

# CONNECTIONS

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## Editors' Foreword

When Franklin D Roosevelt delivered his famous “Four Freedoms” address in January 1941—calling for freedom of speech and worship, and freedom from want and fear—he could have had no idea that, sixty years later, effective border security might be both the guarantor of those freedoms and their greatest challenge. Terrorism, security-sector reform, counter-insurgency, demographics, ethnicity, commerce, migration and free movement of labor, environmental and energy management, disease, human trafficking and transnational crime: these are just some of the subjects that intersect with border security. How to manage them all is one of the most pervasive challenges of good government.

This issue of *Connections* is largely devoted to the subject of border security. As with many of the new agenda items in the field of security studies, border security is a subject that overlaps with numerous others. As such, this poses a problem not just for politicians and governments, but for editors and for teaching and research institutes as well, in that it is as hard to draw a neat line around the subject and its related areas of expertise. Intellectually, it is as interdisciplinary as it is international and multi-agency in terms of policy and practical application. It is also a relatively new area of academic and policy inquiry, and it will be interesting to see how its exponents determine the shape of the sub-discipline going forward. With the new challenges facing the nation-state, have the normal functions of frontiers altered?

To address some of these issues, we have chosen a selection of articles that focus on border security as a governmental and technical problem. Two studies from either side of the Atlantic lay out the progress that has been made to date: one from the Geneva Centre for the Democratic Control of Armed Forces shows the breadth and development in this area; the other, from the Congressional Research Service, is a report reflecting current U.S. homeland security efforts. Janice L. Kephart, from the Center for Immigration Studies in Washington, D.C., has recommendations for U.S. policymakers based on individual case studies. Two studies then take specific matters as their focus: Claes Levinsson's piece details the challenge of overcoming the legacy of the three Baltic States' Russian border difficulties, and Paul Holtom's examines the pervasive problem of the cross-border movement of small arms and light weapons.

Technology may offer solutions to some of the pressing problems in securing national borders, particularly those in which time is of the utmost importance—e.g., maintaining security and the speed of commerce. In his December 2000 Foreign Affairs article “Beyond Border Control” Stephen Flynn, a dedicated analyst of border security and Senior Fellow for National Security at the Council on Foreign Relations, stated, “Fortifying the frontiers is no solution—it would slow down trade and globalization. International companies and government regulators need to invest in new technologies to help border control keep pace with booming commerce.” In order to promote understanding of some of the technical strategies that are being contemplated, we have included two reports exploring the potential that exists to use technological solutions to improve border management. The first of these, by the European Commission

Joint Research Centre SERAC Unit, examines the status of technical and industrial trends in the context of legislative and societal changes, while the second considers the role of unmanned aerial vehicles in border control.

It is also clear, however, that the context for the global management of migration and the movement of individuals has changed. As they come into power, do younger generations share the ethos that created most of the national and international institutions that presume to deliver security? Many in these generations have opted to make individual choices based on market decisions. Small wonder that among these choices is the one to move at will, often across borders, for financial advantage (but on occasion for far less respectable motives), regardless of whether the authority structures involved in this push-and-pull view this level of mobility as necessary, desirable, or legal.

The final article is an essay from a Partnership for Peace country, Ireland, which reminds us that borders are not just about facilitating, selecting, or preventing the movement of people, goods, and services, legal or otherwise. Generational and professional boundaries also exist, and need to be studied in the light of the implications for change in our militaries and societies. Deference to authority appears to be on the decline, and governments have seen their reservoirs of public trust diminish from the high levels that prevailed immediately after 9/11. Was that spike in trust in government evanescent, or did it portend something larger? How does the study of border security—as a concern of governments everywhere—address the issue of trust? As a crucial element of the larger equation of delivering good and accountable governance while enabling the movement of goods and services, border security will remain one of the most important concerns of our age.

*Peter Foot*

*Sean S. Costigan*

# **Lessons Learned from the Establishment of Border Security Systems: General Information on Past, Present, and Future Activities**

*International Advisory Board for Border Security, DCAF \**

Recent changes in the perception and understanding of security have made effective and efficient border security systems a basic requirement for all states. In many cases, improving a country's frontier controls in this way necessitates extensive organizational and structural changes.

In order to assist the Western Balkan (WB) governments in the creation of new border security systems, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) has developed a program intended to address the strategic needs and issues involved in this process. The participating countries are: Albania, Bosnia & Herzegovina, Macedonia, Serbia, and Montenegro, with activities aimed in particular at the respective ministries of the interior in each country, which are responsible for border security. DCAF appreciates that Croatia, who has already been invited to negotiation talks by the EU, is willing and able to assist its neighbors through the sharing of its own national experiences.

Through a series of customized workshops entitled "Lessons Learned from the Establishment of Border Security Systems," DCAF is (together with seven donor countries) offering an inside look at how Estonia, Finland, Germany, Hungary, Russia, Slovenia, and Switzerland developed their own respective border security systems, and what lessons they learned in the process. Initiated in November 2001, the program will continue at least until 2007. The entire plan of activities, designed to support the creation and development of reliable border security systems that will be in line with EU requirements, has been drawn up according to the specific security needs of South Eastern European countries.

Despite the results achieved so far in establishing reliable border security systems in countries undergoing transition, there is a need for these forums of discussion to be organized, because there is still an absence of recognized operational norms and concepts in this area. These arenas can be regarded as supplementary work to previous efforts. The ensuing pages provide an insight into the program, which is composed of two phases, and is aimed at four different levels.

The first phase, which ran from 2001–03, involved a general overview of European border guard agencies and the elaboration of general principles in border security. The second phase, which started in June 2003, represents a shift away from general overviews to a focus on concrete topics, ranging from legal reform to training and education and risk assessment. A detailed Coast Guard program is included as part of the

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\* This report was prepared by the International Advisory Board for Border Security at the Geneva Centre for the Democratic Control of Armed Forces (DCAF).

second phase. In this phase, customized projects have been designed to reach four levels of personnel working in the field of border security, as follows:

- Level 1 – Chiefs of border police services and senior staff
- Level 2 – Regional commander level
- Level 3 – Station commander level
- Level 4 – Future leaders

An envisioned third phase of the program aims to use the knowledge gained in the first two phases in specific projects that will be customized for regional commanders, station commanders, and young cadets respectively. These projects include an Advanced Distance Learning course, operational guidelines and job descriptions, and an annual conference for future leaders.

For the first level, a series of permanent working groups has been formed focusing on the following priority areas:

- Legal reform
- Strategic and organizational structure, leadership, and management
- Logistical support
- Education and training
- Risk analysis, criminal intelligence, and investigation
- Blue border surveillance

These working groups bring together a group of experts from donor and recipient countries to work towards the realization of a number of concrete aims. With their practical focus, the working groups give participant countries the opportunity to analyze and discuss specific topics of crucial importance in achieving success in modern integrated border management, as well as allowing them to work on strategies related to specific elements of their organizational structures. The International Advisory Board assists in developing these strategies if the need arises. Each working group meeting has a concrete goal, and builds upon the work achieved both during and after the previous meeting. They endeavor to direct assistance not to the leaders of the border police services, but rather to those persons directly responsible for the given topic. In legal reform, for instance, the final aim was the development of a border security act, all necessary side acts, and a book of regulations for the border security service. Participants were the chief lawyers of the border police services, with assistance provided by legal experts from various EU countries.

For the second level—that of regional commanders of border security services—an Advanced Distance Learning (ADL) course has been developed, which can be seen as a cornerstone for a future Virtual Border Guard Academy. This course was under preparation in 2004–05, and was launched in January 2006. The aim of this course is to provide a learning platform for regional commanders to enable them to communicate effectively and share information with all other colleagues involved in guarantee-

ing security for their citizens through effective border management, and to ensure that common best practices are established through permanent and direct interaction.

Designed as a two-year-long education and training project, the ADL course also aims to improve both English language skills and management and leadership skills among some thirty-five regional border police commanders. Courses will be given in English; with a view to ensuring that all participants will have the required language skills by the beginning of the ADL course, DCAF organized four three-week-long English language courses. In between the formal language courses, language training is implemented by distance e-learning, which takes place at home or in the workplace. On completion of the language training, the professional course regarding border security will run for eighteen months, starting in February 2006.

The ADL course is divided into three core modules, stretched over five blocks of activities during 2006 and 2007. The virtual part of the course will take two months (e-learning period). During this time students will receive general education on the following topics: change in the security environment, leadership and management, and border management. Classroom activity will then follow, taking place in Switzerland, Slovenia, Estonia/Finland, Germany/Hungary, and in the Western Balkan region, and will include study visits. This portion of the course is aimed at solidifying the knowledge received during the two-month e-learning period. This will be followed by a four-week customized program, which will offer deeper analysis of border security in a specific target region, and will contain tailored propositions for national arrangements.

At the level of station commanders, and in response to requests from recipient countries, a special program entitled "Operational Guidelines and Job Descriptions" has been organized. This program complements the ADL module for regional commanders described above, and aims to provide practical training for station commanders on the subject of carrying out border checks and surveillance at the individual station level. Participants at this level are commanders who have yet to take up their border station posts. The program takes the form of two week-long study visits, during which participants carry out a variety of practical exercises, all designed to reproduce situations similar to those found in their home countries.

For the fourth level, DCAF runs an annual Summer Training Conference for around fifty future leaders. The aim of this gathering is to bring together a group of promising professionals in the field of border security, accompanied by young scholars, NGO activists, journalists, and government officials from Albania, Bosnia and Herzegovina, Croatia, Estonia, Finland, Germany, Hungary, Macedonia, Montenegro, Serbia, Slovenia, and Switzerland in order to give them an opportunity to engage with prominent international experts in a comprehensive debate concerning contemporary and future issues of border security. Such an event will train and educate future leaders in the field of border security, thereby contributing to DCAF's effort towards guaranteeing continuity in transferring best practices. Moreover, by sharing their professional experiences and participating in group activities, participants will be able to build the basis for future cooperation based on good relations among young professionals across the region.

## First Phase of the Program

The initial exploratory workshop took place on 21–24 November 2001 in Lucinges, France. It focused on the preliminary lessons learned from creating border security services in Estonia, Germany, Finland, and Hungary, as these represent particularly successful examples. Successes and failures of these countries in the establishment of their border security systems were compared with more distinct Russian and Swiss case studies.

During the second workshop, held on 20–24 February 2002 in Geneva, we delivered, gathered, and systematized information and suggestions to the Yugoslav participants. FRY was represented by fifteen experts: five from the Federal Ministry of the Interior; five from the Serbian Ministry of the Interior; and five from their Montenegrin counterpart. At this event, the findings of the first workshop were further evaluated, and some specific aspects (missions, goals, and objectives) of the issue were more thoroughly discussed.

The third meeting took place in Helsinki on 12–18 April 2002, under the heading “The Finnish Frontier Guard (FG) as a Credible and Adequate Border Security System.” Finland’s experience shows that it is no longer possible for states to combat transnational organized crime alone and by means of a fixed borderline. The workshop emphasized that border security systems must be complex and flexible at the same time. National and international cooperation at all levels is thus of great importance, and one of its most important elements is functional cooperation between neighboring countries. This is an issue that can be of particular significance in the case of countries in South Eastern Europe. Present were the chiefs of the border security services, accompanied by three experts, representing Albania, Bosnia and Herzegovina, Croatia, Macedonia, Serbia and Montenegro, and Slovenia. The decision to include Slovenia as one of the program’s donor countries was made at this workshop.

The fourth workshop, entitled “Principles Leading to Success in Development of the Most Forceful Border Security Organization in Europe—the *Bundesgrenzschutz*,” took place from 8–14 June 2002 in Germany. The event consisted of an exchange of views on passport control techniques, methods of fighting illegal immigration, and approaches to dealing with asylum seekers. Participants were introduced to how the *Bundesgrenzschutz* operates within the Green Border/Schengen internal border, and how their education and training system has been constructed. Moreover, attendees were given the opportunity to briefly participate in the work of a border guard battalion of the *Bundesgrenzschutz*.

The fifth workshop took place in Estonia from 16–21 August 2002. It focused on, among other topics, activities and action plans to comply with the EU requirements regarding the Schengen *aquis* and the use of limited resources to fulfill set goals. The Estonian experience concerning the delimitation and demarcation of borders—in the absence of political will on the side of the “honorable neighbor”—was discussed. Methods of criminal intelligence gathering and investigation as important means of guaranteeing effective border control were analyzed. Finally, participants were shown demonstrations of the electronic surveillance systems at the green and blue borders.



The sixth workshop was held in Slovenia on 4–8 November 2002, and continued the focus on EU compatibility that had begun in the fifth workshop in Estonia. Participating were representatives from the EU Commission, who explained to representatives from the Western Balkan countries the obligations incumbent upon them as aspirant future EU member states. At the same time, a focus was given to the Slovenian concept of border security, and its application to the problem of illegal migration. This event was of particular interest to the participants, given that they share with Slovenia the same practical concerns. In spite of the fact that the Slovenian border security model is different from that which was discussed during all previous workshops, the way in which their border security system was developed involved a number of similar stages that are central to the enhancement of any border security capacity. For this reason, the workshop provided an important insight into the future requirements that will be faced by SEE countries.

The seventh workshop was held in Geneva on 11–14 March 2003, under the title of “Managing Change—A View from the Western Balkans.” The workshop was composed of two main elements. In the first part, there was discussion and further development of the participant countries’ strategy papers and implementation plans. These documents were to form the basis of presentations made to the EU in April 2003, and the Geneva workshop was an opportunity to make them as rigorous and as complete as possible. This was also the chance to discuss in detail DCAF’s future activities, and to determine how well they fit in with countries’ needs and priorities. The second part of the workshop was dedicated to the discussion of the Ohrid process, the Ohrid conference to take place in May 2003, and the concrete topic of civil-military cooperation in the field of border security. With presentations made by representatives from the EU and NATO, such cooperation was described as a way of meeting the practical needs of a transition period characterized by the co-existence of different authorities. It was emphasized that the measure would only be temporary, to be kept until civilian authorities had developed the various competencies necessary to take over full authority for border security. Given the importance of this issue, the future contribution and support of the EU and the donor community was sought, with the final intention being that civilian border authorities would be empowered by such cooperation, and that it would in the end produce a more complete and capable border security system.

The eighth workshop, which took place in Brussels on 7–9 April 2003, was a continuation of the earlier March workshop. Entitled “Preparation for EU Candidacy: Schengen Criteria and Lessons Learned from Schengen Experiences,” the strategy papers and implementation plans, which were the culmination of eighteen months of work, were presented to the EU. These presentations occurred during the second half of the workshop. The first half was dedicated to presentations by EU representatives on the subject of EU standards and requirements in the border security field. Topics ranged from the details of the Schengen system to the concept of twinning projects. In the context of the upcoming Ohrid conference in May, the EU, along with its partners such as NATO and the Stability Pact, presented in some detail their views on civil-military cooperation in the Western Balkans. The need for a temporary, civilian-led form of cooperation was re-emphasized by all sides.

As a conclusion for the first phase, it can be said that the strategy papers presented to the EU Commission in Brussels showed that the Western Balkan countries had a clear idea and vision regarding the development of their border security systems. This vision is one of increasing harmonization with EU requirements. The main obstacles to such harmonization are therefore not at the level of strategic thinking, but rather in the practical difficulties that arise in the implementation process.

Throughout these meetings an emphasis has been placed on an interactive component, where the participants were asked to present their views and analyses of the topics introduced by the host nation. The interactive workshops also presented an opportunity for participants to share experiences with border guarding experts from the donor countries.

For its part, DCAF has been, and remains, intent to build on its current experience in the area of border security, and will continue to seek insightful information and experience from individuals or organizations that have been active in the establishment and/or reform processes of border guard structures. DCAF's goal remains the design and promotion of successful models, and the provision of assistance in their concrete implementation. To achieve this goal, DCAF will continue with the establishment of suitable programs, and with advising and guiding countries who are interested in building up or reforming their border security systems.

To help guide DCAF in this process, an International Advisory Board of senior border security officials from Estonia, Finland, Germany, Hungary, Russia, Slovenia, and Switzerland was established. In the future, the possibility of appointing new members to the International Advisory Board certainly exists, with interest already having been expressed by Bulgaria, France, the Netherlands, Poland, Romania, Spain, and Sweden (which already has been involved in several activities). The goals of the IAB are to improve the security of citizens in the Western Balkans, and of Europeans more broadly, through the development of effective citizen-oriented border security systems, and to achieve this mission within the context of a national and international security alliance.

## **Second Phase of the Program**

In its second phase, the program has taken a different approach. The general overviews of national border security systems have been replaced with analysis and discussions of specific topics of crucial importance in achieving success in modern integrated border management. DCAF has invited senior specialists in the areas under discussion to take part in all events. All donor countries have been asked to present detailed analyses and recommendations for participants on selected topics.

An innovation introduced in the second phase has been the creation of working groups to accompany each workshop. These working groups of senior specialists provide an opportunity to deepen and extend the work covered in the workshops. Since June 2003, working groups have been established for legal reform, leadership and management, education and training, logistical support, risk analysis, criminal intelligence and investigation, and blue border surveillance.

The second phase, with its practical focus as reflected in the working groups and other activities, serves to reinforce the achievements of the first phase of the project. After having built the general framework of their border security systems, it allows participant countries to work on strategies related to specific elements of their organizational structures. The International Advisory Board assists in developing these strategies if the demand arises.

In order to allow for the regular evaluation of work as it progresses, DCAF's Border Security Program convenes international review conferences at the ministerial level, which take place annually in February. The first review conference took place in Slovenia in 2004; the 2005 review conference was held in Skopje, Macedonia, and was attended by all the ministers of interior, public order, and security of the recipient countries. The ministers' support for DCAF's program was emphasized by the signing of a common ministerial declaration. These conferences allow the countries of the region to present their work, with IAB members providing evaluation and feedback. In addition, the participants have the opportunity to receive an overview of the activities taking place in the region and receive first-hand information about the present developments and future activities of the border police services in neighboring countries. Invitees include practitioners in the field of border security, accompanied by politicians, analysts, academics, and other agencies and organizations involved in running border security programs. The third annual ministerial review conference was held in Sarajevo from 23–25 February 2006, where a further ministerial declaration was signed regarding regional cooperation.

This entire plan of activities, designed to support the creation and development of reliable border security systems that will be in line with EU requirements, has been drawn up according to the requirements of South Eastern European countries. Such a plan reflects their needs, as stated in the responses to the IAB-DCAF questionnaires sent out in December 2002. Additionally, gaps between the member states' intentions set down in the strategy papers and their ability to implement these objectives are being addressed through the program organized by the DCAF IAB, in close collaboration with the Finnish Frontier Guard, the Estonian Border Guard, the German *Bundesgrenzschutz*, the Hungarian Border Guard, and the Slovenian Border Police. In addition to leadership training, the workshops focus on the training of middle management and individual specialists, with special programs prepared for future leaders, commanders of the smallest border guard units, and individual specialists who are taking their first steps in the field of border security.

### ***Organization of the Second Phase of the Project***

#### *Level One: Working Groups for Chiefs of Border Police Services and Senior Staff*

*Legal Reform (first workshop held 25–28 June 2003 in Brussels).* The goal of the legal reform workshop was to introduce EU requirements concerning border security acts and all associated legislation that impacts upon border security activities. The importance of a legal framework is that it serves as the basis for an organization's actions, by setting out the limits to its authority, and making its duties and responsibilities trans-

parent to itself and outside actors. Border security systems can function without such a legal framework, but there will always be ambiguity as to their role and function in national security structures. This event served to clarify these issues, and made clear to participants the importance of developing a clear legal structure through which border security systems can define themselves. Through the perspective of law, the issue of the internal regulation of border guard services was addressed. Finally, an area where legal frameworks are particularly important is that of cooperation. More than simply personal ties or informal meetings, international cooperation involves the signing of binding agreements.

Workshop participants included leaders of the border police of participating countries, along with their closest co-workers who participate in director-level decision making, and top specialists within the organization in the field of legal reform. As a follow-up to the legal reform workshop, a working group was formed consisting of experts in the field of legal issues pertaining to border security. The goal of this working group has been to consider all issues pertaining to the drafting of a modern border security act, and to finally draft such an act. The working group's meetings are outlined below.

*Legal Basis Working Group I, 10–13 September 2003, Valbandon, Croatia.* This working group meeting focused on the cooperation between different national agencies that play a part in the border security system. The conference featured some theoretical themes as well as practical exercises. Presentations were given by legal experts from Croatia, Estonia, Germany, and Slovenia, who spoke of their experiences in reforming their own legal systems.

*Legal Basis Working Group II, 26–28 October 2003, Sarajevo, Bosnia and Herzegovina.* This working group was an opportunity for the participating Western Balkan states to gain insight into different processes of legal reform. For that purpose, the cases of Slovenian, Croatian, Hungarian, and Estonian legal reform were discussed from new viewpoints. The main emphasis was placed on how to create a solid legal basis for successful border guarding, what difficulties can be expected, and how to overcome them. The intended result of such meetings is the drafting, by all WB countries, of a modern border security act, in full compliance with EU requirements.

Participants in this working group included leaders of legal departments, accompanied by their closest co-workers, and specialists from other departments who are able to contribute to the drafting of legislation that relates to border security. Together, all three events covered in detail the requirements, practices, and methodologies involved in drafting a new border security act. Participating countries presented their newly drafted border security acts at the Review Conference in February 2004.

Meetings of Working Groups on Legal Reform will also take place throughout 2005 and 2006, and will elaborate on the importance of governmental and ministerial decrees and instructions as well as rules and regulations issued by director general of border police. The working groups have met as follows:

*Legal Reform Working Group III, 31 January–2 February 2005, Logarska Dolina, Slovenia.* Co-organized by the Slovenian national police, the conference served as an opportunity to investigate and discuss the role of “rules and regulations” in border se-

curity. Working group meetings were designed to provide participants with the opportunity to learn about the difficulties and obstacles that have been encountered, and subsequently solved, by the countries that have experience regarding the preparation of “Rule Books.” The meeting was divided into three parts.

First, participants focused on the basis for preparing sufficient subordinate laws (manuals of roles/directives) and guidance. During the first day, participants were acquainted with EU legislation (especially the Schengen manual), then the relations between main and subordinate laws, and the role and importance of guidance and instructions in Slovenia, Germany, and Estonia. Participants discussed the relations between main and subordinate law in foreign countries and realized the importance and the role of guidance and instructions. In particular, the program highlighted which activities should be covered in South Eastern European countries with subordinate laws and guidance/instructions.

Second, participants discussed which phase they were currently in the process of setting up a coherent set of legislation regulating their nation’s border service. They also discussed the influence on parallel legislation in South Eastern European countries, and presented their own view of their next steps and requirements to achieve harmonization with EU legislation.

Last but not least, participants discussed the usefulness of establishing an on-line database that will include all EU requirements and recommendations as well as South Eastern European countries’ existing laws and subordinate laws related to border security. During the workshop, participants gave presentations about the current status of affairs in their country regarding:

- Main laws regulating border security
- Laws related to the main laws (e.g., laws relating to foreigners, asylum law, etc.)
- Governmental acts
- Ministerial acts
- Directors’ instructions and orders.

Participants nominated to attend this working group were legal experts with experience in the field of border security and involved in legislation development, as well as operational commanders with substantial experience of the practical requirements.

*Legal Reform Working Group IV, 1–4 June 2005, Mostar, Bosnia and Herzegovina.* Co-organized by the State Border Service (SBS) of Bosnia and Herzegovina, this working group continued the focus on subordinate laws/side acts (including manuals of rules and directives) and guidance and instructions related to border security and the border police, with special attention being given to the main and subordinate laws regulating border security in Bosnia and Herzegovina. The meeting started with a presentation by an expert from Hungary, who talked about the Hungarian experience of bringing side acts regulating border security issues into full compliance with EU requirements.

Presentations were then given from all the delegations on the developments and progress made in the field of legal reform within the last six months, as well as on their

respective nations' plans for the future. This is an extremely useful way of exchanging information between the countries of the region, and ensures that everyone is regularly informed about new developments throughout the Western Balkans. The BiH delegation then gave a presentation on the legal framework within Bosnia and Herzegovina related to the subordinate law regulating border police activities.

After discussing this main law in Bosnia and Herzegovina, participants were given documents relating to various laws subordinate to the main law, and were divided into four working groups. These groups included a mixture of participants from each of the participating countries; each group was led by experts, as mentioned above. The working groups were given selected topics to cover from those laid down in the BiH *Main Law on Surveillance and Control of Crossing of the State Border*, and were tasked to create drafts of the implementing regulations which should be passed by the head of the BiH State Border Service in accordance with the above mentioned main law (Article 64). After one and a half days of discussion and work, the various working groups presented the drafts of their proposals for these regulations. This was followed by a presentation made by one of the experts from Croatia, who discussed Croatia's experience regarding the creation of a manual on state border surveillance. This manual has been created as a practical tool to assist border police officers in their daily work; a draft has been submitted to the Border Directorate in the Ministry of the Interior, and a final version will be signed by the Director of the Border Police in autumn of this year.

The meeting also included a presentation regarding the creation of a specialized Web page that would include information on all border security legislation. This would include both EU legislation and national legislation (from all the countries of the region), and would be available through DCAF's main Web site. All participants agreed that this would be an extremely useful tool, and Slovenia has agreed to take the lead in creating this site. Each participating country agreed to provide a point of contact who will be responsible for forwarding up-to-date information on national laws and related subordinate laws to the main Slovenian organizer. It is intended that this Web page will be up and running by January 2006.

Participants in the working group included representatives from Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, and Serbia. The attendees were a mixture of legal experts involved in legislation development with experience in the field of border security, along with operational commanders with substantial experience of the practical requirements. Lectures were delivered and working groups were led by experts from Slovenia, Estonia, Croatia, Germany, and Hungary, who were able to pass on their experiences in the development of legislation relating to border police and border surveillance and cross-border control within their countries.

The working group hoped to hold two meetings in 2006, with the aim of identifying the obstacles within national legislation that need to be overcome in order to implement the agreed flexibility measures as stated in the ministerial declaration, as well as providing guidance for the drafting of international agreements in order to create the capacities to implement the measures. Participants in these meetings of the working group were to have the following qualifications:

- Educational background in law
- Operational exposure in the field of border security, including practical experience specifically in legislation development
- Operational commanders with substantial experience of practical requirements
- Elementary knowledge of one foreign language.

*Legal Reform Working Group V, 15–18 January 2006, Moravske Toplice, Slovenia.* Co-organized by the Slovenian Police, this working group was dedicated to developing “international agreements between services in order to create legal guarantees to enhance cooperation measures.” During the meeting, participants looked in detail at the area of cross-border cooperation, including the issues of common patrols, exchange of liaison officers, and exchange and flow of information. In addition, the following requirements for the creation of a sound legal basis were discussed, among others:

- Negotiation skills and procedures
- One-stop control
- Common patrols
- Data exchange, data flows, and a common data center
- Liaison officers/desk officers network
- Direct cooperation and sharing of best practices
- Authorities in foreign territories
- Civil/labor liability
- The database in DCAF’s server.

Delegations were invited to embark on a round table discussion highlighting the latest developments in legal reform within the border services of their home countries in order to keep colleagues up to date with actual developments that had taken place since the Mostar meeting. Also included was a visit to the border check point at Dolga Vas on the Slovenian-Hungarian border. Participants were able to see first-hand how the professional personnel involved physically manage the flow of information between the two countries, in order to ensure efficient “one-stop control.” Practical deficiencies and advantages of one-stop control were also discussed during the visit.

*Legal Reform Working Group VI, 7–10 June 2006, Croatia.* Co-organized by DCAF and the Croatian Border Police, the aim of this working group was to focus on providing guidance for, and to start work on the drafting of international agreements in order to create the preconditions for implementation of the objectives for regional cooperation as agreed in the ministerial declaration signed in Sarajevo in February 2006. These objectives are as follows:

- Maintaining contacts between border police leaders at local, regional, and national levels to assist in more effective operations

- Appointing national contact points for regional or cross-border liaison and co-operation, including:
  - Establishing a liaison/desk officers network
  - Establishing integrated border crossing points, including local offices for the exchange of information and early warning messages
  - Promoting joint patrols
  - Setting up common risk analysis procedures
  - Encouraging joint operations
  - Establishing common information management methods
  - Coordinating investigations.

Participants were divided into sub-groups, and experts were allocated to assist them in discussions of the following issues (i.e., the nine objectives as laid out in the ministerial declaration signed in Sarajevo):

- Sub-group One: Holding of regular meetings of border police leaders at local, regional, and national levels to assist in more effective operations; appointing national contact points for regional or cross-border liaison and cooperation; establishing a liaison/desk officers network
- Sub-group Two: Establishing integrated border crossing points, including local offices for the exchange of information and early warning messages
- Sub-group Three: Promoting joint patrols
- Sub-group Four: Setting up common risk analysis procedures; encouraging joint operations; coordinating joint investigation units; establishing common information management methods.

Using the Convention on Police Cooperation in SEE as the legal basis for their work, the sub-groups were tasked to work on the draft texts of agreements to be signed between two countries, in order to implement the measures as stated above. The sub-groups worked for just one and a half days, and on the final day of the workshop each sub-group presented their work. In this short timeframe, each group had managed to complete draft texts of agreements/MOUs covering all but one of the nine objectives.

The impressions of participants attending the event were extremely positive. They felt that the issues discussed were of much relevance; they learned a great deal and received useful advice from the experts; and found this working group challenging, stimulating and helpful, as the output can be used as a basis for actual negotiation in the future. From DCAF's side, this working group achieved more than expected, and it was impressive to see the high standard and amount of work produced in such a short period of time. The majority of participants in this workshop had been permanent members of this working group, and as such were well acquainted with the subject matter, the issues involved, and their colleagues from the neighboring countries. In addition, the participants have the required expertise required to complete the work, and the ability to follow this work through on returning to their ministries.



Participants in the workshop included attendees from Albania, Bosnia and Herzegovina, Macedonia, Montenegro, and Serbia, and were a mixture of legal experts involved in legislation development with experience in the field of border security, as well as operational commanders with substantial experience of the field's practical requirements. Working groups were led by experts from Slovenia, Croatia, and Hungary who were able to pass on their expertise and experiences in the development of international/bilateral agreements with regard to cross-border/regional cooperation. The Legal Adviser–Defense Reform of NATO HQ, Sarajevo, attended as an observer.

The final aim of this working group is the drafting of a new Border Security Act that will cover the main ideas and principles of the border security mission, and is in full compliance with EU requirements. All issues concerning border security not included in this new act should be identified, so that they can be covered in accompanying side acts. A set of internal regulations should also be drafted, taking the form of a rulebook to be used by border guard personnel.

*Leadership, Management, and Internal Organization in Border Security Services*

*First Workshop, 27–30 August 2003, Dobogókő, Hungary.* For border management to be successful, it must follow four cardinal principles: planning, organization, motivation, and control. Exactly how these principles translate into the border security context was the first focus of the workshop. Secondly, emphasis was placed on the importance of correct internal structuring of the organization. Among the issues investigated were how top-level management fits together with regional commanders, and how local stations are integrated into the regional centers. Clarity on such questions facilitates communication, and ensures that each border guard has a place in the organization and knows what is expected of him.

Participants in the workshop included leaders of the border police from participating countries, along with their closest co-workers who participate in director-level decision-making, and top specialists within the organizations in the fields of planning, organizing, motivating, and controlling. The workshop on leadership was followed by two working group meetings aimed at further developing the themes covered. The meetings are set out below.

*Leadership and Management Working Group I, 30 November–5 December 2003, Budva, Montenegro.* This meeting focused in particular on the planning and control of the border service. Participants were introduced to the system of control developed by the Hungarian Border Guard, and to the “management by results” approach developed by the Finnish Frontier Guard in the 1990s. The participants were given the opportunity to apply this approach to their own services, through practical exercises given to the delegations. Participants in this working group included leaders of the departments responsible for the day-to-day planning and organization of their respective nations' border control services.

*Leadership and Management Working Group II, 24–29 January 2004, Mavrovo, Macedonia.* This working group focused on motivation and control. In particular, emphasis was placed on the importance of teamwork. The synergies that can be achieved through teamwork were explained in presentations, and tested in various group activi-

ties. Explanations were also given on how to calculate staff priorities, a key consideration when attempting to motivate personnel. The control system of the Hungarian Border Guard was also presented, with participants expected to consider those general principles of control relevant to their own domestic systems. Participants included leaders of the departments of human resources and operations who are responsible for motivating and controlling, along with their closest co-workers.

The final aim of the leadership and management working group, which also met in 2005 and 2006, is the development of a three-level planning system. This is intended to cover national headquarters (strategic, tactical and operational plans), regional centers (tactical and operational plans), and local stations (operational plans). Working groups met as follows:

*Leadership and Management Working Group III, 22–24 May 2005, Frankfurt, Germany.* This meeting was for chiefs of cabinets of participant countries. The chiefs evaluated the Second Annual Review Conference, which took place in Skopje in February 2005, and also discussed proposals for inclusion in the Third Annual Review Conference, which took place in Bosnia and Herzegovina in February 2006.

*Leadership and Management Working Group IV, 22–24 September 2005, Kopaonik, Serbia.* This workshop gathered together chiefs of the border police organizations from all the countries involved in DCAF's Border Security program, as well as chiefs of the cabinets or other responsible persons from BIH, Macedonia, Albania, Croatia, and Serbia. During the meeting presentations were made by representatives from Germany, Finland, Slovenia, and Croatia on the subject of the importance and different models of cross-border cooperation. The meeting also included discussion about the draft program, substance, and objectives of the Third Ministerial Conference, which was held in Sarajevo from 22–24 February 2006. The chiefs of the border police services also agreed on the following common objectives for 2006:

- To foster efforts in the area of legal reform
- To describe the objectives and substance of future joint field operations, such as procedures and co-ordination of activities in all operational areas
- To enhance and update technical facilities (infrastructure) and trans-border interoperability to advance joint operational capabilities with reference to the border police.

*Leadership and Management Working Group V, 4–5 December 2005, Budva, Montenegro.* The chiefs of the border services of all the countries of the Western Balkans involved in DCAF's Border Security Program, as well as the chiefs of cabinets of the ministers of interior or security (or their representatives) met in Budva. The aim of the meeting was to evaluate DCAF's annual program of activities for 2005, to discuss the Third Ministerial Review Conference in February 2006, and to discuss and approve the annual plan of border security activities for 2006. The chiefs of services universally praised the program, often citing it as one of the major influences on the progress made during the last year within the field of border security. The Ministerial Conference was discussed in depth, and its program agreed upon; in addition, delegations agreed on the

proposed program of activities for 2006, with a main goal of further enhancing regional cooperation and the implementation of regional flexibility measures.

This working group aimed to hold two events in 2006, targeted at the chiefs of services, to look into the necessary steps which have to be taken in order to achieve the flexibility measures as stated in the Ministerial Declaration. Participants in these workshops would include delegations headed by either the chief of staff or chief of operations from a national border service (or other representative from the appropriate management level), along with three to four high-ranking officials responsible for preparing working instructions and other manuals for the national border police organization involved in the program.

*Leadership and Management Working Group VI, 5–8 April 2006, Jahorina, BiH.*

The workshop was in essence a follow-up to the Ministerial Conference in Sarajevo of 24–25 February 2006, where intensive cross-border cooperation was agreed upon, as set forth in the declaration that was signed by the ministers of the interior or security of the Western Balkan countries (with the exception of Croatia). The aim of the Working Group for Leadership and Management is to prepare a manual for the border police/ border guard services of the SEE countries (Common Standard Operational Procedures) for future implementation of the following objectives:

- Regular meetings in order to maintain contacts between border police leaders at local, regional, and national levels
- National contact points for regional or cross-border liaison
- Integrated border crossing points (common border checks, among others)
- Joint patrols
- Liaison/desk officers network
- Common risk analysis and investigation methods
- Joint operations
- Common information management procedures.

The first meeting covered the first four issues listed above. Experts from Estonia, Finland, Germany, Hungary, and Slovenia contributed the experience of their services and national regulations. Their presentations served as a basis for the following discussions and first drafts of the various manual chapters. Three sub-groups were established, around the following sets of topics:

- National contact points and regular cross-border meetings (leading countries: Montenegro and Macedonia; experts from Finland and Slovenia)
- Joint patrols (leading country: Serbia; expert from Germany)
- Shared responsibilities in border checks (leading country: Bosnia and Herzegovina; experts from Estonia and Hungary).

The presentations of the experts were broadly discussed. The results were presented to the plenary and were submitted for further work to the respective leading country. In

wake of the presentations, it is intended that practitioners from the front lines of the border services in each country will complete the first draft with their recommendations. Meetings with other DCAF working groups in order to coordinate their contributions to open questions and problems have to be decided on a case-by-case basis. The host nation, Bosnia and Herzegovina, which at the same time is the leading country for the working group on leadership and management, will collect all contributions and revise them with DCAF. For the follow-up preparations, BiH has provided a special secretary for the editorial work. The minutes of this workshop will be submitted to all participating countries. The participants in this workshop were officers serving in key functions of operations and organization and, in one case, a chief of border police (Macedonia).

*Leadership and Management Working Group VII, 11–14 October 2006, Jahorina, BiH.* This next workshop will tackle the following five issues related to cross-border cooperation:

- Establishing a liaison/desk officers network
- Common risk analysis methods
- Joint operations
- Common information management procedures
- Co-ordination of investigations.

### *Logistical Support*

*Workshop, 8–12 October 2003, Kalvi-Narva, Estonia.* It is self-evident that border security organizations must aim to fulfill their missions and achieve their objectives to the best of their ability. However, the success of the underlying security mission depends to a large extent on having a functioning logistical support system in place. The conclusion of this workshop was that logistics is what gives meaning and direction to equipment and technological know-how. Logistics therefore constitutes the relationship between strategy, operational needs, and technical means. On the basis of the experiences of various European border security organizations, some key principles to ensure an effective logistical support system were found to include foresight, efficiency, flexibility, simplicity, cooperation, and inter-operability. Other major topics covered in the workshop included the procedures involved in drafting proposals for EU funding, and the various steps to be followed when developing a list of technical needs for a specific border security project. Throughout the workshop, the experience of the Estonian border guard (and other European border security organizations) was drawn upon to illustrate the issues and difficulties faced by Western Balkan countries in their reform processes.

Participants in this workshop included leaders of the border police from participating countries, along with their closest co-workers who participate in director-level decision-making, and top specialists within the organization in the field of logistical support. To further examine the issues dealt with in the workshop on logistics, two working groups were formed. One will focus on the development of “Smart Borders Pro-

jects,” and the other will study in detail the drafting of proposals for EU funding. The Smart Borders Projects group will aim at clarifying the equipment needs of WB border authorities, through the specification of what exactly these authorities expect from their equipment, in terms of output and results. For its part, the EU funding working group will involve the development of technical assistance project management units (TAPMUs), which will provide WB border security authorities with the competences to deal successfully with international donor agencies, and in particular the EU funding agencies. These working groups were organized according to the following schedule.

*TAPMU Working Group I, 24–29 January 2004, Mavrovo, Macedonia.* This working group was the first attempt to explain to participants the procedures involved with obtaining funding from external donors—notably the European Union—and implementing and managing such projects. This involved participants looking at specific stages of the funding process, including topics such as program and project identification; the elaboration of project fiches, including logical framework matrices; drafting Terms of Reference; and examining aspects of EU project management procedures. The aim of this working group is to develop small technical assistance project management units (TAMPUs) within border guard agencies, trained so as to be able to deal effectively with international technical assistance donors at all the relevant stages of the funding process. Eventually, these units will be sufficiently trained so as to provide their respective agency with a corpus of expertise in most aspects of procurement and project management. At the conclusion of the working group meeting, participants were informed of a scheme to provide distance-learning assignments which will be assessed and distributed prior to the follow-up meeting.

*Smart Border Project Working Group I, and TAPMU Working Group II, 26–30 April 2004, RACVIAC, Bestovje, Croatia.* A customized training course was designed in order to develop the project-leader skills of pre-selected specialists from within the technical and logistical branches of the border guard services of the participating countries. These leaders were instructed in the procedures necessary for conducting analyses of the technical needs that are required when responding to operational demands. A particular emphasis was placed on communication and surveillance systems, and participants were shown how best to carry out the analytical processes—such as feasibility studies—that are essential when providing technical solutions to operational problems.

Additionally, they became acquainted with the process of elaborating technical specifications, particularly in relation to international tender procedures. The leaders were expected to elaborate full operational-technical justifications for equipment requirements and to be able to fully appreciate what technical means are currently available and appropriate. These solutions should also address important questions related to procurement, including licensing, spares, maintenance regimes, and operational sustainability (including financial sustainability).

A questionnaire was provided to participants before the working group meeting relating to their own logistical support system and equipment for IT, communication, and green and blue border surveillance systems currently in use. This questionnaire provided a transparent insight into the current equipment holdings of the respective agen-

cies. Additionally, the respondents were asked to fully identify new requirements and provide detailed justification as to why the equipment was necessary. These matters were addressed during the working group meeting. Additionally, participating countries were asked to make presentations based on their responses to the questionnaire. General recommendations on the creation of IT systems by Finnish, Estonian, Slovenian, and Hungarian specialists were made at the meeting. Additionally, a presentation was made on how to design technical specifications for a TETRA system and how to prepare them for international tender. Presentations on their respective IT systems were also made by recipient countries.

In the second TAPMU working group meeting, held simultaneously, the participants discussed their assignments and examined how well (or otherwise) they had succeeded in drafting quality documentation. The remainder of the working group meeting examined in greater detail the qualities required for elaborating such documents. In addition, a handbook, to be used as an *aide-mémoire* for all those participants scheduled to work in TAPMUs, was reviewed.

*Smart Border Project Working Group II, 17–21 October 2004, Rovinj, Croatia.* In the course of this meeting, experts presented in detail the green border surveillance systems used by their border guard organizations and introduced their future requirements. Delegations from the region introduced their own achievements in the field of IT and communications during the past six months. Briefings from specialists who had designed technical specifications for a wide range of surveillance systems and prepared associated tender dossiers were also given. Participants benefited from hearing the experiences of other countries regarding the establishment of their border police service, and in particular their experiences regarding the following:

- Preparations of tender procedure
- Definition of the technical characteristics of the necessary surveillance equipment
- Making a draft fiche and considering possibilities of delivery of equipment.

The workshop included teamwork and practical exercises where, together with experts, participants attempted to find functional solutions to build a technical surveillance system at a specific border under specific conditions. In 2005, the working groups would continue their activities, with the final aim being to ensure that leaders in logistics are well-positioned to understand and respond to the operational requirements through the use of communications, IT, and surveillance systems.

*Logistical Support Working Group III, 10–12 February 2005, Belgrade, Serbia.* This meeting continued with the theoretical aspects of logistic support; the main topics of the working group included the explanation of procedures involved in the setting up of tenders, evaluation of results, the setting up and signing of contracts, financial procedures, and how to implement and install technical equipment. It also covered the education and training of the people working with technical equipment and its maintenance. Experts from Estonia and Bulgaria gave presentations on the design of operational communication systems. A special day was dedicated to the Serbian experience gained in the creation of IT and communications in the field of border security, which

involved a visit to the Ministry of Interior of the Republic of Serbia to see their equipment in practice.

Participants in this working group included those with an educational background in engineering, including IT, as well as operational exposure in the field of border security, including practical experience in communications, IT, and surveillance. In addition, participants were required to know at least one foreign language. They were appointed in border guard organizations as team leaders and team members, responsible for the creation of national communications, IT, and surveillance systems. Participants were accompanied by personnel who are competent English speakers with some knowledge of border security who were willing to learn and who will in the future provide South Eastern European border security authorities with the competences to deal successfully with international donor agencies, and in particular the EU funding agencies.

*Logistical Support Working Group IV, 8–13 September 2005, Toila, Estonia.* The aim of this workshop was to familiarize participants with the practical side of logistics, infrastructure, and structure of the border crossing points and border surveillance posts, and to introduce them to various systems of border surveillance equipment. Experts from the Estonian Border Guard described the process of system development and showed participants the installation of their new coastal surveillance system. Experts from the Finnish Frontier Guard and Spanish *Guardia Civil* compared the latest developments with their experiences and made suggestions to the participating countries. A comparative analysis of the technical means required for green border surveillance was also conducted, and the requirements for various building and construction projects for border guard functions were discussed.

Each county sent a delegation composed of personnel from the border police organizations or from other relevant departments/sectors in the ministries responsible for preparing and implementation of projects for blue and green border surveillance, as well as from departments responsible for building or renovating the facilities. The delegations were basically made up of one architect or engineer, and two persons responsible for border surveillance.

In 2006, the working group will hold two meetings, with two main topics: communications and IT. The goal of these meetings is to examine projects in the preparation phase, in order to ensure that the systems that will be purchased will be interoperable.

Participants in these meetings should have the following qualifications:

- Educational background in engineering, including IT
- Operational exposure in the field of border security, including practical experience specifically in communications, IT, and surveillance
- Elementary knowledge of one foreign language.

In addition, participants should be appointed in border guard organizations as team leaders or team members responsible for the creation of national communications, IT, and surveillance systems.

*Logistical Support Working Group V, 22–25 March 2006, Serbia.* Interoperability between telecommunications and IT services and the equipment of different border agencies in neighboring countries is one of the cornerstones of efficient, integrated border management. As long ago as 1985, the Schengen Agreement envisaged a more coordinated, cooperative approach between public authorities across Europe. The purpose of this meeting was to explore the different technical means and facilities for exchange of all kinds of information between border services of neighboring countries. This includes setting up—particularly in border areas—telephone, radio, and telex lines and other direct links to facilitate the transmission of information. The introduction of interoperable digital radio-telephone systems was also considered in order to support field operations of mobile units; the important issues of standardization of equipment and coordinated procurement procedures were investigated as well.

Through expert presentations and a series of practical examples, as well as through discussion panels, the participants were given the opportunity to gain knowledge about the new technologies and European trends in these fields. In addition, an analysis was conducted to find possible joint activities, and it was agreed to establish a coordination committee for conducting future actions. This committee will consist of chiefs of telecommunications services (or their deputies) of the Ministries of the Interior of Albania, Croatia, Macedonia, Montenegro, and Serbia, and of the State Border Service of Bosnia and Herzegovina. The mandate of this committee will be to:

- Coordinate all activities concerning the cross-border telecommunications of their countries
- Hold regular meetings and exchange information about the condition and development plans in the field of telecommunications in their countries
- Evaluate possible technical solutions regarding cross-border telecommunications and prepare proposals for joint projects of common interest
- Cope with issues of information security and protection in cross-border communications.

The next meeting of the Logistical Support Working Group will be held from 6–9 September 2006 in Croatia.

#### *Annual Review Conferences*

*First Annual Review Conference, 27–28 February 2004, Lake Bled, Slovenia.* The series of annual review conferences is intended to provide an occasion for participants to present the results of the year's activities, both in the workshops and the working groups. The first annual review conference covered the main achievements during 2002–03 and described plans for 2004–05. To support the aspirations of participating countries, an annual plan for assistance in 2004–05 was discussed and signed. To guarantee the continuation of financial assistance, and so that in the future it may include material assistance from the Swiss Ministry of Defense, a Memorandum of Understanding was discussed, evaluated, and signed. All chiefs of services and ministerial



representatives were present, along with representatives of the Slovenian Minister of the Interior, who was host to the event.

*Second Annual Review Conference, 24–26 February 2005, Skopje, Macedonia.* The Second Annual Review Conference aimed to give participants the opportunity to gain an overview of all the activities taking place in the region and the participating countries in the field of border security, to which DCAF's program contributes in part. The Prime Minister of Macedonia opened the conference with an address on security sector reform, and presentations on the demands of internal security in SEE were given by the heads of the EU, OSCE, NATO, and the Stability Pact's delegations.

During the second day, the ministers of the interior of the Western Balkan countries stressed the importance of border security within their countries in order to guarantee the security of their citizens, and highlighted the importance of national, regional, and international cooperation. The conference reviewed the progress made to date by the border security services of the Western Balkan states; the overall achievements in the period 2003–04 were presented by the chiefs of the border services of the region. The ministers of the interior signed a statement that recognized the importance of the work being done by the border security services in providing a secure environment for their citizens, and formally approved the continuation of the Border Security Program. The annual plan of common activities for 2005–06 was also discussed, and formally signed by the chiefs of the border security services.

The participants included ministers of the interior of all Western Balkan states (with the exception of the Minister of Interior from Montenegro), chiefs of border security services of all Western Balkan states, as well as other agencies involved in assisting border security programs: EU, NATO, OSCE, ICMPD, EUPOL PROXIMA, and the Stability Pact.

*Third Annual Review Conference, 23 – 25 February 2006 in Sarajevo, Bosnia and Herzegovina.* The Third Annual Review Conference aimed to give participants an overview of all the activities taking place in the region and the participating countries in the field of border security, to which DCAF's program contributes in part. The Chairman of the Council of Ministers of BiH, Adnan Terzic, opened the conference. He and the Minister of Security, Barisa Colak, reflected on achievements made in the reform of internal security in anticipation of eventual EU integration. The Head of the EU Commission Delegation to BiH, Ambassador Hunphreys, addressed the conference on internal security and European integration, and the Deputy State Secretary for International Relations of Hungary and a member of the Stability Pact's Working Table III made statements on current developments from their perspective.

During the second day, attendees reviewed the progress made to date by the border security services of the Western Balkan states and overall achievements in 2005. Implementation strategies for the future were presented by the chiefs of the border services of the region. Senior border guard officials from Hungary and Slovenia gave presentations on their countries' roles in supporting the countries of the region. The ministers of the interior or security from the region stressed the importance of border security within their countries in order to guarantee the security of their citizens, and highlighted the importance of national, regional, and international cooperation, the ne-

cessity to work together in order to jointly fight cross-border crime, and the requirement to further harmonize regulations to reach EU standards.

Undoubtedly, the highlight of the event was the signing of a declaration effected by all ministers of the interior or security of the region (with the exception of Croatia). This declaration recognizes the importance of and need for formally setting up mechanisms to promote, strengthen, and deepen regional cooperation, thus taking shared responsibility for the problem of cross-border crime, as well as setting out steps to more effectively combat it. By signing this declaration, the ministers have confirmed their support for harmonizing legal frameworks, developing coordinated operational measures and procedures, and advancing interoperable technical means. With this commitment endorsed by the ministers, sincere and valid regional cooperation can now begin. The ministers also formally approved and signed the annual plan of common activities for 2006.

On the last day of the conference, a roundtable discussion on the latest EU developments in the field of border security took place, where representatives from DCAF's IAB for Border Security and beyond (from Estonia, Finland, Slovenia, Greece) gave presentations and updates on a variety of relevant issues. The participants in the conference included the ministers of the interior or security of all Western Balkan states (with the exception of the Minister of Interior from Serbia, who was represented by his Chief of Cabinet); chiefs of border security services of all Western Balkan states; and representatives from the following donor countries: Estonia, Finland, Germany, Hungary, Slovenia, Switzerland, Greece, Poland, and Romania. Representatives were also present from the following agencies involved in assisting border security programs: EU, NATO, OSCE, ICMPD, EUPM, FRONTEX, Danish Centre for Human Rights, the PSOTC in BiH, PAMECA, SIPRI, Stability Pact, and Austrian, Swiss and U.S. Embassy staff. Some ninety persons were present during the opening of the conference on 23 February. The Fourth Annual Review Conference will take place in February or March 2006, and will be hosted by the Republic of Croatia.

*Training and Education as an Essential Means of Improving the Quality of a Border Security System in a Democracy*

*First Workshop, 7–10 March 2004, Lübeck, Germany.* Rapid social and economic changes over the last few years have made flexibility—meaning the ability to learn, unlearn, and relearn—more important than ever. It is essential to find new ways of communicating and working together, in order to facilitate the sharing of information and ideas. These changes have affected the border security field, most notably shifting the basic border guard mission away from guarding borders and towards the protection of citizens. This shift has increased the need for professionally-trained personnel. In short, the only way for police organizations to face all the challenges of the modern world is good education and training. We have to learn continuously merely to keep pace with an ever-changing environment.

While they are related, training and education are separate concepts. Training aims to provide the knowledge, skills, and attitudes that are needed to perform specific tasks. Education usually provides more theoretical and conceptual frameworks de-

signed to stimulate analytical and critical abilities. But learning by experience through solving an actual problem can genuinely contribute to learning and development. Therefore, training, education, and planned experience are interdependent. Distinctions should also be made between trainer-centered training and learner-centered learning, the latter enabling the effective transfer of learning to become reality. Through the presentation of different training and education systems developed by leading European border security agencies, this workshop explored the values and skills that are necessary throughout the different stages of career development, and sought to answer the question of what role there is for training and education in twenty-first-century border security organizations.

Participants included leaders of the border police of participating countries, along with their closest co-workers who participate in director-level decision-making, and top specialists within the organization in the field of training and education.

A working group on training made up of experts in the field was set up following the workshop in Germany. Meeting up to three times over the course of 2004–05, its aim was to discuss the quality of education and training programs for the effective and successful performance of border guard duties. In its first two meetings (see below), a selection of education models and best training programs were presented. The emphasis was on training as a process, which includes needs analysis, program development, program delivery and evaluation, train-the-trainer programs, and how training can play an important role in assisting an organization to achieve its objectives. These groups have met according to the following schedule.

*Training and Education Working Group I, 26–29 May 2004, Hungary.* At this working group meeting, all donor countries were expected to present proposals on how to create training systems for both the border guard personnel sent to man border stations and those who will be station commanders. Given the urgent need for manpower owing to the task of taking over border responsibilities from the military, the training cycle in this instance should be no longer than three months. The question of how to move from this initial step towards comprehensive, one- to two-year long training programs, which should serve as a cornerstones for success in the future, was a focus of the workshop.

*Training and Education Working Group II, 17–20 June 2004, Bosnia-Herzegovina.* In the course of this working group meeting, participants were expected to present what had been developed and implemented so far in the area of training and education by their respective services. At the same time, donor countries presented what they considered to be the keystone of their own training and education systems, and an essential element of its success. Participants in this meeting included leaders in the field of education and training, and their closest co-workers.

*Experts Meeting on Training and Education, 25–27 November 2004, Frankfurt, Germany.* The Meeting of the advisory board for education and training gathered together the senior representatives of the education systems from Estonia, Finland, Slovenia, and Hungary. The aim of the meeting was to clarify and make more precise any unresolved issues regarding the possibility of publishing a book on training and education. The main discussion was about the need for the publication of a book on training

and education, the content and substance of the book, the required time frame, the dynamics of forthcoming activities, the program for the following meetings, and the division of responsibilities between the persons involved in the process.

Representatives from all invited countries agreed and expressed their readiness to participate in the process of preparing a book on training and education. It was decided that the book should be a combination of practical experiences delivered by the countries involved as well as theoretical descriptions of worldwide methodology in the field of training and education. The book should provide information for the beneficiary countries on how to develop their concepts for training and education in the field of border security, but they should be able, based on the material delivered, to make their own conclusions and decisions about the structure and further development of their training and education capabilities. It was decided that it will be very important to emphasize that the internal vocational process of education and training is not only the responsibility of training centers and academies, but also of the border services in each country.

*Experts Meeting on Training and Education, 7–9 February 2005, Frankfurt, Germany.* Due to the activities undertaken within the Border Security Program in the area of training and education throughout 2004, the aim of this meeting was to initiate work on a handbook for border police officers, offering a practical eye and a comprehensive approach to the learning process of border guards. The meeting gathered experts from Bulgaria, Estonia, Finland, Hungary, and Slovenia who work in or are related to the area of border guard training and education in their respective countries and are able to contribute and qualitatively assess the value of the planned publication, titled *Developing a Border Guard/Border Police Education and Training System*.

The meeting largely followed the draft of the contents of the publication that was agreed upon at the training and education meeting which took place in November 2004, but some slight changes were subsequently made. The handbook will be aimed at working group members, their colleagues, and officials responsible for the development and implementation of education and training systems within the border guard services in their respective countries.

*Training and Education Working Group III, 31 March–2 April 2005, Sofia, Bulgaria.* During 2005, the meetings of experts in the field of education and training were dedicated to the curricula on border checks and border surveillance. The main objective of this first event was to try to clarify which knowledge, skills, and attitudes are necessary to perform specific border guarding tasks, how to assess the training needs, and how to define the needed competences—i.e. the ability to use knowledge, skills, attitudes, and values to perform the tasks that reflect the scope of professional practice. During the meeting, specialists elaborated upon the curricula needed for teaching passport controllers. Each country prepared a detailed presentation on a specific subtopic within their training curriculum for their border police, such as profiling, traveling documents, performing a border check, refusing entry, dealing with asylum seekers, etc. These presentations covered all aspects of the assigned topic that had been incorporated into the national training programs of each country's border services.

*Experts Meeting on Training and Education, 29–31 May 2005, Vienna, Austria.* The aim of this IAB gathering was to discuss further the launching of the handbook for border police officers, offering a practical eye and a comprehensive approach to the learning process of border guards. During the meeting, the IAB concentrated on the following topics: vocational and academic education, education process, training needs, and leadership training curricula.

The objective of the advisory board meeting was to review and evaluate the received contributions for the handbook *Developing a Border Guard / Border Police Education and Training System*. Training and education experts from Bulgaria, Estonia, Finland, Germany, Hungary, and Slovenia were involved in the assessment of various topics included in the draft of the handbook.

*Experts Meeting on Training and Education, 28–30 July 2005, Frankfurt, Germany.* The aim of this meeting was to further evaluate and review the received contributions for the handbook *Developing a Border Guard/Border Police Education and Training System*. During the meeting, experts focused on such topics as: guiding principles for developing the border guard/border police education system; cooperative leadership systems; best practice examples; assessment and evaluation; and quality control. Training and education experts from Bulgaria, Estonia, Germany, Hungary, Finland, and Slovenia also reviewed the completed and revised articles.

*Training and Education Working Group IV, 2–5 November 2005, Montenegro.* Co-organized by the Montenegrin Border Police, this meeting discussed the curricula on border surveillance and looked at theoretical principles of adult education, while the host country revealed its achievements in the area of education and training of border police officers and the paths to development in the future. The agenda also included a visit to the Education and Training Center situated in Danilovgrad. This visit aimed to raise awareness of the advances that have been made by the Montenegrin Border Police in the education and training of border police personnel.

As part of the program, participating delegations gave detailed presentations on pre-designated subtopics regarding border surveillance and discussed how theoretical teaching is reflected in practice within their individual border services. Each participating country chose the subtopic covered during the meeting. Those were:

- Surveillance methods
- Differences between surveillance areas
- Patrolling
- Actions taken during a border incident
- Planning system
- Risk analysis on the level of a station.

The meeting was aimed at training and education experts with experience in the field of border security, as well as representatives of the headquarters and police academies. The next year will be dedicated to the issue of permanent training within border guard services, training program design, and lifelong learning.

*Experts Meeting on Training and Education, 15–18 December 2005, Frankfurt, Germany.* This meeting continued the series of gatherings in 2005, and aimed at reviewing and evaluating the contributions for the publication discussed above. The concept of the planned handbook was also reviewed, with an objective of providing a comprehensive image of the education and training systems in the donor countries. From country reports outlining their border police development history and experiences, to concise theoretical articles tailored to be as universal as possible, the book will look at specific issues, such as values in the professional education and training of police, the strategy of lifelong learning, quality management in border police training, basic competences, needs analysis, etc. Those involved in the publication include education and training experts from Bulgaria, Estonia, Finland, Germany, Hungary, and Slovenia.

For 2006, two meetings are planned to examine what the border police should be taught in order to carry out their tasks. The first working group meeting will focus on curricula for border checks and harmonization of curricula, both for basic training courses and for personnel already serving in the border patrol. The second working group meeting will focus on the curricula for border surveillance. All countries involved stressed the deficiencies in their teachers' competencies to meet the new training requirements. The 2006 meetings will take this need as their starting point. Our intention is to develop common training programs and to prepare teachers, trainers, or instructors for their implementation. Delegations of participants in these meetings should include one person in a managerial position responsible for permanent training within border guard organizations, and two or three people who are experts in the field of border guarding, one of them serving as a trainer or teacher.

*Training and Education Working Group V, 15–18 March 2006, Macedonia.* Co-organized by the Macedonian Police, this working group aimed to set out the basis for the development of comprehensive, common curricula education and training programs regarding border checks and control and border surveillance. These programs, once they have been designed and approved, will be at the disposal of all countries in the region in order to harmonize border guard training, guarantee capabilities for common action, enhance regional cooperation, and thus improve the fight against cross-border crime.

On the first day of the meeting, the delegations gave presentations on the organization of their border guard training—i.e. how they determine the needs, who develops the program, who delivers it, how they manage training events, how they evaluate programs, and the problems they face. This was then complemented by presentations by experts from the Slovenian Police Academy, who talked about program design; presentations from the Finnish Border Guard Academy on administrative planning and supervision and border check and surveillance training; and presentations from Estonia on managing and leading education and training.

During the second day, the delegations divided into three teams. The two “program teams” worked together on the design of a common curriculum/training program for border checking and border surveillance, and a “managers’ team” worked on the planning of the negotiation and implementation of training programs within the border ser-

vices. On the final day, the three teams presented their work, and in particular the two program teams managed to produce an outline design of:

- Job descriptions—i.e., the tasks that have to be carried out by the border guard re: border checks and border surveillance
- What the border guard knows about the above subjects (as a result of basic training/experience on the job)
- What the border guard needs to know in the future.

The participants included delegations from all Western Balkan countries (except for Croatia), made up of managers, instructors from the police academies, and operators working in the field. The experts came from the Slovenian Police Academy, the Finnish Border Guard Academy, and Tallinn University in Estonia.

The sixth working group meeting is planned to take place from 12–15 November 2006 in Serbia. In the meantime, an extra meeting of the two program team member is planned for 27–30 August in Croatia to further prepare the common programs.

*General Overview of Maritime Border Issues and Integrating the Coast Guard into the Border Security System: the Case of the Finnish Frontier Guard*

*First Workshop, 25–29 August 2004 in Helsinki.* This specific project was aimed at providing useful background material and EU member country experience in order to assist Western Balkan states in the establishment of coast guarding systems. The starting point was the EU's requirements for management of the maritime borders. This covers both blue border surveillance and the border checks in ports. During the project, the beneficiaries were familiarized with existing organizational, operational, and technical solutions in Finland, Spain, and Greece.

While the general principles for the control and surveillance of green and blue borders are essentially the same, attention should be paid to the relationship between a coast guard service and the border security service. In the EU border management context it is essential that the coast guard function be completely interlinked with the border police. Several states have established a practice where the border service manages the coast guard, and takes on a number of other maritime duties. The aim of the third phase is to build a common understanding on how best to establish coast guarding functions in WB countries; to undertake a joint Adriatic threat analysis; to develop national drafts of coast guard concepts, structures and resources; and eventually to develop a model of Adriatic Sea border control cooperation based on the Baltic Sea region experience. The starting point was the EU requirements for management of maritime borders, covering both blue border surveillance and border checks in ports. Participants were familiarized with existing organizational, operational, and technical solutions in Finland, Spain, and Greece/Italy. The form of this phase will be discussed below.

The aim of the “blue border project” is to build a common understanding on how to use EU coast guarding best practices in Western Balkan countries. The model for a joint Adriatic threat analysis; the development of national drafts of coast guard con-

cepts, structures, and resources; and eventually the development of a model of Adriatic Sea border control cooperation based on examples from the Baltic Sea region will be on the agenda of the meetings. The starting point of the “blue border project” concerned the EU requirements for the management of maritime borders and the application of those standards at maritime borders, covering both blue border surveillance and border checks in ports.

The meeting in Helsinki aimed to give a general overview of maritime border issues by emphasizing the case of the Baltic Sea area. Border management is one of the key civil security functions of any state at sea, but there are other necessary functions as well. It may prove useful to make a given authority responsible for a number of different functions. The possible divisions of responsibility between authorities were examined, with Finland being an example of a border guard organization that successfully carries out several coast guard functions. In addition, case studies were given by Sweden and Estonia to highlight the different aspects of being either an “independent” or an “integrated” coast guard.

The prevention of illegal immigration and human smuggling can be enhanced by cooperation with other countries bordering on the same littoral. The Baltic Sea region is an example where cooperation in coast guarding has helped curb maritime crime; the participants were able to examine the arrangements of this example of international cooperation in border control. In addition, the extensive experiences gained from securing the river border of the Oder River were presented by representatives from Germany, along with presentations by Romania and Bulgaria on strategies prepared under the EU’s perspective to prevent illegal border-crossings in the case of the Danube River. The workshop was organized in Finland in order to capitalize on the Finnish Frontier Guard’s expertise in the area and to maximize the synergies that can come from considering how maritime and green border operations can be integrated into one effective border security organization. A number of working group meetings followed on this workshop, which are outlined below.

*First Working Group on Blue Border Surveillance, 24–28 October 2004, Málaga, Spain.* Spain has established an EU ad hoc center for the surveillance of maritime borders, with a view to providing important insights into international cooperation at the operational level. Moreover, Spain is responsible for elaborating a common EU strategy on guarding blue borders. For Western Balkan countries, it is therefore interesting to see how the EU wants to achieve progress on this issue.

Jointly organized by DCAF and the Spanish *Guardia Civil*, this event was a continuation of the work done at the initial workshop on blue border surveillance held in Finland in August 2004. The gathering in Málaga was beneficial for all services seeking to explore the different possibilities that exist with regard to blue border surveillance, and the role and place of the coast guard in border security. The *Guardia Civil* presented its own system, and participants were able to draw comparisons with the systems that were presented to them in Finland, notably those of the Finnish Frontier Guard, the Estonian Border Guard, and the Swedish Coast Guard.

Participating delegations formed common teams, incorporating all relevant actors in this field, including representatives of the border police, the coast guard, and the



navy, depending upon where the responsibility for blue border surveillance lies in the various countries. The main topics of the workshop included the presentation of the Spanish system of blue border control. This involved, *inter alia*, discussions of illegal migration management, SIVE (the *Guardia Civil's* External Surveillance Integrated System deployed along the Spanish coast), and the centers of coordination of maritime borders of the EU. Study visits were made to the Málaga port, as well as to illegal migration management installations in Ceuta.

*Second Working Group on Coast Guard, 17–20 April 2005, Athens and Corfu, Greece.* This event was a continuation of the work already done in 2004 during the events mentioned above. Jointly organized by DCAF and the Hellenic Coast Guard, the meeting started with presentations from all delegations on the developments made in the field of blue border surveillance within the previous six months and their plans for the future. The Swedish Coast Guard then gave a presentation on the EU's Strategy for Sea Borders, and the Hellenic Coast Guard presented their system of blue border control, highlighting the way in which they implemented EU strategy. Participants were therefore able to draw comparisons between the variety of systems that were presented to them in Finland and Spain respectively and the Greek system of blue border surveillance, as well as considering the role and place of the coast guard in border security.

During the meeting, participants had the opportunity to see the work being done in the Hellenic Coast Guard Headquarters and at the EU's Eastern Sea Border Center. This included a visit to the operational center of the Hellenic Coast Guard, the Joint Rescue Command Center, and a presentation on the VTMIS surveillance system (Vessel Traffic Management Information System). Participants also had the chance to go to sea in coastal surveillance vessels to observe first-hand the various operational means available to the Hellenic Coast Guard to carry out their work, and to see in practice the Greek model of carrying out blue border surveillance.

On the final day of the workshop, participants were taken to sea on small patrol craft and shown blue border patrolling on the Greek/Albanian border. This was concluded by a visit to the Port Authority, where they were given a demonstration of the Vessel Traffic System (VTS) of surveillance, the local level of the VTMIS surveillance system. The meeting concluded by agreeing on the program for the third working group meeting on blue border surveillance, which took place in Croatia, as detailed below.

*Third Working Group on Coast Guard, 26–29 October 2005, Trogir, Croatia.* Jointly organized by DCAF, OSCE, and the Croatian Police, much of this meeting was dedicated to the first drafts of the strategies and action plans for blue border surveillance that were to have been created by each of the participating countries. The first day of the meeting started by looking at the EU's demands and requirements for maritime border strategies, followed by presentations from Finland, Estonia, Sweden, Spain, Greece, and Cyprus, which showed how the EU's guiding principles were implemented in practice in Northern and Southern Europe. The practical aspects of designing a strategy for maritime borders in accordance with EU demands and requirements was then presented. This was followed by a complementary presentation that

looked at the concerns and pitfalls that should be taken into account when designing a strategy.

On the second day of the meeting, Croatia presented her experiences in the field of blue border surveillance, given by representatives from the Croatian Maritime Police; the Ministry of Sea, Tourism, Transport, and Development; and the Ministry of Defense (Navy). This was followed by a visit to the harbor in Split and to the naval operational center to see the Peregrine and GEMS radar systems at work.

Participants then divided into different working groups to discuss in detail the strategies required for the control of sea, lake, and river borders respectively. Each working group then gave presentations on their results and findings, and each delegation left with a comprehensive template that could be used by them to further develop their draft blue border strategies.

The meeting concluded by agreeing that during the next two months all participating countries would prepare draft strategies for blue border surveillance, formatted in the manner that was discussed and presented during working groups' meetings. This would give them the chance to create a document that included their ideas, wishes, and choices for the organization they would like to set up in their countries that would be responsible for border guarding at sea.

In 2006, this group had plans for one event, to allow for elaboration of the final draft strategies prepared for the countries and discussion of how these strategies can be implemented. Participating delegations for this meeting were to be made up of all relevant actors in the field of blue border surveillance, including representatives of the border police, the coast guard, and the navy (depending upon where the responsibility for blue border surveillance lies in each country).

*Fourth Working Group on Coast Guard, 25–28 October 2006, Albania.* The final aim of the working group will be the creation of a strategy for a common border security system, including a search and rescue (SAR) function, whereby the means of green and blue border surveillance are united under a clearly defined control and command line. Written strategies should be presented at the Third Annual Review Conference in 2006.

### *Risk Analysis and Criminal Investigation & Intelligence*

*First Workshop, 30 November–4 December 2004, Frankfurt, Germany.* Rather than simply being concerned with controlling the entry and exit of aliens and national citizens, border security is a concept that includes preventing illegal entry, combating human trafficking and the smuggling of goods, and contributing to the fight against terrorism and the proliferation of weapons of mass destruction. All these activities require that three important elements—risk analysis, criminal intelligence, and investigation functions—are closely interlinked with other border guard duties.

Modern border guarding cannot take place without these three elements. This workshop aimed to highlight the importance of risk analysis within border security; it included presentations of a number of different risk analysis models, familiarizing participants with best practices. The presentations also described how these models have been organized by different services, focusing in particular on the model used by the

Finnish Frontier Guard. Criminal intelligence and investigation were covered in presentations made by other leading border security agencies that have successfully integrated criminal intelligence and investigation capacities into their operational concepts. Participating countries were also given the opportunity to present their own existing or planned approaches.

During the workshop, the main emphasis was placed on the comprehensive risk analysis model developed by the Finnish Frontier Guard. This model builds upon two assumptions: that effective contribution to crime prevention requires intelligence-led operational activities; and that the information gained in border management activities is to be utilized systematically for purposes of analysis and intelligence. The intelligence-led approach suggests that practical field-work is based on constant profiling, and that planning is supported by statistical analysis. Profiling means that each border guard is able to give special attention to those subjects that represent a higher threat, with applicable field methods having been developed to this end.

In the area of planning, it has to be recognized that system gaps may lead to irregularities. In this regard, border management is only as strong as its weakest link. The border management system has to be analyzed to determine its impact on crime in different areas, and to find out where the gaps exist in the system. For this purpose, pragmatic and simple statistical methods have been developed, part of the so-called operational risk assessment. The basis for both profiling and operational risk assessment efforts is a valid understanding of the prevailing threats. To achieve this, an intelligence function must be organized to support risk analysis in border management activities.

In addition to risk analysis, the scope of the border guard mission requires that such organizations also develop a mechanism for carrying out criminal intelligence and investigation activities. This can either take the form of coordination with police agencies and other actors outside of the border guard organization, or these capabilities can be integrated into the activities of the border guard itself. The choice made will depend on a number of factors, including the place of border security in a given nation's legal framework and the organizational concept upon which the border guard authority has been built.

The workshop included presentations on the activities of the German *Bundesgrenzschutz* (BGS), the Finnish Frontier Guard, and the Estonian Border Guard, as well as presentations from other leading border security agencies that have successfully integrated criminal investigation and intelligence capacities into their operational concepts in various ways. Participating countries were also given the opportunity to present their own existing or planned approaches to criminal investigation.

Participants in the workshop included leaders of the border police of participating countries, along with their closest co-workers who participate in director-level decision-making and top specialists within the organization in the field of criminal investigation and intelligence, as well as risk assessment. During 2005–06, three working groups were formed to address these closely interlinked elements. The aim of these working groups will be to assist the countries of the region to develop mechanisms within their border security systems to carry out criminal intelligence and investigation

activities and integrate criminal investigation and intelligence capacities into their operational concepts. In addition, the groups hope to develop a common understanding of the role of the border guard function in the national systems of criminal investigation, to provide operational guidelines about the organization of investigations within the border guards, and to further develop the operational and strategic risk analysis methods used in relation to different types of borders.

Experts will be drawn from investigation, intelligence, and border guard backgrounds, and will discuss in detail the coordination issues involved in sharing intelligence and investigation information, as well as the exact duties and the necessary competences required in order to carry out risk analysis successfully. For the risk assessment working group, experts will seek to make sense of and harmonize the many different risk assessment methods currently in use.

The working groups on *Investigation* will address the identification and analysis of the criminal investigation system in the region and the role of the border police. They will seek to evolve common conceptions of the role of the border police in the national systems of criminal investigation, as well as to prepare the necessary proposals for national legislation. The structure and contents of operation guidelines will also be prepared.

Participants in the Investigation working group will include legal experts with an education in criminal law, national and/or regional managers or trainers with experience in criminal proceedings, and personnel who will take over management positions in a border police unit involved in criminal proceedings.

The working group on *Risk Analysis* will be divided into groups focusing on operational and strategic analysis and tactical risk analysis. Regarding operational and strategic analysis, working groups will give a thorough introduction of operational and strategic risk analysis methods through lectures and case studies. Operational analysis methods will also be developed further, as they relate to different types of borders. As far as possible, existing material from the participating states would be utilized in exercises. Participants in this working group include national and/or regional managers or trainers with experience in and knowledge of operational border control activities and management.

The working group on tactical risk analysis will introduce the various methods of tactical risk analysis (and related intelligence) to the participants. Participants will be requested to provide genuine data on actual incidents, if possible, in order to assist in drawing up joint risk profiles, risk indicators, and refreshed models of operation. Participants in this working group include communication-oriented intelligence practitioners, or experienced border control and document checking experts. The following working group meetings have taken place.

*Risk Analysis, Criminal Intelligence and Investigation Working Group I, 11–13 May 2005, Budva, Montenegro.* DCAF organized this working group meeting as a continuation of the workshop held in Frankfurt in December 2004. Its aim was to establish integrated working groups to deal with these three closely interlinked elements throughout 2005 and 2006 in order to assist the border services in the region to:

- Develop mechanisms for border police to carry out criminal intelligence and investigation activities
- Integrate criminal intelligence and investigation capacities into border police operational concepts
- Develop a common understanding of the role of the border police in the national systems of criminal intelligence and investigation
- Deliver operational guidelines about the organization of intelligence and investigations within the border police
- Further develop tactical, operational, and strategic risk analysis methods as they relate to different types of borders.

Presentations were given by the participating countries about the current tactical, operational, and strategic risk analysis methods used within the border police, or in close cooperation with the state police and state intelligence services. During these presentations, participants gained a clear view of the actual situation in other countries in the region concerning these topics.

After presentations from a variety of EU experts, teams worked in four working groups in order to find out the “ideal” way to carry out intelligence and investigation functions as well as to introduce a risk analysis model into the everyday practice of the border police services in the region. This teamwork was facilitated by experts from Germany, Switzerland, Estonia, and Finland. During the working group, participants had the opportunity to discuss in detail the coordination issues involved in sharing intelligence and investigation information, as well as the exact duties and the necessary competences required in order to carry out the above mentioned elements successfully. Participants in the workshop were both leaders of border police authorities and specialists in the fields of criminal intelligence, investigation, and risk assessment.

*Risk Analysis, Criminal Intelligence and Investigation Working Group II, 1–4 December 2005, Budva, Montenegro.* This meeting carried on the work from the previous working group meeting in May in Frankfurt. The framework for this working group was as follows. The working group started with short briefings by each delegation on:

- How the responsibilities regarding intelligence gathering, investigation, and risk analysis are divided between the agencies legally involved in this business
- How this works in practice
- How cooperation between the various agencies involved is organized.

This was followed by a discussion of the presented job descriptions, tasks, and the implementation of processes and procedures required—specifically, information gathering, investigation, and risk analysis at both the national and regional headquarters level.

During the working group meeting, experts from Estonia, Finland, France, Germany, and Switzerland covered the administrative aspects required to implement a risk analysis model, and looked into the practicalities of carrying out operational risk analy-

sis. The different stages and elements of the investigation process in the case of illegal immigration were discussed, and a practical case study covered intelligence matters and decision making. Participants included leaders of border police services as well as experts drawn from investigation, intelligence, and border guard backgrounds.

For 2006, the working group has two events planned. The meeting of the risk analysis group has as its goal building the capability within participant states of conducting risk analysis at the strategic level within the region. The intelligence and investigation working group meeting will focus on building the capability for data collection and analysis, examining full intelligence cycles; gathering, forming, storing, and distributing this information; creating profiles; and encouraging cooperation between agencies. Participants in these meetings should have the following qualifications:

- Leaders of the border police of participating countries, along with their closest coworkers who participate in director-level decision-making and top specialists within the organization in the fields of criminal investigation, intelligence, and risk assessment
- Legal experts with an education in criminal law, national and/or regional managers or trainers with experience in criminal proceedings, or personnel who will take over management positions in a border police unit involved in criminal proceedings
- National and/or regional managers or trainers with experience in and knowledge of operational border control activities and management
- Communication-oriented intelligence practitioners, or experienced border control and document checking experts.

*Risk Analysis, Criminal Intelligence and Investigation Working Group III, 10–13 May 2006, Slovenia.* During 2006, the working group on risk analysis, criminal intelligence, and investigation aims to assist the countries of the Western Balkans in achieving the following goals:

- In risk analysis: to be capable of conducting risk analysis at the strategic, operational (including tactical), national, and regional levels
- In Intelligence: to gain a capability in data collection and analysis; to be able to implement full intelligence cycles; and to conduct operational cooperation between agencies and services responsible for intelligence
- In Investigation: to assist in the enhancement of professional capabilities for criminal investigations by national border police authorities; and to identify and apply common standards and procedures for investigation of border-related crimes, in order to be able to carry on common investigations in cases of crimes committed in different countries.

During the first meeting, the working group made a number of agreements. In the area of risk analysis, participants actively discussed the structure of a strategic risk

analysis model (SRA) currently used by EU member countries. This model includes the following elements in its analysis of the internal and external environment:

- The operational situation in consulates (quality, equipment, effect of granting more visas); possible risks and threats, and proposals to address them
- The situation in neighboring countries, including the border security situation; levels of traffic; changes in border security systems; social factors; possible risks and threats, and proposals to address them
- The border security situation in the EU, including changes in borders and how they can impact national situations (enlargement), and possible risks and threats and proposals to address them
- Routes of illegal immigration, including possible risks in individual national systems and proposals to address them
- Land borders (border surveillance and border checks); sea borders; air borders; and possible risks and threats, and proposals to address them
- Main conclusions and proposals for implementation measures, comparison of risks and own resources (staff, equipment, mobility, commanding system, organizational structures, powers).

The participating countries agreed to create rules and regulations for carrying out national risk analyses, which will include formats of all the necessary reports included in their model. The created documents will be sent to DCAF by 1 November 2006, and will be discussed and analyzed during the next working group meeting, which will take place from 22–25 November in Macedonia. In addition, at this meeting activities will be directed towards the development of an operational risk analysis methodology.

In the area of intelligence, participants first received information from customs officers about the intelligence role within customs. At the same time, the importance of cooperation between different agencies and services was stressed again. Participants were asked in the working groups of the first day to identify the main factors that could influence their organizations and to sort out the possible opportunities and threats. Then, taking into account their organizations' strengths and weaknesses, they were asked to highlight the critical sectors and the key factors of efficiency in order to identify priorities and define measures to be taken.

A model was provided of how to conduct such an analysis, and the results of the three study groups were presented in a plenary session. This model of analysis must be considered as contributing to the preparation of the reports mentioned above. It thus offers participants a tool to complete their analyses in their home countries.

The morning of the second day was devoted to the presentation of some of the techniques and outcomes of criminal analysis. A second important point was addressed, concerning the structure and the conduct of the meetings in which situations are presented on the basis of intelligence analysis and decisions are made. Examples of reports disseminating information according to the decisions made were also presented. During the afternoon a comprehensive exercise was organized. Participants divided

into three groups representing two police agencies in France and Germany and a customs agency in France, and were assigned to analyze different situations, assimilate information obtained from their partners, request new information, and prepare coordination and decision meetings.

In the area of investigation, participants agreed on several recommendations. The first was that participating countries should apply the FEMALE method of investigation of human smuggling crimes. They were asked to evaluate the methodology and send proposals to DCAF by November 2006. The methodology will be discussed during the next workshop, along with the adoption of a common methodology for the investigation of human smuggling cases.

*Risk Analysis, Criminal Intelligence and Investigation Working Group IV, 22–25 November 2006, Macedonia.* The final aim of the working groups on risk analysis, criminal intelligence, and investigation will be to provide all participants with the knowledge of common EU standards for risk assessment in order to create operational risk assessment methodologies in each participating country. Operational guidelines on how to set up criminal intelligence and investigation capacities, including the necessary job descriptions, should also be elaborated.

### ***Level Two: Advanced Distance Learning (ADL) Module For Regional Commanders***

As a new stage of development, an ADL module for regional commanders, which can be seen as a cornerstone for a future Virtual Border Guard Academy, was under preparation in 2004–05, and was launched in February 2006. The learning provided is intended for regional commanders, in order to enable the sharing of information across participating countries and to ensure that common best practices are established through interaction. Interactive learning that brings together regional commanders from the countries that make up the Stabilization and Association Process (SAP) will also form a basis for future regional cooperation.

To prepare the content for the ADL module, an international advisory board was extended to include specialists in the fields of education and training from each participant country. The content of the curriculum was drafted on the basis of collaboration between advisory board members. Its aims are to determine the content of the curriculum for the entire course and particular modules, assess the relevance of the material provided, make the necessary updates, and prepare a final exam. For their part, the ADL specialists at the Zurich Federal Institute of Technology (ETHZ) are responsible for transforming the curriculum into an ADL module. While the curriculum materials have been translated, the seminar courses are given in English. With a view to ensuring that, by the beginning of the course in February 2006, all participants would have the required language skills, English courses were organized for participants in their home countries during 2004 by national authorities. After the first selection of candidates by the end of 2004, specialized language courses combining modules in the home country with courses in a native language environment started in February 2005.

Four English language courses of roughly a month in duration were organized by DCAF, and three two-month courses were organized by national authorities. Countries



nominate eight participants for these courses, with five participants ultimately being selected. DCAF provided content for the national segments of the courses.

Organized by DCAF, the first classroom phase of the Advance Distance Learning Course for Regional Commanders took place in York from 4–30 April, at the Leeds University Centre for International Studies. This was a four-week-long English language training course for thirty-four participants from all Western Balkan countries, as well as participants from Slovenia and Estonia.

The participants, who were divided into four groups depending on their ability and in accordance with the final achievement test, all progressed considerably during the four weeks of training. The participants also gained the necessary requirements in order to be able to actively participate in the next phase of language learning, which will involve a professional course on border security, planned to start in February 2006 and to run for eighteen months. The main aim of this program is to enable participants to communicate effectively with all other colleagues involved in guaranteeing security for their citizens through effective border management.

The second English language course took place in Lucerne, Switzerland, from 11 July–7 August 2005. Thirty-six regional commanders or police officers from ministries in headquarters from eight counties (Albania, Bosnia and Herzegovina, Croatia, Estonia, Macedonia, Montenegro, Serbia, and Slovenia) participated. During the first day, an exam was administered to assess the ability of all the participants. The participants were divided into four groups: one group at the elementary level, two groups at the pre-intermediate level, and the fourth group at the upper intermediate level.

The course involved intensive classroom activity in the following areas:

- Listening comprehension
- Reading comprehension
- Grammatical accuracy
- Phonological control
- Vocabulary range
- General linguistic range
- Spoken pronunciation
- Information exchange
- Notes, messages, and forms
- Correspondence
- Reports and essays.

The course concluded with a progress test that showed improvement in all previously mentioned areas.

The third English language course, took place in Birmensdorf, Switzerland from 25 September–16 October 2005. The participants included twenty-eight regional commanders (or police officers from ministries in headquarters of an equivalent level) from the same eight countries that sent participants to the previous course. This course in-

cluded participants at the elementary and pre-intermediate levels, although members of the latter group were able to move up to intermediate proficiency during the course. The program involved intensive classroom activity, which continued the themes mentioned above. As before, the course finished with a progress test that showed improvement in all previously mentioned areas.

The fourth English language course, took place in Budva, Montenegro from 12 November–5 December 2005. The thirty-six participants completed this final course in preparation for the main ADL course, which started in January 2006. The course finished with a progress test that showed improvement by all participants in all previously mentioned areas. Their achievements and present level of English knowledge is explained well in the certificates delivered to each participant.

The first module of the eighteen-month-long ADL course for regional commanders was scheduled to take place in Geneva during early 2006. The advanced distance learning phase of this module took place from 12 December to 22 January, to prepare the participants for the classroom phase.

The beginning of the ADL Main Course for Regional Commanders, entitled “Change in the Security Environment,” took place from 22 January–11 February 2006 in Geneva. The participants were twenty-four regional commanders or police officers from ministries in headquarters of an equivalent level, from eight countries (five from Albania, two from Bosnia and Herzegovina, six from Croatia, two from Estonia, two from Montenegro, six from Serbia, and one from Slovenia).

The course involved intensive classroom activity in the following areas:

- Working in teams
- Problems of border management in a globalizing world
- Roots of conflict
- New security environment
- Globalization, regionalism, and integration
- Transnational organized crime and international security
- Combating trafficking in human beings
- Organized crime in the Balkans
- The non-proliferation regime and its current challenges
- Trafficking in nuclear materials
- Trafficking in small arms and light weapons
- Old and new forms of terrorism
- Combating the ideological support of terrorism
- Counterterrorism and border security
- WMD terrorism
- EU counterterrorism policies

- The crime–terrorism nexus
- Human rights
- Border security in modern world
- Guiding principles of successful leadership and management in modern border security organizations
- Recent developments in the framework of the EU.

The lecturers were experts from GCSP, DCAF, Oxford University, Zurich University, Tartu University in Estonia, the Swiss Police, and the Slovenian Police, among others. As part of the course, several visits were organized to the following international organizations that are involved in the issues listed above, including:

- UN Headquarters in Geneva
- International Red Cross Headquarters
- Office of the UN High Commissioner for Human Rights
- Office of the UN High Commissioner for Refugees
- International Organization for Migration
- Swiss–French Communication Center.

The second ADL module, on “Leadership and Management,” took place from 3–23 May 2006 in Slovenia. The advanced distance learning phase of this module took place from 10 March to 6 May, to prepare the participants for the classroom phase in Slovenia. The third module, on “Border Management I,” took place in Estonia and Finland, from 15 August–3 September 2006. The fourth module, entitled “Border Management II,” will take place in early 2007 in Hungary and Germany.

### ***Level Three: Operational Guidelines and Job Descriptions for Station Commanders***

In response to requests made by recipient countries, and as a complement to the ADL module for regional commanders described above, a special program will be organized for station commanders. The aim of the program will be to provide practical training for station commanders on the subject of carrying out border checks and surveillance at the individual station level. The program will be aimed in particular at commanders who have yet to take up their border station posts or who have up to three years of experience. The program will take the form of week-long study visits, during which participants will be familiarized with the planning and organizing of everyday activities of border police stations, and will carry out a variety of practical exercises, all designed to reproduce situations similar to those found in their home countries.

The first courses for station commanders were begun in Kiskunhalas, Hungary on 16–23 May and 7–14 June 2004. Thereafter, two more courses took place in Gotenica, Slovenia, the first from 6–10 September and the second from 20–24 September 2004. In total, fifteen station commanders from each recipient country were invited, with all costs covered by DCAF.

In 2005, the first series of workshops on communication and stress management, took place in the Slovenian Police Academy in Ljubljana in March and April. In accordance with the proposal made by the Slovenian hosts, the previously established two working groups in this field were divided into four groups, and each of those groups participated in a four-day course over the period from 28 February to 15 April 2005, according to the following timetable:

- The first group from 1–4 March 2005
- The second group from 22–25 March 2005
- The third group from 5–8 April 2005
- The fourth group from 12–15 April 2005.

This series of workshops gathered together sixty-one commanders of police stations for border control from Croatia, BiH, Montenegro, Serbia, and Macedonia. Their aim was to develop communication skills for police daily work and the strategies for coping with stress in order to improve the officers' effectiveness and professionalism. The training was designed to be interactive, with the full involvement of the participants with many instruments for self-discovery, role plays, discussion, problem solving, group work, and analysis of their own behavior.

The workshop was divided into two parts. The first part was about communication training, and was designed to provide knowledge about the rules of effective communication. It built on experimental situations that allowed the students to improvise and to find out the best solutions for themselves. During this segment, police officers learned how to respect and protect others and their own human dignity through communication and stress management and how to be more effective. The second part of the workshop involved training in how to deal with stress, which is one of the most important personal competences involved in police work. Police officers were trained in how to use the advantages of stressful situations and how to protect themselves from the damaging effects of stress.

The second course, on leadership and green and blue border surveillance, took place over two one-week sessions, from 21–30 August and 11–20 September in Estonia. This workshop was a follow-up to workshops of the same kind held in Hungary (May/June 2004) and Slovenia (September 2004 and April/May 2005). There were thirty-nine participants from five countries (Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, and Serbia) in each session. All of them held the rank of chief of a border police station. The workshop gave the participants the opportunity to gain knowledge and experience about leadership, as well as to observe how their colleagues at the station commander level perform their daily duties in practice. The workshop program was divided into two parts: classroom activities and field visits.

Classroom activities addressed the following topics:

- Leaders and leadership
- Leaders' competences
- Leaders' personality typology

- Leadership styles
- How to build an effective team
- Principles of effective teamwork
- Teambuilding process
- Motivating leadership
- Criteria of organizational efficiency.

This portion of the course also included a number of practical exercises, which the participants described as being very useful.

The second part of the program consisted of visits to a border guard station on Estonia's eastern border (with the Russian Federation). During this portion, participants were introduced to the following subjects:

- Organizational structure of the Estonian border guard
- How work is organized at the border crossing points
- How border guarding is carried out on the lakes, rivers, and green borders
- What kind of technical support do border guards have and how it functions
- In what way the work had been carried out before the Estonian border guards received their first technical equipment
- Cooperation with other services and neighboring countries (the Estonian Border Guard organized a joint exercise with their Russian colleagues, which provided an example of how the Estonian and Russian border guard manage illegal border crossings).

Further courses on operational guidelines and job descriptions for station commanders will take place in September in Hungary and Poland.

#### ***Level Four: Annual Summer Training for Future Leaders***

Under the rubric of the Border Security Program, DCAF organized a summer camp which gathered together fifty-eight future leaders in the area of border security from 15–21 August 2004 at the Swiss Army Mountain School in Andermatt, Switzerland (participants included three attendees from each Western Balkan country, and three from each donor country). The aim of this conference was to bring together a group of young scholars, NGO activists, journalists, and government officials from Albania, Bosnia and Herzegovina, Croatia, Estonia, Finland, Germany, Hungary, Macedonia, Russia, Serbia and Montenegro, Slovenia, and Switzerland in order to give them an opportunity to engage with prominent international experts in a comprehensive debate concerning contemporary and future issues of border security. The aim of this type of event is to train and educate future leaders in the field of border security, thereby contributing to DCAF's effort towards guaranteeing continuity in transferring best practices. Moreover, by sharing their professional experiences and participating in group

activities, participants will be able to build the basis for future cooperation based on good relations among young professionals.

The Second Annual Future Leaders Summer Training Conference took place once again at the Swiss Army Mountain School in Andermatt from 14–21 August 2005. This event was organized in cooperation with the Swiss Army Center of Excellence in Mountain Training, and gathered together forty-five participants from all countries in South Eastern Europe, as well as the Czech Republic, Estonia, Finland, Germany, Spain, Slovenia, and Ukraine. As mentioned above, the aim of this event was to bring together in a stimulating environment a group of young scholars, NGO activists, journalists, government officials, and border guards in order to give them an opportunity to engage with prominent international experts from Germany, Estonia, Slovenia, and Switzerland in a comprehensive debate concerning contemporary and future issues of border security.

The first three days of the summer training were spent in the classroom discussing topics related to a variety of security issues, as well as examining leadership and management methods. The second part of the program took the participants into the mountains, where they were able to learn and practice summer mountain training skills as taught by the Swiss Army, and to practice the leadership techniques discussed in the classroom. The level of genuine interest and involvement in both the academic and the training activities, together with the high standard of English displayed by both border officers and academics, led to a successful and productive week. It was decided to create a Future Leaders Alumni Network to coordinate the activities of the alumni and conduct on-line forums on issues related to border security in the future.

The Third Annual Future Leaders Summer Training Conference took place again in Andermatt from 13–20 August 2006. The topics discussed included:

- Leadership and management
- Corruption
- The new security environment
- Globalization and competing concepts of border law and border guarding
- Intelligence and risk analysis
- Management and corporate culture.

Participants were expected to have the following qualifications:

- Actively serving border guards, no older than 35 years old at the time of the conference
- The ability to speak and write English well enough to communicate with others without difficulty
- Operational exposure in the field of border security, including practical experience.

## ***Outlook for 2006***

In 2006, a program has been planned that continues the work of the working groups established in seven areas. These areas are legal reform, leadership and management, logistical support, education and training, risk analysis, criminal intelligence and investigation, and blue border surveillance/coast guard. It is intended that the working groups will meet twice a year over the 2006–07 period. By the end of this period, the final aims of the working groups stated above will hopefully have been achieved.

The Border Security Program’s activities will concentrate on the promotion and deepening of regional cooperation, with the aim of benefiting the development of the countries of the region and accelerating their integration into the EU. The focus will be on the following areas:

- Overcoming legal differences and fostering international agreements on cross-border cooperation
- Increasing operational capacities
- Improving the level of technical interoperability
- Harmonizing education and training processes.

*January 2006.* The working group on legal reform met for the fifth time in Slovenia. The first module of the ADL course for regional commanders on “The New Security Environment” began in Geneva, Switzerland.

*February 2006.* In February 2006, the Third Annual Review Conference was held in Sarajevo, Bosnia and Herzegovina. At this event, an evaluation was made of the progress achieved towards reaching the final aims of each working group, and documentation was presented. Also, plans for enhanced regional cooperation and the implementation of regional flexibility measures were discussed. This conference was followed by a meeting of the International Advisory Board for Border Security.

*March 2006.* The fifth working group meeting on education and training took place in Macedonia. The fifth working group meeting on logistical support also took place in March, in Serbia.

*April 2006.* The sixth working group meeting on leadership and management took place in BiH. The course for station commanders (Operational Guidelines and Job Descriptions) was run in Finland, focusing on the topic of communication and stress management. The same course was run twice, each time for forty participants, lasting for one week.

*May 2006.* The second module of the ADL course for regional commanders, entitled “Leadership and Management,” took place in Brdo, Slovenia. A meeting of the DCAF IAB for Border Security and the third working group meeting on risk analysis, criminal investigation, and intelligence also occurred. A meeting for chiefs of border guard agencies of the Western Balkans was organized, with the aim of evaluating the work done in the first half of 2006 and suggesting changes to the program for the second half of 2006. All three events took place in Slovenia.

*June 2006.* The sixth legal reform working group meeting took place in Croatia.

*August 2006.* The third future leaders summer conference took place in Andermatt, at the Swiss Army Mountain Training Site. The third module of the ADL course for regional commanders, "Border Management 1," took place in Estonia and Finland.

*September 2006.* The sixth meeting of the Logistical Support working group is planned for September in Croatia. The continuation of the Operational Guidelines and Job Descriptions course for station commanders, which will focus on leadership and green and blue border surveillance, will take place over two weeks in Poland and Hungary.

*October 2006.* The seventh working group meeting for leadership and management will be held in October in BiH. The fourth coast guard working group meeting is planned to take place in Albania.

*November 2006.* The sixth working group meeting on education and training will take place in Serbia. The final IAB meeting of the year will be held in Bosnia and Herzegovina. In addition, the fourth working group meeting on risk analysis, criminal investigation, and Intelligence will also take place in Bosnia and Herzegovina. The fourth module of the ADL course for regional commanders, "Border Management II," will take place in Hungary and Germany. Finally, the chiefs of the border services will meet in Frankfurt in order to agree on the annual plan for 2007.

*ADL Course for Regional Commanders.* The ADL course planned for 2006–07 is divided into five modules. The virtual part of the study will take two months, and during this time students are expected to receive general education on a specific subject or theme. Classroom activity will last three to five weeks, and will take place in the recipient's country. It is aimed at solidifying the knowledge received during the two-month e-learning period. The following customized four-week program will offer deeper analysis of border security in a specific target region, and will contain tailored propositions for national arrangements.

*Third Annual Review Conference, 23–25 February 2006.* This conference provided WB participants with the opportunity to review the activities undertaken in 2005. The topics under consideration included legal reform, leadership and management, logistical support, training and education, blue border surveillance, risk analysis, and the development of criminal investigation and intelligence capabilities. At the same time, the annual plan of common activities for 2006 was discussed. The chiefs of the various border police services involved in the program were also asked to present an overall evaluation of the DCAF border guard projects, including their success and usefulness in the development of effective border management in the region.

*Third Future Leaders Conference, 13–20 August 2006.* The Third Future Leaders Summer Conference was held once again in Switzerland, in August 2006. This conference sought to continue the work that began in 2004 in the development of personal and professional relationships of young border guard cadets from all over Europe. Practical teambuilding experiences will be combined with lectures from specialists in the field of international relations, speaking on topics related to border security.



# Border Security: Key Agencies and Their Missions

*Blas Nuñez-Neto\**

## Summary

After the massive reorganization of federal agencies within the United States government precipitated by the creation of the Department of Homeland Security (DHS), there are now four main federal agencies charged with securing the United States' borders: the Bureau of Customs and Border Protection (CBP), which patrols the border and conducts immigration, customs, and agricultural inspections at ports of entry; the Bureau of Immigration and Customs Enforcement (ICE), which investigates immigration and customs violations in the interior of the country; the United States Coast Guard, which provides maritime and port security; and the Transportation Security Administration (TSA), which is responsible for securing the nation's land, rail, and air transportation networks. This report is meant to serve as a primer on the key federal agencies charged with border security. As such, it will briefly describe each agency's role in securing the borders of the United States.

In the wake of the tragedy of 11 September 2001, the U.S. Congress decided that enhancing the security of the United States' borders was a vitally important component of preventing future terrorist attacks. Before the events of September 11, responsibility for border security was divided piecemeal under the mandate of many diverse federal departments, including (but not limited to): the Department of Justice (the Immigration and Naturalization Service); the Department of the Treasury (the Customs Service); the Department of Agriculture (the Animal and Plant Health Inspection Service); and the Department of Transportation (the Coast Guard).

The Homeland Security Act of 2002 (P.L. 107-296) consolidated most federal agencies operating along the U.S. borders within the newly formed Department of Homeland Security. Most of these agencies were organized under the Directorate of Border and Transportation Security (BTS), which was charged with securing the borders, territorial waters, cargo terminals, waterways, and air, land, and sea transportation systems of the United States, as well as managing the nation's ports of entry.<sup>1</sup> The lone exception is the U.S. Coast Guard, which remained a stand-alone division within DHS. The BTS was composed of three main agencies:

- The Bureau of Customs and Border Protection (CBP), which is charged with overseeing commercial operations, inspections, and land border patrol functions

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\* Blas Nuñez-Neto is an Analyst in Social Legislation in the Domestic Social Policy Division of the Congressional Research Service at the Library of Congress in Washington, D.C.

<sup>1</sup> For more detailed information on DHS, see Jennifer Lake, *Department of Homeland Security: Consolidation of Border and Transportation Security Agencies*, CRS Report RL31549 (Washington, D.C.: Congressional Research Service, Library of Congress, 2005).

- The Bureau of Immigration and Customs Enforcement (ICE), which oversees investigations, alien detentions and removals, air/marine drug interdiction operations, and federal protective services
- The Transportation Security Administration (TSA), which is charged with protecting the nation's air, land, and rail transportation systems against all forms of attack to ensure freedom of movement for people and commerce.

On 13 July 2005, the Secretary of DHS, Michael Chertoff, announced the results of the months-long Second Stage Review (2SR) that he undertook upon being confirmed as secretary. One of Secretary Chertoff's main recommendations, which was agreed to by the DHS Appropriations Conferees, was the elimination of the BTS Directorate. Chertoff announced the creation of a new Directorate of Policy (subject to legislative approval), which would, among other things, assume the policy coordination responsibilities of the BTS Directorate. The operational agencies that compose BTS (CBP, ICE, TSA) will now report directly to the secretary and deputy secretary of DHS. The goal of this reorganization is to streamline the policy creation process and ensure that DHS policies and regulations are consistent across the department. Additionally, the Federal Air Marshals program was moved out of ICE and back into TSA, in order to increase operational coordination between all aviation security entities in the department.

Conceptually speaking, CBP provides the front-line responders to immigration and customs violations, and serves as the law enforcement arm of DHS, while ICE serves as the department's investigative branch.<sup>2</sup> TSA is charged with securing the nation's transportation systems, whereas the U.S. Coast Guard also serves an important border security function by patrolling the nation's territorial and adjacent international waters against foreign threats. Combined FY2006 appropriations for BTS and the Coast Guard equaled USD 21.3 billion,<sup>3</sup> while their combined full-time equivalent (FTE) manpower totaled 155,928 employees.<sup>4</sup>

## The Bureau of Customs and Border Protection

The Bureau of Customs and Border Protection combined all the previous border law enforcement agencies under one administrative umbrella. This involved absorbing em-

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<sup>2</sup> Many argue that the State Department's Consular posts abroad provide the first line of defense by reviewing visa applications and determining which foreign nationals will be provided with the documentation required to legally enter the country.

<sup>3</sup> This number, and all the budget numbers in this report, represents the department's net appropriation; total budget authority for these key agencies in FY2005 was USD 25.58 billion. For a more detailed breakdown of DHS appropriations, see Jennifer Lake and Blas Nuñez-Neto, Coordinators, *Homeland Security Department: FY2006 Appropriations*, CRS Report RL32863 (Washington, D.C.: Congressional Research Service, Library of Congress, 2005).

<sup>4</sup> All manpower estimates are taken from the U.S. Department of Homeland Security, *Congressional Budget Justification, Department of Homeland Security Fiscal Year 2006*.

ployees from the Immigration and Naturalization Service (INS), the Border Patrol, the Customs Service, and the Department of Agriculture. CBP's mission is to prevent terrorists and terrorist weapons from entering the country, provide security at U.S. borders and ports of entry, apprehend illegal immigrants, stem the flow of illegal drugs, and protect U.S. agricultural and economic interests from harmful pests and diseases.<sup>5</sup> As it performs its official missions, CBP maintains two overarching and sometimes conflicting goals: increasing security, and facilitating legitimate trade and travel.<sup>6</sup> In FY2006, CBP appropriations totaled USD 5.99 billion, and its manpower totaled 40,872 FTE.

Between official ports of entry, the U.S. Border Patrol (USBP) enforces U.S. immigration law and other federal laws along the border. As currently constituted, the USBP is the uniformed law enforcement arm of the Department of Homeland Security. Its primary mission is to detect and prevent the entry of terrorists, weapons of mass destruction, and unauthorized aliens into the country, and to interdict drug smugglers and other criminals. The USBP is thus vitally important to our nation's defense against terrorists and all others attempting to bring goods or persons into the country illegally. In the course of discharging its duties, the USBP patrols over 8,000 miles of our international borders with Mexico and Canada and the coastal waters around Florida and Puerto Rico.

At official ports of entry, CBP officers are responsible for conducting immigration, customs, and agricultural inspections on entering aliens. As a result of the new "one face at the border" initiative, CBP inspectors are being cross-trained to perform all three types of inspections in order to streamline the border crossing process. This initiative unifies the prior inspection processes, providing entering aliens with one primary inspector who is trained to determine whether a more detailed secondary inspection is required.<sup>7</sup>

CPB inspectors enforce immigration laws by examining and verifying the travel documents of incoming international travelers to ensure they have a legal right to enter the country. On the customs side, CBP inspectors ensure that all imports and exports comply with U.S. laws and regulations; collect and protect U.S. revenues; and guard against the smuggling of contraband. Additionally, CBP inspectors are responsible for conducting agricultural inspections at ports of entry in order to enforce a wide array of animal and plant protection laws. In order to carry out these varied functions, CBP

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<sup>5</sup> U.S. Congress, House Appropriations Committee, *Department of Homeland Security Appropriations Bill, 2005*, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 108-541.

<sup>6</sup> U.S. Bureau of Customs and Border Protection, *Performance and Annual Report: Fiscal Year 2003*, 25.

<sup>7</sup> U.S. Department of Homeland Security, Office of the Press Secretary, "Homeland Security Announces New Initiatives," press release, 2 September 2003.

agents have a broad range of powers to inspect all persons, vehicles, conveyances, merchandise, and baggage entering the United States from a foreign country.<sup>8</sup>

To execute its various missions, CBP maintains and utilizes several databases. CBP also administers the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program, which requires all incoming non-immigrant aliens to submit to a biometric scan.<sup>9</sup> Additionally, CBP administers the Container Security Initiative, a program in which CBP inspectors pre-screen U.S.-bound marine containers at foreign ports of loading around the world for hazardous materials, particularly those that could be used in weapons of mass destruction.

### ***Bureau of Immigration and Customs Enforcement***

The Bureau of Immigration and Customs Enforcement merged the investigative functions of the former INS and the Customs Service, the INS detention and removal functions, most INS intelligence operations, and the Federal Protective Service. This makes ICE the principal investigative arm for DHS. ICE's mission is to detect and prevent terrorist and criminal acts by targeting the people, money, and materials that support terrorist and criminal networks.<sup>10</sup> As such, they are an important component of our nation's border security network, even though their main focus is on interior enforcement. In FY2006, ICE appropriations totaled USD 3.19 billion, and the agency had 15,440 FTE employees.

Unlike CBP, whose jurisdiction is confined to law enforcement activities along the United States' borders, ICE special agents investigate immigration and customs violations in the interior of the United States. ICE's mandate includes uncovering national security threats, such as weapons of mass destruction or potential terrorists; identifying criminal aliens for deportation; probing immigration-related document and benefit fraud; investigating work-site immigration violations; exposing alien and contraband smuggling operations; interdicting narcotics shipments;<sup>11</sup> and detaining illegal immigrants and ensuring their departure (or removal) from the United States.<sup>12</sup> ICE is also responsible for the collection, analysis, and dissemination of strategic and tactical intelligence data pertaining to homeland security, infrastructure protection, and the ille-

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<sup>8</sup> For a more detailed analysis of inspection practices along the U.S. border, including the legislative foundation for CBP powers, a history of inspection practices, and the policy issues involved, refer to Ruth Ellen Wasem, coordinator, *Border Security: Inspections Practices, Policies, and Issues*, CRS Report RL32399 (Washington, D.C.: Congressional Research Service, Library of Congress, 2004).

<sup>9</sup> For further discussion and analysis of the US-VISIT program, see Lisa Seghetti, *U.S. Visitor and Immigrant Status Indicator Technology Program (US-VISIT)*, CRS Report RL32234 (Washington, D.C.: Congressional Research Service, Library of Congress).

<sup>10</sup> Bureau of Immigration and Customs Enforcement, Border Security and Immigration Enforcement Fact Sheet, at [www.ice.gov/graphics/news/factsheets/061704det\\_FS.htm](http://www.ice.gov/graphics/news/factsheets/061704det_FS.htm).

<sup>11</sup> Bureau of Immigration and Customs Enforcement, Office of Investigations Fact Sheet, at [www.ice.gov/graphics/news/factsheets/investigation\\_FS.htm](http://www.ice.gov/graphics/news/factsheets/investigation_FS.htm).

<sup>12</sup> Bureau of Immigration and Customs Enforcement Organization, at [www.ice.gov/graphics/about/organization/index.htm](http://www.ice.gov/graphics/about/organization/index.htm).

gal movement of people, money, and cargo within the United States.<sup>13</sup> Lastly, ICE policies and secures more than 8,800 federal facilities nationwide via the Federal Protective Service.<sup>14</sup>

### ***The United States Coast Guard***

The Coast Guard was incorporated into DHS as a stand-alone agency in 2002. Their overall mission is to protect the public, the environment, and U.S. economic interests in maritime regions—at the nation’s ports and waterways, along the coast, and in international waters.<sup>15</sup> The Coast Guard is thus the nation’s principal maritime law enforcement authority, and the lead federal agency for the maritime component of homeland security, including port security. Among other things, the Coast Guard is responsible for evaluating, boarding, and inspecting commercial ships as they approach U.S. waters; countering terrorist threats in U.S. ports; and helping to protect U.S. Navy ships when docked in U.S. ports. A high-ranking Coast Guard officer in each port area serves as the Captain of the Port, and is the lead federal official responsible for the security and safety of the vessels and waterways in their geographic zone.<sup>16</sup> In FY2006, Coast Guard appropriations totaled USD 7.84 billion, and the agency had 47,112 FTE military and civilian employees.

As part of Operation Noble Eagle (military operations in homeland defense and civil support to U.S. federal, state, and local agencies), the Coast Guard is at a heightened state of alert, protecting more than 361 ports and 95,000 miles of coastline. The Coast Guard’s role in homeland security includes:

- Protecting ports, the flow of commerce, and the marine transportation system from terrorism
- Maintaining maritime border security against illegal traffic in drugs, immigrants, firearms, and weapons of mass destruction
- Ensuring that the U.S. can rapidly deploy and resupply military assets by maintaining the Coast Guard at a high state of readiness, as well as by keeping marine transportation open for other military needs
- Protecting against illegal fishing and indiscriminate destruction of living marine resources

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<sup>13</sup> Bureau of Immigration and Customs Enforcement, Office of Intelligence Organization, at [www.ice.gov/graphics/about/organization/org\\_intell.htm](http://www.ice.gov/graphics/about/organization/org_intell.htm).

<sup>14</sup> Bureau of Immigration and Customs Enforcement, Organization, at [www.ice.gov/graphics/about/organization/index.htm](http://www.ice.gov/graphics/about/organization/index.htm).

<sup>15</sup> U.S. Coast Guard, Overview, at [www.uscg.mil/overview/](http://www.uscg.mil/overview/).

<sup>16</sup> For an in-depth discussion of the Coast Guard and port security, see Ronald O’Rourke *Homeland Security: Coast Guard Operations—Background and Issues for Congress*, CRS Report RS21125 (Washington, D.C.: Congressional Research Service, Library of Congress, June 2006); and John Frittelli, *Port and Maritime Security: Background and Issues for Congress*, CRS Report RL31733 (Washington, D.C.: Congressional Research Service, Library of Congress, May 2005).

- Preventing and responding to maritime spills of oil and hazardous materials
- Coordinating efforts and intelligence with federal, state, and local agencies.<sup>17</sup>

### ***The Transportation Security Administration***

The Transportation Security Administration was created as a direct result of the events of September 11, and is charged with protecting the United States' air, land, and rail transportation systems to ensure freedom of movement for people and commerce. The Aviation and Transportation Security Act (ATSA, P.L. 107-71) created the TSA and included provisions that established a federal baggage screener workforce, required checked baggage to be screened by explosive detection systems, and significantly expanded the Federal Air Marshals program (FAMS). In 2002, TSA was transferred to the newly formed DHS from the Department of Transportation; as previously noted, in 2003 the Federal Air Marshal program was taken out of TSA and transferred to ICE; in FY2006, the program was transferred back to TSA. In FY2006, TSA appropriations totaled USD 3.93 billion, and the agency had 52,504 FTE employees.

To achieve its mission of securing the nation's aviation, TSA assumed responsibility for screening air passengers and baggage—a function that had previously resided with the air carriers. TSA is also charged with ensuring the security of air cargo and overseeing security measures at airports to limit access to restricted areas, secure airport perimeters, and conduct background checks for airport personnel with access to secure areas, among other things.<sup>18</sup> However, an opt-out provision in ATSA will permit every airport with federal screeners to request a switch to private screeners commencing in November 2004.<sup>19</sup> Additionally, as a result of the 2SR, the Federal Air Marshals program has been transferred back to TSA. FAMS is responsible for detecting, deterring, and defeating hostile acts targeting U.S. air carriers, airports, passengers, and crews by placing undercover armed agents in airports and on flights.

ATSA authorized the TSA to create a Computer-Assisted Passenger Prescreening System (CAPPS II), a program that would compare the basic personal information provided by airline passengers to varied commercial databases in order to confirm their identity. However, due to mounting privacy concerns and operational problems, TSA scrapped its plans to implement CAPPS II, and is designing a new program called Secure Flight in its stead.<sup>20</sup>

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<sup>17</sup> U.S. Coast Guard, Homeland Security Factcard, at [www.uscg.mil/hq/g-cp/comrel/factfile/Factcards/Homeland.htm](http://www.uscg.mil/hq/g-cp/comrel/factfile/Factcards/Homeland.htm).

<sup>18</sup> U.S. General Accounting Office, "Aviation Security: Efforts to Measure Effectiveness and Address Challenges," GAO-04-232T (5 November 2003), 5–6.

<sup>19</sup> See Bartholomew Elias, *A Return to Private Security at Airports?: Background and Issues Regarding the Opt-Out Provision of the Aviation and Transportation Security Act*, CRS Report RL32383 (Washington, D.C.: Congressional Research Service, Library of Congress, May 2004).

<sup>20</sup> Chris Strohm, "DHS Scraps Computer Pre-Screening System, Starts Over," *Government Executive Online* (15 July 2004), at [www.govexec.com/dailyfed/0704/071504c1.htm](http://www.govexec.com/dailyfed/0704/071504c1.htm).

## Conclusion

This essay has briefly outlined the roles and responsibilities of the four main agencies within the DHS charged with securing the United States' borders: the CBP, the ICE, the U.S. Coast Guard, and the TSA. It should be noted, however, that although the Homeland Security Act of 2002 consolidated all the agencies with primary border security roles under the umbrella of DHS, many other federal agencies are involved in the difficult task of securing the nation's borders. Although border security may not be articulated in their central mission, they nevertheless provide important border security functions. These agencies include, but are not limited to, the Bureau of Citizenship and Immigration Services within DHS, which processes permanent residency and citizenship applications, as well as asylum and refugee processing; the Department of State, which is responsible for issuing visas overseas; the Department of Agriculture, which establishes the agricultural policies that CBP inspectors execute; the Department of Justice, whose law enforcement branches (the Federal Bureau of Investigation and Drug Enforcement Agency) coordinate with CBP and ICE agents when their investigations involve border or customs violations; the Department of Health and Human Services, through the Food and Drug Administration and the Centers for Disease Control; the Department of Transportation, whose Federal Aviation Administration monitors all airplanes entering American airspace from abroad; the Treasury Department, whose Bureau of Alcohol, Tobacco, and Firearms investigates the smuggling of guns into the country; and, lastly, the Central Intelligence Agency, which is an important player in the efforts to keep terrorists and other foreign agents from entering the country. Additionally, due to their location, state and local responders from jurisdictions along the Canadian and Mexican borders also play a significant role in the efforts to secure the borders of the United States.





# Immigration and Terrorism: Moving Beyond the 9/11 Staff Report on Terrorist Travel

Janice L. Kephart \*

*OH GOD, you who open all doors, please open all doors  
for me, open all venues for me, open all avenues for me.*

– Mohammed Atta

## Introduction

In August 2004, on the last day the 9/11 Commission was statutorily permitted to exist, a 240-page staff report describing the 9/11 Commission border team's fifteen months of work in the area of immigration, visas, and border control was published on the web.<sup>1</sup> Our report, *9/11 and Terrorist Travel*, focused on answering the question of how the hijackers of September 11 managed to enter and stay in the United States.<sup>2</sup> To do so, we looked closely at the immigration records of the individual hijackers, along with larger policy questions of how and why our border security agencies failed us. The goal of this essay is to build on that report in two areas:

- To provide additional facts about the immigration tactics of indicted and convicted operatives of Al Qaeda, Hamas, Hezbollah, and other terrorist groups from the 1990s through the end of 2004.
- To enlarge the policy discussion regarding the relationship between national security and immigration control.

This report does not necessarily reflect the views of the 9/11 Commission or its staff.

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\* Janice Kephart is former counsel to the September 11 Commission. She has testified before the U.S. Congress, and has made numerous appearances in print and broadcast media. Research used in preparing portions of this report was conducted with the assistance of (former) select staff of the Investigative Project on Terrorism, Josh Lefkowitz, Jacob Wallace, and Jeremiah Baronberg.

<sup>1</sup> I covered the legacy Immigration and Naturalization Service (INS), while my closest colleague, Tom Eldridge, primarily covered consular affairs at the State Department. Another colleague, Walt Hempel, did essential work on reviewing alien files of terrorists and helping me vet complex questions concerning immigration law. My other colleague, Kelly Moore, while joining us late in the game, did essential work helping us edit and fill in intelligence portions of the report. We could not have done any of this work without the support of the 9/11 Commissioners and Executive Director Philip Zelikow, Deputy Director Chris Kojm, General Counsel Dan Marcus, and the ingenuity of Susan Ginsburg. Each gave us necessary go-aheads at various critical junctures during our investigation and production of the report.

<sup>2</sup> *9/11 and Terrorist Travel* is available in book form from Hillsboro Press. Available at [http://providence-publishing.com/Merchant2/merchant.mvc?Screen=PROD&Store\\_Code=PP&Product\\_Code=9ATT&Category\\_Code=FTANR](http://providence-publishing.com/Merchant2/merchant.mvc?Screen=PROD&Store_Code=PP&Product_Code=9ATT&Category_Code=FTANR).

## Background

The terrorist operatives discussed here are foreign nationals. They all had to travel to the United States in order to conduct their operations. Few had difficulty getting into the United States. Many successfully obtained immigration benefits while here. Most have committed immigration law violations in addition to terrorist offenses, some of which have resulted in deportation or imprisonment in U.S. jails.

What requires emphasis is the ease with which terrorists have moved through U.S. border security and obtained significant immigration benefits, such as naturalization. The security gaps that existed before September 2001 still, in many instances, exist today. My work on the 9/11 Commission made it clear that terrorists will always need travel documents for movement at some point during their travels, just as much as they need weapons for operations. Once within U.S. borders, terrorists seek to stay. Doing so with the appearance of legality helps ensure long-term operational stability. At the 9/11 Commission, we called this practice *embedding*, a term also used in this article.

Terrorists have used just about every means possible to enter the United States, from acquiring legitimate passports and visas for entry to stowing away illegally on an Algerian gas tanker.<sup>3</sup> This study reviews ninety-four individuals closely affiliated with terror organizations, whether through commission of overt terrorist acts, connections to criminal activity in support of terror, or terror financing. Most have been convicted or indicted. It summarizes how these terrorists have successfully sought legal immigration benefits through fraudulent means, and the legal action (if any) taken against them. This report only includes the six 9/11 hijackers who abused immigration benefits to stay in the United States.

Some of the terrorists discussed here have engaged in a variety of Al Qaeda-related plans targeting American civilians within the United States. As each plot unfolded, cell members who were in place within the United States became operational. We know that, at least after September 11, some of the plots discussed here originated in Afghanistan under the guidance of 9/11 mastermind Khalid Sheikh Mohammed. All aspects of the operatives' training, along with spiritual and tactical guidance, developed there. The plots were conceived with multiple objectives: they sought to achieve mass casualties, economic damage, destruction of infrastructure, and terror. Some plots never progressed beyond an idea's genesis, while others reached operational stages before becoming defunct. While U.S. intelligence and law enforcement agencies have identified at least a couple of dozen potential plots, the only plots discussed here are

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<sup>3</sup> There is no immigration arrival record for Abdel Hakim Tizegha, an associate of Ahmed Ressam in the foiled Millennium bombing plot. He fraudulently claimed political asylum (he stated he was harassed by Muslim fundamentalists in Algeria). His story was that he entered Boston as a stowaway on an Algerian tanker. He was released pending a hearing, which was rescheduled five times. His claim was finally denied two years later, but was appealed, allowing him to stay. Nine months later he could not be located. See *9/11 and Terrorist Travel: A Staff Report of the National Commission on Terrorist Attacks Upon the United States* (Franklin, Tenn.: Hillsboro Press, 2004), 58.

ones where the ways and means of the Al Qaeda operatives' immigration histories are publicly available.

Khalid Sheikh Mohammed was the primary guiding force behind these plots until his capture by Pakistani authorities outside of Islamabad in March 2003. Mohammed grew up in Kuwait in a religious family, and allegedly joined the Muslim Brotherhood at the age of sixteen. According to the 9/11 Commission Report, "Khalid Sheikh Mohammed claims ... to have become enamored of violent *jihād* at youth camps in the desert."<sup>4</sup> In 1983, he enrolled first at Chowan College, a Baptist school in Murfreesboro, North Carolina, and then at North Carolina Agricultural and Technical State University in Greensboro. There one of his classmates was Ramzi Yousef's brother, who himself later became an Al Qaeda member while Yousef planned the 1993 World Trade Center and Bojinka plots with Khalid Sheikh Mohammed. In 1986, Mohammed returned to Pakistan for *jihadi* military training.

Not swayed in the least by American culture or democratic ideals, Khalid Sheikh Mohammed told his captors in 2003 that even during his U.S. stay he considered killing the radical Jewish leader Meir Kahane when Kahane lectured in Greensboro.<sup>5</sup> Although there is no evidence that Mohammed ever returned to the United States, he did obtain a U.S. business/tourist visa on 23 July 2001 under the guise of a Saudi citizen, perhaps planning a trip to defuse rising concerns about the friction between 9/11 ring-leader and pilot Mohammed Atta and pilot Ziad Jarrah.<sup>6</sup>

## Overview

This article covers a study I recently completed of the U.S. immigration histories of ninety-four foreign nationals involved in nefarious activities related to terrorism and affiliated with terrorist organizations from 1993 to the present. Although most of the operatives covered here have been captured or convicted of terrorist activities, there is an underlying premise that this report is far from complete, due to my assumption that the weaknesses in our immigration system and the lack of adequate intelligence available to our frontline officers (a problem that persists today, even though it has been somewhat improved) have facilitated the entry and embedding of numerous terrorists and their supporters. I must assume that these terrorists, who we still do not know about, have entered the United States both prior to and since September 2001. Thus this report is not intended to be a definitive account. Rather, it seeks to expand the discussion of how terrorists use our immigration system to enter and embed in the United States, in order to assure more effective border security policies.

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<sup>4</sup> *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* (New York: W.W. Norton & Company, 2004), 145. Unless otherwise noted, the biographical information on Khalid Sheikh Mohammed is drawn from the *9/11 Commission Report*, 145–50, and the accompanying endnotes.

<sup>5</sup> Kahane was later assassinated by El Sayyid Nosair, who was also indicted in the 1993 WTC bombing.

<sup>6</sup> *9/11 and Terrorist Travel*, 39.

**Table 1: Terrorist Immigration Violations: Completed Attacks**

	Conspirators with Immigration Violations	Dead	Injured
<b>CIA attack 1/25/93:</b> Mir Aimal Kansi	1	2	3
<b>WTC 2/26/93:</b> Ramzi Yousef, Ahmad Ajaj, Ramzi Yousef, Eyad Mahmoud Ismail, Mohammad Abouhalima, Mahmud Abouhalima, Biblal Alkaysi, Nidal Abderrahman Ayyad, Mohammed Salameh	9	6	1,042
<b>Africa embassy bombings 8/1998:</b> Ali Mohamed, Khalil Abu Al-Dahab, Wadi El-Hage, Mohammad Salman Farooq Qureshi	4	301	5,077
<b>Attacks of Sept. 11, 2001:</b> Mohamed Atta, Ziad Jarrah, Hani Hanjour, Satam Al Suqami, Nawaf Al Hazmi	5	3,030	2,337
<b>LAX shooting attack, 7/4/2002:</b> Hesham Mohamed Ali Hedayet	1	2	4

This report also covers foreign nationals closely associated with Hamas, who have primarily engaged in terror financing, particularly via creating foundations and shell corporations for the purposes of raising and laundering money. Those discussed here who are aligned with Hezbollah were usually engaged in providing material support to terror organizations operating abroad, such as procuring explosives, money, night vision goggles, sleeping bags, radios, camouflage suits, global positioning equipment, and identification and travel documents. These operations were conducted using methods similar to those used by traditional organized crime groups.

The Al Qaeda operatives discussed here were strategically positioned throughout the United States, often in places not previously associated with terrorist activity, such as Peoria and Chicago, Illinois; Columbus, Ohio; Baltimore, Maryland, and its suburbs; Seattle, Washington; Portland, Oregon; Minneapolis, Minnesota; and upstate New York. A couple of the Al Qaeda operatives covered in this report are still at large and currently unindicted, including Adnan Shukrijumah and Aafia Siddiqui, yet are included here because they are high on the FBI’s list for questioning and spent long periods of time in the United States.

The lists found throughout this report (under immigration benefit subject headings at the end of each section) begin with Mir Aimal Kansi, who in January 1993 opened fire outside CIA headquarters in McLean, Virginia; the most recent cases, from 2004, involve the surveillance operations in New York City; Charlotte, North Carolina;

Nashville, Tennessee; Las Vegas, Nevada; and Southern California. All told, twenty-one of the terrorists included in these lists participated in five attacks against U.S. interests, causing a total of 3,341 deaths and 8,463 injuries; twenty-nine were involved in twelve unexecuted plots. Five hijackers from 9/11 had clear immigration violations, while one (Marwan Al-Shehhi), had a possible violation; thus, thirteen hijackers are not included in the chart below. I do not discuss the 9/11 plotters in this report or other earlier terrorists in detail, as each is covered in *9/11 and Terrorist Travel*.

In forty-seven instances, immigration benefits sought or acquired prior to 9/11 enabled the terrorists to stay in the United States after 9/11 and continue their terrorist activities. This includes three terrorists whose visas or entries into the United States were on 2 September, 6 September, and 10 September 2001. In three instances, terrorists sought immigration benefits after 9/11. One applicant for political asylum associated with the 9/11 hijackers was denied and deported after having previous immigration violations. The second managed to maintain his student status in the United States through mid-2002. A third gained legal permanent residency status in 2002.

Although each of these ninety-four terrorists had committed an immigration violation of some kind, criminal charges alone were brought in at least thirty-seven instances, and immigration charges in eighteen. Indictments in fifty cases included both immigration and criminal charges. There have been a total of fifteen deportations and twenty-three criminal convictions. In sixteen instances, individuals were not convicted (e.g., the six 9/11 hijackers), are being held as enemy combatants after having been captured overseas (e.g., Khalid Sheikh Mohammed), or have fled the United States (e.g., Anwar Al-Aulaqi, an imam associated with the 9/11 hijackers and believed to be currently in Yemen).

Many of these terrorists may have been affiliated with one or more terrorist organizations, but forty individuals associated with Al Qaeda, sixteen with Hamas, sixteen with either the Palestinian or Egyptian Islamic Jihad, and six with Hezbollah are specifically identified. Three are unaffiliated but of a radical Islamist background; one each is affiliated with the Iranian, Libyan, or former Iraqi governments; one each is associated with the Pakistani terrorist groups Lashkar-e-Taiba and Jaish-e-Mohammad; and the affiliations of eight others indicted or detained on terrorism-related charges are unknown.

While I was able to rely on legacy Immigration and Naturalization Service immigration alien files and legal documents for over half of this study, the most recent entries draw on multiple news accounts when indictments are unavailable. The immigration alien files are derived from the 9/11 Commission staff report *9/11 and Terrorist Travel*—where statutory authorities permitted us access to normally inaccessible immigration alien files—for forty-six of these individuals. In another twenty-four cases, we were able to rely on legal documents (often with multiple defendants).

Valid visas were held upon entry by thirty-five of the figures discussed here. This number includes the six 9/11 hijackers known to have sought enhanced immigration status while in the United States. Student visas to attend various universities were used by eighteen individuals, and four had applications approved to change status from

**Table 2: Terrorist Immigration Violations: Plots to Attack**

There were another 29 persons involved in 12 unsuccessful plots to attack U.S. targets included in this investigation. The breakdown of their involvement is as follows:

	Conspirators with Immigration Violations
<i>NYC Landmarks 6/24/93</i> : Sheikh Omar Abdel Rahman, Matarawy Said Saleh, Ibrahim Il Gabrowni, El Sayyid Nosair, Abdel Rahman Yasin, Amir Abdelghani, Tarig El Hassan, Fares Khallafalla, Siddig Ibrahim Siddiq Ali	10
<i>Manila Air Plot 1/6/1995</i> : Khalid Sheikh Mohammed, Abdul Hakim Murad, Ramzi Yousef (repeat)	2
<i>NYC Subway 8/1/97</i> : Mahamed Mustafa Khalil, Abu Mezer	2
<i>U.S. Millennium Plot</i> : Ahmed Ressam, Abdelhani Meskini, Moktar Haouari, Abdel Hakim Tizegha	4
<i>Columbus Mall Plot</i> : Nuradin Abdi	1
<i>Charlotte Videotapes</i> : Kamran Sheikh Akhtar	1
<i>Brooklyn Bridge</i> : Iyman Faris	1
<i>Disneyland/MGM Grand Las Vegas</i> : Karim Koubriti, Ahmed Hannan, Farouk Ali-Haimoud	3
<i>Niagara Falls Reservoir Photos</i> : Ansar Mahmood	1
<i>Herald Square</i> : Shahawar Matin Siraj, James El-Shafay	2
<i>IMF, NYSE, Prudential Surveillance</i> : Dhiren Barot	1
<i>Nashville Jewish Buildings</i> : Ahmed Hassan Al-Uqaily	1

tourist to student. Another seventeen used a visitor visa—either tourist (B2) or business (B1)—to enter. In at least thirteen instances, the foreign nationals in this study overstayed their visas. In all ninety-four cases, the terrorist sought to stay in the United States once he or she had successfully entered.

All those who engaged or intended to engage in terrorist activity upon entry into the United States committed fraud under U.S. immigration law. However, traditional methods of fraud used to attain some form of immigration benefit—e.g. false documentation, lying about material facts, or entering into a sham marriage—were frequent. About two-thirds of the individuals studied (fifty-nine) clearly engaged in fraud in order to enter or embed in the United States, and they did so multiple times (seventy-nine instances of fraud). Discovery of such fraud usually occurred while the individuals were attempting to upgrade their status in some way, usually to obtain work authorization, become legal permanent residents, or become naturalized. Representatives of every terrorist organization in this study used fraud to some degree, although certain groups appear to use characteristic patterns of tactics in their travel operations. The level of fraud within these cases ranges from a relatively “minor” failure to disclose information on immigration forms to the alteration or fabrication of passports and other

travel documents. An individual was categorized as engaging in fraud so long as the circumstances of his or her immigration history revealed fraudulent activity in relation to any immigration matter, even if no criminal charges for fraud were ever brought.

There were twelve instances of passport fraud and eleven of visa fraud; on thirty-nine occasions, individuals were charged with making false statements to a border officer, immigration enforcement officer, or benefits adjudicator. Seven were indicted for acquiring or using other forms of fake identification, including driver's licenses, birth certificates, social security cards, and immigration arrival records.

Once in the United States, sixteen of twenty-three applicants for legal permanent residency obtained it, and out of twenty-one attempts to become naturalized, only one was unsuccessful. At least eighteen of these applications were based on marriage to a U.S. citizen, with a minimum of ten being a sham (one convicted terrorist married three times).<sup>7</sup> In seventeen instances, the terrorists claimed to lack proper travel documents and instead sought political asylum.

The 1986 amnesty program was fraudulently used five times in attempts to establish residency. One terrorist, Mir Aimal Kansi, sought amnesty under the 1986 law for

### Just Another Overstay

In June 2002, *Adham Hassoun* was detained and charged with overstaying his visa.<sup>1</sup> The immigration judge found that Hassoun "was a person engaged in terrorist activity" and ruled that he had engaged in a plot to commit an assassination; provided material support to terrorist organizations; was a member of Al-Gama'a al-Islamiyya (IG), Egypt's largest militant group; and solicited persons to engage in terrorist activities such as Mohammed Yousseff, a "jihad fighter."

He had firearms violations as well that resulted in a federal indictment in January 2004.<sup>2</sup> In March 2004, federal prosecutors had filed a superseding indictment that charged Hassoun with seven criminal charges stemming from a scheme to conceal his activities in recruiting and funding global jihad from federal officials.<sup>3</sup> The indictment included charges of providing material support to terrorist activities overseas, namely helping support the travel of "dirty bomber" Jose Padilla to Afghanistan for training.<sup>4</sup> In addition, Hassoun is one of the incorporators in Florida of the office of the Benevolence International Foundation,<sup>5</sup> designated a financier of terrorism in 2002.

<sup>1</sup> Notice to Appear, In the Matter of Adham Amin Hassoun (A74 079 096), June 12, 2002.

<sup>2</sup> Indictment, U.S. v. Hassoun (S.D. Fl. 04-CR-60001) Jan. 8, 2004.

<sup>3</sup> Ibid.

<sup>4</sup> Superseding Indictment, U.S. v. Hassoun (SDFL 04-CR-60001) Mar. 4, 2004. For the identification of Padilla, see "Al Qaeda Network Operating In U.S." *CBS News*, June 26, 2002, available at [www.cbsnews.com/stories/2002/06/27/attack/main513641.shtml](http://www.cbsnews.com/stories/2002/06/27/attack/main513641.shtml) (accessed Aug. 25, 2004).

<sup>5</sup> "Benevolence International Foundation Articles of Incorporation," Florida Secretary of State (Feb.12, 1993).

<sup>7</sup> Khalid Abu Al-Dahab was a travel facilitator for Al Qaeda, and married three U.S. citizens. With the third marriage, he was granted legal permanent residency and became naturalized. See *9/11 and Terrorist Travel*, 57.

illegal entrants.<sup>8</sup> Four others—three convicted for their roles in the 1993 World Trade Center bombing and one in the 1993 Landmarks case—sought amnesty under the Special Agricultural Workers (SAW) Program. Three who sought amnesty under this program attained it.<sup>9</sup>

The individuals reviewed in this report were from all over the Middle East. No country produced more than 10 percent of the individuals in the data sample. Eleven individuals traveled to the United States on documents from Pakistan, Egypt, and Jordan. In addition, eight individuals came from Lebanon, while seven originated from the Palestinian territories and Iraq. Only five individuals entered from Saudi Arabia, and four from Morocco. Countries of origin with three or fewer persons were Kuwait, Yemen, the UAE, Syria, Qatar, Algeria, Somalia, Iran, the Sudan, South Africa, and France.

### **The Naturalized Citizens**

Of the twenty successful naturalizations out of twenty-one applications reviewed in this study, eleven had clear indications of fraud. Three of those instances related to document fraud. Another nine withheld material facts or lied on immigration documents.

Until the formation of the Department of Homeland Security in March 2003, legacy INS was responsible for adjudicating naturalization applications for eligibility. In 2004, U.S. Citizenship and Immigration Services at DHS processed about 600,000 applications. Because of the 1986 illegal-alien amnesty, and other reasons, naturalization applications surged in the 1990s, reaching 1.5 million in 1997.<sup>10</sup> Background checks prior to 9/11 consisted of minimal and sometimes nonexistent reviews of FBI paper files. Today, concerns that terrorists may seek naturalization are understood, yet denying them entry remains difficult to prevent under current law, where USCIS does not have direct access to federal law enforcement or intelligence information, cradle-to-grave identification numbers and travel histories do not exist, and where applications are neither wholly electronic nor biometric.

#### *Naturalization Means a U.S. Passport*

Iyman Faris, a naturalized U.S. citizen born in Kashmir who lived in Ohio, pled guilty in May 2003 to casing the Brooklyn Bridge for Al Qaeda, as well as researching and

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<sup>8</sup> *9/11 and Terrorist Travel*, 187–89.

<sup>9</sup> Mohammed Salameh attempted to use SAW to acquire residency. Although he failed to acquire legal permanent resident status as he sought, filing under the law enabled him to stay in the United States legally. *9/11 and Terrorist Travel*, 193–94. Brothers Mahmud and Mohammed Abouhalima both acquired residency under SAW (op. Cit., 190, 194–95). Fares Khallafalla married a U.S. citizen and received legal permanent resident status under SAW (op. cit., 53, 199).

<sup>10</sup> Office of Immigration Statistics, Department of Homeland Security, G-22.3 Naturalization Summary Chart.



providing information to Al Qaeda regarding the tools necessary for possible attacks on U.S. targets.<sup>11</sup> In October 2003, Faris was sentenced to twenty years in prison.<sup>12</sup>

Faris entered the United States in 1984 at the age of twenty-five, and was naturalized in December 1999. During the mid 1980s, Faris became friends with a senior member of Al Qaeda. In 1999, Faris received his U.S. citizenship. With access to a U.S. passport, travel in and out of the United States became simple. He would travel at least twice to Afghanistan in the next two years on behalf of Al Qaeda, each time returning to conduct Al Qaeda business in the United States.

In 2000, Faris traveled to Afghanistan with this same senior Al Qaeda member. There he was introduced to Osama bin Laden at an Afghan training camp. During meetings with senior members of Al Qaeda, Faris was asked about procuring an “escape” plane. Faris then became involved with plots that included the Brooklyn Bridge and trains.<sup>13</sup> He also conspired with Nuradin Abdi to bomb a Columbus, Ohio shopping mall (a plan discussed below).<sup>14</sup>

Faris admitted to federal agents that, during another trip to Karachi in early 2002, he was introduced to Khalid Sheikh Mohammed.<sup>15</sup> As the two talked about Faris’s work as a truck driver in the United States, Faris told Mohammed that some of his deliveries were made to air cargo planes. Mohammed was interested in Faris’s access to these planes, and the two discussed how cargo planes held “more weight and more fuel,” and thus had excellent potential to be converted into weapons.<sup>16</sup> Faris’s employer, Yowell Transportation, confirmed that Faris regularly delivered to an air cargo company at the Columbus airport.<sup>17</sup> It may have been Emery Worldwide, a global cargo company that has its North American hub in Columbus.

According to Faris, Khalid Sheikh Mohammed told Faris that Al Qaeda was planning two simultaneous attacks in New York City and Washington, D.C. The two then talked about destroying the Brooklyn Bridge by severing its suspension cables. Faris was tasked with obtaining the necessary equipment for the operation.<sup>18</sup>

In April 2002, Faris returned to the United States and researched “gas cutters” and the Brooklyn Bridge on the Internet. He also traveled to New York City in late 2002 to examine the bridge. He decided the plan was too difficult because of the security and

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<sup>11</sup> Plea Agreement, U.S. v. Faris (E.D. Va. 03-189-A), 1 May 2003 (unsealed 19 June 2003).

<sup>12</sup> “Iyman Faris Sentenced for Providing Material Support to Al Qaeda.” U.S. Department of Justice Press Release (28 October 2003), at [www.usdoj.gov/opa/pr/2003/October/03\\_crm\\_589.htm](http://www.usdoj.gov/opa/pr/2003/October/03_crm_589.htm) (accessed 9 July 2004).

<sup>13</sup> Statement of Facts, U.S. v. Faris (E.D. Va. 03-189-A), 1 May 2003.

<sup>14</sup> Government’s motion to detain defendant and memorandum in support, U.S. v. Abdi (S.D. Oh. 2:04-CR-88), 14 June 2004.

<sup>15</sup> Ibid. See also Susan Schmidt, “Trucker Pleads Guilty in Plot by Al Qaeda,” *The Washington Post* (20 June 2003).

<sup>16</sup> Statement of Facts, U.S. v. Faris.

<sup>17</sup> R. Jeffrey Smith and Amy DePaul, “‘Scout’ Had Low Profile,” *The Washington Post* (21 June 2003).

<sup>18</sup> Statement of Facts, U.S. v. Faris.

the structure of the bridge. Faris then sent a coded message communicating this to Al Qaeda leadership.<sup>19</sup>

*The Special Case of the Sham Marriage*

Marrying a U.S. citizen is one of the easiest ways to stay in the United States once within the country's borders. Whether an individual comes to the United States and receives a two-week business entry, a six-month tourist length of stay, or a "duration of status" commensurate with his or her schooling, marrying an American provides an entrée toward permanent legal status and eventual naturalization. Of the twenty naturalized citizens and sixteen legal permanent residents in this study, at least eighteen married U.S. citizens. Ten of these entered into sham marriages to obtain residency, some of them multiple times.

Two conversations between radical Islamists about travel and immigration suggest the tactical importance of such marriages. In the first, taped in August 2000 in Italy between Es Sayed (a document forger active in Italy) and Abdulsalam Ali Ali Abdulrahman (a Yemeni described by foreign law enforcement as one "who travels on a diplomatic passport"), the subject of marrying Western women is woven into a discussion of *jihad*:

A: This is worse than Iran, it's a terrifying thing, it moves from north to south from east to west: they see this thing only through a picture but it's crazy, who planned this is crazy but is also a genius, it will leave them mesmerized, you know the verse that says he who touches Islam or believes himself to be strong against Islam must be hit?

S: God is great and Mohammed is his prophet. They are dogs' sons.

A: They are. *Let me go to Germany and we'll see: there are beautiful and brave women there, we have Jamal Fekri Jamal Sami. We marry the Americans, so that they study the faith and the Quran.*

S: *I know many brothers who want to get married, the American woman must learn the Quran.*

A: They think they are lions but they are traitors, they perceive themselves as the world power but we'll deal with them. *I know brothers who entered the U.S. with the scam of the wedding publications, claiming they were Egyptians and not revealing their true identity and they were already married.*

S: *You must be an actor, if they catch you it's serious.*

A: Because they like Egyptians there because Mubarak has many interests with them, but sooner or later he'll end up like Sadat.

S: It was a good attack, that at the military parade.

A: A *mujahid* for the cause of *jihad* never gets tired for *jihad* gives you the strength to go on. We are in a country of enemies of God but we are still *mujahideen* fighting for a cause and we should take the youth here as Sheikh Abdelmajid does. The *mujahid* that fights in the enemy's lines has a greater value. Sheikh Abdelmajid is consid-

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<sup>19</sup> Ibid. The FBI first interviewed Faris shortly after 9/11; federal agents followed him when he traveled to New York. See Ted Wendling, "Ohio Agents Tailed Terrorist," *Cleveland Plain Dealer* (21 June 2003).

ered the emir of propaganda for the entire *ummah*. We can fight any force by using candles and planes and they won't be able to stop us with their heavy weapons. We have to hit them day and night. Remember: the danger in the airports, in that country the fire is burning and is only waiting for some wind. Our goal is the sky. ... In Yemen people are talking about you running the mosque.

S: Yes, but only for a few times because I have other things to do. I like to move around, be active. When will this wedding take place?

A: When the light is turned on because last time Sheikh Hajab and Sheikh Abdelmajid blessed ten of the youth and God is with us.<sup>20</sup>

The second conversation was taped in Spain. Spanish authorities reported:

On the 26th of May [2004], Rabei Osman defended to another disciple, called *Yahia*, the theory by which the 'end justifies the means' for the cause of *jihad*. *'Everything is permitted including marrying with Christian women, because we need [immigration] papers. We have to be everywhere, in Germany, in Holland, in London. We are dominating Europe with our presence. The women serve to obtain documents, because we are in favor of the cause of God.'*<sup>21</sup>

Seven of the ten conspirators in the 1993 Landmarks plot married U.S. citizens, and six successfully converted the marriage into legal permanent residency or naturalization. One conspirator, Fadi Abdelghani, obtained legal residency despite having overstayed his length of stay as a tourist in 1987.<sup>22</sup> El Sayyid Nosair married a U.S. citizen in 1981, and was naturalized in 1989. When he was naturalized, the INS was unaware that the FBI had knowledge of Nosair's having provided weapons training to Islamic militants.<sup>23</sup>

In November 1990, a year after Nosair was naturalized, the radical rabbi Meir Kahane was murdered in New York City. Nosair, seen holding the gun at the scene, attempted to flee but was caught; he was eventually acquitted of murder but convicted of weapons charges. He was later indicted for his role in the 1993 World Trade Center bombing, in part because he had in his apartment numerous sensitive U.S. military documents from Fort Bragg, now believed to have been provided by Ali Mohamed (discussed below). In March 1993, while searching the apartment of Ibrahim El-Gabrowni, who was the messenger in the World Trade Center plot, authorities discovered a series of fraudulent Nicaraguan passports for his cousin Nosair and Nosair's family. They also found five birth certificates—for Nosair, his wife, and their three children—and driver's licenses, all in the names of aliases.

*Al Qaeda*. Three defendants involved in the August 1998 East Africa embassy bombings married U.S. citizens; two acquired legal permanent residency, and one became naturalized. Their immigration status enabled all three to operate in the United

<sup>20</sup> Report of Italian Intelligence (DIGOS) to the District Attorney, Milan, "Terror threat of Islamic origin," 15 May 2002.

<sup>21</sup> Conversation taped by Italian police in Milan, 2 June 2004. See also "Casare con cristianas," *El Mundo* (Spain), 6 October 2004.

<sup>22</sup> *9/11 and Terrorist Travel*, 53, 199.

<sup>23</sup> *Ibid.*, 52, 197–98.

States for at least a dozen years prior to their arrests for their terrorist activities. Initially, they worked on behalf of other radical Islamists and then, after the organization was founded, for Al Qaeda, doing substantial damage to U.S. national security in the process.

Ali Mohamed was a key liaison between the East Africa conspirators and Al Qaeda's leadership. He met his American wife on a flight to the United States in 1985, and had been a legal permanent resident since 1986. Mohamed was not arrested for his terrorist activity until 1998; before then, he traveled frequently in and out of the United States on behalf of Al Qaeda. Mohamed's criminal activities during his time in the United States included conducting a human smuggling operation on the West Coast, supplying U.S. military information to Al Qaeda leadership, and training bin Laden's bodyguards abroad.

Wadi El-Hage came to the United States as a student in the early 1980s. He acquired legal permanent residency after marrying a U.S. citizen in 1986, and was later naturalized.<sup>24</sup> El-Hage had crossed paths with Ali Mohamed on a number of occasions before planning began for the East Africa bombings.<sup>25</sup> He was an operational commander for that plot until his arrest by U.S. law enforcement eleven months before the bombings occurred.<sup>26</sup> During his nearly two decades in the United States, he had become bin Laden's personal secretary; he also worked with the Al Kifah Refugee Center in New York and set up numerous charitable front organizations for Al Qaeda in Africa. Throughout this time, his immigration status enabled him to easily travel in and out of the United States.

Khalid Abu Al-Dahab married three American women before he finally was able to acquire legal permanent residency; he eventually was naturalized. During his twelve years in the United States, he provided money and fraudulent travel documents to terrorists around the globe. These activities linked him to numerous attacks, including the 1998 East Africa bombings.<sup>27</sup>

*Hezbollah.* Six individuals involved in a Hezbollah cigarette smuggling case in North Carolina engaged in a pattern of sham marriages to U.S. citizens followed by petitions to acquire legal permanent residency. The conspirators' "legal" immigration status allowed them to operate in the United States for nearly a decade, raising thousands of dollars through organized criminal activity that was both sent back in dollars to Hezbollah in Lebanon and used to purchase military equipment such as stun guns, night vision goggles, computers, and digital and video cameras.<sup>28</sup>

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<sup>24</sup> Kevin Peraino and Evan Thomas, "Odyssey Into Jihad: April Ray's Husband Became bin Laden's Secretary," *Newsweek*, 14 January 2002.

<sup>25</sup> When Mohamed acquired the list of unindicted co-conspirators in the 1993 World Trade Center case, which included his name, he sent it to El-Hage (then in Kenya acting as bin Laden's personal secretary), expecting it to be forwarded to bin Laden in Khartoum. See Steven Emerson, *American Jihad: The Terrorists Living Among Us* (New York: Simon & Shuster, 2002), 59.

<sup>26</sup> Complaint, U.S. v. Wadih el Hage (S.D. NY), 26 August 1998.

<sup>27</sup> The immigration information in this paragraph is derived from *9/11 and Terrorist Travel*, 57.

<sup>28</sup> Superseding Indictment, U.S. v. Hammoud, et al. (W.D. NC 00-CR-147), 28 March 2001.

Like the 9/11 conspirators, they relied on fraud to enter the United States; but unlike the hijackers, whose stay would end with the execution of their plot, they needed to acquire an immigration status that would enable them to stay (and operate their cigarette smuggling operation) indefinitely. Three of these associates of Hezbollah entered in 1992; they used Lebanese passports with counterfeit nonimmigrant tourist visas purportedly issued in Venezuela; once they were inside U.S. borders, they paid U.S. citizens to marry them.<sup>29</sup>

From January 1999 through January 2000, Said Mohamad Harb, one of the key figures in Hezbollah's North Carolina operation run by Mohamad Hammoud, helped secure three fraudulent visas and three sham marriages for the purpose of "legally" bringing to the United States his brother, his brother-in-law, and sister so that they might become legal permanent residents. The two men each obtained a nonimmigrant visa from the U.S. Embassy in Cyprus; though given one- and two-week lengths of stay for conducting business upon entry into the United States, each married a U.S. citizen immediately after his arrival and therefore was allowed to stay indefinitely. In the case of Harb's sister, a male U.S. citizen was paid to meet her in Lebanon and then travel with her to Cyprus, where their marriage enabled her to acquire an immigration visa. In June 2000, Harb also attempted to give an immigration special agent a USD 10,000 bribe so that another brother could enter the United States.<sup>30</sup>

Between 1995 and 2000, Hammoud held "prayer" meetings at his Charlotte home where he would show videos of Hezbollah operations and solicit donations that amounted to thousands of dollars, which were sent to a Hezbollah military commander in Lebanon. The first federal indictment was against eighteen individuals involved in a cigarette smuggling scam that may have raised hundreds of thousands of dollars for Hezbollah. A second indictment nine months later charged nine Lebanese nationals with providing material support to a designated foreign terrorist organization. Seven of the conspirators pled guilty to lesser charges, while Harb entered into a plea agreement to testify against Hammoud. All the conspirators were convicted of all counts against them, including the immigration violations.<sup>31</sup> Hammoud was sentenced to 155 consecutive years in prison. His sentence was reduced for exceeding the maximum sentencing guidelines and remanded to the lower court.<sup>32</sup>

*Palestinian Islamic Jihad (PIJ).* Members of Palestinian Islamic Jihad operating in South Florida also obtained a variety of immigration benefits illegally and committed

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<sup>29</sup> The reference here is to Mohamad Youssef Hammoud, Mohamad Atef Darwiche, and Ali Fayez Darwiche. See Superseding Indictment, *U.S. v Hammoud*, et al.

<sup>30</sup> Superseding Indictment, *U.S. v Hammoud*, et al.

<sup>31</sup> *U.S. v. Hammoud*, 381 F.3d 316, 65 Fed R. Evid. Serv. 338 (4th Cir. N.C.), 8 September 2004 (No. 03-4253).

<sup>32</sup> *Hammoud v. U.S.*, 125 S.Ct. 1051 (24 January 2005) (No. 04193). On remand to *U.S. v. Hammoud*, 405 F.3d 1034 (4th Cir., 27 April 2005) (No. 03-4253).

immigration violations.<sup>33</sup> Sami Al Arian, the highly publicized lead defendant in the pending terrorism case in Tampa, came under intense scrutiny in 1995 as the suspected leader of PIJ in the United States.

A 1995 raid of Al Arian's offices uncovered a web of immigration violations. The most prominent of the violations is that Al Arian allegedly lied on his own naturalization petition, failing to list his affiliation with two PIJ front organizations. An immigration agent described the fraud scheme that Al Arian was possibly using in a November 1995 search warrant affidavit:

Based upon the facts and information that I have set forth in the instant affidavit, I have probable cause to believe that ICP (Committee of Palestine) and WISE (World and Islam Enterprise) were utilized by Sami Al Arian and Ramadan Abdullah Shallah as 'fronts' in order to enable individuals to enter the United States, in an apparent lawful fashion, despite the fact that these individuals were international terrorists. Among the unlawful methods employed by these terrorist organizations are the apparent lawful procurement and use of visas and other documents relating to immigration that enable terrorists and other excludable aliens to gain entry into the United States through false statements, misrepresentations, and other forms of fraud.<sup>34</sup>

Al Arian's immigration fraud extended to others within Palestinian Islamic Jihad. In September 1992, for example, Al Arian filed a petition for a temporary worker visa with the INS under false pretenses on behalf of Bashir Musa Nafi, one of the organization's original co-founders, who had worked for Palestinian Islamic Jihad at its London-based headquarters. The petition was granted, permitting Nafi to enter the country as a research director employed by WISE. In fact, the International Institute of Islamic Thought (IIIT) employed Nafi. His lie about IIIT on his INS petition led to his being deported to London in June 1996, only four days after his apprehension by immigration authorities.<sup>35</sup> Six years later, in 2002, IIIT was investigated as part of a terror financing investigation of over 100 interconnected business enterprises, located mostly in northern Virginia.

The 1995 raid of Al Arian's offices also contributed to the eventual deportation of Mazen Al Najjar, Sami Al Arian's brother-in-law and a co-founder and the executive director of WISE.<sup>36</sup> Al Najjar was editor of WISE's journal, *Qira'at Siyasiyyah* (*Political Readings*), and attended numerous conferences where terror fundraising was discussed.<sup>37</sup> Al Najjar also committed a series of immigration violations, from a simple

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<sup>33</sup> The PIJ as well as Hamas have as their ultimate aim the destruction of Israel and the creation of an Islamic state from the Jordan River to the Mediterranean Sea; however, they have distinct political priorities and conflicting views on the degree of Islamic rule over the Palestinian *ummah* (community). Both vie for adherents in the Middle East.

<sup>34</sup> Affidavit of INS Supervisory Special Agent William West, In re: Search of ICP/WISE Offices, et al., 17 November 1995.

<sup>35</sup> Superseding Indictment, U.S. v. Al-Arian, et al. (M.D. Fl. 03-CR-77), 21 September 2004, 21.

<sup>36</sup> Mazen A. Al Najjar, Curriculum Vitae.

<sup>37</sup> *Qira'at Siyasiyyah* 1:1 (Winter 1991): title page.

overstay of his student visa's length of stay to his fraudulent marriage to a U.S. citizen for the purpose of obtaining permanent resident status. Prior to his deportation, Al Najjar was detained as a threat to U.S. national security.<sup>38</sup>

Though Al Najjar repeatedly denied that his work at WISE was terrorist-related, audiotapes, such as one from 1991, have Al Najjar calling for "the unification of efforts of the national and Islamic forces in the struggle, to face the new dangerous challenges to the Palestinian cause, the central cause of the Muslim *Ummah*."<sup>39</sup> Al Najjar's deportation was ordered on 13 May 1997, but he was not deported until 2002.<sup>40</sup> The September 2003 Al Arian superseding indictment included Al Najjar as a defendant, asserting that he was part of PIJ's leadership in the United States.<sup>41</sup>

### *Terrorist Affiliation and Denaturalization: The Case of Fawaz Damrah*

The main method of pursuing denaturalization claims against terrorists and suspected terrorists is to show that their citizenship was illegally procured. To do so, the government must first criminally charge the citizen with violation of 18 U.S.C. § 1425—knowingly obtaining citizenship unlawfully. If a conviction can be secured on this charge, then denaturalization will automatically follow, pursuant to 8 U.S.C. § 1451(e).

A recent example of this method is the case of Fawaz Damrah, the imam at the Islamic Center of Cleveland who acted as a chief fundraiser for Palestinian Islamic Jihad.<sup>42</sup> Damrah was charged with making false statements when he submitted his "Application for Naturalization," INS form N-400.<sup>43</sup> Specifically, the government alleged that he had concealed from the INS his membership in or affiliation with three entities: the Al Kifah Refugee Center, the Islamic Committee for Palestine (ICP), and Palestinian Islamic Jihad. Al Kifah was Al Qaeda's recruitment center in the United

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<sup>38</sup> Affidavit of Jan Fairbetter in the Matter of Mazen Al Najjar in Deportation Proceedings, 13 October 2000, 2. Former INS supervisory agent (working on the Al Arian case since 1995) William D. West explained, "The marriage fraud evidence was not used as a basis for the underlying deportation charge, which was his overstaying his original student visa (F-1) authorized period of admission. We used the evidence of the marriage fraud primarily in the hearings related to the denial of discretionary relief from deportation and in the custody proceedings. It was important, as it demonstrated his propensity to engage in deception and fraud, but it was not the basis for his being found deportable ... that was a basic overstay nonimmigrant. One of the ironies of the Al Najjar deportation case was that just ... a 'simple' overstay F-1 student case cost millions of dollars, eight years of litigation (1984–2002), and nearly four years of detention in order to effect his removal from the U.S. All because that overstay student happened to be a Ph.D. terror suspect instead of a dishwasher or bag boy. That in itself says something about the system" (e-mail to author, 18 January 2005).

<sup>39</sup> Affidavit of Jan Fairbetter in the Matter of Mazen Al Najjar in Deportation Proceedings, 13 October 2000.

<sup>40</sup> Memorandum Decision of the Immigration Judge, in the Matter of Mazen A. Al Najjar (EOIR Bradenton, FL A26-599-077), 23 June 1997.

<sup>41</sup> Indictment, *U.S. v. Al Arian, et al.* (M.D. Fl. 03-CR-77), 20 February 2003. See also Superseding Indictment, *U.S. v. Al Arian, et al.* (M.D. Fl. 03-CR-77), 21 September 2004.

<sup>42</sup> *U.S. v. Damrah*, 334 F. Supp. 2d 967 (N.D. Oh. 2004).

<sup>43</sup> *Ibid.*, 969.

States, and ICP was the funding mechanism for PIJ. In addition, Damrah was accused of concealing from the INS that, prior to applying for citizenship, he had “incited, assisted, or otherwise participated in the persecution”<sup>44</sup> of Jews and others, advocating or supporting violent terrorist attacks and engaging in religion-based persecution.<sup>45</sup> During the trial, jurors were shown footage of a 1991 speech in which Damrah called Jews “the sons of monkeys and pigs,”<sup>46</sup> and a 1989 speech in which he declared, “terrorism and terrorism alone is the path to liberation.”<sup>47</sup>

On 17 June 2004, a jury found Damrah guilty of violating 18 U.S.C. § 1425.<sup>48</sup> He was sentenced to two months in prison,<sup>49</sup> and stripped of his citizenship.<sup>50</sup> Following the verdict, Assistant U.S. Attorney Cheri Krigsman commented that Damrah “was the guy ... brought in to raise the money for Islamic Jihad. Without the money they could not operate.”<sup>51</sup> Funds raised in the Islamic Center of Cleveland were sent to the Holy Land Foundation for Relief and Development (HLF),<sup>52</sup> a charity named in July 2004 in a forty-two-count indictment for providing material support to Hamas, engaging in prohibited financial transactions with a Specially Designated Global Terrorist Group, money laundering, conspiracy, and filing false tax returns.<sup>53</sup>

The grand jury had indicted Damrah on charges of violating 18 U.S.C. § 1425 on 16 December 2003—one day shy of the expiration of the ten-year statute of limitations for such prosecution (set forth in 18 U.S.C. § 3291). It was on 17 December 1993 that Damrah met with an INS examiner to complete his interview on the information contained within form N-400. At the interview, Damrah affirmed the truth of the answers given within the application, which he had originally filed on 18 October 1993.<sup>54</sup>

Damrah subsequently challenged the jury’s verdict on several grounds, and asked the trial judge to grant an acquittal notwithstanding the verdict. The judge rejected Damrah’s challenge.<sup>55</sup> In addressing Damrah’s contention that the evidence presented by the government was not sufficient to fulfill its burden of proof, the judge reviewed the evidence presented by the prosecution and repeatedly came to the same conclusions: “a rational jury could conclude beyond a reasonable doubt [that Damrah made

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<sup>44</sup> Indictment, *U.S. v. Damrah*, 16 December 2003.

<sup>45</sup> ICE Press Release, “Ohio Imam Convicted of Lying About Associations with Palestine Islamic Jihad After ICE/FBI Investigation,” 18 June 2004; [www.ice.gov/graphics/news/newsreleases/articles/061804akron.htm](http://www.ice.gov/graphics/news/newsreleases/articles/061804akron.htm) (accessed 9 February 2005).

<sup>46</sup> Memorandum Opinion, *U.S. v. Damrah* (N.D. Oh. 03-CR-484), 30 August 2004.

<sup>47</sup> Trial transcript, *U.S. v. Damrah* (N.D. Oh. 03-CR-484), 17 June 2004, at 746.

<sup>48</sup> *U.S. v. Damrah*, 334 F. Supp. 2d 967 (N.D. Oh 2004), at 969.

<sup>49</sup> Judgment, *U.S. v. Damrah* (N.D. Oh. 03-CR-484), 20 September 2004.

<sup>50</sup> Memorandum Opinion, *U.S. v. Damrah* (N.D. Oh. 03-CR-484), 23 September 2004.

<sup>51</sup> Associated Press, “Imam Convicted of Lying About Terrorism Ties on Citizenship Application,” 18 June 2004.

<sup>52</sup> Affidavit of SA David Kane, in the Matter Involving 555 Grove Street, Herndon, Va., and Related Locations (E.D. Va. 02-MG-114.), March 2002 (unsealed 17 October 2003).

<sup>53</sup> Indictment, *U.S. v. Holy Land Foundation* (N.D. Tx. 04-CR-240), 27 July 2004.

<sup>54</sup> *Damrah*, 334 F. Supp. 2d, at 969.

<sup>55</sup> *Ibid.*, at 985.



false statements on his INS application].”<sup>56</sup> This evidence consisted of wiretapped conversations between Sami Al Arian and Damrah, as well as videotapes of Damrah speaking.<sup>57</sup>

The judge’s conclusion provides insight into the burden of evidence that the government must meet in an 18 U.S.C. § 1425 prosecution:

Damrah may protest that all this evidence still does not amount to concrete proof that he was a member of PIJ. In a sense, he is right. The Government’s case was weaker than a broad majority of criminal cases this Court has heard. No doubt, the Government’s 10-year delay in bringing this charge contributed to this.

At trial, the Government never offered into evidence a PIJ or ICP membership card bearing Damrah’s name or visage. Nor did it offer an oath of allegiance to PIJ and/or ICP bearing Damrah’s signature. However, the Government does not need open-and-shut evidence to cross the threshold beyond which a rational jury could conclude that Damrah was a member of ICP and/or PIJ. The Supreme Court recognized as much in *United States v. Killian* when (in a case involving a defendant’s ties to the Communist Party) it stated: The phrases ‘member of’ and ‘affiliated with,’ especially when applied to the relationship between persons and organizations that conceal their connection, cannot be defined in absolute terms. The most that is possible, and hence all that can be expected, is that the trial court shall give the jury a fair statement of the issues[,] ... give a reasonable definition of the terms and outline the various criteria, shown in the evidence, which the jury may consider in determining the ultimate issues. 368 U.S. 231, 258 (1961).<sup>58</sup>

This is a lesser burden than the “clear, unequivocal, and convincing” standard established in *Fedorenko* that applies to denaturalization proceedings.<sup>59</sup> Damrah’s conviction sets a precedent: The prosecution needs only to show that “a rational jury could conclude beyond a reasonable doubt” that the naturalization was illegally procured, the same standard that governs general criminal offenses (including 18 U.S.C. § 1425).

### **Acquiring and Revoking Naturalization**

The burden is always on the immigrant to prove compliance with the criteria for naturalization set by Congress.<sup>1</sup> The eight criteria necessary for any applicant are specified in 8 C.F.R. §316.2:

- (1) Is at least 18 years of age;
- (2) Has been lawfully admitted as a permanent resident of the United States;
- (3) Has resided continuously within the United States, as defined under §316.5, for a period of at least five years after having been lawfully admitted for permanent residence;
- (4) Has been physically present in the United States for at least 30 months of the five years preceding the date of filing the application;

<sup>56</sup> *Ibid.*, at 981–82.

<sup>57</sup> *Ibid.*, at 979–81.

<sup>58</sup> *Ibid.*, at 982–83.

<sup>59</sup> *Fedorenko*, 449 U.S., at 505–6.

(5) Immediately preceding the filing of an application, or immediately preceding the examination on the application if the application was filed early pursuant to section 334(a) of the Act and the three month period falls within the required period of residence under section 316(a) or 319(a) of the Act, has resided, as defined under §316.5, for at least three months in a State or Service district having jurisdiction over the applicant's actual place of residence, and in which the alien seeks to file the application;

(6) Has resided continuously within the United States from the date of application for naturalization up to the time of admission to citizenship;

(7) For all relevant time periods under this paragraph, has been and continues to be a person of good moral character, attached to the principles of the Constitution of the United States, and favorably disposed toward the good order and happiness of the United States; and

(8) Is not a person described in Section 314 of the Act relating to deserters of the United States Armed Forces or those persons who departed from the United States to evade military service in the United States Armed Forces.

But though the immigrant initially bears the burden of proof to demonstrate entitlement to naturalization, this burden is not continuous: once an applicant has been naturalized, the burden of proof shifts to the government to justify revoking his or her citizenship. The Supreme Court recognized in *Fedorenko v. United States*<sup>2</sup> that “at first blush”<sup>3</sup> the rules for naturalization and denaturalization “appear to point in different directions,”<sup>4</sup> but it justified placing the burden of proof on the government in the latter case as follows:

*On the one hand, our decisions have recognized that the right to acquire American citizenship is a precious one, and that once citizenship has been acquired, its loss can have severe and unsettling consequences. [citations omitted] For these reasons, we have held that the Government “carries a heavy burden of proof in a proceeding to divest a naturalized citizen of his citizenship.” Costello v. United States, 365 U.S. 265, 269 (1961). The evidence justifying revocation of citizenship must be “clear, unequivocal, and convincing” and “not leave the issue in doubt.” Schneiderman v. United States, 320 U.S. 118, 125 (1943) (quoting Maxwell Land-Grant Case, 121 U.S. 325, 381 (1887)). Any less exacting standard would be inconsistent with the importance of the right that is at stake in a denaturalization proceeding.*<sup>5</sup>

This statement of the government's burden of proof, though clear, says nothing about what precisely the government must demonstrate to show that it has been fulfilled. However, some statutory categories created by Congress provide guidance into when it is appropriate to initiate denaturalization proceedings.

Section 340 of the Immigration and Naturalization Act enumerates several reasons for which denaturalization can be sought. Among these is the “illegal procurement” of the naturalization, which includes “concealment of a material fact” and “willful misrepresentation.”<sup>6</sup> The statutory language contained within 8 U.S.C. §1451(e) also mandates denaturalization following a conviction for illegal procurement, there simply referred to as “naturalization application fraud.” Prosecuting for naturalization application fraud thus obviates the need to initiate denaturalization proceedings.

<sup>1</sup> INA § 318, 8 C.F.R. § 316.2(a).

<sup>2</sup> *Fedorenko v. U.S.*, 449 U.S. 490 (1981).

<sup>3</sup> *Id.* at p. 505.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Id.* at pp. 505-06.

<sup>6</sup> INA § 340(a), (c), (d), (e), and (h).

*Terrorists Who Abused Naturalization*

- *Nidal Abderrahman Ayyad*. POB: Kuwait, COC: Jordan. WTC1. Father applies for legal permanent resident (LPR) status on Ayyad's behalf and becomes naturalized in 1991. Withheld facts on naturalization application. Convicted for 240 years.<sup>60</sup>
- *El Sayyid Nosair*. POB: Egypt. Landmarks 1993, and holding gun at Rabbi Kahane's murder. Egyptian naturalized upon marriage to a U.S. citizen. Acquitted of charge of murder involving Rabbi Kahane. Serving life sentence. Denaturalization recommended but not acted on.<sup>61</sup>
- *Khalid Abu Al Dahab*. Al Qaeda; East Africa bombings 8/98. Naturalization after marriage to third U.S. citizen.<sup>62</sup> Also ran alien smuggling and document forgery ring in support of Al Qaeda.
- *Fawaz Damrah*. PIJ fundraiser and mosque leader in Ohio. Denaturalized 2004 (see above).<sup>63</sup>
- *Sami Al Arian*. POB: Kuwait, COC: Egypt. PIJ leader in U.S. On trial now for terrorism charges; immigration, and 1993 naturalization fraud.<sup>64</sup>
- *Hassan Faraj*. POB: Syria. Benevolence International Foundation (BIF), Al Qaeda links. Syrian; came to U.S. in 1993 as Bosnian refugee; became naturalized; charged with naturalization fraud.<sup>65</sup>
- *Sami Khoshaba Latchin*. POB: Iraq. "Sleeper spy" for Iraqis during Saddam Hussein era. Naturalized; charged with lying on naturalization petition.<sup>66</sup>
- *Rafir Dhafir*. POB: Iraq. Sent money to Iraq in violation of U.S. sanctions; possible PIJ/Hamas association, but not confirmed. Naturalized and charged with defrauding his own charity, Help the Needy, and violating U.S. sanctions against Iraq.<sup>67</sup>
- *Rasmi Khader Almallah*. POB: Jordan. Holy Land Foundation (HLF), Hamas, and former employer of a WTC1 bomber. Sham marriage in 1981 and naturalization in 1988; civil complaint filed to revoke naturalization based on sham marriage in 2004.<sup>68</sup>

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<sup>60</sup> *9/11 and Terrorist Travel*, 192–93.

<sup>61</sup> *Ibid.*, 52, 197–98.

<sup>62</sup> *Ibid.*, 57.

<sup>63</sup> *U.S. v. Damrah*, 334 F. Supp. 2d 967 (N.D. Ohio 2004).

<sup>64</sup> Superseding Indictment, *U.S. v. Al-Arian* (M.D. Fl. 03-CR-77), August 2004.

<sup>65</sup> Sabrina Tavernisa, "U.S. Letter Tries to Establish a Doctor's Link to Terrorism," *The New York Times* (6 November 2004); see also Michael Weissenstein, "Prosecutors Allege Brooklyn Doctor's Terror Ties," Associated Press (5 November 2004).

<sup>66</sup> "U.S. Alleges Suburban Man Is 'Sleeper' Spy," *Chicago Tribune* (12 September 2004).

<sup>67</sup> Michael Powell, "High-Profile N.Y. Suspect Goes on Trial," *The Washington Post* (19 October 2004).

<sup>68</sup> Steve McGonigle, "U.S. Seeks to Strip Man's Citizenship," *The Dallas Morning News* (20 October 2004).

- *Ahmed Al Halabi*. POB: Syria. Al Qaeda link and former Guantanamo translator accused of spying for Syria. Naturalized in 1990s; pled guilty to mishandling military documents in 2004.<sup>69</sup>
- *Abdulrahman Odeh*. Hamas, HLF. Naturalized U.S. citizen indicted in 2004 for terror financing, material support.<sup>70</sup>
- *Numan Maflahi*. POB: Yemen. Suspected Al Qaeda member. Naturalized and convicted for lying to federal authorities about relationship with known Al Qaeda-linked sheik in July 2004.<sup>71</sup>
- *Mufid Abdulquader*. POB: Palestinian areas. Laundered money from HLF to Hamas. Naturalized; indicted for terror financing.<sup>72</sup>
- *Tariq Isa*. POB: Palestinian areas. Laundered money from HLF to Hamas. Naturalized; indicted for terror financing.<sup>73</sup>
- *Nageeb Abdul Jabar Al Hadi*. COC: Yemen. Al Qaeda linked, and activity possibly associated with other 9/11 related planes. Arrived prior to the summer of 2001, and sought naturalization. On 2 September 2001, received a U.S. visa; charged with lying on the application.
- *Muhammad Salah*. POB: Jerusalem. Hamas financier. Naturalized in 1990s; charged under RICO in 2004, not immigration violations.<sup>74</sup>
- *Soliman Biheiri*. Major Hamas financier in Northern Virginia with the SAAR Network. Indicted for fraudulently obtaining naturalization in 2000; pled to passport fraud.<sup>75</sup>
- *Abdulrahman Alamoudi*. POB: West Bank. Hamas financier. Indicted for fraudulent immigration documents and misuse of U.S. passport (naturalized 1996).<sup>76</sup>
- *Iyman Faris*. POB: Kashmir. Al Qaeda. Naturalized in 1999. Charged with providing material support to Al Qaeda in 2002.<sup>77</sup>

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<sup>69</sup> Sam Stanton and Denny Walsh, "Airman Picks up the Pieces after Spy-Case Ordeal," *Sacramento Bee* (16 October 2004); see also Thomas Korosec, "Ex-charity Official Targeted," *Houston Chronicle* (20 October 2004).

<sup>70</sup> Maya Kremen, "Alleged Terror Aide Says He's Innocent." *Herald News* (New Jersey, 13 August 2004).

<sup>71</sup> William Glaberson, "Man Gets 5 Years for Lying in Terror Inquiry," *The New York Times* (10 July 2004).

<sup>72</sup> Todd Bendsman and Robert Riggs, "HLF Indictments Reveal Link Between Dallas Worker and Terror Group," CBS 11 Television (28 July 2004); at [http://cbs11tv.com/localstories/local\\_story\\_210115331.html](http://cbs11tv.com/localstories/local_story_210115331.html).

<sup>73</sup> *Ibid.*

<sup>74</sup> Todd Lighty and Laurie Cohen, "Hamas Probe Nearly Fell Apart," *Chicago Tribune* (22 August 2004).

<sup>75</sup> Indictment, U.S. v. Biheiri, August 2003. See also U.S. v. Biheiri, 299 F.Supp.2d 590 (E.D. Va. 2004); and U.S. v. Biheiri, 356 F.Supp.2d 589 (E.D. Va. 2005).

<sup>76</sup> Indictment, U.S. v. Alamoudi (E.D. Va.), September 2003.

<sup>77</sup> Statement of Facts, U.S. v. Faris (E.D. Va. 03-189-A), 1 May 2003.

- *Mukhtar Al-Bakri*. POB: Yemen. Lackawanna Group; attended Afghan training camp. Naturalized (unknown date). Charged with providing material support to Al Qaeda in 2002. Pled guilty and sentenced to ten years.<sup>78</sup>
- *James El-Shafay*. Herald Square subway surveillance. Naturalized; arrested and charged with terrorist activity in 2004.<sup>79</sup>

## Legal Permanent Residency

Legal permanent residency (LPR) is an immigration benefit otherwise known as a “green card”; it is a necessary step for those living in the United States who seek to become naturalized citizens. Travel with a green card is permissible and relatively easy, but immigration laws still apply upon entry, and holders of LPR status are not entitled to a U.S. passport. Applications for LPR status surged in the 1990s as a result of the 1986 illegal-alien amnesty and the increased legal immigration levels allowed under the 1990 Immigration Act. In 1994, pending LPR applications were around 125,000. The number surged to about 800,000 by 1998, and 1.2 million by 2003.<sup>80</sup>

Terrorists easily take advantage of the overwhelming numbers of applications and the ease with which the system can be manipulated due to its perpetual lack of adequate information technologies. The result is that fraud runs rampant in applications for immigration benefits, with estimates stated to me while I was on the 9/11 Commission by a senior official at USCIS to be anywhere from 50 to 75 percent. One scheme used by many applicants involves an individual filing multiple applications under different identities with the goal of one of the applications being approved somewhere. Other forms of fraud include lying on the application, including deceiving the U.S. government about past criminal or terrorist activity. In this study, sixteen of twenty-three terrorists who sought LPR status acquired it. LPR status was denied in most cases in this study when the underlying fraud was coupled with terrorist activity already being investigated by federal law enforcement agencies.

### *The FBI's Most Wanted Al Qaeda LPR*

Born in Saudi Arabia,<sup>81</sup> Adnan El-Shukrijumah, aka “Jafar the Pilot,” has spent fifteen years in the United States (mostly in South Florida), speaks fluent English, and has been employed as a teacher.<sup>82</sup> El-Shukrijumah trained with Jose Padilla to partner in

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<sup>78</sup> Affidavit of Edward Needham, U.S. v. Al-Bakri (W.D.N.Y. 02-m-108), 13 September 2003; at [www.usdoj.gov/opa/pr/2003/May/03\\_crm\\_307.htm](http://www.usdoj.gov/opa/pr/2003/May/03_crm_307.htm). See also [www.usdoj.gov/opa/pr/2003/December/03\\_crm\\_658.htm](http://www.usdoj.gov/opa/pr/2003/December/03_crm_658.htm).

<sup>79</sup> Patrick Gallahue, “All of Gotham in Cross Hairs,” *New York Post* (29 August 2004); see also Greg B. Smith, “They Eyed Subway Stations,” *New York Daily News* (29 August 2004).

<sup>80</sup> Office of Immigration Statistics, Department of Homeland Security, G-22.2 Adjudication Summary Report (November 2004).

<sup>81</sup> Tennessee Bureau of Investigations, FBI-JTTF Website, at [www.tbi.state.tn.us/Fugitives/JTTF/shukrijumah.htm](http://www.tbi.state.tn.us/Fugitives/JTTF/shukrijumah.htm) (accessed 6 October 2004).

<sup>82</sup> “Remarks of FBI Director Robert Mueller on the Summer Terrorist Threat,” 26 May 2004. See also video clip of El-Shukrijumah on the FBI’s website.

the dirty bomb plot, helicopter plots, and the New York and New Jersey financial infrastructure plots discovered in the summer of 2004.<sup>83</sup> A Department of Homeland Security document quoted in *Newsweek* states that “Khalid Sheikh Mohammed has identified Adnan el Shukrijumah, a Saudi born permanent U.S. resident alien, as an operative with standing permission to attack targets in the United States that had been previously approved by Osama bin Laden.”<sup>84</sup> FBI Director Robert Mueller called him “a trained operative who poses an operational threat to the United States,”<sup>85</sup> who the FBI considers to be armed and dangerous.<sup>86</sup>

In late 2000 or early 2001, El-Shukrijumah was under investigation for his relationship to Imran Mandhai, convicted in Florida of conspiring to bomb a National Guard armory, power stations, Jewish businesses, and Mount Rushmore prior to 9/11.<sup>87</sup> Mandhai was associated with Hakki Cemal Aksoy, convicted in 2002 for firearms violations and asylum fraud and in whose apartment bomb-making manuals and notes were found. El-Shukrijumah had previously applied for naturalization, but the INS interior enforcement office in Miami noticed that the application was fraudulent. The INS agents working the case met with the U.S. Attorney’s Office in Miami, and even discussed seeking a search warrant for El-Shukrijumah’s residence. Without further information linking El-Shukrijumah to terrorist activity, the matter was dropped.<sup>88</sup>

As a legal permanent resident, El-Shukrijumah easily traveled outside the country, attending training camps in Afghanistan,<sup>89</sup> where he was most likely schooled by Ramzi Binalshibh, famous for his role as emissary between Khalid Sheikh Mohammed and 9/11 ring-leader Mohammed Atta.<sup>90</sup> El-Shukrijumah is a skilled bomb maker and a Florida-trained pilot,<sup>91</sup> and authorities have found a document that ties him (via one of his aliases) to the Oklahoma flight school where Zacarias Moussaoui trained.<sup>92</sup> He may have been friendly with Atta as well; an immigration officer’s description of receiving a request for help with travel documents in May 2001 from El-Shukrijumah on behalf of Atta and likely another 9/11 pilot is described in *9/11 and Terrorist Travel*.<sup>93</sup>

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<sup>83</sup> Jerry Seper, “Al Qaeda Leader Identified in ‘Dirty Bomb’ Plot,” *The Washington Times* (5 October 2004).

<sup>84</sup> Evan Thomas, “Al Qaeda in America: The Enemy Within,” *Newsweek*, 23 June 2003.

<sup>85</sup> “Remarks of FBI Director Robert Mueller.”

<sup>86</sup> See [www.fbi.gov/terrorinfo/elshukrijumah.htm](http://www.fbi.gov/terrorinfo/elshukrijumah.htm) (accessed 11 July 2005).

<sup>87</sup> “Remarks of Deputy Attorney General James Comey Regarding Jose Padilla,” 1 June 2004; at [www.usdoj.gov/dag/speech/2004/dag6104.htm](http://www.usdoj.gov/dag/speech/2004/dag6104.htm) (accessed 31 August 2004). See also Timothy Burger, Viveca Novak, Michael Weisskopf, and Tim Padgett, “The Making of the FBI’s ‘Most Dangerous’,” *Time*, 7 April 2003.

<sup>88</sup> E-mail to author from former INS Supervisory Special Agent Bill West, 29 August 2005.

<sup>89</sup> Burger, et al., “The Making of the FBI’s ‘Most Dangerous’.”

<sup>90</sup> Jerry Seper, “FBI Steps up Hunt for Pakistani,” *The Washington Times* (2 April 2003).

<sup>91</sup> Josh Meyer, Greg Krikorian, and William C. Rempel, “Quiet Investigation Centers on Al Qaeda Aide in New York,” *Los Angeles Times* (3 September 2004).

<sup>92</sup> Dan Eggen and Manuel Roig-Franzia, “FBI on Global Hunt for Saudi Al Qaeda Suspect,” *The Washington Post* (21 March 2003).

<sup>93</sup> *9/11 and Terrorist Travel*, 30–31.

According to Attorney General John Ashcroft, El-Shukrijumah “scouted sites across America that might be vulnerable to terrorist attack.”<sup>94</sup> In addition to surveilling high-profile targets in New York’s financial district,<sup>95</sup> El-Shukrijumah also surveilled the Panama Canal.<sup>96</sup> Back in the United States, he was also involved in an aborted plot with Jose Padilla to blow up apartment buildings in the United States.<sup>97</sup> He was also likely Padilla’s first partner in the dirty bomb plot, but differences between them ended the joint venture.

There are also reports that El-Shukrijumah attempted to procure radioactive material from McMaster University in Hamilton, Ontario.<sup>98</sup> In March 2004, El-Shukrijumah attended a terrorist summit in Pakistan and met with a number of key Al Qaeda members, including Abu Issa Al-Hindi, Mohammed Naeem Noor Khan, and Mohammed Babar.<sup>99</sup> Recently he has been spotted in Mexico.<sup>100</sup> He reportedly met with members of the Mara Salvatrucha gang (known as MS-13) in Honduras, although Interpol denies the existence of evidence of such a meeting.<sup>101</sup> In September 2004, the Aviation and Security Association reported, “An alert airline crewmember saw and then confronted a suspicious acting person at Kansai International Airport in Japan. El-Shukrijumah was this suspicious person.” However, law enforcement was not notified.<sup>102</sup>

Reporting indicates that since El-Shukrijumah fled the United States after 9/11, he has tried to get back into the United States using various passports.<sup>103</sup> He has a Guyanese passport, but may also hold passports from Saudi Arabia, Canada, and Trinidad.<sup>104</sup> However, unless authorities made a decision to permit Shukrijumah his freedom

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<sup>94</sup> “Remarks of FBI Director Robert Mueller.”

<sup>95</sup> Jerry Seper, “Al Qaeda Leader Identified in ‘Dirty Bomb’ Plot,” *The Washington Times* (5 October 2004).

<sup>96</sup> Thomas, “Al Qaeda in America.”

<sup>97</sup> “Remarks of Deputy Attorney General James Comey Regarding Jose Padilla.” The two worshipped at the same mosque; see Seper, “Al Qaeda Leader Identified in ‘Dirty Bomb’ Plot.”

<sup>98</sup> “Remarks of Deputy Attorney General James Comey Regarding Jose Padilla.”

<sup>99</sup> Elaine Shannon and Tim McGirk, “What is this Man Plotting?” *Time*, 23 August 2004; see also Josh Meyer, Greg Krikorian and William C. Rempel, “Quiet Investigation Centers on Al Qaeda Aide in New York,” *Los Angeles Times* (3 September 2004).

<sup>100</sup> Jerry Seper, “Al Qaeda Leader Identified in ‘Dirty Bomb’ Plot,” *The Washington Times* (5 October 2004). A 21 March 2003 *Washington Post* article placed Shukrijumah in Morocco; Dan Eggen and Manuel Roig-Franzia, “FBI on Global Hunt for Saudi Al Qaeda Suspect,” *The Washington Post* (21 March 2003).

<sup>101</sup> Jerry Seper, “Al Qaeda Seeks Ties to Local Gangs,” *The Washington Times* (28 September 2004). This is not the first report tying Al Qaeda to Latin American gangs. For example, a previous report that “Al Qaeda members are working with Mexican organized crime groups, such as drug-trafficking organizations, in an attempt to enter the United States covertly.” See Bill Gertz, “Terrorists Said to Seek Entry to U.S. Via Mexico,” *The Washington Times* (7 April 2003).

<sup>102</sup> See [www.as-sa.org/terroralert.html](http://www.as-sa.org/terroralert.html) (accessed 11 July 2005).

<sup>103</sup> “Remarks of FBI Director Robert Mueller.”

<sup>104</sup> Tennessee Bureau of Investigations, FBI-JTTF Website, at [www.tbi.state.tn.us/Fugitives/JTTF/shukrijumah.htm](http://www.tbi.state.tn.us/Fugitives/JTTF/shukrijumah.htm)

for law enforcement or intelligence reasons, or know that he did manage to enter the United States on one of these passports undetected, I do not place much credence in these reports.

*LPRs Move People and Goods*

Uzair Paracha is a Pakistani citizen with legal permanent resident status in the United States<sup>105</sup> who, along with his father, has ties to Khalid Sheikh Mohammed.<sup>106</sup> While living in the United States, Paracha traveled to Pakistan and met with Mohammed. He last entered the United States in February 2003, and lived with relatives in Brooklyn.<sup>107</sup>

Khalid Sheikh Mohammed allegedly wanted Paracha to use Paracha's father's Karachi-based import-export firm to smuggle explosives into the United States. Moreover, Mohammed and another Al Qaeda operative who lived in Baltimore, Majid Khan, planned to invest USD 200,000 in that firm.<sup>108</sup> After meeting with Mohammed in Pakistan, Paracha agreed to assist Al Qaeda by entering the United States under Khan's identity.<sup>109</sup> Paracha was to obtain immigration documents that would enable Paracha to enter the United States as Khan. Aafia Siddiqui (discussed below) helped secure for Paracha a post office box in Khan's name. Paracha was then to conduct financial transactions in Khan's name. Detained in March 2003 as a material witness, Paracha was charged in August 2003 with conspiring to provide material support and resources to Al Qaeda.<sup>110</sup> Paracha's father has also been detained by U.S. authorities and is being held in Afghanistan.<sup>111</sup>

The plot was intricate. Khalid Sheikh Mohammed had also tasked Khan, whose relatives own gas stations in the city, to "move forward" with a plot to bomb a number of U.S. gas stations by "simultaneously detonating explosives in the stations' underground storage tanks," according to Justice Department documents summarizing Mohammed's interrogation that were quoted in *Newsweek*.<sup>112</sup> Khalid Sheikh Mohammed reportedly wanted to use two or three African-American Muslim converts to participate

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<sup>105</sup> Complaint and Deposition of Janelle Miller, Special Agent, Federal Bureau of Investigation, Joint Terrorism Task Force, U.S. v. Paracha (S.D. NY 03-CR-1197), 8 August 2003.

<sup>106</sup> Daniel Klaidman and Mark Hosenball, "Terrorism: Ties to a Qaeda Chief," *Newsweek*, 18 August 2003; John Lehmann, "Pakistan Biz Kid Met Terror Sheikh: Lawyer," *The New York Post* (13 August 2003).

<sup>107</sup> Ibid.

<sup>108</sup> Complaint and Deposition of Janelle Miller, Special Agent, Federal Bureau of Investigation, Joint Terrorism Task Force, U.S. v. Paracha (SDNY 03-CR-1197), 8 Aug. 2003; see also Greg Smith, "Al Qaeda Sought Garment Center Tie," *New York Daily News* (22 August 2003).

<sup>109</sup> Smith, "Al Qaeda Sought Garment Center Tie."

<sup>110</sup> Complaint and Deposition of Janelle Miller, Special Agent, Federal Bureau of Investigation; see also Daniel Klaidman and Mark Hosenball, "Terrorism: Ties to a Qaeda Chief," *Newsweek*, 18 August 2003.

<sup>111</sup> David Rohde, "In U.S. Web, Pakistani Man Contacts Wife," *The New York Times* (5 September 2003).

<sup>112</sup> Thomas, "Al Qaeda in America."



in the plot. Upon his capture,<sup>113</sup> Khan told the FBI that he saw two African-Americans when he met with Khalid Sheikh Mohammed in Pakistan in 2000.<sup>114</sup>

### *Terrorists Who Abused LPR*

- *Mahmud Abouhalima*. WTC1. Applied for and received amnesty under the SAW program, then applied for LPR status; applied for permission to travel abroad in February 1993. Sentenced to 1,300 months in prison.<sup>115</sup>
- *Sheik Omar Abdel Rahman*. Egyptian Islamic Jihad, WTC1 and Landmarks. In January 1991, received LPR status and, when detained by INS in July 1991, used LPR status to gain re-entry.<sup>116</sup>
- *Matarwy Mohammed Said Saleh*. Landmarks 1993. Applied for LPR status based on sham marriage; in 1990, placed in deportation hearing but released on bail. Convicted and sentenced to three years, then deported in September 1996.<sup>117</sup>
- *Amir Abdelghani*. Landmarks 1993. Naturalized or LPR status upon marriage to a U.S. citizen. Serving prison sentence until 2019.<sup>118</sup>
- *Fadil Abdelghani*. Landmarks 1993. LPR status upon marriage to a U.S. citizen. Overstayed tourist visa length of stay. Serving prison sentence until 2015.<sup>119</sup>
- *Tarig El Hassan*. Landmarks 1993. Naturalized or LPR status upon marriage to a U.S. citizen. Serving prison sentence until 2023.<sup>120</sup>
- *Fares Khallafalla*. Landmarks 1993. LPR status through SAW program and marriage to U.S. citizen. Serving prison sentence until 2019.<sup>121</sup>
- *Siddig Ibrahim Siddiq Ali*. Landmarks 1993. Naturalized or LPR status upon marriage to a U.S. citizen.<sup>122</sup>
- *Wadi El-Hage*. East Africa embassy bombings, August 1998. LPR status based on marriage to a U.S. citizen.<sup>123</sup>
- *Wan Isra Wan Mohammad*. Possessed guns for *jihād* in Chechnya. Malaysian, with LPR status; in possession of firearm; one-year sentence with deportation to follow.<sup>124</sup>

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<sup>113</sup> Benjamin Weiser, “Federal Prosecutors Charge Pakistani in Brooklyn with Supporting Terrorism,” *The New York Times* (9 August 2003).

<sup>114</sup> Thomas, “Al Qaeda in America.”

<sup>115</sup> *9/11 and Terrorist Travel*, 194–95.

<sup>116</sup> *Ibid.*, 52–56.

<sup>117</sup> *Ibid.*, 52–53, 195–97.

<sup>118</sup> *Ibid.*, 52, 199.

<sup>119</sup> *Ibid.*, 53, 199.

<sup>120</sup> *Ibid.*

<sup>121</sup> *Ibid.*

<sup>122</sup> *Ibid.*, 52, 199.

<sup>123</sup> *Ibid.*

<sup>124</sup> Bert Dalmer, “U.S. Links 35 Arrests in Iowa to Terror,” *Des Moines Register* (18 July 2004).

- *Mohamad Youssef Hammoud*. Hezbollah cigarette scam. LPR based on sham marriage in 1995. Denied an immigration visa in 1996 and told to depart, but did not. In March 2001, indicted and convicted for criminal conspiracy.<sup>125</sup>
- *Chawki Youssef Hammoud*. Hezbollah cigarette scam. Petitioned for LPR status based on sham marriage in 1995. In March 2001, indicted and convicted for criminal conspiracy.<sup>126</sup>
- *Sajjad Nassar*. Attended Jaish-e-Mohammed training camp (group responsible for murder of Daniel Pearl). Acquired LPR status and pled guilty to possessing fraudulent immigration documents in 2003. Deported to Pakistan in 2004.<sup>127</sup>
- *Mohamad Atef Darwiche*. Hezbollah cigarette scam. Petitioned for LPR status based on sham marriage in 1997. In March 2001, indicted and convicted for criminal conspiracy.<sup>128</sup>
- *Ali Hussien Dawiche*. Hezbollah cigarette scam. Petitioned for LPR status based on sham marriage. In 1996, paroled into the U.S. In March 2001, indicted and convicted for criminal conspiracy.<sup>129</sup>
- *Ali Fayez Dawiche*. Hezbollah cigarette scam. Petitioned for LPR twice (1995 and 1999) based on sham marriage. In 1996, paroled into the U.S. In March 2001, indicted and convicted for criminal conspiracy.<sup>130</sup>
- *Mohammed Abdullah Warsame*. Al Qaeda training camp. Sham marriage; received LPR status. Charged for providing material support to terror organization.<sup>131</sup>
- *Mohamed Kamal Elzahabi*. Al Qaeda member. Obtained LPR status via sham marriage; charged with providing material support to terrorists.<sup>132</sup>
- *Mousa Mohammed Abu Marzook*. U.S. Hamas leader. Received green card via lottery; INS detained him for terrorist activities, deported April 1997. Charged with RICO in absentia.<sup>133</sup>

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<sup>125</sup> Superseding Indictment, U.S. v. Hammoud et al. (M.D. Fl.), 28 March 2001.

<sup>126</sup> Ibid.

<sup>127</sup> See [www.ice.gov/graphics/news/insideice\\_091304\\_web4.htm](http://www.ice.gov/graphics/news/insideice_091304_web4.htm).

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

<sup>131</sup> Affidavit of Kiann Vandover, U.S. v. Warsame (D. Minn. cr-04-29-jrt-fln), 6 February 2004.

<sup>132</sup> Affidavit of Kiann Vandover, U.S. v. Elzahabi (D. Minn. cr-04-29-jrt-fln), 24 January 2004.

- *Hasan Saddiq Faseh Alddin*. Roommate of 9/11 hijackers Hazmi and Mihdhar. LPR status via marriage; convicted twice of domestic abuse, deported to Saudi Arabia.
- *Anwar Nasser Aulaqi*. Spiritual adviser to 9/11 hijackers. J1 visa led to LPR status; now fugitive.<sup>134</sup>
- *Uzair Paracha*. Al Qaeda, plan to blow up gas stations in Baltimore. LPR; indicted for terrorist conspiracy in 2003.<sup>135</sup>
- *Adnan El-Shukrijumah*. Al Qaeda, Padilla dirty bomb plan, and others. LPR; now a fugitive.<sup>136</sup>
- *Mekki Hamed Mekki*. Al Qaeda, possible plot to fly a plane into a U.S. target. Submitted multiple diversity visa applications to obtain LPR status. Indicted.<sup>137</sup>

## The Student Visa

In 1998, while on the staff of the Senate Judiciary Subcommittee on Terrorism, Technology, and Government Information, I wrote an obscure report as part of a hearing record entitled *Foreign Terrorists in America: Five Years After the World Trade Center*.<sup>138</sup> The report was called “The Thwarted Brooklyn Bomb Plot: Identifying, Excluding, and Removing Terrorists from the United States.”<sup>139</sup> At that time, the concern was that numerous foreign nationals from nations identified as state sponsors of terrorism (notably Iraq) were obtaining educations in sensitive science-related fields, such as nuclear physics. In the 1980s, Libyans who acquired student visas were believed to pose a national security threat. After 9/11, the spotlight turned to vocational pilot schools, such as those attended by the four 9/ 11 hijacker pilots. While all these concerns are legitimate, it is critical that security vetting of students of all kinds be efficient, elec-

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<sup>133</sup> Charles W. Hall and Robert O’Harrow, Jr., “Virginia Man Suspected of Terrorism Known for Anonymity,” *The Washington Post* (9 May 1997); see also Pierre Thomas and Charles W. Hall, “Palestinian with Local Ties is Detained as Suspected Hamas Leader,” *The Washington Post* (28 July 1996); John Lancaster, “Freedom Suits Hamas Leader; Fresh from U.S. Jail, Abu Marzook Minds his Step in Jordan,” *The Washington Post* (9 May 1997); and Memorandum of Law on Behalf of Marzook, in the Matter of the Extradition of Marzook (S.D. NY 95 Cr. Misc. 1).

<sup>134</sup> *9/11 and Terrorist Travel*, 203–4. There is some evidence apparently held by the FBI (but which does not match the INS Alien file) that indicates that there is an Aulaqi born an American citizen in New Mexico. However, FBI information is not considered primary to this information in the area of immigration, and therefore I use the Alien file as the basis for my information.

<sup>135</sup> *U.S. v. Paracha* (S.D. NY 03-CR-1197), 8 August 2003.

<sup>136</sup> See [www.fbi.gov/terrorinfo/elshukrijumah.htm](http://www.fbi.gov/terrorinfo/elshukrijumah.htm) (accessed 11 July 2005).

<sup>137</sup> Tim Whitmire, “NC Plot Investigated for Al-Qaeda Links,” Associated Press (24 September 2002); at [www.dukeemployees.com/immigration5.html](http://www.dukeemployees.com/immigration5.html).

<sup>138</sup> S. Hrg. 105-703, 24 February 1998.

<sup>139</sup> *Ibid.*, 133–53.

tronic, and biometrically based to assure that foreign national terrorists like the ones discussed below can not use the student visa as a mode of entry for their activities.

*From Student Visa to Sham Marriage*

Mohammad Kamal Elzahabi is a Lebanese national who entered the United States in 1984 on a student visa. He paid a woman in Houston, Texas, to marry him and help him obtain legal permanent resident status. Elzahabi divorced her in 1988, after he obtained his green card.<sup>140</sup> In July 2004, Elzahabi pled not guilty to charges that he had lied to FBI investigators during a terrorism-related investigation.<sup>141</sup>

Upon obtaining his green card, Elzahabi left the United States to fight *jihad* in Afghanistan, where he met the key *jihadi* figures Abu Musab Al-Zarqawi, Raed Hijazi, and Bassam Kanj. He again traveled to Afghanistan in 1991, and remained there about four years. During this time, he was a sniper in combat and served as an instructor in small arms and sniper skills for other *jihadis* attending the Khaldan training camp in Afghanistan. Elzahabi admitted that while he was in Afghanistan he personally knew Abu Zubaida and knew of Khalid Sheikh Mohammed.<sup>142</sup>

Elzahabi returned to the United States in 1995 and moved to New York City, where he ran an axle repair business. He used this business to help ship portable field radios to Pakistan, later found in Afghanistan by U.S. troops.

From 1997 to 1998 Elzahabi lived in Boston, working as a cabdriver. There he associated with Raed Hijazi, whom he aided in obtaining a Massachusetts driver's license in 1997.<sup>143</sup> Raed Hijazi (born in California to Palestinian parents and later radicalized) was later convicted in Jordan of masterminding the failed Millennium bombing plot that had targeted American and Israeli tourists in that country.<sup>144</sup> While in Boston, he lived with Bassam Kanj, who had married a U.S. citizen in 1988 and was later naturalized.<sup>145</sup> Kanj helped Hijazi lease a taxi that officials believe was used to fund the bombing plot in Jordan.<sup>146</sup> Also working with these taxi drivers was Nabil Al-Marabh, discussed in the illegal entry section below.

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<sup>140</sup> Criminal Complaint and Affidavit of Kiann Vandover, FBI Special Agent, U.S. v. Elzahabi (DMN 04-MJ 26), 25 June 2004.

<sup>141</sup> Gita Sitaramiah, "Man Pleads Not Guilty to Lying to FBI Officials," *St. Paul Pioneer Press* (10 July 2004).

<sup>142</sup> Criminal Complaint and Affidavit of Kiann Vandover, FBI Special Agent, U.S. v. Elzahabi (DMN 04-MJ 26), 25 June 2004. Kanj was killed by Lebanese troops in 2000 while leading a violent coup that sought to replace the Lebanese government with a fundamentalist Islamic state.

<sup>143</sup> Elzahabi moved back to New York City in April 2004. Criminal Complaint and Affidavit of Kiann Vandover, U.S. v. Elzahabi (DMN 04-MJ 26), 25 June 2004.

<sup>144</sup> *9/11 Commission Report*, 175.

<sup>145</sup> Steve Camarota, "The Open Door: How Militant Islamic Terrorists Entered and Remained in the United States, 1993–2001," Center for Immigration Studies, 2002; at [www.cis.org/articles/2002/terrorpr.html](http://www.cis.org/articles/2002/terrorpr.html).

<sup>146</sup> Tim Golden with Judith Miller, "Bin Laden Operative Is Linked to Suspects," *The New York Times* (18 September 2001).

Elzahabi also traveled to Lebanon, where he provided small arms training to the group of fighters that Bassam Kanj had formed to overthrow the government of Lebanon. Kanj was killed in 2000 in Lebanon. Elzahabi stated that he personally knew both Khalid Sheikh Mohammed and Abu Musab al-Zarqawi.<sup>147</sup>

Before the 9/11 attacks, the FBI identified Mohammad Kamal Elzahabi as a suspected terrorist. Yet in early 2002, Elzahabi received a commercial driver's license that allowed him to operate a school bus and transport hazardous materials.<sup>148</sup> According to the Minnesota Department of Public Safety's Division of Driver and Vehicle Licensing, the FBI "ran his name through a database and cleared him." In June 2004, Elzahabi's license for transporting toxic materials was still valid, though his school bus driver's license had been canceled in February for reasons unknown.<sup>149</sup>

### *Alleged Al Qaeda Operatives' Use of the Student Visa*

When Al Qaeda sought to target U.S. financial infrastructures, they conducted detailed surveillance operations for a number of years on potential targets. While El-Shukrijumah may have conducted some of the surveillance, the FBI asserts that Issa Al-Britani (aka Dhiren Barot), an Al Qaeda operative arrested in London in August 2004, came to the United States posing as a student in order to survey the Prudential Building in Newark, New Jersey.<sup>150</sup> According to the 9/11 Commission's final report, Al-Britani's U.S. trip was directed by Khalid Sheikh Mohammed and Osama bin Laden: "Khalid Sheikh Mohammed claims [that] at bin Laden's direction in early 2001, he sent Al-Britani to the United States to case potential economic and 'Jewish' targets in New York."<sup>151</sup> The plot was to include hijacked tourist helicopters,<sup>152</sup> limousines packed with explosives, or large trucks.<sup>153</sup>

Aafia Siddiqui is an alleged Al Qaeda operative and Pakistani citizen who entered the United States on a student visa and lived here for over a decade.<sup>154</sup> She studied and worked at Brandeis and MIT, training in biology and neurology.<sup>155</sup> With her primary

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<sup>147</sup> Shelley Murphy, "Cab Driver Charged with Lying to FBI," *The Boston Globe* (26 June 2004).

<sup>148</sup> U.S. Department of Transportation, Federal Motor Carrier Safety Administration Register, at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov) (accessed 25 February 2005).

<sup>149</sup> Associated Press, "Terror Suspect Got Hazardous Material OK," 1 July 2004.

<sup>150</sup> Dhiren Barot is also known as Abu Eisa Al-Hindi, Abu Musa Al-Hindi, and Issa Al-Britani. See Mitchel Maddux, "FBI Says Al-Qaida Scout Used N.J. as Base," *The Bergen Record* (14 October 2004).

<sup>151</sup> *9/11 Commission Report*, 150.

<sup>152</sup> David Johnston, "Tourist Copters in New York City a Terror Target," *The New York Times* (9 August 2004).

<sup>153</sup> Bill Powell, "Target: America," *Time*, 8 August 2004.

<sup>154</sup> Daniel Klaidman with Mark Hosenball, Michael Isikoff, and Evan Thomas, "Al Qaeda in America: The Enemy Within," *Newsweek*, 23 June 2003.

<sup>155</sup> Juan Zamorano, "From Islamabad to Panama, Worldwide Search for Terrorism Suspects as U.S. on High Alert," Associated Press (27 May 2004).

residence in the United States, reports have placed Siddiqui in Liberia prior to 9/11, where she was tasked with acting as a mediator between other Al Qaeda operatives.<sup>156</sup>

According to the FBI's intelligence from Khalid Sheikh Mohammed, Siddiqui was a travel facilitator in the United States, helping operatives successfully enter and embed here.<sup>157</sup> Her estranged husband supported Al Qaeda by buying U.S. military-style goods and manuals that were to be shipped to Pakistan.<sup>158</sup>

In one instance, Siddiqui spent time in Maryland helping facilitate the illegal entry of Uzair Paracha, to support the Baltimore gas station plot described above.<sup>159</sup> Siddiqui was to similarly aid "other [Al Qaeda] operatives as they entered the United States."<sup>160</sup>

Siddiqui is believed to have left Boston in January of 2003.<sup>161</sup> In March 2003, the FBI issued a global alert for Siddiqui. A report of her capture in Pakistan in April 2003 proved to be false, and a month later the FBI issued a BOLO ("be on the lookout for") notice on Siddiqui in connection with current threats against the United States.<sup>162</sup>

Khalid Sheikh Mohammed has identified Ali Al-Marri as "the point of contact for [Al Qaeda] operatives arriving in the United States for September 11 follow-on operations."<sup>163</sup> Al-Marri had reentered the United States on 10 September 2001,<sup>164</sup> in order to enroll in a graduate program at Bradley University in Peoria, Illinois.<sup>165</sup> Former Attorney General Ashcroft confirmed that Al-Marri was an operative "sent by Al Qaeda to facilitate another wave of terrorist attacks on Americans."<sup>166</sup> Khalid Sheikh Mohammed called Al-Marri "the perfect sleeper agent because he has studied in the United States, had no criminal record, and had a family with whom he could travel."<sup>167</sup> Phone records have tied Al-Marri to a phone number linked to the 9/11 paymaster, Mustafa Al-Hawsawi, the 9/11 hijacker Mohammed Atta, and the alleged twentieth hijacker, Zacarias Moussaoui.<sup>168</sup>

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<sup>156</sup> Edward Harris, "Al-Qaida Bought Diamonds Ahead of Sept. 11 Attacks," Associated Press (7 August 2004).

<sup>157</sup> "Remarks of FBI Director Robert Mueller"; "Al Qaeda in America: The Enemy Within," *Newsweek*, 17 June 2003.

<sup>158</sup> Daniel Klaidman, "Al Qaeda in America: The Enemy Within," *Newsweek*, 17 June 2003.

<sup>159</sup> Associated Press, "Terror Suspects Named by U.S. Officials," 26 May 2004.

<sup>160</sup> *Ibid.*

<sup>161</sup> "Remarks of FBI Director Robert Mueller."

<sup>162</sup> Curt Anderson, "Woman Sought for Ties to al-Qaida in Custody in Pakistan," Associated Press (22 April 2003); see also Anderson, "After Initial Optimism, Authorities Now Doubt Pakistani Woman Sought by FBI Is in Custody," Associated Press (22 April 2003); and Federal Bureau of Investigation, "Seeking Information Re: Aafia Siddiqui," at [www.fbi.gov/terrorinfo/siddiqui.htm](http://www.fbi.gov/terrorinfo/siddiqui.htm) (accessed 4 October 2004).

<sup>163</sup> Thomas, "Al Qaeda in America," *Newsweek*, 23 June 2003.

<sup>164</sup> Indictment, U.S. v. Al-Marri (CDIL 03-CR-1044), 22 May 2003.

<sup>165</sup> Complaint, U.S. v. Al-Marri (CDIL 03-CR-1044), 28 January 2002.

<sup>166</sup> Prepared Testimony of Attorney General John Ashcroft before Senate Judiciary Committee, "The Department of Justice's Efforts to Combat Terrorism," presented 8 June 2004.

<sup>167</sup> Thomas, "Al Qaeda in America," *Newsweek*, 23 June 2003. Al-Marri had a 1990 DUI charge in Peoria, Illinois.

<sup>168</sup> *Ibid.*

Al-Marri was arrested as a material witness on a warrant issued out of the Southern District of New York in December 2001, and in May 2003 he was indicted on a number of charges.<sup>169</sup> These include making false statements to FBI agents during the investigation of the terrorist attacks of September 11; making false statements to banks in Macomb, Ill.; identity fraud; and access device (credit card number) fraud.<sup>170</sup> In addition to lying about calling the telephone number linked to Al-Hawsawi, he told FBI agents that his last visit to the United States before 2001 was in 1991, even though he had entered the country in the summer of 2000.<sup>171</sup> In addition, a search of Al-Marri's apartment turned up *jihadi* material and an almanac bookmarked to locate information on dams, reservoirs, and railroads.<sup>172</sup>

In June 2003, Al-Marri was declared an enemy combatant after the U.S. government received, in the words of the Department of Defense, "recent credible information provided by other detainees in the War on Terrorism."<sup>173</sup> One of those detainees alleged that Al-Marri was trained in poisons; others said that Al-Marri had met with Osama bin Laden at the Al Faruq training camp in Afghanistan, and that Al-Marri had offered to martyr himself.<sup>174</sup>

Mohammed Warsame was born in Somalia and sought refugee status in Canada in 1989. He became a naturalized Canadian citizen, and moved to Minneapolis in 2002.<sup>175</sup> He was arrested in December 2003 as a material witness in the Zacarias Mousaoui case.<sup>176</sup> At the time of his arrest, he was a student at Minneapolis Community and Technical College. In January 2004, Warsame was indicted and charged with conspiracy to provide material support to Al Qaeda.<sup>177</sup> Warsame has admitted attending an Al Qaeda training camp in 2000 and 2001, where he received military training in weapons and martial arts. He attended lectures given by Osama bin Laden, and even sat next to him at a meal. Moreover, he fought with the Taliban, and provided financial assistance to Al Qaeda members in Pakistan once he had returned to the United States.<sup>178</sup>

### *Terrorists Who Abused Student and Exchange Visas*

- *Hussam Yousef Abou Jubara*. Co-founder of the Islamic Concern Project with Sami al-Arian (Palestinian Islamic Jihad). Entered on student visas in 1980 and

<sup>169</sup> In the Matter of the Application of the U.S. for Warrant Authorizing the Search of the Premises Known and Described as 2712 West Radan Court, West Peoria, Ill., Affidavit in Support of an Application for Search Warrant (CDIL P-01-03), 14 December 2001.

<sup>170</sup> Indictment, U.S. v. Al-Marri (CDIL 03-CR-1044), 22 May 2003.

<sup>171</sup> Complaint, U.S. v. Al-Marri (CDIL 03-CR-1044), 28 January 2002.

<sup>172</sup> Thomas, "Al Qaeda in America," *Newsweek*, 23 June 2003.

<sup>173</sup> Department of Defense Press Release, "Enemy Combatant Taken into Custody," 23 June 2003.

<sup>174</sup> CNN.com, "Al Qaeda Suspect Declared 'Enemy Combatant'," 24 June 2003.

<sup>175</sup> Affidavit in Support of Pretrial Detention, 6 February 2004.

<sup>176</sup> Todd Nelson, "Suspect Faces N.Y. Extradition," *Saint Paul Pioneer Press* (13 December 2003).

<sup>177</sup> Indictment, U.S. v. Warsame (D.Mn. 04-CR-29), 20 January 2004.

<sup>178</sup> *Ibid.*

1986. Married a U.S. citizen. Eight years later, Jesse Maali filed for employment authorization on Jubara's behalf. In 1999, filed for political asylum, which is deemed false.<sup>179</sup>

- *Eyad Mahmoud Ismail*. Drove van containing bomb in WTC1. Entered on F1 visa, and two years later dropped out of school; convicted and sentenced to 240 years in prison.<sup>180</sup>
- *Mohamed Kamal Elzahabi*. Supported Jordanian Millennium plot and shipped communications equipment to Pakistan. Entered on F1 visa in 1984 and entered into a sham marriage. Thereafter, left the U.S. for Afghan training camp; eventually deported upon return to United States in 2004.<sup>181</sup>
- *Khalid Sheikh Mohammed*. Manila Air Plot, January 1995, and 9/11 mastermind. Entered on F1 visa and attend Chowtan College from 1992 to 1996. Began plotting attacks in 1992. Committed visa fraud in July 2001, applying for visa under a false identity.<sup>182</sup>
- *Sameeh Taha and Nadia Hammoudeh*. Taught at PIJ-associated academy and employees of Sami Al Arian. Entered on student visas in 1993; subsequently filed false LPR petitions. Convicted of financial fraud in August 2004.<sup>183</sup>
- *Hani Hanjour*. 9/11 pilot of the Pentagon flight. Entered on F1 visa for English language school in September 2000. Had attended such schools twice before in the US, but was a no-show in 2000.<sup>184</sup>
- *Ziad Jarrah*. 9/11 pilot of Shanksville, Pennsylvania flight (UA 93). Attended U.S. flight school full time from initial entry, but never applied for a change of status, and thus excludable upon each of six subsequent re-entries.<sup>185</sup>
- *Mohammed Atta*. 9/11 pilot of WTC flight (AA 11) and operational commander. In September 2000, applied for a change of status from visitor to student until 8 September 2001; application approved 17 July 2001.<sup>186</sup>
- *Marwan Al-Shehhi*. 9/11 pilot of WTC flight (UA 175). On 22 September 2000, applied for change of status from visitor to student until 8 September 2001; application approved 9 August 2001.<sup>187</sup>

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<sup>179</sup> Indictment, U.S. v. Jubara (cover page missing for court info).

<sup>180</sup> *9/11 and Terrorist Travel*, 189.

<sup>181</sup> Affidavit of Kiann Vandover, U.S. v. Elzahabi (D. Minn. 04-mj-261-jsm), 24 June 2004.

<sup>182</sup> *9/11 Commission Report*, 145–50, and accompanying notes.

<sup>183</sup> Indictment, U.S. v. Hammoudeh, et al. (M.D. Fl (no case number)), 4 August 2004.

<sup>184</sup> Unpublished portion of my work in *9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks Upon the United States*.

<sup>185</sup> *9/11 and Terrorist Travel*, 16.

<sup>186</sup> *Ibid.*, 12–46 and 187–89.

<sup>187</sup> *Ibid.*



- *Ayman Ismail*. HLF (Hamas) fundraiser, website designer. Violated student status when he became an HLF employee without seeking a change of status. Deported to Jordan.<sup>188</sup>
- *Adham Amin Hassoun*. Hamas fundraiser, including Holy Land Foundation and the Global Relief Foundation. Entered as student; charged with terror financing and conspiracy to murder citizens in a foreign country.<sup>189</sup>
- *Abdel Jabbar Hamdan*. HLF fundraiser. Entered on student visa in 1979; detained on immigration violations.<sup>190</sup>
- *Osama Satti*. Lashkar-e-Taiba (Pakistani terror group) weapons acquisition. Came originally as student in 1990; received two degrees from Rochester Institute of Technology. On 6 September 2001, entered on B2 visa and overstayed; convicted also of firearm possession.<sup>191</sup>
- *Sami Omar Al-Hussayen*. Jihadi website master. Entered on F1 visa in 1999, until detained in 2002. Not convicted of multiple counts of visa fraud and providing material support to terrorists, after classified evidence supporting allegations remained protected.<sup>192</sup>
- *Issa Al-Britani (aka Dhiren Barot)*. IMF, NYSE, Prudential surveillance. Student visa used several times as cover for mission while attending various U.S. universities.<sup>193</sup>
- *Aafia Siddiqui*. Al Qaeda. Entered on F1 visa in mid-1990s; fugitive since 2003.<sup>194</sup>
- *Ali Al-Marri*. Al Qaeda. Entered on 10 September 2001 for purposes of participating in more U.S. attacks.<sup>195</sup>

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<sup>188</sup> See [www.ice.gov/graphics/news/insideice/articles/insdeice\\_091304\\_web4.htm](http://www.ice.gov/graphics/news/insideice/articles/insdeice_091304_web4.htm) (accessed 15 August 2005).

<sup>189</sup> U.S. Department of Justice Press Release, 7 October 2004; at [www.usdoj.gov/usao/fls/Hassoun3.html](http://www.usdoj.gov/usao/fls/Hassoun3.html) (accessed 25 January 2005).

<sup>190</sup> Ben Fox, "Southern California Muslims Rally Around Detained Fund-raiser," *Associated Press* (31 July 2004).

<sup>191</sup> Indictment, U.S. v. Satti (E.D. Tex. No. 6:04-cr-25), 6 April 2004; see Affidavit of James Parker, U.S. v. Mohamed (E.D. Tex. No. 604mj22), 9 March 2004. See also Thomas Korosec, "Pakistani Investigated for Possible Terror Ties," *The Houston Chronicle* (13 May 2004).

<sup>192</sup> Indictment, U.S. v. Al-Hussayen (D. Idaho No. cr-03-0048-c-ejl), 4 March 2004.

<sup>193</sup> John Mintz and Kamran Khan, "Britain Charges 8 in Alleged Terror Plot," *The Washington Post* (18 August 2004); see also Mitchel Maddux and Trenton Bureau, "FBI Say al-Qaida Scout Used N.J. as Base," *Bergen Record* (New Jersey) (14 October 2004); see also Dunstan McNichol, "Probers Retrace Terror Suspect's Moves in N.J.," *Newark Star-Ledger* (14 October 2004).

<sup>194</sup> Juan Zamorano, "From Islamabad to Panama: Worldwide Search for Terrorism Suspects as U.S. on High Alert," *Associated Press* (27 May 2004); Indictment, U.S. v. Al-Marri (CDIL 03-CR-1044), 22 May 2003.

## The Religious Worker Visa

Among the specific requirements of obtaining a religious worker visa is the filing of an application from a primary religious organization—such as a mosque—to certify that the applicant:

- a) Is a minister, or professional or other religious worker
- b) Is in the United States solely to engage in a religious vocation or to work for a bona fide United States religious organization
- c) Has been a member of the sponsoring religious organization's denomination continually for at least two years
- d) Has received a job offer as a religious worker and will not be working in any secular employment.<sup>196</sup>

From 1999 to 2004, about 106,000 people were admitted to the United States using visas for “religious workers.” Since 9/11, the number of these admissions has continued to increase. Between 1992 and 1998, there were about 42,000 such admissions. The largest number were foreign nationals from Mexico (5,198), India (4,666), Canada (4,357), and Britain (3,393). Immigration authorities do not maintain statistics for admissions by religion. However, in the past three years, records indicate that more than 1,000 holders of religious worker visas from predominantly Muslim countries were granted admission; topping the list for these countries were Egypt (270), Indonesia (173), and Pakistan (113).<sup>197</sup>

While I was working on the 9/11 Commission in 2003, a source inside the U.S. Citizenship and Immigration Services told me that religious worker visa fraud was known to be extremely problematic, in part because there is little vetting of the religious institutions that sponsor the visa applicants, nor were there rules in place to require verification of the authenticity of the applicant. Even in 2000, fraud in the religious worker authorizations was a known problem. In that year, in a hearing before the House Judiciary Subcommittee on Immigration and Claims, Chairman Lamar Smith remarked in his opening statement:

In 1997, the State Department's Assistant Secretary of State for Consular Affairs wrote to me that the Department has ‘uncovered a troubling number of scams, both individual and organized, seeking to exploit this category to obtain immigration benefits illegally .... Most problematic are those cases that involve organized fraud rings in which documents of religious institutions in the U.S. are fabricated, or when the applicant colludes with a member of a religious institution in the U.S. to misrepresent either his or her qualifications, or the position to which the applicant is des-

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<sup>195</sup> Complaint, *U.S. v. Al-Marri* (CDIL 03-CR-1044), 28 January 2002.

<sup>196</sup> Public Law 101-649, 104 Stat. 5004, 5027 (29 November 1990). The legislation also applies to spouses and children of religious workers.

<sup>197</sup> *Yearbook of Immigration Statistics: 2004*, “Temporary Admissions (Nonimmigrants) Admitted as Temporary Workers, Exchange Visitors and Intracompany Transferees by Region and Country of Citizenship: FY 2004.” For aggregate numbers, see *Yearbook of Immigration Statistics* for prior years.

ted. The American Embassy in Moscow discovered a fraud ring in New York which fabricated documentation of several religious denominations in New York City on behalf of applicants who had no religious training and no intention of taking up religious occupations in the U.S. Several consular offices have reported suspicions that some churches in the U.S. have created fictitious positions solely to help an alien procure an immigration benefit.’

Then ranking subcommittee member Melvin Watt and I asked the General Accounting Office to conduct a study to determine the extent of fraud in the program. In order to provide assistance to the GAO, the State Department conducted a field inquiry to obtain the views of consular offices as to the level and type of fraud. Almost half of the responding posts that had issued a substantial number of religious worker visas reported experiencing fraud and abuse.

The GAO report concluded that ‘both INS and State have expressed concern about fraud in the religious worker visa program.’ The report stated that INS and State Department officials were not confident that the agencies’ screening processes were identifying all unqualified applicants and sponsoring organizations.<sup>198</sup>

More specifically, the GAO said in a 1999 report on religious worker visa fraud that:

They [the INS] do not have data or analysis to firmly establish the extent of fraud in the religious worker visa program. The nature of the fraud uncovered typically involved (1) applicants making false statements about their qualifications as religious workers or their exact plans in the United States or (2) conspiracy between an applicant and a sponsoring organization to misrepresent material facts about the applicant’s qualifications or the nature of the position to be filled.<sup>199</sup>

The problem of religious worker fraud is a mere subset of the fraud that has traditionally run rampant throughout the immigration benefits system. In the student visa arena as well, phony academic institutions—often under the guise of technical, vocational, or English language schools—provide false cover for those seeking to come to the United States illegally. Due to the lack of adequate rules and enforcement, fraud thrives in the application process, and is aided during the application review process by a lack of adequate information and biometrically-based technologies.

#### *Religious Worker Fraud in Brooklyn*

Muhammad Khalil was the imam and director of the Dar Ehya Essunnah mosque, located in a basement in Brooklyn. Khalil was never charged with terrorism offenses. However, investigators said that he incited others to *jihad*, associating himself with Al Qaeda and bin Laden, and the Taliban leader Mullah Mohammed Omar. He urged Muslims living in the United States to arm themselves, and stated, “Hopefully, another

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<sup>198</sup> Opening Statement of Rep. Lamar Smith, “Religious Worker Visa Programs,” House Judiciary Subcommittee on Immigration and Claims, 29 June 2000.

<sup>199</sup> GAO Report, “Visa Issuance: Issues Concerning the Religious Worker Visa Program,” 26 March 1999.

attack in the United States will come shortly.”<sup>200</sup> According to a source who lived at the mosque in July 2000, the premises were filthy and cockroach-infested, with poor sanitary conditions.<sup>201</sup> Few people came there to pray.<sup>202</sup>

Since 1993, Khalil had used his position as director of a mosque to sponsor more than 200 applications for aliens seeking to obtain immigrant and nonimmigrant religious worker visas through the INS’s religious worker program. According to his indictment, Khalil told the federal agents at INS offices in New York “that each applicant gave a donation to the Mosque—the usual fee was \$20, but some applicants gave thousands of dollars.”<sup>203</sup> In November 2001, a witness (“W-1”) in custody on immigration charges informed the agents interviewing him that, “Muhammad Khalil ... was the director of the Mosque, where W-1 had been living. W-1 stated that he paid Khalil \$5,000 to \$6,000 to sponsor W-1 under the INS Religious Worker program. ... W-1 said that he saw non-religious workers pay Khalil \$5,000 to \$6,000 to file Religious Worker applications for them.”<sup>204</sup>

A cooperating witness described a sting he helped perform against Khalil on 9 August 2002. Under the supervision of the INS, he gave Khalil USD 3,800 as a down-payment for an application to obtain a religious work visa. The indictment accused Khalil of “falsely stat[ing] to federal agents that all of the individuals whom he assisted in applying for ‘green cards’ were religious workers who taught the Koran, Islamic history, and Arabic language.”<sup>205</sup>

Khalil was also charged with fraudulently obtaining legitimate Social Security cards (for which he charged USD 2,300) and making false statements to law enforcement officials. He had forged driver’s licenses and undergraduate (B.A.) degrees as well. The mosque’s operations ceased soon after Khalil was arrested in February 2003. In September 2004, a New York court convicted Khalil of all counts.<sup>206</sup>

Recently, an imam at a Lodi, California, mosque, Shabbir Ahmed, was charged with overstaying his three-year religious worker visa. Authorities said the arrest came as part of a long-term counterterrorism investigation. Another Muslim cleric, Muhammed Adil Khan, 47, and his son Muhammed Hassan Adil, 19, were also picked up in a sweep to crack down on foreign nationals who are overstaying these types of visas.<sup>207</sup>

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<sup>200</sup> Indictment, U.S. v. Khalil, et al. (SDNY 03-CR-289), 10 March 2003.

<sup>201</sup> Ibid.

<sup>202</sup> Larry Neumeister, “Brooklyn Imam Convicted in ‘Massive’ Visa Fraud Scheme,” Associated Press (23 September 2004).

<sup>203</sup> Indictment, U.S. v. Khalil, et al. (SDNY 03-CR-289), 10 March 2003.

<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> Rone Tempest, “In Terror Fight, Imams Ousted Over Visa Law,” *Los Angeles Times* (24 June 2005); at [www.latimes.com/news/local/la-me-visa24jun24,1,497778.story](http://www.latimes.com/news/local/la-me-visa24jun24,1,497778.story).

### *Terrorists Who Abused the Religious Worker Visa*

- *Omar Mohamed*. Worked for GRF, al Haramain. Failed to work for religious institution that sponsored him, and obtained LPR status; lied on naturalization application.<sup>208</sup>
- *Shabbir Ahmed*. Lodi mosque. Former imam acting as liaison for Al Qaeda. Arrested in June 2005 for violating the terms of his visa. Held without bond in August 2005.<sup>209</sup>
- *Mohammad Adil Khan*. Lodi mosque imam. Agreed to be deported to Pakistan upon arrest.<sup>210</sup>

### **Political Asylum**

Anywhere from 50,000 to 75,000 requests for political asylum are filed annually. In May 2005, Congress passed the REAL ID Act. It includes provisions dealing with key aspects of U.S. asylum law. The law narrowly reforms our asylum procedures to better ensure that all courts better scrutinize asylum claims, so that legitimate claims survive and fraudulent claims get thrown out. In *9/11 and Terrorist Travel*, we discussed in some depth the fact that terrorists like 1993 World Trade Center mastermind Ramzi Yousef (whose uncle is Khalid Sheikh Mohammed) used political asylum claims effectively to enter and stay in the United States. Even with the revision of the law, immigration personnel who deal with asylum applicants must remain cognizant that those who claim political persecution in a country that the United States considers a high national security risk should receive extra scrutiny.

There are a few reasons why these claims are an excellent option for terrorists. First, the claim itself keeps the applicant from being subject to potential automatic removal or detention. Second, if an applicant for asylum (whether at a port of entry, a hard border, or in a courtroom) does not appear to pose a threat to public safety, the lack of detention space usually means the applicant is free to move about the United States. Third, often the only information available to a judge is the word of the applicant, without any corroborating evidence whatsoever; thus, fraudulent claims are easily made by those motivated to make them. For all of these reasons, political asylum claims usually permit terrorists to do what they seek: buy time to live in the United States freely.

On 14 June 2004, Nuradin Abdi was indicted in Columbus, Ohio, on four counts, including conspiracy to provide material support to Al Qaeda.<sup>211</sup> In 1999, Abdi had applied for and received political asylum. Abdi was allegedly involved in a plot with the

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<sup>208</sup> Indictment, U.S. v. Mohamed (S.D. Calif. 03-cr-3433-jah), 26 March 2004.

<sup>209</sup> See [www.ice.gov/graphics/news/insideice/articles/insideice\\_061505\\_Web5.htm](http://www.ice.gov/graphics/news/insideice/articles/insideice_061505_Web5.htm) (accessed 15 August 2005).

<sup>210</sup> See [www.ice.gov/graphics/news/insideice/articles/insideice\\_081505\\_Web5.htm](http://www.ice.gov/graphics/news/insideice/articles/insideice_081505_Web5.htm) (accessed 15 August 2005).

<sup>211</sup> Indictment, U.S. v. Abdi (SDOH 2:04-CR-88), unsealed 14 June 2004.

admitted Al Qaeda member Iyman Faris to blow up a Columbus shopping mall.<sup>212</sup> In addition, Abdi allegedly received bomb-making instructions from a co-conspirator, and had intended to travel to Ethiopia to receive training in weapons, guerrilla warfare, and bombs at a military-style training camp.<sup>213</sup> Federal investigators believe that the plot may have involved as many as five people. The three other men, unnamed, were truck drivers who worked with Faris.<sup>214</sup>

Sixteen other instances of political asylum being used to either prevent removal or deportation are as follows:

- *Kamran Sheikh Akhtar* was detained in Charlotte, North Carolina while videotaping buildings there in July 2004. He entered the United States illegally through Mexico in December 1991, and claimed political asylum in 1992. Five years later, in 1997, the asylum request was denied. A month later, he sought to resist removal by filing for residency based on marriage to a U.S. citizen. In March 1998, he was found by an immigration judge to be removable, and was given voluntary departure, but a month later the marriage petition secured him permanent residency.<sup>215</sup>
- *Abdul Halim Hassan Al-Ashqar* came to the United States on a student visa in 1989. He had received a scholarship through the U.S. government from the Thomas Jefferson Center “in order to complete my higher education in Business Administration” at the University of Mississippi.<sup>216</sup> He was able to do so despite the fact that he had co-founded a university on the West Bank with Abu Marzook (eventually deported for his role as the U.S. leader of Hamas) and Hamas founder Sheikh Ahmed Yassin. He had run public relations at that university for eight years prior to coming to the United States. Once in the United States, Al-Ashqar overstayed his visa and continued working for Hamas in a variety of capacities.<sup>217</sup> He was imprisoned for refusing to testify about Abu Marzook during a grand jury investigation.<sup>218</sup> Al-Ashqar was then placed in deportation hearings himself, but claimed political asylum. The asylum claim was denied, but he fought that denial

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<sup>212</sup> U.S. Department of Justice Press Release, “Iyman Faris Sentenced for Providing Material Support to Al Qaeda,” 28 October 2003; see [www.usdoj.gov/opa/pr/2003/October/03\\_crm\\_589.htm](http://www.usdoj.gov/opa/pr/2003/October/03_crm_589.htm) (accessed 9 July 2004).

<sup>213</sup> Government’s Motion to Detain Defendant and Memorandum in Support, U.S. v. Abdi (SDOH 2:04-CR-88), 14 June 2004; see also [http://schumer.senate.gov/SchumerWeb/site/press-room/press\\_releases/2004/PR02693.mallsecurity062004.pf.html](http://schumer.senate.gov/SchumerWeb/site/press-room/press_releases/2004/PR02693.mallsecurity062004.pf.html) (accessed 5 November 2004).

<sup>214</sup> “Investigators: Mall Plot May Have Involved 5 People,” 18 June 2004; at [www.nbc4columbus.com/news/3434353/detail.html](http://www.nbc4columbus.com/news/3434353/detail.html).

<sup>215</sup> Affidavit of Sr. Special Agent John Scott Sherrill, U.S. v. Akhtar (filed 5 August 2004).

<sup>216</sup> “Interview with Abdul Halim Hassan Al-Ashqar, Independent Islamic Candidate for the Palestinian Presidential Elections, Discussing the National Agenda and Dialogue between the Palestinian Factions,” Radio Sawa, Iraq (2 January 2005).

<sup>217</sup> See Testimony of Steven Emerson, House Judiciary Subcommittee on Immigration and Claims (26 January 2000) for more details.

<sup>218</sup> “Interview with Abdul Halim Hassan Al-Ashqar.”

for six years in U.S. courts. In 2004, he agreed to voluntarily leave the country, but was instead indicted on RICO charges for running Hamas in the United States with Marzook.<sup>219</sup> In January 2005, he announced he was an independent candidate for president of the Palestinian Authority.<sup>220</sup>

- *Hesham Hedayet*, who killed airline personnel at LAX on 4 July 2002, filed for political asylum in 1992, but ended up acquiring legal status through a diversity immigration lottery.<sup>221</sup>
- *Rabih Haddad*, a Lebanese citizen and a co-founder and chairman of the Global Relief Foundation (GRF), was arrested on 14 December 2001, the same day that GRF's offices were raided.<sup>222</sup> GRF's assets were frozen by the U.S. Treasury Department on 14 December 2001, for financially supporting Al Qaeda.<sup>223</sup> Also on 14 December 2001, the government detained Haddad on a visa violation. Haddad was originally admitted to the United States in 1998 with the status of a non-immigrant visitor. His visa expired on 31 August 1999.<sup>224</sup> Haddad was ordered deported. Despite a series of appeals, and the filing of an application for asylum and withholding of removal,<sup>225</sup> in November 2002 an immigration judge concluded that he presented "a substantial risk to the national security of the United States."<sup>226</sup> Haddad appealed again and was denied again, and on 14 July 2003 Haddad was deported to Lebanon.<sup>227</sup> After his deportation, the Department of Immigration and Customs Enforcement (ICE) issued a press release that reiter-

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<sup>219</sup> Author conversation with an Assistant U.S. Attorney, March 2005.

<sup>220</sup> Interview with Abdul Halim Hassan Al-Ashqar."

<sup>221</sup> *9/11 and Terrorist Travel*, 204–6.

<sup>222</sup> Immigration and Customs Enforcement Press Release, "Former President of Global Relief Foundation Loses Immigration Appeal and is Removed From the United States," 11 July 2003.

<sup>223</sup> U.S. Department of the Treasury, Office of Foreign Assets Control, "Terror Financier Designation of BIF and GRF," 14 December 2001; see [www.ustreas.gov/offices/eotffc/ofac/actions/20011214a.html](http://www.ustreas.gov/offices/eotffc/ofac/actions/20011214a.html) (accessed 26 May 2004).

<sup>224</sup> Alexandra Moses, "Local Community Leader Detained by INS, Lawyer Says," *Associated Press* (17 December 2001).

<sup>225</sup> *Ibid.* According to the ICE, Haddad's requests for relief from removal, including requests for bond and for asylum, were denied by the immigration judge chiefly upon the finding that Haddad was not eligible for asylum because he was a danger to the security of the United States.

<sup>226</sup> USDOJ Press Release, "Statement of Barbara Comstock, Director of Public Affairs, on the Haddad Asylum Decision," 22 November 2002; at [http://www.usdoj.gov/opa/pr/2002/November/02\\_civ\\_691.htm](http://www.usdoj.gov/opa/pr/2002/November/02_civ_691.htm) (accessed 14 October 2004).

<sup>227</sup> *Ibid.* The acting assistant secretary for ICE, Michael J. Garcia, said of Haddad's deportation: "The removal of individuals like Mr. Haddad highlights the importance of enforcing immigration laws in our ongoing efforts to secure the homeland. ... This action is also a testament to the cooperation between law enforcement agencies in pursuing and removing those individuals linked to terrorism."

ated GRF's ties to Wadi El-Hage and stated again that GRF was a Specially Designated Global Terrorist Group.<sup>228</sup>

- At least three people closely associated with the September 11 hijackers claimed political asylum: one that helped them obtain Virginia identification cards, and two other "friends."
  - *Malek Mohamed Seif*, a friend of 9/11 hijacker Hani Hanjour, filed a false application for asylum and was indicted for Social Security, mail, and immigration fraud.<sup>229</sup>
  - *Eyad Mohammed Mohammed Mustafa* helped 9/11 hijackers (unknowingly) to obtain Virginia ID cards. He made a false claim of asylum during deportation hearings in October 2002. The application was denied, and he was deported to Jordan.<sup>230</sup>
  - *Mohdar Abdullah* was a friend of two 9/11 hijackers. He claimed political asylum defensively in 2000 after overstaying his visitor visa's length of stay by a year and a half. He was charged with fraud in November 2001, and was deported to Yemen in May 2004.<sup>231</sup>
- *Abdel Hakim Tizegha*, an associate of the LAX Millennium plotters, claimed political asylum based on persecution by Muslim fundamentalists. He said he entered the United States at Boston as a stowaway on an Algerian gas tanker. Hearings were rescheduled five times. The claim was denied two years later, and then appealed. Nine months later his location was unknown.<sup>232</sup>
- *Abu Mezer*, responsible for the New York City subway plot in August 1997, was arrested in Washington State in January 1997 after his third attempt to illegally enter the United States. The next month, he applied for political asylum, denying an affiliation with Hamas. In July, he did not show up for his hearing. Instead, he called his attorney and stated he had married a U.S. citizen and was living in Canada. On 1 August 1997, he was arrested in New York City based on an informant's tip.<sup>233</sup>
- *Muin Mohammad* (aka Muin Shabib, Kamel Mohammad Shabib, and Abu Muhammad) is one of the original founders of the Al Aqsa Educational Fund (AAEF), and is listed on the group's 1993 IRS Form 990 as the secretary of the AAEF Executive Committee.<sup>234</sup> According to an FBI Action Memorandum, Muin Kamel Mohammed Shabib attended the October 1993 Hamas conference in

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<sup>228</sup> Ibid.

<sup>229</sup> Superseding Indictment, U.S. v. Seif, No. cr-01-0977-phx-pgr (D. Ariz.), 6 December 2001; see also Detention Order, U.S. v. Seif, No. cr-01-0977-phx-pgr (D. Ariz.), 8 November 2001.

<sup>230</sup> *9/11 and Terrorist Travel*, 201–3.

<sup>231</sup> Indictment, U.S. v. Abdoulah (S.D. Cal. 01-cr-3240-w), 2 November 2001.

<sup>232</sup> *9/11 and Terrorist Travel*, 58.

<sup>233</sup> Ibid., 56, 199–200.

<sup>234</sup> Al Aqsa Educational Fund, IRS Form 990, State of Mississippi (accessed 17 January 2005).



Philadelphia, along with Abdelhaleem Al-Ashqar and others.<sup>235</sup> Documents submitted by the Department of Justice in *HLFRD v. John Ashcroft* show that Shabib was identified by the government of Israel as a senior Hamas operative formerly in charge of Hamas' Central Section (Ramallah-Jerusalem) in the West Bank.<sup>236</sup> On 16 March 1994, the FBI interviewed Shabib in Falls Church, Va., at the home of Yasser Bushnaq. During the interview, Shabib admitted supporting Hamas financially and politically.<sup>237</sup> Shabib was interviewed under the pretext of gaining information relating to his immigration status (he had applied for political asylum in December 1993).<sup>238</sup>

- *Faraj Hassan* was arrested and charged with naturalization fraud in June 2004 after being granted refugee status from Syria in 1993. He worked for the Benevolence International Foundation, which was considered a significant source of funding for Al Qaeda.<sup>239</sup>
- Three terrorists involved in the 26 February 1993 World Trade Center bombing, *Ramzi Yousef*, *Sheik Omar Abdel Rahman*, and *Biblal Alkaiasi*, all sought political asylum. Yousef, mastermind of the bombing, was initially arrested with fraudulent travel documents upon entry at JFK International Airport in August 1992. Yousef claimed political asylum, and was released pending a hearing.<sup>240</sup> Alkaiasi, also a key witness in the Meir Kahane murder, filed for both "temporary protected status" using a fake birth certificate and fake immigration entry record in August 1991, and for political asylum in May 1992, falsely claiming a prior illegal entry.<sup>241</sup> Sheik Rahman, who issued the fatwa for Anwar Sadat's assassination, and was also convicted for his role as the spiritual leader of the 1995 conspiracy to bomb New York City landmarks, had a long history of immigration violations and fraud, including a March 1992 political asylum claim to prevent his pending deportation.<sup>242</sup>

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<sup>235</sup> Action Memorandum, International Emergency Economic Powers Act for Holy Land Foundation for Relief and Development, from Dale Watson, Assistant Director FBI Counterterrorism Division to Richard Newcomb, Director of the Office of Foreign Assets Control, Department of Treasury (5 November 2001), 9.

<sup>236</sup> *Holy Land Foundation for Relief and Development v. Ashcroft* (D.C.), August 2002, at Vol.1, Doc. No. 31, Exh. No. 24.

<sup>237</sup> Action Memorandum, International Emergency Economic Powers Act for Holy Land Foundation for Relief and Development, from Dale Watson, Assistant Director FBI Counterterrorism Division to Richard Newcomb, Director of the Office of Foreign Assets Control, Department of Treasury (5 November 2001), 11.

<sup>238</sup> *Holy Land Foundation for Relief and Development v. Ashcroft* (D.C.), August 2002, at Vol.1, Doc. No. 31, Exh. No. 22.

<sup>239</sup> Sabrina Tavernise, "U.S. Letter Tries to Establish a Doctor's Links to Terrorists," *The New York Times* (6 November 2004); see also Michael Weissenstein, "Prosecutors Allege Brooklyn Doctor's Terror Ties," Associated Press (5 November 2004).

<sup>240</sup> *9/11 and Terrorist Travel*, 49–52.

<sup>241</sup> *Ibid.*, 53, 190–92.

<sup>242</sup> *Ibid.*, 2–56.

- *Mir Aimal Kansi*, who killed two people outside CIA headquarters on 25 January 1993, became an illegal overstay in February 1991. In February 1992, he simultaneously sought both political asylum and amnesty under a 1986 law. While the applications were pending, he was able to obtain a Virginia driver's license and work as a courier.<sup>243</sup>
- *Ibrahim Parlak* of the Kurdistan Worker's Party (PKK) applied for political asylum upon his arrival in the United States in 1991. In 1992, he was granted asylum, and LPR status the following year. In October 2004, he was charged with inciting terrorism and providing material support for terrorist activities. He was also charged with lying on his INS applications for failing to disclose his membership in the Kurdistan Worker's Party, along with his prior aggravated felon record from Turkey.<sup>244</sup>

## Conclusion

The terrorist attacks of September 11 were not an isolated instance of Al Qaeda infiltration into the United States. In fact, dozens of operatives (other than the hijackers themselves)—mostly before, but also a few after 9/11—have managed to enter and embed themselves in the United States, actively carrying out plans to commit terrorist acts against U.S. interests or supporting designated foreign terrorist organizations. For each to do so, they needed the guise of legal immigration status to support them. Al Qaeda operatives have used every viable means of entry. The longer the duration of the permissible length of stay granted by the visa or the adjustment of status to permanent residency or naturalization, the more easily the terrorist could travel both within and outside the United States. No matter what the terrorist organization or mission, it is clear from this study that terrorists will continue to try to come to the United States to carry out operations, and their instructions will continue to include immigration-related plans. Until we have a system designed to weed out terrorists, their plans to stay in the United States will likely succeed.

Those who come to stay and embed themselves into communities throughout the United States will continue to rely on a false guise of legality. Sham marriages and student visas that lead to legal permanent residency (and an almost certain guarantee of naturalization) will likely continue to be some of the most egregious immigration abuses by terrorists. More aggressive culling of applications for national security risks will help prevent terrorists from attaining enhanced immigration status on the front end. However, it must therefore be a prerequisite for any strategy that seeks to attain border security to include the United States Citizenship and Immigration Service (USCIS) in fraud prevention and national security agendas.

Risk management, as well as targeting and pattern analysis, will help assure that scarce resources are used more efficiently to target immigration benefit applications

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<sup>243</sup> *Ibid.*, 187–89.

<sup>244</sup> James Prichard, "Terrorism Charges Filed Against Michigan Restaurant Owner," Associated Press (19 October 2004).

that may pose a national security risk. In addition, law enforcement agencies with criminal jurisdiction, such as the Bureau of Immigration and Customs Enforcement (ICE) and FBI-run Joint Terrorism Task Forces, must consider such investigations as priorities. Once it is discovered that a naturalized citizen is a terrorist, denaturalization should be automatically put in motion, with a streamlined appeals process that harnesses the talents of both ICE and DOJ legal experts.

To address fraud effectively, immigration benefits adjudicators must have access to comprehensive, biometrically-based immigration histories that include information from the moment an individual first applies for a visa at a U.S. consulate or presents a passport at a port of entry, through every subsequent request for an immigration benefit. USCIS needs to have a fully electronic applications process, with biometrics embedded into each application and required on-site interviews. Adequate human resources will be necessary to fulfill such a mandate while efficiently processing applications. Well-trained fraud specialists should be available at every immigration benefits center, with access to the Forensic Document Lab. The practical result is that USCIS should not have to rely solely on fees for upgrading its data systems, technologies, security vetting procedures, and other necessary national security tasks. Budgets must be allocated.

Also critical are security background checks, with real-time access to federal, state, and local law enforcement information upon request. The more access that is given to the national security or law enforcement information that exists on a foreign national, the less we will need to rely upon unwieldy name-based watch lists. The more security measures the United States incorporates into its own adjudications of immigration benefits *before* they are granted, the more success the United States will have in re-buffing terrorists who seek to embed here.

Underpinning practical improvements at USCIS must be a commitment to enforcing the law with better and more resources. Better resources include clearer guidelines for processing immigration benefits in order to eliminate the arbitrary decision-making that inevitably takes place in their absence. In addition, comprehensive immigration reform must entail, in the long run, not only streamlining the overly complex body of immigration laws, but also providing sufficient human and technological resources to enforce the law on the border *and* in USCIS immigration benefits centers.

These recommendations should not be considered in a policy vacuum. Comprehensive immigration reform that includes a review of all elements of our immigration security infrastructure (seven fragments dispersed through six agencies) must be vigorously debated and addressed now. However, that does not mean that we should wait to provide sorely needed technological, informational, and human resources to our frontline personnel at U.S. consulates abroad, at our ports of entry, and our borders. Severe deficiencies have existed in these areas for years that must be redressed now; what we still lack are the metrics to determine exactly what measures will provide the best value in an environment of limited funding. We must find a way to acquire that information in order to assure that our border system provides the value the American people deserve and have the right to demand.

# The Long Shadow of History: Post-Soviet Border Disputes— The Case of Estonia, Latvia, and Russia

*Claes Levinsson* \*

## Introduction

Ever since the collapse of the Soviet Union in 1991, the question of the precise territorial delimitations of the Estonian and Latvian borders with the Russian Federation has been a source of discord between the states, and a permanent point of irritation. The question of these national boundaries became an important issue on the political agenda shortly after Estonia and Latvia regained their independence in 1991. The principal reason for this laid in the arbitrary transfers of territory and the “correction” of borders that was made by the Soviet government shortly after its reoccupation of the Baltic states. In 1991, both Estonia and Latvia pleaded their cases according to international law, and demanded that the borders from the interwar period should be restored.<sup>1</sup> During the mid-1990s, both Estonia and Latvia gave up their initial claims, and the substance of an agreement was negotiated between the parties. However, the Russian Federation has ever since postponed the ratification of the agreement, claiming that it would not sign any treaty until other contested issues—such as the alleged discrimination against the large Russian-speaking minority in the Baltic states—are resolved in a satisfactory manner.

This means that there does not exist any formal and ratified solution to the question of the boundaries of Estonia and Latvia, and that the border issues between the parties are, at least formally, still unresolved. During the prolonged history of these border disputes, neither the EU nor NATO has actively interfered in the contretemps, and the absence of a ratified treaty did not prevent the accession of Estonia and Latvia to the EU and NATO in 2004.

By using the question of territorial delimitation and linking it to issues of domestic affairs in Estonia and Latvia, Russia is trying to impose its political will beyond its own borders. Furthermore, by keeping the territorial issue alive over alleged discrimination against ethnic Russians, Russia is demonstrating a lack of desire to improve bilateral relations with Estonia and Latvia, and is jeopardizing its relationship with the EU. The role of Russia as either a partner or a challenger in the Baltic region, and its willingness to form a strong future partnership with the EU, is first and foremost dependent upon how Russia will define its own position: through compromise or through geopolitical gamesmanship. But the stakes are also high for the Russian Federation, since it has expressed interests in achieving visa freedom for its citizens within the EU.

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\* Claes Levinsson is a research fellow in peace and conflict studies in the Department of Eurasian Studies at Uppsala University.

<sup>1</sup> Lithuania also made territorial claims against Russia. This dispute was solved in 1997, when a formal agreement was ratified by both Lithuania and the Russian Federation.

To accomplish this, Russia needs to have its western borders officially recognized, and a precondition for this is resolving its border issues with Estonia and Latvia.

The background to these border disputes seems to follow a post-Soviet pattern, which attributes a great importance to a nation's territory and its territorial identity. As a contrast, in Western Europe there has been a trend to reduce the significance of national borders—for instance, through regimes like the Schengen Agreement—and to decrease the importance of the nation-state in general. In Eastern Europe, the trend during the past decade appears to have been the opposite. The collapse of the Communist state, and the resulting processes of state disintegration and state building that followed after the break-up of the Soviet Union, meant that the importance of territoriality in Eastern Europe increased and became a point of conflict, especially when the terrestrial spaces were linked to a territorial identity that implied a perceived historical continuity and national legitimacy. Estonia and Latvia followed this pattern up until the mid-1990s, when they renounced their nationalist territorial claims. The change in the position of Estonia and Latvia can, at least in part, be explained by the influence of the EU and NATO, since a major requirement for EU and NATO membership is that the applicant nation does not have any unresolved border issues with its neighbors. Nevertheless, up to the present, geopolitical considerations have been an important determinant in Russia's foreign and security policies. It has even been argued that an emphasis on geographic territory has dominated Russian security policy thinking for centuries. In the case of its western borders, this has often been expressed as a notion, deeply embedded in Russian historiography, of the Baltic rim as “old Russian land” and “our West.”

However, the longstanding border disputes in the Baltic region are not only a manifestation of some post-Soviet condition. They are also testimony of some common characteristic between the function of borders and boundaries. In general, a state's borders are not only a divider between states, or a marker of the territorial unit that defines the state; they are also one of the foundational elements on which states define their security and their relations with other states. In this respect, borders can also function as a thermometer that can measure the degree of tension between states, and can be used to assess the significance of a particular security policy that defines the relationship between them. Wilson and Donnan stress this importance when they accurately describe borders as “the political membranes through which people, goods, wealth, and information must pass in order to be deemed acceptable or unacceptable by the state. Thus borders are agents of a state's security and sovereignty, and a physical record of a state's past and present relations with its neighbours.”<sup>2</sup>

The political and social ramifications of borders became particularly relevant at the beginning of the twentieth century, when territory and the ideology of nationalism merged and created nation-states, which extended the value of territory from having a purely instrumental value in the thinking of the state to also include intersubjective symbolic values that touched on profound issues of identity. Territory became not only

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<sup>2</sup> T. Wilson and H. Donnan, eds., *Border Identities: Nation and State at International Frontiers* (Cambridge: Cambridge University Press, 1998), 9.

a manifestation of state power, but also a perceived authentication of the state's inhabitants' past, present, and future. It thus created a territorial identity that objectified a perception of an ethnic, racial, linguistic, and cultural homogeneity among the inhabitants of the state. However, the problem is that, more often than not, state borders do not coincide with the boundaries of ethnic groups. Rather, this vision of the nation-state is an ideal image of the world that emerges from a nationalist conception. The borders that nationalists many times see as "sacred" and "eternal" are for the most part a creation of the state, not the nation.<sup>3</sup> It is a perception that very often creates tensions not only within states but also among states. This is something that can be viewed as a "tug of war" between spatiality and temporality.

In a general perspective, one may observe that, in Eastern Europe, the temporal horizon currently seems to be predominant over the spatial one—i.e., the way in which terrestrial space is thought of as affecting the organization of given phenomena, such as power or social relations.<sup>4</sup> The new territorial configurations that emerged in the wake of the Cold War and the subsequent process of state building have often been based on a traditional, sedentary, and pre-national notion of territory and society. The spatial horizon is limited, whereas the temporal horizon, defined by history and myth, extends back to a distant past and is often perceived as eternal.<sup>5</sup> The spatial horizon is often expressed by different efforts of integration in a regional or international context. When the spatial horizon meets the temporal, it often creates tensions and sometimes even new battle lines, both within and between these new states. Pierre Hassner speaks of the pathology of territories that are "torn between centrifugal and centripetal forces, between diversity and homogeneity, between union and separation—all impossible to carry to their ultimate consequences. Hence the dialectic of the problems of minorities, frontiers, and migrations."<sup>6</sup> This kind of territorial pathology seems to have been a distinguishing quality of the developments in the territory of the former Soviet Union ever since the end of the Cold War. Indeed, the post-Soviet record of territorial disputes is extensive. By late 1991, there had been some 170 ethno-territorial disputes in the former USSR, 73 of which directly concerned Russia. Furthermore, there were only two out of twenty-three inter-republic borders within the former Soviet territory that were not in dispute.<sup>7</sup> Many of these conflicts have continued to plague Russia ever since. The Estonian and Latvian border disputes with Russia are in this respect no exception.

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<sup>3</sup> R. Brown, "Globalization and the End of the National Project," in *Boundaries in Question. New Directions in International Relations*, eds. J. Macmillan and A. Linklater (London: Pinter, 1995), 57.

<sup>4</sup> J. Agnew, *Geopolitics: Re-visioning World Politics* (New York: Routledge, 1998), 129.

<sup>5</sup> Pierre Hassner, "Obstinate and Obsolete: Non-Territorial Transnational Forces versus the European Territorial State," in *Geopolitics in Post-Wall Europe: Security, Territory and Identity*, eds. O. Tunander, P. Baev, and V. Einagel (London: Sage Publications, 1997), 54.

<sup>6</sup> Hassner, "Obstinate and Obsolete," 56.

<sup>7</sup> P. Baev, "Old and New Border Problems in Russia's Security Policy," in *Contested Territory. Border Disputes at the Edge of the Former Soviet Empire*, ed. T. Forsberg (Cheltenham: Edgar Elgar, 1995), 92.

## History

The border dispute between Estonia and Russia has revolved around the area of Jaanilinn/Ivangorod on the eastern bank of the Narva River, and the areas surrounding Petseri/Petchory south of Lake Peipus. In total, the areas make up about 2500 square kilometers, and constitute the whole of Estonia's eastern border. In connection with the re-establishment of independence, the Estonian Republic claimed these areas because of its previous ownership of them during the interwar period. During the Soviet period, both areas were involuntarily transferred and incorporated into the Russian Soviet Federated Socialist Republic (RSFSR).

The legal basis for Estonia's possession of both areas goes back to 1920, when Russia concluded a peace treaty that enabled Estonia's first political formation to be recognized, not only *de facto* but also *de jure*. In the peace treaty, which was ratified in Tartu in February 1920, the territory of Estonia was defined, and its borders were demarcated. In the same treaty, Russia promised "for ever and for good" to recognize and respect Estonia's independence and territorial integrity.<sup>8</sup> The legitimate foundation for Estonia's territorial delimitation was cited as being support among the local population in the areas. In Petserimaa, this was manifested in the form of a petition submitted to the National Council of Estonia; in Narva, a referendum had been held on the question of uniting the territory with Estonia. 80 percent of the inhabitants in the area were in favor of unification.<sup>9</sup>

Shortly after its reoccupation of Estonia, the Soviet government began to make "border adjustments," and transferred the trans-Narva part of the Viru District and most of the Petseri District to the Oblasts of Leningrad and Pskov, to become component parts of the Russian SFSR. In January 1947, the transfer was formally adjusted by the Supreme Soviet of the Russian SFSR. All in all, the transfer of both areas amounted to some 5 percent of Estonia's pre-war territory, containing approximately 6 percent of its total population.<sup>10</sup>

In Latvia, the border change took place in the northeastern Abrene district. The legal grounds for Latvia's former possession of the area were similar to Estonia's. In 1920, Latvia concluded a peace treaty with Russia that stipulated Latvia's sovereignty and territorial integrity. In the peace treaty, ratified in Riga in August 1920, Soviet Russia undertook the obligation to recognize Latvia's independence and "for ever, relinquish ... all former Russian supreme rights over Latvia and its people."<sup>11</sup>

After its reoccupation of the Baltic states, the Soviet Union "corrected" the border between Latvia and Russia, and incorporated the city of Abrene (formerly Jaunlatgale) together with six rural districts in the Abrene area—Kacenu, Upmales, Linavas,

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<sup>8</sup> M. Graham, *The Diplomatic Recognition of the Border States* (Berkeley: University of California Press, 1940).

<sup>9</sup> I. Jääts, "East of Narva and Petserimaa," in *Contested Territory*, ed. Forsberg, 190.

<sup>10</sup> E. Anderson, "How Narva, Petseri and Abrene Came to Be in the RSFSR," in *Regional Identity Under Soviet Rule: The Case of the Baltic States*, eds. D. Loeber, L. Kitching, and V. Vardys (Kiel: University of Kiel, 1990), 403.

<sup>11</sup> *Ibid.*, 403, note 8.

Purvmalas, Ugspils, and Gauru—into the Russian SFSR. The territory was in many ways insignificant, with a predominantly rural population and no larger industries. The principal reason for the Soviet interest in this territory was most likely Abrene's close connection to the Estonian Petseri district, and the role the area played in Estonia and Latvia's contingency plans for the initial defense of these countries in the event of a Soviet invasion. The area was transferred to the Russian SFSR through a governmental decree issued by the presidium of the Supreme Soviet of the Latvian SSR in August 1944. The reason for this transfer was the alleged wish of the inhabitants of Augspils, Kaceni, and Linava to have their communities attached to the Russian SFSR.<sup>12</sup> However, it is interesting to note that the transfer was performed in obvious violation of the Soviet Union's own constitution, since only fifty-two out of one hundred deputies took part in the deliberation, and a plebiscite was not held in the affected areas. Furthermore, as Daukts and Puga have pointed out, most of the inhabitants in the region in question did not find out about the decision until a long time after August 1944.<sup>13</sup> Shortly after the transfer, Abrene was given its Russian name of Pytalovo.

The transfer was finally settled in January 1947, when the Supreme Soviet of the Russian SFSR by decree formally took over the district of Abrene. In 1938, the ethnic composition of the district of Abrene was 55 percent Latvian, 41.7 percent Russian, and 3.3 percent others. In 1945, the corresponding figures in the area were 85.5 percent Russian, 12.5 percent Latvian, and 2 percent others. The territorial losses accounted to some 2 percent of Latvia's pre-war area.<sup>14</sup>

One immediate result of the Soviet occupation was the abolishing of all international borders between the republics of the Soviet Union. Instead, the Soviet government replaced them with what it called "administrative lines." These lines were never demarcated, and did not have any practical political, economic, or geographical significance. In theory, the republics were granted status as autonomous entities, with their own constitutions, supreme courts, governmental organs, and a right to secede from the federation. The theory, however, did not stand up to the fact that the Soviet Union's republics were neither equal nor autonomous, and did not have any practical possibility to secede from the federation. In fact, despite the frequency of internationalist usage in communist ideology, and its sharp dissociation from the former tsarist empire, the Soviet Union's official political rhetoric was not lacking in historical references to previous Russian possessions in the Baltic region. In its efforts to legitimize its pretensions and occupation, the Soviet Union emphasized the idea and myth of the Baltic rim as a time-honored Russian land, with historical ties that went back to the Middle Ages. This was also reflected in the bogus guarantees of political and cultural independence that were made to the Soviet republics. In reality, all power was concentrated in Moscow, Russian personnel in the Baltic region held all the important posts, and the Communist Party controlled every aspect of the political, economic, social, and cultural life in the Baltic republics. The Baltic states not only suffered from territorial

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<sup>12</sup> Ibid., 404, note 10.

<sup>13</sup> B. Daukts and A. Puga, "Abrene," in *Contested Territory*, ed. Forsberg, 178.

<sup>14</sup> Ibid.



losses and a repressive transformation of their society; they also suffered from dramatic shifts in their demography.

The ethnic composition of the population in the disputed areas changed during the post-war period. This shift in the region's demography was above all a result of deportations and labor allocation. By the middle of the 1980s, the ethnic composition had changed in the disputed areas to such an extent that a majority of the native population had either voluntarily or by force left the districts. However, this demographic shift did not only occur in the borderlands, but particularly in Estonia and Latvia proper as well. The large immigration of mainly Russians, and other individuals with Russian as their mother tongue, started immediately after World War II ended in 1945, when demobilized soldiers and civil servants were given work in the region. Since the war had taken an enormous toll of human lives, all of the Soviet Union suffered from a structural shortage of labor and a reduced population. In Estonia, the population had fallen from 1.13 million in 1939 to some 850,000 in 1945. The trend of Russian settlement in Estonia meant that the total population rose dramatically within a few years, and amounted to 1.19 million in 1959. The percentage of ethnic Russians and Russian speakers rose during these few years from 8.2 percent during the interwar period to 20 percent of the total population in 1959. From 1959 to 1989, the percentage of the Russian-speaking population continued to rise, to 30.3. A similar development occurred in Latvia, where the Russian-speaking portion of the population rose from 10.6 percent during the interwar period to 26.6 percent of the total population in 1959. In 1989, the ethnic Russian population amounted to 34 percent of the total population.<sup>15</sup>

## The Dispute

The basis of Estonia and Latvia's territorial identity was the particular state formation that existed during the interwar period, combined with a period of actual historical possession of the territory. The 1920 peace treaties from Tartu and Riga represented the main foundation for the states' existence as nation-states, and constituted the primary basis for the restoration of statehood. This was also something that was clearly stated in their respective constitutions. Thus their claim to the disputed areas was considered to have both international legality and historical justification.<sup>16</sup>

Russia, on the other hand, based its arguments on present circumstances, and claimed that the majority of the inhabitants in the disputed areas were Russian, despite the fact that these circumstances had been created as a result of Soviet resettlement policies. Another reason for Russia's position, and probably a more important one, was the question of precedents. As mentioned above, at the beginning of 1991 some 170 ethno-territorial disputes were active in the former Soviet area, of which 73 directly involved borders of the Russian mainland. This was further complicated by the fact that nearly a quarter of Russia's 61,000 kilometers of border was not formally recognized

<sup>15</sup> A. Lieven, *The Baltic Revolution: Estonia, Latvia, Lithuania, and the Path to Independence* (New Haven: Yale University Press, 1993), 183; Eesti Statistika, Tallin, 1997.

<sup>16</sup> See, for example, Forced Migration Project, *Estonia and Latvia: Citizenship, Language and Conflict Prevention* (New York: Open Society Institute, 1997), 18.

and specified in any international treaties.<sup>17</sup> To give up a strip of land on one portion of the border could therefore backfire in other regions. The Baltic-Russian border could therefore be the first brick to fall in the Russian territorial domino game. Hence, for Russia it was crucial to dismiss all claims on its borders, and under no circumstances to negotiate a compromise in its ongoing disputes.

The boundary disputes between Russia and Estonia were first formally articulated in July 1992, when the Estonian government issued a statement calling on Russia to withdraw her border guards back to the boundary established in the Tartu peace treaty of 1920.<sup>18</sup> The Russians issued a strong response, with the Russian foreign ministry sending a note accusing Estonia of making unjustified territorial claims on Russia and threatening Estonia with economic sanctions. Russia did, however, agree to engage in talks with its Estonian counterpart.<sup>19</sup> Nevertheless, one year of bilateral talks did not produce any solution to the dispute, and the conflict became aggravated when Russia—without Estonia’s consent—decided to fix the Soviet borderline as the official state border of Russia. Estonia viewed this move as the equivalent to Russia having laid territorial claim to Estonian soil.<sup>20</sup>

In February 1994, Russia stated that it might demarcate the borderline unilaterally if no progress was made in the talks. The Estonian reply was that, once Russia recognized the Tartu peace treaty, the border talks would become more flexible and forward-looking in nature. At the time, the level of international support for the Estonian claims was weak, above all because most international interest was directed towards the withdrawal of Russian troops from Baltic soil. That meant that Russia could take full advantage of the asymmetric power relationship that existed between the parties. Consequently, Estonian complaints and proposals that the matter should be settled at the International Court of Justice in The Hague fell on deaf ears.<sup>21</sup>

Another round of border talks was initiated in late November of 1995, and a consensus regarding the maritime border was reached. However, the key stumbling block was still the terrestrial border. Ever since the beginning of the dispute, the Russian side

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<sup>17</sup> *Ibid.*, 18, note 5.

<sup>18</sup> RFE/RL, *Supplement* 1:31 (1992): 72.

<sup>19</sup> *Ibid.*, 72, note 9.

<sup>20</sup> *The Baltic Independent*, 26 February 1993. As the negotiations reached a deadlock, some incidents on the border occurred. In May 1993, approximately 2000 Estonian cyclists approached the border demanding to be allowed into the town of Petseri. The group arrived without visas and passports, and was stopped by Russian border troops. The cyclists then staged a protest under the slogan “Petseri is Estonian land. Occupiers, clear out of the Petseri district.” More fuel was added to the fire when Russia began to erect new permanent checkpoints at the border, and when Russia officially decided to renounce the 1920 peace treaty. This was in practice perceived as a *de facto* statement of non-recognition of the Estonian state. See ITAR-TASS, 15 May 1993; *The Baltic Independent*, 16 June 1993.

<sup>21</sup> In addition, when the Russian president Boris Yeltsin visited the border in November 1995, he vowed that Moscow would not give up “one single centimeter of land no matter who claims it.” The Baltic-Russian borders, he stated, were used by foreign intelligence to “penetrate the territory of Russia.” Reuters, 23 November 1995.

tried to link every round of bilateral border talks to the situation of the Russian-speaking minority, accusing the Estonian authorities of systematically discriminating against this population. This issue was further linked to the question of the removal of Russian forces from Estonia. This introduction of multiple issues into the boundary negotiations complicated all efforts to reach some sort of solution. After a meeting in Pärnu in March 1996, Estonia and Russia succeeded in drawing up a “comprehensive” draft agreement on the delimitation of their common border.<sup>22</sup> The draft was focused solely on technical issues, however, and the overall deadlock continued, since Estonia refused to compromise on the principles outlined in the Tartu peace treaty regarding Estonian sovereignty.

Shortly before a second meeting in Petrozavodsk in November 1996, however, Estonia dropped all references to the Tartu treaty. The change of Estonia’s position meant that Estonian and Russian negotiators could agree on a so-called technical border agreement, without reference to other treaties. In Petrozavodsk, Estonia insisted on a formal ratification of the agreement but Russia, as usual, put forward the question of the Russian-speaking minority, and claimed that the treaty was technically not ready for signing.<sup>23</sup> This meant that a resolution was once again blocked by Russia’s concern over so-called humanitarian principles, and that the border issue again was sent back to the expert level.

In Latvia, the border dispute did not reach the same level of significance in domestic politics as it did in Estonia. One reason could be that the pullout of the Russian troops was more complicated in Latvia than in other parts of the Baltic region. Still, this does not mean that the restoration of Latvia’s pre-war borders was considered an insignificant issue. In February 1992, the Latvian Supreme Council adopted a resolution “on the non-recognition of the annexation of the town Abrene and its six oblasts.” With this decree Latvia confirmed its adherence to the borders established under the 1920 Riga peace treaty with Russia. Russia’s response came a month later, when they officially rejected the Latvian resolution. The Russian government stated that the Latvian claims were “absolutely groundless, both historically and from a juridical point of view.”<sup>24</sup>

The first steps towards the normalization of relations were taken in 1993 when an agreement was signed regulating cross-border movements. Shortly after the agreement was ratified, both parties began, in silence, to demarcate the non-disputed part of the boundary. After the Russian troop withdrawal, there was another opening in the border talks when the then foreign minister of Latvia, Valdis Birkavs, advocated a rapprochement between the states. His proposal was that the boundary issue should be dealt with by introducing a temporary borderline until a permanent solution could be reached.<sup>25</sup> Arriving at a solution based on both parties’ consent, however, was complicated, since

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<sup>22</sup> BNS, 29 February 1996.

<sup>23</sup> ITAR-TASS, 5 November 1996.

<sup>24</sup> SWB SU/1286.1328 (1992).

<sup>25</sup> D. Bungs, *Seeking Solution to Baltic-Russian Border Issues*, RFE/RL Research Report 3:13 (1 April 1994), 25 ff.

Russia introduced the question of the Russian-speaking minority and their status in Latvia into the border talks. The Latvian refusal to eliminate any reference to the Riga peace treaty was another snag in the negotiations.

However, at the beginning of 1997 the Latvian government consulted its parliament and proposed a coordination of its policy with Estonia on the question of the states' borders with Russia. In effect, this meant that Latvia also dropped its dogged attachment to the Riga peace treaty in its border talks with Russia.<sup>26</sup> In February, after an all-night session of talks, delegations from Latvia and Russia agreed upon the basic provisions of a draft treaty on their shared border. The formal ratification of the agreement was delayed, however, after Russia insisted on amendments. Later, on 31 March, Latvia made its position clear when Latvian President Ulmanis stated that, "while Latvia strives to reach an agreement, the signing of such should not be linked to humanitarian issues," i.e., the status of Latvia's Russian-speaking minority. The Russian standpoint was further concretized when the Russian State Duma in May issued a warning that, if Latvia did not end the discrimination against the Russian-speaking minority, not only would the Duma not ratify any border agreement, it would also impose economic sanctions.<sup>27</sup>

Estonia and Latvia's decisions to disconnect the question of the validity of the Tartu and Riga peace treaties from the negotiations of their national borders meant that all the disputed areas were ceded to Russia. The finalization of Estonia's cession took place in Moscow in August 1998 at a meeting between the heads of the border delegations, and at a meeting in St. Petersburg in March 1999 between Estonia's and Russia's foreign ministers. The latter meeting was of a practical nature, to confirm the technical agreement that had been negotiated earlier in which the principles for a demarcation of the land border were agreed upon. This meant that all formal negotiations between Estonia and Russia about their common boundary were over. The next step in the process was to submit the issue for formal ratification by the parliaments of both states, which would then allow for a definitive demarcation of the boundary.<sup>28</sup> Even though a treaty was finalized, the ratification was postponed by the Russian Federation, which claimed that it would not sign any border treaties until other contested political issues were resolved in a satisfactory manner.

## **The Present Situation**

The question of the borders between Estonia and Latvia and Russia again became the subject of active discussion after the Baltic states' accession to EU membership in May 2004. According to the charter of this organization, member countries should not have territorial disputes with neighboring states. But the absence of a border treaty did not prevent the introduction of the Baltic states to the organization, since both Estonia and

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<sup>26</sup> SWB SU/2765, 1997.

<sup>27</sup> ITAR-TASS, 14 April 1997; RFE/RL, 7 May 1997.

<sup>28</sup> Estonian Foreign Ministry, Information Sheet, 29 March 1999.

Latvia could claim that they had been ready to sign the treaties since they were initialed in 1999.

On 18 May 2004, after renewed negotiations, the Russian Minister of Foreign Affairs Sergey Lavrov and his Estonian counterpart Urmas Paet signed the long-awaited border agreement in Moscow. On 27 June, merely six weeks after signing the treaty, Russia announced that it had revoked its signature, withdrawing from any obligations stipulated in the treaty, and demanded a renegotiation from scratch.<sup>29</sup>

As had been the case after the previous round of negotiations, the ratification of the agreement stirred up the long-standing question of Estonia's historical legitimacy, and whether or not the Soviet Union "liberated" or "occupied" the Baltic states shortly after World War II. In the Estonian ratification preamble, Estonia made a non-binding reference to the state's legal continuity during the Soviet occupation—from the peace agreement in Tartu in 1920 up to the present. Apart from the preamble, the Russian withdrawal was also a slap in the face of the European Union. According to Lavrov, Russia's Minister of Foreign Affairs, "They in the EU might have succumbed to the temptation of telling us, well, Estonia has ratified it, even if adding references to 'occupation,' 'aggression,' 'unlawful annexation,' but ratified it anyway ... so please show a bit of patience and ratify it on your side, also with some interpretations attached, so that the treaty can enter into force. To stop the EU from falling into this temptation, we have withdrawn our signature. There will be no treaty."<sup>30</sup> The Duma's International Affairs Committee Chairman, Konstantin Kosachev, emphasized the government's position by stating that "Estonia just did not want to behave in a civilized manner."<sup>31</sup> Even though the Estonian government wants the border issue resolved, it simply cannot sanction the Russian position, since an agreement without a preamble acknowledging the state's legal continuity creates the impression that Estonia as an independent state arose only in 1991.

The question of Latvia's border agreement with Russia followed a similar path. The only difference is that the opposition to a border agreement is much stronger in Latvia. The Latvians insisted on a unilateral declaration in the agreement that stated Latvia's historical rights over the Abrene district. This provoked a harsh reaction from Moscow, and the signing of the agreement that was scheduled for 10 May 2005 was postponed indefinitely.<sup>32</sup> Latvia argued that it was not advancing any territorial claims with this statement, but was just offering an explanation of its history and the effects of the Soviet occupation. The Latvian Prime Minister Aigars Kalvitis regarded the Russian

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<sup>29</sup> Interfax News Agency, 27 June 2005.

<sup>30</sup> Interfax News Agency, RIA, 27–28 June 2005. The order for Russia's withdrawal was signed by President Putin on 1 September.

<sup>31</sup> RIA-Novosti, 27 June 2005.

<sup>32</sup> President Putin warned that, if Latvia pressed any territorial demands, it would get not land but "dead donkeys' ears." He further accused the Latvian government of "political demagoguery," and said making territorial claims while simultaneously seeking a border treaty was "complete nonsense and rubbish." At [www.Pravda.Ru](http://www.Pravda.Ru), 23 May 2005.

protest as “very sharp,” and concluded that, “If such a sharp reaction continues, constructive talks will certainly be complicated.”<sup>33</sup>

The ratification of the border agreements was further complicated by a meeting in Pärnu, Estonia, in April 2005, at which an assembly of representatives of the Baltic states called upon Russia to acknowledge the fact of the Soviet Union’s occupation of the region in 1945. The Baltic states were supported by the U.S. Congress, which passed a resolution on 21 May 2005 stating that the government of Russia should recognize and unambiguously condemn the Soviet Union’s illegal occupation and annexation of the Baltic states—Estonia, Latvia, and Lithuania—from 1940 to 1991.

For Estonia and Latvia, the border issue, with its linkages to historical legitimacy and cross-border minorities, has in many ways been an emotional question that hinges on the legality of the inter-war state and the subsequent Soviet occupation. Both Estonia and Latvia based their attitude in the border disputes on the legality of the 1920 peace treaties of Tartu and Riga, which established the states’ internationally-recognized borders. The following alterations of these borders during the Soviet period are regarded to have no legal or political legitimacy. Instead, both states are advocating a principle, or notion, of state continuity, wherein the contemporary government is seen as a continuation of the inter-war governments. The practical meaning of this is that the government of the territories during the Soviet era was illegal, and lacks any political or legal significance for the contemporary state. The consequence of this is that all Russians who moved into the area during the Soviet period did and do not automatically enjoy the right of citizenship. This also means that the transfer of the disputed areas was considered illegal.

On the other hand, ever since its independence, Russia has been maintaining that the Soviet Union neither annexed nor occupied the Baltic states. Instead, the Soviet Russian presence in the Baltic littoral was the result of interstate treaties. As a consequence, Russia did not recognize the Baltic states’ legal continuity and restoration of the inter-war state. Russia viewed the Baltic states’ declarations of independence in 1991 as a result of the break-up of the Soviet Union, and considered them to be three entirely new states, with no legal connection to the nation-states of the inter-war period. The effect of the Russian logic is that, since the incorporation of the Baltic states into the Soviet Union was conducted in a legal and rightful fashion, by treaties between independent states, the border “corrections” that took place shortly after World War II are also legal.<sup>34</sup>

The Russian position has been unchanged since the border negotiations stalled in 2005. In June 2006, Sergei Lavrov said Russia would only rejoin negotiations if the Baltic states returned to the original documents and removed the political subtexts: “But as long as these political links are there, returning to the negotiating table is out of the question.”<sup>35</sup>

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<sup>33</sup> RIA-Novosti, 11 May 2005.

<sup>34</sup> Reuters, 27 January 1994; S. Chernichenko, “Ethnic Russians in the Baltics,” *International Affairs* (1998).

<sup>35</sup> RIA-Novosti, 7 June 2006.

## Conclusion

By using its position as a regional hegemon, Russia has tried to interfere in Estonia and Latvia's domestic affairs by tying the border issue to the question of the states' historical legitimacy and alleged discrimination against cross-border minorities. The Russian refusal to come to terms with the boundary question is in part due to domestic policy considerations, and in part to geopolitical strategies. Russian domestic policy is shaped and executed in a highly nationalistic and chauvinistic political environment, chiefly represented by the Russian State Duma, where many of the deputies stand for a policy towards the Baltic states based on force and power rather than compromise and cooperation.

Both sides have used—and in some cases even abused—history in the political dialogue, and have tried to exploit the issue of cross-border minorities in order to point out the historical continuity of the territory and its borders. On both sides there has been an attempt to construct a territorial identity, in which the territory and its borders function as a principal symbol for independence and a physical record of the state's past, present, and future. Despite this, there does exist a climate for dialogue instead of confrontation in the region. However, as far as the question of the borders is concerned, the ball is now in Russia's court. Russia can choose to further exploit the present situation, or to move in a more progressive direction. This climate means that Russia has to choose cooperation, and to accept that the Baltic states are outside Russia's sphere of influence.

Even if there are no ratified agreements bearing the imprimatur international legality between the Baltic states and Russia on this issue, there is hardly any reason for an escalation of the border disputes. As far as Estonia and Latvia are concerned, the absence of a treaty is an irritant, but not a major problem. During the course of the border dispute, both Estonia and Latvia have changed their initial positions and gradually reformulated their early demands. This was evident in the most recent round of negotiations, when both Estonia and Latvia searched for a solution to find a middle ground, and displayed their willingness to back down from the initial references to their pre-war boundaries. Nevertheless, the snag continues to be the Baltic states' insistence on making reference to the historical legitimacy of their territory and sovereignty. But a formal solution to the disputes is probably dependent on which domestic and geopolitical considerations Russia ultimately favors. A probable scenario is that Russia eventually will ratify the agreements simply because Russia needs a stable border regime with the Baltic states.

Another scenario is that Russia will maintain the present situation by using the border agreements, the question of the historical legitimacy of the Baltic states, and the status of the Russian-speaking minority as a pretext for preserving the status quo in the region. Up to the present, this strategy has dominated Russia's policies towards Estonia and Latvia. However, it seems unlikely that Russia will pursue that strategy in the near future. This shift is not due to a sudden change in the Russian perception of the Baltic rim as a part of its zone of interest, but because of other interests that appear to have a higher priority—not least manifested by Moscow's desire to participate in the political and economic framework of the region.





# An Assessment of Operation Safe Place

Paul Holtom\*

## Background

In April 2002, the Southeast European Cooperative Initiative (SECI) Regional Centre for Combating Trans-border Crime<sup>1</sup> established a sub-group within its Anti-Terrorism Task Force to “prevent, detect, trace, investigate, and suppress illicit trafficking in small arms and light weapons (SALW) by establishing direct, sustainable, and rapid channels of information exchange.”<sup>2</sup> This sub-group consists of a network of police and customs officers from South Eastern Europe (SEE), who share intelligence on illicit SALW seizures. Saferworld, an independent NGO based in the U.K. that works to prevent armed violence around the world, has highlighted the work of the SECI Centre’s SALW Task Force as an example of good practice in regional cooperation for combating trafficking in SALW.<sup>3</sup>

As the lead state in this initiative, Albania proposed setting up an international operational intelligence information exchange on seizures of illicit small arms in 2002, and nominated the SECI Centre as an operational coordination unit. This proposal matured into the SALW seizure information exchange, known as Operation Ploughshares, which was launched in November 2002 and ran for six months. The primary objective of the information exchange was the collection of data that could be analyzed to give an account of the scope and dynamics of illicit SALW trafficking in the region. The following five SECI states actively participated in Operation Ploughshares: Albania, Bulgaria, Macedonia/FYROM, Moldova, and Turkey.

According to an analysis report on Operation Ploughshares, written by the U.K.’s National Criminal Intelligence Service (NCIS), data on trafficking of 493 small arms, just under twenty thousand rounds of ammunition, more than fifty mines, and several kilograms of explosives were exchanged during the operation.<sup>4</sup> However, the report concluded that the information was “too scant to allow meaningful analysis,” and recommended that future information exchange exercises should endeavor to include information on:

- Seizure localities

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\* Dr. Paul Holtom is a Research Fellow at the Centre for Border Studies at the University of Glamorgan. The author wishes to thank Saferworld and, in particular, Simon Rynn, for their help.

<sup>1</sup> Hereafter referred to as SECI Centre.

<sup>2</sup> Saferworld Briefing Paper, *The SECI Centre’s Activities in Combating Firearms Trafficking in South Eastern Europe (SEE)*, 30 November 2004.

<sup>3</sup> *Ibid.*; Andy Maclean, Bernardo Mariani, and Alex Vatanka, “Enhancing EU Action to Prevent Illicit Small Arms Trafficking,” in *Small Arms and Light Weapons Transfers* (Geneva: United Nations Institute for Disarmament Research, 2005).

<sup>4</sup> National Criminal Intelligence Service, “Analysis Report: Task Force—Combating Trafficking on Small Arms, Light Weapons and Explosives: Operation Ploughshares,” May 2003.

- Methods of transportation and concealment when smuggling SALW
- Those suspected of, and arrested for, involvement in arms trafficking
- Links to organized crime.

It was envisaged that such information would help to identify vulnerable border crossings, time frames favored by smuggling groups, and preferred routes.

Despite these weaknesses, Saferworld has argued that Operation Ploughshares should be regarded as a successful cooperative venture for a first attempt at organizing an exchange of information on SALW being trafficked in Southeastern Europe. At the same time, the resource limitations of the SECI Centre—in particular, a lack of sufficient analytical capacity to effectively examine the data collected on SALW trafficking, inexperience in project management, and a number of deficiencies made evident by Operation Ploughshares—were highlighted by Saferworld’s report.

The recommendations and lessons alluded to above were taken into consideration when Albania proposed another information exchange on seizures of SALW during a joint Saferworld/SECI Centre meeting in Tirana in December 2004. It was decided that each participating state in this information exchange should designate a contact person to help facilitate inter-state cooperation in relation to combating illicit arms trafficking. One of the main aims of Operation Ploughshares’ successor, Operation Safe Place, was to identify specific individuals and groups engaged in the illegal trade, transfer, and possession of illicit SALW.

It was also hoped that Operation Safe Place would yield a significant body of data on the types of goods being trafficked and on who was doing the trafficking, with the results being distributed throughout the region. A proposal was also made for the collected data to be stored in a regional database. To assist with these aims, a standard reporting form was drafted, on which details of seizures of SALW at border crossing points could be entered, as well as listings of weapons acquired by state agencies that were not produced within the state in which they were found, surrendered, or seized. The data requested on these standard forms included:

- Details of the SALW, ammunition, and explosives seized including: country of origin; make; serial number; number of units; etc.
- Location and date of seizure, including knowledge of the route of entry and/or proposed exit
- Means of carriage and information on concealment
- Details of the person arrested, e.g. nationality.

One can see that the information requested on these forms included information that the U.K.’s NCIS report on Operation Ploughshares had identified as important for analyzing trafficking patterns.

By 30 May 2005, seven SECI states had reportedly exchanged information with SECI under the rubric of Operation Safe Place.<sup>5</sup> These states were: Albania, Bosnia

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<sup>5</sup> SALW SECI Centre Task Force, “Quarterly Progress Report on Operation Safe Place (March–May 2005).”

and Herzegovina, Greece, Macedonia/FYROM, Moldova, Romania, and Turkey. Slovenia had also agreed to participate in the information exchange and, although it was not included in the list of participants in SECI's "Quarterly Progress Report on Operation Safe Place," Slovene authorities forwarded information on arms seizures to the SECI centre in Bucharest in June 2005.

The rest of this briefing paper is devoted to considering a selection of the data gathered during Operation Safe Place, which ran from March until September 2005. The data received for analysis were not comprehensive, and differed in quantity, quality, and formatting for each state. Therefore, this report will highlight a selection of issues from the data supplied to the SECI Centre by each participating state, before concluding with several general comments.

## **Results of Operation Safe Place**

### *Albania*

At the very start of Operation Safe Place, a joint investigation carried out by Albanian, Macedonian, and Montenegrin police forces provided a good example of inter-state cooperation to foil an attempt to ship illicit explosives from Montenegro through Albania to clients in Macedonia. An undercover sting operation, in which Albanian police officers infiltrated a criminal group that planned to sell C4 explosives to a customer in Macedonia, resulted in the seizure of six cell phone-triggered bombs, a Beretta pistol, and ammunition. Four men were arrested in Albania in connection with this smuggling ring, and at least one arrest was made in Montenegro.

In addition, details of the makes and serial numbers of sixteen pistols and two rifles were sent to the SECI Centre. Of the sixteen pistols, five were Zastava, while other included a Mauser, Beretta, Glock, Browning, Skorpion, and Voltran M-88. No details were made available for analysis on the location of these seizures or individuals involved in these cases.

### *Bosnia and Herzegovina*

According to a quarterly report on Operation Safe Place, officials in Bosnia and Herzegovina had informed SECI of numerous seizures of small arms, ammunition, and explosives in the first months of Operation Safe Place.<sup>6</sup> The report stated that information had been received on the types of firearms, as well as their makes and serial numbers, along with data on the individuals arrested in connection with possession or trafficking in these materials. No information on links to organized crime groups were made explicit at this time, and no information on this has been received for the compilation of this report.

From the data made available for analysis, it is not possible to comment on the total number of seizure incidents that yielded a sum of 2,877 small arms, 338,289 rounds of ammunition, and assorted artillery shells, mines, grenades, and other explosive devices. However, from the tables of collated data on illicit SALW recovered in Bosnia and

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<sup>6</sup> Ibid.

Herzegovina during Operation Safe Place, it is possible to make the following general comments:

- Only 33 percent of SALW reported were seized during police operations—the remaining two-thirds were recovered through voluntary hand-overs.
- The ratio of automatic weapons seized was relatively constant between police operations and the total number of seizures; 49 percent of the weapons recovered in police operations were automatic rifles (including M.48 rifles), compared to a total of 52 percent of all seized SALW.
- Handguns accounted for 18 percent of the total SALW haul, but represented 26 percent of those weapons seized in police operations. These figures include sixteen homemade pistols recovered by police (one was seized by police; fifteen were voluntarily surrendered).

*Greece*

During Operation Safe Place, Greece reported eight seizure incidents involving small arms of non-Greek origin. Four of these cases were discovered in Crete, three were in Athens, and one in Thessalonika. No seizures at border crossings were reported to SECI. Five of the incidents involved only Greek citizens, two incidents involved only Albanian citizens, and one incident involved both Greek and Albanian citizens.

Two of the discoveries in Crete took place in residences on the island, while two of the seizures in Athens followed car searches, one of which was reportedly a stolen vehicle being driven by Albanian citizens. There was no information on suspected links to organized crime groups in any of the reported cases.

Twenty-six weapons were reported in total, with the origins of five of these small arms unknown. The origins of the rest of the weapons seized are shown in the table below:

Origins of SALW	No. of Units
Russia/USSR	4
USA	4
Germany	3
UK	3
Italy	2
Czech Republic / Czechoslovakia	2
Belgium	1
France	1
Yugoslavia	1

The majority of the weapons seized were handguns—five revolvers and ten pistols—although eleven rifles and machine guns were also seized. A variety of different types and makes of light weapons were recorded, including two Russian/Soviet Kalashnikovs and two German Luger pistols.

### *Macedonia*

SECI's quarterly report on Operation Safe Place stated that persons residing in FYROM and Kosovo had been arrested in connection with more than one hundred seizures of small arms, ammunition, and explosives during the six months in which the operation was in place.<sup>7</sup> Seventy-six individuals were named in the reports received by SECI, which also gave details of the region of the seizure, and in many cases details of the type of weapons, quantity, make, and date of seizure. In several cases, information was also provided on the origins of the arms. The information provided suggests that a number of pistols originated in Serbia & Montenegro, Italy, Germany, and Belgium, with one Spanish-made pistol also highlighted. The origins of the automatic rifles that were given indicate that China, Russia, and Yugoslavia were the producing states for the majority of these types of seized weapons. It is not clear how many seizures took place at border crossing points, but it is possible to give a breakdown of the most common sites for SALW seizures in Macedonia:

Area of Seizure	No. of Units
Skopje	21
Tetovo	12
Struga	10
Village of Blace	10
Stip	9
Veles	6
Kicevo	5
Vinica	5

In addition, the villages of Bosilevo, Brest, Buzalkovo, Celopek, Kocilari, Prosevo, Rzanicino, Selce, Selica, and Terance yielded a total of twenty weapons.

Overall, 317 seized small arms were reported to the SECI Centre, including: 4 revolvers, 65 pistols, 35 rifles/MG, 35 hunting rifles and carbines, 175 automatic rifle frames (all reported in one seizure incident), 1 homemade rifle, and 2 rifle barrels. More than twenty different makes of pistols were recovered, although 25 of the 65 recovered were produced by Crvena Zastava. Serial numbers for seventeen of the weapons seized were not reported, although it is not explicitly stated if identifying marks had been deliberately removed. No details of associations between the individuals ap-

<sup>7</sup> Ibid.

prehended for SALW violations and organized crime were explicitly referred to in the data made available for analysis.

### *Moldova*

Moldovan customs officials informed SECI that two individuals were apprehended trying to smuggle grenades from Moldova into Romania on a train, and that a total of 295 grenades were reported seized in Moldova during Operation Safe Place.<sup>8</sup> The regional breakdown of seizures of light weapons, grenades, and explosives reveals that Moldovan Interior Ministry officers also recovered 39 weapons, 31,493 rounds of ammunition, and almost 1.5 kg of explosives. No information was made available for analysis on the total number of seizure incidents, those involved, the origins of the materials seized, the destinations if seized in transit, or serial numbers.

### *Romania*

Data on six seizures of light weapons, ammunition, and explosive devices, and two discoveries of abandoned weapons were reported to SECI by Romanian contacts. The two discoveries of abandoned arms and ammunition were reported by the Romanian Interior Ministry officers, while the six seizures all took place at Romanian border crossing points, including one case at the airport in Timisoara.

Information on the incidents at border crossings included type of weapon or explosive device, the origins for four weapons (three from the U.S. and one from the Czech Republic), the route being taken, and the names and nationality of those arrested:

- Percussion caps for light missiles were seized at the Nadlac border crossing on the Romanian–Hungarian border on 5 March 2005. A Dutch citizen was arrested.
- Three grenades were seized on the Chisinau-Bucharest train on 8 April 2005. Two Moldovan citizens were arrested.
- A gas pistol was abandoned between the customs offices of Romania and Hungary at the Nadlac-Nagylyak border crossing on 11 April 2005. A Moldovan citizen was arrested, and the route taken was believed to be from Macedonia to Romania to Hungary.
- A gun was seized at the Calafat border crossing between Bulgaria and Romania on 10 July 2005. An Italian citizen was arrested, and the route taken was believed to be from Italy to Bulgaria to Romania.
- A gun, which was discovered in a make-up kit, was seized at the Sculeni border crossing on 16 July 2005. A Czech citizen was arrested, whose itinerary was believed to be: Czech Republic–Romania–Macedonia– USA.
- A pistol and cartridges were found in a travel bag by Romanian customs officers at the Timisoara airport. The Swiss citizen arrested was planning to board a flight to Geneva.

In four of these cases, cars had been the means of carriage for the arms, ammunition, and explosives seized.

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<sup>8</sup> Ibid. This case is also referred to below in the Romanian section of this report.

Reports revealed that there had been attempts to remove identifying marks from two of the weapons found abandoned in Galati. In all other cases, no attempts had been made to remove such marks. No references were made on the report sheets of associations with organized crime groups.

### *Slovenia*

A report was sent to SECI on 14 June 2005 regarding a shipment of sixteen automatic weapons that arrived in Ljubljana on a flight from Prague on 13 May 2005. The consignment contained:

- Five Thompson M1928 A1 machine guns
- Nine CZ M56 submachine gun
- One CZ VZ 26
- One CZ VZ 24.

The recipient of the consignment, a resident of Slovenia with permission to import weapons and explosives, did not have the necessary documentation for the import of this particular consignment. The shipment was temporarily seized by Slovenian authorities while they contacted the Czech authorities to acquire the necessary export documentation and verify that the exporting company, B.V.S. s.r.o., was registered in the Czech Republic and authorized to export arms and ammunition. Following their initial enquiries, the Slovenian authorities had reason to doubt the existence of the exporting company. They reportedly had reason to believe that the shipment was illegally imported to the Czech Republic from Southeastern Europe, before being transferred into Slovenia. It is unclear at the time of writing this report if any other information had been received on this case by the SECI Centre.

### *Turkey*

Thirty-six seizure reports were filed with SECI by Turkish authorities, with thirty of the reports relating to seizures of small arms and ammunition, five cases involving only ammunition, and one case involving 920g of C-4 plastic explosive. Only one of the reports was filed on an incident that did not take place at a border crossing point. Twenty-five of the twenty-nine SALW seizures that took place at border crossings occurred at the Habur crossing on the Iraq-Turkey border. This border crossing point accounted for 104 of the 121 seized weapons reported to SECI by Turkey during Operation Safe Place. The four other seizures that took place at border crossings occurred at:

- Kapikule crossing (Turkey-Bulgaria border), at which one seizure occurred, yielding one weapon
- Akçakale crossing (Turkey-Syria border), at which one seizure occurred, yielding ten weapons
- Ipsala crossing (Turkey-Greece border), at which two seizures occurred, yielding four weapons and one weapon respectively.

In addition, one non-Turkish light weapon was seized in an office in Istanbul. All cases were discovered by Turkish customs officers, although the seizure at the Akçakale border crossing on 24 April 2005 was a joint operation between customs and

police officers. The majority of those arrested in connection with these seizures were Turkish males, although there were four separate incidents in which one Austrian, one British, one German, and one Dutch citizen were arrested.

The reports that mentioned the means of transportation by which the seized weapons were conveyed cited eighteen seizure incidents in cars, nine in oil tankers, three in trucks, and two in pick-up trucks. Of these seizures, twenty cases yielded only a single weapon, with the following cases notable for seizures of multiple arms:

- 57 light weapons discovered in an oil tanker inspected at the Habur border crossing on 4 March 2005
- 7 small arms discovered in an oil tanker inspected at Habur on 19 April 2005
- 3 weapons discovered in an oil tanker inspected at Habur on 26 April 2005
- 3 weapons discovered in an oil tanker inspected at Habur on 28 May 2005
- 6 weapons discovered in a truck inspected at Habur on 5 April 2005
- 6 weapons discovered in a car inspected at Habur on 1 April 2005
- 10 weapons discovered at the Akçakale border crossing on 24 April 2005
- 4 weapons discovered in a car inspected at the Ipsala border crossing on 12 August 2005.

From this very small sample, one could hypothesize that oil tankers passing through the Habur border crossing between Iraq and Turkey appear to be a favored mode of transport for SALW traffickers moving between Turkey and Iraq. Small arms were reportedly hidden in various parts of the oil tankers and trucks reported on by Turkish officials, ranging from driver's compartments and personal belongings to headlights and storage units.

However, two-thirds of the SALW seizure incidents reported involved a single handgun, leading one to assume that these may not be cases of arms trafficking for sale, but rather the illegal possession of light weapons for personal protection for traveling the dangerous route between Iraq and Turkey. There was no information of other illicit cargoes seized at the same time as the small arms and ammunition in these cases, which could of course give rise to a number of alternative explanations for the unregistered weapons.

There were more than twenty different makes of pistols represented in the reports overall, of different caliber and origins. The following is a brief summary of the most common types of firearms reported: 23 Austrian Glock handguns, 15 Belgian Brown-ing handguns, 12 Italian Berettas, 6 Czech VZOR handguns, 5 Czech CZ handguns, 2 Argentine Browning handguns, 2 Russian AK-47s, and 3 SMG pump-rifles.

### **General Comments on Operation Safe Place**

Operation Safe Place was quantitatively superior to Operation Ploughshares, in that more SECI states participated in the information exchange, and data on a larger number of seizures, SALW, ammunition, and explosives were shared in the process. The table below is a simple collation of the reports of 3,423 seizures of SALW units, almost 400,000 rounds of ammunition, more than 30,000 artillery shells, and thousands



of other explosive devices submitted to the SECI Centre during Operation Safe Place.

However, there have been a number of problems in compiling this report. First, the quality of the information provided by participating states has not been of the same standard. For example, while a standardized reporting form was drawn up for use in Operation Safe Place, only copies of the reporting forms provided by Bosnia and Herzegovina, Greece, Romania, and Turkey were made available for analysis—with the Bosnian and Greek submissions not made available in English. This has therefore hampered the comparative analysis of different state submissions, and has also meant that there has been richer analysis of some states at the expense of others.

However, to their credit, the standardized report sheets made available for analysis filled in many of the intelligence gaps identified in the conclusions of the U.K.'s NCIS analysis of Operation Ploughshares. The standardized report sheets requested information not only on the weapons, ammunition, and explosives seized, but also on seizure locations, routes, methods of transportation and concealment, and suspects. Therefore, the report sheets filed by Bosnia and Herzegovina, Greece, Romania, and Turkey with the SECI Centre contained information in most of these categories, thereby no doubt providing more data for analysis than was gathered during Operation Ploughshares.

Of course, the data contained in these report sheets tend to be of a very preliminary nature. It is hoped that the exchange of these report sheets is of benefit to legal proceedings taken against those violating national firearms laws in which international co-operation is necessary, but Operation Safe Place had other aims as well.

One of the stated aims of Operation Safe Place was not only to exchange information and collect data, but also to produce a regional database in which meaningful analysis of trafficking patterns and traffickers could be stored. For these cases to be useful for analysis, however, it would be necessary to update the cases outlined in the

Table 1: Total SALW Reported to SECI During Operation Safe Place (March–September 2005)

	AL	BiH	GR	MAC	MOL	ROM	SLO	TU	Total
Revolver		8	5	4		4		115	136
Pistol	16	490	10	65	19				584
Homemade Pistol		16							16
Rifle/ Machine Gun	2	1970	11	35	20	6	15	6	2048
Homemade rifle /Machine Gun		51		1					52
Hunting Rifle/ Carbine		92		35					127
Parts of SALW				177					177
Other SALW		250							250
<b>TOTAL</b>	<b>18</b>	<b>2877</b>	<b>26</b>	<b>317</b>	<b>39</b>	<b>10</b>	<b>15</b>	<b>121</b>	<b>3423</b>

reporting forms with information that subsequently comes to light during further investigations and legal proceedings. This is because it is likely that information on others involved in the acquisition or trafficking of the seized weapons, the routes that have been or were planned to be used, and of course, links to organized crime groups would be revealed or discovered at these later stages. It is worth noting that exploring links to organized crime was to be one of the explicit aims of Operation Safe Place, yet not a single report sheet analyzed for this report commented upon links between those arrested and organized crime or wider arms trafficking networks. The failure to meet this aim is probably due to the rapid submission of raw data, as well as the fact that many of the seizures reported were of a very small scale. Perhaps Operation Safe Place only succeeded in weeding out some of the “small fry,” and was unable to successfully locate, infiltrate, and uncover organized trafficking rings during Operation Safe Place’s term.

Overall, from the data made available for analysis, the majority of seizures recorded appeared to consist of no more than a very small number of handguns or hunting rifles (often only one). Furthermore, there were very few cases in which identifying marks had been removed from the weapons seized, a hallmark of more organized arms trafficking rings. While a large number of pistols seized in Macedonia were produced by Crvena Zastava, they are certainly not the only arms producer to have had illicit small arms reported seized during Operation Safe Place. Pistols, revolvers, automatic rifles, and other SALW from all major arms-producing states have been recovered during Operation Safe Place. How they made their way to the region has not been made explicitly clear in the report sheets, but the snapshot provided by the SALW seizures in the eight participating states shows that it is not only the former Soviet bloc states that provide arms to the region.

Operation Safe Place also suffered from the fact that only eight of SECI’s member states actively participated in the information exchange exercise. The absence of EU applicant states from the region, such as Bulgaria, Croatia, Serbia, and Montenegro, also makes the task of analyzing regional arms trafficking patterns difficult. The fact that these states have maintained sizeable arsenals and arms production facilities makes their absence even more lamentable. The Slovenian request for assistance also highlighted the benefits that could be achieved by including other EU member states in the wider neighborhood of Southeastern Europe into future information exchanges.

Undoubtedly, this operation will be regarded as another step forward in the struggle to coordinate efforts to combat arms trafficking in Southeastern Europe. Contact points for the participating SECI states were clearly identified, and it is to be hoped that these posts remain active beyond the time period of Operation Safe Place. They could potentially serve as a national SALW focal points, reportedly one of the weak points of the RIP Framework for the Stability Pact. At the same time, if SECI is to serve as an efficient focal point for coordinating future information exchange exercises and data analysis, it is obvious that it requires the necessary funds and personnel to carry out these tasks. Greater cooperation by a larger number of SECI member states in future information exchange exercises would also show signs of a greater commitment to improving regional security and combating arms trafficking.

# Emerging Technologies in the Context of “Security” \*

## Overview

On 12 December 2003, the European Council adopted a European security strategy, entitled “A Secure Europe in a Better World.” This document provides the framework for concerted European activity in the field of security and, more specifically, in activities to anticipate and cope more effectively and efficiently with new security threats such as terrorism, proliferation of weapons of mass destruction, failed states, regional conflicts, and organized crime.

The need to undertake effective action in the area of security was emphasized by a series of recent terrorist events, such as the bombings in Madrid and London, or by natural disasters, such as the tsunami in Asia in 2004. The European research community responded to this need. In March 2004, the European Commission launched its Preparatory Action on Security Research (PASR), and the Group of Personalities advocated in its report “Research for a Secure Europe” the creation of a European Security Research Program (ESRP).

Of particular relevance for the preparation of the content of this ESRP are the so-called road-mapping activities that the European Commission has contracted under the first phase of PASR. These activities—known as SeNTRE and ESSRT—will undertake a comprehensive strategic analysis of where research activities should be focused, and where they could have the greatest impact.

## Socioeconomic Challenges

### *Definition of Security*

Commission Communication COM(2004) 72 defines security to be “an evolving concept” that “represents many challenges to the EU-25 that impact on a wide range of existing and emerging EU policies [and] citizens’ concerns, including the protection against terrorist threats, and the adaptation of governance structures to effectively deal with these matters.” Since this definition is rather vague, and tends to limit the focus of “security” to matters of terrorism and anti-terrorism, for the purposes of this report we propose a definition that broadens this scope to also include organized criminal activity—such as illicit trafficking, illegal immigration, smuggling, etc.—as well as the need for enhanced capabilities to cope with natural threats such as floods, forest fires, etc.

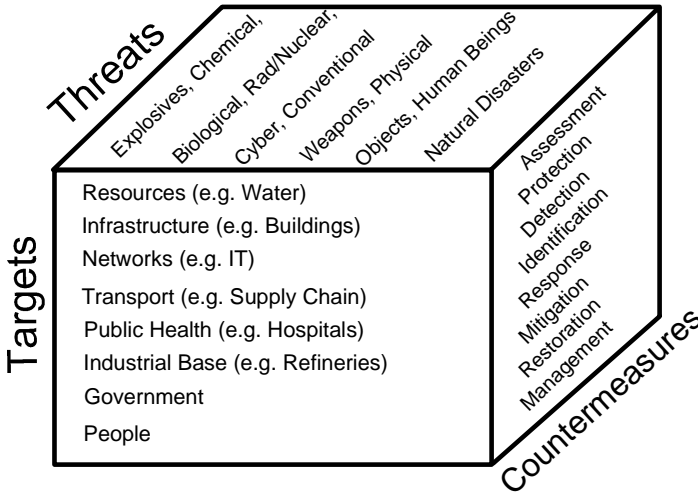
The CEN BT/WG 161 on Protection and Security of the Citizen, from the European Committee for Standardization, adopted the following definition in January 2005:

Security is the condition (perceived or confirmed) of an individual, a community, an organization, a societal institution, a state, and their assets (such as goods, infra-

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\* This report was issued by the Institute for the Protection and Security of the Citizen, Sensors, Radar Technologies, and Cybersecurity Unit of the European Union (Head of Unit: Alois J. Sieber).

structure), to be protected against danger or threats such as criminal activity, terrorism, or other deliberate or hostile acts, disasters (natural and man-made).



*Model for Security*

The underlying structure to this definition is illustrated in the security model below, which was introduced by the ISO Advisory Group on Security in 2004 (ISO/TMB AGS N 46, dated 2005-01-06) and adopted by the CEN BT/WG 161. The model provides a framework to classify aspects of security in three dimensions: targets, threats, and countermeasures.

*Targets* are the entities, including people, things, and processes, that are vulnerable to threats and that need to be secured. Targets can be classified into several categories, as displayed in the diagram of this security model above:

- Resources include the quality of water, soil, and air, as well as natural energy resources and the food supply chain, including plants and animals.
- Infrastructures address buildings and structures of all types, including water reservoirs, and cover distributed networks such as water supply systems and energy distribution networks (e.g. gas and oil pipelines). It also includes a nation’s finance system.
- Information, computers, and communication include computer information systems, information-sharing systems and communication networks, and public (broadcasting) as well as emergency communications. It also covers the postal services.
- Transportation covers air, land, and sea transportation networks and vehicles. It also considers the transport supply chain, including container transport.

- Public health/safety includes all aspects of the public health care system and the emergency services (e.g., fire brigades, ambulance, police).
- The industrial base considers refineries, power plants, gas tanks, chemical plants, etc., as well as any structure that produces potentially hazardous material. It pays specific attention to nuclear processing facilities and the defense supply chain.
- Government (all levels) addresses command and control functions, intelligence/information services, and continuity of operations.
- The category of people include all individuals, including their properties but also their rights, ethics, etc.

*Threats* are the means by which targets may be subjected to attack and harmed. Threats can be classified into several categories, as identified in the model above:

- Explosives
- Chemical agents
- Biological agents
- Radiological/nuclear material
- Cyber threats include computer viruses, denial of service attacks, hacking, spoofing, identity theft, etc.
- Conventional weapons covers, among others, handguns, knives, etc.
- Ordinary physical objects used for attacks cover the use of an object or a vehicle, such as a plane or a truck, as a weapon (as in the attacks on the World Trade Center and Pentagon)
- Human beings include terrorist groups, criminals, etc.
- Natural disasters cover earthquakes, fires, floods, storms, etc.

*Countermeasures* are the systems, methods, and tools used to prevent or respond to threats against targets. Countermeasures can be classified into several categories, as shown in the diagram of the security model:

- Assessment
- Protection
- Detection
- Identification
- Response
- Mitigation
- Restoration
- Management.

*Standards for Security*

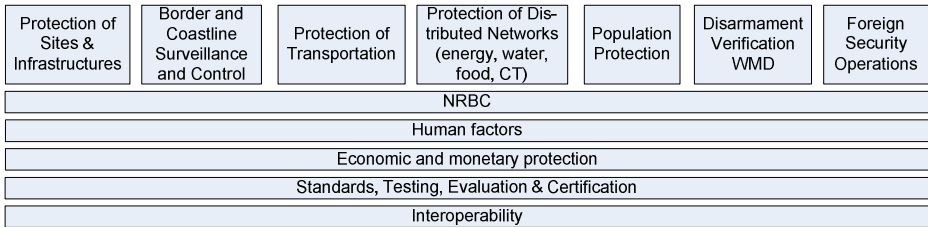
Both ISO/TMB AGS N 46 and CEN BT/WG 161 launched systematic inventories of the capability needs of security stakeholders, with the goal of identifying their usage of security standards and the concerns they face in the area of security. The inventory is an ongoing process, and must be regularly updated. However, a tendency is reflected in the table below:

<b>Large field</b>	<b>Details</b>	<b>Remarks</b>
CBRN	Prevention and containment: “pre-during-post” comprehensive approach, including decontamination process of both people and sites; Code of good practice for first responders; Exposure criteria for civil population regarding CBRN agents	
Emergency services	Emergency equipment, emergency procedures; post-trauma services and training (including psycho trauma)	
Transport security	Intl labeling for known shippers, competence assessment for safety officers, seal/locks and similar	
Authentication/identification	Pre-emptive protection, fight against identity theft; container identification for security; digital signature for legally binding documents and data exchange	
Information and communication	Information Security Management Systems (ISMS), interoperability of communications in civil protection operations	ISMS is being addressed in ISO/ JTC1/ SC27
Physical security and security services	Private manned security services. Risk assessment of ordinary weapons	Activity in CEN/BTTF 167 Security services
Security of infrastructures	e.g. Security of pipelines for dangerous goods; identification of critical points in premises and plants. Computer-aided risk assessment	
Safety information to general public	“pre-during-post” comprehensive approach to ensure clear and concise messages	Lower priority
Public procurement	“Best buy” specification, interoperability	Lower priority

*Missions for Security*

Building on the identification of targets, threats, and countermeasures, a comprehensive approach can be developed that identifies the security and security-related activities, missions, and competencies necessary to cope with the protection, maintenance, and management of what is perceived to be a secure environment. This approach consists of seven vertical and five horizontal missions, as identified on the next figure.

**Comprehensive Security Missions**



The protection of *sites and infrastructures* covers the protection of public infrastructure, government buildings, public utilities, harbors, airports, and railway stations; it will also address the protection of hazardous sites such as chemical factories, nuclear power plants, etc.

The surveillance and control of *borders and coastline* includes the surveillance and control of a nation’s blue and green borders, as well as the surveillance of its airspace. It will consider issues such as illicit trafficking in arms, people, and narcotics; illegal immigration; counterfeiting; etc.

The protection of *transportation* addresses the protection of land, sea, and air vehicles as well as their supporting infrastructures. This category also considers environmental pollution as well. Transportation vehicles will be considered as possible targets, but also in their role as possible weapons.

The protection of *distributed networks* covers networks that are spread over large geographical areas, such as energy supply networks (oil, gas, electricity) and the food and water supply chains. It also includes the protection of information and communication networks as well as their data.

The protection of the *population* is concerned with people, whether as individuals or in groups. This topic covers a wide variety of aspects, ranging from specific vulnerabilities to human behavior in crisis situations. Particular attention will be paid to those people that have a crucial role in the prevention and/or management of incidents, crises, or disasters, such as emergency forces, first responders, and law enforcement personnel.

The mission relating to *disarmament verification/weapons of mass destruction* will consider the capabilities needed for marking and tracing materials from dismantled nuclear, chemical, and biological weapons, and will also include enhanced surveillance of storage sites.

The area of *foreign security operations* will cover the civilian aspects of humanitarian operations, civilian crisis management support for crises in areas outside the EU, and evacuation operations.

The five horizontal missions are relevant for all seven vertical missions. They need to be addressed systematically under each of the seven vertical missions, since they concern specific aspects of the capabilities needed to carry out each of the vertical missions in a comprehensive manner. These horizontal missions are:

- NRBC (prevention, detection, protection, and decontamination)

- Human factors
- Economic and monetary protection
- Standards, testing, evaluation, and certification
- Interoperability.

## **SWOTS Analysis**

### *Strengths*

The European industrial and research community has excellent skills to support and further develop their contribution to addressing the day-to-day security problems facing Europe. These competencies include, for example, the development and production of world-class sensors of all types, and the creation of state-of-the-art network enabling capabilities (NEC).

This section will give an overview of where these capabilities stand today, or to what point they would need to be developed in order to meet the security needs of the EU. In order to structure this overview, this section will give an indication of useful support measures for each of the security missions and sub-missions identified in the previous section, describing the required support technologies or tools and giving examples of useful integration/validation. The value of simulation and training tools will be illustrated through the use of a few examples.

### *Protection of Sites*

#### Support measures

- Mapping of critical sites, including the assessment of the environment, the current situation, and the potential risks
- Systems architecture, including backup procedures and solutions in case of disaster (emergency action plan).

#### Support technologies or tools

- Micro technologies for sensors (surveillance, NRBC detection and tracing, etc.)
- Advanced low-cost, smart, embedded smart sensors and novel techniques for covert surveillance
- Smart cameras
- Unattended sensors and automated tracking mechanisms
- Distributed “networks” of sensors on the ground, in the air, or in space
- Network security and data integrity between distributed sensors
- Secured wireless broadband data links for secured distributed computing
- Secured (but interoperable) communications, including video conferencing, mobile phone services, and wireless networks



- Personal information and communications systems (i.e., ability to receive video on a PDA)
- Protection of networks against environmental threats or attacks (including directed energy weapons)
- Pattern recognition capabilities, to allow for extraction of information from poor quality images
- Non-cooperative access control
- Check points, using signatures, image recognition systems, X-ray devices, and biometric scanning, all linked to relevant databases
- Detection and localization of civil partners
- Lightweight materials for protection of human and infrastructure targets.

#### Simulation and preparedness

- Predictions of the vulnerability of structures after explosions and other events; development of structural solutions
- Networking of existing sensors (forest of sensors)
- Secured wireless broadband data links (for forest of sensors)
- Data fusion
- Interoperability
- Personal mobile SIC with augmented reality
- Sensors simulation
- Survivability of components and equipment
- Advanced human behavior modeling and simulation, including: prediction of mass behavior; simulations for decision-making
- Video-tag-biometric cooperation.

#### Integration/validation

- Advanced video surveillance demonstrator (detection, tracking, reconnaissance, identification with fixed and mobile cameras)
- Global simulation tool to facilitate choices, assist in the design of procedures, and assess the performance of different options
- Simulator for training in methods and tools (to improve decision making before and during operations)
- Sensor/data processing and fusion demonstrator (to get a picture of the global threat environment from sources as diverse as satellite data to micro-UAVs and sniffers at border checkpoints) for surveillance, detection, and verification.

#### *Protection of Public Infrastructures*

#### Support measures

- Mapping of important European civil facilities, including transit and train stations, sport stadiums, banks, government buildings, and hospitals
- Risk and threat assessments, including analysis of priority versus affordability.

Support technologies or tools

- Surveillance and recognition systems
- New materials
- NRBC detection and protection, particularly air quality monitoring
- Low-cost chemical agent sensors
- Biological agent sensors
- Population warning systems
- Evacuation and consequence management plans.

*Protection of Public Utilities*

Support measures

- Mapping of European infrastructures for food, water, agriculture, energy (electrical, gas and oil, hydroelectric), and telecommunication installations, and related risk and threat assessments.

Support technologies or tools

- Simulations
- Protection of water supply (pollution, chemical, and biological threat detection)
- Testing for contamination of agriculture (watersheds, rivers, soil, etc.), including monitoring for crop and animal viruses
- Food testing and control
- Protection of energy plants and telecommunication networks, including surveillance and backup energy systems
- Biological and chemical agent sensors for confined public spaces
- Lightweight materials for protection of human targets.

Integration/validation

- Small unmanned aircraft demonstrator with miniaturized biological/chemical or surveillance sensors
- Portable C2 modules with augmented reality.

*Protection of Hazardous Sites*

Support measures

- Build and maintain a comprehensive assessment of European infrastructures with catastrophic potential (nuclear power plants, chemical facilities, pipelines, ports, etc.).

### Support technologies or tools

- Biological/chemical long-range sensors
- EM protection
- Simulations
- Impact analysis and reduction plans
- Population warning systems
- Evacuation and consequence management plans
- Decontamination techniques, first-aid and protection kits
- Survivability of components and equipment
- Predictions of structure vulnerability after explosions, and development of structural solutions
- Protection and survivability of systems against directed energy weapons.

### Integration/validation

- Electronic noise
- MAV demonstrator for surveillance
- Self-protected, blast-resistant containers, with chemical sensors.

### *Protection of Harbor Sites*

#### Support measures

- Specialized studies for the utilization of defense technologies
- Protection of off-shore energy installations
- Development of a “secure harbor” concept (feasibility study, state-of-the-art assessment, scenario analysis, system definition).

#### Support technologies or tools

- Wide-scale multi-sensor surveillance: radar systems; optical detectors; night vision; satellites
- Defense technology input for:
  - Diver protection systems
  - Acoustic surveillance systems
  - IR/optical surveillance
  - Underwater unmanned vehicles (UUVs)
  - Smart naval shelters (lightweight, blast-resistant structures).

### *Protection of Airports*

#### Support measures

- Specialized studies for utilization of defense technologies

Support technologies or tools

- Wide-scale use of multi-sensor surveillance, supported by satellite systems
- Secure communication systems
- “Tunnel of truth” (trusted traveler in correlation with verified luggage, etc.)
- Secure interoperability with visa databases and other tools necessary for providing support to integrated border management efforts.

Integration/validation

- Smart container methodologies
- Integrated controlled doors
- Hardening of cockpits against electronic noise
- Micro-UAV demonstrator for surveillance.

*Integrated Border Management*

Support measures

- Real-time border surveillance, command, and control (including intelligence)
- Access control—managing entry and exit to the “Schengen zone.”

Support technologies or tools

- Observation and detection systems, including attended and unattended sensors (early warning, ground, balloons, land radar, video surveillance, sniffers, quiet sensors)
- Optronic sensors: short and long range, surface and airborne, night vision
- Remote detection through sensors
- Microsystems and nanotechnologies
- Small disposable auto-configuring network of sensors
- Distributed “forest of sensors”— on the ground, in the air, or in space
- New materials for use in sensors, able to react to variations in the environment
- Electromagnetic defenses, seismic sensors, and infrared watchers
- Communication systems
- Secured (but interoperable) mobile phone, wireless, and broadband networks (video, multi-sensor input)
- Distributed network with encryption, very fast spectrum scanning and analysis (data, voice), GSM monitoring
- Identification, including biometric data, rapid detection of forged credentials and travel documents
- Access control systems

- Cooperative and non-cooperative automatic pre-authorization systems (clearance levels, fast-track approval), abstracting salient points from raw data
- Detection at checkpoints (signatures, image, X-rays, biometric information), linked to databases
- Information exchanges and interoperable databases to achieve a global assessment.

#### Integration/validation

- Border surveillance demonstrator, including at least one checkpoint
- Micro UAV demonstrator for border control.

#### *Illegal immigration control*

##### Support technologies or tools

- Border statistical surveillance (identification of routes)
- Unattended sensors
- Inter-connected and integrated visa/immigration facilities control systems
- Biometric data collection
- Permanent and temporary systems for facial recognition, thermal cartography, digital fingerprints, iris/retina scans, hand shape, ear shape
- Behavior: voice, handwriting, signature
- False reject ratio, and false acceptance ratio, decision level.

#### Integration/validation

- Checkpoint demonstrator
- Optical or biometric verification, with reconnaissance sensor systems.

#### *Coast and Border Protection*

##### Support measures

- Definition of affordable system to perform coastline surveillance missions (including monitoring vessel traffic at sea, search and rescue operations, providing assistance to ships, pollution, fire-fighting, interdiction of illegal immigrants and drug smuggling, halting terrorist landings and attacks in crisis and wartime) in a dedicated region (including high-value target harbors)
- Feasibility and trade-off studies (effectiveness, detection rate, adaptability, modularity).

##### Support technologies or tools

- Radar systems for surface and airborne threats: airborne imaging radar (SAR and ISAR), mobile/transportable coastal radars
- Networking surveillance assets (static and dynamic sites)

- Image data processing, broadband, data fusion
- Sensors, both active and passive
- Integration of equipment
- Autonomy
- Robust flight control systems
- Certification of systems (UAVs' inclusion in civil air traffic management).

Integration/validation

- Advanced coastline surveillance feasibility demonstrator, using various means (UAVs, maritime patrol aircraft, helicopters, satcomms, ground stations).

*Illicit Trafficking (Drugs, Weapons, Ammunition, Explosives)*

Support measures

- Tagging and tracing methodologies.

Support technologies or tools

- NRBC detectors at checkpoints
- Chip-based detectors
- Identification and tracing of intermediary products
- Chemical sensors
- Compact sensors with tuneable laser diodes for detecting mixtures of explosives
- Smart labels
- Durable marking
- Secret marking.

Integration/validation

- Worldwide network/database availability (standardized, legal, politically acceptable).

*Protection of Distribution and Supply Networks*

Support measures

- IEM risk assessment for telecommunications networks.

Support technologies or tools

- IEM protection
- Oil/gas network surveillance
- Inside Europe: miniaturized sensors, data collection and processing
- Outside Europe: airborne and space-based surveillance and observation, including UAVs and radar

- Water distribution
- Dam surveillance
- Monitoring devices, from satellites to micro sensors in water supply
- Protection of water supply (detection of biological and other unusual threats)
- Air/water cleaning and filtering systems.

#### Integration/validation

- EM low-cost hardened communication civil networks.

#### *Information and Information Systems Protection*

##### Support measures

- Intelligence gathering
- Adaptive and passive algorithms for data/image/signal processing.

##### Support technologies or tools

- Effective defensive and offensive EW/IW techniques, measures, and countermeasures
- Cyber security, including cyber deterrence
- Cryptology and key management
- Attack prevention and identification
- Web intelligence (large-scale data mining)
- Early detection (based on small numbers of events)
- Non-cooperative IFF techniques
- Database protection and contextual search
- Network and protocol-independent secured communications
- Secured robust multi-mode communication systems
- Mobile re-configurable communications
- Broadband access to mobile users in dynamic situations or electro-magnetically difficult scenarios
- Precise location of standard communication systems for non-cooperative users
- Non-cooperative penetration of suspect e-systems
- Jamming and anti-jamming technologies
- Small form factor display systems.

#### Integration/validation

- Information warfare demonstrator
- EM Hardened C3 demonstrator.

*Protection of Land Transportation*

Support measures

- Mapping of critical zones in rail and road infrastructure (highway connections, bridges, tunnels, etc.) and related risk and threat assessment.

Support technologies or tools

- Positioning/tracking applications (e.g., Galileo)
- Fleet management
- Mobile resources integrated management
- Containers
- Positioning and tracking
- Self-protected (blast resistant) containers, with chip-based sensors
- Protection and survivability of systems against directed energy weapons
- Security at terminals, warehouses, and distribution centers for critical goods (wireless video surveillance and optical surveillance)
- Protection of automated systems, information technology, and documentation procedures for operational command and control centers
- Protection of rail and road infrastructure, including rail cars; detection of missing parts.

Integration/validation

- Fleet management demonstrator
- Smart container demonstrator.

*Protection of Sea Transportation*

Support technologies or tools

- Navigation and tracking (even of non-cooperative entities, by data collection)
- Regular surveys of critical sea/coastal areas (both space-based and airborne) to allow for elimination of false signals in times of crisis
- Mine detection
- Anti-hijacking protection
- Pollution modeling and simulations (specific toxins/chemicals, NRBC)
- Pollution disaster prevention and management equipment
- Self-protected containers (blast resistant), with chip-based chemical sensors
- Predictions of structural vulnerability after explosions, and identification of structural solutions
- Protection against harsh EM environments



- Protection and survivability of systems against directed energy weapons.

#### Integration/validation

- Naval container demonstrator.

#### *Underwater Threats (including mines)*

##### Support measures

- Transferable from underwater warfare technologies.

##### Support technologies or tools

- Remote mine sensing (aerial detection)
- EM solutions
- Optronic solutions with lasers
- Diver delivery vehicle
- Bottom crawlers
- Underwater diver-detection sonars
- New low-cost sensor technologies for underwater magnetic detection, and acoustic arrays for passive threat detection
- Development of new transducer technologies for active threat detection
- Innovative signal processing for the detection of small objects in high reverberating environments
- Innovative classification and data fusion processes for the acoustic/magnetic detected threats, based on a new artificial intelligence methodology
- Advanced low-energy radar with high resolution for interception of small moving targets in clutter, featuring low transmitted peak power, in order to not be hazardous for people
- IR active imager with eye-safe capability and modular integration of the EO sensor independently from the site morphology.

#### *Protection of Air Transportation*

##### Support technologies or tools

- Lightweight materials for aircraft protection (light armor plates, etc.)
- Protection of SIC against harsh environment
- Broadband communication
- Electronic noise detector.

##### Simulation

- Sensors simulation
- Survivability of components and equipment

- Predictions of vulnerability of aircraft structures after explosions, and identification of structural solutions
- Protection and survivability of systems against directed energy weapons.

Integration/validation

- Biological and chemical detection systems for airports
- Fuselage with NG structure, explosion resistant (after vulnerability prediction and protection against explosions)—applicable also to helicopters used in evacuation or humanitarian operations
- Self-protected aircraft containers
- Demonstrators of containers' (with chips) surveillance systems
- Civil aircraft protection from terrorists threats, such as Manpads or laser blinding; use of decoys and infrared and other countermeasures
- Hardened canopies and glass walls (against lasers, HPM).

*Protection Against Less-Than-Lethal Weapons (adapted for the aircraft environment)*

Support information

- Risk assessment of effects of LTLW in closed spaces
- Possibility and risk of depressurization situation.

Support technologies or tools

- Marking devices
- Miniaturization
- MFP stopping barriers
- Dazzling laser flashlights
- Painful lasers
- High-power directed acoustics
- Long-term LTLW effects
- Aircraft “save” technologies
- Simulation
- Secure communication with ground
- Mini robots.

Integration/validation

- Training for crew and cabin personnel, and user education.

*Protection of Legal Transportation of Hazardous or Critical Goods*

Support information

- Marking and tracing methodologies and case studies.

## Support technologies or tools

- Secured containers
- Integrated positioning/localization/data transmission kits
- Detectors on containers
- Secret marking
- Packaging standardization
- Lightweight materials for protection against explosion and chemical attack
- Tracing liability.

## Integration/validation

- Worldwide network/database availability (standardized, legal, politically acceptable)
- Electronic noise detector demonstrator
- Secured container demonstrator.

*Protection of Population*

## Support measures

- Risk assessment in public and urban areas.

## Support technology or tools

- Training and simulations (virtual or augmented reality)
- Modeling
- Real-time data collection
- Studies of risk phenomena (propagation, effects)
- Population behavior
- Individual behavior and responses to threats (effective/physical and perceived)
- Protection against viruses, biological agents, and radioactivity
- Vaccines and immunology studies
- Specialized materials, composite materials, and air intake filters
- Low-cost biological and chemical sensors and alarm systems
- Perception of security (sociological aspects)
- Surveillance and recognition in urban environments
- Population warning systems.

## Integration/validation

- Interoperable crisis command, control, and communications (C3) demonstrator (“security lab”), for scenarios elaboration and emergency forces training

- Personal mobile information and communications system with augmented reality.

*Law Enforcement*

Support information

- Technical-operational risk assessment of unauthorized use of firearms or LTLW in law enforcement operations
- Assessment of progressive responses in proportion to the threat
- Crowd control: preparation; initial phase (stopping vehicles); transition phase (identification of group leaders); negotiation (marking of leaders); crisis (extraction of leaders); use of corrective means; specific C3 solutions.

Support technologies/tools

- Biometric data
- Micro pyrotechnics
- Microsystems
- Physiological effects.

Integration/validation

- Architectural concepts
- Tactical-operational efficiency
- Legal/liability training simulation.

*Protection of Emergency and Other Services*

Support measures

- Case studies.

Support technologies or tools

- Training/simulations (virtual or augmented reality)
- Combined operations with robots, UAVs, etc.
- Visualizations/localization/maps/access to databases on mobile terminals
- Secured communications
- Logistics: optimized interventions
- Physical protection of personnel (e.g., miniaturized detectors)
- Decontamination techniques
- Knowledge management methodologies, to store and index the experience gained for further improvements
- Updating of models
- Compatibility of law enforcement equipment with that of first responders
- Damage assessment

- Automatic mapping.

#### Integration/validation

- Crisis management simulator.

#### *Security Policy—Global Risk Assessment*

##### Support measures

- Analysis of available data (constraints, limitations, access)
- Models and methodologies for proactive evaluation, risk assessment, and early warning to prevent acts of terrorism and monitor global stability.

##### Support technologies or tools

- Evaluation and risk assessment models and databases
- Grid computing
- Advanced heterogeneous data mining/browsing for sensitive information
- Multivariable analysis
- Actionable intelligence for preventing acts of terrorism
- Behavior analysis for safety and security
- Methods for handling uncertain situations and optimizing responses
- Study of belief systems
- Risk assessment for potential terrorism targets
- Cultural databases
- Universal translators.

#### Integration/validation

- Specialized open source browser (“Security Google”).

#### *Humanitarian Aid (Petersberg Tasks)*

##### Support measures

- Definition of a European crisis analysis and management capability.

##### Support technologies or tools

- For all missions:
  - Observation, monitoring, and supervision, through space-based, airborne, human intelligence, and other methods
  - Data acquisition, collection, and processing (data mining, data fusion, modeling)
  - Secured communications/positioning (anti-jamming, space-based communications)

- Advanced “security” C4ISR, including mobile and deployable modes (possible article 169)
- Logistics support: advanced tools, including simulations and training
- Humanitarian and evacuation operations:
  - Logistics and protection for transport/medical helicopters
  - Mobile medical facilities, including telemedicine.

#### Integration/validation

- Crisis management platform demonstrator, including logistics, C3, planning, etc. (deployable)
- Fuselage with new generation composite structure, explosion resistant (after vulnerability prediction and study of protection against explosions); also applicable to helicopters for evacuation or humanitarian operations
- High-performance, low-cost targeting for helicopters (for evacuation operations)
- Low-cost reliable land-mine detection system.

#### *Counter-proliferation: Armament/Disarmament Verification*

##### Support measures

- Ballistic threat assessment and forecast.

##### Support technologies or tools

- Databases and intelligence
- Identification of movements and purchases of unique/traceable components
- Chips on critical containers
- Detection mechanisms at sensitive sites and along sensitive routes
- Chip-based detectors
- Verification kits, including remote access to databases
- Support to nuclear waste storage sites, power plants, and nuclear submarine “cleaning” efforts (e.g., with Russia and Ukraine)
- Environmental monitoring
- Status monitoring
- Illicit trafficking:
  - Border surveillance control, including surveillance of critical routes, by airborne and space-based devices, cameras, etc.
  - Low-cost detectors—marking and tracing of arms and ammunition.

#### Integration/validation

- Demonstrators of containers (with chips) and surveillance systems (marking and tracing).

*Crisis Management Systems (including mobile deployable HQ)*

## Support measures

- Available data sources and links in the EU
- Candidate architectures.

## Support technologies or tools

- Rapid deployment, mobility, and sustainability
- Multimedia/multi-source integration on video wall
- Interaction
- Immersion
- Hyper-realistic rendering
- Multi-user architecture: data management and configuration
- Scenario preparation: artificial intelligence, imaginary system simulation
- Results analysis: knowledge management, visual display
- Multi-modal interfaces: vocal, mobile PC, wireless, PDA
- Data fusion (“data on demand”)
- Grid computing/real-time access
- Data mining (clustering, automatic notification, real-time analysis)
- Human factors (e.g., stress) in the decision-making process
- Behavior under stress (especially in mobile environments)
- EM hardening for deployable systems.

## Integration/validation

- Crisis analysis center simulator/training/logistics (security lab)
- Mobile deployable HQ.

*NRBC Detection, Protection, and Decontamination*

## Support measures

- Modeling for threat evaluation and impact assessment
- Equipment assistance definition.

## Support technologies or tools

- Detection
- Remote and local warning systems, including miniaturized detectors
- Wide-scale surveillance and identification devices (hyperspectral imager, IR 8-12 $\mu$ , laser induced fluorescence, neutron, etc.)
- Terahertz laser sensors for biological agent detection

- Nuclear detector based on deployable sensors for: close-up detection of gamma-ray dose rate and gamma radio nucleids; radioactive contamination monitoring
- Protection of the population:
  - NRBC filters and air lock systems
  - Specialized composite materials
  - Individual protection against viruses, biological agents, and radioactivity
  - Vaccines, antidotes, and immunology studies
  - Decontamination techniques
  - Specialized showers
  - New active materials and coatings.

#### Integration/validation

- Integrated NRBC detection/protection system for public facilities (airports, railway stations).

#### *System Integrated Operations (“Network Centric Ops”)*

##### Support information

- Assessment of the existing civil and military systems in the EU
- Interoperability of civil/security communications systems
- System architecture study based on mission requirements (“system of systems”).

##### Support technology/tools

- Increased situation awareness and decision-support aids:
  - Smart and mobile sensor networks
  - Secure and reliable communications to and from platforms (spectrum control, communication interception), including reinforcement of communications in a local area, and resistant systems for use in harsh environments
  - Data and information fusion techniques
  - “Data on demand”—grid computing/real-time access
  - Distributed information processing
- Interoperability of components, including secured communications
- Integrated modular systems (integratable, interoperable, adaptable, scalable)
- Call centers.

##### Integration/validation

- Demonstrator for a common information infrastructure architecture
- Mobile information and communication system with augmented reality on a PDA
- Network of personal mobile computers and CIS.



## *Weaknesses*

### *Need to Further Develop Specialized Technological Competencies*

The recent terrorist events and large-scale disasters show that, despite the very high level of European in-house science, research, and technology competencies, they are not sufficient to adequately and efficiently prevent these horrible events from happening, nor to protect human beings and their property against the catastrophic effects of such events. In order to enhance skill levels and overall capability to respond more adequately, significant progress needs to be made in further developing the individual and combined technologies identified in the previous section of this essay.

### *Need for an Integrated Approach*

Modern security missions and civilian crisis management efforts require concepts that are:

- Responsive and adaptable, so that they can respond to changing circumstances within the operational situation and so that they can be adapted and redirected based on the learning experience in the field
- Solid and robust, so that they remain effective throughout the operation
- Interoperable, so that they can operate across all levels in integrated operations involving all relevant national and international services
- Broad, so that they are able to operate across a wide range of situations.

In order to achieve this, it is necessary at all times to have a full overview of what is happening in the field. Therefore, capabilities need to be developed with a strong focus on:

- Full information availability, providing the user access to information at all times and enabling the user to search and exchange information that has been collected by all sources internal and external to the field of operations
- Situation awareness, providing a shared understanding and interpretation of a situation, the mission planning, the potential sources of action, etc.
- Flexible and modular systems, enabling assets to rapidly reconfigure to meet changing mission needs
- Integrated network support, allowing the use and integration of public service capabilities, NGOs, industry (and, when necessary, military services) to support operations.

The European Union today has twenty-five member states. Each of these states has different systems in place, with different protocols and different decision procedures, different equipment, etc. Moreover, security is a multi-service activity, involving stakeholders from a variety of domains. For example, border control and management efforts involve border guards, law enforcement, customs, illegal immigration officers, and a number of other agencies. For such a fragmented and heterogeneous environment, a doctrinaire, one-size-fits-all integrated concept may not be the best approach. It

is suggested instead to follow and develop the concept of network enabling capabilities (NEC), which are more concerned with evolving capabilities by bringing together decision-makers, sensors and other systems, and enabling them to pool their information by “networking” in order to achieve an enhanced capability. In NEC, the key word is *interoperability*.

An integrated approach requires interoperability at technical, data, and human levels. Technical interoperability concerns the technical aspects related to the interconnection of different systems and equipment, so that information exchange between these different systems and equipment becomes technically possible. Interoperability of data deals with the incompatibility of data and datasets and looks at the process of data-mining and data fusion, with the objective to ensure that the right information reaches the right person in the right location at the right time, so that this person can make the right decision and/or undertake the right action (known as “seamless sharing of information”).

However, the greatest challenges of interoperability are at the human operational level. Problems need to be overcome that mainly result from multi-agency, multi-service, and multicultural communication and collaboration. Some key areas are:

- Different cognitive processes and behaviors
- Different ways of capturing, sharing, and re-using knowledge (learning from experience)
- Different organizational structures and decision processes
- Different understanding of impacts and costs
- Differences in team situation awareness and shared situation awareness
- Different reporting procedures
- Need for cross-agency standardization and protocols.

#### *Need for a Multi-modal Approach*

One additional step in the process toward full integration is the so-called process of converging technologies. This process combines and builds on the synergies and cross-fertilization of four different technology areas:

- Nanoscience and nanotechnology
- Biotechnology and biomedicine
- Information processing, including advanced computing and communications
- Cognitive science, including cognitive neuroscience.

Each of the above technologies is characterized by a high pace of development. Examples of benefits may include revolutionary changes in health care, highly effective communication techniques, improving individual and group creativity, perfecting man-machine interfaces, etc. For purposes of clarification, the potential of converging technologies is illustrated by means of a practical example: education and training.

The objective is to create a virtual-reality training environment that is tailored to the individual's learning modes. This allows training programs to use contexts that are most stimulating to individual learners; another benefit is that it reduces any embarrassment over mistakes. The information exchange with the computer can be fully interactive, including speech, vision, and motion.

In the above example, nano-devices will be essential to store the variety of necessary information or imagery and to process that information for real-time interaction. Biotechnology will be important to provide feedback on the individual's state of accuracy and retention. Information technology must develop the software to enable far more rapid information processing and display. Since cases such as emergency training or integrated border management rely on team relationships, the software must ultimately accommodate interaction among multiple parties. Innovations are also needed to enable augmented-reality manuals, whereby individuals might have real-time display of information for repair and maintenance actions.

Effective learning must start with an understanding of the cognitive process. People have different learning styles and modes: oral, visual, tactile. They respond to different motivations and different contexts. Human memory and decision processes depend on biochemical processes. A better understanding of these processes may lead to enhanced states of accuracy and retention.

#### *Need for New Testing, Evaluation, and Certification Procedures*

The integration of systems has a large impact on the current method of testing, evaluation, and certification. It is not sufficient to test, evaluate, and certify the stand-alone equipment individually; rather, it is essential for the integrated systems to be tested, evaluated, and certified as well on the quality of the interaction of this stand-alone equipment in the integrated environment. It will be physically impossible to test for the most adequate and appropriate combinations of integrations of systems, but new testing and evaluation tools will need to be explored.

### ***Opportunities***

#### *Capability-based Research*

Security is a highly complex environment, with a large variety of scenarios, missions/tasks, stakeholders, and user interests. Each of the specific missions requires the capabilities to deal effectively and efficiently with the day-to-day problems border guards, emergency responders, customs services, and others must face. In this view, science, research, and technological development for security takes on another dimension. Science, research, and technological development for security are primarily forms of capability-based research. It is undertaken to support and facilitate the day-to-day work of people involved in security-related activities. In practical terms, issues need to be addressed such as:

- Technology not to replace human action, but to complement and support it
- Technology not to offer stand-alone solutions, but solutions to be embedded in the operational chain

- Technology to offer complex and integrated solutions, but at the same time to remain user-friendly and easy to operate
- Technology to enhance the level of security, but not infringe on privacy and individual civil liberties
- Technology to increase the level of control in the area of security, but not to increase the number of false alarms or the length of operations.

Capability-based research is not a completely new concept. While it may be a new approach for the civilian research program community, there is significant expertise in the military domain. But it has to be borne in mind that the security environment is very different from the military environment. The largest difference is the great diversity of the user community, resulting in a large variety of user needs and required capabilities. So, although the experience of the military domain provides a good starting point, it is necessary to adapt it significantly to adequately address the specificity of the security sector.

### *New Technological Advances*

Previous sections of this essay have provided overview of what type of technological evolutions could significantly enhance the overall level of competence to respond more adequately the new security challenges. In summary, the technology areas discussed below (among others) need to be further developed at the level of individual technologies.

*Sensor and radar technologies.* The area of sensor and radar technologies covers the challenges related to the development of new and advanced sensors across the full frequency spectrum—e.g., RF sensor technologies, micro- and millimeter wave sensor technologies, nanotechnologies for sensors, electro-magnetic sensor technologies, electro-optical devices and optronics, laser technologies, IR sensor technologies, UV/visible wave sensor technologies, thermal sensor technologies, NRBC sensor technologies, biological and chemical threat detection technologies, acoustic sensor technologies, terahertz technology, etc. The area also addresses advanced developments in radar technology, including technologies related to the design of receivers and transmitters, digital real-time processing and programming, processing algorithms and control, and the electro-magnetic environment.

*Communication technologies.* The area of communication technologies covers concepts for secured communication, including network and protocol-independent secured communications, multi-mode secured communications, reconfigurable communications, mobile secured communications, innovative technologies related to the protection of communication networks against harsh environmental conditions, etc.

*Information society technologies.* The area of information society technologies covers concepts for information and data systems, including pattern recognition, innovative data collection, data classification and data fusion techniques, knowledge management, innovative data and signal processing, grid computing, web intelligence (large-scale data mining), contextual search techniques, actionable intelligence, etc. It also addresses issues related to information warfare, such as cyber security (including

cyber deterrence), cryptology and key management, early detection techniques, non-cooperative IFF techniques, non-cooperative penetration of suspect e-systems, jamming and anti-jamming technologies, etc.

*Materials technology.* The area of materials technology covers the development of new lightweight and strong materials, coatings, etc., including lightweight materials for human protection and site protection, self-protective and blast-resistant material technology, NRBC protective material technology, etc. The area also looks into opto-electronic material technology and structural materials/structural effects analysis, considering, for example, fiber optic material technology, UV/IR detector material technology, non-linear optical material technology, ceramics and glass technology, and composite materials technology. Also to be considered in this context are further developments in the areas of energetic materials and plasma technology, covering issues such as (micro-)pyrotechnology, explosive detection techniques, etc.

*Human sciences.* The area of human sciences addresses the aspects of human behavior analysis and modeling, and in particular considers individual behavior, population behavior, prediction of mass behavior, human information processing, teamwork, organizational culture, training (individual and team) and training techniques, collective training, human performance enhancement, task analysis modeling, etc. The area also covers human factors, including human survivability, protection and stress effects, stress and human performance modeling, fatigue and human performance modeling, human factors in manufacturing, uncertainty handling and belief systems, human factors in the decision process, etc.

*Social sciences.* The area of social sciences covers political and policy developments (national, regional, and international), multi-culturalism and diversity, ethics and human rights, environmental and social issues, welfare and sustainability, religious orientation, societal role of research, etc.

*Biotechnology.* The area of biotechnology addresses the further development of biological technologies, covering technologies related to biomaterials and nanofabrication, bio-compatible materials, and genetic engineering. Biomedical technologies are also included, in particular rapid analysis of biological agents and of human susceptibility to diseases and toxins; rapid diagnosis of infectious diseases; telemedicine (diagnosis and surgery); development of new anti-viral treatments, antibiotics, vaccines, and drugs, etc. In addition, the area covers agricultural and food-biotechnologies, including mechanisms to combat contamination of agricultural resources (water beddings, rivers, soil, air, etc.), crop and animal viruses, food testing and control techniques, and water testing and purification techniques, as well as addressing techniques for decontamination.

### *Integration of Systems, Data, and Services*

As already stated above, although there is a great need for advances in individual technologies, modern security missions and civil crisis management efforts urgently require a strong focus on integrated concepts, and this at the level of systems, data, and services. Earlier sections of this essay provided an overview of what type of technological evolutions could significantly enhance Europe's overall competence to respond more

adequately the new security challenges. In summary, the following technology areas (among others) need to be further developed at the level of integrated approaches.

*Sensor and radar technologies.* The area of sensor and radar technologies includes the challenges related to the integration of different technologies in sensors that would allow for the detection of different types of substances (biological, chemical, and other agents and materials), simultaneously using different scanning and sensing techniques. This aspect includes concepts such as “forests” of sensors; network-centric rearrangements of existing sensors; wide-scale, long-range multi-sensor surveillance; autonomous, automated, compact, mobile, and reconfigurable sensors; chip-based sensors; innovative techniques for covert surveillance; sensor-related imaging and mapping techniques; and low-cost concepts (affordability).

*Communication technologies.* The area of communication technologies addresses technologies in support of interoperable communication, such as secured communications, wireless broadband datalinks, broadband access for mobile users in dynamic situations or electro-magnetically challenging scenarios, population warning techniques, etc.

*Information society technologies.* The area of information society technologies covers information networks and architectures, including the development of concepts such as secure wireless broadband datalinks for distributed computing, network security and data integrity between distributed sensors, information exchanges and interoperable databases, etc.

*Integrated systems technology.* The area of integrated systems technology considers integrated systems design; integration of equipment systems; interoperability, reliability, and maintenance of systems; system health monitoring concepts, etc. Specific attention will need to be paid to the certification of these systems, since current testing, evaluation, and certification methods are not adapted to test, evaluate, and certify complex integrated systems. This issue relates to the problems identified above, and will be further addressed in the following section of this essay.

*Simulation.* The area of simulation addresses equipment simulation techniques, covering issues such as structures vulnerability prediction after explosions and the identification of structural solutions; network-centric deployments of existing sensors; sensor simulation; video-biometric cooperation; survivability of components and equipment; virtual and augmented reality; equipment training, etc. It also considers scenario and decision simulation techniques, in particular advanced human behavior modeling and simulation, simulations for decision making, mission simulation, evacuation and consequence management techniques, chaos theories, impact analysis concepts and impact reduction, pollution modeling, structures vulnerability prediction, etc.

*Human sciences.* The area of human sciences covers inter-organizational coordination and communication, including coordination in accordance with the organizations’ structures, their roles, and means; crisis communications with external parties (media, press, governmental agencies, etc.), potential stakeholders, and the general public; establishment of joint control rooms; etc. It also addresses human interoperability, which includes the need for a better understanding of the specificities and characteristics of

individual services, including their decision processes and operational environments. It covers the development of a common approach to joint operations.

### *New Concepts for Testing, Evaluation, and Certification*

As described above, the integration of systems has a significant impact on current methods of testing, evaluation, and certification. New testing and evaluation tools will need to be explored, in particular the use of simulations in testing and evaluation, and also at the pre-certification level. For example, a key aspect of integrated border management is the monitoring of green border lines between control posts. In practical terms, it might be difficult to assess the performance of tools for border monitoring in all possible environmental situations in all possible climatic situations. Therefore, it is proposed to use simulators instead. Such a simulator would need to comprise and integrate:

- All generic data criteria that characterize the variety in landscape/ environment/ geographical conditions of European green and blue border crossing points/areas
- All generic data criteria that characterize the possible climatic conditions in these locales.

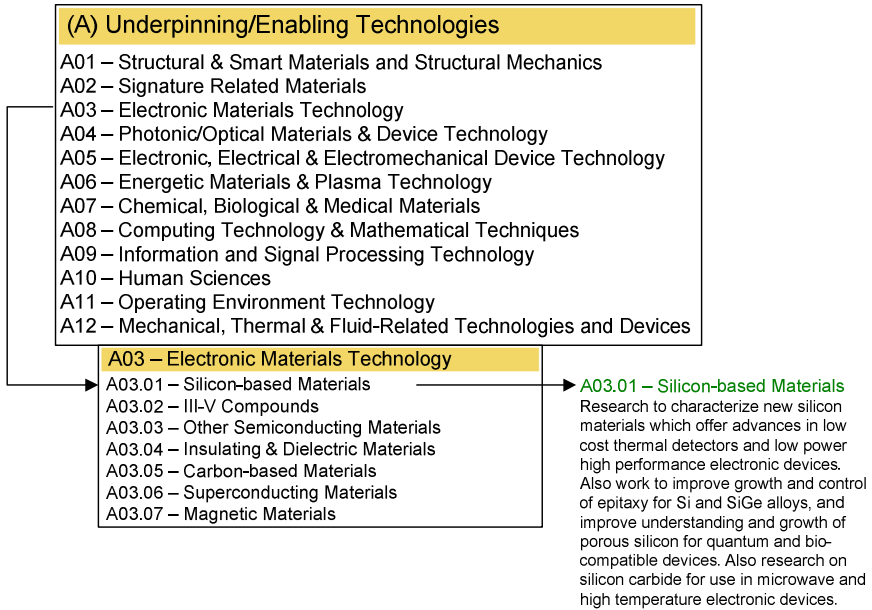
These data will have to be integrated in order to provide an adequate platform to test and evaluate systems according to the technical specifications and characteristics of the integrated systems in a simulation environment.

### **Threats**

#### *Systems Technologies versus Enabling Technologies*

The risk of capability-based research and an integrated approach is an over-emphasis on systems technologies, and a consequent lack of focus on enabling or underpinning technologies and basic research. This threat of over-emphasizing system technology is not only real for security-related research activities; it also constitutes a very relevant problem in defense-related research activities, and even for the most recent evolutions in civilian research activities. One example is the concept of integrated projects (FPVI). Integrated projects are based on a “program approach” to dealing with different issues. They are usually composed of various components covering research, demonstration, training, etc. They are expected to assemble the necessary critical mass of activities, expertise, and resources in order to achieve ambitious objectives (thus they are also known as objective-driven research).

Although their research activities may cover the entire research spectrum from basic to applied research, the tendency is for these integrated projects to evolve from objective-driven research into system-driven research, in particular in those integrated projects where demonstration activities are part of the project. Enabling or underpinning technologies are those technologies that are fundamental and necessary for the building of systems. The U.K. MoD’s taxonomy identifies the underpinning/enabling technologies as follows:



*Security versus Legal and Ethical Principles*

One of the key “political” issues to be addressed in the context of the ESRP will be how to enhance security without infringing on the privacy or liberty of individuals. It is not the intention of the ESRP to create a “Big Brother” environment, but it should operate within a framework of balance between security, justice, and liberty.

There is, however, a fine line between security, liberty, and justice, and this line is subject to fluctuation depending on the political situation and social environment. The recent recommendations of the European Council following the terrorist attacks in London supported the principle of data retention. This principle requires telecom companies and Internet service providers to keep details of phone and web communications for at least a year. The content of calls and e-mails would not be kept, but details of the sender, recipient, time, duration, and location would be retained. It is worthwhile to note that a recent proposal on this from the United Kingdom and France faced much opposition from telecom companies and the European Parliament, since it was considered to infringe on individual privacy. There will now be a Commission proposal for a directive related to this issue.

Privacy issues are also gaining prominence in the domain of biometrics. Biometrics are techniques being used as a secure way of identifying an individual through a variety of applications worldwide. Biometric data are being used to improve security, such as making sure that only authorized people have access to sensitive facilities, and using biometric information to prevent theft or fraud (such as identity theft and credit card fraud). They are also a way to identify people who might be wanted by law enforcement authorities. Most biometric approaches work by extracting information from a

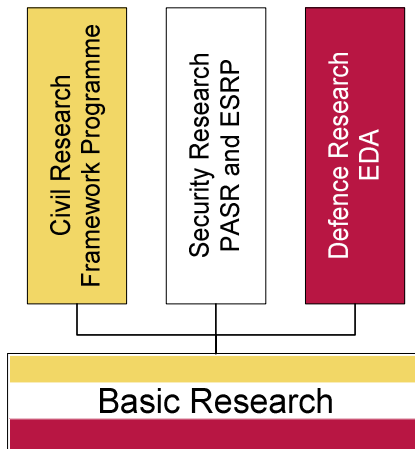


picture or recording of, for example, a fingerprint, face, or voice. The information is then stored and later matched to verify the identity of individuals. If biometric methods are to be used, immediately the public's willingness to rely on biometric data needs to be considered, as well as a number of relevant questions: which data are stored, where are these data stored, who has access to these data, what can the data be used for?

## **Solutions**

### *A "Common" Dedicated Program for Basic Research*

In order to address the problem of the increased need for prioritizing between capability- and system-oriented research, it is suggested to consider the establishment of a European basic research program, from which the application- and system-oriented research programs (FP, PASR, ESRP, and defense research) could draw the relevant enabling technologies, as illustrated in the figure below.



Such an approach would allow specific attention to be paid to enabling/ underpinning technologies, examples of which have been described above. It is necessary, though, in this context, to address the funding mechanisms for this program. In basic research, there should be sufficient opportunities to explore new technological areas, including technologies that may result in broad application opportunities, but also technologies with a high risk potential or with few clear opportunities for application opportunities in the distant future. A funding mechanism that requires a 50 percent participation in funding will not encourage the latter type of research, and will thus leave major technology capability gaps.

### *Technology Monitoring*

Technology monitoring is recognized as a crucial activity for achieving and maintaining competitive positions in a rapidly evolving business environment. It serves the purpose of identifying and assessing technological advances critical to competitiveness

and innovation, and of detecting changes and discontinuities in existing technologies. In this context, it would be worthwhile to start a debate around a common technology monitoring process/mechanism for the civil, security, and defense communities.

### **Cross-Cutting Issues**

Security-related research is capability-based and mission-oriented. Its key research focuses relate to integrating different technologies, interoperability, and the impacts of converging technologies. All other key technology sectors are of high relevance to the security-related field: bio-technology, nano-technology, research in the services sector, complexity and systems theory, social sciences and humanities, cognitive science, agricultural and environmental technologies, energy technologies, ICT technologies, manufacturing technologies, and transport-related research activities. Each of these fields of research is important in its own right as an individual technological area, but they take on even greater importance as they are integrated.

### **Conclusions and Recommendations**

Science, research, and technological development in the field of security are primarily capability-based. It is undertaken to support and facilitate the day-to-day work of people involved in security-related activities. Although the European industrial and research community has excellent skills to support and further develop their contribution to addressing the day-to-day problems of security, the recent terrorist events and large-scale disasters show that these skills are not sufficient to adequately and efficiently prevent these horrible events from happening, or to protect human beings and their assets against the catastrophic effects of them. In order to enhance competence and the overall capability to respond more adequately, significant progress needs to be made in further developing a wide range of technologies.

Although advances in individual technologies are very much needed, modern security missions and civil crisis management efforts urgently require a strong focus on integrated concepts. It is suggested to follow and develop the concept of network enabling capabilities (NEC), which are much more concerned with evolving capabilities by bringing together decision makers, sensors, and other equipment/systems, and enabling them to pool their information by “networking” in order to achieve an enhanced level of capability. In NEC, the key word is *interoperability*, and this at the level of services (human interoperability), systems (technical interoperability), and information (data interoperability). Converging technologies are also a key area to be explored. The integration of systems has a large impact on the current methods of testing, evaluation, and certification. New testing, evaluation, and certification tools will need to be explored, in particular the use of simulation in testing and evaluation, and at the pre-certification level.

In order to address the risks that capability-based research and an integrated approach may over-emphasize systems technologies and thereby not pay sufficient attention to enabling or underpinning technologies and basic research, it is recommended to consider the establishment of a European basic research program, from which the ap-

plication- and system-oriented research programs (FP, PASR, ESRP, and defense research) could draw the relevant enabling technologies. New funding mechanisms to support this research will need to be explored. With the purpose of identifying and assessing technological advances critical to competitiveness and innovation, and of detecting changes and discontinuities in existing technologies, it is recommended to start a debate around a common technology monitoring process/mechanism for the civil, security, and defense communities.

# Border Security and Unmanned Aerial Vehicles

Jason Blazakis\*

## Summary

The use of Unmanned Aerial Vehicles (UAVs) to improve border security is a technique that has gained the attention of Congress. This report examines the strengths and limitations of deploying UAVs along the United States' borders and related issues for Congress. This report is not intended to provide in-depth information regarding the technical or military capabilities of UAVs, but rather to discuss their application in maintaining border security.

## Background

Border security has long been recognized as a priority by the U.S. Congress. The northern border separating the mainland United States and Canada is 4,121 miles long, and consists of 430 official and unofficial ports of entry.<sup>1</sup> The expansive nature of the border and the possibility of entry through unpopulated regions make the border difficult to patrol. In July 2003, U.S. Customs and Border Protection (CBP) Commissioner Robert Bonner announced that an additional 375 border patrol agents would be re-assigned to the U.S. border with Canada. This increase brought the number of agents deployed on this border to 1,000.<sup>2</sup> Commissioner Bonner also noted that CBP's border agents had "the front line responsibility for detecting terrorists and terrorist weapons."<sup>3</sup>

The southern border separating the United States and Mexico is 2,062 miles long, and consists of thirty ports of entry and "innumerable unofficial crossings."<sup>4</sup> In contrast to the United States' northern border, however, as of January 2003, more than 10,000 border patrol agents were stationed on the southern border. Despite this larger presence, covering a much shorter border, illegal border crossings and significant drug smuggling activities occur frequently.

In addition to being patrolled by border patrol agents, the borders are monitored and protected by video cameras, ground sensors, physical barriers, land vehicles, and manned aircraft. The diverse nature of U.S. border defense strategies is challenged by an equally diverse array of threats, ranging from terrorists to drug smugglers, arms dealers, and human traffickers. Past difficulties in securing the nation's borders, com-

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\* Jason Blazakis is an Analyst in Social Legislation in the Domestic Social Policy Division of the Congressional Research Service at the Library of Congress in Washington, D.C.

<sup>1</sup> See *CIA World Factbook*, at [www.cia.gov/cia/publications/factbook/geos/ca.html#Geo](http://www.cia.gov/cia/publications/factbook/geos/ca.html#Geo).

<sup>2</sup> U.S. Customs and Border Protection, Office of the Commissioner, "CBP Assigns Additional Border Patrol Agents to Increase Northern Border Security," press release, 2 July 2003.

<sup>3</sup> *Ibid.*

<sup>4</sup> U.S. Congress, House Committee on Government Reform, *Federal Law Enforcement at the Borders and Ports of Entry: Challenges and Solutions*, 107<sup>th</sup> Congress, 2<sup>nd</sup> sess., H.Rept. 107294 (July 2002), 19.

bined with fears that terrorists could exploit existing security vulnerabilities by surreptitiously crossing the borders, has prompted Congress to call on the Department of Homeland Security (DHS) to examine the potential use of Unmanned Aerial Vehicles (UAVs).

UAVs are also known as drones, or remotely piloted vehicles (RPVs).<sup>5</sup> The Department of Defense defines a UAV as a powered aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide lift, can fly autonomously or be piloted remotely, can be expendable or recoverable, and can carry lethal or nonlethal payloads.<sup>6</sup> UAVs have played important roles in recent conflicts in Bosnia, Kosovo, Afghanistan, Pakistan, and both Gulf Wars.<sup>7</sup> Historically, UAVs have been utilized in various military settings outside of U.S. borders. For example, during Vietnam and the recent crises in the Balkans, UAVs provided real-time reconnaissance, surveillance, target acquisition, search and rescue services, and battle damage assessments.

UAV technology has also been applied domestically. The NASA-sponsored Environmental Research Aircraft and Sensor Technology (ERAST) program has produced civilian UAVs to monitor pollution and measure ozone levels.<sup>8</sup> Academic institutions have also been active in exploring civilian uses for UAVs. The Massachusetts Institute of Technology (MIT) is involved in developing Global Positioning Systems (GPS) and video camera guidance systems for locating and identifying toxic substances.<sup>9</sup> The Department of Energy has also announced that it will test UAVs outfitted with radiation sensors to detect potential nuclear reactor accidents.<sup>10</sup>

On 12 November 2003, Congress agreed to the Department of Defense (DoD) Authorization Conference Report (H.R. 1588), which became P.L. 108-354 on 24 November 2003. Section 1034 of the DoD Authorization Act requires the president to issue a report "on the use of unmanned aerial vehicles for support of homeland security missions." UAVs were recently tested for potential domestic application on the U.S.-Mexican border. UAV demonstrations conducted by various commercial companies at Fort Huachuca and Gila Bend, Arizona on behalf of the Department of Homeland Se-

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<sup>5</sup> It is important to note the distinction between drones and RPVs. Both drones and RPVs are pilotless, but drones are programmed for autonomous flight, whereas a ground control operator controls the flight pattern of an RPV.

<sup>6</sup> United States Department of Defense, *Dictionary of Military and Associated Terms*, Joint Publication 1-02 (Washington, D.C.: U.S. Department of Defense, April 2001), 557.

<sup>7</sup> For a discussion regarding the military application of UAVs, see Elizabeth Bone and Christopher Bolkcom, *Unmanned Aerial Vehicles: Background and Issues for Congress*, CRS Report RL31872 (Washington, D.C.: Congressional Research Service, Library of Congress, 2003). For use of this technology by the Navy, see Ronald O'Rourke, *Unmanned Vehicles for U.S. Naval Forces: Background and Issues for Congress*, CRS Report RS21294 (Washington, D.C.: Congressional Research Service, Library of Congress, 2005).

<sup>8</sup> More information regarding ERAST can be located at [www.eraст.com](http://www.eraст.com).

<sup>9</sup> Hugh McDaid and David Oliver, *Smart Weapons* (New York: Barnes and Nobles Books, 1997), 9.

<sup>10</sup> Jefferson Morris, "GoldenEye UAV to perform flight demo for DOE," *Aerospace Daily* (5 December 2003).

curity's Customs and Border Protection (CBP) Bureau have prompted various questions regarding their potential use within the United States. Shortly after the Arizona UAV demonstrations, DHS acknowledged that one model of UAV, the Predator B, would be used in Operation Safeguard, an experimental law enforcement program that will conduct missions along the U.S.-Mexican border.<sup>11</sup> P.L. 108-90, on appropriations for the Department of Homeland Security, provides USD 35.2 million to establish a Northern Border Airwing, of which USD 12.8 million will be available for aircraft procurement. In earmarking these funds, Congress supported functional and organizational air and marine interdiction (AMI) and modernization efforts. Congress also assigned the DHS Under-secretary of Border and Transportation Security to devise a report outlining operational plans by which the Air and Marine Operations Center (AMOC) would eliminate surveillance gaps affecting the northern border and western United States.

### **Benefits and Limitations of UAVs**

One potential benefit of UAVs is that they could fill a void in current border surveillance. In particular, the unique technical capabilities of UAVs could improve coverage along remote sections of the United States' borders. Electro-optical identification technology is advanced enough that it can identify a potentially hostile target the size of a milk carton from an altitude of 60,000 feet.<sup>12</sup> UAVs can also provide precise and real-time imagery to a ground control operator, who would then disseminate that information so that informed decisions regarding the deployment of border patrol agents on the ground can be made quickly.

Another benefit of the UAV system is what is known as its loiter capabilities. The Predator B used in Operation Safeguard can fly for more than thirty hours without having to refuel.<sup>13</sup> The UAV's ability to loiter for prolonged periods of time has important operational advantages over manned aircraft. The longer flight times of UAVs mean that they are able to provide sustained coverage over a previously exposed area, which may improve border security.

UAVs are less expensive than other manned aircraft used on the borders. The unit cost of UAVs varies widely. The Shadow UAV costs USD 350,000, while the Predator costs USD 4.5 million.<sup>14</sup> In contrast, the unit cost of a P-3 manned aircraft used by U.S. Immigration and Customs Enforcement is USD 36 million. Black Hawk helicopters, which are frequently used on border patrol missions, cost USD 8.6 million per

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<sup>11</sup> The Department of Homeland Security's Bureau of Immigration and Customs Enforcement (ICE) evaluated the Predator B used during Operation Safeguard, which began on 29 October 2003 and ended on 12 November 2003. Representatives from the General Atomics Corporation remotely piloted the Predator B during simulated night and daytime border demonstrations.

<sup>12</sup> Peter Hardin, "Eyes in the Skies," *Richmond Times-Dispatch* (30 October 2003), F1.

<sup>13</sup> For additional information regarding the Predator B's technical capabilities, see the General Atomics website at [www.uav.com/products/predator\\_b\\_er.html](http://www.uav.com/products/predator_b_er.html).

<sup>14</sup> See Bone and Bolkom, *Unmanned Aerial Vehicles*.

unit. However, the benefits of the Black Hawk's relative low unit cost are diminished by its lack of endurance. Black Hawks have a maximum flying time of 2 hours and 18 minutes.<sup>15</sup> Consequently, the longer flying time of unmanned aircraft would allow them to patrol the border longer—e.g., for an entire night—while reducing the overall number of missions flown.

The range of UAVs is a significant asset when compared to either border agents on patrol or stationery surveillance equipment. If an illegal border entrant attempts to transit through dense woods or mountainous terrain, UAVs would have a greater chance of tracking the violator with thermal detection sensors than would the stationary video equipment that is often used on the borders. It is important to note, however, that rough terrain and dense foliage can degrade the images produced by a UAV's sensory equipment, and thus limit their effectiveness on certain segments of the border. Another benefit is that the extended range and endurance of UAVs may lessen the burdens on human resources at the borders. During Operation Safeguard, the prototype Predator B RPV was remotely piloted from a ground control station. The safety concerns faced by helicopter pilots on patrol are eliminated when UAVs are used.

Despite the potential benefits of using UAVs for homeland security, various problems encountered in the past may hinder UAV implementation on the border. There are concerns regarding UAVs' high accident rate. Currently, the accident rate for UAVs is 100 times higher than that of manned aircraft.<sup>16</sup> Because UAV technology is still evolving, there is less redundancy built into the operating systems of UAVs than of manned aircraft; until redundant systems are perfected, mishap rates are expected to remain high. Additionally, if control systems fail in a manned aircraft, a well-trained pilot is better positioned to find the source of the problem because of his/her physical proximity. If a UAV encounters a similar system failure, or if a UAV landing is attempted during difficult weather conditions, the ground control pilot is at a disadvantage, because he or she is removed from the event. Unlike a pilot on board an aircraft, the remote pilot would not be able to assess important sensory information such as wind speed, runway conditions, etc.<sup>17</sup>

The key goal of Operation Safeguard was to identify potential threats crossing the southern border illegally. The surveillance capabilities of UAVs equipped with only an electro-optical camera and forward looking infrared radar (FLIR) sensor have been limited in the past by poor weather conditions. Cloudy conditions and high humidity climates can distort the imagery produced by electro-optical and FLIR equipment. Although the Predator B is operating primarily in the low-humidity environment of the Southwest, the effects of extreme climatic or atmospheric conditions on its sensors reportedly can be mitigated if DHS decides to outfit the Predator B with a synthetic ap-

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<sup>15</sup> Paul Jackson, *Jane's All the World's Aircraft 2003-2004* (Alexandria, VA: Jane's Information Group, 2003), 721–22.

<sup>16</sup> *Ibid.*

<sup>17</sup> Amy Butler, "ACC Officials to Suggest Service Establish Five Predator Squadrons," *Inside the Air Force*, 7 June 2002.

erture radar (SAR) system.<sup>18</sup> These radar systems can produce high-resolution imagery in inclement weather. The ability of SAR to function during adverse weather conditions sets it apart from optical or infrared systems.<sup>19</sup> However, its ability to track moving targets is limited. This limitation can be mitigated by augmenting SAR with moving target indicator (MTI) radar technology. Adding SAR and MTI to the Predator B's platform could significantly enhance its operational capability for border missions. By adding SAR and MTI to the UAV platform, however, the costs of using UAVs on the border would increase.

How UAVs could be integrated into civilian airspace within the United States is a fundamental question that would need to be addressed by the Federal Aviation Administration (FAA) and DHS. Integrating UAVs into civilian airspace so that they can operate safely would require not only the creation of regulatory guidelines by the FAA, but also a variety of technical developments, primarily around safety issues. Currently, the FAA is working on guidelines for integrating UAVs into the national airspace. Although there are no guidelines or regulations for incorporating UAVs into domestic airspace, the FAA has worked closely with government users of UAV technology in developing a certificate of authority (COA) so that portions of airspace can be blocked off for exploratory development or operational testing. A primary concern of the FAA is whether UAVs can operate in already crowded airspace. The challenge, according to FAA spokesman William Shumann, is "to develop vehicles that meet FAA safety requirements if they want to fly in crowded airspace."<sup>20</sup> Before UAVs can be introduced into domestic U.S. airspace, the FAA, DHS, and other relevant technology users will need to address collision avoidance, communication, and weather avoidance issues.<sup>21</sup>

## Issues for Congress

Congress will likely conduct oversight of Operation Safeguard before considering wider implementation of UAV technology. Additionally, the president's report to the Congress in April 2004 on the use of UAVs for support of homeland security missions should be useful to congressional evaluations, especially with respect to the tactical, early warning, and intelligence capabilities of this technology. If implemented, would UAVs simply be used to monitor the borders for illicit activity, or would they be util-

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<sup>18</sup> According to General Atomics, the Predator B used during Operation Safeguard was equipped with electro-optical, FLIR, and SAR systems.

<sup>19</sup> For further information about synthetic aperture radar (SAR), see [www.sandia.gov/radar/whatis.html](http://www.sandia.gov/radar/whatis.html). The SAR system used by some Predators is called the LYNX. The LYNX system can provide photographic images of up to four-inch resolution at a maximum altitude of 40 kilometers in fair weather. For more about the LYNX system, see [www.ga.com/news/lynx\\_sar.html](http://www.ga.com/news/lynx_sar.html).

<sup>20</sup> Greta Wodele, "Firms to showcase unmanned planes for Border Patrol," *National Journal's Technology Daily* (11 August 2003).

<sup>21</sup> In November 2003, the FAA, DoD, NASA, and six private commercial companies launched Access Five, a five-year program to address the safety and technical concerns associated with using UAVs in domestic airspace.



ized in a more sophisticated manner? In the future, could UAV imagery be used to develop intelligence products on patterns and tactics used by illegal entrants?

If Congress concurs that UAVs can fulfill an important homeland security mission, how many UAVs would be needed to patrol the borders? A robust pilot program simultaneously testing multiple UAVs on the borders might be needed in order to ascertain where, how, and whether UAVs should be deployed. Larger-scale testing would provide an opportunity to evaluate whether the technical limitations of UAVs would hinder their utility on the border. In the past, multiple UAVs piloted in close proximity to each other have experienced interference and loss of control between the UAV and the remote pilot. In many cases, such interference led to accidents. An expanded pilot program would provide an opportunity to evaluate UAVs in a more realistic operational setting. Additionally, testing multiple UAVs on the borders could help in establishing parameters under which they could successfully operate.

The use of UAV technology on the northern and southern borders of the United States could potentially act as an important force multiplier by covering previously unpatrolled areas. This comparative advantage, however, may not be so significant when terrorists, like the September 11 hijackers, can enter the country through more easily accessible official ports of entry. Another consideration is how well—and how quickly—the CBP could respond to UAV imagery. Are there enough border patrol resources to investigate all targets identified by UAVs? Would the lack of human resources render high technology like UAVs less effective?

The technical capabilities of UAVs have been tested in a military context, but serious safety and technical issues need to be addressed if the program is to be expanded domestically. Perhaps most importantly, a clearly defined role and action plan for the application of UAV technology to homeland security needs would need to be created. If DHS moves forward with efforts to use UAVs in domestic airspace, both broad and technical issues will arise for congressional consideration. For example, will UAVs be more cost-effective or technically proficient in defending the borders than tethered aerostat radars (TARS), biometrics, more sophisticated ground sensor equipment, or additional border patrol agents? Until these questions are addressed, the utility of UAVs in helping to ensure U.S. border security will remain more speculative than practical.

# Generational Change: Implications for the Development of Future Military Leaders

*Paul Whelan* \*

In the last decade, the *raison d'être* of the international military environment has experienced a transition in scope and perspective. These changes in military perspective have an impact on the way the military interacts with both the professional and non-professional world within which it operates. Employee aspirations and attributes are evolving too. Today's employees exhibit values and aspirations different from their older generational counterparts. Both of these factors conspire to paint an altered and challenging landscape for the practice of leadership and management in the military in future years.

This paper will address the future of military leadership and management within the context of generational change among its management employees. It will outline this future in the context of the new and wider purpose of the Irish Defense Force. It will present current evidence gathered from the science of organizational behavior and management, and contrast this evidence with the model of training and socialization processes that the Irish military currently applies to cadets and newly commissioned officers, or more appropriately, the military managers of the future.

## The Corporate Military

S. C. Sarkesian, a scholar of organization and management, has written that "all professions are corporate in nature."<sup>1</sup> Sarkesian, a former U.S. Army officer, argues that all corporations employ a system of bureaucracy and adhere to specific rules and regulations. He suggests that all professions embrace certain values, ethics, and ideals in the conduct of their business that are unique to each profession. They maintain standards of performance by which they gauge progress. Professions employ and mold their members to share in the common corporate goal of achieving legitimacy of purpose. Sarkesian posits that the modern military, as a profession, is substantially similar in concept to a corporation.<sup>2</sup> The models of practice outlined above could equally apply to the military as they do to a profession such as law or business. However, the understood role of the international military has changed dramatically from the roles that had been defined for it in previous decades. These changes are currently reflected in the

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\* Commandant Paul Whelan is a serving officer in the Irish Defense Forces, having just completed his country's Staff Course at the Command and Staff School, The Curragh, County Kildare, Ireland, and the Masters Degree in Leadership, Management and Defense Studies through the National University of Ireland. This is an edited version of his Masters' Thesis.

<sup>1</sup> S. C. Sarkesian, *The Professional Army Officer in a Changing Society* (Chicago: Nelson Hall Publishers, 1975), 9.

<sup>2</sup> *Ibid.*, 10.

international security strategies of both the United States and Europe.<sup>3</sup> These changes have also been acknowledged in the Irish Defense Forces: “One thing that comes up in every discussion is the transformation process that seems to be ongoing in all forces today, and the fact that as transformation is ongoing, the operational demands are increasing and becoming more diverse and complex in nature.”<sup>4</sup>

Essentially, the modifications of military purpose have had the effect of moving the military model even closer to that of a professional corporation.<sup>5</sup> For military formations internationally, the possibility and probability of participation in total war has declined. Instead, the prospect of involvement in total war has been replaced by a higher likelihood of joint participation in counter-terrorism efforts, low-intensity conflicts, limited wars, high technology information warfare, and a diverse array of peace operations. This new range of missions has brought about a necessary shift in focus for today’s military organization. “The emphasis on technology and scientific knowledge has transformed the military from a parochial, inbred instrument of land battle to a highly sophisticated, multi functional organization closely linked to society.”<sup>6</sup> Aligned with these changes of purpose, the military today are working in increasingly active cooperation with an ever-widening range of other military, non-military, and professional organizations. These circles may be political, civil, corporate, or non-governmental.

### *The Military’s New Professional*

A corollary of the organizational changes that are sweeping the cultures of both the corporation and the military is the idea that “employees are changing too.”<sup>7</sup> Today’s professionals embrace different values, attributes, and aspirations for their working lives when compared to their counterparts in earlier generations. They view the world differently from the way their parents might have viewed it. From an early age, today’s generation of young and aspiring employees has recognized and mentally registered the trials and traumas confronted by their parents in an era when economies, politics, employment values, and employment rules were vastly different from today’s.<sup>8</sup> They have grown up alongside technology and innovation and, having been exposed to computer technology from a young age, they are comfortable with change and motivated by technological advancement. They are inquisitive. They are generally well-traveled. Through modern approaches to parenting, and through more open and conscientious schooling, today’s generation possess a better understanding and a better acceptance of

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<sup>3</sup> See George W. Bush, *The National Security Strategy of the United States of America* (Washington, D.C.: The White House, 2002),13; and *European Security Strategy* (2002), 3.

<sup>4</sup> Lt. Gen. J. Sreenan, transcript of speech presented to the 62<sup>nd</sup> Command and Staff Course, The Curragh, County Kildare, Ireland (24 February 2006), 1.

<sup>5</sup> Walter F. Ulmer, Jr., “Military Leadership into the 21<sup>st</sup> Century: ‘Another Bridge Too Far?’” *Parameters* (Spring 1998): 6.

<sup>6</sup> Sarkesian, *Professional Army Officer*, 8.

<sup>7</sup> A. Kakabadse, J. Bank, and S. Vinnicombe, *Working in Organisations, The Essential Guide for Managers in Today’s Workplace*, 2<sup>nd</sup> ed. (London: Penguin, 2005), 47.

<sup>8</sup> Catherine Loughlin and Julian Barling, “Young Workers’ Work Values, Attitudes, and Behaviors,” *Journal of Occupational and Organizational Psychology* 74:4 (2001): 545.

different cultures, nations, and societies.<sup>9</sup> They therefore possess attributes and values that distinguish them from previous generations. This generation represents the newest entrants to the workplace, and is popularly referred to as “Generation Y.”<sup>10</sup>

### **Personal Perspective**

Since my commissioning in early 1991, I have held varied levels of responsibility for the selection, employment, and training of military cadets. I have spent the vast majority of my career training cadets and young officers in both the academic study of flight and in the skilled discipline of military flying itself. In that time I have witnessed a tangible transition in the type of person I am educating. During my early days of instructorship, when training someone to fly, I would always imagine myself in the student’s place. By doing so, and by taking due cognizance of his or her capability, personality, and attitude, I felt able to deliver more considered, relevant, and effective instruction. I became more aware of the student’s possible reactions, and the fact that these reactions would probably and usually coincide with my adopted position. I therefore became more capable of providing an appropriate response or reaction to situations or problems presented by the student.

As my experience as an instructor progressed, however, I found this process increasingly difficult to apply. I felt that a disconnection was taking place between my students and myself, and that this disparity, at least to me, was based on personality.

On mature reflection, the student and I were on diverging paths. I, fixed in my methods and responses, was moving further away from the student as the years passed and the faces changed. The student’s attributes, attitudes, aspirations, and outlooks were becoming increasingly different from mine. The younger students were changing, and I remained firmly fixed in my generation, and therefore wedded to my methods of instruction.

The members of this younger generation are different people. They question and challenge professional direction more frequently. They actively seek considered and honest guidance, and despair when none is forthcoming. I learned that newer employees’ initial career expectations could be thwarted by meaningless direction from their superiors. I also learned that the psychological contract that exists between employer and employee requires constant and considered attention at the employment entry phase and thereafter. Active and considered employee socialization processes, or “on-boarding” efforts, on behalf of the new employer can serve to successfully guide the new employee toward a clearer and more considered approach to their new career.

### **What Is “Generational Change”?**

Generations are defined not by a formal process, but rather by demographers, popular culture, the press and media, and even by the generations themselves. The differences

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<sup>9</sup> R. Zemke, C. Raines, and B. Filipczak, *Generations at Work* (New York: AMACOM, 2000), 137.

<sup>10</sup> Bruce Tulgan and Carolyn Martin, *Managing Generation Y: Global Citizens Born in the Late Seventies and Early Eighties* (Boston: HRD Press, Inc., 2001), xi.

in personality experienced and recognized by organizations in their managers, both young and old, are categorized as “generational.” The majority of literature emanating from the discipline of organizational behavior dealing with this topic of generational change is American in origin, and thus applies its focus to a Western style of organizational behavior. While slight discrepancies exist in the identification and categorization of the various generations, delineations have nevertheless been made in the literature that delineate the various generational cohort groups for the purposes of study.

In order to enable clarity of definition, I will begin with the “Silent Generation,” as the portrayal of this generation allows more clearly definitive comparisons to be drawn when examining today’s generation, Generation Y. Examining the two generations that reside between these extremities allows an appreciation of the evolution of the values attributed to Generation Y.

### *The Silent Generation*

Most analysts date the birth of members of the Silent Generation between 1925 and 1942. Despite some debate about the exact dates, virtually all authors broadly agree on the attributes and values of this cohort group, as its members were influenced by the historical and social conditions of their time. Essentially, this generation is approaching or has already concluded its working life in the professional world. Some scholars have posited that the Silent Generation was the product of families that lived through the Great Depression, and that they were influenced by the difficulties that their parents faced to treasure employment and to be loyal employees, and by their parents’ generation’s service in the military during the Second World War to be command-oriented in the way that they managed their employees. The Silent Generation spent their early management careers in a post-war world that rarely, if ever, questioned authority, adhered to rather rigid chains of command, and observed a system of honor, subservience, and reverence for seniority. They are disciplined in that they are willing to accept poor direction, even when they know it to be flawed, and tend to tolerate it silently. They believe resolutely in law and order and are conservative by their nature.

### *The Baby Boomers*

The birth years of the next generational cohort, known as the Baby Boomers, are usually held to be between 1943 and 1964. Particularly in the case of the United States, this generation was born into an era of rebellion and post-war national wealth, and their views were shaped by the emergence of the counterculture in the 1960s, the Vietnam War, and the Watergate scandal, all of which served to call into question established forms of authority. These trends would be mirrored in much of Europe, as in the 1968 student uprising in Paris. For this generation, authority appeared increasingly unreliable, an object of suspicion. They were further influenced by the styles of idealism proffered by emerging leaders such as Martin Luther King, Jr. and John F. Kennedy. According to one group of scholars, this cohort group believe in growth and expansion, take great pride in themselves as professionals, are optimists, are oriented towards

teamwork, and have “pursued their own personal gratification uncompromisingly, and often at a high price to themselves and others.”<sup>11</sup>

### *Generation X*

The next generational cohort, which has been dubbed Generation X, was born between 1960 and 1980. This generation lacked the experience of growing up through “real” wars that the two generations discussed above experienced. Members of Generation X are described by Zemke as being self-reliant, seeking a work–life balance and placing greater importance on family. Their approach to authority is casual and sometimes skeptical. They also possess a greater level of comfort with technology, having grown up in the computer age. Personal sacrifice for professional work advancement, which was so well practiced by older generations, has relatively little appeal for members of Generation X. “In a nutshell, they distrust hierarchy. They prefer more informal arrangements. They prefer to judge on merit rather than on status. They are far less loyal to their companies.”<sup>12</sup>

### *Generation Y*

A fourth group is now in evidence—Generation Y, or the “Millennials,” a cohort made up of those born after 1980. This group is now making its presence felt within the professional world. Members of Generation Y are relative newcomers to the workforce, but early indications are that they are highly motivated and actively seek to improve their skills and abilities. They are not averse to questioning authority and, like the members of Generation X, lack permanent affiliation or commitment to their job. Martin, et al. describe this generation as one possessed with much aplomb. They are a “generation of new confidence, upbeat and full of self-esteem,” perhaps not surprising as they “grew up basking in the ‘decade of the child’, a time when humanistic theories of childhood psychology permeated counseling, education and parenting.”<sup>13</sup> They state that this period of psychological parenting has taken place under the cloud of isolation brought about by absentee double-income parents, often being raised by nannies or other non-parental caregivers. Generation Y has been brought up in environments that advocate that career-minded parents pursue their professional ambitions, while their children reside within a care environment or fend for themselves, independent of sustained parental presence and interest. By way of replacement, through access to vastly more information than was available to previous cohorts, this generation learns of the world’s ills through the proliferation of electronic media.

These four generational dimensions, distinct and complete, are each products of the eras in which they grew up. Their values have been shaped and oriented according to the various political, environmental, and social backdrops to which they were exposed

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<sup>11</sup> Ron Zemke, Claire Raines, and Bob Filipczak, *Generations at Work: Managing the Clash of Veterans, Boomers, Xers, and Nexters in Your Workplace* (New York: American Management Association, 1999), 67.

<sup>12</sup> Jay A. Conger, *Winning ‘Em Over: A New Model for Management in the Age of Persuasion* (New York: Simon & Schuster, 2001), 9.

<sup>13</sup> Tulgan and Martin, *Managing Generation Y*, 4.

and against which they were raised; in turn, they defend and promote these virtues throughout their working lives. Generations are delineated by major world-historical events, such as the period of the Great Depression, the World Wars, Vietnam, cultural rebellion in the 1960s, the attacks of 9/11, etc. These events redefine ideology and social behavior; they are true “paradigm shifts,” in that they reshape and alter people’s intellectual approaches to the world.

### Questioning Authority

The subject of generational value differences is important in the context of organizational behavior, in that it raises questions about generational conflict in management, management employee permanence, socialization processes, and a host of other issues. Sarkesian, writing of the civilianization of the military profession, remarks that it has “taken on the characteristics of a civilian profession, and in doing so has opened itself not only to reassessment and criticism by its own members but also by outsiders.”<sup>14</sup> He refers to the organizational conflict that can arise between the older, more traditionalist officer and his younger subordinate. He states: “Traditionalists have a tendency to perpetuate the heroic role of the military, while the more modern and liberal professionals feel that the military must do more than manage violence.”<sup>15</sup> Sarkesian highlighted this internal conflict in 1975, at a time when U.S. military focus was still centered on the Cold War.

More recently, an article written by Walter F. Ulmer, Jr. for the journal *Parameters* in the United States highlighted the issue again: “A survey sponsored by the Army Command and General Staff College in 1995 found some concerns about leadership and the command climate strikingly similar to those reported in the 1970 Army War College *Study on Military Professionalism*.”<sup>16</sup> Ulmer continues, “Many senior service college students in recent classes seem to display more than typical student skepticism about the quality of senior leaders they have observed. Anecdotes about poor leadership, particularly at the field grade and general officer levels, are too persistent to ignore.”<sup>17</sup>

In addition to highlighting various levels of dissent regarding elements of seniority, Ulmer in his article suggests that the increase in questioning of authority is linked to organizational changes associated with the modern military. He highlights the organizational qualities required in the officer ranks of today, in addition to the traditional traits and characteristics of leadership. He also notes the civilianization of the military, and calls for more effective work in the management of organizational change.

What both Sarkesian and Ulmer present, albeit only as part of their overall work, is evidence of the increasing tendency to question the viability of leadership and authority by military juniors or subordinates in the modern era. The time of unquestionable honor and reverence for leadership, as described by Conger in his appraisal of the Si-

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<sup>14</sup> Sarkesian, *Professional Army Officer*, 14.

<sup>15</sup> *Ibid.*

<sup>16</sup> Ulmer, “Military Leadership into the 21<sup>st</sup> Century,” 2.

<sup>17</sup> *Ibid.*

lent Generation, has passed. The new generations (both X and Y) do not simply accept direction out of obligation, and feel justified in seeking qualification, clarification, and justification for the orders they are given.

This questioning tendency is further developed in an article by Catherine Loughlin and Julian Barling. They suggest that, "Many young workers do not attach the same status to authority as previous generations, and there is now a pervasive cynicism about leadership and leaders."<sup>18</sup> It could be contended that "cynicism" in this context is a little harsh. It is possible that, through questioning, conflict and contradiction may emerge in the authority figure's qualifications, which in turn may disappoint the expectations of the questioner.

## Practical Implications for Organizations

Kakabadse, et al. state: "The idea of a lifelong career in one company, quite common in the past, seems increasingly remote today." Today's new employees "develop new competencies and stay with an organization only as long as they find it challenging."<sup>19</sup> So what acknowledgement should organizations today make in recognition of the newer generational employee?

In his research paper and case study written on the generational implications of organizational behavior for the Australian Defense Forces (ADF), Bradley Jorgensen takes a critical look at the aspects of generational change. He tests the applicability of the hypothesis that generational issues should be accounted for in the design of workplace policy for the ADF. He acknowledges the differing approach to careers taken by Generations X and Y, paying particular attention to their inquisitive nature, their independence, their loyalty, and their skills and expertise in technology. He notes "that intention to leave increases markedly in line with educational attainment."<sup>20</sup> He notes in particular an attribute of the newest generation, in that the Generation Y cohort "values skill development and thrives on [the socialization aspect of] mentoring/coaching" and that, "like the Generation X cohort, they are motivated to do work but seek more direction and meaning in their work. They are not afraid to question authority, and will challenge management decisions that they deem unreasonable."<sup>21</sup>

This particular study by Jorgenson concludes: "The claims put forward by generational writers regarding the need to manage workforce through generationally-targeted mechanisms lack the necessary rigor on which to base workforce policy decisions. Rather, academic literature appears to support the notion of individualization and tailored measures rather than bulk or generic workforce policy approaches."<sup>22</sup> The recommendations proffered by Jorgenson, in my opinion, offer sound and qualified judgment. However, the recommendations may have been made in the knowledge that ex-

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<sup>18</sup> Loughlin and Barling, "Young Workers' Work Values, Attitudes, and Behaviors," 551–52.

<sup>19</sup> Kakabadse, et al., *Working in Organisations*, 46–47.

<sup>20</sup> Bradley Jorgensen, "Baby Boomers, Generation X, and Generation Y: Policy Implications for Defence Forces in the Modern Era," *Foresight* 5:4 (2003).

<sup>21</sup> *Ibid.*, 4; Tulgan and Martin, cited in Jorgenson.

<sup>22</sup> Jorgenson, "Baby Boomers."



isting training, management, and socialization techniques in the ADF already calculate to a large extent for generational difference. The reference to “individualization” is important, as it raises the issue of the socialization and mentoring of employees both on and after initial employment. This is the period during which notional expectations of employment on the part of both the employer and the employee are either confirmed or undermined, and may present a valuable tool toward determining employee career dedication and career permanence.

Ulmer states that, in relation to the U.S. military, there presently are “no highly visible, heavily resourced efforts to define, inculcate and monitor the creation and sustenance of organizational climates that challenge, inspire, and motivate all ranks.”<sup>23</sup> According to Ulmer, the practice of mentoring in the military is restricted to the annual “Officer Efficiency Report,” which he finds to be insufficient. Organizational best practices in the area of “developmental feedback and monitoring,” he concludes, have left the military behind.<sup>24</sup>

### **The Socialization Process**

In essence, the aforementioned body of literature provides an overview of the change in the military’s approach to the newer generations (X and Y) and their employment. These generational cohorts utilize a different approach to authority than their predecessors, the Silent Generation and, to a lesser extent, the Baby Boomers. Issues of generational conflict are highlighted in the wish by newer generations to constantly seek direction, qualification, and purpose from their employers. This quest, from my own experience, is conducted unashamedly and with ample merit.

One method of guiding new employees through the mist of the first stages of a new position is through the utilization of considered socialization techniques. Socialization, whether consciously or not, is a method used by the Irish Defense Forces to extend the training acquired through the Cadet School and apply this training to employment practice. While socialization within the Irish military is not currently a discretely identified process after a cadet’s commissioning—that is, it is not monitored or controlled by any training or management body—it can and does form a vital component of the individual’s induction into the organization. It also makes a definite and lasting impression upon the employee.

As stated at the beginning of this paper, military employees are involved now more than ever with a widening circle of military, non-military, and civilian organizations.<sup>25</sup> The emphasis of such contact has shifted away from one directed toward purely military objectives. This diversification of professional contact requires that military offi-

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<sup>23</sup> Ulmer, “Military Leadership into the 21<sup>st</sup> Century,” 6.

<sup>24</sup> Ibid.

<sup>25</sup> See Sarkesian, *Professional Army Officer*; Ulmer, “Military Leadership into the 21<sup>st</sup> Century”; and M. Vlachova and L. Halberstat, “A Casual View into the Future: Reform of Military Education in the Czech Republic,” *Geneva Centre for the Democratic Control of Armed Forces*, Working Paper No. 105 (2003); at [www.dcaf.ch/publications/Working\\_Papers/105.pdf](http://www.dcaf.ch/publications/Working_Papers/105.pdf) (accessed on 2 December 2005).

cers and personnel be equipped professionally with the wider relationship skills required for such associations. Effective socialization processes through peer or superior mentoring can serve to foster and develop appreciation of the skilled requirements of diplomacy.

Through socialization, the initial expectations of the employee are tested against the reality of the job, and a tentative adjustment in attitude and behavior can then take place.<sup>26</sup> Initial military training falls under the category of “divestiture” in socialization terms.<sup>27</sup> Through divestiture, one tries to deny and/or change the identity of the newcomer. There follow, then, two methods of socialization, as proposed by Ardts, et al.:

- Institutionalized socialization and personnel instruments
- Individualized socialization and personnel instruments.

Institutionalized methods of socialization are selected “when one wants conformist newcomers that have little intention to leave the company, that are loyal and emotionally committed to the organization.”<sup>28</sup> This is a method of formalized socialization. The method or program makes use of a mentor or role model, and aims toward the affirmation of the new employee’s own identity and quality.

Individualized methods of socialization are selected “when one wants innovative newcomers, and does not want to offer them a job for life, and if one is less concerned about newcomers that are loyal and that feel emotionally attached to the organization.”<sup>29</sup> This method does not employ a mentor to facilitate the process. It may be done on an ad hoc basis, without clearly defined steps and without a predetermined time frame.

Allowing that there is no clearly established method or framework of socialization recognized and undertaken by the Irish military after commissioning (with the exception of the AF451, the Officer’s Annual Performance Appraisal), it follows that the IDF utilizes individualized socialization methods after the period of initial military training. In theory, then, the employee is allowed to construct their own understanding of the organization based on their own immediate experience, which in an organization as diverse as a nation’s military can serve to undermine the previous beliefs and/or career expectations of the employee and thwart their potential for self-actualization.

## Indications

The need for a high level of intellectual capability within the military will not diminish. In order to maintain and embellish both its self-image and its image with respect to society—especially while cooperation with society increases in response to a widening of the military’s roles—education must be high on the military agenda. The forces of history and societal evolution have presented a new variant of generational cohort who

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<sup>26</sup> See Kakabadse, et al., *Working in Organisations*.

<sup>27</sup> J. Ardts, P. Jansen, and M. van der Velde, “The Breaking in of New Employees,” *Journal of Management Development* 20:2 (2001): 159–67.

<sup>28</sup> *Ibid.*, 163.

<sup>29</sup> *Ibid.*

will fulfill the duties of management well into the future. However, Generations X and Y are somewhat fickle cohorts. The psychological requirement for self-improvement exhibited by these generations reflects the motivational theories of Maslow, but qualifies even further the “needs” theories of Alderfer, in that, “If a need is consistently frustrated, an individual ‘regresses’ to being motivated by lower-order needs that are already being fulfilled to a sufficient degree.”<sup>30</sup>

Studies in organizational psychology and behavior have identified the aspirations and values of the new employee/managers of the future, Generation Y. They are an impressive generation. They symbolize the progressive, inquisitive qualities that qualify general evolutionary thought. They require honest and meaningful direction, and they seek it voraciously.

Generation Y’s inquisitive nature, however, is amplified by a marked reluctance to simply adhere to direction and authority without question. Direction and authority must be both qualified and justified. This questioning of leadership is readily identified in youth society today, and is equally apparent within the military environment. New generations of employees, while lacking the kind of career permanence that their Silent Generation predecessors possessed, will nevertheless relish organizational systems of training and socialization that serve to satisfy the intangibility of career expectation. Effective and meaningful socialization techniques can serve to assist development processes while diminishing career apathy and unmet expectations among newer employees.

Is it possible, however, that older generations will always view younger generations as being “difficult to deal with,” “argumentative,” and as “having no persistence,” not just in relation to their careers but to all undertakings? The quality of an even, consistent pace has always been associated with older generations, who are thought to prefer to control, manage, and maintain their affairs carefully and deliberately. The converse has always been imputed to younger generations, with the assumption being that they prefer to take risks and seize opportunities as they arise. Criticisms relating to younger generations are not a new phenomenon, and can be traced back (at least) to ancient Egyptian manuscripts. Is it possible, though, that the theories that define generational change are simply an attempt to psychologically categorize what has been known throughout history? Jorgenson posits this possibility in his assessment of generational change effects and their implications for the ADF. In any assessment of generational change, however, credence must be given to the societal and historical background from which the different generations grew. Today’s new employees are the products of a society that possesses values that are markedly different from those of their parents.

The previous focus within military organizations on roles that are purely focused on military tasks, narrowly defined, is being quickly replaced by new and widening liai-

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<sup>30</sup> See A. H. Maslow, *Motivation of Personality* (New York: Harper and Row, 1954); and C. P. Alderfer, *Existence, Relatedness and Growth: Human Needs in Organizational Settings* (Boston: Free Press, 1972). Quote from Alderfer, cited in M. Morley, S. Moore, N. Heraty, M. Linehan, and S. MacCurtain, *Principles of Organisational Behaviour, An Irish Text*, 2<sup>nd</sup> ed. (Dublin: Gill & Macmillan, 2004).

sons that require new levels of professionalism. The lines of demarcation are being rewritten, and as the military diversifies into its new roles, the training and socialization of new employees needs to reflect the levels of managerial professionalism required to meet the military's new missions. Examining the motivations and future expectations of these new employees may provide a valuable insight into the aspirations of the military manager of the future.

The theory of generational change holds that today's employee, a member of Generation Y, displays different aspirations and attitudes in his/her approach to work and life than did members of earlier generations. Do the Irish Defense Forces therefore need to alter their approach to accommodate this difference, in terms of its methods of training and its practices of socialization?

### **Square Pegs and Round Holes**

When reflecting on the lives of past generations, one tends to reflect on the qualities, the characteristics, and the tempo of the era in question. Life almost always appears to have been simpler in the past compared to the present. This simple reflective practice applies to all generations. When I began this thesis, I did so in the assured knowledge that the cohort I had identified, Generation Y, was somehow removed from me psychologically, and that their lives certainly reflected complicated influences that were unknown to me in my own formative years. Would it be feasible or even possible, however, to use an American model of generational delineation as a framework within which to evaluate an Irish generational equivalent in terms of chronological placement, attitudes, and traits? In my journey through the construction of this thesis, I have learned that the practice of attaching concrete rules and codes of behavior to an identified group of people can quickly become problematic. In many ways, deeply demographic studies amplify modern values in teaching us that no single, definitive scientific truth may be applied in its totality to the study of a complete generation. As Ryder summarizes, "It is invalid to transform a proposition about populations into a proposition about individuals."<sup>31</sup> The application, however, of a "simplification of values" that encompasses the expected attributes of a given generation, a generality of traits that distinguish one generation from another, can be constructive in the evaluation of predicted impacts upon society and, through more focused application, upon organizations.

### **Messages that Motivate**

The Irish Defense Forces today coexists with a highly competitive corporate environment in which the institution of human resource management has emerged as an element of critical organizational importance. Human resource management recognizes that today's generation of employees exhibits fundamentally different values and attitudes to those of predecessor generations, and that they bring with them clear and un-

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<sup>31</sup> N. Ryder, "Notes on the Concept of a Population," *American Journal of Sociology*, 69 (1964): 459.

ambiguous intentions for their future. If the IDF has an advantage over corporate career alternatives, it resides in the fact that today's cadet/employee chooses to serve their country in a career that promises and advocates continual challenge. It becomes evident from my research that this challenge is met during cadet training, as exhibited by the assured confidence of cadet participant responses. Developments demonstrated within the cadet training environment and within the socialization methods employed by the Human Resources Section of the Defense Forces, whether intentional or not, have served to meet the needs of Generation Y. The expectation of continued challenge by new cadets is also evident, and it is quietly assumed that the IDF will continuously provide meaning and direction in the form of active and considered socialization processes that will define, support, and nurture these expectations. The Irish military, much like its corporate peers, exists in an environment of changing visions, policies, and objectives. This is particularly true not just in the aims of the organization, but also in the conditions under which it employs and maintains its employees.

The effective propagation of the policies and purposes of the Irish Defense Forces relies on the continued effectiveness of its employees. An enlightened productivity may be achieved if employee potential is considerably nurtured right from the beginning: "The more effective and efficient the socialization, the sooner a newcomer can be productive for the organization."<sup>32</sup> The individualized socialization method currently adopted by the IDF post-commissioning does not effectively embrace the dynamism of Generation Y in a way that inculcates and encourages the possibilities that this generation brings to bear. Members of Generation Y require qualified direction that enables the expectations of the organization to be set unambiguously. Once the expectations are set, the organizational goal is clarified, and the ability to measure performance is heightened. If the expectations of the new employee are not frequently clarified and qualified, the resultant ambiguity will disappoint and disillusion the cohort. Members of Generation Y embrace the prospect of challenge in a way that distinguishes them from previous generations, and underpins their choice of career path. According to Grainne Cullen, the attraction towards personal challenge appears more prevalent through interviews among those members of Generation Y who aspire to a career in the military as opposed to a career outside the military.<sup>33</sup> Cullen highlights a surprising statistic from her research, in which she asked sixty cadet applicants what other career path they would pursue if they failed to achieve a cadetship. Almost fifty percent responded that they would pursue an entrepreneurial career path over the more stable and possibly expected civil, security, or banking environments.<sup>34</sup>

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<sup>32</sup> Ardts, et al., "The Breaking in of New Employees."

<sup>33</sup> Grainne Cullen, a psychologist working with the Irish Defense Forces, was interviewed by the author. All quotations here and below are taken from the author's records and notes from the interview.

<sup>34</sup> Twenty-eight prospective Cadets chose an entrepreneurial career path as their preference should they be unsuccessful in their attempt to join the IDF. The choice of entrepreneur was not listed among the career alternative options, but rather was independently written in under the option "Other Careers."

## **Why? The Benefits of Questioning**

Members of Generation Y will question everything. This is a natural progression from an upbringing that permits and encourages such inquisitiveness. It is a method through which clarity of purpose is identified and security of purpose is ensured. It is a quality, though, that in an organization such as the military may serve to undermine older views of obedience and respect for authority. However, it is a practice that for this generation assures continued and unabridged application to task. If the ability to openly question orders is removed, so too is the confidence and assuredness of the employee. Through questioning authority, the ability of the employee to confidently dispel ambiguity preserves the motivation to complete the task at hand and confidently justify the resultant product. This questioning trait is not something limited to Generation Y, but rather is a quality that has naturally evolved with society. Older generations may have been more capable of tempering the desire to question, based on the situation and on the audience. Hence, this questioning phenomenon is reasonably new to the military. To Generation Y, however, questioning is a quality that is ingrained within the person, something that life has taught them should be practiced regardless of the weight or authority of the recipient. It is not done out of malice, but rather is well-intentioned and whole-heartedly justified in the eyes of the questioner.

The encouragement of questioning within the military can only serve to improve the transparency and legitimacy of what has traditionally been a hierarchical and bureaucratic structure. It cannot be ignored, though, that the latitude and flexibility that allow such a trait to openly express itself do not survive within the rigid chains of command that embody the military ethos. The military is possibly one of the last remaining organizational structures in which flexibility with regard to the questioning of authority cannot apply through all levels of the hierarchy. One aspect of a changing military, however, resides within the remit of operational planning processes for crisis management operations, in which the active encouragement of questioning ensures that all potential military responses are rigorously tested for every eventuality. The value of questioning in an open environment cannot be underestimated, and creating latitude for its productive employment within the confines of the employee's immediate environment should be embraced. Again, to cite Cullen, it is through questioning authority that one questions the organization, and it is only through questioning the organization that you enable organizational change. A future study based on this generation's progression might allow an evaluation of any correlation that might exist between rapid organizational change and the openness of that organization to employee inquisitiveness. Certainly, organizations today have achieved great success through open promotion of "flatter," less hierarchical management structures that actively encourage such a practice.

It follows that the questioning tendency inherent in Generation Y will be a by-product of the new employee's attempts to proactively influence their own adjustment to their new work environment. Questioning is a method of self-socialization, which serves to elicit information about the new employee's environment. Studies show that "newcomers who frequently seek information and ask for feedback have more knowl-

edge of the job and of the organization, and are more socially integrated.”<sup>35</sup> The employee’s formative years within any organization are a hugely important period of adjustment, in which the initial promises of the career are either fulfilled or belied. In organizations that have adopted institutionalized methods of socialization, this is the period where mentoring or coaching is deployed and aimed at “the affirmation of the newcomer’s own identity and quality.”<sup>36</sup> The indicated expectancy of some form of coaching on and after job commencement by the researched cadet group highlights a desire for methods of socialization that the IDF does not undertake as a formal practice. Coaching and/or mentoring is not a recognized pursuit within the Irish military, and when it is performed, while beneficial, it is entirely unregulated and informal. The annual performance appraisal system remains the sole mechanism whereby employees gain an insight into the level of their own performance against what is required or expected. Coaching and mentoring as a recognized organizational practice can serve to nurture this confident generation’s aspirations, dispel ambiguities, and promote the levels of professionalism so strenuously demanded by today’s changing military. The practice may serve to bridge the apparent disconnection between older military generations and the new cohort. It will serve to satisfy the insatiable questioning trait, and ultimately promote the career perseverance of members of Generation Y.

### **Parallel Study Possibilities**

A factor that cannot be overlooked when debating the implications of generational change for organizations is whether or not work values remain constant throughout employment, or if in fact they change as employees mature into their chosen careers. Every employee will commence their career with pre-planned priorities and aspirations, but do these values change in consonance or dissonance with their employment? Are these values more influenced by generational experiences, or by age and maturation? Does the issue of work-life balance, so important to newer generations, imply that this factor alone will dictate employment values in future years? The issue of the achievement of a balanced lifestyle permeates Irish society today, and has become a necessary focus for the continued viability of commercial organizations. Given the nature and necessarily unique culture of the Irish Defense Forces, what adjustments (if any) can be made to accommodate the future requirements of the IDF’s employees?

### **Conclusion**

The Irish Defense Forces places great emphasis on the procedures and mechanisms employed in the recruitment and selection of prospective officers. The selection process is both rigorous and demanding, and is designed to identify those persons who possess the myriad qualities that define the ethos of military leadership and management. The process produces that small percentage of those persons who display the desired requirements, the “cream of the crop,” as it were. The career motivations of today’s

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<sup>35</sup> Ardts, et al., “The Breaking in of New Employees.”

<sup>36</sup> Ibid.

generation are generally more focused and calculated than those of previous generations. The successful lure resides within the career that offers diversity and consistency of challenge. The attraction is not the safe and secure, pensionable job that provides a reasonably comfortable refuge in less economically prosperous times. The problem now for the military consists in the maintenance of that challenge on and after commissioning. Career permanence is not as powerful a value as it once was. Thus, it is the retention of the engagement of the employee that now more than ever defines the challenge for the Irish Defense Forces.

It can be argued that youthful exuberance and motivation will always indicate a desire to change occupational course when occupational challenges fail to materialize. Certainly, as generations progress and mature, and their familial and financial responsibilities increase, their values may change, and occupational security can become paramount. Today's society, however, advocates occupational change as a natural matter of course. The robust state of the Irish economy has allowed the employee to become a valuable commodity, to be traded and upgraded across the spectrum of career opportunities that present themselves. Furthermore, previous studies have illustrated that "work values are more influenced by generational experiences than by age and maturation."<sup>37</sup>

As one generation learns from its mistakes, these lessons are passed on to the next generation. The ideal for all generations, though, is to ultimately achieve the "life fully worth living."<sup>38</sup> The members of Generation Y represent the workforce of the future. As modern progressive organizations embrace the use of psychological evaluation to assess and understand the motivations of their employees, and then seek to exceed them throughout their careers, so too should the military. In an age where the challenges facing the Irish Defense Forces are diversifying, the requirement to embrace employee values that in turn thrive on challenge is paramount to the successful achievement of organizational vision. Generation Y will meet and even exceed these challenges in an environment that recognizes, respects, and accedes to its needs.

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<sup>37</sup> K.W. Smola and C.D. Sutton, "Generational Differences: Revisiting Generational Work Values for the New Millennium," *Journal of Organizational Behavior* 23 (2002): 379.

<sup>38</sup> H.A. Shepherd, "On the Realization of Human Potential: A Path with a Heart," in *The Organizational Behavior Reader*, 7<sup>th</sup> ed. (Englewood Cliffs, NJ: Prentice Hall, 2001), 146.