership is desired for economic reasons but enthusiasm for EU values has waned. Those currently engaged in the process of joining the EU are already thinking about future enlargement and are adopting the same strategies with the future members, their territorial neighbours to the east and south-east.

7. CEECs and the Right to Freedom of Movement

The right of European citizens and legal residents to move and reside freely within the territory of the EU is one of the most important assets of EU democracy. At the normative level, this right cannot be undermined by the creation of second-class citizens in Eastern Europe without seriously damaging the principles of the EU and creating significant resentment. But is it possible to implement this right in the short-term? The debate centres around the core values we want and their practical possibilities.

For people who believe in human rights, EU enlargement can only proceed if all citizens of the future Union are treated equally. This means that article 62 will apply to all citizens and that there will be no control of individuals crossing internal borders.

European solidarity is weakened by the increase in alarmist discourse, be it official or unofficial, on the risks that current members run in letting CEECs join in the near future. Controls within the Schengen area between immigration and emigration countries are justified on the grounds of a "migration risk" or the risk of "organised crime".

Migration flows are not themselves directly correlated to security or danger nor is it possible to block them with a system of border controls. Moreover, it would be difficult to require more of CEEC partners in terms of control, security and democratic transparency than is current practice within the EU. They cannot be expected to apply the norms laid down by the European institutions to the letter, especially if current member-states like the UK or others, often do little to apply them themselves (see various practices in border and other forms of control that currently undermine the everyday reality of freedom of movement within the Schengen area).

The principle of the right to freedom of movement for all future EU citizens must take precedence over the fears that feed the security debate. These

fears are often the product of over-generalisations based upon concrete examples that, although exact, are statistically insignificant. Media interest generates belief in their importance and creates greatly disproportionate distrust of foreigners or of those perceived as foreign. It is humiliating for those who are permanently suspected of being potential criminals simply because of their nationality or the colour of their skin (see Fourth meeting report).

The image of the EU depends on the myths that it can project outside its territory to promote its values. It cannot claim to be the cradle of democracy, *the* place to settle, and at the same time create strictly internal myths to strengthen unity in the face of an imaginary enemy. It is typical of the profound naivety of certain leaders' short-sighted cynicism to believe that the security myth will not affect the image of democracy both outside and within the EU.

Given the changing notions of state, sovereignty, identity, border and security, linked to transnationalisation and the age of risk, it is illusory to continue to function according to an internal-external diptych. They are not two separate worlds and an action in one will have repercussions in the other. Security issues are affected by the blurring of the differentiation between internal and external.

Conclusion

In conclusion, to give the European project a renewed positive image, we must put as much energy as possible into fighting the negative images and disproportionate fears that drive co-operation policies. The new members must be given equal rights. More specifically we must make sure that the right to freedom of movement is effectively implemented. A useful initiative would be to create a European committee based on a network of NGOs, national MPs and members of the security field, which could check on this implementation. A monitoring body should be set up to identify the problems encountered and the obstacles placed in the way of freedom of movement.

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