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## NEW CHALLENGES FOR PUBLIC SECURITY

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**Annotation.** New problems of public security in Lithuania draw attention to the fact that management of information as a traditional technique of police work is changing: modern social conflicts attracting police attention are much more difficult to manage because of the variety of information and sources to get them. Problem of migration, cross-border crime, road safety, crime prevention, and international cooperation are getting more important. This paper presents current issues related to national security, which occur in Lithuania in the process of globalization. This article aims to reveal the major threats emerging regional security and sought a proposal from the law enforcement authorities' activities of overall coordination, discussed priority areas of cooperation. A state as an organization is required through the creation of relevant institutions and operational procedures, to ensure order and security throughout its territory, to protect its citizens from threats. The author presents the solutions to border management, which significantly affect the security of the state, and therefore a sense of security for citizens.

**Keywords:** public security, threats, state borders.

### INTRODUCTION

This article presents actual problems, related to regional security, which occur in EU in the process of globalization. These long-existing practices of information-sharing and transnational police cooperation have accelerated in recent decades. Economic and political integration, the EU being the most advanced example, have necessitated a concomitant integration, harmonization and cooperation among laws, policies and agencies. When Lithuania struggled free from the soviet empire on March 11<sup>th</sup>, 1990, it confronted with the challenge of globalization. One of them is the tendency of illegal migration because Lithuania regarding its favorable geographical position has become a transit country between East and West. Many of migrants hope to depart to the old countries of the European Union upwards, therefore, the number of foreigners arriving both legally and illegally has significantly increased. Not everybody departs from the country; many of them leave for some time. The shortest way by land between Kaliningrad and the rest of Russia goes through Lithuania. It is natural that after Lithuania's joining the European Union, a very serious problem has appeared: how to accommodate the order of existed liberal transit with the standards of Schengen states statute-book obligatory to the European Union. Schengen Convention is

especially strict with the citizens of the third-party states transit through the Schengen space and there were no privileges foreseen to Kaliningrad transit. Kaliningrad transit problem-solving has become a challenge in the context of the European Union development; non-standard decision solving and new thinking are a must<sup>1</sup>. Nowadays one of the most important purposes of the state is to cherish opened space of Schengen Convention as the space of freedom, security and justice. Having such space it is very important to cherish and secure free people motion, respect human rights and liberty, however, take suitable measures related to the control of foreigners. It is very important to control arrival, departure and presence of foreigners in the Republic of Lithuania. Illegal migration menaces state security and new not known crime tendencies, such as illegal migration or human trade, appear.

The aim of this article is to present ways of thinking about public security as well as border management solutions which significantly influence on Lithuanian security system.

Scientific methods are applied, these are: systematic analysis, historical, synthesis, comparative, philosophical.

### **SOME ASPECTS OF THE THREATS FOR PUBLIC SECURITY**

In the scientific literature, public security is defined as freedom from threats causing risk to the survival of the state. This applies also to ensuring the territorial integrity, sovereignty and political freedom, to choosing the way and the conditions for achieving prosperity and development. Different approaches to public security create its concept in terms of value, process and state. Security is a value which should be solicited of in a permanent manner taking into account changes inside and outside the state. It is a process involving a number of different undertakings aimed at preventing the threats against all the objectives of the state. According to Lithuanian Law on basics of national security, Lithuanian national security should ensure citizens of Lithuania, their communities and organizations, the President, Parliament, Government, Army, Police, Department of State Security, other governmental bodies, which are created for this purpose<sup>2</sup>. Lithuania, like other countries is threatened by a variety of transnational phenomena (such as terrorism, organized crime, human trafficking, smuggling, illegal arms trafficking, drug trafficking, illegal

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<sup>1</sup> Janušauskas, A., Nedzinskas, E. Актуальный пример гармонизации юриспруденции Литовской Республики и Европейского Союза. // Закон и порядок : материалы I Международной научно-практической конференции (31 января 2011 г.): сборник научных трудов / Центр научной мысли. Москва.

<sup>2</sup> Greičius S., Pranevičienė B. Challenges to Lithuanian national security: Security of Society and Public Order : Proceedings of scientific articles (10) / Kaunas : MRU. 2010. Nr. 4, p. 31-40.

migration), which transcends national borders and become international security risks, dangers and threats. Lithuania is too dependant on other state's strategic raw materials and energy supply. This factor makes influence to national security and poses a threat not only to economic prosperity, but also to public safety. Illegal drugs and arms proliferation, human trafficking, illegal business and use of illegally received funds for political objectives are especially dangerous. Uncontrolled migration, spreading illegal migration and increasing emigration of Lithuanian citizens are other risk factors for national security. After Lithuania has joined European Union, controlling of migration has become one of the most important tasks. Loss of control of migration as a result of regional conflicts may become a destabilizing factor for Europe as a whole and in conjunction endanger the interests of Republic of Lithuania. Finally, there are such factors affecting Lithuanian national security as industrial accidents, natural disasters, epidemics and ecological catastrophes.

Each state's priority is national security, therefore Republic of Lithuania like every country, created the National Security Strategy, which sets forth national security interests, security policies, national security policy, national security strategy, and means and methods of risk factors, risks and threats to national security. It is noted that threats and risks to national security are very dynamic, and there are dozens of factors affecting national security: social or economic life and the political situation in the country as well. The traditional concept of security perceives the country as the main entity that has to ensure its own security and survival. Normally, creating of security strategies is concentrated on public authorities and actual execution of such strategies rarely involves members of society. It should be noted that a safe state does not necessarily mean the safety of its citizens. It is considered that protection of the citizens against foreign military attack – is a necessary, but not a sufficient condition to ensure the security of the citizens. Citizens of states that are secure' according to the traditional concept of security can be perilously insecure in terms of their daily existence. EU gradually created a huge national borders unfettered space, where people can move around unhindered without the border control. One of the cornerstones of the EU's privileges are EU citizens enshrined the right of free movement. Schengen area - is an important achievement in the development of Europe as an area of open borders. Freedom of movement means that each person is entitled to cross the internal borders at any point and no border checks are needed. The refusal of border checks at internal borders necessarily means a lack of security, since the Member States lose an important national tool to control people coming into the country, establishing their identity. What the future will bring as regards law

enforcement authorities' cooperation is difficult to predict. Given that globalization is more likely to increase overall in many areas rather than decrease, there is every reason to assume that the globalization of law enforcement authorities' cooperation will also continue. This will in the first instance involve the expansion and refinement of the existing types of cooperation. This is because the EU Treaties offers opportunities to organize law enforcement authorities cooperation not only from a more operation point of view than at present but also to make it more mandatory for the Member States. One of the core objectives of the European Union is to provide its citizens with a high level of security within an area of freedom, security and justice. That objective is to be achieved by preventing and combating crime through closer cooperation between law enforcement authorities in the Member States, while respecting the principles and rules relating to human rights, fundamental freedoms and the rule of law on which the Union is founded and which are common to the Member States<sup>3</sup>.

At the same time, each state has to provide its citizens with a sense of security, which is related to the management, including the protection of the state border. Functioning state border management system, coordinated with border security management system of the EU, is an integral component of the national and European security system. It provides freedom and smoothness of the legitimate movement of people and goods across the border. These standards are achieved while maintaining a high level of security and cohesion of the social community by protection of the border against threats to national security, the national economy, public health and the unauthorized crossing. The implementation of the statutory tasks by the services responsible for border protection and certain public institutions, which form the broader border management system, helps to raise the level of national security and a sense of security for all citizens.

Characterizing the general direction in Lithuanian foreign policy since the proclamation of its independence, it should be mentioned that from the first steps of its existence our state rushed towards the formation of good-neighbors relations both with nearby countries and other states. Active participation in proper international organizations and multilateral forums, unconditional implementation of the existing agreements as for the arms control comprise the considerable contribution of our state to strengthening of international security of XXI century. Lithuanian Constitution proclaimed that foreign political activity of Lithuania is aimed at ensuring its national interests and security by maintaining peaceful and mutually

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<sup>3</sup> Wojtaszczyk K. A. Bezpieczeństwo państwa–konceptualizacja pojęć, [in:] Bezpieczeństwo państwa. Wybrane problemy, scientific editor K.A. Wojtaszczyk and A. Materska-Sosnowska, Warsaw 2009.

beneficial co-operation with members of the international community, according to generally acknowledged principles and norms of international law. Pursuant to this Law, the President of Lithuania develops and approves the Strategy of National Security of Lithuania, the doctrines, conceptions, strategies and programs, which determine special purpose options and leading principles of military cooperation, as well as the directions for the activities of public authorities in specific situations aimed at defining, preventing and neutralization the threats to the national interests of Lithuania in proper time.

The main attribute of the state is its territory, which is the space of existence and development of opportunities for the society that changes it. The relation of state to its territory is called the sovereignty or territorial superiority. The content of this superiority is the subordination of all persons and things within the territory to the state's law and jurisdiction. It is an essential element of state sovereignty, without which it could not exist. The oldest form of the safety of participants in international life is the concept of state security. The needs and interests of the safety of the nation (or nations in the case of multinational states) are implemented by the state authorities. Care of internal stability and national security are the main tasks of the state. State politics (internal and international) should be run so as not to be conducive to the development of conflict situations and phenomena of conflict, leading to the destabilization of the internal situation and limiting state sovereignty. These tasks are also connected with the ensuring by the state authorities the security of citizens and achieving such level of state development which would allow the society adequate level of existence. Lithuanian accession to the structure of NATO, European Union and Schengen Area required a number of specific actions to shape a new security policy, international cooperation and to adapt institutions and departments responsible for national security to new tasks and challenges. In the new reality the case of state border security and its protection has not lost importance as well as theoretical and the practical relevance. Because borders provide a control function, they are also, to a greater or lesser extent, the barrier to migration of people, the free exchange of goods, money, and sometimes the possibility of cultural and ideological influence.

The integrated system of external border management is a concept introduced by European Council in 2001. It is based on the principle that better management of the Union's external border controls will help in the fight against terrorism, the organizations involved in illegal immigration and trafficking in human beings. Thus, it will have a positive impact on the security level of the Member States and their citizens. The elaborated action plan indicates

that on the legislative level common legislative solutions should be implemented, and on the operational level the implementation of joint operations of the national services responsible for the control and surveillance of external borders should be carried out. Frontex Agency, based in Warsaw, coordinates the various activities of the Member States in the management of the common border of the EU, as well as assists in the manner of conducting of these activities. Works on the software system helped to introduce a number of electronic and technology solutions called "electronic border", containing a fully automatic border checks, comprehensive systems for recording entry/exit, supervision of air traffic passengers, electronic travel authorization, the installation of technologically advanced devices on the borders and virtual gates. Besides, on the eastern and southern borders also resulted in joint operations directed against illegal immigration, establishment of Rapid Border Intervention Teams resources at the border and the register of technical equipment available to assist Member States in case of urgent and emergency situations. In the future the establishment of European border protection service or transformation of established Standing Committee on Operational Cooperation on Internal Security in a kind of ministry of internal affairs of the EU is planned.

The ongoing consolidation period of the area of freedom, security and justice enables to enhance the most valuable element of the efficient management of external borders which is mutual trust between Member States and between Member States and the institutions of the European Union. It is assumed that the intelligent use of modern technologies in border management will contribute to the fact that Europe will become more accessible for people travelling in "good faith" and stimulate innovation among enterprises in the European Union. Consequently, this will lead to greater prosperity and growth in Europe and provide a sense of security to the citizens of each country.

Border protection imposes on Lithuania a very responsible task to ensure the security of all Member States against threats from the side of undesirable people and goods within the European Union territory, while maintaining good neighbourly relations with the countries that remain outside the Union<sup>4</sup>. Lithuanian border is protected along the entire length, with particular emphasis on the maritime border and land border sections of the Russian Federation and the Republic of Belarus, which are the external border of the European Union and the Schengen Area. At the external border road, rail, sea and air border crossing points are

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<sup>4</sup> Seniutienė D., Greičius S., The Schengen Convention influence on Lithuanian Border Organization. *Jurisprudencija*. 2005. T. 73(65), p. 77-85.

located; and sea and air border crossing points support also the Schengen internal traffic. Adjusting services to the functioning in the frame of system refers not only legal or organizational regulations, but also the quality of cooperation and operational capabilities of all Lithuanian border services. The Border Guard plays key role in the Lithuanian national security system - effective protection of state border and border traffic control in accordance with the interests of national security. Another important area is monitoring and control of foreigners' migration to the territory of the country.

To fulfill standards mentioned above on the land border the procedures have been elaborated, following the premise that the majority of crossing the border people and goods moves in a legal way according to the declared purpose. The „one stop” system is a solution based on the fact that duties related to crossing the border are carried out in the same time by both the Border Guard and Customs Service officers. The idea is to introduce border and custom control at one stop of traveler. The system has an influence on the capacity of border crossings. Another element affecting the efficient management of road border crossing is the concept of the implementation of "green corridors", which is based on legal institutions "nothing to declare". The idea of „green corridor" is based on the traffic organization in which the traveler chooses "green corridor" at the time of entry at the border crossing on the side of a neighboring state, then moves the line until the end of border and customs control on the Lithuanian side, without the possibility of changing the passage on the area of border crossing and on the boundary line. The purpose of such a solution is to facilitate the crossing of state border for travellers who do not have the goods subject to customs duties or other restrictions. Border control on such line is carried out in a simplified way. To the state border management it is also necessary to maintain a clear, visible and geodesic defined border line. Except for the Border Guard important role of the safety management system of the border, is also played by other services entitled to the border protection and border checks. The Police, even though do not undertake activities directly related to physical protection of border or border control their activities deal with combating trans-border crimes, often organized, and cooperation with the Border Guard, Customs Service, tax authorities and foreign partners. In the area of district Police commands directly adjacent to the state border there is different system of duties than in the other areas that take into account the specificity of border crimes. Any violation of the state border and related crimes are on the priority place in the catalogue of threats.

In the aftermath of the World War II a paradoxical situation appeared when a territory, separated from the main territory of the state by other countries, became the part of the

Russian Federation. There were no problems concerning communication between territorial entities of the Russian Federation until the breakup of the Soviet Union<sup>5</sup>. Legal problems of this transit appeared after independence re-establishment. At the end of 1990 relationship between Lithuania and Russia started developing under totally new legal ground. Lithuania has become an independent state *de facto* and *de jure*. At the same time Russia also became an independent state which took over obligations and legislation of the Soviet Union. Furthermore it obtained all attributes of superpower – participation in international organizations and obligations in different domains.<sup>6</sup>

After long negotiation the order of the transit of Russian citizens through the Republic of Lithuania was regulated since 24<sup>th</sup> February, 1995 after the Government of the Republic of Lithuania and the Government of the Russian Federation had signed the protocol of the provisional agreement on travel of citizens of both states. This document determined that Lithuania will not disturb citizens of the Russian Federation and other persons to travel through the territory of the Republic of Lithuania. It was decided in the agreement that officers of the appropriate authorities of the Republic of Lithuania might execute customs and passport control of the Russian Federation citizens detained in the territory of Lithuania when the train had stopped. The issue of traveling of residents of the Kaliningrad region through Lithuania's territory to other domains of the Russian Federation was raised in the negotiations between the Republic of Lithuania and the EU regarding Lithuania's accession to the European Union. After Lithuania would have joined the EU, the Kaliningrad region would remain surrounded by the European Union and would have no communication with the main part of the Russian Federation by overland route without crossing one of the EU countries. Lithuania had always emphasized in the negotiations that it is a relevant issue concerning not only Lithuania but the whole European Union. Lithuania declared that Kaliningrad transit should not cause any negative outcomes for Lithuania and should not prevent subsequently joining Schengen area. Since 1<sup>st</sup> February, 2003 Lithuania strengthened the order of the Russian Federation citizens traveling through the territory of Lithuania. The Government of the Republic of Lithuania endorsed Special Program of the Kaliningrad Transit by the resolution No. 594 of 30<sup>th</sup> May, 2005. Police department was entrusted to control and coordinate the activity of territorial police institutions when implementing proper control of

<sup>5</sup> Kretinin, G. The Russian-Lithuanian Relationship: The regional aspect. [in] Lithuanian Foreign Policy review. 2000. p. 50-61, 94-95.

<sup>6</sup> Baxendale, J. Dewar, S., and Gowan, D. (ed.). The EU&Kaliningrad. Kaliningrad and the Impact of EU Enlargement. Federal Trust of Education and Research. 2000.

transit trains going to/from Kaliningrad region through Lithuania on purpose to prevent illegal exit of passengers or dropping things from these trains; also proper control of persons going to/from Kaliningrad by means of land transport through Lithuania; the actions of police officers working in the transit territories and next to internal EU borders on purpose to ensure control of foreigners and transit transport within the territory of Lithuania.

The only requirement for control in overland routes is that transit cannot exceed 24 hours. As streams of cars are very big (about two million cars per annum) no systemic checks of roads transit are performed because strict control of cars' transit is impossible without special restraints, such as strict determination of cars' course etc. However, police officers accomplish various general format observations and promptly react to all infringements related to transit on purpose to ensure adequate security of traveling by cars. Besides common efforts of both police and other institutions in the field of foreigners' control give positive preventive results. Every year police officers execute more and more objective measures on purpose to ascertain persons violating order of transit through the territory of Lithuania. Number of infringements found during the measures considerably decreased in comparison to other years. Pursued objective measures and cooperation with neighbor countries and State border guard service at the Ministry of Interior give positive results in the field of Kaliningrad transit control. However, on purpose to ensure constant and efficient control of persons traveling from/to Kaliningrad region through Lithuania and to ensure transit of carriers and means of transport within the country it is necessary to improve informative and communication systems, develop and implement new technologies, stationary systems of scanning vehicle registration numbers, maintain, support and improve implemented traffic control system and purchased special equipment. Available vehicles had to be renewed and other modern technical measures had to be purchased while enforcing the Kaliningrad transit program that police could implement the set tasks. At the beginning of the implementation of the Kaliningrad transit program urgent trainings for police officers had to be organized under different programs on purpose to present officers the provisions of Schengen Convention, regulation of their implementation, possibilities of information systems' application and possible methods for falsification of foreigners' travel documents, principles of visas issue and procedures of granting political asylum.

## CONCLUSIONS

Traditional security concept is based on the idea that all public or individual interests are subordinated to national interests. Therefore, it is essential to protect national borders, institutions, values and people. The main objective of the state is to protect the country from external aggression and to preserve the integrity of the State. The national security interests of Republic of Lithuania are linked to the sovereignty, territorial integrity, democratic constitutional order and the preservation of civil society, respect for human rights and freedoms and the protection of their implementation. Lithuania like other countries is threatened by military, political, economic, social and environmental threats. A variety of transnational phenomena, such as terrorism, organized crime, human trafficking, smuggling, illegal arms trafficking, drug trafficking, illegal migration, which transcends national borders, and become potential threats to Lithuanian national security. Lithuania is too dependent on other state's strategic raw materials and energy supply. This factor makes influence to national security and poses a threat not only to economic prosperity, but also to public safety.

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## GRĖSMĖS ŠALIES VISUOMENĖS SAUGUMUI

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### Anotacija

Straipsnyje analizuojami aktualūs klausimai, susiję su visuomenės saugumo problematika. Akcentuojamas profesionalus policijos ir kitų tarnybų darbas, sprendžiant aktualias visuomenės saugumo problemas - nelegalios migracijos užkardymo ir tarptautinio bendradarbiavimo aspektus tiriant grėsmes visuomenės saugumui. Šios problemos išryškėjo globalizacijos proceso pasėkoje,



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Lietuvai tapus Europos Sąjungos ir daugelio tarptautinių institucijų nare. Straipsnyje pateikiamos pagrindinės grėsmės šalies visuomenės saugumui ir teikia siūlymus kaip apsaugoti savo piliečius nuo šių grėsmių – užtikrinti rezultatyvų tarpinstitucinį ir tarptautinį bendradarbiavimą, organizuoti ir priimti efektyvius valstybės sienos apsaugos valdymo sprendimus, teisiškai motyvuotai reguliuoti trečiųjų šalių piliečių tranzitą per šalies teritoriją, kovoti su nelegalia migracija.

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**Pagrindinės sąvokos:** visuomenės saugumas, grėsmės, valstybės sienos apsauga.

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