

2nd day of the Twelfth Meeting
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DECISION No. 2/04
ELABORATION OF AN OSCE BORDER
SECURITY AND MANAGEMENT CONCEPT

The Ministerial Council,

Guided by the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century and, in particular, its paragraph 35,

Committed to promoting open and secure borders in a free, democratic and more integrated OSCE area without dividing lines,

Recalling the principles and commitments of the Helsinki Final Act, all of which apply equally and unreservedly, each of them being interpreted taking into account the others,

Recalling the principles and commitments contained in the Helsinki Document 1992 and in the Charter for European Security 1999,

Recalling the action plans, decisions and other relevant agreed OSCE documents, including documents in the politico-military, economic and environmental, and human dimensions addressing, among others, border issues,

Reaffirming that border security and management is a matter of national sovereignty and should be in accordance with international law, in particular international human rights, refugee and humanitarian law, and relevant OSCE commitments, as a prerequisite for good-neighbourly relations,

Welcoming the work carried out in 2004 by the Permanent Council informal Working Group on Borders,

Decides as follows:

- That the Permanent Council will continue its work on the elaboration of an OSCE Border Security and Management Concept with the firm intention to complete it by the Ministerial Council in 2005;
- That, in developing the Concept, the OSCE participating States will be guided, *inter alia*, by the following objectives:

- To promote the free and secure movement of persons, goods, services and investments across borders in conformity with relevant legal frameworks, international law and OSCE commitments;
- To reduce the threat of terrorism, including by preventing cross-border movement of persons, weapons and funds connected with terrorist and other criminal activities;
- To prevent and repress organized crime, illegal migration, corruption, smuggling, and trafficking of weapons, drugs and human beings;
- To promote co-operation between border services, and between specialized national authorities and agencies of participating States;
- To encourage high standards of their border services and specialized national authority and agency structures;
- To ensure a dignified treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks, international law, in particular human rights, refugee, and humanitarian law, and relevant OSCE commitments;
- That the work on the Concept will be carried out in a special working group of the Permanent Council. The Forum for Security Co-operation will make its own contribution to this work within its competencies and mandate, and in accordance with Bucharest Ministerial Council Decision No. 3 on Fostering the Role of the OSCE as a Forum for Political Dialogue. Progress on the work will be reviewed, as required, at joint meetings of the Permanent Council and the Forum for Security Co-operation;
- That the work on developing the Concept to be carried out by the special working group will be guided by the common considerations contained in annex to this Decision.

COMMON CONSIDERATIONS OF THE INFORMAL WORKING GROUP ON BORDERS FOR THE DEVELOPMENT OF AN OSCE BORDER SECURITY AND MANAGEMENT CONCEPT

The participating States agree on the common objectives of promoting freedom of movement of people, goods, services and investments, and to jointly address the problems related to these movements.

The border services of participating States, acting in conjunction with their respective specialized national authorities and agencies, will co-operate towards this objective.

Issues of a regulatory nature raised by cross-border movements can be addressed through direct co-operation between the specialized national authorities and agencies of the participating States, based on bilateral agreements. In particular, circumstances that would allow liberalization of visa regimes deserve to be encouraged.

Direct contacts between border services and between specialized authorities and agencies of participating States may take place bilaterally or multilaterally, including on a regional basis, depending on specific border-related issues.

Pursued along these lines, border management can improve the prospects for joint economic development. It would also help establish common spaces of freedom, security and justice in which participating States can share the benefits of integration processes in the OSCE area.

Sovereign national authorities and in particular the border services responsible on each side of the border have the best knowledge of the issues at hand. Cross-border dialogue, transparency and confidence building constitute the first step required to generate solutions with added value for the benefit of all.

Borders in the OSCE are not uniform. Every border has a particular character and may require specific policy choices. Each participating State has the sovereign right to choose how to secure and manage its borders, taking into account relevant political, military, economic and social considerations.

In keeping with its concept of common, comprehensive, co-operative and indivisible security, the OSCE constitutes an appropriate political framework and offers the services of its structures and institutions for contributions if participating States so request.

International assistance and co-operation could benefit from a more target-oriented and co-ordinated approach. The OSCE should therefore contribute to political and operational co-ordination with other international organizations and institutions promoting open and secure borders.

As a regional arrangement under Chapter VIII of the United Nations Charter, the OSCE is also a forum for co-operation with other regional organizations in its area. Increased

co-ordination between States on border security and management at a regional level may constitute a stepping stone towards the OSCE-wide establishment of open and secure borders.

Commitments of the OSCE participating States related to border security and management may also be shared by the Partners for Co-operation, on a voluntary basis.