

Experience of border guard units of the leading countries in countering terrorism and prospects for its implementation by the state border guard service of Ukraine

PhD. Roman LIASHUK¹

Post-graduate student Valeriy VYCHAVKA²

Abstract

The article reveals the results of the study of experience of border guard units of the world's leading countries on combating terrorism and formulation of the prospects of its implementation in the State Border Guard Service of Ukraine (SBGSU). The research was carried out using the methods of legal comparative studies, that is, by comparing the legal support of counter-terrorism units of the state border protection in the leading countries of the world and Ukraine. Based on this, proposals for the improvement of anti-terrorism bodies of the State Border Guard Service of Ukraine have been formulated. Ukraine should use the foreign experience in this sphere, namely: create anti-terrorism legislation, which is accurate, clear, addressing real threats; to recognize all terrorist acts as criminal; define the system of bodies engaged in combating terrorism, including border guard authorities, giving them sufficient competence; assign the bodies of the State Border Guard Service of Ukraine anti-terrorism functions; interact with the border guard agencies of different countries in the context of counter-terrorism activities and exchange of information; apply the latest technical and software developments with investigation and identification of terrorists and means of terror; strengthen anti-terrorist activities during border control.

Keywords: terrorism, countering terrorism, State Border Guard Service of Ukraine, units of the border protection, the state border of Ukraine.

JEL Classification: K14, K19, K33

1. Introduction

The global and wide scale nature of terrorist activity in the world began to emerge in highly developed countries long before terrorism and terrorist acts started spreading in Ukraine. Although today has not yet been developed an effective algorithm to eradicate this criminal phenomenon in the framework of international law, the police of the USA, Israel, France, UK and other countries have their own time-tested solutions to prevent conducting, distribution, localization, and minimization of consequences of terrorist activities. This experience should be studied, analyzed and implemented taking into account national specifics of the anti-terrorist activity of the state border protection bodies of Ukraine. It is worth noting that the closer is the state policy of Ukraine towards

¹ Roman Liashuk - Doctor of juridical sciences, National Academy of the State Border Guard Service of Ukraine named after Bohdan Khmelnytskyi, Ukraine, roman423245q@gmail.com.

² Valeriy Vychavka - National Academy of the State Border Guard Service of Ukraine named after Bohdan Khmelnytskyi, Ukraine, v251287@gmail.com.

the EU and developed countries, the more acts of terror are observed in Ukraine.

Peculiarities of counteracting terrorism on the state border depend on general political, law enforcement and national tendencies of development of opportunities of counteracting this criminal phenomenon in world practice. Many scientists have studied common issues of foreign experience in countering terrorism. Although, the question of foreign experience of the border protection units to counter terrorism has not been raised in the scientific papers yet.

Constant updating and improvement of modern forms and methods of terrorist activities requires a comprehensive approach to their counteraction. In this regard, there are scientific discussions in international practice, normative improvement of national and international legislation is being carried out, reforming the competent (law enforcement) bodies in accordance with the existing terrorist threats takes place, and also various organizational, information, technical and other measures are taken.

The fight against terrorism at the level of one country alone has no prospects. The threat to the security of the individual, society and the state has led most countries of the world to resort to the development and adoption of legislation to combat terrorism and the creation of special anti-terrorist units³.

The purpose of the article is to study the experience of the border protection units of developed democratic countries on countering terrorism and prospects of its introduction by the SBGSU.

The novelty of the article lies in the definition of doctrinal approaches and characteristic features of the legal regulation of the activities of the state border protection units of the leading countries of the world on counter-terrorism. Based on this, proposals for the improvement of countering terrorism by the bodies of the State Border Guard Service of Ukraine are formulated. The research was carried out using the methods of legal comparative studies, that is, by comparing the legal support of counter-terrorism units of the state border protection in the leading countries of the world and Ukraine.

2. Countering terrorism by U.S. border protection units

In the United States in October 2001 in order to strengthen the fight against terrorism, the Federal law "Patriot Act" (USA PATRIOT Act) was adopted⁴. The Act has enhanced the capacity of law enforcement, special services

³ Петриченко В. Г., *Закордонний досвід проведення антитерористичних заходів. «Порівняльно-аналітичне право»*. 2014. № 1. 194–197 (Petrychenko V., *Foreign experience of anti-terrorist measures*, "Comparative and analytical law", 2014, no. 1. 194-197).

⁴ Uniting and Strengthening America by providing appropriate tools required to intercept and obstruct terrorism (USA PATRIOT ACT) Act of 2001/Public Law 107-56. OCT. 26, 2001. URL: <https://www.gpo.gov/fdsys/pkg/PLAW-107publ56/pdf/PLAW-107publ56.pdf>, consulted on 13.09.2019.

and national security agencies to prevent terrorism⁵.

At the same time, the Department of Internal Security was created, which later turned into Department of Homeland Security. Among the structural units, the bodies responsible for the protection of the state border: Customs and Border Protection (CBP) and United States Coast Guard (USCG)⁶.

The activity of all agencies of the Department of Homeland Security (hereinafter – DHS) is aimed at the implementation of the main task – to prevent terrorism and improve security, border management, combat cybercrime, guarantee the safety of US citizens. The US DHS⁷ is vested with broad powers, from monitoring the borders of the country to the analysis of reports and information of intelligence agencies and the development of anti-terrorist operations, by coordinating the activities of Federal agencies that ensure public safety in the implementation of the National strategy to protect the US from terrorist threats. The USA DHS coordinates the activities of the executive branch services for the timely identification of possible terrorist threats, as well as the development of adequate measures in response. The coordination function of DHS is to provide information about terrorism that comes from government agencies and services within and outside the state. The Ministry organizes independent state services responsible for the protection of the population from terrorism, as well as their units. At the same time, the FBI and the CIA remained independent government agencies, although they must provide information to the analytical units of DHS.

In addition to strengthening the organizational component of law enforcement in combating terrorism, 36 types of crimes in the United States were legally recognized as terrorist, the rights of subjects of fight against terrorism were expanded, punishments were made harder, and a number of preventive measures to counter the terrorist threats were developed⁸.

The need to strengthen the fight against international terrorism led in 2003 to the reorganization of the structures responsible for the protection of the US border. So, a new state body – Customs and Border Protection (CBP), began operations on March 1, 2003 by merging the Ministry of agriculture, the Department of immigration and citizenship and the Department of anti-terrorist activities⁹.

⁵ Мокляк В. В., *Сучасний досвід США у сфері запобігання тероризму*, «Питання боротьби зі злочинністю», 2017. № 34. 219-228. (Moklyak V., *Modern US experience in the field of terrorism prevention*, "Questions of fight against crime", 2017, no. 34, pp. 219-228).

⁶ Operational and Support Components. URL: <https://www.dhs.gov/operational-and-support-components>, consulted on 13.09.2019.

⁷ Homeland Security. Our Mission. URL: <https://www.dhs.gov/our-mission>, consulted on 13.09.2019.

⁸ Kucheruk M., *National anti-terrorist legislation as the basis of international legal counter-terrorism*, „Studii juridice universitare”, 2016, Year IX, No. 3–4 (35-36), pp. 197-204.

⁹ Ченцов В. В., Таранова С. В. *Управління митною справою в США: організаційні аспекти*. «Державне управління та місцеве самоврядування». 2009. № 3(3) [Chentsov V., Taranova S.

Today, CBP is one of the largest and most comprehensive agencies of the U.S. Department of Homeland Security that deals with the prevention of terrorism and terrorist weapons that infiltrate the U.S., regulation and facilitation of trade, collection of customs duties and protection of U.S. trade laws¹⁰.

CBP's first priority is to prevent terrorists and terrorist weapons from entering the US. All efforts to protect the border, including their tasks to protect immigration, customs, trade, agricultural and other legislation, are aimed at preventing terrorism.

CBP focuses its resources on identifying and responding to high-risk passengers and vehicles. It also adopts a multi-faceted law enforcement approach based on risk management through the use of accurate information, the most advanced inspection, available scanning technologies, modernized cargo handling systems and international partner programs¹¹.

CBP's activities focus on three interrelated goals:

- a) effectively protect U.S. air, land, and sea ports of entry;
- b) ensuring the protection and enforcement of legitimate trade and travel;
- c) identification and prevention of transnational criminal and terrorist organizations¹².

So, Customs and Border Protection Service of the United States main task is to prevent the entry of persons involved in terrorism and importing means of terror. To do this, border guards use modern techniques, methods of identifying such persons (risk assessment, scanning technology, etc.). In case of detection of a high level of suspicion of persons entering the territory of the United States border guards may deny the right of entry.

3. Terrorism counteraction by the border protection units of the EU countries

In the EU countries, various law enforcement agencies are structural elements of a single law enforcement system, so they elaborate and carry out joint counteraction to terrorist activities. In general, the EU is constantly implementing consistent measures to improve the efficiency of border protection, especially in

U.S. customs administration: organizational aspects, "Public administration and local self-government", 2009, no. 3(3), URL: [http://www.dridu.dp.ua/vidavnictvo/2009/2009-03\(3\)/09cvvsoa.pdf](http://www.dridu.dp.ua/vidavnictvo/2009/2009-03(3)/09cvvsoa.pdf), (consulted on 13.09.2019).

¹⁰ Ляшук Р. М., *Адміністративно-правове забезпечення діяльності відділів прикордонної служби Державної прикордонної служби України*. дис.. доктора юрид. наук. Київ, 2016. 541. (Liashuk R., *Administrative and legal support of the activities of the departments of the border service of the State border service of Ukraine*. dis. Dr. Jurid. sciences'. Kyiv, 2016, p. 541.).

¹¹ Таранова С. В., *Особливості функціонування митної служби США*. «Публічне адміністрування: теорія та практика». 2010. № 1(3) [Taranova S., *Features of the functioning of the U.S. customs service*, "Public administration: theory and practice", 2010, no. 1(3)], URL: <http://www.dridu.dp.ua/zbirnik/2010-01/10tsvmss.pdf>, (consulted on 13.09.2019).

¹² Secure and Manage Our Borders. URL: <https://www.dhs.gov/secure-and-manage-borders#> (consulted on 13.09.2019).

the areas of combating economic crime, illegal migration, cross-border activities of organized criminal groups and terrorism¹³.

Interesting for our study is the activity of the Federal border guard authority of Germany (Bundsgrenzschutzgesetz-BGSG), which is a special kind of police units and is directly under the jurisdiction of the Federal Minister of the Interior. It was founded by the Act of 16 March 1951¹⁴.

In addition to the linear units of the BGSG, Germany has experience of using of special units for the protection of complex areas of the border. So, since 1972 by the order of the Ministry of Internal Affairs in Germany was created so-called "group 9" (GSG-9 by paragraph number of the law on the use of parts of the BGSG in the lands). This unit is designed to combat terrorism and other most dangerous crimes and maintains a constant readiness for action.

"Group 9" is staffed with snipers, sappers, submariners, paratroopers, chemists, electrical engineers, radio operators and other technical specialists. Its employees receive not only practical skills of armed actions and self-defense, but also knowledge in the field of psychology and law. The group is equipped with the latest weapons, powerful transporters and helicopters.

Structurally, GSG-9 consists of a headquarters and five teams, four of which are operational and a fifth is information gathering and communications. Each task force (30 people) consists of a control section and 5 combat sections¹⁵.

Experts from Western countries consider the "group-9" the most effective in the world among the specialized units regarding implementation of combat anti-terrorist operations.

The Council of the EU in 2001, after a series of terrorist attacks, decided to create an international organization, which was named ATLAS. The purpose of its creation was to protect EU Member States from organized criminal and terrorist structures, improve cooperation in the fight against terrorism between EU countries and adoption of concerted measures to guarantee a high level of security¹⁶.

The European border and coast guard Agency (FRONTEX) has been established to integrate the national border security systems of the member States

¹³ Ляшук Р. М., *Адміністративно-правове забезпечення діяльності відділів прикордонної служби Державної прикордонної служби України*. дис.. доктора юрид. наук. Київ, 2016. 541. (Liashuk R., *Administrative and legal support of the activities of the departments of the border service of the State border service of Ukraine*. dis.. Dr. Jurid. sciences', Kyiv, 2016, p. 541).

¹⁴ Stümper A., Die Grenzschutzgruppe 9(GSG-9) und die Länderpolizeien. *Kriminalistik* is. 1974, no. 28, pp. 21-25.

¹⁵ Звезинський С. С., Іванов В. А., Барсуков А. Б. та ін. *Охорона сухопутних кордонів США*. Сайт Бюро науково-технічної інформації (Zvezhinsky S., Ivanov V., Barsukov A., *Protection of U.S. land borders*. Website of the Bureau of scientific and technical information), URL: <http://www.bnti.ru/showart.asp?aid=905&lvl=19.01>, (consulted on 13.09.2019).

¹⁶ Чумак В. В., *Організаційно-правова модель діяльності поліції країн Балтії щодо протидії тероризму: перспективи реалізації позитивного досвіду в Україні*. «Вісник Кримінологічної асоціації України». 2016. № 3 (14). 22-32. (Chumak V., *Organizational and legal model of police activity in the Baltic States to counter terrorism: prospects for the implementation of positive experience in Ukraine*, "Bulletin of the Criminological Association of Ukraine", 2016, no. 3 (14), pp. 22-32.).

with respect to all possible threats, both at the internal and external borders of the EU and to harmonize joint border activities¹⁷.

Frontex, in cooperation with EU member States, plays an important role in the fight against terrorism and other cross-border crimes. Today, hundreds of border security professionals who participate in Frontex operations perform registrations, document checks, and information gathering at the border. All these actions help Member States to identify suspected terrorists or persons involved in these criminal activities. Frontex also regularly provides Europol intelligence services with such important information. Checks and controls at the external borders remain one of the main guarantees for the security of the Schengen area and its citizens¹⁸.

To enhance its ability to monitor external borders and provide information collected by EU Member States, Frontex has deployed multi-purpose air surveillance (MAS), which allows aircraft that monitor external borders to transmit live video and other information directly to Frontex headquarters and other EU countries. The Agency also verifies the use of remotely piloted aircraft (RPAS) for border surveillance in several European countries. The Frontex situation centre (FSC) is now open 24 hours a day, seven days a week and offers new EUROSUR information synthesis services to Member States, including satellite imagery and MAS.

Collecting intelligence on people suspected of cross-border crime, including terrorism, is an integral part of the Agency's activities at the external borders. Frontex is already exchanging more and more information with Europol and EU Member States¹⁹.

Under the auspices of FRONTEX, border control operations are carried out in order to neutralize the activities of illegal transportation of people in the southern and South-Central part of the Mediterranean – TRITON (Southern Mediterranean off the Italian coast) and POSEIDON (in the Aegean sea off the coast of Greece)²⁰.

Nowadays, the European Agency for border and coast guard, FRONTEX shows effective and positive dynamic development not only in the protection of the external borders of the EU, but in the sphere of countering terrorism and other threats. With this purpose FRONTEX promotes, coordinates and develops the management of European borders applying the concept of Integrated border

¹⁷ Калюжний Р. А., Кушнір І. П. *Правове забезпечення взаємодії публічної адміністрації у прикордонній сфері* : монографія. Київ, 2015. 224. (Kaliuzhny, R., Kushnir I., *Legal support of interaction of public administration in the border guard sphere*: monograph. Kyiv, 2015, p. 224).

¹⁸ Frontex. Security. Does Frontex play a role in combatting terrorism? URL: <https://frontex.europa.eu/faq/security/>, consulted on 13.09.2019.

¹⁹ Frontex. News release. Frontex marks two years as the European border and coast guard agency. URL: <https://frontex.europa.eu/media-centre/news-release/frontex-marks-two-years-as-the-european-border-and-coast-guard-agency-ECWley>, consulted on 13.09. 2019.

²⁰ Резнікова О., *Актуальні питання протидії тероризму у світі та в Україні* : «Аналітична доповідь». Київ, 2017. 60. (Reznikova O., *Topical issues of countering terrorism in the world and in Ukraine*, "Analytical report", Kiev, 2017, p. 60).

management. Checks and controls at the external borders remain the main guarantee of the security of the Schengen area and its citizens. In order to counter terrorism in the EU increased attention is paid to the verification of documents and collection of information at the border. The latest technologies are used – multi-purpose air surveillance (MAS), remotely piloted aircraft (RPAS) to obtain timely information about the situation near the border.

One of the newest counter-terrorism measures in the activities of border guard units in the EU is the use of criminal profiling of potential terrorists. Such profiling is carried out to determine the identity of an unknown terrorist based on the analysis of intelligence or information from the places of committing terrorist acts, as well as statistics relating to such phenomena²¹.

Significant importance in the recognition of persons who intend to commit a terrorist attack is the technology of biometric identification of persons, which is being increasingly implemented recently. The growing interest in these technologies is explained by their rapidly growing efficiency and the possibility of using them in countering terrorist threats.

Increasing the efficiency of biometric identification technologies is provided by the growth of computing power, which makes it possible to quickly search in large databases of biometric features and allows real-time implementation of more complex and effective algorithms and sets of biometric features. The essence of human identification is to search in the most complete database of samples that are most similar to the one that is identified. The facial image identification system has a number of advantages: the absence of physical contact with the data input device (the person mustn't necessarily look into the video camera), secrecy, availability of data and ease of obtaining them²².

Such technologies have already been introduced. In particular, after the terrorist attacks in Paris in France, public transport management began to develop various measures to ensure the safety of passengers. After the prevented attempt to attack passengers of the Thalys train in the summer of 2016, software and hardware complexes with cameras, sensors and frames with metal detectors were installed at all international stations. The program of recognizing terrorists is capable of registering abnormal changes in voice, body temperature, gait, and then, based on the analysis of these data, warn of suspicious behavior of a passenger. Experts familiar with the technique of analyzing the behavior of passengers, note that it is possible to determine in advance the potential danger of a person who intends to

²¹ Бернацький А., Навроцькі Д., *Посібник з протидії терористичним загрозам з використанням кримінального аналізу та аналізу ризиків : для аналітиків ризику та кримінальних аналітиків ДПСУ*. Київ : ОБСЄ, 2016. 156. (Bernatsky A., Nawrocki D., *Handbook on countering terrorist threats using criminal analysis and risk analysis: for risk analysts and criminal analysts of the SBGSU*. Kyiv: OSCE, 2016, p. 156).

²² Парфіло О. А., Леонов Б. Д., *Застосування сучасних технологій і методів виявлення та розпізнавання осіб, які мають намір вчинити теракт*. «Інформація і право». 2018. №1(24). 121-126. (Parfilo A., Leonov, B., *Application of modern technologies and methods of detection and recognition of persons who intend to commit a terrorist act*, "Information and law", 2018, no. 1(24), pp. 121-126).

commit a terrorist attack. In addition, the company is testing another program that is able through the same video surveillance cameras to detect left at train stations and other public places packages with explosives²³.

A facial recognition system is being tested at the Sudkreuz railway station in Berlin, which is designed to improve the safety of people in public places. Video cameras of this system are located at the check point and the system records all passengers crossing the control line. When identifying signs of similarity of the passenger with the wanted criminal (which is wanted not only for crimes of a terrorist nature, but also for other illegal acts), the system signals to the police²⁴.

There is a street network of cameras with similar recognition algorithms in London City. Welsh police began testing similar technology during the Champions League Final in London. Cardiff. If the experience is considered successful, UK law enforcement hopes to expand the use of new techniques to prevent crime. They can be used to ensure public and national security, for example, to control the situation at airports²⁵.

4. Countering terrorism by Israel border protection units

One of the countries with a powerful counter-terrorism system is Israel. On a national scale an active role in the fight against terrorism is played by the Israeli border police, which has recently been called the "green police" (by the color of berets and everyday uniforms) or the gendarmerie (by analogy with structures that perform the same tasks in European countries). Although it performs some of the functions of the armed forces, it is not directly subordinate to the Ministry of Defence. Unlike similar formations, as for example, in France, Italy, Spain, it is not subordinate only to the Ministry of Internal Affairs, and is an integral part of the national police²⁶.

The Israel Border Guard was formed in 1953. At first, it was faced only with the task of countering illegal border crossings by Bedouins. However, over

²³ Железные дороги Франции тестируют программу распознавания террористов (*Railroads are testing programs to identify terrorists*), URL: <http://ru.rfi.fr/frantsiya/20160118-zheleznyedorogi-frantsii-testiruyut-programmu-raspoznavaniya-terroristov>, (consulted on 13.09.2019).

²⁴ У Берліні тестують систему розпізнавання облич у громадських місцях (*Berlin is testing a facial recognition system in public areas*), URL: <https://www.unian.ua/world/2059939-u-berlini-testuyut-sistemu-rozpiznavannya-oblich-v-gromadskih-mistryah-foto.html> (consulted on 13.09.2019).

²⁵ Атака на Лондон: 15 главных мер в борьбе с террором (*Attack on London: 15 main measures in the fight against terror*), URL: http://www.bbc.com/russian/uk/2015/07/150707_london_bombing_changes (consulted on 13.09.2019).

²⁶ Ляшук Р. М. Адміністративно-правове забезпечення діяльності відділів прикордонної служби Державної прикордонної служби України. дис.. доктора юрид. наук. Київ, 2016. 541. (Liashuk R., *Administrative and legal support of the activities of the departments of the border service of the State border service of Ukraine. dis.. Dr. Jurid. sciences'*. Kyiv, 2016, p. 541.).

time, the functions of this organization have changed significantly. This was due to the ever-increasing number of terrorist acts committed in the country and in the occupied territories, as well as the need to combat illegal groups armed with heavy weapons that operated in the border areas (militants of extremist Palestinian groups and the Lebanese organization "Hezbollah").

The Israeli Border Guard is tasked with providing security in urban and rural areas, as well as guarding sea and air ports and other vital industrial, agricultural and infrastructure facilities. Foreign military experts note that to date, the Border Guard of Israel has become the main force of the national police to conduct counter-terrorist operations²⁷.

The main organizational and tactical unit of the Israeli border guard is a company. This border guard unit is characterized by the flexibility of its management, the speed of deployment, the ability to perform various operations to ensure public order and timely response to any terrorist attacks.

The professionalism of the Border guard of Israel is "honed" by the constant terrorist and military threat, but undoubtedly it is operational and timely management of units, and a high level of training and other factors that are important to take into account in the activities of the SBGSU.

5. Global experience in countering terrorism at the state borders

Specialists of the leading countries of the world continue to develop software products and technical solutions, performance of which isn't affected by the intensity of lighting, race and age of the person, change of hair, makeup, glasses, and other factors.

Thanks to neural networks, computer vision systems have achieved record accuracy in facial recognition. A person's face is almost unmistakably recognized in ordinary photographs, even those where the face is only partially visible. Created algorithms that take into account even the clothes, gait and age of the person. For example, OpenFace in 80% of cases was able to identify persons on the changed by "aging" method of photos of people.

In connection with the need to recognize and identify persons who intend to commit a terrorist act, O. Parfilo and B. Leonov concluded that it is necessary to introduce a number of measures to counter terrorism in Ukraine, which can be used at checkpoints across the state border. Namely: the installation of several special stereo cameras synchronized with each other to implement the optimal method of facial recognition (3D-recognition); strengthening the interaction of law enforcement and intelligence agencies, including through the exchange of information about a terrorist organization and terrorist fighters, including their biometric identification data; the introduction of software and hardware complexes

²⁷ Нестьоркін В. *Прикордонна охорона Ізраїлю* (Nesterkin V. *Israel border guard*), The Website Woenoedelgo. URL: http://www.soldiering.ru/country/asia/israel/frontier_troops.php (consulted on 13.09.2019).

of biometric identification of a person in law enforcement will create technical capabilities to identify persons involved in terrorist and other illegal activities²⁸.

Summarizing world experience in the field of development of counter terrorism policy, L. A. Kiriienko determines that the current national surveillance systems are a set of the following elements: 1) anti-terrorism legislation and the justice system; 2) the activity of law enforcement bodies, special services and agencies that provide the security (including intelligence); 3) the work of the special counter-terrorist groups; 4) the creation of the national antiterrorist centers; 5) development of measures to combat extremism; 6) developing and carrying out anti-terrorist operations; 7) services that eliminate the consequences of terrorist attacks; 8) the participation of civil society institutions; 9) support media in anti-terrorist work; 10) solid material and technical base (sophisticated means of communication, computer technology, high-quality modern transport and infrastructure)²⁹.

According to the analytical data of the National Institute for strategic studies, the current trends in counter-terrorism have been identified:

1. Strengthening international cooperation and exchange of information between countries on counter-terrorism issues. Another step in this direction was adoption of the Resolution No. 2322 (co-sponsored by Ukraine) on December 12, 2016 at the meeting of The United Nations Security Council, calling on States to strengthen and expand interstate cooperation and mutual assistance in the fight against terrorism, exchange of information regarding terrorist organizations and terrorist fighters, including their biometric and biographical data. Long-term cooperation on counter-terrorism between the United States and the European Union covers the issues of countering financing of terrorism, illegal migration, foreign terrorist fighters, simplified extradition procedures and enhanced legal cooperation³⁰.

2. Strengthening of interaction and exchange of information, strengthening of border control on counter-terrorism between the competent authorities at the national level.

3. Strengthening of the terrorism prevention, including countering radicalization. With this purpose many countries have introduced and implemented specialized programmes aimed at preventing the spread of extremist views in society, preventing the involvement of young people in terrorist organizations,

²⁸ Парфило О. А., Леонов Б. Д., *Застосування сучасних технологій і методів виявлення та розпізнавання осіб, які мають намір вчинити теракт*. «Інформація і право». 2018. №1(24). 121-126. (Parfilo O., Leonov B. D., *The use of modern technologies and methods of detection and recognition of persons who intend to commit a terrorist attack*, "Information and law", 2018, no. 1(24), pp. 121-126.).

²⁹ Кирієнко Л. А., *Міжнародний досвід протидії тероризму*. «Наука і правоохорона». 2015. № 2 (28). 175-184. (Kiriienko L., *International experience in countering terrorism*, "Science and law", 2015, no. 2 (28), pp. 175-184).

³⁰ Резнікова О. *Актуальні питання протидії тероризму у світі та в Україні: «Аналітична доповідь»*. Київ, 2017. 60. (Reznikova O., *Topical issues of countering terrorism in the world and in Ukraine*, "Analytical report", Kiev, 2017, p. 60).

applying amnesty procedures for individuals who have participated in terrorist activities and adapting them to peaceful life.

4. The use of new counter-terrorism technologies by public authorities. It is planned to create a European center for combating terrorism and radicalization on the Internet. It will be a part of the Europol Internet reference office. The Czech Ministry of Interior has recently established a Centre for combating terrorism and hybrid threats, which focuses on the analysis of Internet content and appropriate response.

5. Strengthening the fight against financing of terrorism. In December 2016 the European Commission presented a set of measures providing for increased control over the transportation of cash and gold when crossing the borders of the EU. Within the framework of such measures, it is proposed to enter into the specified database information on: persons suspected of terrorist activity; persons who are prohibited from entering the European Union; migrants for whom a deportation sanction has been issued.

6. Strengthening control over migration processes, which create additional opportunities for the intensification of international terrorist groups activity. Taking this into account, the governments of countries with the largest migration flows (primarily EU countries, the USA, Canada) are taking measures to strengthen border control, implement effective systems for monitoring migrants and preventing illegal migration as important elements of the system of the terrorist acts prevention.

7. Improvement of national legislation on counter-terrorism, granting additional powers to law enforcement agencies and special services³¹.

A significant part of counteraction and spread of terrorism in the EU countries within the framework of the activities of the border authorities is given to strengthening border control in order prevent illegal migration; detection of terrorist financing; strengthening the exchange of information between national special and police services, carrying out special operations by the FRONTEX Agency. Conducting research and implementation of the experience of European countries in combating terrorism within the activities of the state border protection bodies of Ukraine will positively affect the practice of combating such crime at the state border.

According to N. Kucheruk, within the efforts to organize counteraction to terrorism it is viewed as positive to facilitate recognition by the international community of the necessity not to generate during this activity of new conflicts, in particular by connivance of the basic rights and freedoms of the person (including terrorists)³².

³¹ *Ibid.*, p. 60.

³² Kucheruk M., *op. cit.*, pp. 197-204.

6. Conclusion

The search for effective ways and methods of countering terrorism attracts attention of the entire international community, which are solved both by individual states and by joint efforts in cooperation. The studied foreign experience, allowed us to define the factors influencing efficiency of prevention and counteraction of terrorist activity by border guard authorities:

First, it is elaboration of an accurate, clear and corresponding to the real threats anti-terrorist legislation.

Secondly, it is criminalization of all terrorist acts.

Thirdly, it's defining the system of bodies engaged in fighting terrorism, and giving them enough authority in this sphere, including border guard agencies.

Fourthly, the border authorities of different countries often perform anti-terrorist functions in addition to border protection, border control and combating illegal migration.

Fifthly, the implementation of anti-terrorist measures in cooperation with the border authorities of different countries, including exchange of information, increases their ability to counteract the actions of terrorists, and most importantly to identify them before they commit terrorist acts.

Sixth, it is necessary to apply the latest technical and software solutions for the search and identification of terrorists and means of terror to fight modern terrorist threats.

Seventh, the strengthening of border control measures contributes to countering terrorism.

Despite the common international understanding and concentration of efforts in overcoming and countering terrorism, each country or union of countries (EU) remains on its own in the formation of counter-terrorism means, taking into account its own national achievements in the field of protection of the state border, when faced with this criminal phenomenon. At the same time, the experience of border guard agencies in countering terrorism allows us to determine the main task in this direction – enhanced border control to prevent the entry of terrorists or persons involved in this activity and to identify the means of terror (USA, EU). For this purpose, modern achievements such as risks profiling, the latest technologies of MAS, RPAS (EU), programs of terrorist's recognition (France, Germany) are widely used. A high level of protection of the state border and timely response to any terrorist acts is inherent in the border guard of Israel, the main organizational and tactical unit of which is a company. A special unit for the protection of complex areas of the border, including the fight against terrorism in Germany is "group 9".

The analysis of foreign experience of activity of border protection units on combating terrorism has shown that it is a complex combination of conducting both enhanced border control measures during crossing (especially when entering) of the state border of Ukraine and functioning of the professional units capable of responding to terrorist challenges and using the latest technical developments to

identify terrorists. Implementation of practical foreign experience of countering terrorism into the activity of the SBGSU is possible in cooperation with the border guard agencies of other states.

Bibliography

1. Петриченко В. Г. *Закордонний досвід проведення антитерористичних заходів*. «Порівняльно-аналітичне право». 2014. № 1. 194–197. (Petrychenko V., *Foreign experience of anti-terrorist measures*, "Comparative and analytical law", 2014, no. 1, pp. 194-197).
2. Мокляк В. В. *Сучасний досвід США у сфері запобігання тероризму*. «Питання боротьби зі злочинністю». 2017. № 34. 219-228. (Moklyak V., *Modern US experience in the field of terrorism prevention*, "Questions of fight against crime", 2017, no. 34, pp. 219-228).
3. Kucheruk M., *National anti-terrorist legislation as the basis of international legal counter-terrorism*. "Studii juridice universitare", 2016, Year IX, no. 3-4 (35-36), pp. 197-204.
4. Ченцов В. В., Таранова С. В. *Управління митною справою в США: організаційні аспекти*. «Державне управління та місцеве самоврядування». 2009. № 3(3) [Chentsov V., Taranova S., *U.S. customs administration: organizational aspects*. "Public administration and local self-government". 2009, no. 3(3)], URL: [http://www.dridu.dp.ua/vidavnictvo/2009/2009-03\(3\)/09cvvsoa.pdf](http://www.dridu.dp.ua/vidavnictvo/2009/2009-03(3)/09cvvsoa.pdf) (consulted on 13.09.2019).
5. Ляшук Р. М. *Адміністративно-правове забезпечення діяльності відділів прикордонної служби Державної прикордонної служби України*. дис.. доктора юрид. наук. Київ, 2016 (Liashuk R., *Administrative and legal support of the activities of the departments of the border service of the State border service of Ukraine*. dis. Dr. Jurid. sciences'. Kyiv, 2016).
6. Таранова С. В. *Особливості функціонування митної служби США*. «Публічне адміністрування: теорія та практика». 2010. № 1(3) [Taranova S. *Features of the functioning of the U.S. customs service*, "Public administration: theory and practice", 2010, no. 1(3)], URL: http://www.dridu.dp.ua/zbirnik/2010-01/10tsvm_ss.pdf, (consulted on 13.09.2019).
7. Звезинський С. С., Иванов В. А., Барсуков А. Б. та ін. *Охорона сухопутних кордонів США*. Сайт Бюро науково-технічної інформації (Zvezhinsky S., Ivanov V., Barsukov A., *Protection of U.S. land borders*, Website of the Bureau of scientific and technical information), URL: <http://www.bnti.ru/showart.asp?aid=905&lvl=19.01>, (consulted on 13.09.2019).
8. Чумак В. В. *Організаційно-правова модель діяльності поліції країн Балтії щодо протидії тероризму: перспективи реалізації позитивного досвіду в Україні*. «Вісник Кримінологічної асоціації України». 2016. № 3 (14). 22-32. [Chumak V., *Organizational and legal model of police activity in the Baltic States to counter terrorism: prospects for the implementation of positive experience in Ukraine*, "Bulletin of the Criminological Association of Ukraine", 2016, no. 3(14), pp. 22-32].
9. Калюжний Р. А., Кушнір І. П. *Правове забезпечення взаємодії публічної адміністрації у прикордонній сфері* : монографія. Київ, 2015 (Kaliuzhny, R., Kushnir I., *Legal support of interaction of public administration in the border guard sphere*: monograph. Kyiv, 2015).
10. Резнікова О., *Актуальні питання протидії тероризму у світі та в Україні* : «Аналітична доповідь». Київ, 2017 (Reznikova O. *Topical issues of countering*

- terrorism in the world and in Ukraine*, "Analytical report", Kiev, 2017).
11. Бернацький А., Навроцькі Д. *Посібник з протидії терористичним загрозам з використанням кримінального аналізу та аналізу ризиків : для аналітиків ризику та кримінальних аналітиків ДПСУ*. Київ : ОБСЄ, 2016. 156. (Bernatsky A., Nawrocki D., *Handbook on countering terrorist threats using criminal analysis and risk analysis: for risk analysts and criminal analysts of the SBGSU*, Kyiv, OSCE, 2016).
 12. Парфило О. А., Леонов Б. Д., *Застосування сучасних технологій і методів виявлення та розпізнавання осіб, які мають намір вчинити теракт*. «Інформація і право». 2018. №1(24). 121-126. [Parfilo A., Leonov, B., *Application of modern technologies and methods of detection and recognition of persons who intend to commit a terrorist act*, "Information and law", 2018, no. 1(24), pp. 121-126].
 13. Нестьоркін В. *Прикордонна охорона Ізраїлю*. Сайт Воєнне дело. (Nesterkin V. *Israel border guard*. The Website Woennoedelgo) URL: <http://www.soldiering.ru/country/asia/israel/frontiertroops.php>, consulted on 13.09.2019).
 14. Кирієнко Л. А. *Міжнародний досвід протидії тероризму*. «Наука і правоохорона». 2015. № 2 (28). 175–184 [Kiriyenko L., *International experience in countering terrorism*, "Science and law", 2015, no. 2(28), pp. 175-184].