

## ACTION FICHE FOR MOLDOVA

## 1. IDENTIFICATION

Title:	Improving border control and surveillance capacity in the Republic of Moldova (EUBAM-flanking assistance)		
Total cost:	EUR 11 million		
Aid method / Management mode:	Project approach – centralised management and joint management with UNDP		
DAC-code:	15210	Sector:	Security system management and reform

## 2. RATIONALE

## 2.1. Sector context

The Moldova-Ukraine state border is 1,222 km long, consisting of 955 km of green and 267 km of blue border. 470 km of this border on the Moldovan side is under control of the so-called Transnistrian authorities and thus not properly controlled by the central authorities. The “internal boundary” between so-called Transnistria and the rest of Moldova is not monitored by Moldovan border guards, due to its administrative character. In order to control the movement of goods and to maintain the passenger flow, 12 Internal Customs Control Posts (ICCP) supported by police staff at the main roads leading to Chisinau were established as well as 4 railway internal check points<sup>1</sup>.

Moldova’s policy towards border management<sup>2</sup> and migration issues is, firstly, determined in the EU-Moldova Neighbourhood Action Plan, implementation of which has been declared a national policy and priority. Secondly, the Government’s policy in this regard is framed by the “Law on the Moldovan State Border” of 1994 as well as in a new “Law on the Border Guard Service of Moldova” which is under discussion in the Cabinet of Ministers since March 2007. The overarching objective identified has been the Border Guard Service’s approximation towards EU/Schengen standards, including the elaboration of a strategy towards integrated border management. These activities are supported by EUBAM. A reform of the Service’s human resources management has already been initiated and will be further supported by this project. In 2005, the Government approved a “Plan for Development and Construction of the State Border with Ukraine for the period 2006 – 2008” which is implemented following EUBAM’s advice.

<sup>1</sup> The ICCPs’ activities are reinforced by customs mobile teams. The Transnistrian region is the starting and end point of major smuggling activities which cause significant financial losses for the Moldovan (but also the Ukrainian) state budget. High-taxed goods, in particular cigarettes, are also smuggled to the EU to the detriment of the EU’s financial interests. Infrastructure at the Border Control Points (BCPs) or office space available is barely adequate for the current low level of commercial traffic and could not cope in case of an increase in the traffic flows. The infrastructure at the Green Border is also in poor condition which facilitates illegal activities. In particular the lack of adequate communication infrastructure hampers efficient border controls and monitoring. Also equipment is often obsolete and seriously insufficient (lack of night vision and other surveillance equipment, etc.). The situation at the border, combined with the political situation in Transnistria promote to a large extent criminal cross-border activities which pose a serious threat also to the EU, in particular after its enlargement in 2007 when Moldova became a direct neighbour.

<sup>2</sup> Comp. Art. 2.2 [16] of the EU-Moldova Neighbourhood Action Plan: “proper management and control of Moldova’s entire border with Ukraine, in particular the Transnistria section.”

This overall policy is also embedded in a comprehensive institutional and functional reform strategy for public authorities in the country, outlined in the *Central Public Administration Reform Strategy*, put in place by the Government as of December 2005. It comprises: (a) civil service and public sector human resources reform, (b) public financial management reform and (c) government policy and decision making reorganisation. Its ultimate goal is to make Moldovan public administration part of the European Administrative Space.

Concerning broader migration issues, the Government has approved a “National Action Plan in the area of Migration and Asylum” in April 2006. The implementation of the National Action Plan is monitored by a National Governmental Committee, established in August 2006, chaired by the Deputy Prime Minister, and the Minister of Foreign Affairs and European Integration. A national system of data and information exchange on migration is being developed by a Working Group of national authorities experts, initiated in August 2006.<sup>3</sup> The Government is also committed to fighting human trafficking; a “Law on Countering and Preventing Human Trafficking” has been adopted in October 2005. Moldova is a party to the majority of basic international treaties to fight crime and, in particular, human trafficking. The National Committee for Combating Human Trafficking, an advisory body of the Government, manages activities aimed at countering and preventing human trafficking, and ensures cooperation between public authorities and international and nongovernmental organizations.

By October 2007 the Government is expected to submit to the Parliament a “National Development Plan, NDP, 2008 – 2011”. Conceptually, the NDP focuses on five main pillars: (a) rule of law; (b) Transnistria; (c) economic competitiveness; (d) human resources development; and (e) regional development, accompanied by two main pre-conditions: macro-economic stability and public administration capacity. Border management, in particular of the border with Ukraine, and migration are potentially considered among Government's future priorities, to be re-confirmed in due time upon approval by the Government of a more detailed action plan thereon which is expected for June/July 2007.

The EC is also involved in the international efforts to peacefully settle the so-called “Transnistria conflict”. Besides actively participating in the political dialogue, the EC is also looking to stabilise the situation at the Moldovan-Ukrainian state border. Since December 2005, an EU Border Assistance Mission (EUBAM) is monitoring border and customs controls and surveillance at this border and providing to a large extent capacity and confidence building support to the partner services in Ukraine and in Moldova. In May 2006 EUBAM came up with 41 recommendations on measures required to improve control standards and to approximate them to those of the EU. Since the recommendations have also considerable financial implications for the partner services, flanking measures are required in order to achieve sustainable impact within EUBAM's deployment. This action contemplates flanking measures for the Moldovan side of the EUBAM operation.

## **2.2. Lessons learnt**

- a) Support to infrastructure development of rather complex nature requires sufficient preparation. For this reason the elaboration of an engineering plan and a blueprint have already started. All competent Moldovan services are involved in this planning and licensing phase which will create necessary ownership and ensure institutional support from the beneficiaries.

---

<sup>3</sup> Some parts of the system are already in place. The purpose is to establish a mechanism of on-line exchange of information between the relevant authorities involved in the migration management process with the support of international donors [Swedish Agency for International Development and Cooperation (SIDA), European Commission, and international organisations (such as IOM)].

- b) Delays in the implementation of projects occurred in the past were partly due to the fact that implementing and tendering rules and procedures were not clear to the beneficiaries. In the meetings held with the beneficiaries this has been clarified and accepted.
- c) During the project's preparation, all relevant services have been consulted and, upon the Border Guard Service's own initiative, a joint working group has been established. This is a rather promising development as inter-agency cooperation will be essential to ensure a timely and successful project implementation.

### **2.3. Complementary actions**

The Commission is financing some EUBAM-flanking measures (BOMMOLUK projects) under the RAPs 2003 and 2005 which build upon EUBAM's 41 recommendations of May 2006. The major objective of these projects is to support Moldovan and Ukrainian partner services in their efforts to approximate to EU standards. Under the 2006 Tacis CBC programme, communication infrastructure will be improved at the border with Romania. The project under consideration will be the logical continuation at the border with Ukraine. The EC has already financed two border management projects, in the period 2003-2005, one under RAP 2000, implemented by IOM, and another one under NAP 2001, implemented by UNDP. Both projects aimed at enhancing the Border Guards Services' capacity to conduct basic training for personnel as well as to provide them with basic border control and surveillance equipment in order to cover the Service's most urgent needs. Also the Customs Service benefited from a technical assistance programme which helped the Service to make national customs legislation compliant with EU standards. The Trade and Transport Facilitation in Southeast Europe Project, USD 9.69 million (of which USD 7.21 million IDA credit) joins a regional program under implementation for trade and transport facilitation in Southeast Europe, which aims to consolidate and modernize the customs offices and border control agencies in Moldova and other seven Stability Pact member states (closing project date – 30 September 2007). Under the U.S. Millennium Challenge Account, USD 24 million were made available for anti-corruption measures in Moldova; some anti-corruption activities are foreseen at border crossing points and certain aspects of police reform are included in the above mentioned programme.

### **2.4. Donor coordination**

Under the Paris Declaration, a sub-working group on border management and migration issues had to be established to coordinate donor activities. At national level, donors' coordination is performed by the National Committee for External Aid, chaired by the First Deputy Prime Minister. In August 2006, the Government established a Commission for Coordination of Migration, chaired by the Ministry of Foreign Affairs and European Integration, to which donors are invited as observers. General donors' coordination is undertaken at monthly donors' meetings. Coordination is also achieved through quarterly EUBAM Advisory Board and monthly EUBAM Coordination meetings. OSCE in Moldova organises regular donors and Government meetings specifically for anti-trafficking activities. These measures ensure a donor-coordinated approach and indeed, no other donor is providing assistance to the Moldovan Border Guard Service and Customs Service in this regard.

## **3. DESCRIPTION**

### **3.1. Objectives**

#### **3.1.1 Overall objective**

To approximate Moldova's<sup>4</sup> border management capacity towards EU/Schengen standards and to improve the fight against cross-border and organised crime in Moldova following the recommendations of the EU Border Assistance Mission to Moldova and Ukraine (EUBAM) aiming at supporting Moldova in fulfilling its commitments under the EU-Moldova ENP AP and the Partnership and Cooperation Agreement.

### 3.1.2 Specific objective

Implementation of EUBAM's recommendations for improving control and surveillance standards at the Moldovan-Ukrainian state border: To assist the Border Guard Service and the Customs Service in building up appropriate operational and institutional capacity in order to ensure effective border and customs controls and surveillance at the Moldovan-Ukrainian state border as well as at the internal/administrative boundary to the Transnistrian region, through the creation of a modern communication infrastructure; furthermore through the establishment of a modern training infrastructure and a human resources management system compliant with European standards; as well as the provision of border control/ surveillance equipment aiming at creating adequate border security. The support programme has to be considered in connection with the ENPI 2007 Regional Programme which provides funding for the EU Border Assistance Mission (EUBAM).

### 3.2. Expected results and main activities

- a) Communication and data transfer network established: The effectiveness of Moldova's border control/surveillance capacity is hampered by a lack of existing communication infrastructure. This encourages criminal groups to misuse the Moldovan-Ukrainian border for criminal activities or smuggling of goods. The establishment of a modern communication network will enable the Border Guard and Customs Service to counter-act such activities in a professional manner and ensure the sustainability of EUBAM's capacity building efforts towards both services. The project will focus on the Moldovan-Ukrainian border and, to a certain extent, on the internal/administrative boundary to the region of Transnistria.<sup>5</sup>
- b) Training infrastructure created and human resources management system reformed: The Border Guard Service presently lacks adequate training infrastructure. Also recruitment and training strategies, plans and curricula need to be set up in line with the EU core curriculum and best practices. The setting up of modern training facilities (Border Guards College in Ungheni) and curricula is essential for a successful implementation of the Border Guard Service's reform efforts towards European/Schengen standards. The Border Guards College in Ungheni, though being located near the Romanian border, will also have a direct impact on the management of the Moldovan-Ukrainian border through better trained and qualified staff which will be employed at the border with Ukraine.
- c) Border control/surveillance equipment delivered: Current control and surveillance abilities are limited due to a lack of modern technical resources at operational / tactical level. The project may thus also supply modern equipment in order to complement the capacity building measures conducted by EUBAM.

### 3.3. Stakeholders

Both the Border Guard Service and the Customs Service of the Republic of Moldova have been closely involved in the preparation of the action and fully support it.

#### 3.3.1 Border Guard Service of the Republic of Moldova

---

<sup>4</sup> The beneficiaries will be: the Border Guard Service and the Customs Service of the Republic of Moldova.

<sup>5</sup> The project will thus complement the Tacis CBC 2006-funded communication infrastructure project which covers the border with Romania.

The Border Guard Service of Moldova is structured into four regional departments, and its transformation from a militarily structured entity into a fully professional law enforcement service should be completed by 2010. It still includes a proportion of conscripts, being gradually replaced by professional border guards. As a result of this procedure the staffing number will in general be adequate. In the short training period foreseen for contracted staff, operational-level staff does not have the necessary knowledge, skills or experience to deal with all issues expected from a professional border guard. Passport controls at BCPs appear to be carried out in a satisfactory manner, but there seems to be little expertise in the identification of forged documents, car searching methods and the fight against illegal migration and other cross-border crime. Surveillance of the green and blue borders is generally inadequate, due to a lack of proper human resources management and inadequate technical, in particular communication means. Some equipment is obsolete and border surveillance activities of border patrols are insufficient (limited number of night vision and other surveillance equipment, etc.). In addition to the reorganization of the Border Guard Service it will be necessary to elaborate and enforce an adequate legislative framework. A sufficient legal basis will help the service to transform into a law enforcement agency with the overall responsibility for integrated border management, including the use of investigative powers for more efficient combating of illegal cross-border activities. While EUBAM assisted Moldova in the review of the corresponding draft law, its adoption is still pending in the Parliament as well as the development of an overall concept for its practical implementation.

### **3.3.2 Customs Service of the Republic of Moldova**

The Customs Service is structured in a Central Administration, Customs Offices and Customs Posts. The Service employs about 1,800 customs officers. The Customs Service is preparing the modernization of the central administration aimed at reducing the number of departments.

The Customs Service has overall adequate administrative capacity / staffing and adequate knowledge of customs rules; customs procedures appear to be normally in line with international standards (Moldova is a member of the WTO). However processing capacities are low and certain specialised skills are lacking (e.g. the implementation of transit procedures, the use of modern techniques of selectivity or risk analysis, etc). A considerable part of customs clearance of commercial traffic takes place in inland customs houses rather than at BCPs.

## **3.4 Risks and assumptions**

### **3.4.1 Assumptions underlying the project intervention**

Moldova will remain committed to public administration reform and continue supporting the Border Guard Service's Development Strategy up to 2010. The realisation of this assumption is likely since the EC-Moldova ENP AP is referring to such reform efforts and Moldova is following a national policy towards EU integration.

### **3.4.2 Risks**

Risks are mainly related to deficiencies in the reorganisation process of the Border Guard and Customs Service caused by slow decision taking, in particular as regards the adoption of a new legislative framework. Also the Government's quite limited financial resources required for a successful reform process could create some obstacles which could have a negative impact in the implementation of the project. These risks will be minimised twofold: firstly, EUBAM's activities will continue supporting the services' reform process through capacity building measures and frequent discussion with the country's political elite. Secondly, both the EC and EUBAM have carefully assessed the services' absorption capacity of foreign aid which resulted in a realistic and thorough judgement by the beneficiaries. Amongst a number of priorities, the beneficiaries decided to work on the establishment of a communication network as well as on human resources management reform (including creation of necessary infrastructure). These joint objectives will also ensure that necessary state funding will be made available for the maintenance and running of the assistance delivered.

### 3.5. Crosscutting Issues

This Programme should have a neutral impact on the environment. The programme has a significant governance dimension to the extent that the human resources' management and training component will tackle the beneficiaries' service culture towards better client orientation.

## 4. IMPLEMENTATION ISSUES

### 4.1. Implementation method

Centralised management. Works and supply contracts will be tendered by the EC Delegation. As far as external capacity development support will be required, a joint management with an international organisation, most adequately with the United Nations Development Programme (UNDP) could be envisaged since UNDP is the Commission's implementing partner for EUBAM, the project has a strong nexus with EUBAM's activities, and UNDP has already successfully implemented an EC Tacis NAP 2001-funded border management project in 2005/2006. UNDP's involvement in external capacity development support activities will thus lead to synergy effects. The contractual framework to be signed with the International Organisation will fully observe the conditions laid down in articles 53 quinquies of the Financial Regulation and 43 of its Implementing Rules. For UNDP, the general conditions of the standard model for International Organisations published on the AIDCO Website will thus supplement the Financial and Administrative Framework Agreement signed in April 2003 between the European Commission and the United Nations organisation.

### 4.2. Procurement and grant award procedures

For the component to be managed on a centralised mode, contracts implementing the action shall be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

For the component to be implemented through joint management, all contracts implementing the action shall be awarded and implemented in accordance with the procedures and standard documents laid down and published by the chosen International Organisation.

### 4.3. Budget and calendar

The indicative breakdown of overall amount by main components is shown in the following table. The project is foreseen to be implemented within 48 months after conclusion of the contract.:

	Works (in EUR)	Supplies (in EUR)	Services (in EUR)
Communication and data transfer network, including equipment	4,000,000	4,000,000	1,000,000*
Infrastructure	1,000,000	1,000,000	

\* Service component may include external capacity development support actions, supervision, visibility actions, independent reviews, and final evaluation of the Project.

#### **4.4. Performance monitoring**

The project will be monitored according to standard procedures. Project monitoring and evaluation will be based on periodic assessment of progress on delivery of specified project results and towards achievement of project objectives.

#### **4.5. Evaluation and audit**

An ex-post / impact evaluation is planned to be conducted within two years after project completion by external evaluators.

#### **4.6. Communication and visibility**

Proper communication and visibility of the measure will be achieved via widespread dissemination of project achievements and results (to be developed by the implementing partner where applicable following the EC visibility guidelines, and annexed to the Description of the Action), as well as international visibility to be achieved through public events (kick-off event, opening ceremonies for the communication and training infrastructure and handing over events for equipment) and updates published on the EC Delegation's website.