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Safe and
Inclusive
Border between
Slovakia and
Ukraine:
factors
influencing
cross-border
cooperation





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The overall goal of the SIBSU project is to facilitate the exchange of ideas, knowledge, information and experience among border and custom services of Slovakia, Ukraine and Norway. The aim is to analyze the opportunities for deepening integrated border management and increase awareness and understanding about the work of the border police and custom services in border regions and municipalities in Slovakia and Ukraine. The project also includes an analysis of the impact of the border on the socio-economic development of the border regions, as well as on opportunities for further cross-border cooperation on both sides border.



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Staromestská 6/D, 811 03 Bratislava

editors

Alexander Duleba, Myroslava Lendel, Veronika Oravcová

executive editor

Peter Brezáni

authors

Olesya Benchak, Mária Blahová, Kleng Brátveit, Kateryna Brenzovych, Michal Cirner, Ladislav Chabreček, Alexander Duleba, Yuliia Fetko, Sverre Fuglevaag, Yevhen Haydanka, Anatolii Holovka, Nadiia Kichera, Anatolii Klyuchkovych, Christian Kuran, Martin Lačný, Yasser Lahbib, Yaroslav Lazur, Hanna Melehanych, Mariya Mendzhul, Svitlana Mitryayeva, Veronika Oravcová, Yuriy Ostapets, Thibault Rabussier, Mykhailo Shelemba, Olga Surnina-Dalekorey, Iryna Sushko, Oksana Svezhentseva, Myroslava Tsalan, Ivana Uličná, Stein Ulrich Ihor Vegesh

reviewers

Halyna Zelenko, Juraj Marušiak, Peter Brezáni

proofreading

Catriona Menzies

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Safe and Inclusive Border between Slovakia and Ukraine: factors influencing cross-border cooperation



Table of contents

Introduction _ 9

1. BORDER CROSSINGS, SOCIO-ECONOMIC SITUATION OF BORDER AREAS AND CROSS-BORDER COOPERATION

1.1. Border dynamics: legal and illegal migration

// Kleng Brátveit, Nadiia Kichera, Yasser Lahbib, Olga Surnina-Dalekorey, Ivana Uličná & Ihor Vegesh _ 20

1.1.1. Data analysis: Ukraine _ 23

1.1.2. Data analysis: Slovakia _ 53

1.1.3. Main findings and recommendations _ 70

1.2. Socio-economic situation of border areas

// Kateryna Brenzovych, Martin Lačný & Myroslava Tsalan _ 74

1.2.1. Regional Economic Performance Index _ 77

1.2.2. Regional GDP per capita _ 79

1.2.3. Socio-economic characteristics of the regional economies _ 81

1.2.4. Cross-border trade and investment _ 84

1.2.5. Labor migration _ 87

1.2.6. Transport infrastructure _ 89

1.2.7. Healthcare _ 91

1.2.8. Clean environment _ 93

1.2.9. Social care and services _ 98

1.2.10. Culture, sports, leisure activities and tourism _ 110

1.2.11. Education _ 121

1.2.12. Science _ 128

1.2.13. Good governance _ 133

1.2.14. Conclusions and policy considerations _ 135

1.3. Cross-border cooperation between regional and local actors

// Michal Cirner, Yuliia Fetko, Yaroslav Lazur & Mariya Mendzhul _ 142

1.3.1. Legal framework _ 143

1.3.2. An overview of contractual relations _ 151

1.3.3. Examples of institutional forms of cross-border cooperation _ 161

1.3.4. Project cooperation and partnerships _ 166

1.3.5. Interviews with stakeholders _ 177

1.3.6. Policy considerations and recommendations _ 178

2. IMPACT OF EU–UKRAINE INSTITUTIONAL FRAMEWORK

2.1. Prospects for Ukraine's European integration

// Kateryna Brenzovych, Alexander Duleba, Sverre Fuglevaag, Thibault Rabussier & Myroslava Tsalan _ 186

- 2.1.1. Conceptual framework _ 189
- 2.1.2. Comparative analysis _ 193
- 2.1.3. Norway's experience _ 204
- 2.1.4. AA/DCFTA impact on Ukraine _ 209
- 2.1.5. Policy consideration and recommendations _ 231

2.2. Toward Integrated Border Management

// *Anatoliy Holovka, Ladislav Chabreček, Svitlana Mitryayeva, Thibault Rabussier & Stein Ulrich* _ 236

- 2.2.1. Concept of European Integrated Border Management _ 238
- 2.2.2. Comparative perspective from Norway _ 252
- 2.2.3. Conclusions and policy recommendations _ 257

3. IMPACT OF BILATERAL INTERGOVERNMENTAL RELATIONS

3.1. Policies and practices // *Alexander Duleba, Yevhen Haydanka, Anatoliy Klyuchkovych & Yuriy Ostapets* _ 262

- 3.1.1. Political approaches towards bilateral relations since 1990s _ 264
- 3.1.2. Impact of Slovakia's EU accession on bilateral relations _ 283
- 3.1.3. Bilateral relations under the EU-Ukraine institutional framework _ 290
- 3.1.4. Policy consideration _ 302

3.2. Bilateral framework for cross-border cooperation

// *Alexander Duleba, Yevhen Haydanka, Anatoliy Klyuchkovych & Yuriy Ostapets* _ 306

- 3.2.1. A comparative analysis of bilateral agreements on cross-border cooperation _ 307
- 3.2.2. Slovak-Ukrainian intergovernmental commission on cross-border cooperation _ 314
- 3.2.3. Policy consideration and recommendations _ 332

3.3. Mechanism for communication and coordination between border management agencies

// *Mária Blahová, Iryna Sushko, Thibault Rabussier & Christian Kuran* _ 340

- 3.3.1. Horizontal and vertical mechanism of communication and coordination of border management authorities _ 343
- 3.3.2. Legal and regulatory framework for border management communication and coordination _ 344
- 3.3.3. Bilateral agreements _ 346
- 3.3.4. Internal procedures for communication and coordination _ 355
- 3.3.5. Interagency communication and coordination mechanism _ 359
- 3.3.6. Public communication _ 363
- 3.3.7. Communication with international organizations _ 364

- 3.3.8. Cooperation and coordination between the border management authorities in Norway and Sweden _ 368
- 3.3.9. Results of the survey on communication channels between border communities and authorities _ 372
- 3.3.10. Conclusions and recommendations _ 374

4. CROSS-BORDER COOPERATION CAPACITIES OF REGIONAL AND LOCAL ACTORS

4.1. Policies and practices

// *Olesya Benchak, Hanna Melehanych, Veronika Oravcová, Mykhailo Shelemba & Oksana Svezhentseva* _ 382

- 4.1.1. Project analysis _ 385
- 4.1.2. Practices and challenges of project implementation _ 402
- 4.1.3. Conclusions and recommendations _ 406

4.2. Citizens' perceptions on cross-border cooperation

// *Olesya Benchak, Hanna Melehanych, Veronika Oravcová, Mykhailo Shelemba & Oksana Svezhentseva* _ 408

5. POLICY CONSIDERATIONS

// *Alexander Duleba, Myroslava Lendel & Veronika Oravcová* _ 447

- 5.1. Progressive dynamics of the EU-Ukraine institutional framework _ 450
- 5.2. Evolving bilateral agenda of intergovernmental relations _ 454
- 5.3. Border, cross-border cooperation and the socio-economic situation in border areas _ 462

6



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Table of contents

7





Introduction

This publication is an output of the research part of the project “Safe and Inclusive Border between Slovakia and Ukraine,” implemented by a consortium of organizations led by the Bureau of Border and Foreign Police of the Presidium of the Police Force/Ministry of Interior of the Slovak Republic with the support of the EEA Grants (project code: GGC01005) and co-financed from Slovak government funding.

The research involved 32 experts from Ukraine, Slovakia and Norway, from the following institutions: Uzhhorod National University, Regional Risks Analysis Centre (Uzhhorod), Research Center of the Slovak Foreign Policy Association (Bratislava), University of Prešov, Bureau of the Border and Foreign Police of the Slovak Republic, Funfact AS (Oslo), as well as independent experts from the three countries. The aim of the research was to analyze the existing state of cross-border cooperation on the Slovak–Ukrainian border and elaborate future policy recommendations on how it can be made more effective to improve the socio-economic conditions of inhabitants of the border areas. The reference territory for the cross-border cooperation research in this project was three regions that lie on the Slovak–Ukrainian border: Transcarpathian Region in Ukraine and Prešov Self-Governing Region and Košice Self-Governing Region in Slovakia. The research, including a representative opinion poll of residents of the border areas, was carried out from July 2021 to August 2022.

We examined cross-border cooperation (CBC) between Slovakia and Ukraine in the context of policies, practices and perceptions at transnational (EU–Ukraine), national (Slovakia–Ukraine), regional (Prešov Self-Governing Region and Košice Self-Governing Region in Slovakia–Transcarpathian Region in Ukraine) and local levels (towns/cities and villages located in the border regions). The independent variable in this research is the regional and local development of Slovak–Ukrainian cross-border cooperation from 1993, the year in which Slovakia became an independent state and the border became the Slovak–Ukrainian state border, up to the present day. The dependent variable in the research is the changing character of the Slovak–Ukrainian border since 1993 (especially in the context of Slovakia’s EU accession in 2004) and the emergence of opportunities for and/or obstacles to the development of cross-border cooperation between regional and local actors.

In this research we apply the definition of “border” used in contemporary border studies, i.e., a border is a “multifunctional political

and social institution” with both exclusive and inclusive functions that create obstacles as well as opportunities for the development of cross-border cooperation.¹ The relationship between a border’s exclusive and inclusive functions at a specific given time determines its character in the light of creating more or less favorable conditions and opportunities for cross-border cooperation between regional and local actors. In the research we focus on identifying the inclusive functions of the Slovak–Ukrainian border and examine the obstacles to and/or opportunities for cross-border cooperation on the Slovakia–Ukraine border, looking specifically at why, when and to what extent these have emerged, comparing the situation since 1993 (to the present) with previous and subsequent periods. We also use the concept of the borderland (border zone), which explains the development paradigm of the functioning of nation-states (hierarchical management, territorial-spatial structures) and the processes of deterritorialization, denationalization and globalization. In general, researchers define border zones as the space around state borders, which tend to lag behind national centers in terms of economic and technological development and are less densely populated.²

We consider the following assumptions:

- First, the border (permeability rate) creates opportunities or obstacles that improve or worsen the quality of life of the people living in the border areas. In other words, the more permeable the border, the more opportunities for cross-border cooperation between regional and local actors, which is a means of improving socio-economic conditions and quality of life in border areas;
- Second, the Slovak–Ukrainian border regime and conditions for cross-border cooperation between regional and local actors depend (since Slovakia’s EU accession in 2004) on, first of all the evolving institutional framework of EU–Ukraine relations, and second, Slovak–Ukrainian intergovernmental relations. Together these create opportunities and/or obstacles for cross-border cooperation between regional and local actors;

1 L. O’Dowd, “The changing significance of European borders,” *Regional and Federal Studies* Vol. 12, No. 4, 2002, pp. 13–36; H. V. Houtum, J. W. Scott, “Boundaries and the Europeanisation of space: the EU, integration and evolving theoretical perspectives of borders,” *EXLINEA*, 2005.

2 S. Koch, “Transkordonnya: prostir social’noho poryadku i politychnyi diyi,” [Trans-border: the space of social order and political action] Odesa: Feniks, 2019.



10



Introduction

11

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

- Third, the ability and capacities of regional and local actors to take advantage of opportunities created at the transnational (EU–Ukraine) and national (intergovernmental Slovakia–Ukraine) level affects the socio-economic conditions of people living in border areas; and
- Fourth, successful European integration. i.e., the implementation of the EU–Ukraine Association Agreement and/or accession process, started in June 2022 when the EU Council granted Ukraine candidate status, will have a positive impact on cross-border cooperation on the Slovak–Ukrainian border and improve socio-economic conditions in border areas. The comparison is with the present period, beginning with Slovakia’s EU accession in 2004, which introduced elements of the community/EU “external” border regime and imposed more restrictions on cross-border interaction than the previous intergovernmental bilateral border regime of 1993–2004.

The basic starting point of the research is the assumption that the character of the border, including conditions for cross-border cooperation of regional and local actors, from 1993 to 2004 was particularly dependent on Slovak government policy and Ukrainian government policy as well as the interests of national actors and discourses in both countries that shaped government policy. And ultimately the contractual framework between the two countries that governs the common border regime. Furthermore, we argue that Slovakia’s EU accession in 2004, along with the implementation of the Schengen Agreement rules, fundamentally changed the character of the border. It reduced or limited the capacities of the Slovak government to regulate the border with Ukraine and strengthened the EU’s role. Furthermore EU-Ukrainian relations and the emerging contractual framework on the nature of the Slovakia–Ukraine border also had an impact. New obstacles to cross-border cooperation were created, such as the limited movement of persons across the border with the introduction of a restrictive visa regime for Ukrainian citizens. At the same time though, new opportunities emerged for regional and local actors in Slovakia to engage in cross-border cooperation with partners on the Ukrainian side, thanks to the EU programs aimed at promoting cross-border cooperation on its external border.

In our research we examine the assumption that successful implementation of the EU Eastern Partnership Policy (EaP) will have a positive impact on Slovak–Ukrainian cross-border cooperation, compared to the period from 2004 to the present. Ukraine is a participating country in EaP, which led to the introduction of a visa-free travel regime between the EU and Ukraine as well as the implementation of the EU–Ukraine Association Agreement, followed by EU enlargement policy, which has recently raised the prospects of EU accession, with

Ukraine having been granted candidate status. Furthermore, if only the Association Agreement were implemented, the impact on cross-border cooperation would likely be comparable to the impact of the NAFTA agreement (1986) on cross-border cooperation at the US border with Mexico and Canada, and the impact of the Single European Act (1987) on cross-border cooperation within the European Communities in the 1990s.

In North America and Europe, the integration processes that took place simultaneously and independently in the late 1980s and early 1990s fundamentally changed the nature of the internal boundaries within the integrated groups of countries. The border regime ceased to be exclusively regulated by the central power of the state. The governments of the states involved in the integration projects relinquished some sovereignty over their common borders regarding the regulation of the movement of persons, goods, services and capital in favor of commonly agreed rules. The border, one of the main features of a state, or prerequisite for its functioning, ceased to be the exclusive domain of the central power of the state. At the same time, greater border permeability and movement of goods and services meant a bigger role for regional and local elites involved in cross-border cooperation between participating states. If the Slovak–Ukrainian border becomes an internal EU border or if Ukraine becomes part of the EU single market, then the border’s divisive functions will decrease, whereas its inclusive functions will be strengthened and there will be far greater potential for cross-border contacts and cooperation between regional and local actors.

In designing our research, we were inspired by the existing research on cross-border cooperation at the EU’s external border, conducted under the research projects supported by the EU Research Framework Programs, particularly EXLINEA³ and EUDIMENSIONS projects.⁴ For these projects, a PPP (policies – perceptions – practices) methodology was created to underpin structured research on cross-border cooperation at the EU external border. Under this research framework, three main categories of factors give rise to opportunities or, conversely, obstacles to cross-border cooperation between regional

3 J. W. Scott, S. Matzeit, eds, “Lines of exclusion as arenas of cooperation: reconfiguring the external boundaries of Europe – policies, practices, perceptions, final project report,” EXLINEA, 2006.

4 J. T. Büchner, J. W. Scott, eds, “Local dimensions of a wider European neighbourhood: developing political community through practices and discourses of cross-border cooperation,” final project report, Leibniz: EUDIMENSIONS, 2009.



12



Introduction

13

and local actors at the EU’s external border: transnational (the institutional framework of the EU’s relations with countries sharing a border with the Union); national (intergovernmental relations between a member state and neighboring non-member state); and regional/local (the capacity of regional and local actors to cooperate across borders). For each of these three levels, we will examine the policies, practices and perceptions of the actors engaged in the key relevant political and institutional agenda.

The PPP research framework draws on the political opportunity structure theory that was originally developed for researching civil and protest movements in Western democracies, as well as the mechanisms for their cross-border dissemination to other countries, or transnational diffusion.⁵ According to this theory, the “political opportunity structure” actors rely on is co-determined by exogenous factors that either foster or discourage actor mobilization; create conditions (or obstacles) for the adoption of specific political preferences; encourage the formulation of political strategies for their enforcement; and lead to the creation of new actors (movements) that constitute a challenge for existing political institutions. The following three basic conditions have to be met for the successful cross-border diffusion of political activity: first, the existence of mobilization structures, second, cultural similarity and third, favorable political opportunities. James W. Scott and János T. Büchner adapted the theory of the political opportunity structure for research on cross-border cooperation at the EU’s external border and developed a three-level research framework for its analysis as follows (see Table 1).

We used the above PPP research framework for our research design for the SIBSU project. The dependent research variables (horizontal research axis) are the following three research topics, which interrelate and influence each other: first, the Slovak–Ukrainian border regime, or degree of permeability for legal activities, movement of people, goods, services, and capital; second, socio-economic conditions for the inhabitants of the border areas; and three, the level of

5 H. P. Kitschelt, “Political opportunity structures and political protest: anti-nuclear movements in four countries,” *British Journal of Political Science* Vol. 16, No. 1, 1986, pp. 57–85; D. McAdam, “Political opportunities: conceptual origins, current problems, future directions,” in D. McAdam, J. D. McCarthy, M. N. Zald, eds, *Comparative Perspectives on Social Movements*. Cambridge: Cambridge University Press, 1996, pp. 23–40; D. S. Meyer, D. C. Minkoff, “Conceptualizing political opportunity,” *Social Forces* Vol. 82, No. 4, 2004, pp. 1457–92.; S. Tarrow, *Power in Movement*. Cambridge: Cambridge University Press, 2nd ed., 1998; and other works.

cross-border cooperation between regional and local actors. At the same time, we assume that the permeability of the border for legal activities and the level of cross-border cooperation are key factors affecting the quality of the socio-economic conditions of the inhabitants in border regions.

Table 1. Three-level PPP framework for analysis

level of analysis/PPP	policies	perceptions	practices
transnational	Institutional framework for EU relations with neighboring countries at bilateral and multilateral level: actors, strategies, treaties, institutions	Intra-EU discourse on relations with the given country; national discourse on EU relations within the given country	Activities of transnational actors (EU institutions) toward country concerned; activities of national actors in the given country towards the EU
national	Institutional framework for relations at national (intergovernmental and non-governmental) level, including national approaches to CBC on the common border	National discourses on bilateral relations/mutual perception of neighboring countries, including perceptions of the common border	Government (national actors) approach to bilateral relations, including CBC on the common border/government relations with local and regional CBC actors at national level
regional/local	Institutional framework for relations and cooperation of LRAs, including level of CBC institutionalization	Regional/local discourses on relations with the cross-border region/local communities/mutual perceptions	Activities of local and regional CBC actors on both sides of the border/joint projects

Source: Büchner & Scott (2009)

Furthermore, the independent research variables (vertical axis) are EU–Ukraine relations (transnational level), Slovak–Ukrainian intergovernmental relations (national level) and the readiness (capacity) of regional and local actors for cross-border cooperation. These will help us to explain the three dependent variables. At all three levels of the research, we seek to identify the factors that generate opportunities or obstacles to cross-border cooperation between regional and local actors. These are a means of improving the quality of life among the inhabitants of border areas. Given that the funding of the SIBSU project covered the regional and local level but not research on perceptions at the transnational and national level, we adapted the PPP research framework for our research as follows:

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation



Table 2. Adapted three-level PPP framework for the SIBSU project

independent variables at three levels/dependent variables	border regime	cross-border cooperation	socio-economic conditions (from LRAs perspective)
transnational	policies – practices	policies – practices	policies – perceptions – practices
national	policies – practices	policies – practices	policies – perceptions – practices
regional/local	policies – perceptions – practices	policies – perceptions – practices	policies – perceptions – practices

Source: authors based on Büchner & Scott (2009)

This book consists of four main chapters. The first chapter covers the research on the dependent variables, the current functioning of the border regime; a comparative analysis of the socio-economic characteristics of the border regions; and an analytical overview of the existing cross-border cooperation between regional and local actors. The second chapter is devoted to the impact of the institutional framework of EU–Ukraine relations in terms of Ukraine’s European integration prospects, along with the transformation of the Slovak–Ukrainian border into an internal EU border, or at least an EU internal market border. The third chapter analyzes bilateral intergovernmental relations between Slovakia and Ukraine since 1993 and the circumstances and periods in which these relations generated opportunities or obstacles to cross-border cooperation between regional and local actors. The fourth chapter aims at identifying the capacities of regional and local actors for cross-border cooperation, focusing on the implementation of joint projects. It also offers an interpretation of the findings of the sociological research conducted in the border areas and the perceptions of the inhabitants of the border areas on the issues studied in the SIBSU project. The final part of the book provides an analytical overview of the main findings of the project research together with policy recommendations to improve cross-border cooperation on the Slovak–Ukrainian border. Partial and specific recommendations for making improvements in relation to each of the issues considered can also be found in the various subchapters.

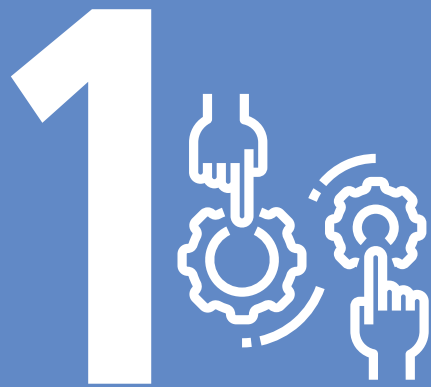
Finally, we should note that the Russian aggression against Ukraine commencing on February 24, 2022, negatively affected the implementation of the planned research activities within the SIBSU project.

The aggression generated a “system storm”, beginning with the border closures imposed under the COVID-19 pandemic and now culminating in a world order crisis provoked by Russia’s aggression. The declaration of martial law in Ukraine on the same day severely restricted the work of our Ukrainian friends and colleagues, preventing us from carrying out the planned mobility activities and working meetings on the interim results of the project research, and forcing us to communicate online. In addition, we had to cancel some of the research activities, including the focus groups that had been originally planned as part of the qualitative sociological research, which has undoubtedly limited the results. In this book we present only the quantitative part of the sociological research, which was conducted before the start of the Russian aggression against Ukraine.

We would like to thank all the members of the research team for their valuable contributions. Special thanks go to our Ukrainian colleagues, who despite the state of war in their country, were willing and able to continue the research and to complete all the research tasks agreed upon within the project. We firmly believe that the war will end in victory for Ukraine and that life across the country, including the border regions, will return to a state in which cross-border cooperation can be fully restored. The findings and policy recommendations presented in this publication could be used to benefit inhabitants of the border areas, as well as all citizens in the two neighboring countries.

Alexander Duleba, Myroslava Lendel & Veronika Oravcová





Border
crossings,
socio-economic
situation of
border areas
and cross-
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1.1. Border dynamics: legal and illegal migration

Kleng Bråtveit
Nadiia Kichera
Yasser Lahbib
Olga Surnina-Dalekorey
Ivana Uličná
& Ihor Vegesh

20

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

21

Border crossings, socio-economic situation of border areas and cross-border cooperation

The issue of legal and illegal cross-border migration is extremely relevant for Ukraine, which, shares a border with seven countries, including EU member states. Ukraine's land and sea state border passes through the regions of Vinnytsia, Volyn, Donetsk, Zhytomyr, Transcarpathia, Ivano-Frankivsk, Kyiv, Luhansk, Lviv, Odessa, Rivne, Sumy, Kharkiv, Chernivtsi and Chernihiv. Transcarpathia is the only region that shares a border with four EU countries – Poland, Slovakia, Hungary and Romania. The Slovak-Ukrainian border is 97.9 km long. Slovakia shares a border with five countries. Four of these countries are members of the Schengen Area, so those borders are internal EU borders, while the border shared with Ukraine is an external EU border.

Therefore, the issue of border effectiveness, especially permeability and security, is extremely important not only in bilateral relations between Ukraine and Slovakia, but also in relations between Ukraine and the EU. Along with the work aimed at turning the Ukrainian-Slovak border into a smooth legal crossing, preventing illegal migration, and mitigating its negative effects on bilateral relations will also be addressed. Hence effective mechanisms for interaction between border authorities and the prevention of illegal movement of people, cars, goods etc., needs to be discussed.

The main purpose of our research is to investigate migration processes on the Ukrainian-Slovak border in 2007–2020. To do this, we processed the available data from the Ukrainian and Slovak border authorities on the legal and illegal (unregistered) movement of persons, goods, services, vehicles and performed a data analysis of border crime (smuggling of goods, forged travel documents, illegal migration, etc.). The border regime will be studied via data processing and indicators of border dynamics. The conceptual basis of the study draws on cooperation with the State Border Guard Service of Ukraine (SBGS)¹ and the Bureau of Border and Foreign Police (BBFP) of the Presidium of the Police Force of the Slovak Republic,² as well as data collection and processing and research on the following areas:

1 For more see official website of the State Border Guard Service of Ukraine. Available online: <https://dpsu.gov.ua/> and/or <https://dpsu.gov.ua/en/> (accessed on February 24, 2023).

2 For more see official website of the Bureau of Border and Foreign Police of the Presidium of the Police Force of the Slovak Republic. Available online: <https://www.minv.sk/?bureau-of-border-and-foreign-police-of-the-presidium-of-the-police-force-2> (accessed on February 24, 2023).

- legal cross-border movement (legal migration: dynamics of cross-border movement of people, transport, goods and services, assessment of trends, interpretation of identified changes);
- illegal cross-border movement (illegal migration and border crime, dynamics and main trends).

Following its accession to the Schengen area in 2007, Slovakia adopted the EU terminology and started differentiating between “internal” and “external” borders. That terminology is used in this study to enable a better comparison of the data. The key terms are defined based primarily on the Statistical Overview of Legal and Illegal Migration in the Slovak Republic issued annually by the BBFP:³

- Border – a line separating two countries, indicating administrative divisions, or other areas.
- Internal border – part of the border of the Slovak Republic – the common land border between the Slovak Republic and other EU member states, i.e. Austria, Czech Republic, Hungary and Poland. Airports are included under the term when pertaining to intra-Schengen flights.⁴
- External border – part of the border of the Slovak Republic – the common land border between the Slovak Republic and an EU non-member state. Airports are included under the term when pertaining to non-Schengen flights, in this case Ukraine.
- Legal migration – entering, leaving or staying in a country in compliance with international agreements and the immigration law of that state.
- Illegal migration – entering, leaving or staying in a country in violation of international agreements and the immigration law of that state.
- Illegal border crossing – includes all instances of foreign citizens attempting to cross or having crossed the border illegally, regardless of direction, “where the time period between crossing and apprehension is less than 48 hours and they were apprehended by a police patrol performing border control tasks.”

³ “Štatistický prehľad legálnej a nelegálnej migrácie v Slovenskej republike 2011,” [Statistical overview of legal and illegal migration in the Slovak Republic 2011] Ministry of Interior of the Slovak Republic, 2011. Available online: https://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocniky/rok_2011/2011-rocenka-UHCP-SK.pdf (accessed on February 24, 2023).

⁴ Flights to a member state or from a member state only, without landing in a third country.

It also includes cases of readmission, where a foreign citizen is apprehended outside the country by foreign authorities and is returned to the country from which he or she came.

- Illegal stay – includes foreign citizens who are illegally present in the Slovak Republic, whose stay is not in compliance with the national legislation and/or international agreements; regardless of whether they entered the Slovak Republic legally or illegally, or were detected during a border check when leaving the Slovak Republic, excluding attempts at an illegal border crossing.
- Third country nationals – all individuals who are not Slovak nationals or EU nationals (including stateless persons).
- Visa – authorization issued by a Schengen member state for transit through or an intended stay in a member state.

1.1.1. Data analysis: Ukraine

Legal migration

The available data on legal migration, obtained from the SBGS, was analyzed to determine legal border crossing processes as well as the dynamics, trends, and intensity of flows at the border checkpoints between Ukraine and the Slovak Republic. Although many people think migration erodes the traditional boundaries between cultures, peoples, and ethnicities, or has a negative impact on the labor market, recent studies show that the advantages significantly outweigh the disadvantages. Besides the positive exchange of culture and experience, mutual learning, cross-border cooperation as well as collaboration in the humanitarian, economic, political and social sphere, migration plays a key role in modern global markets, filling gaps and keeping them competitive. In addition, migration is a crucial means of maintaining ties with family and friends.

In 2007 there were five border crossing points between Slovakia and Ukraine – three road and two rail. On 275 days in 2007, the SBGS reported 945,856 thousand crossings recorded at the Ukrainian–Slovak border at the following checkpoints: Mali Selmentsi–Veľké Slemence, Maly Berezny–Ubl’a, Uzhhorod–Vyšné Nemecké, Pavlove–Matovce, Chop (Guard)–Čierna nad Tisou⁵ (see Table 1).

⁵ For more see official website of the State Border Guard Service of Ukraine. Available online: <https://dpsu.gov.ua/> (accessed on February 24, 2023).

Table 1. Total number crossing the Ukrainian–Slovak border*

year	total number of crossings	crossings to Ukraine	crossings from Ukraine
2007**	945,856	463 614	482,242
2008	2,135,411	1,041,134	1,094,277
2009	4,032,127	2,007,819	2,024,308
2010	2,005,718	1,022,389	983,329
2011	2,042,611	1,015,622	1,026,989
2012	1,957,102	947,407	1,009,695
2013	2,091,621	1,010,744	1,080,877
2014	2,178,153	1,069,210	1,108,943
2015	2,307,414	1,138,312	1,169,102
2016	2,612,191	1,285,311	1,326,880
2017	2,491,969	1,239,629	1,252,340
2018	2,720,821	1385,404	1335,417
2019	2,632,239	1,360,934	1,271,305
2020	766,156	391,448	374,708
Total	30,919,389	15,378,977	15,540,412

* Excluding air-travel into it

**Data from April 1, 2007 to December 31, 2007

Source: State Border Guard Service of Ukraine

According to the SBGS data, passenger traffic across the Ukrainian–Slovak border increased by 44 per cent in just one year to 2,135,411 in 2008. In 2009 the number crossing the border increased substantially. Compared to 2008 the number of persons crossing the border almost doubled to 4,032,127. The dynamic upward trend in cross-border traffic in 2009 is thought to be the result of the greater accessibility of the Ukrainian–Slovak border, through the signing and ratification of the Agreement on Local Border Traffic between the Slovak Republic and Ukraine (in force from September 27, 2008). The main objective of the agreement was to make it easier for residents of border areas to cross the Slovak–Ukrainian border in order to facilitate trade and social and cultural exchange. The 2008 agreement with Slovakia on local border traffic applies to residents of 280 villages and towns/cities in Ukraine (including the cities of Uzhhorod and Mukachevo) and residents of 299 municipalities and cities in Slovakia (in the districts of Snina, Sobrance, Michalovce, Humenné and

24

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

25

Border crossings, socio-economic situation of border areas and cross-border cooperation

Trebišov) and enables a stay of up to 30 days.⁶ The agreement was amended in 2019, extending it to the residents of another 30 Ukrainian villages and increasing the duration of stay to 90 days.⁷

Under the law the border zone is the territory stretching 50 kilometers on each side of the Ukrainian–Slovak border. There are 415,000 citizens living within the local border traffic zone in Transcarpathian Region in Ukraine and 341,000 in Slovakia. However, in the absence of better data on both the Slovak and Ukrainian sides, it is not possible to estimate the total number crossing the border that falls within the local border traffic category of total passenger flow. The effect of the agreement following the introduction of visa-free travel also remains unexplored.

In 2010, there was a two-fold decrease in passenger traffic on the Ukrainian–Slovak border compared to the 2009 figure: 2,005,718 persons against 4,032,127. The substantial decline in the number crossing the Ukrainian–Slovak border was an expected consequence of the situation stabilizing following the surge caused by the signing and implementation of the agreement between Ukraine and the European Community on the simplification of visa processing,⁸ as well as the signing and ratification of the agreement on local border traffic between the Slovak Republic and Ukraine.⁹

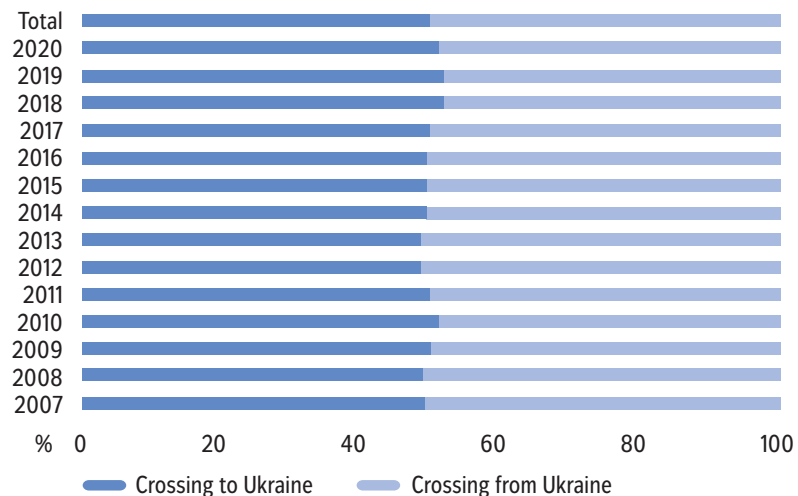
6 “Угода між Україною та Словацькою Республікою про місцевий прикордонний рух,” [Agreement between Ukraine and the Slovak Republic about local border traffic] No. 697/2008, Verkhovna Rada of Ukraine, August 6, 2008. Available online: https://zakon.rada.gov.ua/laws/show/703_076#Text (accessed on February 24, 2023).

7 “Угода між Україною та Словацькою Республікою про внесення змін до Угоди між Україною та Словацькою Республікою про місцевий прикордонний рух від 30 травня 2008 року,” [Agreement between Ukraine and the Slovak Republic on amendments to the Agreement between Ukraine and the Slovak Republic on local border traffic dated May 30, 2008] No. 568/2019, Verkhovna Rada of Ukraine, July 31, 2019. Available online: https://zakon.rada.gov.ua/laws/show/703_001-19#Text (accessed on February 24, 2023).

8 “Угода між Україною та Європейським Співтовариством про спрощення оформлення віз,” [Agreement between Ukraine and the European Community on simplification of visa issuance] No. 117-VI, Verkhovna Rada of Ukraine, January 15, 2008. Available online: https://zakon.rada.gov.ua/laws/show/994_850#Text (accessed on February 24, 2023).

9 S. Mytryayeva, V. Benč, *Malý pohraničný styk: možnosti modifikácie zmluvy medzi Slovenskom a Ukrajinou* [Small border traffic: possibilities of modification of the contract between Slovakia and Ukraine] Prešov: ADIN, s. r. o., 2011, 44 p.

Figure 1. Distribution of crossings



Source: Authors, based on data from the State Border Guard Service of Ukraine

Over the subsequent ten years, this rate slowed, except for in 2020 when passenger traffic across the border decreased almost threefold due to the COVID-19 pandemic and amounted to 766,156 thousand people. However, the expected decrease in the numbers crossing following the legislative changes on customs clearance for used cars in 2018 did not occur. In fact, the number crossing in 2018 increased by almost 9 per cent compared to 2017. Despite expectations, the introduction of visa-free travel did not affect the dynamics of movement across the Ukrainian–Slovak border.

The numbers crossing into and from Ukraine from 2007 to 2020 were almost symmetrical: about the same number of people crossed the Ukrainian–Slovak border in both directions annually. From 2007 to 2012, almost half the number of Ukrainians crossed the Ukrainian border as did foreigners (see Table 2). The most popular crossings for entering or exiting Ukraine in 2007–2020 were Uzhhorod–Vyšné Nemecké and Maly Berezny–Ubl’a. A total of 8,231,418 foreigners crossing the border over the five-year period, against 4,887,407 Ukrainians. Ukrainian citizens accounted for 11,758,574, or 66 per cent, of the total number of persons crossing the Ukrainian–Slovak border between 2013 and 2020. In other words, in this period Ukrainians crossed the Ukrainian–Slovak border more often than foreigners did and were the main users of the border infrastructure.

26

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

27

Border crossings, socio-economic situation of border areas and cross-border cooperation

Table 2. Total number of crossings for the Ukrainian–Slovak border

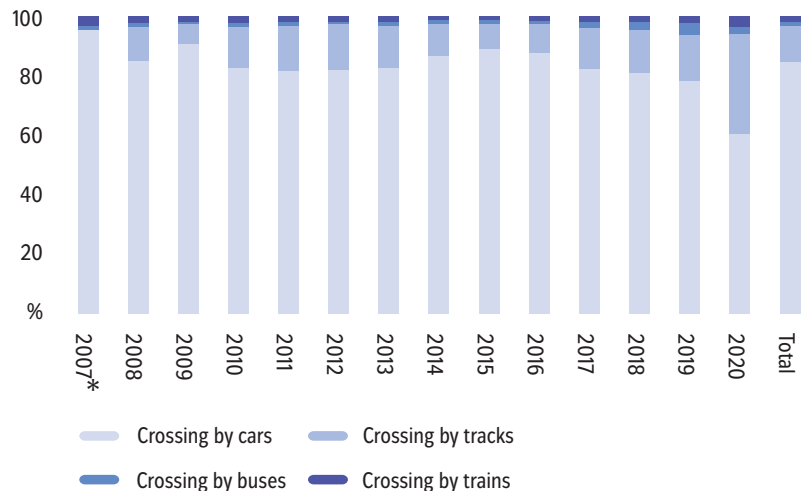
year	Ukrainians			Non-Ukrainians		
	total	to Ukraine	from Ukraine	total	to Ukraine	from Ukraine
2007*	209,523	97,774	111,749	736,333	365,840	370,493
2008	610,067	283,045	327,022	1,525,344	758,089	767,255
2009	1,639,327	804,842	834,485	2,392,800	1,202,977	1,189,823
2010	711,892	342,592	369,300	1,293,826	679,797	614,029
2011	826,973	411,914	415,059	1,215,638	603,708	611,930
2012	889,625	423,562	466,063	1,067,477	523,845	543,632
2013	1,089,383	517,050	572,333	1,002,238	493,694	508,544
2014	1,234,149	603,486	630,663	944,004	465,724	478,280
2015	1,399,840	686,143	713,697	907,574	452,169	455,405
2016	1,697,472	829,989	867,483	914,719	455,322	459,397
2017	1,655,986	822,797	833,189	835,983	416,832	419,151
2018	1,995,951	1,022,560	973,391	724,870	362,844	362,026
2019	2,022,667	1,054,130	968,537	609,572	306,804	302,768
2020	663,126	340,818	322,308	103,030	50,630	52,400
Total	16,645,981	8,240,702	8,405,279	14,273,408	7,138,275	7,135,133

*Data from April 1, 2007 to December 31, 2007
Source: State Border Guard Service of Ukraine

A total of 583,657 Slovak citizens entered Ukraine via the Ukrainian–Slovak border between 2018 and 2021, whereas 584,767 people exited.¹⁰ In 2018, 290,978 thousand Slovak citizens entered Ukraine from Slovakia and almost the same number returned, 290,949, or 21.4 per cent of total passenger traffic. In 2019, fewer Slovaks (239,171) entered Ukraine via the Ukrainian–Slovak border than in 2018 (-17.8 per cent). In 2019, 237,775 Slovaks exited Ukraine via the Ukrainian–Slovak border and 1,396 Slovak citizens did not return via the Ukrainian–Slovak border. In 2020, the number of Slovaks entering and exiting Ukraine via the Ukrainian–Slovak state border was substantially lower than in previous years, 30,078 and 33,624 Slovaks respectively. In 2021, the number of Slovak citizens entering Ukraine was even lower at 23,430, with 22,419 people exiting via the Ukrainian–Slovak border.

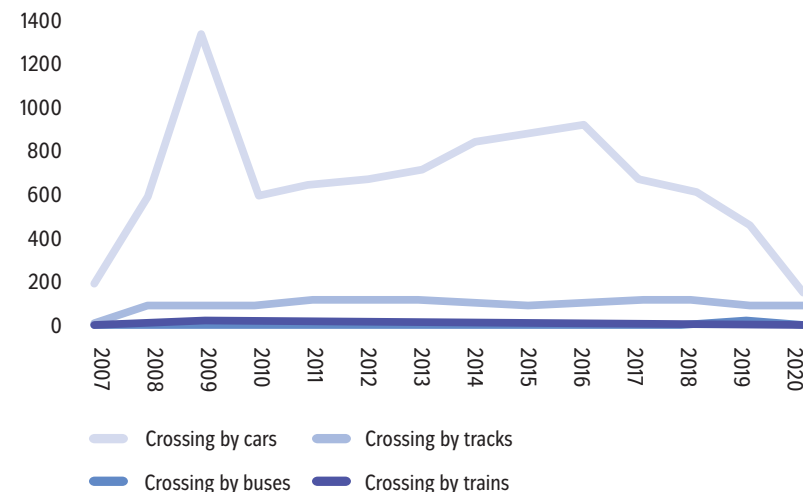
¹⁰ State Border Guard Service of Ukraine. Available online: <https://dpsu.gov.ua/> (accessed on February 24, 2023).

Figure 2. Distribution of crossings by type of vehicle (in per cent)



*Data from April 1, 2007 to December 31, 2007
Source: Authors, based on data from the State Border Guard Service of Ukraine

Figure 3. Crossings by type of vehicle (in thousands)



Source: Authors, based on data from the State Border Guard Service of Ukraine

28 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

29 Border crossings, socio-economic situation in border areas and cross-border cooperation

This dramatic decline was a result of the quarantine restrictions imposed by both Ukraine and Slovakia to prevent the spread of the coronavirus.

According to the available SBGS data, up to 2020, that is, before the implementation of the COVID-19 border restrictions, about half of all the foreigners entering and exiting Ukraine each year were Slovak (for example, in 2018, the number of Slovaks entering and exiting was 581,927 (out of a total of 1,231,689 foreigners). The situation in 2019 was similar, with Slovaks accounting for 476,946 of 1,011,882 foreigners). But in 2020, Slovaks accounted for only a quarter of all foreigners: 63,702 out of 241,096.

According to the sociological survey, the main reasons Ukrainian citizens gave for crossing the Ukrainian–Slovak border were visiting relatives, purchasing goods and services, and tourism (75.2 per cent).¹¹

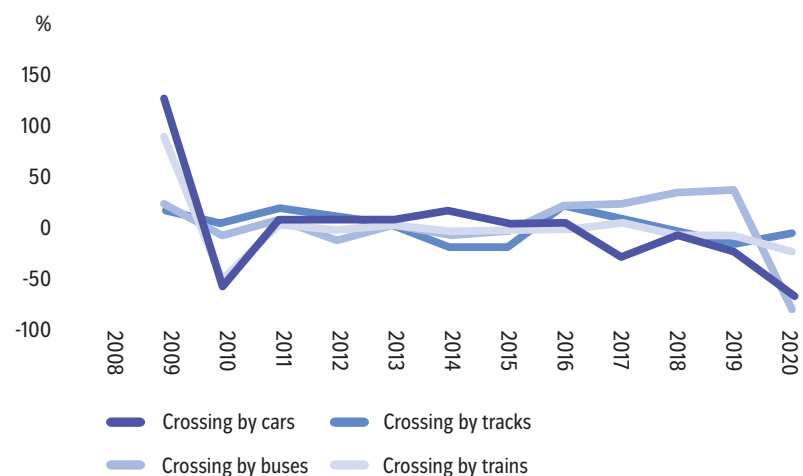
An analysis of the traffic flow dynamics for 2007–2020 (see Figures 2 and 3) indicates that traffic intensity on the Ukrainian–Slovak border increased, except in 2020, when the number of operational crossings fell under the quarantine restrictions compared to the pre-pandemic period. During the study period, the total number of vehicles that crossed the Slovak–Ukrainian border was 10,654,827. Of these 9,074,658 were cars, 1,255,670 were trucks and 136,663 were buses. Car was the most frequent means of crossing the Ukrainian–Slovak border, in both directions.

There was also a substantial increase in bus traffic (see Figure 4). In 2018 and 2019, the number of buses crossing the border was 17,361 and 23,750 respectively, a more than two-fold rise on previous years. Rail crossings also increased between 2007 and 2019, but still account for a relatively small share of the cross-border traffic.

Thus, as can be observed in Table 3, the total number of persons and vehicles crossing the Slovak–Ukrainian border from April 1, 2007, to December 31, 2020, was 30,919,389 persons and 10,914,556 vehicles.

¹¹ “Соціологічне дослідження: Опитування громадської думки щодо транскордонного співробітництва Словаччини та України і функціонування прикордонного режиму,” [Sociological research: Public opinion poll on cross-border cooperation between Slovakia and Ukraine and the functioning of the border regime] final report of the quantitative research, December 2021–January 2022, SIBSU, 2022, p. 49.

Figure 4. Crossings by type of vehicle compared to previous year (in per cent)



Source: Authors, based on data from the State Border Guard Service of Ukraine

Table 3. Total number crossing the Ukrainian–Slovak border

year	crossing of persons	crossing of vehicles
2007*	945,856	211,645
2008	2,135,411	699,816
2009	4,032,127	1,467,773
2010	2,005,718	711,831
2011	2,042,611	784,626
2012	1,957,102	812,554
2013	2,091,621	860,337
2014	2,178,153	959,815
2015	2,307,414	979,164
2016	2,612,191	1,035,429
2017	2,491,969	793,698
2018	2,720,821	745,075
2019	2,632,239	593,064
2020	766,156	259,729
Total	30,919,389	10,914,556

*Data from April 1, 2007 to December 31, 2007
Source: Source: State Border Guard Service of Ukraine

30

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

31

Border crossings, socio-economic situation of border areas and cross-border cooperation

When processing the SBGS data on legal migration, we identified some issues with the way the statistics are recorded:

1. SBGS did not provide daily statistics on Ukrainian citizens and foreigners crossing the Slovak–Ukrainian border, so it is impossible to track and compare the average number of border crossings by day of the week, (non)workdays, to determine seasonal peaks in the numbers crossing the state border. The availability of such data is often viewed as a source of reliable information for the rapid assessment of migration trends. We therefore recommend that the SBGS agencies develop a more sensitive and integrated approach to the collection of data on border crossings.
2. Nor did the SBGS provide us with data on Ukrainian–Slovak border crossings by air, which means there is a substantial gap in the Ukrainian and Slovak data on the numbers crossing the common border.
3. In the absence of the data, it is impossible to assess how often Ukrainian citizens use the Ukrainian–Slovak border and what percentage of passenger traffic is residents of border regions. We have no information on how many Ukrainians cross the Slovak–Ukrainian border under the local border traffic agreement. That means that we cannot ascertain the role it plays in facilitating contacts and cooperation in the Ukrainian–Slovak cross-border region.
4. Another serious limitation with the study is that the SBGS only records the number of times the border is crossed, not the unique number of persons crossing it within the given period, nor does it record duration of travel and/or stay abroad.

Illegal migration and smuggling

Negative migration is all types and forms of illegal migration and the consequences for interstate relations, the economy and ordinary citizens, especially those living in border regions. Unfortunately, illegal migration can affect the person’s health, for instance unsuccessful attempts to cross the border or smuggle goods. Illegal movement (of persons, vehicles, goods) occurs on the Slovak–Ukrainian border, damaging relations between the two countries and harming the population on both sides of the border.

According to the SBGS data, illegal migration across the Slovak–Ukrainian border can be broken down into the following types of non-admission or detention at the border: denial of entry, including on the basis of interviews; detention (illegally attempting to cross the border, violation of the rules of stay); identification of migrants (illegal migration: illegal border crossing, violation of the rules of stay) by border

guards and at checkpoints; organizing illegal crossings, including malicious disobedience. These can be grouped into three main datasets:

1. denial of entry;
2. detention;
3. illegal migration.

Each of these datasets includes two subsets of data (see Table 4) on refusal to allow persons to cross the border, including based on interview, detention at the border, including violation of the rules of stay at checkpoints and elsewhere on the border, as well as direct attempts at illegal crossings, including at checkpoints and elsewhere on the border, and organizing illegal crossings. The relevant numerical indicators are categorized and presented in table form and illustrated by graphs and charts. According to the data, from time to time there are fluctuations in particular categories of illegal migration, which is clearly seen from Table 4. It should be also noted that the numbers presented in Table 4 are for all persons who crossed the border, not only Ukrainians.

Table 4. Number of refused border crossings

year	denial of entry	on basis of interview	illegal border crossing	violations of rules of stay	illegal migrants	organization of illegal crossings
2007	939	22	65	409	76	0
2008	822	43	546	315	536	0
2009	615	30	1,154	340	1,034	1
2010	733	55	851	197	705	0
2011	768	45	410	239	643	0
2012	741	2	617	317	475	0
2013	766	6	564	360	333	0
2014	704	14	512	416	360	0
2015	847	60	496	715	357	0
2016	866	14	386	694	239	0
2017	1,183	8	442	2,289	334	0
2018	1,648	23	560	2,265	385	0
2019	2,284	66	528	1,607	1,977	0
2020	955	26	334	364	591	0
total	13,871	414	7,465	10,527	8,045	1

Source: State Border Guard Service of Ukraine

The data are analyzed in more detail for generalized groups to provide a better visualization. Figure 5 shows that the largest number of failed border crossings was recorded in 2019, and that the figure began increasing rapidly in 2017. The main reason for this is the rise in individuals wishing to cross the border following the introduction of the visa-free regime with the EU in 2017.¹² A lack of awareness of the travel requirements and necessary documents led to the increase in cases in 2017–2019. A sharp increase in refusals had been predicted, as after the visa-free regime with the EU entered into force, refusals took place on the border rather than when obtaining a visa, as responsibility shifted away from the consular offices and onto the border authority.¹³ The simplification of the visa procedure in 2008 and 2012 had no effect on the indicators, as those wishing to cross the border focused on the need to obtain a visa to cross the border, despite the simplified procedure and introduction of additional opportunities.¹⁴ The biggest jump in the number of people denied entry occurred in 2019. That jump was an expected consequence of the rise in those attempting to cross the border following the introduction of the visa-free regime and changes to the Ukrainian law on the state border in 2018 (including changes to customs rules and the

12 “Regulation (EU) 2017/850 of the European Parliament and of the Council of 17 May 2017 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Ukraine),” EUR-Lex, May 22, 2017. Available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ%3A%3A2017%3A133%3AFULL&from=EN> (accessed on February 24, 2023).

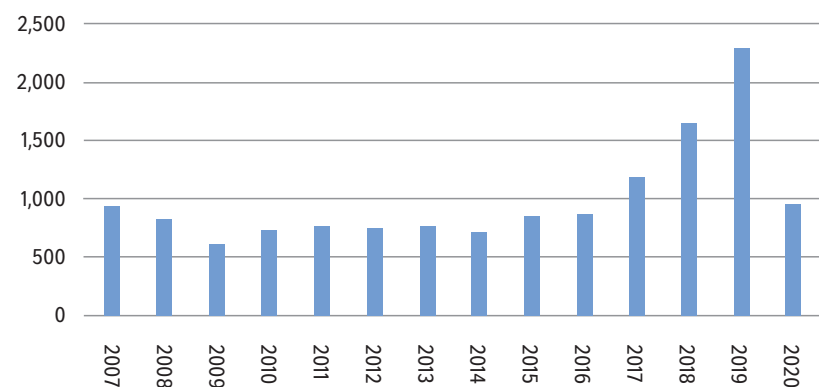
13 “Безвіз у безпеці: чи бачить ЄС підстави для його призупинення,” [Visa-free is safe: does the EU see grounds for its suspension] *Європейська правда*, July 14, 2020. Available online: <https://www.eurointegration.com.ua/articles/2020/07/14/7112119/> (accessed on February 24, 2023).

14 “Угода між Україною та Європейським Співтовариством про спрощення оформлення віз,” [Agreement between Ukraine and the European Community on simplification of visa registration] Verkhovna Rada of Ukraine. Available online: https://zakon.rada.gov.ua/laws/show/994_850#Text (accessed on February 24, 2023); “Угода між Україною та Європейським Союзом про внесення змін до Угоди між Україною та Європейським Співтовариством про спрощення оформлення віз,” [Agreement between Ukraine and the European Union on amendments to the Agreement between Ukraine and the European Community on the simplification of visa processing] Verkhovna Rada of Ukraine. Available online: https://zakon.rada.gov.ua/laws/show/994_b15#Text (accessed on February 24, 2023); “Угода між Україною та Словацькою Республікою про місцевий прикордонний рух,” [Agreement between Ukraine and the Slovak Republic about local border traffic] Verkhovna Rada of Ukraine. Available online: https://zakon.rada.gov.ua/laws/show/703_076#Text (accessed on February 24, 2023);

rules for entry with a child and those aged 16 years old and over).¹⁵ The main reasons for refusing entry are usually insufficient documents confirming the purpose of the visit and conditions of stay and insufficient funds to cover the stay or return journey. Nonetheless, it was around this time that the situation began stabilizing following the introduction of the visa-free regime.

As can be seen from Table 4, there is a high degree of fluctuation in entry denials based on interview. These figures are less dependent on factors such as the visa-free regime and relate more to the person and their reasons and purpose for crossing the border. This is reflected in the numbers, with the largest jumps occurring in 2008, 2010, 2011, 2015 and 2019; by contrast in 2012 only two people were denied entry based on interview. However, the years of falling interview-based rejections indicate they are linked to the simplification of the visa procedure in 2008 and 2012, the EU–Ukraine Association Agreement in 2014, the introduction of the visa-free regime with the EU in 2017.

Figure 5. Yearly number of denied entries



Source: Authors, based on data from the State Border Guard Service of Ukraine

The annual indicators for the number of people detained crossing the Slovak–Ukrainian border show that across the period under examination most detentions occurred in 2009, when 1,494 persons

¹⁵ “Законі України Про державний кордон України,” [The Law of Ukraine on the state border of Ukraine] December 18, 1991. Available online: <https://ips.ligazakon.net/document/T177700?an=2> (accessed on February 24, 2023).

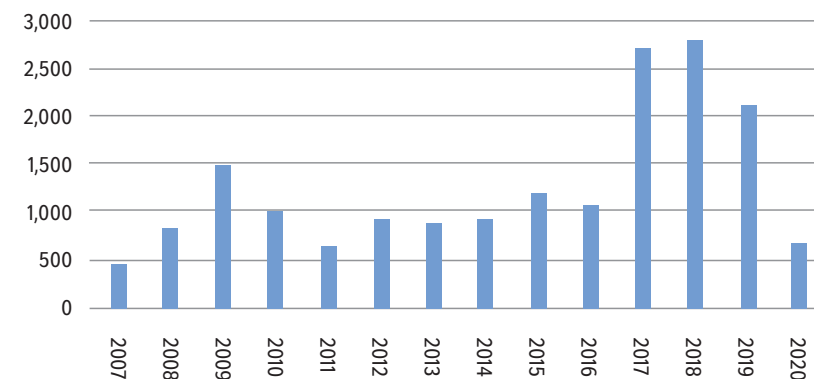
Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

34

35

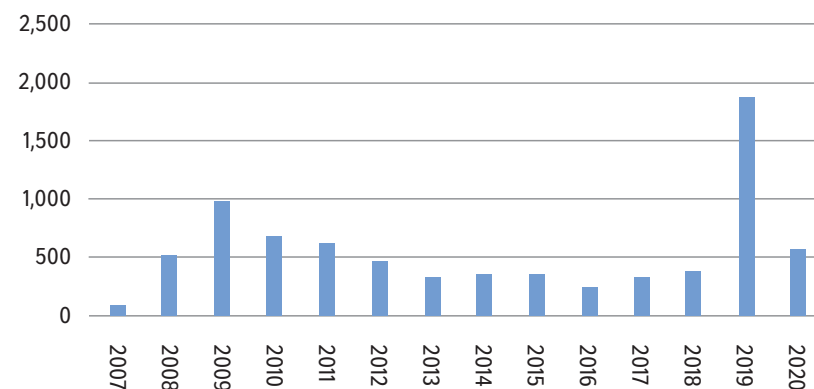
were detained (see Figure 6). From 2009 the situation remained the same until 2017. The high numbers denied entry in 2017–2019 were reflected in the number of detentions on the Slovak–Ukrainian border. These figures are probably related to the introduction of the visa-free regime. The 2019 figures are slightly lower than the 2018 figures and mainly relate to violations of the rules of stay at border checkpoints and beyond. It was assumed that the figures would begin to stabilize after 2019, but then the COVID-19 pandemic began, affecting the situation on the borders in 2020.

Figure 6. Yearly number of detentions



Source: Authors, based on data from the State Border Guard Service of Ukraine

Figure 7. Yearly number of illegal migrants



Source: Authors, based on data from the State Border Guard Service of Ukraine

The SBGS recorded 8,045 illegal migrants at the Ukrainian–Slovak border from 2007 to 2020. As Figure 7 shows the largest number of violations took place in 2009. As already mentioned, the EU–Ukraine visa facilitation agreement entered into force on January 1, 2008. Its purpose was to facilitate the issuance of short-stay visas (categories C and B) to Ukrainian citizens. The visa gave individuals the right to stay in the country for 90 days in a 180-day period. In addition, the local border traffic agreement entered into force in 2008. Unsurprisingly these changes and simplifications had a substantial effect on the numbers seeking to cross the border, not just to visit relatives and for tourism, but also to find work. However, the local border traffic policy with Slovakia was quite strict, leading the National Institute for Strategic Studies to conduct a study with support from the public initiative Europe Without Barriers.¹⁶ It found that the strict policy enhanced the desire to take advantage of the new opportunities to cross the border and may in fact have resulted in violations, especially with regard to local border traffic. The number of illegal migrants detected rose again in 2019 to 1,977. The growth was primarily due to the introduction of the visa-free regime. The sharp decrease in numbers in 2020 is down to the COVID-19 pandemic. It is also possible to exclude the impact of smuggling on the total number of attempts to illegally cross the border, which will be analyzed below.

The number of organized illegal crossings on the Ukrainian–Slovak border is extremely low, with only one such attempt detected during this period – in 2009. The figures on individuals illegally crossing the border and the data on rule violations declined markedly in 2020, after a sharp increase in 2017–2019 (following the introduction of visa-free travel). In 2020, the established system of travel, accommodation, employment was disrupted with the hasty introduction of border crossing restrictions due to the COVID-19 pandemic.

Additional challenges associated with legal and illegal migration between Ukraine and Slovakia include other types of border crossing violation. The main ones are:

1. document control violations;
2. smuggling and the violation of customs rules.

¹⁶ “Закарпаття: Угода про малий прикордонний рух між Україною і Словаччиною не працює,” [Transcarpathia: Agreement on small border traffic between Ukraine and Slovakia is not working] *Europe without Barriers*, September 9, 2010. Available online: <https://europewb.org.ua/zakarpattya-ygod-a-pro-malii-prikordonnii-ryx-mig-kykrainou-i-slovachchinou-ne-pracue/> (accessed on February 24, 2023).

36

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

37

Border crossings, socio-economic situation of border areas and cross-border cooperation

Table 5. Total number of document control violations

year	total	forged documents	other people's documents	invalid documents	technically defective	without reasons for entry
2007	756	34	13	199	254	256
2008	652	96	18	204	190	144
2009	508	120	8	138	114	128
2010	514	141	6	171	82	114
2011	530	85	6	195	81	163
2012	454	21	11	239	55	128
2013	418	14	11	235	68	90
2014	295	8	10	194	43	40
2015	323	9	2	225	37	50
2016	350	10	5	292	1	42
2017	332	9	4	275	1	43
2018	353	5	5	304	2	37
2019	467	64	9	345	0	49
2020	255	24	1	212	0	18
Total	6,207	640	109	3,228	928	1,302

Source: State Border Guard Service of Ukraine

Under Ukrainian legislation, document control violations come under illegal crossing of the state border or attempted illegally crossing of the Ukrainian state border. Illegally crossing of the state border or attempted illegally crossing of the state border is defined as crossing or attempting to cross the Ukrainian state border at a point where there is no checkpoint or at a checkpoint without the required documents or using forged documents or documents containing inaccurate information about the person, or without the permission of the relevant authorities (Article 204-1, Ukrainian code of administrative offenses).¹⁷ Exceptions include Ukrainian citizens who are the victim of crimes related to human trafficking and are returning to Ukraine without an official document and foreigners or stateless persons entering Ukraine with the intention of obtaining asylum or being recognized in Ukraine as refugees or persons in need of additional protec-

¹⁷ “Кодекс України про адміністративні правопорушення,” [Code of Ukraine on administrative offenses] Verkhovna Rada of Ukraine, May 26, 2022. Available online: <https://zakon.rada.gov.ua/laws/show/80731-10#Text> (accessed on February 24, 2023).

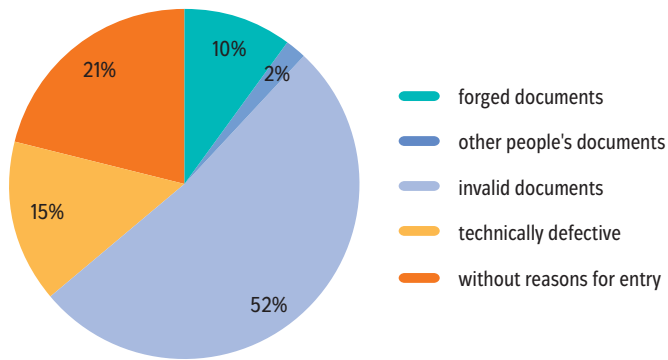
tion, if they have applied for asylum or for recognition as a refugee or a person in need of additional protection (Ukraine law on refugees and persons in need of additional or temporary protection).¹⁸

Among the document control violations, the majority of cases (52 per cent) are the use of invalid documents (see Figure 8). The remaining 21 per cent of violations are lack of reason for entry; use of technically defective documents (15 per cent); use of forged documents (10 per cent) and use of other people's documents (2 per cent). Figure 8 represents the data for the cumulative period 2007–2020.

Between 2007 and 2020, there were 6,207 document control violations recorded on the Ukrainian–Slovak border (see Table 5). The largest number of violations occurred in 2007 and since 2012, the number of document control violations has been falling. The document control violations recorded by the SBGS at checkpoints on the Ukrainian–Slovak border include:

- use of forged documents;
- use of other people's documents;
- use of invalid documents;
- use of technically defective documents;
- no reason for entry.

Figure 8. Breakdown of document control violations by type for 2007–2020

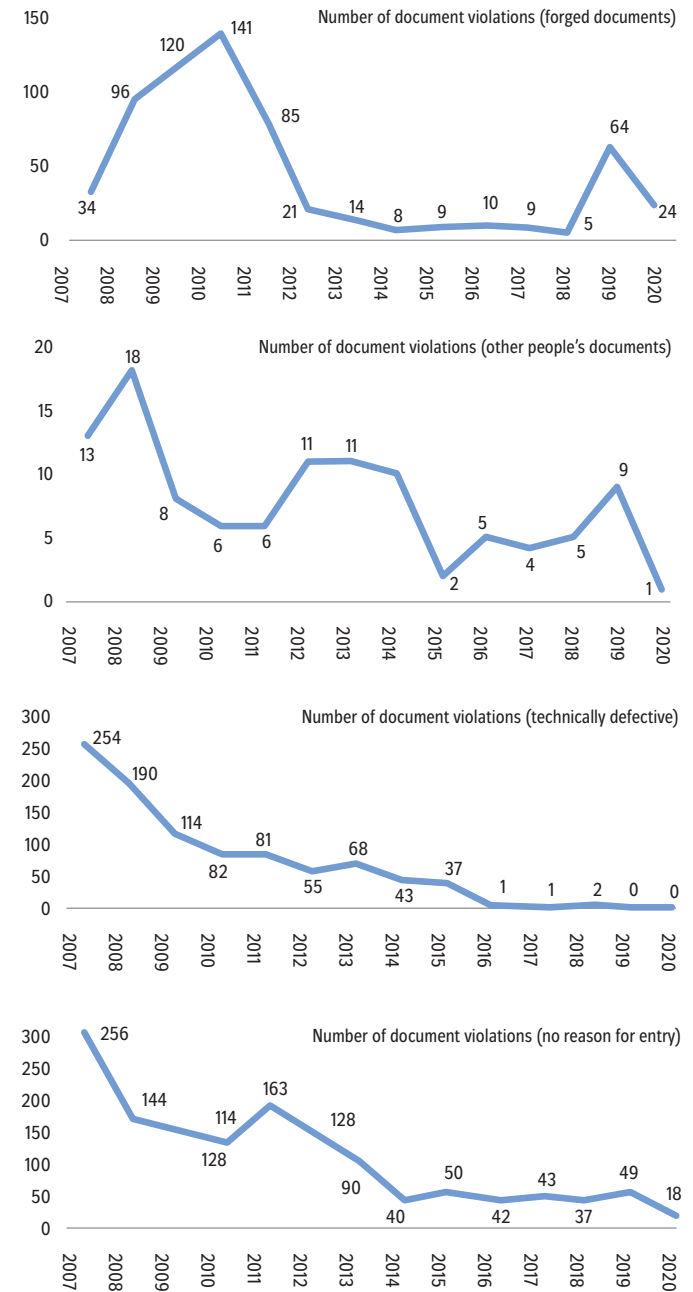


Source: State Border Guard Service of Ukraine

18 “Закон України Про біженців та осіб, які потребують додаткового або тимчасового захисту,” [Law of Ukraine on Refugees and Persons in Need of Additional or Temporary Protection] Verkhovna Rada of Ukraine, March 3, 2016. Available online: <https://zakon.rada.gov.ua/laws/show/3671-17#Text> (accessed on February 24, 2023).

38 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation 39

Figure 9. Changes in the number of document violations



Source: State Border Guard Service of Ukraine

Between 2007 and 2020 the use of forged documents fell, as did the use of other people's documents, technically defective documents, and lack of reason for entry (see Figure 9). The decline is probably related to changes to the Ukrainian legislation and technological improvements in document checks at checkpoints on the Ukrainian–Slovak border. In 2012, the border control law¹⁹ and the state border law were amended. Article 12 of the state border law²⁰ was amended to include: "Persons who illegally cross the state border of Ukraine with the intention of being recognized as a refugee or person in need of additional or temporary protection and who do not have an identity document, or the document is false are permitted access without such documents." In other words, certain groups of people can now cross the border, even if they do not have the appropriate document.

As can be deduced from Figure 10, invalid documents accounted for 83 per cent of all document control violations on the Ukrainian–Slovak border in 2020. This is also the most numerous category of violations from 2007 to 2020. The greatest number of violations occurred in 2016–2019, which accounted for 38 per cent of all cases of this type of document control violation (see Table 5). To understand the reasons behind such dynamics requires additional information about the type and nature of the invalid documents, but unfortunately that information is not available.

There are many cases of cars illegally crossing (forwarding/transportation across the border) the Slovak–Ukrainian border. From 2007 to 2020, the SGHS detected 1,442 such cases and 471 cars were confiscated. During that period, 87 stolen cars were detected on the Slovak–Ukrainian border. There was no long-term or sharp increase in the number of cars illegally crossing the border. Higher numbers were observed in 2007–2009, so we can assume that it also occurred earlier in the 1990s and early 2000s, perhaps due to the inadequate legal and institutional regulation of the socio-political and economic spheres following independence.

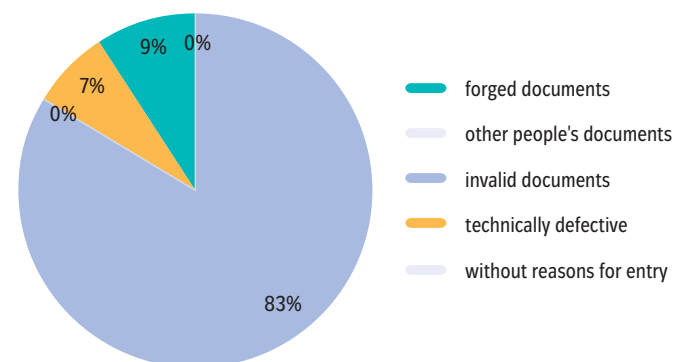
19 "Закону України Про прикордонний контроль," [Law of Ukraine on Border Control] Verkhovna Rada of Ukraine, August 5, 2021. Available online: <https://zakon.rada.gov.ua/laws/show/1710-17#Text> (accessed on February 24, 2023).

20 "Закон України Про державний кордон України," [Law of Ukraine on the State Border of Ukraine] Verkhovna Rada of Ukraine, January 1, 2022. Available online: <https://zakon.rada.gov.ua/laws/show/1777-12#Text> (accessed on February 24, 2023).

40 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

41 Border crossings, socio-economic situation of border areas and cross-border cooperation

Figure 10. Document control violations by type (in 2020)



Source: State Border Guard Service of Ukraine

Table 6. Transport for illegal migration

year	total cars	confiscated cars	stolen cars
2007	170	45	1
2008	177	30	0
2009	119	27	0
2010	89	23	0
2011	125	28	1
2012	88	23	0
2013	71	37	3
2014	76	44	20
2015	82	43	2
2016	102	33	5
2017	115	52	20
2018	80	32	19
2019	79	24	11
2020	69	30	5
Total	1,442	471	87

Source: State Border Guard Service of Ukraine

However, the data on stolen cars tells a different story: there was a slight increase in the number of stolen cars detected at the border when the visa-free regime was introduced, namely in 2017–2018. Moreover, a jump in detected stolen cars was observed in 2014, which

was a crisis year in Ukraine. To analyze this in greater depth requires information about the identity of the offenders, the purpose, reason, place, etc. There is no clear relationship between the total number of cars and the number of confiscated cars and the number of confiscated cars is no more than half or even a third of the number of detected cars, which is quite low. In 2018–2019, the number of detained cars fell in comparison with 2016–2017, coinciding with the ban on used cars from Europe in Ukraine and the introduction of a preferential customs clearance period in early 2019 for used cars (no less than Euro2 standard), after which preferential customs clearance rules applied to new cars only. The preferential rules were in place until 2021.

Customs rules violation are a civil offence and refers to actions aimed at moving goods across the Ukrainian customs border concealed from customs control, using specially modified storage spaces (hiding places) and other means or methods to hinder the detection of such goods, or by disguising contraband as other goods, or by presenting to the revenue authorities forged documents, illegally obtained documents, or documents containing false information about the name, weight, quantity, country of origin of the goods, or relating to the consignor and/or consignee, number of cargo places, markings and numbers, or providing false information relating to the product code and customs value (Article 458 of the customs code²¹).

The following administrative penalties may be imposed for violation of the customs rules:

1. warning;
2. fine;
3. confiscation of goods, commercial vehicles – used to violate the customs rules, goods, vehicles with specially modified storage spaces (hiding places) used to hide goods – items violating the customs rules at customs control, as well as vehicles used to move goods – items violating the customs rules – on the Ukrainian customs border outside the location of the customs authority.

Smuggling refers to moving goods across the Ukrainian customs border without presenting them to customs control or concealing from customs control items of cultural property, poisonous, potent, explosive substances, radioactive materials, weapons or ammunition (except smoothbore hunting weapons and ammunition), parts

42

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

43

Border crossings, socio-economic situation of border areas and cross-border cooperation

of firearms, as well as special technical means of obtaining secret information.²² All smuggled items are divided into categories under Article 201 of the Criminal Code of Ukraine irrespective of the volume of smuggling:

- cultural value;
- poisonous, potent, radioactive or explosive substances;
- weapons and ammunition (except smoothbore hunting weapons and ammunition);
- special technical means of obtaining secret information.

Violation of customs rules and smuggling:

1. movement of goods outside customs control;
2. movement of goods concealed from customs control.

Movement of goods and vehicles across the border outside customs control refers to the movement of goods and vehicles outside the customs control zone; at a time when the custom checkpoint is not operating, i.e., before opening or after closing; illegal exemption from customs control owing to abuse by customs officials. The concealed movement of goods across the customs border can either occur through physical concealment or document concealment.

Physical concealment can occur in several ways:

1. by using specially modified storage spaces (hiding places) for the purpose of moving goods across the customs border illegally. Tanks and features that can be disassembled or assembled that are also equipped and adapted;
2. by using other means and methods to hamper the checks, by hiding objects in an organism or in the human body or animal body, in personal belongings, in various cavities, food, etc;
3. by changing the appearance of the item and packaging to hide contraband items and disguise them to look like permitted items.

Document concealment can involve:

1. Use of forged documents. False or genuine documents containing false information, or documents with a forged signature, seal, or stamp.

21 "Митний кодекс України," [Customs Code of Ukraine] Verkhovna Rada of Ukraine, April 16, 2022. Available online: <https://zakon.rada.gov.ua/laws/show/4495-17#Text> (accessed on February 24, 2023).

22 "Кримінальний кодекс України," [Criminal Codex of Ukraine] Verkhovna Rada of Ukraine, April 23, 2022. Available online: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (accessed on February 24, 2023).

2. Use of illegally obtained documents.
3. Use of documents containing false information, usually the nature of the transaction, the name of the goods, range, weight, quantity or value of the goods, information about the sender or consignee, the export or import country.

Goods and vehicles are moved across the customs border on the presentation of documents such as customs declarations, contracts, licenses, other accompanying documents, government permits and so on. According to the SBGS, in 2007–2020 there were 7,601 cases of goods seizures on the grounds of smuggling and/or the violation of customs rules at the Ukrainian–Slovak border. Of these, 135 cases related to the movement of goods outside customs control and 7,466 cases related to the movement of goods concealed from customs control (see Table 7). The total value of the confiscated goods was UAH 421,059,343 (€10,526,483). The value of goods moved without passing through customs control was UAH 3,038,797 and the value of goods moved concealed from customs control was UAH 418,020,546.

Table 7. Smuggling and violation of customs rules

year	cases	amount (UAH)	cases	amount (UAH)
2007	1,097	26,779,300	0	0
2008	945	57,363,461	4	78,500
2009	891	861,552	18	58,241
2010	749	33,434,203	11	528,550
2011	970	34,957,905	19	252,353
2012	534	24,898,402	16	144,356
2013	554	12,842,966	13	261,380
2014	341	47,549,570	8	95,560
2015	275	24,932,245	10	73,000
2016	242	25,992,918	12	168,058
2017	193	19,331,087	6	1,267,560
2018	149	18,649,438	3	0
2019	230	14,511,047	9	21,539
2020	296	25,916,452	6	89,700
Total	7,466	418,020,546	135	3,038,797

Source: State Border Guard Service of Ukraine



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Border crossings, socio-economic situation of border areas and cross-border cooperation

In 2007–2020, of the goods seized on the grounds of customs violations and smuggling on the Ukrainian–Slovak border 98 per cent were concealed from customs control at checkpoints, while 2 per cent were seized outside checkpoints and customs control.

The largest number of goods seized on the grounds of smuggling and customs rule violations at the Ukrainian–Slovak border was observed in 2007, and the lowest in 2018 (a total of 152; see Figure 11). The smuggling figure does not consider items of cultural value; poisonous, potent, radioactive or explosive substances; weapons and ammunition; or technologies for obtaining secret information.

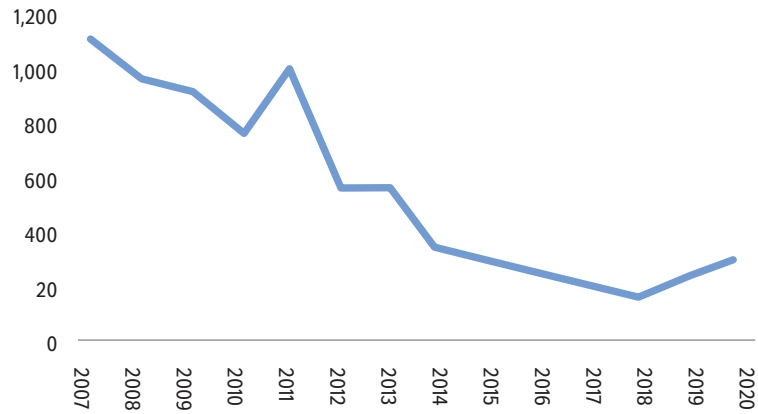
Substantial reductions in the number of goods seized on the grounds of smuggling and customs rule violations of customs rules at the Ukrainian–Slovak border were observed after 2012. It can be assumed that this is directly related to the introduction of the new customs rules as part of the new customs code (March 13, 2012).

According to the data, cigarettes were the main goods smuggled across the Slovak–Ukrainian border. Cigarette smuggling and counterfeiting is a dangerous and illegal business that harms legal cigarette manufacturers (including through growing competition), state budgets and the economy and interstate relations.²³ The predominance of cigarettes among contraband goods can be seen in Table 8.

Factors previously mentioned – the simplification of the visa regime or the introduction of the visa-free regime – had almost no effect on the increase in cigarette smuggling detected at the Slovak–Ukrainian border (see Figure 12). However, that has no bearing on undetected cases. Rates remained high until 2009 when there was a further decrease in the number of detected cases. We can therefore make some assumptions about the high rates of cigarette smuggling leading up to 2009. The main reason is the inadequacies in the legislation and the system, which have not been solved since independence, as well as the economic situation, living standards and lack of jobs, especially in non-industrial border regions.

²³ “Контрабанда з високою маржею: який вплив на неї матиме кримінальне покарання,” [High-margin smuggling: what impact will criminal punishment have on it] Економічна правда, September 21, 2020. Available online: <https://www.epravda.com.ua/projects/ni-kontrabandi/2020/09/21/665188/> (accessed on February 24, 2023).

Figure 11. Case rate for smuggling and customs rules violations



Source: Authors, based on data from the State Border Guard Service of Ukraine

Table 8. Weaponry, drugs and cigarettes smuggling

year	weaponry		drugs		inside checkpoint		outside checkpoint	
	weapons	ammunitions	drugs	psychotropic drugs	cases	number	cases	number
2007	39	758	0	7	588	617,457	0	0
2008	65	715	1	650	351	396,007	4	42,700
2009	78	397	0	633	332	346,947	18	119,700
2010	56	2,049	7	13	220	108,118	10	4,159
2011	46	1,803	62	454	122	113,228	19	76,598
2012	13	639	0	36	61	74,800	14	44,810
2013	16	174	6	460	38	53,721	12	66,230
2014	9	108	9	653	48	16,111	7	30,100
2015	29	3,576	0	57	89	347,102	9	30,300
2016	7	1,707	0	7	126	142,222	11	26,420
2017	15	4,296	37	12	94	237,428	5	68,680
2018	23	364	4	129	64	1,216,341	2	7,886
2019	199	2,161	374	10	76	111,351	7	21,470
2020	24	119	0	104	44	226,857	6	14,960
Total	619	18,866	502	3,222	2,253	4,152,690	124	5,117,400

Source: Authors, based on data from the State Border Guard Service of Ukraine

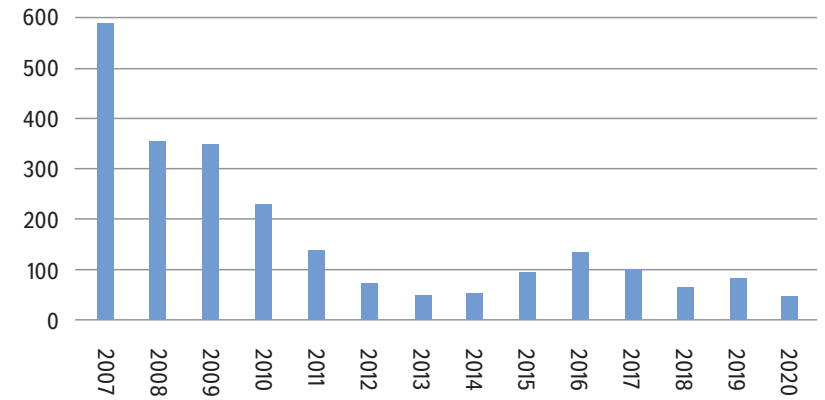
46

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

47

Border crossings, socio-economic situation and cooperation

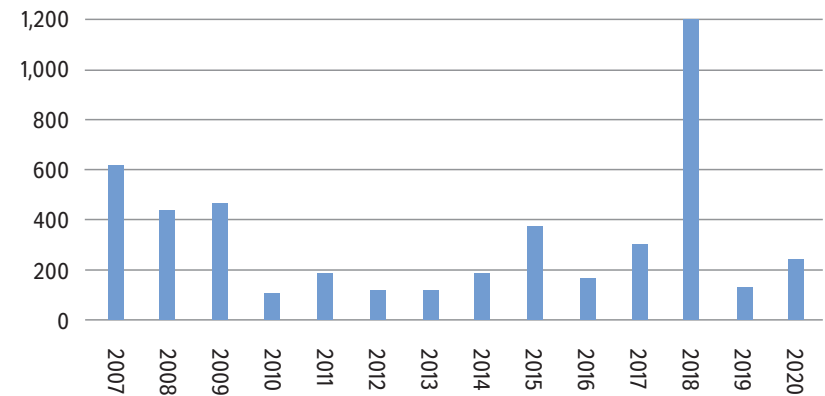
Figure 12. Case rate for cigarette smuggling



Source: Authors, based on data from the State Border Guard Service of Ukraine

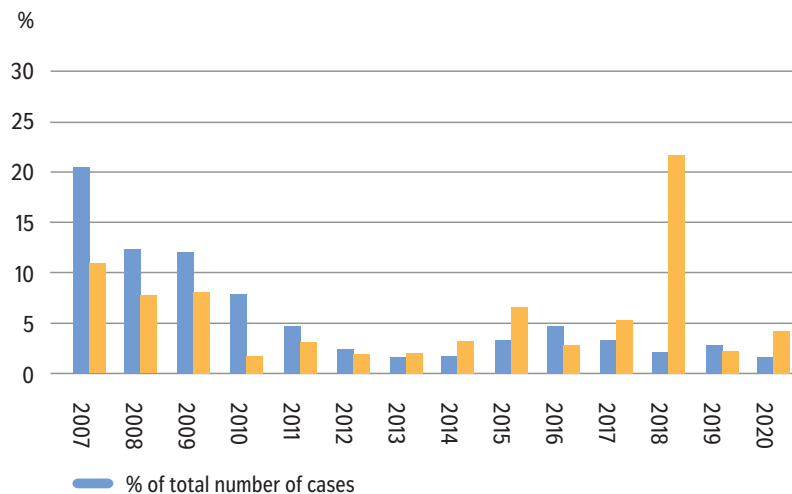
However, the data (see Figures 13 and 14) show that the figures indicating moderate trends in the detection of cigarette smuggling does not correspond to the numbers of cigarettes seized. As we can see in 2018 there is a jump in the number of cigarettes seized in comparison with the case rate for smuggling. This is probably because of smuggling by large gangs, which was affected by the introduction of the visa-free regime.

Figure 13. Number of cigarettes seized (in thousands)



Source: Authors, based on data from the State Border Guard Service of Ukraine

Figure 14. Annual share of total number of smuggling cases and total number of cigarettes seized



Source: Authors, based on data from the State Border Guard Service of Ukraine

We can also compare the data on the location of smuggling attempts – through or outside the border checkpoints (see Figure 15). It should be noted that most attempts to smuggle cigarettes across the border were detected at border checkpoints. Only in 2013 did cigarette smuggling through checkpoints almost tally with cases recorded outside checkpoints. That year also had one of the lowest rates, despite it being a year of crisis in Ukraine’s political-administrative and economic spheres, with Euromaidan and the disruption of the European integration processes.

Cigarette smuggling is a common problem in Ukraine and many other countries. It is linked to customs and tax offences, as well as harm to human health, as consumers often pay more attention to the price of goods than the quality and excise stamps. Therefore, in an effort to effectively and transparently counter smuggling, parliaments pass national legislation that clearly targets smuggling and the degree of responsibility for the particular type of violation. Special bodies are also set up. In Ukraine these include the Customs Service, the National Police, the State Fiscal Service, the State Tax Service, and the Security Service. However, besides the legislation and the relevant government institutions, Ukraine also needs an effective state strategy to counter smuggling and customs violations, with appropriate legislative amendments and improvements to the system of penalties (such as criminalizing cigarette smuggling, and perhaps different penalties according to the volume smuggled).

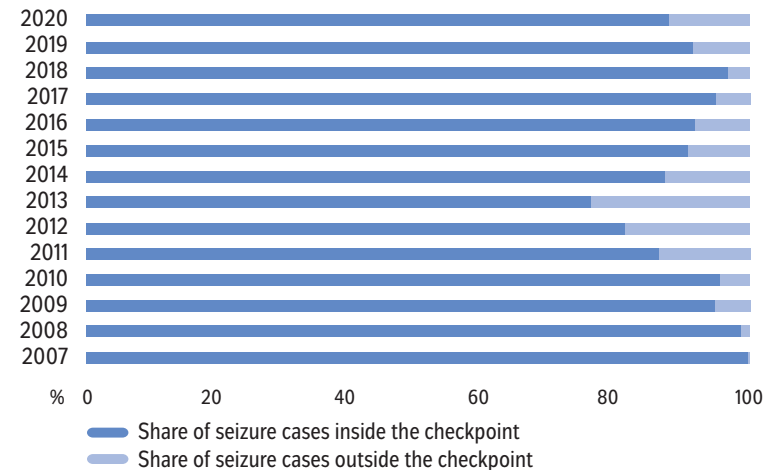
48

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Border crossings, socio-economic situation of border areas and cross-border cooperation

49

Figure 15. Distribution of cigarettes seizures by location



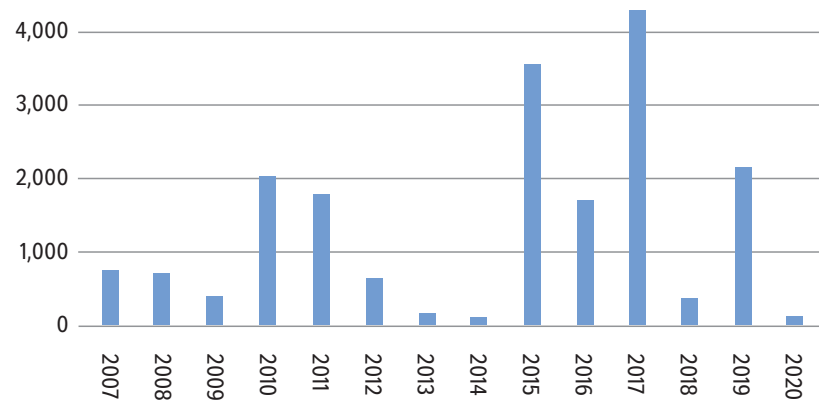
Source: Authors based on data from the State Border Guard Service of Ukraine

Despite the number of bodies responsible for combating smuggling in Ukraine, there are still cases of corruption among state employees, including the border service.²⁴ Greater effort is therefore required in this area, particularly through the involvement of external experts and partners through international organizations, such as Office européen de lutte antifraud (OLAF), Financial Action Task Force (FATF), Europol. Cooperation between Slovak and Ukrainian border agencies would also be effective for the use of best national practices in detecting and combatting smuggling.

Another issue is the difference between cigarette prices in Ukraine and the EU, which encourages smuggling. Public awareness and information campaigns on the harm caused by smuggling, especially in border regions (constant visualization through various types of advertising) is also important.

24 “4100 доларів США за контрабанду цигарок – підозрюється прикордонник із Закарпаття,” [4100 USD for smuggling cigarettes – a border guard from Transcarpathia is suspected] Office of the Prosecutor General of Ukraine, January 14, 2022. Available online: <https://gp.gov.ua/ua/posts/4100-dolariv-ssa-za-kontrabandu-cigarok-pidozryujetsya-prikordonnik-iz-zakarpattya> (accessed on February 24, 2023).

Figure 16. Quantity of ammunition seizures



Source: Authors, based on data from the State Border Guard Service of Ukraine

According to the SBGS data, presented in Figure 16, ammunition smuggling rates are also quite high. A sharp increase in ammunition smuggling has been observed in 2015 and 2017, which may be due primarily to Russia's military invasion of Ukraine in 2014 and the start of military actions in eastern Ukraine, as well as a possible increase in ammunition trafficking within Ukraine. But a thorough analysis of such tendencies requires the availability of reliable information on ammunition smuggling, especially since the data on ammunition does not correlate to the data on weapons; the rise of this type of smuggling was observed in 2019 only.

There is no regular identifiable pattern in the data on the smuggling of drugs and psychotropic substances. The amount is insignificant: 502 g of drugs over 13 years, and 3.222 kg of psychotropic substances.

Under Ukrainian law the violation or attempted violation of the Ukrainian state border, border regime or checkpoints, illegal movement or attempted illegal movement, as well as other legislative violations on the state border is a crime or offence. Crossing or attempting to cross the state border outside a checkpoint without the relevant documents or using forged documents or documents identity or without the permission of the relevant authorities is punishable by a fine or detention for up to 15 days and confiscation any tools and equipment used to commit the offense. Between 2007 and 2020, 22,397 offence notices were issued on the Ukrainian–Slovak border, 21,971 individuals were prosecuted, and fines totaling UAH 26,327,010 (€658,175) were imposed (see Table 9).

50

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Border crossings, socio-economic situation of border areas and cross-border cooperation

51

The largest number of offense records was issued in 2017–2019, which is 38 per cent of the total number issued in 2007–2020. The lowest number of offence records was issued in 2007 (755) and in 2020 (881) (see Figure 17). In 2007 the amount reflected the rate and number of crossings made across the Slovak–Ukrainian border through the checkpoints, whereas the figure for 2020 was affected by the COVID-19 quarantine restrictions. For example, under the COVID-19 regulations of March 17, 2020,²⁵ those violating the rules of stay in Ukraine were exempted from Article 203 of the administrative offenses code if they had failed to leave Ukraine on time because they were in quarantine owing to the COVID-19 pandemic.

Table 9. Total number of offence reports and offenders

year	protocols	persons prosecuted	air carriers prosecuted	fines (UAH)
2007	755	754	0	82,152
2008	1,069	1,052	0	473,107
2009	1,997	1,980	0	1,170,814
2010	1,683	1,665	0	704,812
2011	1,329	1,315	4	1,566,905
2012	1361	1,331	2	1,230,041
2013	1,082	1,070	0	1,320,716
2014	932	929	1	1,414,322
2015	1,309	1,301	0	1,534,867
2016	1,450	1,413	0	1,261,005
2017	3,000	2,964	0	2,327,547
2018	3,038	2,960	0	5,861,138
2019	2,511	2,425	0	5,711,156
2020	881	812	0	1,668,428
Total	22,397	2,1971	7	26,327,010

Source: State Border Guard Service of Ukraine

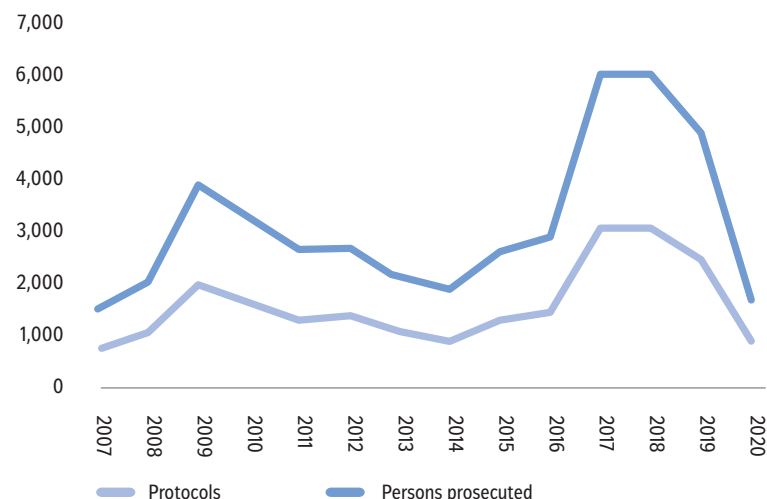
²⁵ “Закон України Про внесення змін до деяких законодавчих актів України, спрямованих на запобігання виникненню і поширенню коронавірусної хвороби COVID-19,” [Law of Ukraine on Amendments to Certain Legislative Acts of Ukraine, aimed at Preventing the Occurrence and Spread of the COVID-19 Coronavirus Disease] Verkhovna Rada of Ukraine, October 10, 2021. Available online: <https://zakon.rada.gov.ua/laws/show/530-20#Text> (accessed on February 24, 2023).

In 2013 and 2014 few offense reports were issued, only 8 per cent of the total number. That is probably related to the amendments introduced in 2012 relating to the border control and state border law and thereby the administrative offenses code. Under the amendments foreigners or stateless persons intending to obtain asylum or be recognized as a refugee in Ukraine or persons in need of additional or temporary protection are not considered to have illegally crossed the state border of Ukraine. The substantial difference in the number of fines issued compared to the number of offense records issued and persons prosecuted in 2018 compared to 2017 may be because the fines were amended in February 2018 to double the amount for Ukrainian citizens, foreigners, and stateless individuals.

The proportion of persons prosecuted as a share of the total number of offense reports was 98 per cent in 2007–2020. In 2007 it was 99.8 per cent, in 2014 it was 99.6 per cent, and in 2020 it was 92 per cent. In general, the number of people prosecuted is high compared to the number of offence reports. Discrepancies between the number of reports and the number of persons prosecuted in some years need additional analysis, as it is not known how many offence reports were declared invalid or contained errors.

Based on the data analysis, we can conclude that the biggest problems on the Slovak–Ukrainian border are illegal migration and cigarette smuggling, which poses a threat to interstate relations, cigarette manufacturers, and the citizens of both countries.

Figure 17. The numbers prosecuted and the number of offense reports



Source: Authors, based on data from the State Border Guard Service of Ukraine

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Border crossings, socio-economic situation of border areas and cross-border cooperation

1.1.2. Data analysis: Slovakia

Research limitations

Similarly to the situation in Ukraine, the only data available for this part of the study is from the annual Statistical Overview of Legal and Illegal Migration in the Slovak Republic.²⁶ All the data in this part of the study comes from these reports.

The BBFP does not store the data in any other form, that it does not currently hold the data used to create the reports and that the data has been destroyed. In addition, it is clear from the reports that the methodology for the data collection and/or data reporting was altered, but no explanation was given as to what had changed and why. There is no narrative or interpretative part in any of the reports, except the one for 2007, which at least includes a foreword and some basic information. Throughout the research, the BBFP advised us to refer to the reports. However, the information could only be extracted by manually counting the figures (partial numbers were provided but not the total), which made the data collection time-consuming and introduced the risk of human error. Consequently, the main contribution of the Slovak part of this study is that it provides the first year-on-year data overview of legal migration, illegal migration, and cigarette smuggling. There was no other data on smuggling apart from that on cigarettes. For this reason, we recommend relying on the Ukrainian data when making any assumptions or drawing conclusions, particularly in relation to the section on illegal migration and smuggling.

There is one more point to consider when interpreting the data. Schengen accession brought new guidelines, procedures, and general security measures for border staff. For decades, especially in the border areas, it was widely known that bribery was common and expected among border staff working on border crossings in Slovakia. Presumably both border agencies were gradually tackling the problem, with Schengen accession speeding up the process. It would therefore be good to have data on this, as it may partly explain increases or decreases in the smuggling of goods and people for example, and on the efficacy of border crossing processes. However, as no such data is available, this assumption is merely speculation, and cannot explain trends in the data.

²⁶ For more see official website of the Ministry of Interior of the Slovak Republic. Available online: <https://www.minv.sk/?rocniky> (accessed on 24 February, 2023).

Joining Schengen: changes to border management

It is important to note that Slovak border management changed substantially following Schengen accession in 2007. Based on the conclusions of the Schengen evaluation of Slovak land borders in 2006, the BBFP was transferred from the Presidium of the Police Force and integrated into the organizational structures of the interior ministry. The BBFP drafted the National State Border Management Plan of the Slovak Republic, which was approved in May 2007. In joining the Schengen area on December 21, 2007, Slovakia became responsible for protecting its external EU border. That meant abolishing the internal borders with Austria, the Czech Republic, Hungary, and Poland. At the same time, Slovakia had to set up security, customs and inspection controls and reinforce its control and surveillance forces on the external border with Ukraine to ensure EU standards were met. Based on the evaluation report by the Schengen evaluation mission, the Slovak Republic had to change its data protection, police cooperation, external border controls at land and air borders, as well as its visa policy. The BBFP also took on new responsibilities in police and judicial cooperation in criminal matters and policy as regards visas, immigration and the free movement of people. As of May 2007, the following changes were made:

- the Regional Office of the Serious Crime Investigation Department was set up in Sobrance;
- the Regional Office of the Department of Operative and Investigative Activities East of the National Unit to Combat Illegal Immigration was reinforced under the Border Police Directorate in Sobrance;
- the Risk Analysis and Statistics Department was set up;
- the Training Department was set up;
- the Mobile Intervention Unit was reinforced;
- the Department of Central Visa Authority was set up.

In April 2011, the BBFP was transferred from the interior ministry to the Presidium of the Police Force. That was the last major organizational change to take place on the Slovak side within the period under study ending in 2020.

Legal migration

In 2007, Slovakia shared five border crossings with Ukraine – three road and two rail crossings. Table 10 shows the figures for the legal migration of people and vehicles for the years 2007–2020 by both

54 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

55 Border crossings, socio-economic situation of border areas and cross-border cooperation

air and land. We can see that in 2008, the number of persons and vehicles passing through the border checkpoints was double that of 2007 (rising from 2,540,180 to 3,374,989 persons and from 818,063 to 1,427,808 vehicles). This dramatic increase may be related to Slovakia's accession to Schengen. With Slovakia now a gateway into the Schengen Area and wider EU, the Schengen visas issued to Ukrainian travelers at the border allowed them to travel within a much wider area than before. This may have led to greater interest in crossing the border in the first year after accession. Another reason may be that in September 2008 the local border traffic agreement between the Slovak Republic and Ukraine entered into force. That greatly facilitated border crossings for people living in the border areas.

Table 10. Legal migration from and to Ukraine

year	total of legal migration (from or to Ukraine)		car border checkpoints		air border checkpoint	
	total persons	total vehicles	persons	vehicles	persons	vehicles
2007	4,725,444	849,591	2,540,180	818,063	2,185,264	31,528
2008	5,677,292	1,460,282	3,374,989	1,427,808	2,302,303	32,474
2009	4,303,406	945,235	2,961,271	929,505	1,342,135	15,729
2010	3,477,068	888,138	2,481,943	878,848	995,125	9,290
2011	2,906,447	800,619	1,920,822	791,162	985,625	9,457
2012	2,938,195	847,209	1,943,763	837,735	984,430	9,474
2013	2,845,864	853,605	1,862,016	844,543	983,848	9,062
2014	2,858,192	839,906	1,817,653	830,867	1,040,539	9,039
2015	3,113,124	763,593	1,852,627	752,630	1,260,497	10,963
2016	3,468,132	794,793	2,163,461	783,554	1,304,671	11,239
2017	4,027,775	826,380	2,480,051	813,110	1,547,724	13,270
2018	4,645,707	779,627	2,706,216	764,356	1,939,491	15,271
2019	4,751,974	617,384	2,669,346	601,640	2,091,628	15,744
2020	1,170,894	272,306	779,273	267,265	391,621	5,053
Total	50,909,514	11,538,668	31,553,611	11,341,086	19,354,901	197,593

Source: Ministry of Interior of the Slovak Republic

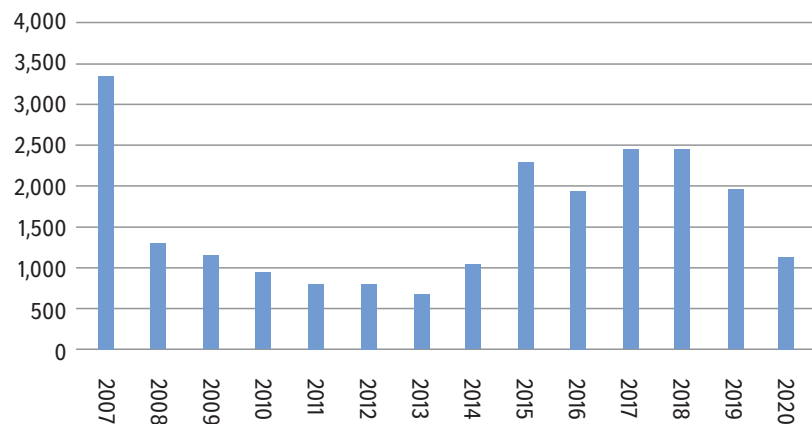
After 2007 the figures show a steady decrease, before increasing again in 2016. In 2017, the EU approved visa-free travel to and from Ukraine, which led to a continual increase in the numbers crossing the border each year until the onset of the COVID-19 pandemic in 2020. The visa-free regime also led to a substantial increase in the

numbers traveling by air. In 2019, changes in customs clearance for used cars resulted in a decrease of 21.287 per cent in crossings compared to the previous year (from 764,356 in 2018 to 601,640 in 2019).

Illegal migration and smuggling

In the BBFP reports, illegal immigration is divided into two categories: illegal border crossings and unauthorized/illegal stays. Illegal border crossings are most made on foot through the “green border,” assisted by a smuggler or alone; hidden in a vehicle; and through border checkpoints using false or forged documents or misusing a genuine one. In Figure 18, we can see that the illegal border crossing rates were very high before the border was reinforced following Slovakia’s Schengen accession. Thereafter, the numbers crossing the border decreases steadily, with the exception of 2012, when it jumped a little only to decrease again from 2013 onwards. We can conclude that no other changes, either direct ones by the border agency or indirect ones, such as Euromaidan, had a major effect on the already decreasing trend in illegal border crossings.

Figure 18. Illegal border crossings



Source: Authors, based on data from the Ministry of Interior of the Slovak Republic

The high number of denied entries in 2008 reflected the greater number of people wanting to cross the border after visa issuance simplification (see Table 11). Some of these people were unaware of the documents and requirements for crossing the border and so were denied entry. However, further visa issuance simplification in 2012 did

not have a major impact on the number of denied entries. In the following years, the numbers were more or less stable until they increased in 2017.

Table 11. Illegal migration – refusal of entry

year	illegal migration		total
	land border	airports	
2007	N/A	N/A	1,292
2008	1,579	32	1,611
2009	850	38	888
2010	877	13	890
2011	600	4	604
2012	607	7	614
2013	441	8	449
2014	512	5	517
2015	477	9	486
2016	761	8	769
2017	1,052	65	1,117
2018	1,698	147	1,845
2019	1,244	173	1,417
2020	376	69	445

Source: Authors, based on data from the Ministry of Interior of the Slovak Republic

With the introduction of the visa-free regime between Ukraine and the EU, interest in crossing the Slovak–Ukrainian border was expected to increase and did so until the pandemic struck in 2020. The main reasons for refusals listed in Regulation (EC) 562/2006 include:

- no valid travel document(s);
- a false/counterfeit/forged travel document;
- a false/counterfeit/forged visa or residence permit;
- no valid visa or residence permit;
- no appropriate documentation justifying the purpose and conditions of stay;
- insufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit;

56 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

57 Border crossings, socio-economic situation of border areas and cross-border cooperation

- having stayed for 90 days in the preceding 180-day period on the territory of one or more EU member states;
- the person is the subject of an alert in the SIS for the purposes of refusing entry,
- the person is the subject of an alert in the national register for the purposes of refusing entry;
- the person is considered to be a threat to public policy, internal security, public health or the international relations of one or more of EU member states.

Table 12. Readmissions – illegal migration (with Ukraine)

illegal migration		
readmissions – illegal migration (with Ukraine only)		
year	persons returned from SR	persons returned to SR
2007	1,183	4
2008	691	7
2009	425	18
2010	308	5
2011	138	3
2012	97	1
2013	132	1
2014	116	0
2015	116	0
2016	118	5
2017	184	2
2018	241	1
2019	149	8
2020	89	5

Source: Authors, based on data from the Ministry of Interior of the Slovak Republic

Table 12 shows the number of persons returned from Slovakia and returned to Slovakia under the readmission agreements for the given years, on illegal migration grounds, by the Slovak interior ministry or by another state. The BBFP of the Presidium of the Police Force of the Slovak Republic reports divide the data into two subcategories: illegal migration and other. “illegal migration” refers to individuals returned on illegal migration grounds by the Slovak Republic or another country, in this case Ukraine. “Other” refers to persons removed

58 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

59 Border crossings, socio-economic situation of border areas and cross-border cooperation

on illegal migration grounds from Slovak territory, whose stay in Slovakia or other EU member state was legal at the time of readmission. However, table does not contain this second category as the figure was zero for each year. “Persons returned from SR” refers to persons sentenced for a crime unrelated to illegal migration. Such persons were subject to judicial expulsion and then returned to another state (in this case Ukraine) where they were permitted to stay. “Persons returned to SR” – this category refers to persons who were returned from another state (in this case Ukraine) and were permitted to stay on the territory of the Slovak Republic.

Figure 19 shows that the number of persons (for all nationalities and for Ukrainian citizens separately) returned from Slovakia fell substantially after Schengen accession. After the accession the numbers continued to decrease steadily, then increased in 2018, following the introduction of the visa-free regime. The next year they began decreasing again, hastened by the onset of the COVID-19 pandemic. The BBFP reports use the terms “illegal” and “unauthorized” stay but do not explain the difference nor explain why both terms are used. We therefore assume that the two terms are used interchangeably. For this reason, we adopt the definition of illegal stay provided in the 2011 report as it was defined following Schengen accession. In it, ‘illegal stay’ on Slovak territory refers to a stay by “a foreigner found to be illegally present in the Slovak Republic, in violation of the national legislation, regardless of whether that person entered the Slovak Republic legally or illegally.”²⁷

Illegal and unauthorized stays can be further divided into

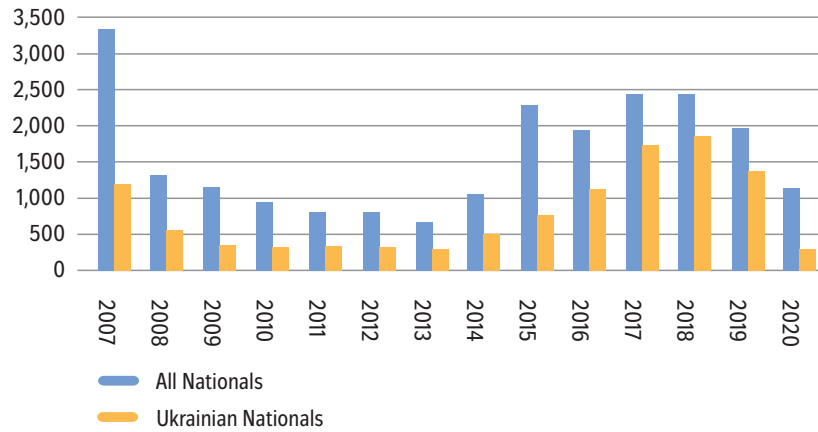
- stays following legal entry into the Slovak Republic, i.e., foreigners apprehended in Slovakia for having overstayed;
- stays following illegal/unauthorized entry into the Slovak Republic, i.e., foreigners apprehended in Slovakia having entered the country illegally;
- stays where entry is unknown, i.e., foreigners apprehended in Slovakia where there is no evidence of legal or illegal entry.

In 2007, extensive changes were implemented under the Schengen area enlargement and to harmonize Slovak and EU law. Act No. 342/2007 of June 16, 2007, entered into force on December 21, 2007, the date of Slovakia’s Schengen accession. Since then, Slovakia has

²⁷ “Štatistický prehľad legálnej a nelegálnej migrácie v Slovenskej republike 2011,” op. cit.

been bound by the Schengen *acquis*. Despite the initial challenges, Slovakia fully implemented the Schengen Information System, as noted in the BBFP report from 2007. This system can be used by the Slovak authorities responsible for border control and customs and police checks, as well as the judicial authorities to obtain information on persons or objects. Slovakia enters “information to the system through its national network (N-SIS) connected to a central system (C-SIS), and this IT system is supplemented by a network known as SIRENE (Supplementary Information Request at the National Entry). This network is the human interface of the SIS.”²⁸ Since accession, EU member state nationals are not required to obtain a work or residence permit for Slovakia. However, the rules for the third country nationals, such as Ukrainians, have either remained unchanged or have been updated to be in line with the EU laws.

Figure 19. Number of unauthorized stays



Source: Authors, based on data from the Ministry of Interior of the Slovak Republic

The first column in Figure 19 gives data on illegal/unauthorized stays of third country nationals in Slovakia from 2007. The second column shows the same data for Ukrainian nationals. Ukraine has the highest number of unauthorized/illegal stays or rather overstays in Slovakia. Those who overstay enter the country legally but do not depart by

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

60

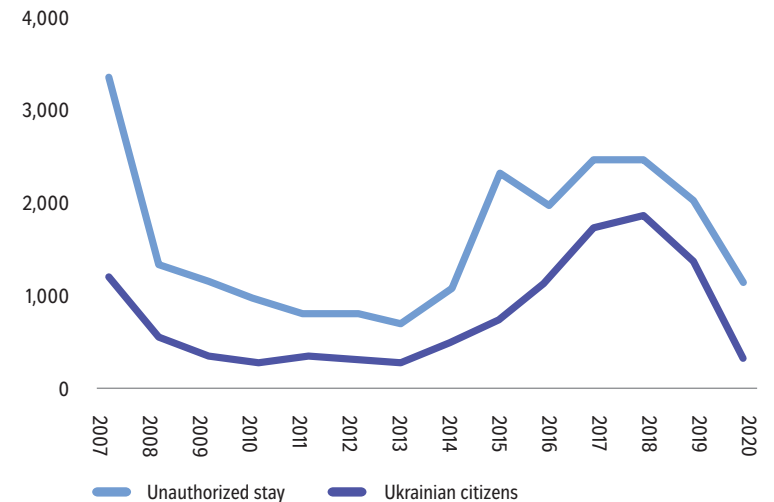
61

Border crossings: socio-economic conditions, migration, citizenship, border areas and cross-border cooperation

the visa expiry date. Ukrainian nationals account for approximately 50 to 30 per cent of all overstays detected.

As Figure 20 shows, the number of unauthorized/illegal stays fell by approximately 60 per cent after Slovakia’s accession to the Schengen Area in 2007. Similarly in 2008, the share of Ukrainians dropped by 52 per cent compared to 2007. Ukrainian nationals consistently comprise the largest group of foreign nationals with unauthorized stays in Slovakia (a minimum of 30 per cent each year, 27 per cent in the year the pandemic began). The decreasing trend continued until 2014, when the total number of unauthorized stays increased by almost 35 per cent and the number of Ukrainian nationals by 37.6 per cent. The large increase in the number of unauthorized/illegal stays in subsequent years is mainly down to the increase in the number of Ukrainian nationals. As the increase does not correlate with the dates on which the visa simplification was introduced in 2008 and 2012, we can perhaps assume that Russia’s unlawful annexation of Crimea in 2014 played a role. Since then, the number of unauthorized/illegal stays has continued to increase. We can further assume that the numbers reflect people leaving Donetsk, Luhansk and Donbass region following the Russian aggression. The introduction of the visa-free regime between Slovakia and Ukraine led to a massive increase in unauthorized/illegal stays among Ukrainian nationals in 2017 and 2018. After that, the numbers stopped increasing, primarily because of the COVID-19 pandemic.

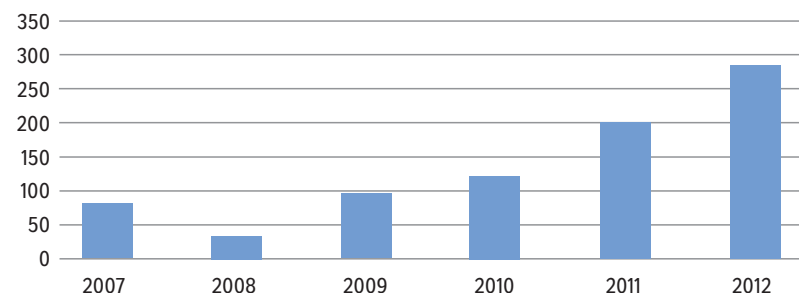
Figure 20. Total number of illegal migrants



Source: Authors, based on data from the Ministry of Interior of the Slovak Republic

The falsified travel documents detected at the Slovak–Ukrainian border range from simple data alterations to photo substitution and sophisticated document reproductions. Passports, visas, ID cards, and work and residence permits are most often falsified. The UHCP report from 2007 suggests that the “look alike” method of falsification was most common, especially among Moldovan and Ukrainian nationals and is, it claims, a long-term trend. The data collection and presentation in the UHCP reports is inconsistent and lacks explanations regarding the changes in methodology. Therefore, it was not possible to include a single table or graph representing the trends and developments in 2007–2020.

Figure 21. Number of counterfeit and altered travel documents detected at Slovakia’s external border



Source: Authors, based on data from the Ministry of Interior of the Slovak Republic

Figure 21 shows the number of counterfeit and altered travel documents detected at the border and at border checkpoints (BCPs). There is no explanation accompanying the data of the types of documents detected. The reports do not contain a more detailed explanation of the data collection methodology or a narrative description either. As expected, the number of falsified documents briefly decreased after Slovakia’s accession to the Schengen Area. However, the numbers picked up again in 2009, growing three-fold in comparison with 2008 and continued to grow given the high demand. There is, however, no clarity on the kinds of documents falsified and the data forged. In 2012, the data included altered travel documents, visas, residence permits, transit stamps.

Over the years, the data categories, divisions and subdivisions have changed. As there is no narrative description or explanation of the changes, it is very difficult to establish the efficiency and effectiveness of the given data collection method or the advantages and disadvantages. Moreover, it is impossible to determine the kinds of data falsifications or types of forged documents covered by the data. The columns

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Border crossings, socio-economic situation of border areas and cross-border cooperation

are incoherent and introduce or cancel subdivisions frequently (total numbers, land and air border, inter-Schengen and third country flights subsequently added, vicinity of the airport area subsequently added, at border checkpoint and between, which subsequently became the green border, some data was previously available is subsequently available only for Uzhhorod and then abandoned completely; in the vicinity of the land border; departing from Slovakia and departing from Ukraine; the 2009 data includes falsified residence permits; and many more categories).

Table 13 shows the number of detected counterfeit and altered travel documents divided into three categories: persons, documents, stamps. It was not possible to determine whether all three categories were included in the data for 2007–2012, which shows the numbers of falsifications by border checkpoint. The table shows an approximately 50 per cent increase in the number of persons detected with forged documents and falsified stamps in 2015 in comparison with 2014. The number of other documents (again the type of document and reason for categorizing stamps separately cannot be determined from the available data) increased fourfold in the same period. It may be that document forging became easier with the introduction of visa simplification in 2014 and demand rose as a consequence. After the introduction of the visa-free regime, the numbers fell along with demand. The dramatic decrease recorded in 2020 was down to the COVID-19 pandemic.

Table 13. Number of counterfeit and altered travel documents detected at Slovakia’s external border

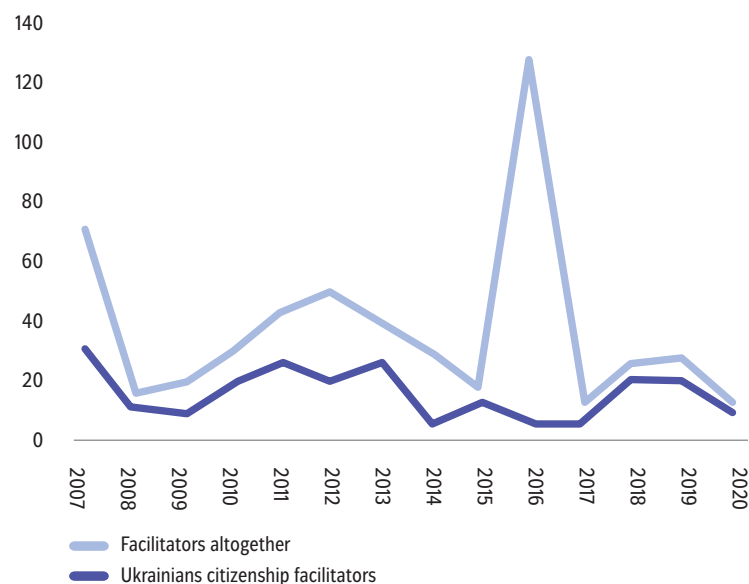
year	persons	documents	stamps
2013	69	17	131
2014	74	22	127
2015	158	85	232
2016	105	62	179
2017	54	56	109
2018	41	30	53
2019	12	9	15
2020	9	5	7

Source: Authors, based on data from the Ministry of Interior of the Slovak Republic

According to the UN Refugee Agency, as defined in Article 3(a) of the Protocol against the smuggling of migrants by land, sea and air, the smuggling of persons/migrants is the facilitation of a person’s illegal

entry into a state, in return for financial or other material benefit. Smuggling is defined as a crime against the state and smugglers/facilitators often violate the rights of the persons smuggled.²⁹ This definition is used in this study given the absence of (clear) definitions in the BBFP reports. It is important to note that in the Slovak reports the term ‘facilitator’ is used instead of “smuggler.” The reasons for this are not clear. Moreover, there is no explanation of the frequent changes to the methodology and terminology. Certain terms are used interchangeably (e.g. “case” and “complaint”) or descriptors are added to terms used in previous reports (e.g. facilitator -> accused facilitator -> suspect -> accused). However, as these were given under the same headings in the reports, we assume for the purposes of this study that terms such as “facilitator” include all the data that is broken down in some reports into e.g. “accused facilitator,” “suspect,” etc. This interpretation will help us illustrate the smuggling trend at the border.

Figure 22. Ukrainian and non-Ukrainian facilitators of smuggling in persons



Source: Authors, based on data from the Ministry of Interior of the Slovak Republic

²⁹ “Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against Transnational Organized Crime,” United Nations, 2000. Available online: https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM_Protocol_English.pdf (accessed on February 24, 2023).

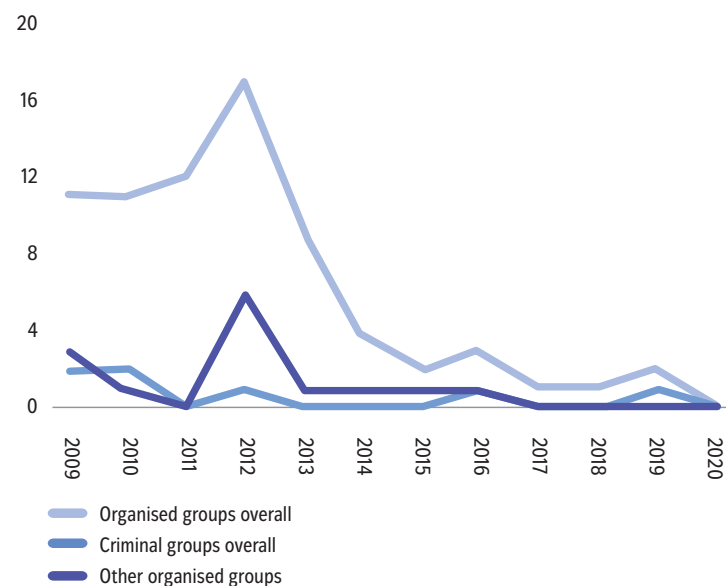
64 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation 65

Border crossing socio-economic situation of non-border areas and cross-border cooperation

The data on cases and facilitators is broken down by border, but the data on organized and criminal groups is for the country as a whole (not just the Slovak–Ukrainian border). The BBFP reports provide data on the number of facilitators by country of origin but not for the border at which they operate. Hence, we were able to obtain data on the number of facilitators with “Ukrainian citizenship,” but we do not know how many of them operate at the Slovak–Ukrainian border. Nor could we ascertain the number of Slovak facilitators operating at the Slovak–Ukrainian border (see Figure 22).

Slovakia’s Schengen accession in late 2007 is reflected in a substantial decrease in all indicators related to the smuggling of persons in 2008 (see Table 14). The number of cases and therefore also facilitators increased again in 2009 and remained more or less stable apart from in 2013 and 2016. In 2013 the number more than doubled. This may be related to the Euromaidan events in 2013 and the Russian aggression in Eastern Ukraine in 2014. The numbers drop to only 6 cases in 2017 compared to 71 the previous year. This can be attributed to the introduction of the visa-free regime at the Slovak–Ukrainian border. In 2018 and 2019 the numbers returned to the previous median before dropping again in 2020 with the onset of the pandemic.

Figure 23. Organized and criminal groups involved in people smuggling



Source: Authors, based on data from the Ministry of Interior of the Slovak Republic

The number of organized and criminal groups detected dropped dramatically following Slovakia's Schengen accession. It continued at a similar rate until 2013 when the number dropped and even the number of organized groups started to fall drastically. This could mean either that the organized and criminal groups stopped operating in Slovakia. But it is important to note that it may mean that fewer groups were detected, although still operating (see also Figure 23).

Table 14. People smuggling

year	illegal migration						
	smuggling of persons (excluding human trafficking)						
	number of cases	number of facilitators	number of facilitators with Ukrainian citizenship	organized groups overall	criminal groups overall	other organized groups	persons accused of smuggling overall
2007	23	71	31	97	11	NA	64
2008	9	15	11	11	1	NA	12
2009	14	19	9	11	2	3	71
2010	16	30	20	11	2	1	60
2011	14	42	26	12	0	0	59
2012	13	50	20	17	1	6	60
2013	30	39	26	9	0	1	56
2014	13	29	5	4	0	1	22
2015	11	17	12	2	0	1	14
2016	71	128	6	3	1	1	35
2017	6	13	6	1	0	0	12
2018	15	26	21	1	0	0	6
2019	13	28	20	2	1	0	27
2020	6	12	10	0	0	0	3

Source: Authors, based on data of the Ministry of Interior of the Slovak Republic

The data in Table 15 show the number of persons/migrants smuggled across the Slovak–Ukrainian border and the number of facilitated Ukrainian citizens. The first column shows the number of people of any nationality smuggled across the border. The second column shows the number of Ukrainian citizens smuggled, regardless of

66

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

67

Border crossings, socio-economic situation of border areas and cross-border cooperation

whether they crossed the Slovak–Ukrainian border or not. There is no data available on the number of Ukrainian citizens that crossed the Slovak–Ukrainian border. The fact that the number of Ukrainians smuggled is greater than the number of persons smuggled over the Slovak–Ukrainian border shows that many Ukrainians are smuggled into Slovakia across its border with other EU member states. Almost every two years there was a substantial increase or decrease in the number of people smuggled. There is no data available for 2007, 2014 and 2015. We can assume the number grew in 2013 as a result of the Euromaidan events and decreased in 2020 with the onset of the pandemic. However, we were not able to obtain more data on the reasons for the increases from the border agency or from the reports.

Table 15. Smuggling in persons

year	illegal migration	
	smuggling in persons	
	number of smuggled migrants	facilitated Ukrainian citizens
2007	N/A	N/A
2008	202	36
2009	88	126
2010	166	331
2011	67	279
2012	213	261
2013	809	601
2014	N/A	67
2015	N/A	42
2016	327	36
2017	216	81
2018	147	138
2019	107	315
2020	40	67

Source: Authors, based on data from the Ministry of Interior of the Slovak Republic

Cigarette smuggling

This part of the study provides data on cigarette smuggling, which is the act of illicit transportation of cigarettes from a country with low taxation to a country with high taxation, usually for further sale or use. The Slovak side was only able to provide data starting from 2009, as

earlier data is not available. When compared with the data provided by the Ukrainian side, there are major disparities which may be the result of cigarettes being seized on sides of the border, differences in data collection methodologies or differences in how the figures are recorded or insufficient communication. Table 16 provides an overview of the seizure of smuggled cigarettes by the Slovak authorities. We can assume that these are mostly seizures of items smuggled from Ukraine to Slovakia but that information is not contained in the data.

Table 16. Cigarette smuggling

year	seizures	number of cigarettes	worth in Eur
2009	181	6,440,793	654,034
2010	108	5,407,130	644,543
2011	61	5,778,864	826,310
2012	38	1,018,558	137,925
2013	34	4,535,500	540,370
2014	52	2,303,160	276,256
2015	44	987,918	104,593
2016	54	1,607,307	185,012
2017	52	1,606,521	206,798
2018	38	449,477	56,573
2019	24	565,865	103,689
2020	9	522,740	88,732
Total	695	31,223,833	3,824,836

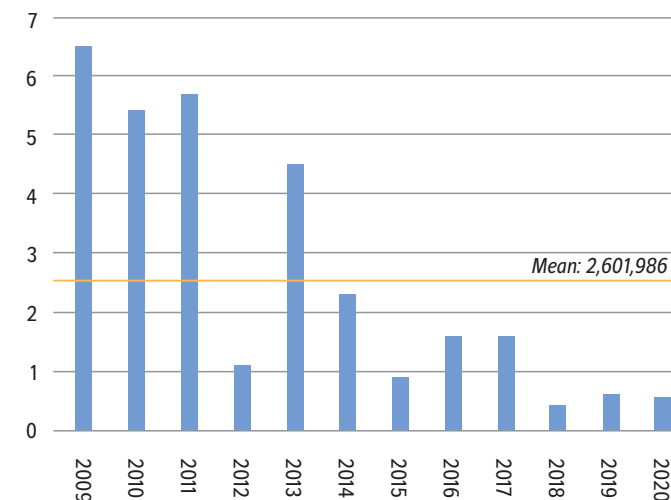
Source: Authors, based on data from the Ministry of Interior of the Slovak Republic

The high rates of cigarette smuggling in the first three years and in 2013 may relate to shortcomings in the border system. The first major decrease was recorded in 2012. There is no connection between that year and the introduction of the visa-free regime or any other major changes and, although though we investigated this in collaboration with the border agency, we were not able to determine the answer or find an alternative explanation. In the following year, 2013, the number increased, only to decrease in 2014 onwards. We can assume that the introduction of the visa-free regime had no major effect on the number of cigarettes smuggled.

68 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

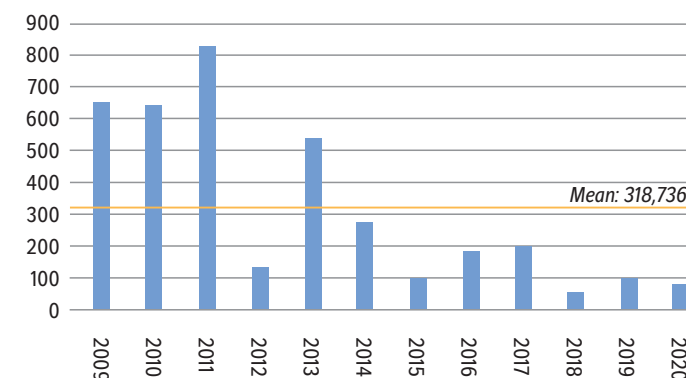
69 Border socio-economic situation of border areas and cross-border cooperation

Figure 24. Number of cigarettes seized (in millions)



Source: Authors, based on data from the Ministry of Interior of the Slovak Republic

Figure 25. Value of cigarettes seized (in thousand €)



Source: Authors, based on data from the Ministry of Interior of the Slovak Republic

1.1.3. Main findings and recommendations

This study examined data on the movement of persons and goods between Slovakia and Ukraine. When properly designed, implemented, monitored, and analyzed, border management can prove very beneficial for the government, private sector and for communities living on either side of the border. Therefore, it should not be seen simply as “gatekeeping,” but as a process with potential to bring economic benefits and multilevel positive exchanges. For this reason, border agencies need to collaborate closely and communicate carefully to make sure they contribute toward achieving common aims that benefit all/both parties.

Although both Ukraine and Slovakia recognize that policies, processes, staff, and facilities are essential for good border management, based on the observations made during this research it is clear that data collection remains underused and underdeveloped. Based on the very different conclusions drawn from the data gathered and offered to researchers by the respective border agencies, we can assume that the communication and cooperation over data collection between the two countries is far more sufficient.

Therefore, one of the strongest recommendations from this research endeavor is that both countries should adopt a new, comprehensive, coordinated, and collaborative approach to data collection at the border. This recommendation can be extended to the EU and its data management at the external border. The EU collects data from its external borders and has taken steps to unify the process across member states,³⁰ but it should also unify and streamline cross-border cooperation with non-member states to enable more effective data processing and use.

While there are many concepts of effective border management (see e.g., the World Bank, Collaborative Border Management, and the relevant literature e.g., in the *World Customs Journal*), we believe that a unified and clear data gathering methodology could make a big difference. The new approach should include regular, comprehensive communication between Ukrainian and Slovak counterparts on, for instance, a monthly basis. Frequent data comparison will enable any necessary adjustments and reveal blind spots and opportunities.

30 “Štatistický prehľad legálnej a nelegálnej migrácie v Slovenskej republike 2011,” op. cit.

70



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

71



Border crossings, socio-economic situation of border areas and cross-border cooperation

Border management agencies perform an essential role in community protection, crime prevention, fiscal events as well as public health protection and even cultural protection. Nonetheless, it is also important to note that we can expect a major shift toward the facilitation of economic growth, competitiveness, and innovation. That will require the capacity to read and interpret data and recognize trends. Slovakia has yet to perform year-on-year data comparisons. This study represents the first comprehensive overview of year-on-year data. The lack of such a database leaves the researchers to assume that Slovakia is not able to take advantage of gathered datasets, or to utilize the data efficiently and effectively. It may therefore lag behind and miss opportunities.

Border management agencies are constantly required to respond to increasing competitiveness, procedural and safety requirements and to deliver efficient and effective services, often without additional funding. The growing requirement to facilitate higher export-led economic growth will put further strain on the border agencies, placing them under a greater level of scrutiny. We believe that more effective data collection and more intense collaboration between the two border agencies could help decision-making on where to allocate the available funding to maximize the desired results. A data-led approach to border management can help states overcome a multitude of issues, predict trends, prepare better for future challenges and overcome a wide range of operational or institutional issues.

Collaborative and data-led border management between the two countries could create opportunities for the agencies to demonstrate their innovativeness and serve as an example for other countries (country branding). The data still appear to be collected and stored individually by each border agency, with little interaction and information-sharing between the agencies. It is therefore important to be aware of possible capacity constraints that may stall effective collaboration. Both the Slovak and Ukrainian agencies should strive to improve their data-sharing on both the national and international level.

When considering various models of effective cross-border management, *Collaborative Border Management* designed by Tom Doyle³¹ could be used as a viable source of inspiration by both the Slovak and Ukrainian agencies. It includes the concept of a virtual border, which encompasses the entire transport process and supply chain. Its effectiveness

31 T. Doyle, “Collaborative Border Management,” *World Customs Journal* Vol. 4, January 2010. Available online: https://www.researchgate.net/publication/265030847_Collaborative_border_management (accessed on February 24, 2023).

lies in the fact that the agencies collaboratively collect, share, and process the data. An inter-agency approach allows both agencies to obtain a complete overview of the risks and opportunities and make better informed decisions.

This structure preserves the independence and specific mandates of Customs and other agencies involved in border management. The successful implementation of CBM results in more appropriate treatment of traders and passengers as a result of more thorough and accurate data collection and analysis. CBM ultimately delivers lower costs and greater control to border management agencies. By collating previously distributed and perhaps individually incomplete information into one body of common inter-agency information, border management agencies can form a more complete and informed eligibility and compliance management decisions.³²

Recommendations on more effective data collection for the Slovak Republic

1. Revise the data collection system to maximize its potential benefits. Choose a system that will remain efficient over the long-term.
2. Unify the data collection system on the external border and adopt a collaborative approach to its use in conjunction with Ukrainian counterparts.
3. Set up a system for collecting year-on-year data instead of providing data for one or two subsequent years only.
4. Store year-on-year data in Excel sheets or other software, instead of storing data in annual reports in PDF format, which are not user-friendly and do not provide a clear overview of year-on-year data.
5. Allocate staff, ideally quantitative research experts, to manage, process and interpret the data.
6. Communicate regularly with Ukrainian counterparts, ideally comparing the data once a month to allow for timely adjustments or insights.

72



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

73



Border crossings, socio-economic situation of border areas and cross-border cooperation

Recommendations on more effective data collection for Ukraine

1. Appoint experts and/or create analytical units within the border agencies to collect and compare digital data, develop a methodology for data collection, storage, and use, possibly in conjunction with Slovak colleagues. Collecting and comparing various kinds of digital data would contribute to the fight against corruption providing they are read and interpreted properly and professionally.
2. Introduce a system whereby the State Border Guard Service creates and publishes reports based on a methodology developed by experts in cooperation with officials in the relevant bodies. It should cover legal/illegal migration, violations, trends, changes in the legislation and the work of the responsible bodies, the adoption and implementation of ratified international documents – a transparent system means transparent borders.
3. Improve the functioning of the border using existing best national practices, theoretical models and the based on the reality of the Slovak–Ukrainian border.

The State Border Guard Service of Ukraine databases provide significant capacity for the analysis, proper interpretation and forecasting of migration trends. However, to fully exploit these requires a good understanding of the changes to the way movement is recorded at border checkpoints so a comprehensive data collection system can be developed that maximizes the potential benefits. A better understanding of current migration trends requires a more detailed analysis of the information, involving the border and statistical offices, so methodological approaches can be designed to monitor regular passenger flows on the Slovak–Ukrainian border. We also recommend that specialists from Ukraine and Slovakia should synchronize cross-border statistical methods.

³² T. Doyle, "Collaborative border management," *World Customs Journal* Vol. 4, No. 1, p. 17. Available online: [https://worldcustomsjournal.org/Archives/Volume%204%2C%20Number%201%20\(Mar%202010\)/03%20Doyle.pdf](https://worldcustomsjournal.org/Archives/Volume%204%2C%20Number%201%20(Mar%202010)/03%20Doyle.pdf) (accessed on February 24, 2023).

1.2. Socio-economic situation of border areas

Kateryna Brenzovych
Martin Lačný
& Myroslava Tsalan

74

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

75
Border crossings, socio-economic situation of border areas and cross-border cooperation

The regional economies of the border regions on both sides of the Schengen border are a distinctive part of the national economy with external international links – especially to regions nearby. The functional diversity of the regional economies that form part of the national economy means that regions do not necessarily have the same needs and priorities and do not respond to external stimuli in the same way.¹ The border regions of Ukraine and neighboring EU countries are typically peripheral regions rather than important economic centers.² Their development potential depends largely on the nature of the border and conditions for mutual trade and cross-border cooperation. Their mutual proximity and connections can be exploited for productive advantages, and they can learn to build on their strengths and exploit economic development opportunities.³ The border regions on the Slovak side of the Slovak–Ukrainian border are Prešov and Košice Regions and on the Ukrainian side it is Transcarpathian Region.

Prešov Region is primarily an industrial and agricultural region with some services. The key economic sectors in the region include processing industries, namely food, based on the local agricultural production, clothing, textiles, wood processing, motor vehicles and other transport industries. The wood processing industry includes small and medium-sized enterprises, mainly specializing in furniture and interiors. Electrical engineering and the chemical and pharmaceutical industries are also important, while rubber, plastic products and metals and metal products are key strategic industries. There is no heavy industry in the region.⁴

The economy of Košice Region encompasses all sectors from food to metallurgy. Its potential is dependent on the strong industrial base in the Košice agglomeration and in Michalovce, Spišská Nová Ves and

1 F. Varadzin et al., *Regiony a vnější ekonomické vztahy*. [Regions and external economic relations] Ostrava: VŠB – Technická univerzita Ostrava, 2005, pp. 8–10.

2 In 2019, Prešov Region produced 9.3 per cent of Slovak GDP, Košice Region produced 11.7 per cent of Slovak GDP, whereas the Transcarpathian economy produced only 1.5 per cent of Ukrainian GDP.

3 I. Liikanen, J. W. Scott, T. Sotkasiira, *The EU's Eastern Neighbourhood: Migration, Borders and Regional Stability*. New York: Routledge, 2016, pp. 33–5.

4 "Program hospodárskeho a sociálneho rozvoja Prešovského samosprávneho kraja na obdobie 2014 – 2020," [Economic and Social Development Program of Prešov Self-Governing Region for 2014–2020] Prešov Self-Governing Region. Available online: https://www.po-kraj.sk/files/dokumenty/Rozvojove-dokumenty-PSK/PHSR_PSK_2014-2020/phsr_psk_2014-2020_v1_plna-verzia.pdf (accessed on February 24, 2023).

Košice Districts, where the largest concentration of large companies and small and medium-sized enterprises can be found. Regional GDP is very sensitive to the performance of the largest employers in the area, as well as to investment inflows, especially foreign investment. In recent years, foreign direct investment in Košice Region has mainly benefited the engineering, IT, automotive and chemical industries.

The whole region is reliant on high added value services of the city of Košice, which is the strategic development center in the region and the main employer. The regional economy is shaped by the strong industrial, financial, research and educational base in the Košice agglomeration, which has the potential to boost growth across Eastern Slovakia.⁵

Transcarpathia's regional economy is mainly dependent on cross-border trade, wine-production, and forestry, including wood processing. The industrial complex in Transcarpathian Region ranges from mining to the production of essential goods. Other industries include food, light industry and mechanical engineering. The region's machine-building industry manufactures computers, electrical and electronic products, electrical equipment, machinery and equipment, and motor vehicles.

One third of enterprises in this sector are engaged in toll manufacturing and are increasingly dependent on foreign partners, which hinders the expansion of domestic enterprises specializing in the production of raw materials and semi-finished products, mainly under contracts with foreign partners.

Moreover, the sale of unprocessed wood is having a negative impact on the woodworking and furniture industry, with the region becoming an exporter of low-grade wood.⁶ This chapter will look at the socio-economic situation in the border regions from several perspectives. Firstly, it will analyze the regions using the Regional Economic Performance Index. Secondly, it will consider gross domestic product. The third part takes a detailed look at the socio-economic characteristics of the economies. The fourth part examines cross-border trade

5 "Program ekonomického a sociálneho rozvoja Košického samosprávneho kraja na obdobie 2016 – 2022," [Economic and Social Development Program of Košice Self-governing Region 2016–2022] Košice Self-governing Region. Available online: https://web.vucke.sk/sk/uradna-tabula/rozvoj-regionu/program-hosp-socialneho-rozvoja/phsr_2016-2022.html (accessed on February 24, 2023).

6 "Regional development strategy for the Transcarpathian region for the period 2021–2027." Available online: <https://carpathia.gov.ua/storage/app/sites/21/Economics/201001-1840p.pdf> (accessed on February 24, 2023).

76



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

77



Border crossings, socio-economic situation of border areas and cross-border cooperation

and investment in more detail. The remaining parts focus on specific areas, such as labor migration, transport infrastructure, healthcare, the environment, social care, culture and tourism, education, science, and good governance. The final part of the chapter summarizes the main findings and provides policy recommendations for future cooperation.

1.2.1. Regional Economic Performance Index

The Regional Economic Performance Index (REPI), which measures the performance of NUTS-2 EU border regions, reveals significant differences between the border regions of Transcarpathia in Ukraine and Eastern Slovakia (consisting of Košice and Prešov Regions). This composite index is based on variables categorized by dimensions measuring the economic strengths and potential of regions. The key factors of economic potential and international competitiveness are regional economic assets (labor availability and skills, capital stock and infrastructure, factor productivity, living conditions), but intangible factors also have a major impact on a region's developmental potential, such as proximity to universities, access to health care, the length of time required to start a business, perceptions of corruption, personal safety and transport safety.

In the Regional Economic Performance Index benchmarking analysis based on 2000–2011 data, the NUTS-2 region of Eastern Slovakia ranked 49th, which is similar to both the neighboring Polish region Podkarpackie which came 53rd and the neighboring Hungarian region Northern Great Plain in 48th position. By contrast the neighboring Ukrainian Transcarpathian Region ranked 119th, Ivano-Frankivsk 107th and Lviv Region in 98th position.⁷ The subsequent cluster analysis revealed that the EU and the non-EU border regions exhibited different regional development patterns and industrial profiles. These have been grouped into nine different clusters. The index reveals different perspectives of regional development in Transcarpathia and Eastern

7 D. Grozea-Helmenstein, H. Berrer, "Benchmarking EU-border-regions: regional economic performance index," EU Border Regions, 2015, pp. 48–51. Available online: <http://www.euborderregions.eu/files/report%20vienna.pdf> (accessed on February 24, 2023).

Slovakia. A total of 13 indicators available at the regional level⁸ and four indicators available at national level⁹ were used for the clustering. Transcarpathia fell into Cluster G (with an average REPI score of 53.33),¹⁰ together with the other Ukrainian border regions (Volyn, Ivano-Frankivsk, Lviv, Odesa, Chernivtsi) and the Belarusian and Russian border regions. Based on common characteristics, Eastern Slovakia fell into Cluster E (with an average REPI score of 66.0), which comprises NUTS-2 border regions in the new EU member states in Central and Eastern Europe (Bulgaria, Estonia, Latvia, Lithuania, Hungary, Poland, Romania, Slovenia and Croatia), plus the Serbian border region Pokrajina Vojvodina.¹¹

In Transcarpathian Region and Eastern Slovakia the main industries are medium and low technology manufacturing and agriculture. A comparison of selected partial indicators shows that in Eastern Slovakia and Transcarpathian Region approximately the same share of people were employed in services (both approx. 55 per cent), but in Transcarpathia the share employed in agriculture was higher (approx. 20 per cent) than in the Slovak borderland. Regions on both sides of the Slovak–Ukrainian border had roughly the same share of qualified workers, but another important difference between Eastern Slovakia and Transcarpathian Region was the rate of population growth, which was approximately two per cent in Eastern Slovakia and approximately minus five per cent in all the Ukrainian regions bordering with the EU. When it comes to infrastructure, there were approximately 100 km of roads per 100 km² of land area available in Slovakia, compared with 20–30 km² on the Ukrainian side.¹²

8 Persons aged 25–64 with upper secondary education, persons aged 25–64 with tertiary education, number of available hospital beds, physicians or doctors, economic activity rates, employment in industry, employment in services, fertility rate, population growth, population density, per capita GDP, growth rate of gross value added, unemployment rate.

9 Workers' remittances, total tax rate, corruption perception index, cost of business start-up procedures.

10 The REPI score ranges from 0 to 100. In the REPI ranking Zurich Region comes top (REPI score = 100.0), while the region in Algeria comes last (REPI score = 0.0). See *ibid.*

11 *Ibid.*, pp. 53–7.

12 *Ibid.*, pp. 17–41.



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation



Border crossings, socio-economic situation of border areas and cross-border cooperation

1.2.2. Regional GDP per capita

Historically, the regions in the Slovak–Ukrainian borderlands have the lowest per capita GDP in their respective countries (both Prešov Region and Transcarpathian Region are among the least well-performing regional economies in Slovakia and in Ukraine).¹³ In the past decade though, regional per capita GDP has shown persistent disparities between the border regions in Ukraine and Slovakia. While both Prešov and Košice Regions reported continuous growth, the Transcarpathian economy has shrunk dramatically since 2014, as a consequence of the Russo-Ukrainian War (affecting the broader Ukrainian economy). It was only in 2019 that it returned to the 2012–2013 level. At the same time, the regional per capita GDP of Transcarpathian Region still lags significantly behind that of the Eastern Slovak economies. Table 1 and Figure 1 show the dynamics of regional per capita GDP for the NUTS-2 region of Eastern Slovakia, including the breakdown for Prešov, Košice and Transcarpathian Regions.

Enterprise density (enterprises per 1,000 inhabitants) differs substantially in the regions analyzed. Košice Region (29.5) and Prešov Region (25.6) have 5–6 times higher enterprise density than Transcarpathian Region (5.1). In 2014–2018, enterprise density increased sharply in Košice Region (18.8 per cent) and Prešov Region (17.8 per cent), exacerbating the disparities between the regional economies of the Slovak borderland and Transcarpathian Region.¹⁴

13 “Territorial analysis for the future INTERREG NEXT Hungary–Slovakia–Romania–Ukraine CBC programme,” Budapest, Central-European Service for Cross-Border Initiatives (CESCI), 2020, p. 13. Available online: https://budapest.cesci-net.eu/wp-content/uploads/_publications/CESCI_2020_Analysis-HUSKROUA-2021-2027_EN.pdf (accessed on February 24, 2023).

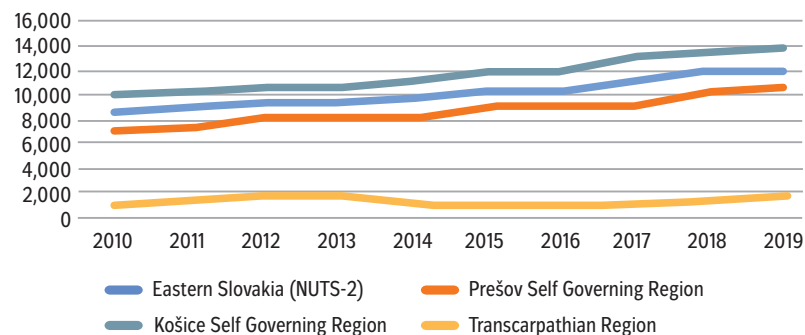
14 *Ibid.*, p. 15.

Table 1. Regional per capita GDP in Slovak–Ukrainian border regions in 2010–2019 (€)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Eastern Slovakia (NUTS-2)	8,500.67	8,766.53	9,356.19	9,453.46	9,717.43	10,327.05	10,356.69	11,080.20	11,820.27	12,151.67
Prešov Region	7,065.69	7,369.48	8,086.29	8,191.66	8,361.67	8,808.06	9,030.60	9,316.38	10,396.02	10,604.50
Košice Region	9,989.59	10,203.79	10,663.03	10,753.00	11,114.59	11,892.27	11,722.90	12,898.24	13,288.40	13,746.71
Transcarpathian Region	1,165.68	1,303.22	1,663.79	1,606.08	1,219.79	948.83	909.34	1,139.74	1,297.52	1,687.39

Sources of data: Statistical Office of the Slovak Republic, Main Department of Statistics in Transcarpathian Region

Figure 1. Regional per capita GDP in Slovak–Ukrainian border regions in 2010–2019 (€)



Sources of data: Statistical Office of the Slovak Republic, Main Department of Statistics in Transcarpathian Region

80 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation
 81 border cooperation – socio-economic indicators

1.2.3. Socio-economic characteristics of the regional economies

High unemployment rates are a chronic problem for the regional economies of Prešov, Košice and Transcarpathian Region and have historically been considerably higher than the national average. Over the past decade, the unemployment rate in Košice and Prešov Regions has fallen gradually, while the unemployment rate in Transcarpathian Region has stagnated at slightly below 10 per cent for many years. It is worth noting that the statistical methods differ.

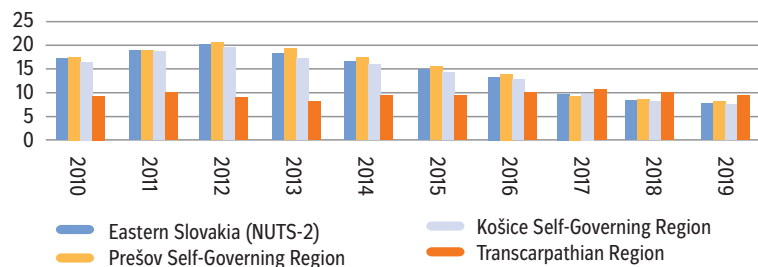
Table 2. Unemployment rate in Slovak–Ukrainian border regions in 2010–2019 (per cent)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Slovakia	12.46	13.59	14.44	13.50	12.29	10.63	8.76	5.94	5.04	4.92
Eastern Slovakia (NUTS-2)	17.28	18.85	20.14	18.32	16.72	14.97	13.35	9.80	8.40	7.89
Prešov Self-Governing Region	17.75	18.95	20.66	19.35	17.45	15.50	13.91	9.68	8.61	8.19
Košice Self-Governing Region	16.78	18.76	19.58	17.23	15.92	14.39	12.76	9.94	8.17	7.57
Ukraine	8.10	7.85	7.53	7.17	9.27	9.14	9.35	9.50	8.80	8.19
Transcarpathian Region	9.30	10.20	9.20	8.20	9.60	9.50	10.30	10.80	10.30	9.40

Sources of data: Statistical Office of the Slovak Republic, Main Department of Statistics in the Transcarpathian region, World Bank¹⁵

¹⁵ “Registered unemployment rate,” Statistical Office of the Slovak Republic, 2021. Available online: http://datacube.statistics.sk/#!/view/en/VBD_SK_WIN/pr3108r-r/v_pr3108rr_00_00_00_en (accessed on February 24, 2023); “Основні показники ринку праці у 2000-2019pp,” [Key labour market indicators in 2000–2019] Main Department of Statistics in the Transcarpathian region, 2021. Available online: http://www.uz.ukrstat.gov.ua/statinfo/pracja/2020/osn_pokaz_2000-2019.pdf (accessed on October 19, 2021); “Unemployment, total (% of total labor force) (modeled ILO estimate) – Ukraine,” The World Bank Group, 2022. Available online: <https://data.worldbank.org/indicator/SL.UEM.TOTL.ZS?locations=UA> (accessed on February 24, 2023).

Figure 2. Unemployment rate in Slovak–Ukrainian border regions in 2010–2019 (per cent)



Sources of data: Statistical Office of the Slovak Republic, Main Department of Statistics in the Transcarpathian region, World Bank

Data on the registered unemployment rate is available for Prešov and Košice Regions, whereas the Main Department of Statistics in Transcarpathian Region uses the ILO (МОП) method to estimate the regional unemployment rate.

In addition to high unemployment, another factor contributing to the low purchasing power in the border regions is low income, which is below the average national income. In 2020 total disposable household income in Transcarpathian Region was approximately one third of the income in the two Slovak border regions. The proportion of the population under the at-risk-of-poverty threshold (60 per cent of median income) in Prešov Region was 17.5 per cent in 2019 and 17.2 per cent in 2020, while in Košice Region it was 16.6 per cent in 2019 and 15.8 per cent in 2020.¹⁶ In Transcarpathian Region the relative poverty rate (by expenditure) was 14.8 per cent in 2019 and 22.4 per cent in 2020, while 28.8 per cent of the population had an income below minimum subsistence level in 2019 and 36.4 per cent in 2020.¹⁷

¹⁶ “Numbers and proportions of persons under at-risk-of poverty threshold,” Statistical Office of the Slovak Republic, 2021. Available online: http://datacube.statistics.sk/#!/view/en/VBD_SK_WIN2/ps3810rr/v_ps3810rr_00_00_00_en (accessed on February 24, 2023).

¹⁷ “Information and analytical report on the living standards of the population,” Ministry of Social Policy of Ukraine, 2020.

82

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

83

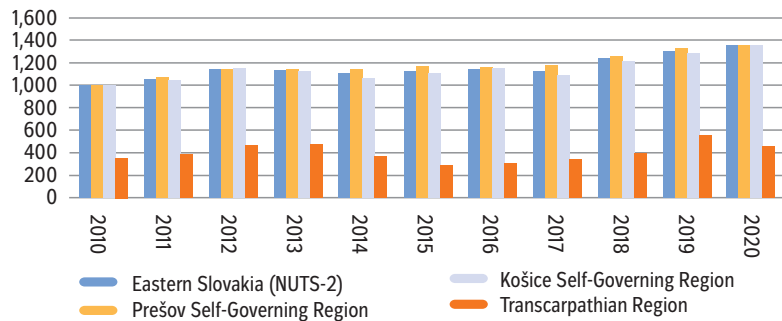
Table 3. Total disposable monthly household income – average income by region (€)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Slovakia	1046.00	1074.00	1160.00	1142.00	1143.00	1123.00	1139.00	1158.00	1224.00	1328.00	1406.00
Eastern Slovakia (NUTS-2)	1,006.00	1,054.00	1,151.00	1,136.00	1,110.00	1,137.00	1,149.00	1,135.00	1,241.00	1,311.00	1,357.00
Prešov Self-Governing Region	1,006.00	1,069.00	1,145.00	1,143.00	1,154.00	1,172.00	1,157.00	1,177.00	1,267.00	1,330.00	1,352.00
Košice Self-Governing Region	1,005.00	1,040.00	1,156.00	1,129.00	1,070.00	1,105.00	1,141.00	1,098.00	1,217.00	1,295.00	1,362.00
Ukraine	329.36	346.36	402.53	421.26	290.36	215.93	220.52	272.14	308.13	418.57	403.78
Transcarpathian Region	357.04	399.27	471.62	482.36	371.58	300.45	302.89	358.87	398.34	558.89	465.21

Sources of data: Statistical Office of the Slovak Republic, Main Department of Statistics in Transcarpathian Region, State Statistics Service of Ukraine¹⁸

¹⁸ “Total income of household – average income by regions,” Statistical Office of the Slovak Republic, 2021. Available online: http://datacube.statistics.sk/#!/view/en/VBD_SK_WIN2/ps3803rr/v_ps3803rr_00_00_00_en (accessed on February 24, 2023); “Структура сукупних ресурсів,” [The structure of aggregate resources] Main Department of Statistics in the Transcarpathian region, 2021. Available online: http://www.uz.ukrstat.gov.ua/statinfo/vitrat/2021/struct_resurs_2010-2020.pdf (accessed on February 24, 2023); “Доходи та умови життя,” [Income and living conditions] State Statistics Service of Ukraine. Available online: https://ukrstat.gov.ua/druk/publicat/Arhiv_u/17/Arch_vrd_zb.htm (accessed on February 24, 2023); Household income values for Ukraine and Transcarpathia reported in UAH were converted using the National Bank of Ukraine’s official exchange rate. See more at: <https://index.minfin.com.ua/ua/exchange/archive/nbu/> (accessed on February 24, 2023).

Figure 3. Total disposable monthly household income – average income by region (€)



Sources of data: Statistical Office of the Slovak Republic, Main Department of Statistics in the Transcarpathian region

1.2.4. Cross-border trade and investment

Slovakia ranks among the top ten export destinations for the Transcarpathian regional economy. In 2020, the main export destinations were: Hungary (60 per cent), Germany (9 per cent), Austria (4.6 per cent), Poland (4.4 per cent), Czechia (3.7 per cent), Slovakia (2.8 per cent), Romania (2.7 per cent), Italy (2 per cent), Netherlands (2 per cent) and Turkey (1.5 per cent). In the past decade, goods imports to Slovakia fell into three main product groups with a total share of around 90 per cent, indicating steady demand for mechanical and electrical equipment, textiles and textile goods, wood and wood products from the Transcarpathian Region. This is despite Slovakia having far higher raw material and technological potential in these groups than Ukraine.

The main Slovak exports to Transcarpathian Region were mechanical and electrical equipment, mineral products, textiles and textile products, polymeric materials, plastics and plastic goods (these product groups represented around 80 per cent of all imports). Slovakia also accounted for the largest share (around 16 per cent) of service imports in Transcarpathian Region.¹⁹ Nevertheless, mutual trade across

¹⁹ “Зовнішньоекономічна діяльність,” [Foreign economic activity] Main Department of Statistics in the Transcarpathian region, Uzhhorod, 2021. Available online: <http://www.uz.ukrstat.gov.ua/statinfo/zez/index.html> (accessed on February 24, 2023).

the Slovak–Ukrainian border accounts for only a fraction of the mutual Slovak–Ukrainian trade turnover. Transcarpathian cross-border trade with Slovakia represents less than 4 per cent of its total foreign trade, around 4 per cent of its trade with the EU, approximately 7 per cent of trade with the V4 countries and less than 8 per cent of trade with the Carpathian Euroregion countries.

Table 4. Cross-border trade between Slovakia and Transcarpathian region in 2010–2020 (€ million)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
imports	54.4	80.8	68.9	68.8	64.3	71.0	63.0	61.5	87.7	68.6	32.7
exports	20.2	23.1	19.1	16.6	15.0	16.2	22.0	25.5	25.8	28.2	26.3
turnover	74.6	104.0	88.0	85.4	79.3	87.2	85.0	87.0	113.5	96.9	59.0
balance	-34.2	-57.7	-49.9	-52.3	-49.4	-54.8	-40.9	-36.0	-61.9	-40.4	-6.5

Source of data: Main Department of Statistics in the Transcarpathian region²⁰

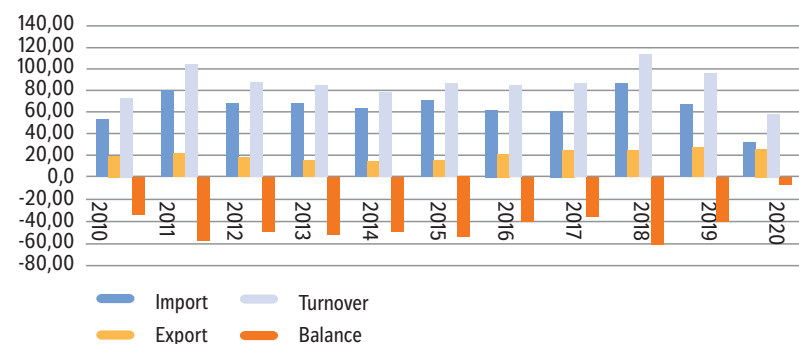
As can be seen from the data, Ukraine’s Deep and Comprehensive Free Trade Agreement (DCFTA)²¹ had little effect on cross-border trade between Transcarpathian Region and Slovakia until 2018.

²⁰ Ibid. The cross-border trade data published by the Main Department of Statistics in Transcarpathian Region is given in USD. The values were converted using the average annual exchange rate provided by the National Bank of Slovakia. “Mesačné, kumulatívne a ročné prehľady kurzov,” [Monthly, cumulative and annual course reports] National Bank of Slovakia, 2021. Available online: <https://www.nbs.sk/sk/statisticke-udaje/kurzovy-listok/mesacne-kumulativne-a-rocne-prehľady-kurzov> (accessed on February 24, 2023).

²¹ The Association Agreement between the EU and the Eastern Partnership countries sets out the conditions for creating a free trade area (Deep and Comprehensive Free Trade Area – DCFTA). The EU–Ukraine Association Agreement was signed in June 2014 and implementation began in November 2014, with the implementation of the DCFTA starting on January 1, 2016 (unilateral EU trade preferences were applied as early as 2015). The liberalization of EU–Ukraine trade under the DCFTA covers all areas of trade, including services, copyright protection, customs, public procurement, energy, technical standards, trade dispute resolution, competition protection.

Conversely, the Russian–Ukrainian conflict and the impact of the COVID-19 pandemic had a visible impact, causing an economic downturn and subsequent stagnation.

Figure 4. Cross-border trade between Slovakia and Transcarpathian Region in 2010–2020 (€ million)



Source of data: Main Department of Statistics in the Transcarpathian region

Total foreign direct investment in Transcarpathian Region reached €306.8 million in 2019. The majority of foreign direct investment (FDI) (over 80 per cent of the total amount) was in local industry, another 6 per cent of FDI went on transport and 4.7 per cent on real estate. According to the Main Department of Statistics in Transcarpathian Region, the Netherlands was the largest source of investment (€66.9 million, or 21.8 per cent). The second largest investor was Germany, which invested €38.3 million (12.5 per cent) in the local economy. Followed by Poland (€32.5 million, 10.6 per cent), Austria (€25.5 million, 8.3 per cent), USA (€20.3 million, 6.6 per cent), Hungary (€18.3 million, 5.9 per cent) and Italy (€9.6 million, 3.1 per cent). Slovak FDI in Transcarpathian Region amounted to €4.9 million, a mere 1.6 per cent of total FDI in the region. Around 2 per cent of FDI in Transcarpathian Region came from the EU and 8 per cent from the V4 countries.

Slovak investors have so far invested in 69 local businesses, mainly local woodworking companies (40 per cent), the sale and repair of motor vehicles (7 per cent), transport companies (5.5 per cent), the agro-food sector (3.7 per cent) and construction companies (3.7 per cent). Compared to other regions in Ukraine, Transcarpathia, which shares a border with four EU countries, received no more than one per cent of FDI in Ukraine, indicating the need to boost its investment appeal.

86

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

87

Border crossings, socio-economic situation of border areas and cross-border cooperation

The situation is quite similar in the two Slovak border regions. The final data on FDI inward positions from 2018 shows that foreign investment in Prešov Region was about €737 million, a mere 1.4 per cent of FDI in Slovakia. The figure for Košice Region was €2,463.6 million, or 4.7 per cent of FDI in Slovakia, although more than 85 per cent of the FDI in the region was in Košice city and environs.²² The Netherlands invested the most in Slovakia (€13,212 million, more than 25 per cent), Czechia (€7,130 million, or 13.6 per cent), Austria (€6,728 million, 12.9 per cent), Germany (€3,633 million, 6.9 per cent), Luxembourg (€3,415, 6.5 per cent), South Korea (€2,851 million, 5.4 per cent), Belgium (€2,719 million, 5.2 per cent), Italy (€2,539 million, 4.8 per cent) and Hungary (€2,281 million, 4.4 per cent). So far, Ukraine has not invested a significant amount in any region of Slovakia.²³

1.2.5. Labor migration

The vast majority of labor migration from Transcarpathian Region is targeted at EU countries. Since 2012, there has been a downward trend in the population of the Transcarpathian region. In 2016, the number of departures was approximately five times higher than the number of arrivals to Transcarpathian Region. In 2017, more than 6,000 people left. Of that number, more than 4,000 moved to the EU and the remainder went to CIS countries. Over 4,500 people left for the long term (over 1 month). Most of them went to Hungary, the Czech Republic, Germany, Slovakia, and the US.²⁴ This is primarily due to the economic situation and the devaluation of the Ukrainian hryvnia.

Slovakia ranks among the top five EU destinations for labor migration from Transcarpathian Region. Most of the Ukrainians are employed in the more developed regions of Western and Central Slovakia (and only around 20 per cent in Prešov and Košice Regions), mostly

22 "FDI inward positions 2018, breakdown by districts," National Bank of Slovakia, 2021. Available online: <https://www.nbs.sk/sk/statisticke-udaje/statistika-platobnej-bilancie/prame-zahranicne-investicie> (accessed on February 24, 2023).

23 "FDI inward positions 2018, geographical," National Bank of Slovakia, 2021. Available online: <https://www.nbs.sk/sk/statisticke-udaje/statistika-platobnej-bilancie/prame-zahranicne-investicie> (accessed on February 24, 2023).

24 N. F. Habchak, L. F. Dubis, "Labour migration of the population of Ukraine to the countries of the European Union: factors and risks of influence," *Journal of Geology, Geography and Geoecology* Vol. 28, No. 1, 2019, pp. 59–67.

on short- and medium-term contracts of up to 24 months, operating and installing machinery and equipment, or as skilled workers, or craftsmen. There was a significant increase in Ukrainian citizens working in Slovakia after visas were abolished in 2016. Then in 2020 and 2021 there was a slight slowdown in the influx of Ukrainian labor due to the pandemic.

Table 5. Labor migration from Ukraine to Slovakia in 2010–2021

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Ukrainian citizens with a work permit in Slovakia	701	705	615	661	634	921	1,388	2,879	8,473	16,998	14,361	13,513
Ukrainian citizens without a work permit in Slovakia	266	293	116	143	348	541	869	1,747	3,369	5,934	5,217	5,913
total	967	998	731	804	982	1,462	2,257	4,626	11,842	22,932	19,578	19,426

Source of data: Central Office of Labor, Social Affairs and Family of the Slovak Republic

Figure 5. Labor migration from Ukraine to Slovakia in 2010–2021



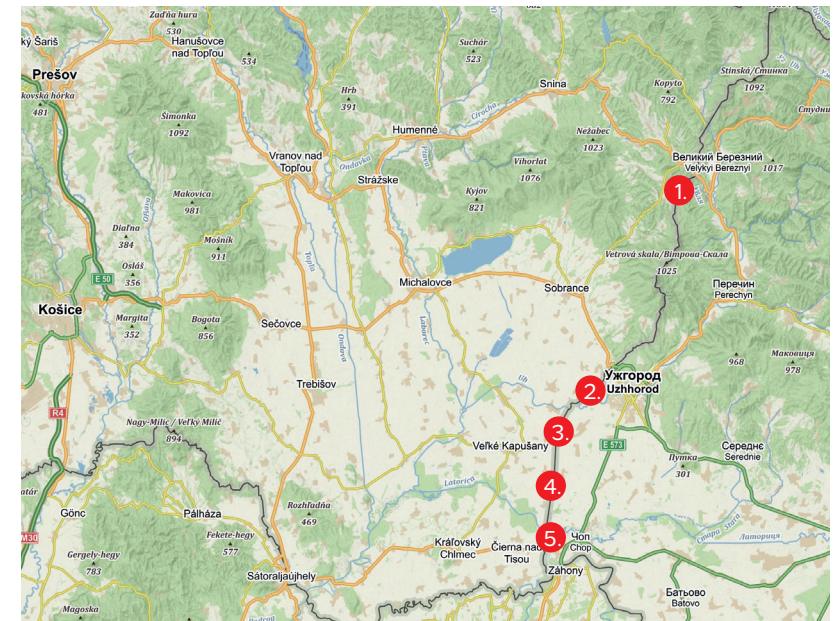
Source of data: Central Office of Labor, Social Affairs and Family of the Slovak Republic

88 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation
 89 Border cooperation in areas near the border: socio-economic situation

1.2.6. Transport infrastructure

The lack of transport connectivity is one of the main challenges in the border area, especially as the Schengen external border divides the borderland in two. There are few border crossing points and distribution and capacity (e.g., weight limitation) issues, with bottlenecks regularly forming at the road and rail border crossings. There is a third road border crossing (Veľké Slemence–Mali Slemenci) for pedestrians and cyclists. Waiting times at border crossings often run to several hours, which hinders regional cooperation requiring physical contact, including economic aspects (e.g., the ability to commute) and in-person meetings.

Figure 6. Schengen border between Slovakia and Ukraine and border crossing points



1. Ublá – Mali Bereznyi _ Road border crossing point
2. Vyšné Nemecké – Uzhhorod _ Road border crossing point
3. Matovské Vojkove – Pavlovo _ Railway border crossing point
4. Veľké Slemence – Mali Slemenci _ Road border crossing point
5. Čierna nad Tisou – Chop _ Railway border crossing point

Source: Mapy.cz

As regards Slovak–Ukrainian road connections, the I/50, a first-class road in Slovakia links up to the Ukrainian M06, which connects to the M24 at Mukachevo. The planned section of the D1 motorway from Bidovce to Záhory will directly link Košice with Uzhhorod (and, except for a few remaining unbuilt sections, with Bratislava). The construction of the R2 fast road (Trenčín–Košice) will also provide an important international and transit route. The road network in the border area suffers from a lack of harmonization nationally, both generally and in terms of construction, planning and maintenance. On the Ukrainian side, road quality is much worse than on the other side of the border. Bottlenecks frequently form on roads that form part of European transit routes, hindering cross-border cohesion. Freight traffic is limited since trucks with an axle load exceeding 7.5 tons are only permitted to use the Uzhhorod–Vyšné Nemecké crossing on the Slovak–Ukrainian border.²⁵

The railway connection between Slovakia and Ukraine consists of the wide-gauge, single-track Uzhhorod–Košice railway line, which is a crucial freight transport link that requires upgrading. The Chop–Čierna nad Tisou branch line is an important link in the cross-border Slovak–Ukrainian transit network, where Čierna nad Tisou is one of the main border crossings. This section along with the aforementioned line 180 towards Bratislava and Western Europe via Žilina is part of the Rhine–Danube TEN-T corridor. The trinational border region around Záhony in Hungary, Čierna nad Tisou in Slovakia and Chop in Ukraine has great logistical potential, as it is where the European standard gauge (1435 mm) and Soviet-type wide gauge (1520 mm) tracks meet. This shared cross-border logistics zone is the railway freight gateway to the Mediterranean TEN-T and Pan-European Corridor V, connecting the Mediterranean ports with the capital of Ukraine. It is an international transit area for the trade and flow of goods between Central and Eastern Europe and Central Asia including Slovakia, Hungary, Ukraine, and Russia. Of all the goods exported from Ukraine by rail, 55 per cent are imported via the three related Slovak–Ukrainian and Hungarian–Ukrainian rail border crossings. The significance of the tri-national area lies in the loading, sorting, storage, transport and loading of goods, especially bulk products and chemical industry products such as iron ore and other

25 "Territorial analysis for the future INTERREG NEXT Hungary–Slovakia–Romania–Ukraine CBC programme," Budapest, Central-European Service for Cross-Border Initiatives (CESCI), 2020, p. 68–71. Available online: https://budapest.cesci-net.eu/wp-content/uploads/_publications/CESCI_2020_Analysis-HUSKROUA-2021-2027_EN.pdf (accessed on February 24, 2023).

90



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Border crossings, socio-economic situation of border areas and cross-border cooperation

91



ores, oil products and fertilizers as well as food. The bulk of foreign trade between Ukraine and Central European countries is by rail.²⁶

The international airports of Košice, Poprad-Tatry and Uzhhorod connect the border regions with the world. To give an example of the capacity, in the pre-pandemic year of 2019, the number of passengers who checked in at Košice Airport was 558,064, the figure for Poprad-Tatry Airport is 94,259 and for Uzhhorod Airport it is 2,782.²⁷ At present there are no direct flights connecting the Prešov and Košice Regions with Ukraine, or between Transcarpathia and Slovakia. Scheduled flights between Kyiv and Poprad were operated by the Ukrainian air carrier SkyUp. Demand was low, partly because of the pandemic and partly because of the low purchasing power of the Ukrainian population. The plan is for the regional tourism organizations of Vysoké Tatry and Liptov to cooperate with the travel agency SKI Travel to incentivize demand. Thanks to the open reservation system, there was an increase in the number of Slovak tourists visiting Ukraine and in Ukrainians working in Slovakia.²⁸

1.2.7. Healthcare

There are a number of legal and administrative obstacles to the joint organization of healthcare, cross-border patient care and emergency rescue services that can only be resolved through international, bilateral or multilateral agreements. Cardiovascular disease is the leading cause of death in each of the regions (61.1 per cent in Transcarpathian Region, 46.2 per cent in Prešov and 44.2 per cent in Košice Regions in 2018), so this could be an ideal area for cooperation. Neoplasms are the second most fatal disease in these regions (25.5 per cent in

26 Ibid, pp. 72–3.

27 For more see official website of Košice Airport. Available online: https://www.airportkosice.sk/sk/pre-cestujucich/aktuality/rok-2021-na-letisku-kosice?utm_source=facebook&utm_medium=posts (accessed on February 24, 2023); Official website of Poprad Airport. Available online: <http://www.airport-poprad.sk/sk/podstranky/letisko/statistiky.php> (accessed on January 13, 2022); "Пассажиропоток аэропортов Украины – 2019," [Passenger traffic of airports of Ukraine – 2019] Centre for Transport Strategies, January 24, 2020. Available online: https://cfts.org.ua/infographics/passazhiropotok_aeroportov_ukrainy_2019 (accessed on February 24, 2023).

28 "Výročná správa 2020," [Annual Report 2020] Poprad-Tatry Airport, 2021. Available online: <https://www.registeruz.sk/cruz-public/domain/financialreport/attachment/8710927> (accessed on February 24, 2023).

Košice, 24.7 per cent in Prešov and 12.8 per cent in Transcarpathia). Respiratory and digestive diseases are also among the leading causes of death, with respiratory disease being a bigger problem in the Slovak border regions (Prešov 9.6 per cent and Košice 7.9 per cent) than in Transcarpathia (2.6 per cent).²⁹

The main healthcare facilities are determined by the natural and socio-geographical features of the borderlands and are located in bigger towns and cities with satisfactory road accessibility. The number of hospital beds per 10,000 inhabitants (68 beds in the Slovak borderland and 66 beds in Transcarpathia, data for 2018) and health-care workers, especially the number of doctors per 10,000 inhabitants (40 doctors in Košice, 38 in Transcarpathia and 29 in Prešov, data for 2018) indicate similar capacity on both sides of the border.³⁰

Health-care worker numbers are either around or slightly below the EU average in the regions. There is a lack of comparable and comprehensive statistics on emigration among health-care workers in the area but the issue is often discussed among professionals and stakeholders and is thought to be a barrier to health-care.³¹ While Slovak doctors and nurses tend to move to Czechia, Germany and other Western European countries, some Ukrainian health-care workers are employed in Slovak hospitals, although they sometimes work in positions that do not reflect their qualifications owing to the regulations.³² Among the Slovak regions, Prešov and Banská Bystrica report the highest rates of health-care worker emigration.³³

Cross-border rescue services are hindered by the fact that ambulances can only operate in the Schengen Area without being subject to border controls. Ambulances crossing the non-Schengen border with Ukraine must pass through border control, which makes rescue

29 "Territorial analysis for the future INTERREG NEXT Hungary–Slovakia–Romania–Ukraine CBC programme," op. cit., pp. 85–8.

30 Ibid, pp. 89–91.

31 Ibid, p. 91.

32 A. Kurotova, "Skrytý potenciál zahraničných lekárov na Slovensku," [Hidden potential of foreign doctors in Slovakia] *Denník N*, June 23, 2019. Available online: <https://dennikn.sk/blog/1507954/skryty-potencial-zahranicnych-lekarov-na-slovensku/?fbclid=IwAR2nVMLVAwnZoa1dgTP52Zc7aBoxwkEi6q2NxMXNZbln3TiEK6J1W9zWjFY> (accessed on February 24, 2023).

33 M. Tupá, "Zmeny v emigrácii zdravotníckych pracovníkov v regiónoch SR podľa NUTS III," [Changes in emigration of health workers in NUTS III regions of the Slovak republic] RELIK 2020, Reproduction of Human Capital – mutual links and connections, Prague: VŠE, 2020, p. 13. Available online: <https://relik.vse.cz/2020/download/pdf/292-Tupa-Magdalena-paper.pdf> (accessed on February 24, 2023).

92



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

93



Border crossings, socio-economic situation of border areas and cross-border cooperation

cooperation difficult. Moreover, the lack of harmonized legal and administrative procedures is another significant obstacle. Consequently, cross-border rescue is not an option even when the nearest hospital is across the border. However, there is potential for the medical faculties of Uzhhorod National University and the Pavol Jozef Šafárik University in Košice to engage in joint research and the dissemination of information, as well as cross-border training for specialists.

1.2.8. Clean environment

The analyzed cross-border area comprises a wider area than just the cross-border region, to include both Alpine and Pannonian biogeographical regions, sharing a similar climate, geological and pedological features, as well as flora and fauna. The Carpathian Mountains bisect the area in a northwest-southeasterly direction and are the main watershed in the region and shape the physiography of Eastern Slovakia and Transcarpathia in Ukraine. While the Carpathian area is mountainous, the Pannonian region is lowland in character, with hillier parts close to the Carpathians. The area analyzed is largely forested (especially in the Carpathians where the Alpine forests cover most of the mountains) with arable land in lower-lying areas. The original vegetation of the Pannonian region (a mix of two main vegetation zones: broadleaf forest and forest steppe) has been altered through agricultural land use – with arable land now dominating.

Protected areas, ranging from protected landscapes to the national parks that crisscross boundaries, are the focus of conservation attempts and the maintenance of biodiversity and other natural riches. Both Eastern Slovakia and Transcarpathia contain nationally and internationally protected areas including wetlands of international importance (Ramsar sites) where birds seek refuge during migration periods. Biosphere reserves that are part of the UNESCO Man and the Biosphere (MAB) Program are the Slovak Karst and Tatras in Eastern Slovakia and the Carpathian and East Carpathians in Transcarpathia. There are also two natural world heritage sites – the Ancient and Primeval Beech Forests of the Carpathians and Other Regions of Europe, and the Caves of Aggtelek Karst and Slovak Karst. In addition, Slovakia contains designated sites that are part of the Natura 2000 European ecological network: Volovské vrchy and Laborecká vrchovina are Special Protection Areas, while the Tatras and Bukovské vrchy are Sites of Community Importance. The Emerald Network is an extension of the Natura 2000 Network for non-EU countries and contains large sites in the Ukrainian borderland (for example the Carpathian Biosphere Reserve and the Carpathian National

Nature Park), including several sites that interconnect ecological networks (for example Vynohradivska Tysa or Uzhanskyi National Nature Park).³⁴

There are several problems, such as deforestation and forest degradation, a rise in the number of forest fires, pressure from invasive species, and is compounded by the intensification of forestry, wood harvesting, illegal logging, agriculture, and infrastructure building. In Slovakia the fight against illegal logging and trade has become easier since 2013 under the EU Timber Regulation. But in Ukraine the situation with illegal logging is more complicated. The official figures on illegal logging held by the State Forest Resources Agency of Ukraine shows that it accounts for 0.1 per cent of the timber harvest. However, various NGOs estimate it to be between 5 per cent and 30 per cent.³⁵ Cross-border cooperation in combatting the illegal timber trade is therefore essential.

The continental watershed and topography of the Carpathians have a great impact on the river basins in the area. The only river to follow into the Baltic Sea is the Poprad in Slovakia, which flows into the Wisła in Poland. All the other watercourses in the western Carpathians (excluding the Váh) flow into the Tisza in Hungary. Both the Tisza and Váh flow into the Danube and ultimately the Black Sea. The Danube River Basin Management Plan provides comprehensive detail on the ecological state of the river basin.³⁶ The chemical status of the rivers in the Danube River basin varies from river section to river section. The upper river bodies tend to be clean, with a moderate ecological status. A few are classified as good. Prevention of solid waste pollution in the Tisza River and many of its transboundary tributaries requires international intervention.³⁷ There is a need for transboundary coordination in water supply management as part of the river basin management system. This applies particularly to water bodies in the eastern districts of Prešov and Košice Regions, such as

34 "Territorial analysis for the future INTERREG NEXT Hungary–Slovakia–Romania–Ukraine CBC programme," op. cit., pp. 20–30.

35 Ibid, p. 26.

36 "Danube River Basin Management Plan," International Commission for the Protection of the Danube River (ICPDR), 2009, p. 7–30. Available online: <http://www.icpdr.org/main/resources/danube-river-basin-management-plan> (accessed on February 24, 2023).

37 G. Ocskay, "Multi-level governance as a tool to reach the sustainable development goals. The case of River Tisza," *Annales Scientia Politica* Vol. 10, No. 2, 2021, pp. 36–43. Available online: https://www.unipo.sk/public/media/40749/03_ASP_2021_2_Ocskay.pdf (accessed on February 24, 2023).

94



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

95



Border crossings, socio-economic situation of border areas and cross-border cooperation

the groundwater body, the Bodrog. As the Bodrog is a major water source for drinking and agriculture across the region, nature protection and pollution prevention are a must. The data published in the Ukrainian reports³⁸ is not fully compatible with that the International Commission for the Protection of the Danube River database, probably for administrative reasons. It would be useful to pursue cross-border cooperation in this area as well.

According to the Air Quality in Europe 2021 report, the highest concentrations of Benzo[a]pyrene and particulate matter PM₁₀ and PM_{2.5} were found in central and eastern Europe, including in the Prešov and Košice Regions. These are emitted mainly by solid fuel combustion (coal and wood) for domestic heating, industry, road transport with old vehicle fleets, and poor agricultural practices (e.g., burning organic agricultural waste).³⁹ According to the Ukrainian statistics for Transcarpathia, particulate matter and other pollutants are not an issue for concern.⁴⁰ High nitrogen oxide (NOx) concentrations were not recorded in any season in the studied regions, while the average ozone concentration is seasonally affected. In spring and summer ozone concentrations are extremely high in the whole analyzed area. Hence, the policy recommendations given in analytical reports include working on cross border pollution warning mechanisms and sharing best practices on selecting and implementing air quality measures and creating Air Quality Plans.⁴¹ Energy efficiency, switching to less carbon-intensive fuels, greater use of renewable energy sources, and structural economic changes could be further supported in regional economies.

Waste management – or lack thereof in some areas – is placing pressure on the environment in border areas. According to the statistical data, Slovakia generates far less municipal waste than the EU-28

38 "Довкілля України 2020 статистичне видання," [Environment of Ukraine 2020 Statistical Publication] State Statistics Service of Ukraine, 2021, Kyiv, pp. 50–74. Available online: http://www.ukrstat.gov.ua/druk/publicat/kat_u/2021/zb/11/Dovk_20.pdf (accessed on February 24, 2023).

39 "Air Quality in Europe 2021," web report, European Environment Agency (EEA), 2022. Available online: <https://www.eea.europa.eu/publications/air-quality-in-europe-2021/air-quality-status-briefing-2021> (accessed on February 24, 2023).

40 "Довкілля України 2020 Статистичне Видання," [Environment of Ukraine 2020 Statistical Publication] State Statistics Service of Ukraine, 2021, Kyiv, pp. 32–48. Available online: http://www.ukrstat.gov.ua/druk/publicat/kat_u/2021/zb/11/Dovk_20.pdf (accessed on February 24, 2023).

41 "Territorial analysis for the future INTERREG NEXT Hungary–Slovakia–Romania–Ukraine CBC programme," op. cit., pp. 42–4.

average, although the figure has been gradually increasing in the last few years. Košice and Prešov Regions have the lowest municipal waste per capita (on average 366 kg per Capita in 2020) of all the regions in Slovakia. Recycled municipal waste exceeded 38 per cent in Košice Region and 44 per cent in Prešov Region in 2020, compared to 44 per cent in Slovakia as a whole.⁴² The recycling rate is much higher in the EU-28 than in Slovak regions and is not practically achievable in Ukraine. In terms of waste per capita, Transcarpathia has a remarkably low per capita waste generation (116 kg per capita in 2020).⁴³ Although, the 2030 National Waste Management Strategy notes that the statistics on Ukrainian waste management are incomplete. Moreover about 94 per cent of household waste goes to landfill. That is a problem because experts estimate that more than 99 per cent of the existing landfills do not meet European requirements.⁴⁴

Although major steps still need to be taken in waste management in Slovakia, the direction of travel is sufficient for greater efficiency improvements and the shift to zero landfill waste and better waste recycling. In Ukraine the main concern is lack of capacity in both legal and illegal landfills. The problem is exacerbated by the absence of separate waste collection, which means that no processing or recycling takes place. The need for cross-border waste management is evident in the illegal dumping of waste in the Tisza River floodplain, which is then swept down into Hungary and Slovakia during floods, representing a major environmental burden along the river. Wastewater treatment is another important environmental issue for countries upstream of the Tisza. Many Ukrainian settlements fare badly in wastewater treatment statistics. Consequently, there is a need for infrastructure development and pre-treatment and wastewater treatment plants.⁴⁵

42 "Relative indicators from the area of treatment with municipal waste," Statistical Office of the Slovak Republic, 2021. Available online: http://datacube.statistics.sk/#!/view/en/VBD_SK_WIN/zp3002rr/v_zp3002rr_00_00_00_en (accessed on February 24, 2023).

43 "Довкілля України 2020 Статистичне Видання," [Environment of Ukraine 2020 Statistical Publication] op. cit., pp. 101–20.

44 "Постанова Кабінету Міністрів України Про схвалення Національної стратегії управління відходами в Україні до 2030 року," [Resolution of the Cabinet of Ministers of Ukraine on Approval of the National Waste Management Strategy in Ukraine until 2030] Verkhovna Rada of Ukraine, 2020. Available online: <https://zakon.rada.gov.ua/laws/show/820-2017-%D1%80#Text> (accessed on February 24, 2023).

45 "Territorial analysis for the future INTERREG NEXT Hungary–Slovakia–Romania–Ukraine CBC programme," op. cit. pp. 39–42.



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Border crossings, socio-economic situation of border areas and cross-border cooperation



As reported in the international disasters database (EM-DAT),⁴⁶ the Slovak and Ukrainian border regions suffer fairly regularly from natural disasters, most are climate or hydrological related. The two are often interconnected, for example in the case of floods and heavy rains, or long dry (droughts) seasons and forest fires. The high level of flooding (ranging from large to extreme flood events) in the borderland is mainly down to heavy, torrential rain (accounting for almost 80 per cent of flooding) and snow melt (more than 20 per cent). Human factors include weak flow regulation, a lack of detention reservoirs, forestry work, over-ploughing, haphazard building, channels blocked by wood, fly tipping and rubbish, etc.

The flooding in the Tisza River basin generated in Ukraine and Slovakia is mainly rapid flooding and lasts for 2–20 days. In Slovakia and Ukraine, flood risk management is coordinated nationally through the national water management authority under ministerial remit with a regional water management coordinating role in at regional level. Both countries have signed agreements pertaining to the water management of the Tisza River. In Slovakia flood hazard and flood risk maps have been created under Floods Directive 2007/60/EC and Ukraine is about to implement the first cycle of Floods Directive 2007/60/EC. In recent decades, several transboundary flood risk management projects have been implemented in the Tisza River basin.⁴⁷

More frequent droughts along with rising air temperatures and relative humidity and higher rainfall affect the occurrence of forest fires, typically found in spring (the rainless period in early spring) and summer (dry, drought period). Although, more than 95 per cent of fires are caused by humans (either accidentally or intentionally). There is a wealth of evidence showing that the key factors behind the spread of fire are the weather and conditions supporting burn probability (e.g., the presence of litter, needles, moss, twigs).⁴⁸

46 See more at the official website of EM-DAT. Available online: <https://www.em-dat.be/> (accessed on February 24, 2023).

47 "Territorial analysis for the future INTERREG NEXT Hungary–Slovakia–Romania–Ukraine CBC programme," op. cit., p. 59.

48 Ibid, pp. 61–2.

1.2.9. Social care and services

When comparing social protection and social services in the region two main dimensions should be considered – finance and service providers. The financial indicators are pensions, including the average pension and its relationship to other social indicators, social protection for the most vulnerable groups in the population – retirees, children deprived of parental care and disabled people. Here national policy and the role of the state in setting social security threshold levels must be considered. When looking at the service providers, that is, the network of social service providers, the role of the local authorities is crucial to the availability of social care.

Regional demographics and social care funding

Regional demographics vary widely in both Slovakia and Ukraine. Košice and Prešov are the most populous regions in Slovakia accounting for 14.7 per cent and 15.1 per cent respectively of the Slovak population, while Transcarpathia has only around 3 per cent of Ukraine's population.⁴⁹ The population of Slovakia is growing slowly. In Prešov and Košice Regions net migration is negative (-1,687 persons in Prešov and -338 persons in Košice in 2019), but natural growth is positive (+2,909 and +1,384 respectively).⁵⁰ The population of Transcarpathia has fallen over the last five years, owing to both a negative natural increase (in 2019 the natural decrease was 2,500 persons) and negative net migration (-500 persons in the same year). Mortality has a bigger effect on the natural decrease in Ukraine.⁵¹

The regions have a relatively young population structure. Data provided by the Statistical Office in Slovakia shows that in 2019 the post productive population accounted for 15.35 per cent of the population of Košice Region and 14.4 per cent in the Prešov Region (the Slovak average was 16.6 per cent). Table 6 gives the age structure of the population in the border regions as well as the structure of the total population.

49 "Regions of Ukraine 2019 (vol.1)," *Statistical Publication*, State Statistics Service of Ukraine. Available online: <http://www.ukrstat.gov.ua> (accessed on February 24, 2023).

50 *Regional Statistical Yearbook of Slovakia 2020*. Statistical Office of the Slovak Republic, January 28, 2022. Available online: <https://slovak.statistics.sk> (accessed on February 24, 2023).

51 "Regions of Ukraine 2019 (vol.1)," op. cit.

98 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

99 Border crossings, socio-economic situation of border areas and cross-border cooperation

In 2011, the post-productive demographic group accounted for 11.65 per cent in Košice Region and 11.05 per cent in Prešov Region, below the country average country (12.78 per cent).⁵² The share of children in the population is stagnating, while the post-productive population is growing in both regions of Slovakia. Given the growing share of the post productive population and the fact that most pension recipients are elderly (77 per cent in Košice Region and 74 per cent in Prešov Region), the number of pension recipients is expected to continue growing.

Table 6. Age structure of the populations of Transcarpathian, Prešov and Košice Regions in 2011–2019

indicator	2011	2015	2016	2017	2018	2019	
Košice Region	pre-productive age, per cent	17.59	17.00	17.14	17.19	17.21	17.18
	productive age, per cent	70.76	69.74	69.08	68.50	67.97	67.49
	post productive age*, per cent	11.65	13.26	13.78	14.31	14.82	15.33
Prešov Region	pre-productive age, per cent	18.44	17.87	17.88	17.93	17.97	18.00
	productive age, per cent	70.51	69.60	69.12	68.62	68.15	67.61
	post productive age, per cent	11.05	12.53	13.00	13.45	13.88	14.39
Slovakia total	pre-productive age, per cent	15.41	15.33	15.46	16.00	15.74	15.83
	people of productive age, per cent	71.81	70.67	69.55	68.47	68.22	67.53
	productive age, per cent	12.78	14.00	14.99	15.53	16.04	16.60
Transcarpathian Region	pre-productive age, per cent	20.17	20.71	20.93	21.02	20.87	21.10
	productive age, per cent	63.75	62.77	62.43	62.14	61.98	61.37
	post productive age, per cent	16.08	16.52	16.64	16.84	17.15	17.53
Ukraine total	pre-productive age, per cent	15.4	16.10	16.20	16.30	16.34	16.26
	productive age, per cent	63.4	61.80	61.30	60.80	60.25	59.83
	post productive age, per cent	21.2	22.10	22.50	22.90	23.41	23.91

*post productive age is over 65 years in Slovakia and over 60 years in Ukraine (according to national statistical methodology and retirement legislation)

Source: author's calculations, based on data from the Statistical Office of Slovak Republic and the State Statistics Service of Ukraine

52 *Regional Statistical Yearbook of Slovakia 2016*. Statistical Office of the SR, January 31, 2017. Available online: <http://bitly.ws/DhKn> (accessed on February 24, 2023).

In Transcarpathia, population growth has been steadily negative since 2015. Average age rose from 36.6 in 2012 to 37.3 in 2019, and the share of the 65+ population increased from 10.9 per cent to 11.8 per cent.⁵³ The post productive age group (60+) accounts for 17.53 per cent of the population (but represents almost 24 per cent of the population of Ukraine) and the average age is 41.6 years. This indicates that the region has a relatively young population structure. However, with the declining birth rate (the number of live births per 1,000 population fell from 14.8 in 2011 to 10.4 in 2019) and the growth of outbound migration, one can expect further deterioration in the age structure, reflecting the national trend. There is no growth in the number of pension recipients in Transcarpathia but the vast majority of them have reached retirement age (77 per cent).

Statistical data on pension recipients and pensions for 2011–2019 is given in Table 7. In the Slovak regions studied, the number of pension recipients increased (by 6 per cent in Košice Region and 9 per cent in Prešov Region in 2019 compared with 2011), while in Transcarpathia it decreased by one per cent. The number of pension recipients per 1,000 persons was 235 recipients in Košice Region and 399 recipients in Prešov Region, and only 219 in Transcarpathia. Notably, in Transcarpathia the number of pensioners per 1,000 persons had fallen since 2011, whereas in the Slovak regions it was growing.

The differences between pension rates in Ukraine and Slovakia and other socio-economic indicators, such as subsistence level and average wage are striking. In Transcarpathia, the average pension was only €67 in 2019, which is 130 per cent of subsistence level.⁵⁴ For comparison, in 2011 the average pension in Transcarpathia was €94 (121 per cent of subsistence level). The difference between the value of the pension in euros and subsistence level is explained by the exchange rate (the pension is growing in hryvnia, but the Ukrainian currency is weakening compared to the euro).

In 2019, the average pension in Prešov Region was 204 per cent of subsistence level, while in Košice Region it was 205 per cent.⁵⁵ In 2011, this ratio was 180 per cent in Košice Region and 170 per cent in Prešov Region.⁵⁶ Pensions are rising relative to average monthly wages in the border regions of Slovakia much more rapidly than in

100



101



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Border crossings, socio-economic situation of border areas and cross-border cooperation

Transcarpathia. Also, we assume that the low average pension in Transcarpathia reflects the fact that the population is more rural, receives the minimal state pension owing to low employment records (or none at all) resulting from shadow employment, migrant work abroad or working in the home.

Table 7. Pension recipients and average pension in Transcarpathian, Prešov and Košice Regions for 2011–2019

indicator	2011	2015	2016	2017	2018	2019
Košice Region						
number of pension recipients	177,572	184,101	186,063	186,821	187,303	188,472
pension recipients per 1,000 population	224	231	233	234	234	235
average monthly pension, in euros	341	384	390	400	414	430
average monthly pension, per cent of national average	99.8	99.5	99.7	99.7	99.8	100.00
Prešov Region						
number of pension recipients	176,405	185,504	188,074	190,230	191,210	193,200
number of pension recipients per 1,000 population	215	226	229	231	232	234
average monthly pension, in euros	322	361	365	374	385	399
average monthly pension, per cent of national average	94.2	93.5	93.4	93.3	92.8	92.8
Transcarpathian Region						
number of pension recipients	294,365	287,554	283,330	280,070	275,313	287,554
number of pension recipients per 1,000 population	236	232	228	225	223	219
average monthly pension, in euros *	94	70	56	57	59	67
average monthly pension, per cent of national average	86.1	85.3	86.0	56.5	80.6	80.9

*Calculated according to the official exchange rate of the National Bank of Ukraine.⁵⁷

Source: author, based on data from the Statistical Office of Slovak Republic and the State Statistics Service of Ukraine

⁵³ Demographic Passport of Transcarpathia.

⁵⁴ "Regions of Ukraine 2019 (vol.1)," op. cit.

⁵⁵ *Regional Statistical Yearbook of Slovakia 2020*, op. cit.

⁵⁶ *Regional Statistical Yearbook of Slovakia 2016*, op. cit.

⁵⁷ "Official exchange rates," National Bank of Ukraine. Available online: <https://bank.gov.ua/ua/markets/exchangerates?date=01.12.2010&period=monthly> (accessed on February 24, 2023).

Deinstitutionalization of social protection

In Slovakia, social protection is being deinstitutionalized under the Strategy for the Deinstitutionalization of the Social Services and Alternative Care System in the Slovak Republic. This process is now (August 2022) close to completion and includes creating conditions for home-based provision. The social reforms began more than 12 years ago with the adoption of Act No. 488/2008 on social services. Under the reforms, some powers were transferred from the state administration to regional government (self-governing regions) and local government (municipalities and cities). That conferred greater responsibility on the municipalities and cities including, for social services provision.⁵⁸

Some Ukrainian scholars have referred to the current stage of regional social policy in Ukraine (since 2015) as a period of "...strategic development of regional social policy on the basis of decentralization and European integration."⁵⁹ Implementation of the social policy and labor relations provisions of the Association Agreement will help Ukraine achieve a number of the sustainable development goals, including reducing inequality, which is largely linked to decentralization, and to bring Ukraine's social standards closer to the EU ones. The Ukrainian parliament (Verkhovna Rada) approved the social services law on January 17, 2019. It was aimed at improving the existing legislation, particularly on expanding the powers of local executive bodies and self-government bodies regarding social service provision at the recipient's place of residence.⁶⁰

With the adoption of the new law, municipalities play a greater role in caring for the social needs of the population. As part of the decentralization, social service provision is being transferred from central

58 "National action plan for the transition from institutional to community-based care in the social services system 2016–2020," Ministry of Labour, Social Affairs and Family of the Slovak Republic, September 2016. Available online: <https://www.employment.gov.sk/files/slovensky/rodina-socialna-pomoc/socialne-sluzby/national-action-plan-transition-from-institutional-community-based-care-social-services-system-2016-2020.pdf> (accessed on February 24, 2023)

59 O. Kryshen "Current trends in formation, implementation and development of regional social policy in Ukraine," *State Administration and Local Self-Governance* Vol. 1, No. 44, 2020, pp. 52–8.

60 "Report on implementation of the Association Agreement between Ukraine and the European Union in 2019," Government Office for Coordination on European and Euro-Atlantic Integration. Available online: https://eu-ua.kmu.gov.ua/sites/default/files/inline/files/ar_aa_implementation-2019-4_eng_0.pdf (accessed on February 24, 2023).

government to local government. It is envisaged that new types of relations between the public and non-state sectors in the community will be designed to shape the local social services market. Under the law all social service providers are considered equal: state, municipality, and non-state. Moreover, there is a mandatory register of social service providers and recipients⁶¹.

However, the implementation of the social services reforms is currently at the pilot project stage. United territorial units, created under the decentralization reforms, can organize the provision of social services to the population. In Ukraine regions, including Transcarpathia, care provision has tended to be part of the grey economy. Most care services are provided unofficially by unregistered carers, which means that recipients are not eligible for state compensation and social protection bodies cannot monitor quality. Therefore, the task of municipalities is primarily to ensure that the shadow economy is eliminated and that those providing social services receive adequate pay.

The only type of care currently being deinstitutionalized is children's care and that is being carried out under the National Strategy for Reforming the Institutional Care and Upbringing of Children for 2017–2026. The reform will take 10 years and it is envisaged that the number of children in residential care will be reduced by 90 per cent. Municipalities will have affordable, high-quality services to support families with children based on individual need.⁶²

Services providers and capacity

Having briefly explained the background of social services provision in Ukraine, we can now compare the social protection institutions and service providers as well as the capacity/availability of social services. However, the differences in statistical methodologies make comparison difficult (the statistical office does not collect information on private social care providers and the social service provider register has just been introduced).

61 T. Semigina, "Social services in the territorial communities of Ukraine: innovations in legal regulations," *Journal of the Academy of Labor, Social Relations and Tourism*, No. 4, 2019, pp. 65–75.

62 For more see official website of Ministry of Social Policy of Ukraine. Available online: <https://www.msp.gov.ua/timeline/Deinstitutizaciya.html> (accessed on February 24, 2023).

102 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

103 Border crossings, socio-economic situation of border areas and cross-border cooperation

In 2019, there were seven care homes in Transcarpathian Region, four of which were nursing homes for adults and people with disabilities and three were residential schools for children and young people with disabilities. Total capacity was 1,312 places, 882 of these were for adults, 430 were for children and young people, and 130 were for children. In 2019, there were 1,141 residents: 758 adults, 383 children and young people, and 66 children. No new residential homes have been opened or closed since 2011 and the number of places has not changed. Average occupancy rate in 2019 was 89.4 per cent for adult care homes and 96 per cent for children's homes.⁶³

There is no night shelter for homeless people in the region (nor was there in 2011). The Uzhhorod City Center for Social Services provides registration and temporary accommodation for the homeless. It has been operating since 2016 but has an extremely low capacity (5 places) and the maximum length of stay is two days.⁶⁴ There are also 22 heated homeless stations for people in some districts in the region. These are maintained by charities, social services and hospitals. However, they are only open when the temperature drops below -10 degrees.

Studying the long-term social service facilities for children and adults in Transcarpathia, and in Ukraine generally, is hampered by the lack of official statistics on private facilities and the NGO's that provide such services. At the same time, in recent years there has been an uptick in provision: private facilities for the elderly are being established and charities and religious organizations provide some services, predominantly shelters and meals for the homeless. In 2021, a pilot register of social service providers was set up under the social services sector reforms. It should become fully operational in 2022. Currently, the register contains only 69 service providers (legal entities and individuals) in the region, two of which are charitable organizations, while the rest are state and municipal.⁶⁵

Compared to Transcarpathia, the Slovak regions have a wide network of municipal and private provision for the care of the elderly, disabled, children with disabilities and children deprived of care (all are

63 "Regions of Ukraine 2019 (vol.1)," op. cit.

64 For more see official website of Uzhhorod City Council. Available online: <https://rada-uzhgorod.gov.ua/sektor-obliku-ta-nichnogo-perebuvannya-bezdomnyh-osib> (accessed on February 24, 2023).

65 For more see official website of Ministry of Social Policy of Ukraine. Available online: <https://www.msp.gov.ua/content/reestr-nadavachiv-socialnih-poslug.html> (accessed on February 24, 2023).

104



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

105



Border crossings, socio-economic situation of border areas and cross-border cooperation

open 24 hours a day). In 2011, there were 137 facilities in Košice operating all year-round with a capacity of 5,678 places. In 2019, there were 177 with a total capacity of 6,269 places. In Prešov region there were 161 facilities in 2011 (with 5,817 places), and in 2019 there were 233 institutions with a capacity of 7,963. The number and diversity of service providers testifies to the effective role of local government on the one hand and the active encouragement of private social care provision on the other.⁶⁶

In Slovakia, the social service reforms created a more effective mechanism for the functioning of service provision, and the Register of Service Providers is a core element. Individuals or legal entities can be providers. Facilities are maintained by municipalities or public authorities or are in the private sector. The register covers all service providers, including residential school and outpatient providers, as well as outsourcers and communication services (hotlines, etc.). The register contains more than 30 types of social service provider, including assistance for the elderly, those in need and others. Many are religious and charitable organizations.

As of November 10, 2021, there were 814 social service providers registered in Košice Region, most of which (443 units) were private (including charities). 294 were local authority maintained, 32 were set up or were managed by municipalities, 45 were set up by self-governing regions. Most are specialized facilities for long-term residents (social homes, shelters, nursing homes), the municipal provision includes nine specialized facilities, and the rest is mainly canteens, rehabilitation centers and counseling services that provide day-care or counseling. Private facilities are usually for long-term residents (143 establishments) or provide outpatient care (160), social services in the home (130) such as nursing, and crisis centers.⁶⁷ Municipal facilities in Košice Region include care homes, accommodation for people in need, domestic violence shelters, transitional housing for young adults leaving care, emergency shelters, supported housing, social service centers, specialized and integration centers and physiotherapy centers.

Prešov Region differs from other regions in Slovakia in having a higher number of registered social service providers. Following the introduction of the register, more than 1,400 facilities and persons were

66 *Regional Statistical Yearbook of Slovakia 2016*, op. cit.; *Regional Statistical Yearbook of Slovakia 2020*, op. cit.

67 For more see official website of Ministry of Labour, Social Affairs and Family of the Slovak Republic. Available online: <https://www.employment.gov.sk/sk/centralny-register-poskytovatelov-socialnych-sluzieb/> (accessed on February 24, 2023).

registered, 981 units with a capacity of more than 16,000 places (all outpatient and round-the-clock facilities, including private ones), of which 483 units or 49 per cent are private. Out of this number 183 private organizations provided round-the-clock services, 352 operated on an outpatient basis and there were 10 private social assistance hotlines and 249 home care centers. In contrast to Košice Region, Prešov Region and the municipalities maintained more than 400 facilities, including 16 round-the-clock facilities, 175-day facilities (day hospitals, canteens, community centers), the rest provide nursing services and other forms of assistance).

A significant part of outpatient care for people in need has been transferred to private service provision. Whereas in Transcarpathia, most social services that do not involve a residential stay are provided by territorial social protection facilities by the network of organizations under the social policy ministry. In 2019, there were 18 territorial social service centers in Transcarpathia (providing social services to people in difficult life circumstances), with 18,622 recipients, most of whom were women (69 per cent). Most people applying to such facilities (more than 80 per cent) live in rural areas. Most recipients were retirees (65 per cent), disabled (19.5 per cent) or labor veterans (9 per cent).⁶⁸ The territorial social service centers (provision of social services) are special state organizations providing social services to citizens in difficult circumstances. The centers are universal and serve families, children, and adults. Under the reforms, besides these centers, each municipality will create its own communal social services center or share a common center with neighboring communities.

According to the Transcarpathian regional state administration, front offices responsible for the reception of residents on social protection have already been created in 99 per cent of territorial communities in the region.⁶⁹ However, the government has yet to determine the specific responsibilities of the state and the social protection bodies in service provision. The law is still being debated in parliament, which is slowing down the social service reforms and depriving citizens of the right to high quality and timely social services.

68 "Social protection for the population in Ukraine in 2019," *Statistical Yearbook*, State Statistics Service of Ukraine. Available online: <http://www.ukrstat.gov.ua> (accessed on February 24, 2023).

69 "У громадах підвищується якість надання соціальних послуг," [The quality of the provision of social services is increasing in communities] *Децентралізація*, November 23, 2021. Available online: <https://decentralization.gov.ua/news/14283> (accessed on February 24, 2023).

106



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

107



Border crossings, socio-economic situation of border areas and cross-border cooperation

In addition to these bodies, there is the children's services, which is part of the regional state administration. It reports to the head of the regional state administration and is accountable to the social policy ministry. The service has the following subdivisions: 13 children's departments in the local state administrations, 5 city executive departments, 2 service centers in united territorial units. The children's service also runs the Children's Shelter (Batyovo) and the Transcarpathian Center for the Social and Psychological Rehabilitation of Children (Svalyava).

Košice Self-Governing Region has a Department of Social Care and Health with responsibility for the coordination and funding of regional policy and priorities in social and health care. Direct assistance is provided, mainly through social care, to people in difficult circumstances. Social counselling lies at the heart of the department. The First Contact Office guides clients through the complex system of social care. It also provides interpreting services and is responsible for the legal protection of children's rights and interests.⁷⁰

Prešov Self-Governing Region also has a Department of Social Affairs and Family and it has a first contact office (front office).⁷¹ An electronic system of accounting for service providers. Step-by-step instructions on how to access assistance are available online, along with information for people in need of protection and about monitoring service providers. This system helps reduce the cost of social assistance and the need for face-to-face contact, which was particularly important for those in quarantine during the pandemic.

Regional social service programs

The social services provision in the regions is determined by state social policy and the local authorities. The goals and pathways are set out in regional development strategies, general social and economic development programs, as well as targeted social development and social protection programs.

Prešov Region has been most successful of the three regions in implementing social development and protection. Shortly after the

70 For more see official website of Košice Self-Governing Region. Available online: <https://web.vucke.sk/sk/kompetencie/socialne-veci/poskytovanie-socialnych-sluzieb/> (accessed on February 24, 2023).

71 For more see official website of Prešov Self-Governing Region. Available online: <https://po-kraj.sk/sk/samosprava/urad/odbor-svar/> (accessed on 24, 2023).

adoption of the social services law in 2008, the region approved its “Concept of Social Services Development in Prešov Region.” The aim was to develop the professional network of social services in response to growing demand. The result was a corresponding positive trend in the number of specialized bodies. This was followed by the approval of the “Concept of Social Services Development in Prešov Self-Governing Region for the years 2020–2025” aimed at raising public awareness of the availability and quality of social services in the region.

The current strategy under “The Economic and Social Development Program for Košice Self-Governing Region for 2016–2022” focuses more on social development than it did previously. With the implementation of EU Cohesion Policy, aimed at equalizing economic development in the regions, the role of economic factors in development was overestimated. Economic factors were prioritized over social welfare, which meant that profit became the sole objective of business, leading to ever-increasing inequalities in the distribution of wealth and the emergence of social problems. Social exclusion began to affect an ever-larger part of the population.⁷² However, since 2011 there has been a significant increase in the number of social service providers. In 2011, the number of registered providers was 215⁷³ and in 2015 there were 283 institutions⁷⁴, but by 2021 that number had increased four-fold. One of the goals of the Program of Economic and Social Development is to improve social service provision for the region’s population (€2,535,000 has been allocated to project implementation). Prešov Region also has an updated version of the “Concept of Social Services Development 2007–2013” for the years 2016 to 2020.

In Transcarpathian Region, at the time of the study, there was no comprehensive document laying the foundations for the conceptual

72 “Cohesion Policy will play a crucial role in the development of Košice Region,” European Committee of the Regions, December 3, 2017. Available online: <https://cor.europa.eu/de/news/Pages/Cohesion-Policy-will-play-a-crucial-role-in-development-of-the-Kosice-Region.aspx> (accessed on February 24, 2023).

73 “Program hospodárskeho a sociálneho rozvoja KSK na roky 2016 – 2022,” [Program for the economic and social development of Košice Self-governing Region for the years 2016 to 2022]. Available online: https://web.vucke.sk/sk/uradna-tabula/rozvoj-regionu/program-hosp-socialneho-rozvoja/phsr_2016-2022.html (accessed on February 24, 2023).

74 “Konceptia rozvoja sociálnych služieb v Košickom kraji na roky 2016 – 2020,” [Concept of social services development in Košice Region for 2016–2020] Košice Self-Governing Region, January 2016. Available online: https://web.vucke.sk/files/socialne_veci/2016/konceptia_final-2016_2020.pdf (accessed on February 24, 2023).

108



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

109



Border crossings, socio-economic situation of border areas and cross-border cooperation

development of social services. This is partly a reflection of the state of affairs at the national level and partly because decentralization has been slow and that has directly affected the transfer of powers in social services. However, progress has been achieved in child protection, beginning with the adoption of the National Strategy for Reforming the Institutional Care and Upbringing of Children for 2017–2026. Transcarpathia has a “Regional program for ensuring the right of the child to a family upbringing for 2018–2025 and a Regional plan for reforming the system of institutional care and upbringing of children in the Transcarpathian region for 2019–2026.” These key documents on the child’s right to a family upbringing are aimed at creating and developing early intervention services, providing social services for supported living, the social integration and reintegration of orphans, children deprived of parental care, day care services and so on.

In general, there is a positive trend in the region regarding orphans and parental care. As of May 2020, there were 47 family-type orphanages and 46 foster families in the region. A total of 369 orphans and children in parental care are being raised in family-type orphanages and foster families. Since 2012 the number of family-type homes has increased from 36 to 45. The number of children being reared in these family facilities has increased and the number in residential schools has fallen.⁷⁵

Several decisions were taken regarding children with special needs, in particular the decision to expand the number of inclusive and special classes in general secondary schools, so education services can be provided closer to where children with special needs live. In September 2016, a moratorium was introduced on sending new students to special residential schools for children with mental disabilities. According to the current legislation, the local education authority must provide such education at the place of residence.⁷⁶ There are three orphanages in the social protection system: Mukachevo orphanage (for girls), Vynohradiv orphanage (for boys), Vilshansky orphanage-residential school (mixed). The region has other

75 “В ОДА Розповіли Про Стан Захисту Прав Дітей У Закарпатті,” [The Regional State Administration spoke about the protection of children’s rights in Transcarpathia] Transcarpathian regional state administration, May 29, 2020. Available online: <https://oda.carpathia.gov.ua/novyna/v-oda-rozpovily-pro-stan-zahystu-prav-ditey-u-zakarpatti> (accessed on February 24, 2023).

76 “Регіональна стратегія розвитку Закарпатської області на період 2021 – 2027 років,” [Strategy for the regional development of Transcarpathia for 2021–2027]. Available online: <https://carpathia.gov.ua/storage/app/sites/21/Economics/201001-1840p.pdf> (accessed on February 24, 2023).

programs that address problems pertaining to certain groups of the population by providing targeted financial assistance, rather than through a network of service providers.

The new “Strategy of social and economic development of Transcarpathia for 2021–2027” has the operational goal of the “Development of social services and improving public health.” This will involve expanding the range of social services, introducing new technologies and innovative models of social work, reforming residential schools that provide social protection, modernizing the facilities and resources of social protection bodies and organizations, family forms of education for orphans, children deprived of parental care, prevention of child neglect.⁷⁷ According to the latest data, out of 2,036 orphans and children deprived of parental care, 1,398 were placed with families and 382 were living in family-type orphanages (in the EU the term “professional families” is used).

With the approximation of the Ukrainian legislation on social services to the European legislation, there is potential for cross-border cooperation and the implementation of EU funded projects and transfer of experience at the regional level. The border regions share some common demographic problems and specific problems related to their peripherality and ethnic composition (Roma population). Cross-border regional cooperation would help to solve these problems, and above all, help Transcarpathia improve social protection through the application of best practices in neighboring regions in the EU.

1.2.10. Culture, sports, leisure activities and tourism

Tourist infrastructure and cultural, sports and leisure facilities play an important role in regional socio-economic development. On the one hand, the growth in living standards has led to greater financial opportunities for cultural development and recreational activities, increasing the demand for these services in the region. On the other hand, hotels and restaurants, sports infrastructure and leisure facilities expand the opportunities for tourism development in the region, which is considered a promising source of income.

⁷⁷ Ibid



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Border crossings, socio-economic situation of border areas and cross-border cooperation



The Košice, Prešov and Transcarpathia Regions have similar natural conditions for tourism and cultural and historical heritage. The border regions share cultures, which creates favorable conditions for deepening cooperation in the cultural sphere. Transcarpathia has tourism potential in the spheres of culture and educational tourism, medicine and health, rural, ecological, water, ethnic, business, recreation and entertainment. The Slovak regions bordering Ukraine have good natural and cultural-historical conditions for tourism development, with strong potential for cultural, sports tourism and ecotourism. Košice and Prešov Regions are home to castles, national parks and nature reserves, cultural heritage (churches, museums) and popular sites in Central Europe (water parks, the largest zoo in Central Europe). Transcarpathia shares much of this with Slovakia but has less-well developed tourist and transport infrastructure. Local tourism resorts are growing thanks to marketing and promotion by the local authorities.

Besides the natural resources and cultural heritage, the ability of the regions to attract tourists depends on the tourism infrastructure, and particularly accommodation – hotels, motels, campsites. Table 7 shows data on tourist accommodation in the regions. The Slovak regions are growing in all areas, except for the number of beds in accommodation facilities in Košice Region, which fell from 26,476 in 2011 to 23,223 in 2019. However, given the growing number of visitors and overnight stays, the fall in beds can be explained by efficiencies in the hotel sector, and more varied accommodation provision, including small capacity units. In Prešov Region accommodation facilities grew by 55 per cent from 2011 to 2019, visitor numbers by 79 per cent, overnight stays by 67 per cent, and beds by 18 per cent, pointing to positive growth in the hotel sector in the region.⁷⁸

In Transcarpathia, the number of accommodation facilities run by legal entities has fallen and the number of private (family run) accommodations, small hotels, tourism facilities, etc., has grown. In 2019, there were 59 hotels (21 fewer than in 2011); however, capacity rose by 27 per cent. However, the number of visitors has declined sharply, but grew in 2016 and 2017. The number of visitors began to decline substantially in 2018. Since then, tourism to Transcarpathia has fallen, which can partly be explained by the tourism opportunities abroad, growing demand for high quality accommodation, services,

⁷⁸ Regional Statistical Yearbook of Slovakia 2020, op. cit.; Regional Statistical Yearbook of Slovakia 2016, op. cit.

including medical services and transport. However, since 2018, the official statistics no longer include private accommodation, which mostly consists of small establishments such as motels, hostels and rural agritourism facilities. These small tourist facilities combined, as shown in table 8, have a greater total capacity than large hotels (6,538 places in 2019 against 3,631), and received 63 per cent of visitors in the period 2011–2019.⁷⁹

Table 8. Accommodation facilities (hotels, motels, guesthouses, and camping sites) in Košice, Prešov and Transcarpathian Regions, 2011–2019

indicator	2011	2014	2015	2016	2017	2018	2019
Košice Region							
number of accommodation facilities	346	329	351	305	289	344	389
number of visitors	289,435	260,494	266,358	347,014	366,142	386,088	456,493
overnight stays, nights	620,403	537,533	597,759	726,401	762,490	830,079	1,055,845
beds in total	26,476	25,707	25,989	23,188	21,893	21,586	23,223
Prešov Region							
number of accommodation facilities	551	663	718	671	662	728	856
number of visitors	618,470	642,706	740,701	854,528	894,173	932,121	1,108,313
overnight stays, nights	2,027,582	2,142,701	2,362,386	2,713,587	2,790,080	2,901,080	3,380,394
beds in total	31,207	33,318	33,927	32,291	32,009	32,750	36,792

79 V. Stavská, "The infrastructural factors of development of the hospitality industry in the field of ecological tourism in Zaccarpata," *Economics and Enterprise Management Journal*, No. 61, 2021, pp. 79–86; "Collective accommodation facilities in Ukraine," *Statistical Bulletin*, State Statistics Service of Ukraine, 2017. Available online: <http://www.ukrstat.gov.ua> (accessed on February 24, 2023).

Transcarpathian Region							
Legal entities providing accommodation*							
number of accommodation facilities	80	95	90	77	79	54	59
number of visitors	156,602	147,659	137,535	158,697	191,760	114,619	102,410
overnight stays, nights	1,332,066	1,315,611	1,045,338	963,293	1,188,823	241,179	227,996
beds in total	3680	3982	3441	3873	3631	3748	4672
Entrepreneurs providing accommodation							
number of accommodation facilities	136	192	178	179	171	n/a	n/a
number of visitors	46,938	72,985	92,465	110,553	121,322	n/a	n/a
overnight stays, nights	118,003	252,069	330,496	341,229	371,374	n/a	n/a
beds in total	3,256	6178	6,025	6,785	6,538	n/a	n/a

Source: Author's calculations, based on data from the Statistical Office of the Slovak Republic and the State Statistics Service of Ukraine

*legal entities and entrepreneurs are given separately as the official statistics stopped providing data on entrepreneurs in 2018.

To compare the intensity of tourism at NUTS 3 level, some analysts suggest using the Defert index, Schneider index, Charvat index, index of territorial density of tourism, tourist density rate or index of land use.⁸⁰ The Defert function or tourist function index expresses the number of beds in accommodation facilities in the given region by the population of that region. The Schneider index or tourism intensity rate measures the number of arrivals at tourist accommodation per 100 permanent inhabitants. The Charvat index specifies the

80 R. Štefko, P. Vašaničová, E. Litavcová, S. Jenčová, "Tourism intensity in the NUTS III regions of Slovakia," *Journal of Tourism and Services* No. 9(16), 2018, pp. 45–59. Available online: <https://jots.cz/index.php/JoTS/article/view/43> (accessed on February 24, 2023).

number of overnight stays per 100 permanent residents. Using these indicators, the authors determined that in 2016 Prešov Region was among the three regions with the highest tourism intensity in Slovakia (third after Bratislava and Žilina Regions). Košice Region has a significantly lower tourism intensity.⁸¹ Using this technique, we will determine tourism intensity for the border regions of Slovakia and Ukraine, summarized in Table 9.

Table 9. Tourism intensity indicators for the border regions of Slovakia and Ukraine

indicators	2011	2015	2017	2019
Košice Region				
Defert index	3.398	3.264	2.740	2.897
Shneider index	36.50	33.46	45.84	48.27
Charvat index	78.24	75.09	95.47	131.74
Prešov Region				
Defert index	3.825	4,013	3.890	4,453
Shneider index	75.81	89.31	108.64	113.06
Charvat index	248.54	284.85	339.00	409.13
Transcarpathian Region				
Defert index*	0.556 (0.295)	0.764(0.272)	0.808(0.288)	(0.371)
Shneider index*	16.32 (12.55)	18.26 (10.92)	24.87(15.23)	(14.84)
Charvat index*	116.25 (106.79)	109.23 (82.99)	123.94(94.44)	(18.14)

*Indicators are calculated for both legal and physical business entities for 2011, 2015 and 2017. The same index is given in brackets for legal economic entities, as that data has not been provided since 2018 entrepreneurs.

Source: Author's calculations, based on data from the Statistical Office of the Slovak Republic and the State Statistics Service of Ukraine

As can be seen from the table giving the three indicators of tourism intensity in the region, Transcarpathia lags far behind the neighboring Prešov and Košice Regions. The Defert index paints a clearer picture as it shows changes in hotel capacity. Prešov Region performs better than Košice Region on all the intensity indicators and exhibits a great deal of fluctuation. Tourism is increasing in Košice Region in terms of number of overnight stays and visitors, but still lags far behind

81 Ibid.

114 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

115 Border crossings, socio-economic situation of border areas and cross-border cooperation

Prešov Region. As for Transcarpathia, the maximum intensity of tourist traffic was reached in 2017; nonetheless, it is more than three times lower than in the Slovak border regions.

Inbound tourism, measured as the flow of tourists from other countries, indicates the region's attractiveness to foreigners. Growth is a positive sign, as it is an indirect indicator of the quality of tourist services of the host area. Although there were no significant obstacles (like entry visas) for EU citizens visiting Ukraine before the EU-Ukraine Association Agreement entered into force, the latter had a positive effect on Ukraine's image. This is reflected in the data on the growth in the number of foreign tourists visiting Ukraine in 2016 and 2017. The growth in foreign tourists to Transcarpathia peaked in 2017, when incoming tourist flows to Ukraine increased by 27 per cent. After that, there was a sharp decline in tourist flows, which continued with the onset of the Covid epidemic.

The share of foreign tourists as a proportion of inbound tourist flows, measured by the number of foreign hotel guests, is extremely low in Transcarpathia and was 15.2 per cent in 2011,⁸² 21 per cent at its peak in 2017⁸³ and only 5.9 per cent in 2019⁸⁴. For comparison, the figures for Košice Region were 34.9 per cent in 2019⁸⁵ and for Prešov Region it was 28.9 per cent.⁸⁶

According to the Department of Tourism and Resorts of the Regional State Administration, there are 511 health, recreational and tourist facilities in Transcarpathia, including 126 recreational, and 362 tourist facilities. About 26,000 people can be accommodated at one time in the region. There are 25 tourist information centers in the region, which provide information on the existing tourist and recreational potential of Transcarpathia.⁸⁷

82 "Collective accommodation facilities in Ukraine," *Statistical Bulletin*, State Statistics Service of Ukraine, 2011. Available online: <http://www.ukrstat.gov.ua> (accessed on February 24, 2023).

83 "Collective accommodation facilities in Ukraine," 2017, op. cit.

84 "Collective accommodation facilities in Ukraine," *Statistical Bulletin*, State Statistics Service of Ukraine, 2019. Available online: <http://www.ukrstat.gov.ua> (accessed on February 24, 2023).

85 "Košice Region in figures 2020," Statistical Office of the Slovak Republic, December 2020, 55 p.

86 "Prešov Region in figures 2020," Statistical Office of the Slovak Republic, December 2020, 55 p.

87 "Туристична галузь – це потужний чинник розвитку області," [The tourism industry is a powerful factor in regional development] Transcarpathian Regional Council, May 5, 2011. Available online: <https://zakarpata-rada.gov.ua/zakarpattya/infrastruktura/turyzm-i-rekreatsiya/> (accessed on February 24, 2023).

Transcarpathia has particularly favorable conditions for rural ecological tourism (agritourism facilities), as outdoor recreation can be combined with gastronomic tours, balneological procedures, and visits to cultural and historical monuments. The area is cheap to visit, as rural facilities offer a wide range of inexpensive accommodation, usually run by family businesses. There are about 500 rural estates in Transcarpathia providing accommodation and food to tourists.⁸⁸ There were about 130 such facilities in 2013, indicating a high growth rate.

Rural and ecological tourism is supported under the “Strategy for the development of Transcarpathia up to 2020.” However, it is still underfunded and the support is still mostly promotional (although one should not underestimate the importance of marketing). Local authority support mainly consists of marking tourist routes, information and educational tours of tourist and recreational attractions in the region and creating and maintaining information portals.

Skiing is important in Transcarpathia. There are 56 ski lifts in the region, including: 40 ski lifts, 8 chair lifts, 3 anchor lifts, 2 elevator types, 3 multi-lifts, 26 snowmobiles and 38 rental points.⁸⁹ Most ski resorts have snow cannons. The tubing parks, opened in 2018, are especially popular with locals for weekend recreation. In 2019–2020, the transport infrastructure in the Carpathian Mountains improved substantially, making it easier to access ski resorts; nonetheless, transport connections are still the main problem for the ski resorts.

The cultural, recreational and sports facilities reflect the standard of living in the region. Cultural development and quality recreation for adults, children and young people represent an important component of social well-being. The sports and cultural facilities are adjacent to the tourist infrastructure and form part of the region’s tourist appeal.

Košice Region is an example of successful regional promotion and the implementation of regional culture and sports projects that have a multidimensional impact on the region’s socio-economic development. In 2016, Košice was the first city in Slovakia to become a *European City of Sport* and it was able to attract large numbers of inhabitants of all ages, as well as visitors. Consequently there was a sharp increase in the number of guests in tourism accommodation

88 V. Stavská, op. cit.

89 “Туристична галузь – це потужний чинник розвитку області,” op. cit.



in 2016 and that has carried over into subsequent years, with revenue increasing by over a million euros to nearly €21 million in a single year.⁹⁰

Prior to that, in 2013, Košice was the *European Capital of Culture*. In total, around €100 million was invested, with €70 million being spent on cultural infrastructure, like new cultural venues and organizations, which are still operating and providing cultural programs. The remaining €30 million was spent in the preparation phase. A study by the Technical University of Košice calculated that the impact coefficient was 1.65. That means that every euro invested contributed €1.65 to the economy, through the money visitors spent on accommodation, fares, and tickets.⁹¹

Košice Region has many cultural institutions and residences in urban areas; although some surveys show that outdoor recreation is the main purpose of visits to the region.⁹² The High Tatra (Vysoké Tatry) mountain range in Prešov Region is Slovakia’s greatest tourist attraction. The region is famous for: the largest castle in Central Europe – Spiš Castle; the town Levoča which has the biggest wooden altar in the world; the UNESCO heritage sites of the ecclesiastical town of Spišská Kapitula and the Gothic church in Žehra; and the Andy Warhol Museum of Modern Art in Medzilaborce.⁹³ Marketing has played a key role in the region’s appeal. Nonetheless, a World Bank analysis revealed weak points in the region’s policy, where tourism could contribute more to social and economic development. The uneven development of the tourist infrastructure in the High Tatras region is one such problem. The investment and deployment of strategic resources has disproportionately benefited some subregions (such

90 D. Matušíková, M. Švedová, T. Dzurov-Vargová, P. Žegleň, “An analysis of the ‘European City of Sports’ project and its impact on the development of tourist activity: the example of selected Slovakian cities,” *Turyzm/Tourism* Vol. 30, No. 1, Article 13. Available online: https://www.researchgate.net/publication/342539172_An_Analysis_of_the_European_City_of_Sports_Project_and_its_Impact_on_the_Development_of_Tourist_Activity_The_Example_of_Selected_Slovakian_Cities (accessed on February 24, 2023).

91 J. Liptáková, “The European Capital of Culture title gave Košice the courage to think big,” *The Slovak Spectator*, December 19, 2019. Available online: <https://spectator.sme.sk/c/22289761/the-european-capital-of-culture-title-gave-kosice-the-courage-to-think-big.html> (accessed on February 24, 2023).

92 “Strategy of ecotourism development in Košice Region,” Interreg Danube Transnational Programme, November 2020. Available online: https://www.interreg-danube.eu/uploads/media/approved_project_output/0001/44/c34715cd-2f3552c67cc54c3ebb3e5d83e6d4ad50.pdf (accessed on February 24, 2023).

93 R. Štefko, P. Vašaničová, E. Litavcová, S. Jenčová, op. cit.

as the High Tatras). While one can expect some investment asymmetries in tourism, experts consider it important that these do not crowd out investment in less-developed destinations over time.⁹⁴

The data analysis on cultural, sports and recreation facilities in the border regions of Slovakia and Ukraine shows that Košice Region does better on educational and cultural facilities. In 2019, there were 17 permanent theaters (4 more than in 2011), 33 permanent museums and galleries and 11 cinemas.⁹⁵ Košice Region has the highest density of theaters per 100,000 inhabitants (see table 10). In Prešov Region there were 5 theaters, 43 museums and 19 cinemas in 2019. The number of theaters and museums has remained the same since 2011, as has the number of cinemas; although, the total number of seats has decreased. The situation in Transcarpathia is stable regarding theaters (in 2019 there were five theatres, one more than in 2011) and museums (14 museums in 2011 and 2019), but the number of cinemas fell substantially (from 33 to 8). The number of cinema visitors more than doubled (to 153,000 visitors per year) from 2011 (despite the threefold reduction in the number of seats).^{96,97} The decrease is the result of a decline in film projection in rural areas and the opening of modern cinemas in cities as well as the more efficient use of cinema facilities. Museums and gallery visitors in the regions grew steadily, peaking in 2017 in Košice (724 thousand visitors), Transcarpathia (642 thousand) and Prešov Regions (642 thousand).

Methodological differences in statistical surveys of cultural, leisure and sports facilities make it difficult to compare the regions of Ukraine and Slovakia. In addition, since 2017 the state in both Slovakia and Ukraine no longer collects data on the number of visitors to cultural and art facilities. However, relative indicators such as the number of theaters, museums, cinemas and other entertainment establishments per 100 thousand inhabitants provide information on cultural and recreation facilities. Table 10 shows cultural facilities are more

94 "Analysis of destination management system in the Prešov Region of the Slovak Republic," International Bank for Reconstruction and Development/The World Bank, 2019. Available online: <https://documents1.worldbank.org/curated/en/937591565108159108/pdf/Analysis-of-Destination-Management-System-Tourism-Information-Centers-and-Destination-Management-Organizations-in-the-Prešov-Region-of-Slovak-Republic.pdf> (accessed on February 24, 2023).

95 *Regional Statistical Yearbook of Slovakia 2020*, op. cit.; *Regional Statistical Yearbook of Slovakia 2016*, op. cit.

96 "Regions of Ukraine 2019 (vol.1)," op. cit.

97 "Culture and arts establishments in Transcarpathia," Main Department of Statistics in the Transcarpathian Region, 1995–2017. Available online: <http://www.uz.ukrstat.gov.ua> (accessed on February 24, 2023).



118

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation



119

Border crossings, socio-economic situation of border areas and cross-border cooperation

accessible in the Slovak regions. As for Transcarpathia, low per capita rates and the urban concentration of facilities, combined with weak transport links, make it harder for the rural population, which accounts for more than 60 per cent of all inhabitants, to access culture and recreation.

Table 10. Density of culture and leisure facilities in the border region of Slovakia and Ukraine

indicators	2011	2015	2017	2019
Košice Region				
number of theaters per 100,000 of the population	1.78	2.37	1.63	2.12
number of museums per 100,000 of the population*	11.78	9.29	9.14	4.12
number of cinemas per 100,000 of the population	1.37	1.00	1.63	1.37
number of libraries per 100,000 of the population**	33.01	51.88	47.70	45.67
Prešov Region				
number of theaters per 100,000 of the population	0.61	0.96	0.61	0.60
number of museums per 100,000 of the population*	9.07	9.65	8.75	5.20
number of cinemas per 100,000 of the population	2.33	1.69	1.94	2.30
number of libraries per 100,000 of the population	42.66	71.14	68.12	65.72
Transcarpathian Region				
number of theaters per 100,000 of the population**	0.32	0.32	0.39	0.39
number of museums per 100,000 of the population **	1.12	1.11	1.11	1.11
number of cinemas per 100,000 of the population	2.64	0.79	0.71	0.64
number of libraries per 100,000 of the population	40.32	39.14	38.77	38.51

* Data from 2011–2017 on museums and galleries in the Slovak regions includes long-term and permanent exhibitions, and in 2019 it refers to permanent museums and galleries, owing to changes in the methodology. The decrease does not indicate a reduction in the total number of museums.

**Data for Slovak regions in 2011 does not include school libraries

Source: Author's calculation, based on data from the Statistical Office of the Slovak Republic and the State Statistics Service of Ukraine

Another important aspect of cultural development in the regions is the library network. From 2015 (there is no earlier statistical information on all types of libraries), the number of libraries in the Slovak

regions declined (in Košice Region the number of libraries fell from 413 in 2015 to 366 in 2019, in Prešov Region from 590 to 543).⁹⁸ In Transcarpathia the number of libraries decreased less rapidly, from 493 in 2011 to 484 in 2019.⁹⁹ Book collections in Prešov Region decreased by 6 per cent to 3,955,861 books. In Košice Region there were 5,326,530 books (a decrease of 4 per cent for the same period), while in Transcarpathia the library collections contained 4,859,500 volumes, 15 per cent less than in 2015.

Library capacity in Slovakia's border regions lags far behind that of the Central and Western Regions. The analysis of the number of libraries by type and book collection shows that Prešov Region had more public libraries with larger collections, while there were more scientific libraries in Košice Region. In Transcarpathia, scientific collections fared better in terms of the number of books and replenishment rate. The leading university in Transcarpathia – Uzhhorod National University – had a collection of 1,626,639 books, with 10,000–14,000 new items annually.¹⁰⁰ In all the regions, the number of libraries and public reading room collections fell, probably owing to information trends and digitalization. However, in both Košice Region and Transcarpathia, the book collections are created and maintained with the support of university research libraries.

Given the lack of a unified approach to the statistical assessment of recreation, sports, art education in the regions of Ukraine and Slovakia, it is difficult to conduct an objective comparison of their functioning and services to the population. However, some general trends can be identified and compared across the regions.

Transcarpathia has a well-developed network of cultural and art recreation facilities (known as club facilities, which are maintained by the municipalities). There was a small reduction in the number over the period and in 2019 there were 444 facilities. Most are in rural areas. According to statistics specially provided by the General Statistical Office of Transcarpathia, the number of football pitches increased by 3 (292 in 2019), courts by 4, and general sports grounds – by 29. Meanwhile the number of small sports grounds fell and the number

⁹⁸ *Regional Statistical Yearbook of Slovakia 2020*, op. cit.; *Regional Statistical Yearbook of Slovakia 2016*, op. cit.

⁹⁹ "Culture and arts establishments in Transcarpathia," op. cit.; "Regions of Ukraine 2019 (vol.1)," op. cit.

¹⁰⁰ For more see official website of Uzhhorod National University Scientific Library. Available online: <http://www.lib.uzhnu.edu.ua/node/16/show> (accessed on February 24, 2023).

120



121



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Border crossings, socio-economic situation of border areas and cross-border cooperation

of stadiums with a capacity of over 1,500 people remained the same (26 stadiums). However, the official statistics do not contain data on private facilities and sports clubs, courts and swimming pools in hotel and restaurant complexes, spas, shopping, or entertainment facilities that are not publicly funded.

Many sport facilities have been neglected and so local authority development programs and actions focus on the refurbishment and renovation of existing ones. The primary focus is on expanding the number of sports grounds with synthetic surfaces (Sports Grounds regional program). Most of the activity was carried out in 2014–2015 and 44 new sites have been opened in the region since 2014. Together with municipal children's and youth sports schools, of which there are only 34 in the region (one of the lowest numbers in Ukraine), the number of private sports clubs is growing. In 2019, there were 320 private organizations in the sports and recreation sectors (276 were registered as managed and owned by entrepreneurs), and the number of such enterprises in the region rose ten-fold over the last five years.¹⁰¹

According to the Slovak Statistical Office, there are 83 facilities providing leisure activities for children and young people in Košice Region and 104 in Prešov Region¹⁰² (77 and 129 in 2011, respectively).¹⁰³ For many years the number has been higher than in other regions in Slovakia. In Prešov Region, there were 251 private culture, recreation and sports facilities and 356 in Košice Region.¹⁰⁴

1.2.11. Education

The success of the EU, especially in economic and technological development, is largely down to its attitudes to education and maintaining high levels at all stages. As European integration is generally considered a powerful tool for reforming the state, changes in education

¹⁰¹ "Кількість підприємств за їх розмірами за видами економічної діяльності у 2015 році," [The number of enterprises by their size by types of economic activity in 2015] Main Department of Statistics in the Transcarpathian region. Available online: http://www.uzkrstat.gov.ua/statinfo/pidpr/2016/kil_pidpr_econom_2015.pdf (accessed on February 24, 2023).

¹⁰² *Regional Statistical Yearbook of Slovakia 2020*, op. cit.

¹⁰³ *Regional Statistical Yearbook of Slovakia 2016*, op. cit.

¹⁰⁴ Ibid

and science play an important role in Ukraine's reforms and in implementing the Association Agreement. Therefore, state policy on European integration has become more transparent, measurable, and accountable.¹⁰⁵

Slovakia and Ukraine have similar education systems, with preschool, primary, secondary, vocational and higher education provision. Extracurricular education and self-education are additional facets. In general, Ukraine has a similar education system to European and other developed countries, supported by UNESCO, the UN, and other international organizations. The differences in the education systems are mainly the differences in the way each level is divided up and the education programs. Regional changes in the number of schools and education institutes are shown in Table 11.

Table 11. Number of schools and education institutes for 2011–2019

indicator	2011	2015	2016	2017	2018	2019	2019 to 2011, per cent
Košice region							
kindergartens	438	447	447	454	456	455	103,88
primary schools	317	309	306	305	303	303	95,58
grammar schools	36	36	36	35	35	34	94,44
vocational secondary schools	60	63	61	61	61	61	101,67
universities and colleges	4	4	4	4	4	4	100,00
Prešov region							
kindergartens	529	529	536	534	534	539	101,89
primary schools	434	406	404	402	402	397	91,47
grammar schools	40	39	38	38	37	38	95,00
vocational secondary schools	78	74	73	73	72	68	87,18
universities and colleges	2	2	2	2	2	2	100,00

122



123



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Border crossings, socio-economic situation of border areas and cross-border cooperation

Transcarpathian Region							
pre-schools	552	572	582	589	592	595	107,79
secondary schools	693	669	667	668	665	666	96,10
vocational (professional and technical) training institutions	18	16	16	16	16	16	88,89
higher education institutions	17	14	14	14	14	14	82,35

Source: Author's calculations, based on data from the Statistical Office of the Slovak Republic and the State Statistics Service of Ukraine

The following generalizations can be drawn from the comparison of statistical data on the Slovak and Ukrainian and analysis for 2011–2019:

- growth in the number of kindergartens in all regions;
- the number of vocational secondary schools grew in Košice Region but fell in Prešov Region and Transcarpathia. In Transcarpathia, a network of vocational (technical) education institutions is being created to meet the training needs of the region's economy and the vocational needs of local inhabitants;
- vocational (technical) education currently consists of 16 different types of schools: 4 higher vocational schools (one is a unit at a higher education institution), 2 vocational education centers, 9 vocational lyceums and a vocational school. The study areas are industry, trade and catering, construction, agriculture, transport, housing and communal services and non-productive consumer services;¹⁰⁶
- a fall in the number of basic and grammar schools in the Slovak regions and in the number of secondary education institutions in Transcarpathia. The structure of the secondary education institutions differs between Slovakia and Ukraine, although there have been steps to bring Transcarpathia closer to the European model of secondary education. The main issues are reforming general

105 "Report on implementation of the Association Agreement between Ukraine and the European Union in 2019. Results and plans," op. cit.

106 "Про роботу галузі освіти області за 2020 рік," [About the work of the education sector of the region for 2020] Департамент освіти і науки, молоді та спорту Закарпатської обласної державної адміністрації. Available online: <https://deponms.carpathia.gov.ua/uploads/New-Doks-2021/Pidsumki-soc.ekon.-osviti-za-2020.pdf> (accessed on February 24, 2023).

secondary education, creating support schools that meet the requirements of modern educational space and the transition to specialized training in secondary school. Measures are being taken to switch to a general secondary education system consisting of primary schools, gymnasiums, lyceums;¹⁰⁷

- there was no change in the number of higher education institutions in the Slovak regions in the period analyzed, whereas the number fell by three in Transcarpathia (17.65 per cent).

In Transcarpathia there were 14 higher education institutions in 2021. Despite this, young people migrate to study abroad, including in the Slovak Republic. Slovak students often choose to study abroad, and their places are taken by foreigners, including Ukrainians. The main pull for Ukrainians is that they can access free higher education in the Slovak language, the liberalization of the law encouraging youth migration for education purposes and, of course, proximity to Slovakia. However, there are some negative aspects. In particular, it is easy for Ukrainians to study specialisms that are not in high demand in the Slovak and Ukrainian labor markets. They often enroll in humanities and social science courses, while there is high demand for IT professionals.¹⁰⁸

Language is one factor that may encourage or hinder cross-border cooperation, including in education. It is important to note that the statistics for 2011–2014 show that in Prešov Region there were Ukrainian language kindergartens (around 1 per cent of all kindergartens), and fewer Ukrainian–Slovak language kindergartens (0.5 per cent of the total). This is a positive factor, as it is a means of supporting Ukrainians in Slovakia, for various reasons, on either a permanent or temporary basis. There are no statistics for 2015–2020 so there is no way of knowing how the situation has changed. In Košice Region, there are no statistics on Ukrainian language kindergartens. In Ukraine, most kindergartens are Ukrainian language kindergartens (about 88 per cent), with 11.6 per cent of children learning Hungarian in kindergarten and 0.2 per cent Romanian, Slovak and Russian (as of May 2021).¹⁰⁹

107 Ibid

108 “Ukrainian students in Slovak Republic: policies of engagement, integration, students’ motivation and plans,” Cedoss, October 1, 2018. Available online: <https://cedos.org.ua/en/researches/ukrainski-studenty-u-slovachchyni-polityky-zaluchennia-intehratsii-ta-motyvatyia-i-plany-studentiv/> (accessed on February 24, 2023).

109 “In Transcarpathia, almost 88% of children in kindergartens study in Ukrainian – statistics,” *Zaholovok.com.ua*, May 31, 2021. Available online: <https://zaholovok.com.ua/na-zakarpatti-mayzhe-88-ditey-u-sadochkakh-navchayutsya-ukrainskoyu-movoyu-statistika> (accessed on February 24, 2023).

124



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

125



Border crossings, socio-economic situation of border areas and cross-border cooperation

At primary level, the number of schools where Ukrainian was the language of instruction fell in Prešov Region from five in 2011 to three in 2014, and there was only one basic school in 2011 where Ukrainian and Slovak were the languages of instruction.¹¹⁰ In Košice Region, the statistics record no such schools. There is no provision for Ukrainians in their own language at the various education levels. In Transcarpathia, there is only one school where Slovak is a language of instruction, in addition to Ukrainian. It is worth noting the potential for improving language support for students from the Slovak Republic in Ukraine and vice versa.

Some universities target foreign students, by creating Ukrainian language sites and establishing professional contacts with universities in Ukraine, advertising education opportunities at the border or in Ukraine itself, including secondary schools, and hiring special staff with a good command of the Ukrainian language to promote them. The Migration Center in Košice organizes free Slovak courses, albeit on a limited scale.¹¹¹

Education is also one way of addressing economic problems. The Slovak authorities are seeking ways to solve the problem of youth unemployment. One attempt to solve this problem is a project entitled “Introduction of a dual education system and identification of its quality” (IDES) involving Slovakia, Poland, Latvia and Slovenia. Košice Self-Governing Region represents Slovakia in the project. The aim is to strengthen key practical competencies and skills in young people studying at vocational secondary schools (VET institutions) and ensure they are more competitive and better prepared for competing on the labor market in an effort to make better use of local human resources, improve economic development in rural areas and prevent a brain drain.¹¹²

In Slovakia, special attention is paid to vocational education, in order to serve the needs of the labor market and regional development. In contrast, although Ukraine has taken some steps, vocational education is receiving less attention and students are more focused on higher education, although they are unlikely to work in their original

110 *Regional Statistical Yearbook of Slovakia 2015*. Statistical Office of the Slovak Republic, p. 169. Available online: <https://slovak.statistics.sk/PortalTraffic/fileServlet?Dokument=e1d7199d-d9aa-4db6-992c-f94d97490198> (accessed on February 24, 2023).

111 “Ukrainian students in Slovak Republic: policies of engagement, integration, students’ motivation and plans,” op. cit.

112 Ibid

field of study. The market demand for vocational workers is often met by people with the right skills but without the right educational qualifications.

There are a number of reasons for this:

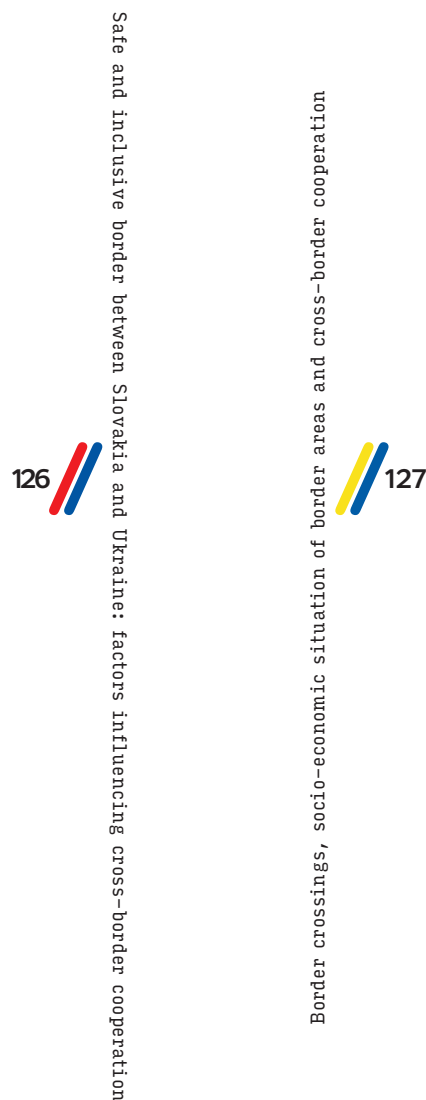
- vocational education institutions must provide quality training so that graduates can compete on the labor market and deliver the required performance. A systemic lack of investment in teaching and infrastructure means that in some institutions the equipment is old and beyond its life expectancy, in some places by 60 per cent of the total available equipment. Moreover, the teaching and content do not reflect employers' needs and cooperation between the vocational education institutions, local authorities and businesses is patchy;
- secondary vocational education has a poor reputation in society. As a result, two thirds of school leavers opt for higher education, and one third of unemployed persons are under the age of 35. This labor market imbalance has a negative impact on the performance of the educational institutions.¹¹³

In Ukraine vocational education may be reformed to ensure that everyone can be trained in adequate settings to work in occupations where there is labor demand and to restore the image of work. In Transcarpathia the aim is to improve the quality and competitiveness of education in the new economic and socio-cultural conditions in the region, partly through integration into the European educational sphere. The *Program of education development for 2013–2022* is currently being implemented in the region. It has been designed to create conditions for improving preschool, general secondary and extracurricular study, enabling self-realization and ensuring that education provision reflects advances in modern information and communication technologies and everyday life.¹¹⁴ Its goals are to:

- improve the quality of education by modernizing facilities resources and equipment in schools;

113 "Реформа освіти та науки," [Education and science reforms] Government portal. Available online: <https://www.kmu.gov.ua/diyalnist/reformi/rozvitok-lyudskogo-kapitalu/reforma-osviti> (accessed on February 05, 2022).

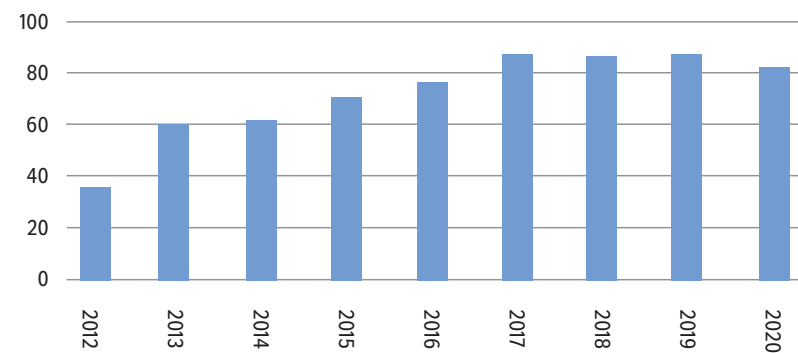
114 "Рішення Закарпатської обласної ради Про Програму розвитку освіти Закарпаття на 2013-2022 роки," [Decision of the Transcarpathian Regional Council about the Transcarpathian Education Development Program for 2013–2022] No. 544, November 16, 2012. Available online: <https://ips.ligazakon.net/document/ZA120182> (accessed on February 24, 2023).



- to solve the issues facing the education sector in the new economic and socio-cultural conditions;
- to ensure children progress in line with their interests, abilities and needs.

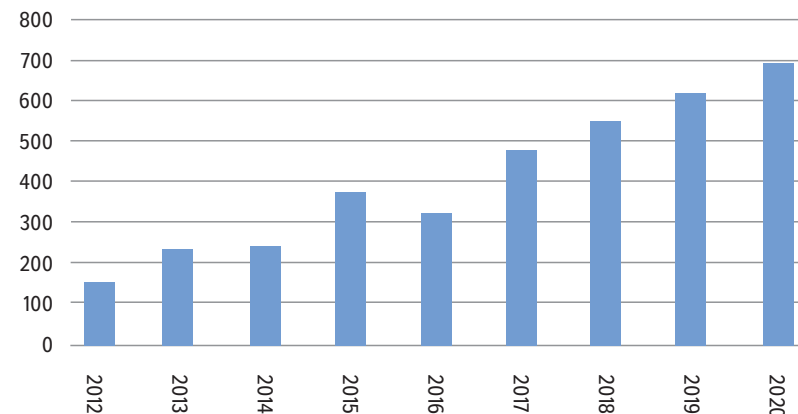
The main outcome will be support for young people who wish to pursue a higher education, especially tuition fee support. Figures 7 and 8 show the number of students and the amount of financial support.

Figure 7. Number of students at regional universities with tuition fees, persons



Source of data: Department of Education, Science, Youth and Sports of the Transcarpathian Regional State Administration

Figure 8. Total tuition fee subsidies allocated to students receiving support, thousand UAH



Source of data: Department of Education, Science, Youth and Sports of the Transcarpathian Regional State Administration

Total tuition fee subsidies to students receiving support rose from €15,131 in 2012 to €22,585 in 2020. Material support was provided to students from socially vulnerable families, orphans and children deprived of parental care, children with disabilities, students from large families, students with two disabled parents; students whose parents died defending Ukraine's independence, sovereignty, and territorial integrity. The aim is to encourage gifted young people (cash prizes for winners of competitions, contests, and their supervisors) by providing financial incentives to creative young people. Such measures were systemic in nature and provided a dynamic response to society's needs in the education sphere.

1.2.12. Science

Scientific advance is the driving force of progress in society and a source of economic growth and education advances. In the EU, science is considered key to the progressive development of all aspects of modern European society and the creation of a pan-European research space, as well as an effective means of mitigating global socio-environmental and economic problems.¹¹⁵ Positive research developments are important both economically and socially in the context of modern and future development.

A comparison of the number of R & D employees in Košice, Prešov and Transcarpathian Regions showed that in absolute terms Košice Region is ahead. Between 2011 and 2019, that number increased by 22.2 per cent and the number of employees increased by 16.5 per cent, indicating that R & D is becoming more popular among job seekers. The advantages of working in this field in the EU include good pay and opportunities for personal and scientific realization.

Table 12 gives selected R & D indicators for the border regions of Slovakia and Ukraine.

Košice Region also had the largest share of R & D workers as a percentage of employees in the region and that figure increased by 0.1 per cent over the period of analysis. Prešov Region has almost four times fewer R & D workers than Košice Region. That figure increased by 37.6 per cent in 2011–2019, while the number of overall employees rose by 1.3 per cent. These statistics indicate growing interest in R & D.

¹¹⁵ V. Haustova, O. Reshetnyak, "Peculiarities of the organization of scientific activity in the EU and Ukraine," *BusinessInform*, No. 7, 2019, p. 126.

128



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

border areas and cross-border cooperation

129



Table 12. R & D in the border regions of Slovakia and Ukraine in 2011–2019

indicator	2011	2015	2016	2017	2018	2019	2019 to 2011, per cent
Košice Region							
R & D personnel and doctoral students in total* (persons)	3,879**	3,777	4,209	4,290	4,688	4,740	122.2
share of R & D employees in the total employed population of the region (per cent)	1.3	1.2	1.3	1.3	1.4	1.4	+0.1
total R & D expenditure (€ thousand)	62,239	102,466	62,844	75,286	65,705	71,359	114.7
Prešov Region							
all R & D personnel and doctoral students *(persons)	1,046**	1,244	1,389	1,380	1,461	1,439	137.6
R & D employees as a share of all employees in the region (per cent)	0.3	0.4	0.4	0.4	0.4	0.4	+0.1
total R & D expenditure (€ thousand)	13,345	23,061	25,354	20,203	26,804	26,705	200.1
Transcarpathian Region							
employees engaged in R & D (persons)	515	316	678	562	526	548	106.4
R & D employees as a share of all employees in the region (per cent)	0.1	0.1	0.1	0.1	0.1	0.1	-
expenditure on R & D performance (€ thousand)	2,836.5	1,607.2	1,639.6	1,841.4	2,336.9	2,523.4	88.96

* Up to 2015 R & D employees and doctoral students only

** Registered number of employees in total

Source: Author's calculations, based on data from the Statistical Office of the Slovak Republic and the State Statistics Service of Ukraine

Table 13. R & D expenditure by type of activity in 2011–2019

indicator	2019 to 2011, per cent					2019	2018	2017	2016	2015	2011
Košice Region											
total R & D expenditure (€ thousand), including:	114,7	71,359	65,705	75,286	62,844	102,466	62,239				
basic research (€ thousand)	142,9	38,601	34,553	39,402	37,620	89,636	27,020*				
applied research (€ thousand)	211,2	12,746	13,634	11,232	8,722	8,844	6,034*				
experimental development (€ thousand)	270,6	20,012	17,518	24,652	16,502	3,986	7,396*				
other	-	-	-	-	-	-	21,789*				
expenditures on research and development by activity, per cent including:	+/- 2019 to 2011	100	100	100	100	100	100				
basic research	+10,68	54,09	52,59	52,34	59,86	87,48	43,41				
applied research	+8,17	17,86	20,75	14,92	13,88	8,63	9,69				
experimental development	+16,16	28,04	26,66	32,74	26,26	3,89	11,88				
others	-	-	-	-	-	-	35,02				
Prešov Region											
expenditures on R & D in total (€ thousand), including:	200,1	26,705	26,804	20,203	25,354	23,061	13,345				
basic research (€ thousand)	257,6	7,751	7,055	6,789	6,523	7,704	3,009*				
applied research (€ thousand)	208,7	2,780	2,276	3,967	2,768	4,533	1,332*				
experimental development (€ thousand)	281,2	16,174	17,473	9,447	16,063	10,824	5,752*				

130

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

131

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others	3252*	-	-	-	-	-	-	-	-	-	+/- 2019 to 2011
R & D expenditure by activity, per cent including:	100	100	100	100	100	100	100	100	100	100	+/- 2019 to 2011
basic research	22,55	33,41	25,73	33,61	26,32	29,02	29,02	10,41	26,32	29,02	+6,48
applied research	9,98	19,66	10,92	19,64	8,49	10,41	9,98	8,49	8,49	10,41	+0,43
experimental development	43,10	46,94	63,35	46,76	65,19	60,57	43,10	65,19	65,19	60,57	+17,46
others	24,37	-	-	-	-	-	24,37	-	-	-	-
Transcarpathian Region											
expenditure on R & D performance, EUR thousand, including:	2,836,5**	1,607,2*	1,639,6**	1,841,4	2,336,9	2,683,7	2,836,5**	94,6	736,5	2,683,7	94,6
basic research (€ thousand)	975,6**	441,1**	570,9**	566,8	600,7	736,5	975,6**	75,5	736,5	736,5	75,5
applied research (€ thousand)	1,568,6**	792,6**	631,3**	766,8	937,1	1,186,2	1,568,6**	75,6	1,186,2	1,186,2	75,6
experimental development (€ thousand)	164,9**	309,4**	437,4**	507,8	799,1	761,1	164,9**	461,6	761,1	761,1	461,6
others	127,4	64,0	-	-	-	-	127,4	-	-	-	-
R & D expenditure by activity, per cent including:	100,0	100,0	100,0	100,0	100,0	100,0	100,0	+/- 2019 to 2011	100,0	100,0	+/- 2019 to 2011
basic research	34,4	27,4	34,8	30,8	25,7	27,4	34,4	-7,0	27,4	27,4	-7,0
applied research	55,3	49,3	38,5	41,6	40,1	44,2	55,3	-11,1	40,1	44,2	-11,1
experimental development	5,8	19,3	26,7	27,6	34,2	28,4	5,8	22,5	34,2	28,4	22,5
others	4,5	4,0	0,0	0,0	0,0	0,0	4,5	-4,5	0,0	0,0	-4,5

* Domestic current expenditure on Research and Development, € thousand,
** Domestic current expenditure on Research and Development in actual prices, € thousand.

Source: Author's calculations, based on data from the Statistical Office of the Slovak Republic and the State Statistics Service of Ukraine

Transcarpathia lags far behind the Slovak regions. About 550 people work in R & D and that figure increased by only 6.4 per cent in 2011–2019. They accounted for 0.1 per cent of all employees in the region and that figure did not change over the period. One reason for the low appeal of working in science is the low pay. In 2011, the average monthly salary of a full-time employee in Transcarpathia in professional, scientific, and technical work was 2,315 thousand UAH (€290.50), which at that time was slightly higher than the average for all economic activities in the Transcarpathian region (2,069 thousand UAH (€260)).¹¹⁶ In 2019, that figure was 3.4 times greater, reaching 7,772 thousand UAH (€301.2), 31 per cent lower than the average for all the economic activity in the region, which in 2019 amounted to 10,193 thousand UAH (€395.10).

R & D expenditure in the Slovak regions did not increase each year in 2011–2019. It fell in Prešov Region in 2017 and in Košice region in 2018. This was down to regional features of economic development rather than world economic trends. Science investment was 2–2.5 times higher in Košice Region than in Prešov Region. In Transcarpathia, R & D expenditure is much lower than in the Slovak regions. The distribution of expenditure by type of research and work is shown in Table 13.

As can be seen from Table 13, there are differences in science activity between the Slovak regions and the Ukrainian region. In Košice Region, there is more basic research and experimental development and less applied research. In Prešov Region, experimental development and basic research come first, while applied research receives the least funding. The situation is different in Transcarpathia, where the main part of R & D expenditure goes to applied research and experimental development, while basic research receives much less. In the future, the expansion of science in the border regions will require participation in joint research programs, which will facilitate the exchange of ideas, the acquisition of knowledge and experience and create a reliable basis for young scientists to conduct research.

¹¹⁶ "Average monthly salary of full-time employees by type of economic activity," Main Department of Statistics in the Transcarpathian region. Available online: <http://www.uz.ukrstat.gov.ua/> (accessed on February 24, 2023).

132



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

133



Border crossings, socio-economic situation of border areas and cross-border cooperation

1.2.13. Good governance

Ukraine is undergoing decentralization. The first stage was completed in November 2021, when the new administrative-territorial system was created, and the powers of local self-government bodies were expanded. All the regions and more than 500 communities have approved development strategies, with more than 600 remaining under development.¹¹⁷ The main of decentralization tasks were as follows:

- delimitation of the powers of local self-government bodies and executive bodies;
- converting the local state administrations into prefectural bodies;
- improving the forms of inter-municipal cooperation of communities;
- strengthening municipal services;
- improving resident involvement in decision making of local importance;
- designing a procedure for resolving issues in administrative-territorial organization.

Several steps have been taken in the region to foster civil society and bring civil servants and the local population closer together, as enshrined in the regional development strategies. Transcarpathia now has a Regional Development Strategy for Transcarpathian Region for the period 2021–2027, and civil society is one of the main issues. Several advisory and expert bodies, advisory groups and independent commissions have been established to strengthen cooperation with public institutions to ensure citizens can exert their constitutional right to participate in the management of state affairs through the local executive bodies of Transcarpathia.

The main mechanisms of the state's partnership with civil society organizations are partly created through the implementation of the Regional Program for 2015–2018 aimed at ensuring public participation in the creation and implementation of public policy and that public opinion is considered. The focus is improving the work of the public

¹¹⁷ "Oleksiy Chernyshov: regional development strategies approved in every region of Ukraine," Ministry of Development of Communities and Territories of Ukraine, November 11, 2021. Available online: <https://www.kmu.gov.ua/news/oleksij-chernishov-regionalni-strategiyi-rozvitku-zatverdzeni-v-kozhnij-oblasti-ukrayini> (accessed on February 24, 2023).

authorities and local governments, improving the transparency and openness of their activities, involving the public in public administration, and taking account of public opinion in management decisions, fomenting patriotic attitudes to the state and its future.

In Slovakia a crucial component is Act No. 416/2001 on the transfer of certain competencies from the state administration bodies to local and regional self-government. The regions are actively involved in the concept of Strengthening Local Governance. The National Strategy to Strengthen Local Governance is another important step in this direction. It was created by the Center of Expertise for Good Governance in cooperation with the Slovak government as part of the joint CoE–EU Project Delivering Good Governance in Slovakia. It will help ensure European standards and best practices in good governance at all levels of government in the EU member states.¹¹⁸

Slovakia is receiving support from the Center of Expertise for Good Governance of the Council of Europe in reforming the system of local government in developing two projects. The first project, “Delivering Good Governance in Slovakia” (July 2019–March 2021) concerns the provision of tailored policy advice on territorial consolidation and the redistribution of competences between the central and local levels. In addition, several capacity-building tools are being implemented to help the authorities analyze specific needs and improve performance in line with democratic governance standards.

Another project “Delivering Good Governance in Slovakia – II phase” (October 2020–September 2022) builds on the achievements of the previous project to help the Slovak authorities modernize and improve multi-level governance in the country. The project includes the provision of policy advice on amending and drafting legislation on the status of the capital city and metropolitan areas, as well as on regional development. The capacity-building component will be aimed at improving public ethics, financial management, strategic planning, and other important aspects of local governance.¹¹⁹

The Ukrainian and Slovak regions cooperate in local development management through the implementation of joint projects. One such project is KROK – Towards good management of Uzhhorod City. In Ukraine generally and Transcarpathia in particular, there is

134



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

135



Border crossings, socio-economic situation of border areas and cross-border cooperation

a need to raise trust in the work of various institutions and ensure transparency in contacts with civil society. The focus of the project is cooperation between the municipality of Uzhhorod and the public and non-governmental sector in order to improve transparency and institutional trust. The project is about providing training and education for employees of Uzhhorod administration (city hall), joint training on project planning and management, providing the public and the government experience of joint project planning and implementation for office staff and the public.¹²⁰

Ukraine can learn from Slovakia’s experiences and mistakes of the EU good governance policy, particularly own resources constraints, including finances, analysis, deciding the appropriate steps and implementation. Ukraine and Transcarpathian Region will be able to avoid mistakes made in implementing the EU good governance policy and focus more on the positive aspects, especially those that will have the greatest impact in Ukraine.

1.2.14. Conclusions and policy considerations

Socio-economic conditions in the border regions

The border regions studied here are in the less developed parts of their countries and there are noticeable differences between the Slovak border regions and Transcarpathian Region in Ukraine. These regions need to catch-up up with the core areas of the EU economy. Deepening EU integration is of crucial importance, mainly for Ukraine, but also for Slovakia. Economic cohesion is key to fully exploiting the growth potential of the national economies. The obstacles to cross-border economic relations hinder foreign investment, trade relations, value chains and supplier networks, business development etc. The transport infrastructure should be completed to attract more investors, and cross-border cooperation is an important factor in the regional

118 “Specific projects in Slovak Republic,” Council of Europe. Available online: <https://www.coe.int/en/web/good-governance/slovak-republic> (accessed on February 24, 2023).

119 Ibid

120 “KROK towards the good management of Uzhhorod City,” Agency for regional development support Košice. Available online: <https://www.arr.sk/en/krok-project/> (accessed on February 24, 2023).

development of the Slovak–Ukrainian borderland. It is therefore essential to remove obstacles to cross-border cooperation at both national and regional levels.

We can report that the implementation of the Association Agreement and Deep and Comprehensive Free Trade Agreement has not overly affected everyday life at the border crossing points between Slovakia and Ukraine. However, both the Slovak and Ukrainian national legislation has been tightened, even compared to the EU regulations. The Slovak legislation is more stringent on limits on goods imports that are subject to excise duties (tobacco, alcohol, fuel, etc.), while amendments to the Ukrainian legislation tightened customs formalities in response to Ukrainian citizens keeping private vehicles in the EU. Visa-free travel and its impact on migration improves prospects for cross-border cooperation, including small cross-border trade.

Health-care

There are a number of legal-administrative obstacles to the joint organization of healthcare, cross-border patient care and emergency rescue services (e.g., differences in the health insurance systems and obstacles to interoperability). In many cases international agreements are needed to resolve them. This applies above all to Ukraine, as it is not an EU member state. Nevertheless, that does not mean that there is no activity or development potential. First, the medical faculties of Uzhhorod National University and the Pavol Jozef Šafárik University in Košice can engage in joint research and information sharing. Similarly, the hospitals located in the border regions can cooperate with each other and with the universities as well to expand activities in areas that are poorly served. Telemedicine and remote diagnostics are another area that is well-suited to cooperation.

All in all, given the current state of cross-border integration, regional healthcare comes under the remit of the relevant institutions so interoperable spots may be the solution. The COVID-19 pandemic highlighted the importance of international cooperation in emergency care, joint prevention programs, better healthcare infrastructure and cross-border institutional cooperation. All this will improve the health of the community and reduce the risk of cross-border epidemiology hazards to humans. A key factor in preventing the brain drain is keeping highly qualified medical professionals in the area and thereby maintaining a functional health-care system. That means improving the pay and social status of health-care workers and implementing health-care reforms to ameliorate working conditions and improve the skills of existing health-care professionals.

136



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

137



Border crossings, socio-economic situation of border areas and cross-border cooperation

Clean environment

The catchment area of the Tisza River and the Carpathian forests are the main environmental features in the border regions. These hydrological and biogeographical features are interlinked and relate to other issues. The protection and management of the common natural area is key. Nature reserves are often transboundary, and species and habitats do not follow administrative boundaries. Biogeographical regions such as the Carpathian Mountains crisscross multiple states, but the challenges are very similar. Partners on all sides need to make serious efforts to manage each of the differently regulated, classified, and protected areas. That requires coordination in nature and environmental protection, the creation of ecological corridors and green infrastructure, as well as better harmonization between forest use and natural resources. Hydrography is one of most important aspects of the natural geographical features in the border area. Regional cooperation in water management is key given that the cross-border area forms part of the Tisza River catchment area. Gaps in wastewater and waste management pose a cross-border environmental challenge.

In Ukraine, and especially in Eastern Slovakia, the lack of adequate environmental protection infrastructure and waste management has yet to be resolved. There has been little progress in joint energy management, energy efficiency and renewable energy resources. More could be done in relation to supporting efficient technologies and the use of alternative energy resources. Climate change is having multiple effects in the Carpathians (e.g., extreme precipitation events), and this applies to most of the area studied. Nonetheless, certain factors (e.g., drought risk) are expected to have different effects within the border area. Both adaptation and mitigation require cross-border solutions.

There is a substantial need for infrastructure investment, especially in Transcarpathian Region – particularly in construction and support for different types of waste management facilities, waste processing energy-saving technologies, a new solid waste collection system, municipal and industrial waste treatment, and waste separation. Disaster-related cooperation should focus on joint hazard issues (mainly hydrological and climate-related hazards) and working on disaster prevention, preparation, and management. In flood and water management, one of the main areas requiring intervention is flood protection. Risk management could include the introduction of a joint disaster prevention and response system.

Social care and services

National policy is the main factor affecting the social sphere and social services provision, but the regions and communities are responsible for implementation on the ground. There is a striking difference in the number of pensions for people with disabilities and other vulnerable groups in the Ukrainian and Slovak regions. Pensions in Eastern Slovakia are close to the average in the country and are almost twice subsistence level. In Transcarpathian Region the average pension has been falling, when converted into euros, and is just above subsistence level and below the average Ukrainian pension. Regional authorities have no power to change this, but they could do more to help make sure retirees in Transcarpathian Region receive the correct amount of support, which is based on length of service. Local inhabitants should be encouraged to find official employment, as the shadow economy and external migration are the main reasons for the low old-age pensions in Transcarpathian Region compared to other regions in Ukraine.

In Slovakia, the reform of social services for vulnerable groups of population has already been completed, and a network of service providers is being created, with private service providers playing an important role alongside national and municipal institutions. Ukraine is just beginning to create its network of non-state providers and most care and maintenance is the responsibility of government agencies. The experiences of Prešov and Košice Regions shows that the successful implementation of national social service programs requires a scientifically sound and generalized approach to management at the regional level. Regional development programs set out the framework for the creation and improvement of the network of service providers in the Košice and Prešov Regions. These are regularly updated, with careful analysis of the results, and measures taken in response to the needs of the population. Transcarpathian Region could therefore benefit from studying the experience of the Slovak regions to develop a single program for developing social services in the region and moving away from the fragmented practices of the past in certain areas of support for socially vulnerable groups. The right conditions should be created to exploit the opportunities created by the new legislation. Above all, private organizations and individual entrepreneurs should be encouraged to provide social services for those in need along with appropriate funding for services.

138



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

139



Border crossings, socio-economic situation of border areas and cross-border cooperation

Culture, sports, leisure activities and tourism

Cultural, recreational and sports facilities are an important component of a socially favorable living environment for the local population and are crucial for attracting tourists. Transcarpathian Region has similar potential to attract tourists as the Slovak border region, but it has not been fully exploited. There has been a slight increase in the number of foreign tourists to the area since the Association Agreement entered into force, but the figure has fallen substantially since 2018, exacerbated by the COVID-19 pandemic. The unsatisfactory transport infrastructure and transport connections hamper the efforts of local entrepreneurs who have been actively developing the hotel facilities and offer a wide range of affordable leisure services. However, it is worth noting the positive changes in the road infrastructure under the state construction program and the modernization of sports infrastructure by private investors, particularly skiing. Transcarpathian Region has a tourism development strategy in which informatization is key to promoting tourist services. In improving the informatization of tourism in Transcarpathian Region, local government would do well to study the successful experiences of Košice Region in promoting the region and ensuring cultural and sporting events have a positive effect on socio-economic development.

Transcarpathian Region lags the neighboring Slovak regions in the provision of cultural and recreational facilities (theatres, museums, and cinemas), although it does have a rich cultural and historical heritage. On the positive side, none of the existing museums, cultural facilities, and community-run leisure clubs in Transcarpathian Region have shut down. However, the fall in the number of libraries and book collections is not a good sign. In both the Košice and Transcarpathian Regions scientific libraries fare better, owing to the importance of universities as centers of socio-economic development in these regions that support cooperation of educational institutions.

Education

By the time Ukraine achieves full EU membership, Ukraine should have already taken steps to streamline its educational and scientific systems with effective systems in the EU. Positive outcomes can be achieved through the implementation of joint projects that have been adapted to the circumstances in Ukraine. Transcarpathian Region will need to take the following steps:

- review and, if necessary, optimize the number of educational institutions at different levels so quality educational services

can be provided that meet consumer needs. Optimizing the number of educational institutions and the quality of the education content should ensure that fewer students move to European countries for study purposes;

- in Transcarpathian Region and Ukraine more generally, the education obtained should be applicable in the labor market. There is a need to bridge the gap between the professions and jobs where workers are reliant on their skills and abilities. The curricula should therefore be reviewed and tailored to needs;
- more attention should be paid to vocational and technical education. In the region, and Ukraine, vocational education has been losing prestige for some time. Vocational skills are not as popular as they used to be, yet there is still labor market demand for them. Therefore, vocational education should be reformed so the system is able to supply the workforce required to provide high quality services;
- language is another area deserving attention. Given that Ukraine is rapidly becoming integrated into the world economy and Transcarpathian Region is a border region, the study of foreign languages in the region should be enhanced, especially the languages spoken in countries with which it exchanges labor;
- the outdated equipment and resources in educational institutions in Ukraine's regions means it lags behind other countries. The education sector needs a significant amount of investment and funding, which will allow the timely implementation of the latest approaches in teaching and learning.

Science

Science is another area in which both countries will have to take concrete steps if it is to improve. Ukraine has good scientific potential owing to high levels of professionalism and qualifications in the sector. But it lacks sufficient personnel to fully exploit that potential. In general, scholars in European countries have access to decent pay, innovations and technology, opportunities for self-realization and the application of scientific developments, as well as copyright protection.

These steps alone would raise interest in and support for science, deter scientists from retraining to work in higher paid professions and attract young people into science to exploit their scientific potential. These days science appeals to a small number of people who conduct research out of a sense of duty rather than desire or financial reward. The low levels of pay force scientists to migrate to European countries and work in the European science sector. Efforts

140



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

141



Border crossings, socio-economic situation of border areas and cross-border cooperation

should be made to address these issues and raise the prestige of working in science. The best way of achieving this is to find ways to fund science and thereby improve the equipment and resources at scientific institutions and encourage the exchange of scientific experience with European scientists.

Good governance

Improving good governance is closely linked to the decentralization reforms, designed to separate the powers of local governments and executive bodies, empower local governments to address local issues and pressing issues and involve local communities in decision-making. The decentralization reforms will encourage greater cooperation and experience sharing between territorial communities and government officials, including in the border regions of neighboring countries. The improvements to the civil service system have yielded positive results. A key achievement is the creation of institutional support for the implementation of the concept of good governance, including various types of councils and associations. The volunteer movement deserves special attention. Such steps contribute to the formation of civil society, an awareness of rights and responsibilities, and understanding the importance of making the right decisions for the development of the state.

1.3. Cross-border cooperation between regional and local actors

Michal Cirner, Yuliia Fetko
Yaroslav Lazur
& Mariya Mendzhul

142

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Border crossings, socio-economic situation of border areas and cross-border cooperation

143

1.3.1. Legal framework

Slovakia's territorial government consists of local self-government and regional self-government. Local self-government exists on both the municipal and city level.¹ International cooperation is governed by Act No. 369/1990 on municipalities. Paragraph 21 states that a municipality may, within the scope of its competences, cooperate with territorial and administrative units or with the authorities of other states performing local functions. Municipalities have the right to become a member of international associations of territorial units or territorial bodies. The municipal council, elected by the inhabitants of the municipality, approves international cooperation agreements and decisions to join international associations. In Slovakia, the traditional form of international partnerships is a partnership or town-twinning.

¹ The city of Košice – the main city in eastern Slovakia – has a special status, as there is a separate law applying to cities with more than 200,000 inhabitants. Law No. 401/1990 on the city of Košice allows the city and, with the prior consent of the city and the city district, within the scope of its competence, to conclude agreements, establish associations and engage in international cooperation. There is also a separate law applying to the capital city of Slovakia, Bratislava, but there are no sections on international cooperation.

This study focuses on institutional forms of cross-border cooperation and the frequency of cooperation between local and regional actors on both sides of the border. The actors are primarily public administration officials and staff (especially in local and regional self-government) who engage in institutional cooperation. However, under the law and given the opportunities for project cooperation, the non-governmental sector, civil associations, chambers of commerce, businesses are also involved. Firstly, we will describe the legal framework of international cooperation undertaken by the regional administration in both countries. Then we will provide an overview of the contractual relations and cooperation agreements between local and regional authorities in Ukraine and Slovakia in 1993–2022. Thirdly we will describe examples of institutional forms of cross-border cooperation and fourthly, we will focus on project cooperation and partnerships. The fifth part of the study is devoted to interviews with stakeholders and the final part contains policy considerations and recommendations.

We define this as cooperation between two or more municipalities based on a partnership agreement, agreement, or memorandum.² It must be approved by the local/city council for a long-term period.³

Regional self-government consists of higher territorial units (known as self-governing regions). The international cooperation undertaken by self-governing regions is regulated by § 5 of Act No. 302/2001 on the self-government of higher territorial units. A self-governing region may, within the scope of its competences, cooperate with territorial and administrative units or with offices of other states performing regional functions. They have the right to become a member of international associations of territorial units or territorial bodies.

Cooperation can only be conducted on the basis of a cooperation agreement,⁴ which must contain the statutory requirements. Cooperation agreements must be concluded in writing and approved in advance by an absolute majority of the self-governing regional council. There are other less substantial forms of cooperation that do not fall under this law (declarations, memoranda, cooperation protocols,

144



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

2 The contractual relations of cross-border cooperation can be divided up by type of legal force, into agreements, memoranda, declarations, letters of intent, etc. Examples of partnership cooperation between the two largest cities in eastern Slovakia: City of Košice, available online: <https://www.kosice.sk/mesto/partnerske-mesta-mesta-kosice> (accessed on February 24, 2023). City of Prešov, available online: <https://www.presov.sk/partnerske-mesta.html> (accessed on February 24, 2023). Interestingly, the City of Prešov stated that in the cooperation agreement with Mukachevo in Ukraine cooperation is complicated despite its geographical proximity, given that it is a non-EU country and so there are a number of bureaucratic obstacles to mutual cooperation.

3 Z. Špačeková, A. Labátová, S. Ďurechová "Medzinárodné partnerstvá miest a obcí. Príklady dobrej praxe – inšpirácie na úspešnú spoluprácu," [International town and city partnerships. Examples of good practice – inspiration for successful cooperation] Združenie miest a obcí, 2012, p. 14. Available online: https://www.zmos.sk/download_file_f.php?id=1172422 (accessed on April 30, 2022).

4 Prešov Self-Governing Region signed a cooperation agreement with Transcarpathian Region in Ukraine on March 15, 2005. More information is available in Slovak online: <https://www.po-kraj.sk/sk/samosprava/medzinarodna-spolupraca/bilateralna-spolupraca/zakarpatska-oblast-ukrajina/dohoda-spolupraci.html> (accessed on February 24, 2023) and a declaration on cooperation with Ivano-Frankivsk Region on June 2, 2004, but this cooperation is on a formal level. Košice Self-Governing Region has only a memorandum of cooperation with Transcarpathian Region in Ukraine, signed in October 2006. Available online: <https://web.vucke.sk/sk/fakty-kraji/ine/partnerske-regiony/> (accessed on February 24, 2023).

145

Border crossings, socio-economic situation of border areas and cross-border cooperation

cooperation intentions, etc.). In our past research experience⁵ the cooperation agreements are often merely of a formal nature.

The key role in managing and organizing international cooperation between municipalities and cities is played by their highest elected representatives (presidents of higher territorial units, mayors). Under the law these elected representatives can set up permanent or temporary advisory and control bodies (commissions) and these can handle cross-border cooperation, foreign relations and the like. They can also set up agencies/organizations (for tourism, regional development, etc.) under the association law or other laws (for example Act No. 539/2008 on supporting regional development or Act No. 91/2010 on promoting tourism).

Organizational units can be created within the municipal and regional offices to handle foreign relations and protocol. The point of these units is to develop foreign relations and support cross-border (project) cooperation.

Slovakia does not have a separate law on cross-border cooperation, but EU membership gives Slovak self-governments additional opportunities to engage in institutional cross-border cooperation. The law on supporting regional development defines a Euroregion as a territorial cooperation structure of representatives of socio-economic partners operating at the regional and local level in neighboring countries, established for the purposes of cross-border cooperation.

Under cross-border cooperation law, Euroregions located partly in Slovakia are interest associations of legal entities with a registered office in the Slovak Republic. Under Act No. 90/2008 on European Groupings of Territorial Cooperation, municipalities and higher territorial units can become members of a European Grouping of Territorial Cooperation (EGTC). The local or regional authorities must consent to membership. According to the List of European Groupings

5 For example, an SFPA project titled "Improving European cooperation between local and regional authorities in order to make territorial self-government more efficient." The project outputs are available online in Slovak at <https://www.sfpa.sk/sk/project/zlepsenie-europskej-spoluprace-vuc-za-ucelom-zefektivnenia-uzemnej-samospravy/> (accessed on April 28, 2022).

of Territorial Cooperation⁶, Ukraine belongs to only one EGTC (Tisza EGTC based in Kisvárda, Hungary).⁷

Municipalities, cities, and self-governing regions initiated mutually beneficial partnership cooperation with counterparts in Ukraine, especially after Slovakia's accession to the EU, via mainly joint cross-border projects relating to the European Structural Investment Funds, but also other sources and grant schemes (e.g., the Good Governance and Cross-Border Cooperation program funded by the EEA and Norway Grants⁸), depending on the programming period and policy priorities. The cooperation is based on project partnership agreements, project cooperation intentions, financial contribution agreements, cooperation and project financing agreements and other project agreements. Municipalities, cities and regions do not have to engage directly in these projects but can do so through the organizations in their founding area. Municipalities are permitted to become part of a local action group (LAG) and many are.⁹ LAGs are also involved in cross-border cooperation projects.

An LAG is a public, business and civic partnership operating within a cohesive territory. LAGs create and implement development strategies for project cooperation. That mainly entails deciding which local organization projects to support, along with monitoring and implementation of joint development projects and programs. LAGs have a legal personality and are required to have the mandatory structures.

6 "European Groupings of Territorial Cooperation," European Committee of the Regions, January 20, 2022. Available online: https://portal.cor.europa.eu/egtc/CoRAactivities/Documents/Official_List_of_the_EGTCs.pdf?Web=0 (accessed on February 24, 2023).

7 However, there is talk of setting up a new EGTC. It would contain Košice Self-Governing Region and Prešov Self-Governing Region in Slovakia and three Ukrainian regions: Transcarpathia, Lviv and Ivano-Frankivsk. See J. Otriová, "Radí Hegerovi: Na Ukrajině, aj u nás je chudobina. Nie sme pupok sveta," [Advising to Heger: in both, Ukraine and Slovakia, there is a poverty: We are not the top of the world] *Korzar* February 2, 2022. Available online: <https://korzar.sme.sk/c/22833436/radi-hegerovi-na-ukrajine-aj-u-nas-je-chudobina-nie-sme-pupok-sveta.html> (accessed on March 17, 2022).

8 For more see Slovak version of the EEA grants website, available online: <https://www.eegrants.sk/programy/dobre-spravovanie-a-cezhranicna-spolupraca/projekty> (accessed on February 24, 2023).

9 "Zoznam schválených miestnych akčných skupín pre obdobie implementácie 2014 – 2020," [List of approved local action groups for the 2014–2020 implementation period] National Rural Development Network of the Slovak Republic. Available online: <https://www.nsrv.sk/?pl=91> (accessed on February 24, 2023).

146



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

147

Border crossings, socio-economic situation of border areas and cross-border cooperation

In Slovakia, civic associations can be granted LAG status by the Ministry of Agriculture and Rural Development based on an assessment of their development strategies.¹⁰

The legal framework, consisting of the national and international legislation on self-government and cross-border cooperation, is another key aspect. It comprises Slovakia's international obligations under multilateral and bilateral agreements, treaties, memoranda of understanding, implementation and technical protocols (e.g., agreements on cross-border cooperation with neighboring countries or on trade, scientific and cultural cooperation with countries of interest). There is also the European Outline Convention on Transfrontier Co-operation between Territorial Entities or Authorities, including the Additional Protocol and Protocol No. 2, whose purpose is to encourage local and regional authorities to set up cross-border and interterritorial (non-adjacent territorial entities or authorities) cooperation agreements. Slovakia signed a cross-border cooperation agreement with Ukraine under this convention. The European Charter of Local Self-Government, ratified by the Slovak Republic and Ukraine, also covers local government rights in the area.¹¹ In Ukraine, local and regional authorities are regulated by the Constitution of Ukraine¹² and the laws on local self-government in Ukraine,¹³ local state administrations,¹⁴

10 For more see official website of MAS. Available online: <https://www.masspis.sk/co-je-mas.html> (accessed on February 24, 2023). In 2020, this competence was transferred to the Ministry of Investment, Regional Development and Informatization of the Slovak Republic.

11 More details can be found in A. Duleba, M. Cirner, "Country profile: Slovakia," in *Comparative analysis on the competencies of regional and local authorities in the field of CBC of the 5 countries*. Budapest: CESC, 2021, pp. 47–57. Available online: <https://budapest.cesci-net.eu/en/comparative-analysis-on-the-competencies-of-regional-and-local-authorities-in-the-field-of-cbc-of-the-5-countries/> (accessed on February 24, 2023); M. Cirner, I. Dudinská, "A comparison of political and administrative competences of regional and local actors (an analysis of the national legislatures of Slovakia and Ukraine, context, aims)," in G. Székely, ed., *Cross-border cooperation between Slovakia and Ukraine III: Policies and practices of regional and local actors*. Prešov: Prešov University Publishing House, 2019. pp. 19–48.

12 "Конституція України," [Constitution of Ukraine] No. 254к/96-ВР, Verkhovna Rada of Ukraine, June 28, 1996. Available online: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> (accessed on February 24, 2023).

13 "Закон України Про місцеве самоврядування в Україні," [Law of Ukraine on Local Self-Government in Ukraine] No. 280/97-ВР, Verkhovna Rada of Ukraine, May 21, 1997. Available online: <https://zakon.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80#Text> (accessed on January 24, 2023).

14 "Закон України Про місцеві державні адміністрації," [Law of Ukraine on Local State Administrations] No. 586-XIV, Verkhovna Rada of Ukraine, April 9, 1999. Available online: <https://zakon.rada.gov.ua/laws/show/586-14#Text> (accessed on February 24, 2023).

cross-border cooperation,¹⁵ the principles of state regional policy¹⁶ and the state border.¹⁷ Under Article 140 of the constitution and Article 5 of the law on local self-government, the local self-government includes: territorial community (village, settlement, city) council, executive bodies, mayor, district and regional councils representing the common interests of territorial communities, and bodies of self-organization of the population.

In 2015, Ukraine began implementing its decentralization reforms. Under the law on the voluntary association of territorial communities, adjacent villages, settlements, and cities may form a territorial community. According to the official data from the Ministry of Development of Communities and Territories, 982 united territorial communities have been created.¹⁸ In a city territorial community the administrative center of the united territorial community is a city, if it is a settlement, then a territorial settlement community is formed, and if it is a village, a village territorial community is formed (Article 3).¹⁹

In Ukraine, Article 1 of the law on cross-border cooperation of June 24, 2004, stipulates that cross-border cooperation can be performed by territorial communities, their representative bodies and associations (local self-government bodies) and local executive bodies.²⁰

15 “Закон України Про транскордонне співробітництво,” [Law of Ukraine on Cross-Border Cooperation] No. 1861-IV, Verkhovna Rada of Ukraine, June 24, 2004. Available online: <https://zakon.rada.gov.ua/laws/show/1861-15#Text> (accessed on February 24, 2023).

16 “Закон України Про засади державної регіональної політики,” [Law of Ukraine on Principles of State Regional Policy] No. 959-XII, Verkhovna Rada of Ukraine, April 16, 1991. Available online: <https://zakon.rada.gov.ua/laws/show/156-19#Text> (accessed on February 24, 2023).

17 “Закон України Про державний кордон України,” [Law of Ukraine on the State Border] 1777-XII, Verkhovna Rada of Ukraine, November 4, 1991. Available online: <https://zakon.rada.gov.ua/laws/show/1777-12#Text> (accessed on February 24, 2023).

18 Data from the Ministry for the Development of Communities and Territories of Ukraine.

19 “Закон України Про добровільне об’єднання територіальних громад,” [Law of Ukraine on the Voluntary Association of Territorial Communities] No. 157-VIII, Verkhovna Rada of Ukraine, February 5, 2015. Available online: <https://zakon.rada.gov.ua/laws/show/157-19#Text> (accessed on February 24, 2023).

20 “Закон України Про транскордонне співробітництво,” [Law of Ukraine on Cross-Border Cooperation] No. 1861-IV, Verkhovna Rada of Ukraine, June 24, 2004. Available online: <https://zakon.rada.gov.ua/laws/show/1861-15#Text> (accessed on February 24, 2023).



Table 1. International and national cross-border cooperation law in Slovakia and Ukraine

legislation and international law	relevant law	summary
international and European law	European Outline Convention on Transfrontier Co-operation between Territorial Entities or Authorities, including the Additional Protocol and Protocol No 2	Law promoting cross-border and inter-territorial agreements (non-neighboring territorial entities or authorities) between local and regional authorities
	Act No. 90/2008 Coll. on European Grouping of Territorial Cooperation	Law making membership of associations conditional on the consent of the local or regional authority. Municipalities and higher territorial units may become members of a European Grouping of Territorial Cooperation.
Slovak legislation	Act No. 369/1990 Coll. on municipalities	Law regulating the powers of local self-government – municipalities and cities – in international cooperation.
	Act No. 302/2001 Coll. on the self-government of Higher Territorial Units (self-governing regions)	Law regulating the powers of regional self-government – higher territorial units (self-governing regions) – in international cooperation
	Act No. 539/2008 Coll. on promoting regional development Act No. 91/2010 Coll. on promoting tourism	This law provides for the creation of agencies and organizations
Ukrainian legislation	Constitution of Ukraine	Establishes the system of local self-government and the main responsibilities
	Laws of Ukraine on Local Self-Government in Ukraine; on Local State Administrations; on Voluntary Association of Territorial Communities	These stipulate the order of creation, competence and activity of local and regional authorities
	Law of Ukraine on Cross-Border Cooperation	A special act on cross-border cooperation that regulates the principles of cross-border cooperation, defines the subjects, forms of cooperation and stipulates the requirements for agreements on cross-border cooperation
	Laws of Ukraine on Principles of State Regional Policy; and on State border	These regulate the principles of regional policy and movement across the state border.

Source: Authors

Article 7 of the law on cross-border cooperation sets out the competencies of local government and local executive bodies in cross-border cooperation, including signing cross-border cooperation agreements and overseeing implementation; compliance with Ukraine’s

obligations under international cross-border cooperation agreements; helping create and implement joint initiatives, activities, projects, programs and strategies; setting up cross-border cooperation bodies; decisions on joining relevant international associations and other associations; making proposals pertaining to the organization of cross-border trade and the creation of cross-border associations; as well as other cross-border cooperation powers stemming from Ukrainian legislation and international agreements.

The law was amended to confer competence to local government (villages, settlements, city councils) and regional government (district and regional councils) for drafting and approving agreements and deciding to join or withdraw from Euroregional Cooperation Groupings (the local self-government law was amended in September 2018).²¹ Furthermore, the cross-border cooperation law stipulates the legal basis of cross-border cooperation: international treaties ratified by parliament, including the European Framework Outline on cross-border cooperation between territorial communities or authorities,²² and the first,²³ second,²⁴ and third²⁵ protocols.

21 “Закон України Про внесення змін до деяких законів України щодо транскордонного співробітництва,” [Law of Ukraine on Amendments to Certain Laws of Ukraine on Cross-Border Cooperation] No. 2515-VIII, Verkhovna Rada of Ukraine, Septmeber 4, 2018. Available online: <https://zakon.rada.gov.ua/laws/show/2515-19#n119> (accessed on February 24, 2023).

22 “Європейська рамкова конвенція про транскордонне співробітництво між територіальними громадами або властями,” [European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities] Council of Europe, May 21, 1980. Available online: https://zakon.rada.gov.ua/laws/show/995_106#Text (accessed on February 24, 2023).

23 “Додатковий протокол до Європейської рамкової конвенції про транскордонне співробітництво між територіальними громадами або властями,” [Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities] Council of Europe, November 9, 1995. Available online: https://zakon.rada.gov.ua/laws/show/994_099#Text (accessed on February 24, 2023).

24 “Протокол N 2 до Європейської рамкової конвенції про транскордонне співробітництво між територіальними громадами або властями, який стосується міжтериторіального співробітництва,” [Protocol No. 2 of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation] Council of Europe, May 5, 1998. Available online: https://zakon.rada.gov.ua/laws/show/994_520#Text (accessed on February 24, 2023).

25 “Протокол N 3 до Європейської рамкової конвенції про транскордонне співробітництво між територіальними громадами або властями стосовно об’єднання євро регіонального співробітництва (ОЕС),” [Protocol No. 3 of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs)] Council of Europe, November 16, 2009. Available online: https://zakon.rada.gov.ua/laws/show/994_947#Text (accessed on February 24, 2023).

150



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

151

Border crossings, socio-economic situation of border areas and cross-border cooperation



1.3.2. An overview of contractual relations

Ukrainian–Slovak cross-border cooperation is also conducted under the bilateral international agreement on good neighborliness, friendly relations and collaboration of June 29, 1993.²⁶ The agreement was ratified in Ukraine on February 24, 1994, and entered into force on June 16. Article 8 concerns the fostering of permanent and direct contacts between central public authorities and local governments and their representatives. A separate international agreement on border issues regulates various aspects of cross-border cooperation relating to security on the Ukrainian–Slovak border.²⁷ There is also the local border traffic agreement of May 30, 2008 (amended on April 16, 2019) which has helped deepen cooperation between border areas.²⁸ Ukraine has approved various State Programs for the Development of Cross-border Cooperation. Those of particular relevance to cross-border projects with Slovakia are the programs for 2007–2010,²⁹ 2011–2015³⁰

26 “Договір про добросусідство, дружні відносини і співробітництво між Україною та Словацькою Республікою,” [Agreement on Good Neighborliness, Friendly Relations and Cooperation between Ukraine and the Slovak Republic] Verkhovna Rada of Ukraine, June 29, 1993. Available online: https://zakon.rada.gov.ua/laws/show/703_150#Text (accessed on February 24, 2023).

27 “Договір між Україною і Словацькою Республікою про режим українсько-словацького Державного кордону, співробітництво та взаємодопомогу з прикордонних питань,” [Agreement between Ukraine and the Slovak Republic on the Ukrainian–Slovak State Border Regime, Cooperation and Mutual Assistance on Border Issues] Verkhovna Rada of Ukraine, October 14, 1993. Available online: https://zakon.rada.gov.ua/laws/show/703_001#Text (accessed on February 24, 2023).

28 “Угода між Україною та Словацькою Республікою про місцевий прикордонний рух,” [Agreement between Ukraine and the Slovak Republic on local border traffic] Verkhovna Rada of Ukraine, May 30, 2008. Available online: https://zakon.rada.gov.ua/laws/show/703_076#Text (accessed on February 24, 2023).

29 “Постанова Кабінету Міністрів України Про затвердження Державної програми розвитку транскордонного співробітництва на 2007-2010 роки,” [Resolution of the Cabinet of Ministers of Ukraine on approval of the State program for the development of cross-border cooperation for 2007–2010] No. 1819, Verkhovna Rada of Ukraine, December 2006. Available online: <https://zakon.rada.gov.ua/laws/show/1819-2006-%D0%BF#Text> (accessed on February 24, 2023).

30 “Постанова Кабінету Міністрів України Про затвердження Державної програми розвитку транскордонного співробітництва на 2011-2015 роки,” [Resolution of the Cabinet of Ministers of Ukraine on approval of the State program for the development of cross-border cooperation for 2011-2015] No. 1088, Verkhovna Rada of Ukraine, December 1, 2010. Available online: <https://zakon.rada.gov.ua/laws/show/1088-2010-%D0%BF#n14> (accessed on February 24, 2023).

and 2016–2020.³¹ The most recent one is the State Program for the Development of Cross-Border Cooperation for 2021–2027, aimed at deepening and developing cross-border cooperation. Effective implementation cannot be achieved without full cooperation with Slovak partners.³²

In Ukraine, the administrative-territorial reforms of 2015 unified territorial communities and districts. That raised the possibility of the newly created territorial communities centering into partnership and cooperation agreements. Proposed amendments to the cross-border cooperation law were submitted to parliament in 2021 in order to create favorable conditions for partnerships and cross-border cooperation. At the same time, it is important to include territorial communities in the list of entities authorized to engage in cross-border cooperation, regulate their competencies to establish international associations, including Euroregional Cooperation Groupings, European Groupings of Territorial Cooperation and Euroregions.

Cross-border cooperation between local and regional authorities in Ukraine and Slovakia is one of the most important areas of cooperation between the two countries. According to the Embassy of Ukraine in the Slovak Republic, regional and local authorities in Ukraine and Slovakia have concluded many cross-cooperation agreements:³³

31 “Постанова Кабінету Міністрів України Про затвердження Державної програми розвитку транскордонного співробітництва на 2016-2020 роки,” [Resolution of the Cabinet of Ministers of Ukraine on approval of the State program for the development of cross-border cooperation for 2016–2020] No. 554, Verkhovna Rada of Ukraine, August 23, 2016 Available online: <https://zakon.rada.gov.ua/laws/show/554-2016-%D0%BF#Text> (accessed on February 24, 2023).

32 “Постанова Кабінету Міністрів України Про затвердження Державної програми розвитку транскордонного співробітництва на 2021-2027 роки [Resolution of the Cabinet of Ministers of Ukraine on approval of the State program for the development of cross-border cooperation for 2021–2027] No. 408, Verkhovna Rada of Ukraine, April 14, 2021. Available online: <https://zakon.rada.gov.ua/laws/show/408-2021-%D0%BF#Text> (accessed on February 24, 2023).

33 “Міжрегіональне співробітництво,” [Interregional cooperation] Посольство України в Словацькій Республіці. Available online: <https://slovakia.mfa.gov.ua/spolupraca/medziregionalna> (accessed on February 24, 2023).

152



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

153



Border crossings, socio-economic situation of border areas and cross-border cooperation

1. cooperation agreements between local and regional authorities in Ukraine and Slovakia concluded in 1993–2000
 - regional authority agreements (interregional cooperation agreement between Transcarpathian Regional Council (Ukraine) and Košice Region Council (Slovakia), signed on December 17, 1999; interregional cooperation agreement between Transcarpathian Regional Council and Prešov Region Council (Slovakia), signed on November 19, 2000;³⁴ Ivano-Frankivsk Regional State Administration (Ukraine) and Košice Region Council on the principles of mutual relations and development of cooperation, signed on December 9, 1997, (repealed in 2015, but Ivano-Frankivsk Regional State Administration is interested in renewing the agreement)³⁵;
 - local authority agreements (for example, in 1993, Uzhhorod City Council (Ukraine) signed a cooperation agreement with Košice City Council; in 1999 Uzhhorod City Council signed a cooperation agreement with Michalovce City Council (Slovakia);³⁶ Perechyn City Council (Ukraine) and Humenné City Council (Slovakia) signed a cooperation agreement on May 9, 1999.³⁷
2. cooperation agreements between local and regional authorities in Ukraine and Slovakia concluded in 2001–2011
 - regional authority agreements (on June 26, 2001, Ivano-Frankivsk Regional State Administration and Prešov Region Council signed an agreement on the principles of mutual relations and cooperation (repealed in 2015, but Ivano-Frankivsk Regional State Administration is interested in renewing the agreement)³⁸; on October 26, 2001, Lviv Regional State Administration (Ukraine) and Prešov Regional Council signed an interregional cooperation agreement; on June 21, 2002, and May 13, 2006, Transcarpathian Regional State Administration

34 M. V. Lizanets, “Ukrainian–Slovak cross-border cooperation: new development priorities in the XXI century,” *Regional Studies* Vol. 10, 2017, pp. 30.

35 Letter from Ivano-Frankivsk Regional State Administration dated January 6, 2022, No. 9239/1/-21/01-140.

36 Letter from Uzhhorod City Council dated 4. 01. 2022, No. 4625/03-19.

37 Letter from Perechyn City Council dated 20. 12. 2021, No. 2113/07. 02.

38 Letter from Ivano-Frankivsk Regional State Administration dated January 6, 2022, No. 9239/1/-21/01-140.

and Košice Region Council (Slovakia) signed a memorandum of understanding on cross-border cooperation;³⁹ on March 15, 2005, Transcarpathian Regional State Administration and Prešov Region Council signed a cooperation agreement; On November 24, 2006, Transcarpathian Regional State Administration and Košice Region Council concluded trade-economic, scientific-technical and cultural cooperation agreement;⁴⁰

- local authority agreements (on August 25, 2006, Batiovo Village Council (Ukraine) and Bol Village Council (Slovakia) concluded a cooperation agreement;⁴¹ in September 2006, Perechyn City Council (Ukraine) and Sobrance City Council (Slovakia) concluded a cooperation agreement; on September 9, 2009, Perechyn City Council and Drienica Village Council (Slovakia) concluded a cooperation agreement;⁴² on September 14, 2010, Mukachevo City Council (Ukraine) concluded an agreement with Humenné City Council;⁴³ on June 8, 2007, Mukachevo City Council signed a cooperation agreement with Prešov City Council; in 2011 Uzhhorod City Council and Humenné City Council signed a protocol of intent;⁴⁴ in 2014, Sambir (Ukraine) and Vranov nad Topľou (Slovakia) signed a memorandum of understanding.⁴⁵

3. cooperation agreements between local and regional authorities in Ukraine and Slovakia concluded in 2012–2022

- regional authority agreements (the Joint Action Program for 2015–2016 of Transcarpathian Regional Council (Ukraine), Transcarpathian Regional State Administration and Prešov Region Council; and Executive Protocol No. 7 accompanying

39 Letter from Transcarpathian Regional Council dated 16. 12. 2021, No. 2294/01.1-14.

40 "Реєстр міжрегіональних угод про торговельно-економічне, науково-технічне і культурне співробітництво." [Register of interregional agreements on trade, economic, scientific, technical and cultural cooperation] Available online: <https://www.minregion.gov.ua/napryamki-diyalnosti/derzhavna-rehional-na-polityka/mizhregionalne-ta-transkordonne-spivrobitnistv/reystri-mizhregionalnih-ugod-pro-torgovelnno-ekonomichne-naukovo-tehniche-i-kulturne-spivrobitnistvo/> (accessed on February 24, 2023).

41 "Letter from Batyov Village Council" dated December 9, 2021, No. 767.

42 "Letter from Perechyn City Council" dated 20. 12. 2021, No. 2113/07. 02.

43 "Letter from Mukachevo City Council" dated January 6, 2022, No. 95/01-27/12137/42-22.

44 "Letter from Uzhhorod City Council" dated 04.01.2022, No. 4625/03-19.

45 "Letter from Lviv Regional Council" 302-131-131 dated January 26, 2022.

154



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

155

Border crossings, socio-economic situation of border areas and cross-border cooperation



the Memorandum of Cooperation between Transcarpathian Regional State Administration and Council of Košice Region Council for 2015–2016, signed on May 15, 2015;⁴⁶ on May 12, 2016, a cross-border agreement on local government cooperation in the Tisza river basin was signed between regional authorities in Hungary, Slovakia, Ukraine, Romania and Serbia (in Ukraine–Transcarpathian Regional Council; in Slovakia–Košice Region Council);⁴⁷ on May 21, 2016, a memorandum of cooperation was signed between Transcarpathian Regional State Administration, Transcarpathian Regional Council and Košice Region Council; on May 13, 2017, the Implementing Protocols accompanying the Memoranda of Cooperation between Prešov Region Council, Transcarpathian Regional State Administration, Transcarpathian Regional Council and Košice Region Council were signed for the period May 2017 to May 2018;⁴⁸ on May 26, 2018, a memorandum of cooperation for the period May 2018 to May 2019 on stimulating investment potential in the regions was signed by the councils of Košice and Prešov Regions, Transcarpathian Regional State Administration and Transcarpathian Regional Council;⁴⁹

46 "Міжрегіональне співробітництво," [Interregional cooperation] op. cit.

47 "Угода про співробітництво між Загальними зборами області Бач-Кішкун (Угорщина), Загальними зборами області Боршод-Абауй-Земплен (Угорщина), Загальними зборами області Чонград (Угорщина), Загальними зборами області Гайду-Бігар (Угорщина), Загальними зборами області Гевеш (Угорщина), Загальними зборами області Яс-Надькун-Солнок (Угорщина), Загальними зборами Кошицького самоврядного краю (Словацчина), Закарпатською обласною радою (Україна), Повітовою радою Марамуреш (Румунія), Загальними зборами області Саболч-Сатмар-Берег (Угорщина), Повітовою радою Сату-Маре (Румунія), Автономним краєм Воєводина (Сербія)," [Agreement on cooperation between the General Assembly of Bacs-Kiskun (Hungary), the General Assembly of Borsod-Abaúj-Zemplén (Hungary), the General Assembly of Csongrád (Hungary), the General Assembly of Gaidu-Bigar (Hungary), the General Assembly of Heves (Hungary), the General Assembly of Jas-Nagykun-Szolnok (Hungary), the General Assembly of Košice Self-Governing Region (Slovakia), Transcarpathian Regional Council (Ukraine), Maramures County Council (Romania), the General Assembly of Szabolcs-Szatmár-Bereg County, Satu Mare County Council (Romania), Autonomous Province of Vojvodina (Serbia)] May 12, 2016. Available online: <https://ips.ligazakon.net/document/view/ZA160245?an=87> (accessed on February 24, 2023).

48 "Міжрегіональне співробітництво," op. cit.

49 "Україна та Словацчина демонструють ідеальні відносини між двома сусідніми державами," [Ukraine and Slovakia demonstrate ideal relations between the two neighboring states] State Custom Service of Ukraine. Available online: <http://zak.sfs.gov.ua/media-ark/news-ark/338702.html> (accessed on December 16, 2021).

- local authority agreements (in June 2014, Rakhiv City Council (Ukraine) and Svidník City Council (Slovakia) signed a cultural cooperation agreement;⁵⁰ in 2015, Sambir City Council (Ukraine) and Vranov nad Topľou City Council (Slovakia) signed a memorandum of understanding and held official annual exchanges, culinary fairs and folk art festivals; ⁵¹ Lviv City Council (Ukraine) and the City of Spišská Nová Ves (Slovakia) agreed on cooperation and project implementation relating to the preservation of historical heritage and cultural exchanges.⁵²

156



Safe and inclusive border factors influencing cross-border cooperation between Slovakia and Ukraine

157



Border crossings, socio-economic situation of border areas and cross-border cooperation

Table 2. Example cooperation agreements between local and regional authorities in Ukraine and Slovakia concluded in 1993–2021

local/regional authorities in Slovakia	local/regional authorities in Ukraine	type of agreement	date/year the cooperation was signed
Zatín Village Council	Yanošiv Village Council	Cooperation Agreement	n/a
Veľký Šariš City Council	Rakoshino City Council	Cooperation Agreement	before 2014
Košice City Council	Uzhhorod City Council	Cooperation Agreement	January 16, 1993
Košice Region Council	Ivano-Frankivsk Regional State Administration	on the principles of mutual relations and development of cooperation	December 9, 1997 (repealed in 2015, but Ivano-Frankivsk Regional State Administration is interested in renewing the agreement)
Stará Lubovňa City Council	Svaliava City Council	Cooperation Agreement	October 2, 1998
Michalovce City Council	Uzhhorod City Council	Cooperation Agreement	1999
Humenné City Council	Perechyn City Council	Cooperation Agreement	May 9, 1999
Košice Region Council	Transcarpathian Regional Council	Agreement on Interregional Cooperation between Transcarpathian Regional Council and the Košice Region Council	December 17, 1999
Prešov Region Council	Transcarpathian Regional Council	Agreement on Interregional Cooperation between Transcarpathian Regional Council and Prešov Region Council	November 19, 2000
Prešov Region Council	Ivano-Frankivsk Regional State Administration	Agreement on the principles of mutual relations	June 26, 2001 (repealed in 2015, but the Ivano-Frankivsk Regional State Administration is interested in renewing the agreement)
Prešov Region Council	Lviv Regional State Administration	Agreement between Lviv Regional State Administration and Prešov Region Council on Interregional Cooperation	October 26, 2001
Košice Region Council	Transcarpathian Regional State Administration	Memorandum of Understanding on cross-border cooperation	June 21, 2002 and May 13, 2006

50 “Міжрегіональне співробітництво,” [Interregional cooperation] op. cit.

51 “Letter from Sambir City Council in Lviv Region” dated December 22, 2021, No. 2/20-15/2154-1271/3-1.

52 “Львів готуватиме заявки на проекти ЄС спільно з містом Спішська Нова Весь (Словачина),” [Lviv and the City of Spišská Nová Ves (Slovakia) will prepare applications for EU projects] Lviv City Council. Available online: <https://city-adm.lviv.ua/news/city/lviv-international/264577-lviv-hotuvatyme-zaiavky-na-proekty-yes-spilno-z-mistom-spishska-nova-ves-slovachchyna> (accessed on February 24, 2023).

Vranov nad Topľou City Council	Vinogradov City Council	Cooperation Agreement	2004
Prešov Region Council	Transcarpathian Regional State Administration	Cooperation Agreement	March 15, 2005
Bol Village Council	Batiovo Village Council	Cooperation Agreement	August 25, 2006
Sobrance City Council	Perechyn City Council	Cooperation Agreement	September 2006
Bardějov City Council	Ťačiv City Council	Cooperation Agreement	October 01, 2006
Košice Region Council	Transcarpathian Regional State Administration	Agreement on trade-economic, scientific-technical and cultural cooperation between Transcarpathian Regional State Administration and Košice Region Council	November 24, 2006
Prešov City Council	Mukachevo City Council	Cooperation Agreement	June 8, 2007
Čierna nad Tisou City Council	Čop City Council	Cooperation Agreement	2008
Snina City Council	Chust City Council	Cooperation Agreement	October 10, 2008
Snina City Council	Kremenčuk City Council	Cooperation Agreement	June 23, 2009
Drienica Village Council	Perechyn City Council	Cooperation Agreement	September 9, 2009
Humenné City Council	Mukachevo City Council	Cooperation Agreement	September 14, 2010
Lipany City Council	Chust City Council	Cooperation Agreement	December 09, 2010
Humenné City Council	Uzhhorod City Council	Protocol of Intent	2011
Svidník City Council	City Council Rakhiv	Agreement on cultural cooperation	June 2014 (beginning of cooperation in 2002, was renewed in 2014)
Vranov nad Topľou City Council	Sambir City Council	Memorandum of understanding between Sambir and Vranov nad Topľou	2014
Vranov nad Topľou City Council	Sambir City Council	Memorandum of understanding and annual exchanges of official delegations, culinary fairs, and folk-art festivals	2015

158



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Border crossings, socio-economic situation of border areas and cross-border cooperation

159



Spíšská Nová Ves City	Lviv City Council	Cooperation and implementation of projects on the preservation of historical heritage and cultural exchanges	2015
Prešov Region Council	Transcarpathian Regional Council; Transcarpathian Regional State Administration	Joint Action Program for 2015–2016 of Transcarpathian Regional Council, Transcarpathian Regional State Administration and Prešov Region Council	May 15, 2015
Košice Region Council	Transcarpathian Regional State Administration	Executive Protocol No. 7 accompanying the Memorandum of Cooperation between Transcarpathian Regional State Administration and Košice Region Council for 2015–2016	May 15, 2015
Košice Region Council	Transcarpathian Regional Council	Agreement on cross-border local government cooperation in the Tisza River basin	May 12, 2016
Košice Region Council	Transcarpathian Regional State Administration; Transcarpathian Regional Council	Memorandum of Cooperation	May 21, 2016
Spíšské Podhradie City Council	Perechyn City Council	Cooperation Agreement	2017
Gelnica City Council	Novodnistrovsk City Council	Cooperation Agreement	April 27, 2017
Prešov Region Council; Košice Region Council	Transcarpathian Regional State Administration; Transcarpathian Regional Council	Implementing Protocols accompanying the Memoranda of Cooperation between Prešov Region Council, Transcarpathian Regional State Administration, Transcarpathian Regional Council and Košice Region Council	May 13, 2017 (For the period May 2017 to May 2018)
Kráľovský Chlmec City Council	Berehovo City Council	Cooperation Agreement	September 16, 2017
Prešov Region Council; Košice Region Council	Transcarpathian Regional State Administration; Transcarpathian Regional Council	Memorandum of Cooperation for the period May 2018 to May 2019	May 26, 2018
Spíšská Nová Ves City Council	Ťačiv City Council	Cooperation Agreement	November 4, 2019
Stropkov City Council	Novovolynsk City Council	Cooperation Agreement	2020

Source: Authors, based on data from municipalities and regional administrations

Cooperation agreements are usually aimed at multiple areas of cooperation, including regional economic development, transport infrastructure, safe and efficient use of natural resources, implementation of flood control measures, tourism, and preservation of cultural and historical heritage. For example, the preamble to the Agreement on Cross-Border Cooperation between the Territorial Local Authorities in the River Tisza Basin states that the aim of the cooperation is to create a framework for joint activities not covered by other national, regional, and local development programs. Such activities can take the form of joint projects involving the use of existing EU financial sources. Article 6 states that relations between government agencies, businesses and NGOs need strengthening, notably to support cooperation among Prytysyan settlements to ensure genuine cooperation in the region on a daily basis.⁵³

Official sources and correspondence with the local and regional authorities in Transcarpathia, Lviv and Ivano-Frankivsk Regions indicate more active cooperation between local and regional authorities in Slovakia and Transcarpathian Region (53 responses to 72 letters of inquiry). Based on our research, most communities in the Lviv and Ivano-Frankivsk Regions had not entered into cooperation agreements with municipalities and Slovak counterparts, and there was little willingness to enter into cooperation. Local and regional actors began cooperating on an official basis only after 1998, prior to then it was uncommon. During the first years of independence in the two states, other regional and local issues took precedence over cross-border cooperation. In addition, both countries were busy transitioning to democracy and from a centrally planned economy to a market economy and were dealing with the many problems associated with the changes to the law and the economy, not to mention the social upheaval.

The political situation in both countries favored centralism and state dirigisme. The state administration was strengthened at the expense of local communities, while self-government was viewed with suspicion, and centralized management was favored. In Slovakia, this changed after the defeat of Vladimír Mečiar in the 1998 elections, when the Mikuláš Dzurinda governments (1998–2002; 2002–2006) began reforming and decentralizing the public administration. The Dzurinda governments were pro-European and pro-Atlantic and wanted Slovakia to join the EU and NATO. This political stance benefited

160



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

161



Border crossings, socio-economic situation of border areas and cross-border cooperation

local and regional actors seeking to develop cross-border cooperation.⁵⁴ The governing coalition contained the SDL (Democratic Left Party), whose leader, Jozef Migaš, was also the Slovak ambassador to Ukraine. Another governing political party was SOP (Party of Civic Understanding), whose leader was the Mayor of Košice, Rudolf Schuster, who later became President of Slovakia (1999–2004). He had a friendly relationship with Leonid Kuchma, the Ukrainian President (1994–2005). These factors also contributed to mutual relations at the national and other levels. Moreover, the foreign policy direction in Ukraine became more pro-European and less pro-Russian when Viktor Yushchenko became Prime Minister of Ukraine.

Cooperation began intensifying after Slovakia's EU accession but was still limited. The Slovak–Ukrainian border and the focus on EU member states among Slovak local and regional actors remained a problem. EU cooperation was more beneficial, given the joint projects and absence of the many bureaucratic and other obstacles that hampered engagement with Ukrainian partners (border, corruption, the incompatible and problematic legal and economic environment, etc.). However, despite the political instability in Ukraine (the revolutions) and the onset of war in 2014, and then 2022, Ukraine embarked on a pro-European and pro-reform course, especially after 2014, and is converging with the EU. Nevertheless, the institutional cooperation between regional and local actors in Slovakia and Ukraine is muted and often seems to be a mere formality. As we note below our own research has found that despite the cooperation agreements, many municipalities are not involved in joint projects or cross-border activities. We can therefore state that in 2022, despite there being almost no legislative or other obstacles, the potential for cooperation remains largely unexploited.

1.3.3. Examples of institutional forms of cross-border cooperation

Each year, Prešov Self-Governing Region cooperates with Košice Self-Governing Region, the Transcarpathian Regional State Administration and Transcarpathian Regional Council in organizing “Friendship Day–Goodwill Day” on the Slovak–Ukrainian border. It is an annual international cultural and social event, attended by representatives of the

⁵³ “Угода про співробітництво між Загальними зборами області Бач-Кішкун (Угорщина)...” op. cit.

⁵⁴ M. Cirner, I. Dudinská, op. cit., pp. 19–48.

state authorities and regional and local governments, businesses, organizations, institutions, and inhabitants of the Slovak–Ukrainian border area.⁵⁵ Each year, implementing protocols are signed on regional development, education, culture and tourism, assistance and development cooperation, social services and the environment.

In 1993, Ukraine was involved in setting up the Carpathian Euroregion. The Carpathian Euroregion Interregional Association is “a general advisory and coordinating body to promote cross-border cooperation between border regions – members of the association.” Both come under the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.⁵⁶ The Carpathian Euroregion consists of administrative-territorial units on the borders of Ukraine border (Transcarpathia, Ivano-Frankivsk, Lviv and Chernivtsi Regions), Slovakia (Košice and Prešov Regions), some regions of Poland (Podkarpackie Voivodeship), Hungary (Borsod–Abaúj–Zemplén, Heves, Jász–Nagykun–Szolnok, Szabolcs–Szatmár–Bereg, Haidu–Bihar, and the regional capitals of Debrecen, Eger, Miskolc, Nyíregyháza) and Romania (counties of Bihor, Botosani, Maramures, Suceava, Satu Mare, Zilag and Harghita).⁵⁷ The Carpathian Euroregion has a surface area of 143,885 square kilometers, with Slovakia accounting for 6.4 per cent and Ukraine for 36.4 per cent.⁵⁸

National Carpathian Euroregion representations have been set up in each member country. In Ukraine, according to the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Associations of January 20, 2021, Association of Local Self-Government Bodies (AOMS Carpathians-Ukraine Euroregion) was registered on October 2, 2007.⁵⁹ In November 2008, the Carpathian Euroregion

55 For more see official website of Prešov Self-governing Region. Available online: <https://www.po-kraj.sk/sk/samosprava/aktuality/2019/den-dobrosusedstva-2019.html> (accessed on February 24, 2023).

56 V. V. Belevtseva, “Legal aspects of cross-border cooperation at the regional level,” dissertation of the candidate of legal sciences, Kyiv, 2008, p. 39.

57 O. Kukalets, “Карпатський євро регіон як форма транскордонного співробітництва України з Європейським Союзом,” [Carpathian Euroregion as a form of cross-border cooperation between Ukraine and the EU] pp. 179–80. Available online: https://eprints.oa.edu.ua/2346/1/Kukalets_NZ_stud_Vyp-3_turyzm.pdf (accessed on February 24, 2023).

58 N. Mikula, *Euroregions: experience and prospects*, Lviv: IRD of the National Academy of Sciences, 2003, pp. 116–7. Available online: <http://znc.com.ua/ukr/publ/book/book-mikula-2003/book-mikula-2003.pdf> (accessed on February 24, 2023).

59 Extract from the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Associations dated January 20, 2021 under the code No. 28088081505, p. 1–8.

162



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

163

Border crossings, socio-economic situation of border areas and cross-border cooperation



Interregional Association acknowledged that AOMS was Ukraine’s national representation in the Carpathian Euroregion (until 2007, the functions of the National Representation of Ukraine in the Carpathian Euroregion were entrusted to local self-government executive bodies and subdivisions of local executive bodies).⁶⁰

AOMS is a public organization, set up by Sambir District Council, Skoliv District Council, Starosambir District Council, Turkiv District Council, Drohobych District Council (Lviv Region), Rakhiv District Council, Perechyn District Council, Velykyi Bereznyi District Council and Volovets District Council (Transcarpathian Region). Members’ interests vary, for example, Lviv Region is interested in developing bilateral initiatives with Poland, while Transcarpathian Region is developing closer relations with Hungary, Slovakia, and Romania has other goals.⁶¹ On April 23, 2002, Transcarpathian Regional Council established Transcarpathia, the Transcarpathian Regional Development and Cross-Border Cooperation Agency of the Transcarpathian Regional Council, in order to implement cross-border cooperation projects.

Transcarpathian Regional Council also set up the Transcarpathian Regional Development Agency, established in 2017. Its purposes are to ensure the effective implementation of state regional policy; promote and organize the development of Transcarpathian Region, the communities and the infrastructure; ensure the appropriate pooling of organizational and financial resources originating from within the region and beyond; promote investment in the regional economy; and foster the region’s positive image.⁶² The agency is active in the implementation of EU funded projects.⁶³ There are a number of other types of actor in the regions (public institutions; business entities; non-governmental organizations; academic, research and educational institutions), many of whom establish, maintain and develop contacts and cooperation with foreign partners, and thus also with Ukrainian partners.

60 More information is available in Ukrainian online: <https://ekarpaty.com/pro-nas/> (accessed on February 24, 2023).

61 V. V. Belevtseva, op. cit., p. 38.

62 Transcarpathian Regional Development Agency.

63 As a result of the first competitive tender in 2018–2021, the agency is implementing three projects worth a total of UAH 22.9 million. Two projects were selected under the second competitive tender, held at the end of 2020: “Creating a network of business hubs in Transcarpathian Region” (UAH 5,998.16 thousand) and “Cooperation for economic growth of the Carpathians” (Transcarpathian, Lviv, Chernivtsi, Ivano-Frankivsk regions)” (UAH 14,122.4 thousand). For more see official website of Ministry for Communities and Territories Development of Ukraine. Available online: <https://www.minregion.gov.ua/press/news/agencziya-regionalnogo-rozvytku-zakarpatskoyi-oblasti-2/> (accessed on February 24, 2023).

Turning to Slovakia, numerous local actors are engaged in national organizations, associations and institutions that have regional branches. Two such organizations are SAMP (Slovak Association of Small and Medium-Sized Enterprises and Self-Employed Persons), which has regional offices in Prešov and Košice and elsewhere⁶⁴ and the Slovak Chamber of Commerce and Industry. Then there are NGOs and often individuals or public figures who are involved in their activities.⁶⁵

The Carpathian Foundation is the only regional non-profit organization that operates primarily in Eastern Slovakia. Since its establishment in 1994, it has been providing financial support, education and counseling to people and non-profit organizations seeking to improve life in Eastern Slovakia. It has supported more than a thousand projects of almost €2.5 million. It provides innovative solutions to local problems, transfers experience, creates networks and helps third sector organizations build up expertise, both in Slovakia and abroad, especially in Ukraine. It seeks innovative ways to involve people and companies in developing Eastern Slovakia. It sources financial support for local projects and people attempting to improve life in this part of Slovakia. It is a member of the International Carpathian Foundation Network and Transnational Giving Europe (TGE), which is a network of 20 organizations working in 20 European countries. The TGE network enables both corporate and individual donors based in TGE member countries to financially support non-profit organizations in other countries in the network using local tax benefits. Since 2016, it has been an observer for Ambrela, the Platform of Slovak Development Organizations. In 2017, it became a member of the Eastern Partnership Civil Society Forum, where it sits on the executive committee and the coordination committee of one of the working groups.⁶⁶

64 For more see official website of SASE: <http://samp-msp.sk/> (accessed on February 24, 2023).

65 For example, Vladimír Benč is currently regional coordinator at the World Bank, but since the beginning of the war in Ukraine in 2022, he has been the most visible face of the humanitarian aid sent to Ukraine from Prešov. Another actor is Eduard Buraš – adviser to the Slovak prime minister for cross-border cooperation, a representative of the city of Košice for developing cross-border cooperation with the city of Uzhhorod and Transcarpathian Region in Ukraine. He is the director of the Košice civic association FEMAN, which since 2015 has been the main organizer of Days of Ukraine, the only event in Slovakia focused on cooperation development between the two countries.

66 For more see official website of the Carpathian Foundation: <https://karpatskana-dacia.sk/en/about-us/> (accessed on February 24, 2023).

164



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

165

Border crossings, socio-economic situation of border areas and cross-border cooperation

Universities are another type of local actor. They play a specific role, as they engage in different types of cooperation, such as internships, research stays and mobility, through various scholarships, grants, projects. They also issue international joint and double diplomas, organize international conferences and other scientific or professional events, implement joint scientific projects funded by domestic or foreign scientific grant agencies and the like.

Table 3. List of universities in cross-border regions

higher education institution	address	country
Vysoká škola medzinárodného podnikania ISM Slovakia v Prešove	Duchnovičovo námestie č. 1, 080 01 Prešov, Prešov Region	Slovak Republic
Prešovská univerzita v Prešove	Ul. 17. novembra č. 15, Prešov, Prešov Region	Slovak Republic
Vysoká škola zdravotníctva a sociálnej práce sv. Alžbety v Bratislave, n. o., Inštitút sociálnych vied a zdravotníctva bl. P. P. Gojdiča v Prešove	Jilemnického 1/A, 080 01 Prešov, Prešov Region	Slovak Republic
Ústav bl. Vasiľa Hopku, Spišská Nová Ves	Zimná 48, 052 01 Spišská Nová Ves, Košice Region	
Ústav bl. Z. J. Mallu, Košice	Hlavná 89, 040 01 Košice, Košice region	
Inštitút bl. Sára Salkaházyiovej, Rožňava	Kósu Schoppera 22, 048 01 Rožňava, Košice Region	
Ústav Kráľovnej Pokoja z Medžugorja, Bardejov	Štefániková 64, Bardejov, Prešov Region	
Inštitút bl. Metoda Dominika Trčku, Michalovce	Partizánska 23, 071 01 Michalovce, Košice Region	
Ekonomická univerzita v Bratislave, Podnikovohospodárska fakulta, Košice	Tajovského 13, 040 01, Košice, Košice Region	Slovak Republic
Ekonomická univerzita v Bratislave, Pedagogické pracovisko, Michalovce	Masarykova ulica č. 9 071 01 Michalovce, Košice Region	Slovak Republic
Univerzita veterinárskeho lekárstva a farmácie v Košiciach	Komenského 68/73, 041 81 Košice, Košice Region	Slovak Republic
Technická univerzita v Košiciach	Letná 1/9, 040 01 Košice, Košice Region	Slovak Republic
Technická univerzita v Košiciach, Fakulta výrobných technológií, Prešov	Bayerova 1, 080 01 Prešov, Prešov Region	Slovak Republic
Univerzita Pavla Jozefa Šafárika v Košiciach	Šrobárova 2, 041 80 Košice, Košice Region	Slovak Republic
Univerzita sv. Cyrila a Metoda v Trnave, Fakulta masmediálnej komunikácie, detašované pracovisko Michalovce	Námestie osloboditeľov 82, 071 01 Michalovce, Košice Region	Slovak Republic

Katolícka univerzita v Ružomberku, Inštitút Štefana Náhaliku, Poprad	Nábr. Jána Pavla II. 15, 058 01 Poprad, Prešov Region	Slovak Republic
Inštitút Juraja Páleša, Levoča Teologická fakulta, Košice Teologický inštitút, Spišské Podhradie	Bottova 15 054 01 Levoča, Prešov Region Hlavná 79, 040 01 Košice, Košice Region Spišská kapitula 669, 053 04 Spišské Podhradie, Prešov Region	
Vysoká škola bezpečnostného manažérstva v Košiciach	Košťova 2373/1, 040 01 Košice, Košice Region	Slovak Republic
Univerzita Mateja Bela v Banskej Bystrici, Ekonomická fakulta, Inštitút manažérskych systémov, Poprad	Francisciho 910/8, 058 01 Poprad, Prešov Region	Slovak Republic
Detailované pracovisko Ekonomickej fakulty Univerzity Mateja Bela	Zimná 168/34, 052 01 Spišská Nová Ves, Košice Region	Slovak Republic
Uzhhorod National University	88000, Ukraine, Transcarpathian Region, Uzhhorod, Narodna Square, 3	Ukraine
Mukachevo State University	88000, Ukraine, Transcarpathian Region, Mukachevo, str. Uzhhorodskaya, 26	Ukraine

Source: Authors

1.3.4. Project cooperation and partnerships

Cross-border cooperation between local and regional authorities in Ukraine and Slovakia includes the implementation of various projects relating to energy savings, environmental protection, democracy, education, intercultural dialogue among national minorities in the region, infrastructure improvements, etc.

Transcarpathian Region, for example, was involved in the following projects together with Prešov Self-Governing Region:⁶⁷ a cross-border system for predicting natural disasters using satellite technologies in Hungary, Slovakia, Romania, and Ukraine; monitoring

67 For more information about Prešov Self-governing Region's cross-border cooperation projects see M. Cirner, *Cezhraničná spolupráca Prešovského samosprávneho kraja*. [Cross-border cooperation of the Prešov self-governing region], Prešov: University of Prešov, 2018, 60 p.

166



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation.

167

Border crossings, socio-economic situation of border areas and cross-border cooperation.

climatic conditions and road permeability along the Slovak–Ukrainian border; modernization of the road connection between Prešov Self-Governing Region and Transcarpathian Region. By 2020, only five projects had been implemented between Prešov Self-Governing Region and Transcarpathian Region.⁶⁸ There is also the program HU–SR–RO–UA ENI program for 2014–2020, under which partners in Eastern Slovakia are participating in 38 projects. The Good Governance and Cross-Border Cooperation program, supported by EEA and Norway grants, is aimed at improving the integrity and accountability of public administration. The program will support projects in two program areas through predefined projects, and the public will be able to participate through two calls. The following ongoing projects are open to entities in Eastern Slovakia:

Table 4. Active EEA and Norway grants with partners in Eastern Slovakia

project code	project name	recipient	approved project grant
GGC01005	Safe and inclusive border between Slovakia and Ukraine – SIBSU	Ministry of the Interior of the Slovak Republic	€894,227
GGC01006	Slovak–Ukrainian cross-border cooperation – CBC4US	Združenie miest a obcí Slovenska (Association of Towns and Villages in Slovakia)	€466,094
GGC01007	Cities in the Enlarged European Area: Joint Development of Capacities of Public Institutions by Slovak–Ukrainian Cross-border Cooperation and Improving Integrity in Public Affairs (CEEA)	City of Košice	€458,504
GGC01008	Climate Change Adaptation Strategy and Mitigation Steps for SK–UA cross border region (CLIMADAM)	Agency for regional development support Kosice, n.o.	€462,243
GGC01009	Future of Public Administration	Pavol Jozef Šafárik University in Košice	€218,932

Source: Ministry of Investments, Regional Development and Informatization of the Slovak Republic.

68 M. Cirner, A. Duleba, V. Oravcová, P. Kováč, et al., *Medzinárodná spolupráca Prešovského samosprávneho kraja*. [International cooperation of the Prešov self-governing region] Bratislava: Research Center of the Slovak Foreign Policy Association, 2021, 97 p. Available online: https://www.sfpa.sk/wp-content/uploads/2021/08/02_3a_PSK.pdf (accessed on February 24, 2023).

Since the 2000s, local and regional authorities in Ukraine have become more active in cross-border cooperation. For example, under the TACIS program (2001–2003), Uzhhorod City Council, in conjunction with Michalovce City Council and Darmstadt City Council, implemented “Energy rehabilitation of residential buildings in Uzhhorod, Michalovce and Darmstadt.” As a result of the project, extensive work was carried out on the systematic analysis of the typology, energy potential and measures for thermal renovations to housing in Uzhhorod. Recommendations were provided on optimization of design, estimation, construction work and financing mechanisms for mortgage lending and institutions of co-owners of apartment buildings.⁶⁹

In 2007, the Hungary–Slovakia–Romania–Ukraine 2007–2013 ENPI Cross-Border Cooperation Program was launched. It aimed to improve the socio-economic situation in the border administrative-territorial units of the participating states.⁷⁰ The project partners selected in the first call were Transcarpathian Regional State Administration and Baranyntsi Village Council. Transcarpathian Regional State Administration was one of the partners involved in the HUSKROUA/0901/136 project⁷¹, “Early warning system UA SK. (EWS UA SR).” The lead beneficiary was the Ministry of Internal Affairs of the Slovak Republic. Baranyntsi Village Council was a partner in the project HUSKROUA/090144 “EARTH Environmental Awareness Rising Through Harmonization.” The lead beneficiary was Hažín Village Council (Košice Region).⁷²

69 “Letter from Uzhhorod City Council” dated January 4, 2022, No. 4625/03-19.

70 “Постанова Кабінету Міністрів України Про затвердження Державної програми розвитку транскордонного співробітництва на 2007-2010 роки,” [Resolution of the Cabinet of Ministers of Ukraine on approval of the State program for the development of cross-border cooperation for 2007–2010] Verkhovna Rada of Ukraine. Available online: <https://zakon.rada.gov.ua/laws/show/1819-2006-%D0%B-F#Text> (accessed on February 24, 2023).

71 Project duration January 1, 2014–November 30, 2016, grant amount: €1,988,867.52, to intensify and deepen cross-border cooperation between Transcarpathian Region (Ukraine) and Košice Region (Slovakia) in emergency preparedness for floods, fires and other natural disasters. “Early warning system UA SK 2 (EWS UA SR 2),” HUSKROUA/1101/229. Available online: <https://keep.eu/projects/23980/Early-warning-system-UA-SK-EN/> (February 24, 2023).

72 Project duration: March 28, 2011–May 27, 2014, grant amount: €159,153.48. The aim of the project was to promote the improvement and sustainability of the natural and human environment of the Carpathian region. Environmental Awareness Rising Through Harmonization. “Environmental awareness rising through harmonisation,” HUSKROUA/0901/144. Available online: <https://keep.eu/projects/23960/Environmental-Awareness-Ris-EN/> (accessed on February 24, 2023).

168



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

169

Border crossings, socio-economic situation of border areas and cross-border cooperation



The successful applicants in the second call for the Hungary–Slovakia–Romania–Ukraine 2007–2013 ENPI, were the Executive Committee of Khust City Council and Rakhiv District State Administration. Khust City Council was involved in HUSKROUA/1001/118 “Snina–Khust – Together to develop tourism in the Carpathian biosphere.” The lead beneficiary was Snina City Council, Prešov Region.⁷³ Rakhiv District State Administration was a partner in HUSKROUA/1001/079 “LOC-CLIM-ACT: Local acting on climate change impacts.” The lead beneficiary was the Institute of Carpathian Development in Košice.⁷⁴

In the third call for proposals for Hungary–Slovakia–Romania–Ukraine 2007–2013 ENPI the successful applicants were Transcarpathian Regional State Administration, Chaslivtsi Village Council and Ruski Komarivtsi Village Council. Transcarpathian Regional State Administration was involved in HUSKROUA/1101/229 “Early warning system UA SK2 (EWS UA SR2).”⁷⁵ The lead beneficiary was the Slovak interior ministry. Chaslivtsi Village Council was a partner in HUSKROUA/1101/201 “SUNRISE – Sustainable Utilization of Natural Resources In Small Enterprises.” The lead beneficiary was the Agency for Regional Development in Košice.⁷⁶ Ruski Komarivtsi Village Council was a partner in

73 Project duration: August 1, 2012–July 31, 2015, grant amount: €490,989.97. The aim of the project was to develop tourist infrastructure to support tourism in the Carpathian Biosphere Zone. “Snina–Khust – Together Towards the Development of Tourism in the Carpathian Biosphere Area,” HUSKROUA/1001/118. Available online: <https://keep.eu/projects/23880/Snina-Khust-Together-Toward-EN/> (accessed on February 24, 2023).

74 Project duration: September 1, 2012–February 28, 2015, grant amount: €306,923.48. The aim of the project was to improve preparedness for local action in emergencies caused by climate change at the local level. “LOC- CLIM-ACT: Local acting on climate change impacts,” HUSKROUA/1001/079. Available online: <https://keep.eu/projects/23871/LOC-CLIM-ACT-Local-acting-o-EN/> (accessed on February 24, 2023).

75 Project duration: January 1, 2014–November 30, 2016, grant amount: €1988867.52. Based on the successful project “Ukraine–Slovakia Early Warning System,” in this project the partners intensified and deepened cross-border cooperation between the two regions: Transcarpathia Region (Ukraine) and Košice Region (Slovakia) in emergency preparedness for floods, fires and other natural disasters. “Early warning system UA SK 2 (EWS UA SR 2),” HUSKROUA/1101/229. Available online: <https://keep.eu/projects/23980/Early-warning-system-UA-SK-EN/> (accessed on February 24, 2023).

76 Project duration: November 1, 2013–December 31, 2015, grant amount: €151,218.00. The project was aimed at enhancing the local economy through the use of human and natural resources in the regions of Eastern Slovakia and Transcarpathia. SUNRISE – Sustainable Utilization of Natural Resources in Small Enterprises. “SUNRISE–SustainableUtilisationofNaturalResourcesInSmallEnterprises,” HUSKROUA/1101/201. Available online: <https://keep.eu/projects/23978/SUNRISE-Sustainable-Utilisa-EN/> (accessed on February 24, 2023).

HUSKROUA/1101/248 “Partnership center of minorities and youth from cross border regions – Kamienka, Ruski Komarivtsi.” The lead beneficiary was Kamienka Village Council, Prešov Region.⁷⁷

Ivano-Frankivsk City Council submitted a project in response to the call for the Hungary–Slovakia–Romania–Ukraine 2014–2020 ENPI, and grant contract HUSKROUA/1702/7.1/0063 for the implementation of “Cross-border green transport network.” The project partners were Teple Misto, a charitable foundation (Ukraine), Baia Mare City Council (Romania), Nyíregyháza City Council (Hungary) and Michalovce City Council.⁷⁸ Uzhhorod City Council participated as a partner in HUSKROUA/1702/8.1/0005 “Joint activities for the prevention of natural disasters in the transboundary Uzh river basin.” The lead beneficiary was Tisza River Basin Water Resources Directorate.⁷⁹ Khust City Council participated as a partner in the implementation of HUSKROUA/1702/3.1/0091 Restoration of tourist attractiveness of the historical “SaltRoad.” The lead beneficiary was Transcarpathia, Agency of Regional Development and Cross-Border Co-operation.⁸⁰

77 Project duration: January 1, 2014–June 30, 2016, grant amount: €368,836.56. The project was aimed at the protection and display of cultural heritage, the creation and display of new cultural and tourist products by creating an institutional and information platform for effective cooperation. “Partnership center for minorities and youth in cross border regions – Kamienka, Russian Komarivtsi,” HUSKROUA/1101/248. Available online: <https://keep.eu/projects/23981/Partnership-centre-of-minor-EN/> (accessed on February 24, 2023).

78 Project duration: October 1, 2019–September 30, 2020, grant amount: €252,724.94. The main goal of the project was to increase the use of environmentally responsible electric transport for cargo, transit and tourist travel by people and businesses within and between 11 cities by developing the charging infrastructure for electric vehicles. “Cross-border green transport network,” CGTN. Available online: <https://keep.eu/projects/23032/Cross-border-green-transport-EN/> (accessed on February 24, 2023).

79 Project duration: September 1, 2019–August 31, 2022, grant amount: €1,034,196.21. The project focused on researching water problems and finding solutions to reduce the negative impact of floods and improve the environmental situation in the Uzh river basin and transboundary water areas. “Joint activities for the prevention of natural disasters in the transboundary Uzh river basin,” FloodUZH. Available online: <https://keep.eu/projects/22809/Joint-activities-for-the-pr-EN/> (accessed on February 24, 2023).

80 Project duration: November 1, 2019–October 31, 2020, grant amount: €344,626.40. The project aimed to study and restore the historic “Salt Road” – an ancient route that crosses Transcarpathian Region and Szabolcs-Szatmár-Bereg (Hungary). For more see official website of ENPI Cross-border Cooperation Programme. Available online: <http://www.huskroua-cbc.net/en/awarded-projects> (accessed on February 24, 2023).

170



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

171



Border crossings, socio-economic situation of border areas and cross-border cooperation

Under the second call for proposals for the Hungary–Slovakia–Romania–Ukraine ENI 2014–2020, the following local authorities were project partners: Khust City Council for HUSKROUA/1702/3.1/0083 “Revival of historical monuments Snina–Khust,” lead beneficiary was Snina City Council, Prešov Region;⁸¹ Velykyi Beresnyi Village Council in HUSKROUA/1702/3.1/ 0082 “The cross-border cultural dialogue for the preservation of Europe’s cultural heritage.” The lead beneficiary was Yakubova Volya Village Council in Prešov Region;⁸² Uzhhorod City Council in the project HUSKROUA/1702/3.1/0042 “Through Art we Ruin Borders,” lead beneficiary was Mykhailivtsi City Council, Košice Region;⁸³ Uzhhorod City Council in the project HUSKROUA/1702/8.2/0019 “Improving Health Care Services in Social Facilities,” lead beneficiary was Košice City Council.⁸⁴

In the third call of proposals for Hungary–Slovakia–Romania–Ukraine ENI 2014–2020, the following local authorities were project partners: Velykyi Bereznyi Village Council in the project HUSKROUA/1901/3.1/0003 “The Ancestors’ Journey,” lead beneficiary was Liptovská

81 Project duration: October 1, 2019–March 31, 2022, grant amount: €807,222.31. The aim of the project is to reconstruct historical monuments – the estate in Snina and the ruins of Khust Castle to develop tourism and small and medium business. “Revival of historical monuments Snina–Khust,” RHMSK. Available online: <https://keep.eu/projects/23045/Revival-of-historical-monum-EN/> (accessed on February 24, 2023).

82 Project duration: October 1, 2019–March 31, 2022, grant amount: €922,813.83. The project aims to promote local culture and preserve cultural heritage. The main task is to preserve the traditions and cultural heritage typical of the Slovak–Ukrainian border. “The cross-border cultural dialogue for the preservation of Europe’s cultural heritage,” CBCD. Available online: <https://keep.eu/projects/23027/The-cross-border-cultural-d-EN/> (accessed on February 24, 2023).

83 Project duration: October 1, 2019–October 31, 2021, grant amount: €998,750.76. The project helped to preserve cultural heritage sites in Mikhalovets and Uzhhorod, provide meaningful content and functions, thanks to a project designed by municipal galleries and professional tourist information centers in accordance with European standards. The project brought together people from cross-border regions through culture, art, common history and was aimed at promoting the cultural heritage of the regions as the mainstay of tourism development. “Through art we ruin borders,” THRU-ART. Available online: <https://keep.eu/projects/23026/Through-Art-we-Ruin-Borders-EN/> (accessed on February 24, 2023).

84 Project duration: November 1, 2019–October 31, 2021, grant amount: €339,069.72. The aim of the project was to improve the provision of medical care to people with disabilities by improving the skills and knowledge of the staff of social care institutions, as well as creating better conditions for activities and treatment in social care institutions. “Improving Health Care Services in Social Facilities,” SOCIAL HEALTHCARE. Available online: <https://keep.eu/projects/23039/Improving-Health-Care-Servi-EN/> (accessed on December 28, 2021).

Teplička Village Council, Prešov Region;⁸⁵ Rakoshyno Village Council in the project HUSKROUA/1901/3.1/0057 “Common culture in the past and today,” lead beneficiary was Velký Šariš City Council, Prešov Region;⁸⁶ Velykyi Bereznyi Village Council in the project HUSKROUA/1901/7.1/0054 “Improving accessibility and mobility in the SK–UA cross-border region,” lead beneficiary was Prešov City Council.⁸⁷

Under Hungary–Slovakia–Romania–Ukraine ENI 2007–2013, many public organizations in Ukraine were beneficiaries in projects implemented under the following grant contracts:

- with FORZA, non-governmental organization Agency for Sustainable Development of the Carpathian Region, under grant contract HUSKROUA 0901/139 for the implementation of the project “European Mobility Week in the Carpathians” and project partner Agency for Regional Development in Košice;⁸⁸ grant contract HUSKROUA/1001/028 for the implementation of the project “Foresters towards lifelong learning for better forest management,” project partner was the National Forest Center,

85 Duration of the project July 1, 2021–June 30, 2023, grant amount: €580 115.24. The aim of the project is to maintain local culture and preserve historical heritage. “The Ancestors Journey,” ANCESTORS. Available online: <https://keep.eu/projects/25877/The-Ancestors-Journey-EN/> (accessed on February 24, 2023).

86 Project duration May 10, 2021–May 9, 2023, grant amount: €523,469.87. The aim of the project is to renovate historical monuments – the Relaxation Zone below the castle, the Archaeopark near Sharisky Castle and the renovation of Velykyi Luchki house of culture to improve the tourist infrastructure in both regions. “Common culture in the past and today,” Common culture. Available online: <https://keep.eu/projects/25754/Common-culture-in-the-past--EN/> (accessed on February 24, 2023).

87 Project duration: June 1, 2021–May 31, 2023, grant amount: €1,033,842.47. The aim of the project is to improve the accessibility of the regions, develop sustainable and climate-resistant transport and communication networks and systems. “Improving accessibility and mobility in the SK-UA cross-border region,” Carpathian Mobility. Available online: <https://keep.eu/projects/25819/Improving-accessibility-and-EN/> (accessed on February 24, 2023).

88 Project duration: November 30, 2010–November 29, 2012, grant amount: €67,324.50. The aim of the project was to reduce barriers to cross-border cooperation to improve the quality of the natural and urban environment and the quality of life of the population of the target regions. “European Mobility Week in Carpathia,” HUSKROUA/0901/139. Available online: <https://keep.eu/projects/23931/European-Mobility-Week-in-C-EN/> (accessed on February 24, 2023).

Zvolen (Slovakia);⁸⁹ grant contract HUSKROUA/1101/262 for the project “HYDROFOR: Systems of optimal forest management for enhancing the hydrological role of forests in preventing floods in the Bodrog river catchment,” project partner was the National Forest Center (Slovak);⁹⁰

- with Transcarpathia, the Transcarpathian Regional Development and Cross-Border Cooperation Agency of Transcarpathian Regional Council under Hungary–Slovakia–Romania–Ukraine ENPI 2007–2013, grant contract HUSKROUA/0901/031 for implementation of the project “Bioenergy of the Carpathians” was concluded with. A grant contract HUSKROUA/1001/013 was also concluded for the implementation of “Carpathian tourism road 2.” Under Hungary–Slovakia–Romania–Ukraine ENPI 2014–2020, grant contract HUSKROUA/1702/3.1/0091 for the implementation of the project “Restoration of tourist attractiveness of the historical ‘SaltRoad’” was concluded with Transcarpathia, Transcarpathian Regional Development and Cross-Border Cooperation Agency of Transcarpathian Regional Council.
- with the Institute of Cross-Border Cooperation, a public organization, was awarded grant contract HUSKROUA/090/069 for implementation of the project “Borders for People,” the project partners were the Institute of Social Sciences of the Slovak Academy of Sciences (Košice);⁹¹ grant contract HUSKROUA/1101/157

89 Project duration: June 1, 2012–October 31, 2014, grant amount: €336,313.86. The aim of the project was to create conditions for the continuous training of forestry practitioners working in the border regions of Slovakia and Ukraine by improving the training system and initiating practical institutional cooperation between educational institutions and forestry departments. “Foresters and lifelong learning for better forest management,” HUSKROUA/1001/028. Available online: <https://keep.eu/projects/23854/Foresters-towards-life-long-EN/> (accessed on February 24, 2023).

90 Project duration: October 10, 2013–December 31, 2015, grant amount: €296,223.96. The aim of the project was to promote harmonized flood risk prevention in the Bodrog River Basin by strengthening the hydrological role of forests and improving forestry practices. “HYDROFOR: Systems of optimal forest management for enhancing the hydrological role of forests in preventing the floods in Bodrog river catchment,” HUSKROUA/1101/262. Available online: <https://keep.eu/projects/23952/HYDROFOR-Systems-of-optimal-EN/> (accessed on February 24, 2023).

91 Project duration: September 29, 2010–September 28, 2012, grant amount: €392,172.20. The aim of the project was to optimize the management of cross-border cooperation in the neighboring regions of Ukraine, Slovakia, Romania and Hungary. “Borders for people,” HUSKROUA/0901/069. Available online: <https://keep.eu/projects/23917/Borders-for-people-EN/> (accessed on January 22, 2022).



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation



Border crossings, socio-economic situation of border areas and cross-border cooperation

for implementation of the project “Together for common information space,” a partner in the project was the NGO Slovensko (Bardejov).⁹²

- with the Association of Student Economists of Transcarpathia, a public organization, was awarded grant HUSKROUA/1001/043 for the implementation of “Extreme sports for better life,” project partners were Magnezit Feron Sports Club (Košice), Regional Development and Cross-Border Cooperation Initiative, an NGO, (Uzhhorod) and Kyokushinkai Karate Federation of Transcarpathian Region;⁹³ grant contract HUSKROUA/1001/041 for the implementation of the project “Rose of the Carpathians,” the project partner was the Regional Development and Cross-Border Cooperation Initiative, an NGO, (Uzhhorod), Comenius Specialized Secondary School (Trebišov, Slovakia);⁹⁴ grant contract HUSKROUA/1101/173 for the implementation of the project “Discover Uzhhorod. The First Step in the Opening of Transcarpathia,” the partner in the project was Slovensko, an NGO, (Bardejov, Slovakia);⁹⁵
- with Factory of investment projects, a public organization, grant contract HUSKROUA/1702/7.1/0041 for the implementation of the project “GreenWheels: Ecotransport of the Future – Today,” project partners were the Association for Regional Development (Zahony, Hungary) and the First Contact Center

92 Project duration: January 1, 2014–December 31, 2015, grant amount: €138,089.38. The aim of the project was to create Carpathian Horizons International Information Center to coordinate the information activities of cross-border cooperation in the Carpathian region). “Together toward a common information space,” HUSKROUA/1101/157. Available online: <https://keep.eu/projects/23975/Together-towards-common-inf-EN/> (accessed on February 24, 2023).

93 Project duration: April 1, 2012–June 30, 2015, grant amount: €499,999.50). The aim of the project was to encourage a healthy and active lifestyle among people living in Uzhhorod (Ukraine) and Košice (Slovakia). “Extreme sports for a better life,” HUSKROUA/1001/043. Available online: <https://keep.eu/projects/23860/Extreme-sports-for-better-l-EN/> (accessed on February 24, 2023).

94 Project duration: May 1, 2012–July 31, 2015, grant amount: €493,650.00). The aim of the project was to develop viticulture and winemaking in Transcarpathian Region (Ukraine) and Košice Self-Governing Region (Slovakia). “Rose of the Carpathians,” HUSKROUA/1001/041. Available online: <https://keep.eu/projects/23859/Rose-of-the-Carpathians-EN/> (accessed on February 24, 2023).

95 Project duration: January 1, 2014–December 31, 2015, grant amount: €81,459.00. The aim of the project was to develop tourism in Uzhhorod (Ukraine) by enhancing the tourist information system. Discover Uzhhorod. The First Step in the Opening of Transcarpathia,” HUSKROUA/1101/173. Available online: <https://keep.eu/projects/23977/Discover-Uzhhorod-The-First-EN/> (accessed on February 24, 2023).

174



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

175



Border crossings, socio-economic situation of border areas and cross-border cooperation

in Michalovce;⁹⁶ grant contract HUSKROUA/1702/8.1/0065 for the implementation of the project “Extension of the operational ‘Space Emergency System’ for monitoring dangerous natural and man-made geo-processes in the HUSKROUA cross-border region,” the project partners were Szabolcs–Szatmár–Bereg County Council (Hungary), Budapest University of Technology and Economics (Hungary), Cluj-Napoca Technical University (Romania) and Pavol Jozef Šafárik University in Košice;⁹⁷

- with Tourist Association of Ivano-Frankivsk Region, a public organization, grant contract HUSKROUA/1001/073 for the implementation of the project “Carpathian Culinary Heritage Network,” the project partner was Szamos-Bazaar, an association, (Panyola village, Szabolcs–Szatmár–Bereg Region, Hungary), Ivano-Frankivsk City Council, Satu Mare Chamber of Commerce (Satu Mare, Romania), Environmental Association (Baia Mare, Romania), Slovak Chamber of Commerce (Košice);⁹⁸
- with Romano Lungo Trayo Transcarpathian Regional Charitable Foundation (Roma Long Life), grant contract HUSKROUA/0901/017 for the project implementation, the project partner was the Public Organization for Support and Development of Regions (Prešov);⁹⁹

96 Project duration: August 1, 2021–July 31, 2022, grant amount: €843,453.16). The aim of the project is to create a basic cross-border infrastructure for electric vehicles. “Ecotransport of the Future – Today,” GreenWheels. Available online: <https://keep.eu/projects/24391/Ecotransport-of-the-Future--EN/> (accessed on February 24, 2023).

97 Project duration: December 1, 2019–November 30, 2021, grant amount: €844,294.68). The aim of the project was to reduce socio-economic losses and risks to human health and life caused by natural disasters in the target areas of the project). “Extension of the operational ‘Space Emergency System’ on monitoring dangerous natural and man-made geo-processes in the HUSKROUA cross-border region,” GeoSES. Available online: <https://keep.eu/projects/23160/Extension-of-the-operationa-EN/> (accessed on February 24, 2023).

98 Project duration: April 1, 2012–January 31, 2014, grant amount: €428,220.50. The aim of the project was to preserve and promote the role and range of various traditional Carpathian food and cuisine as a catalyst for sustainable regional development and preservation of local cultural heritage. “Carpathian Culinary Heritage Network,” HUSKROUA/1001/073. Available online: <https://keep.eu/projects/23869/Carpathian-Culinary-Heritag-EN/> (accessed on February 24, 2023).

99 Project duration: December 9, 2010–December 8, 2011, grant amount: €89,151.00. The aim of the project was to create conditions for increasing employment among ethnic minorities and youth in the target region). “The creation of the conditions for the increase of ethnic minorities and youth employment level,” HUSKROUA/0901/017. Available online: <https://keep.eu/projects/23902/The-creation-of-the-conditi-EN/> (accessed on February 24, 2023).

- with European Steps Carpathian Initiatives Center, a public organization, was concluded grant contract HUSKROUA/1001/027 for the implementation of the project “Social cross-border cooperation,” a partner in the project was the NGO “Common Regions” (Košice, Slovakia);¹⁰⁰

Many public organizations in Ukraine were the beneficiaries of the Cross-Border Cooperation Program ENPI Hungary–Slovakia–Romania–Ukraine 2014–2020. The following grant contracts have been concluded for the implementation of the projects:

- with the public organization Association for Small Business Development and Innovation Uzhhorod-XXI century, grant contract HUSKROUA/1702/3.1/0026 for the project “Smart Museum as a way to present cultural heritage,” the project partners were the Füsser Castle Administration (Füsser, Hungary), Hermann Otto Museum (Mishkldz, Hungary), Support Košice Regional Development Agency, Palanok – Mukachevo Historical Museum;¹⁰¹
- with the public organization Center for Social and Business Initiatives, grant contract HUSKROUA/1702/7.1/0060 for the implementation of the project “Bike AcceNT: Bicycle Accessibility Networking Territories,” the project partners were the Pruksha Village Council (Košice Region), the FORZA NGO Agency for Sustainable Development of the Carpathian Region (Uzhhorod), and the Boneshaker Bicycle Group NGO in Prešov.¹⁰²

100 Project duration April 1, 2012–March 31, 2013, grant amount: €87,284.39. The aim of the project was to improve social services provision for preschool children. “Social cross-border cooperation,” HUSKROUA/1001/027. Available online: <https://keep.eu/projects/23853/Social-cross-border-coopera-EN/> (accessed on February 24, 2023).

101 Project duration: September 1, 2019 – August 31, 2021, grant amount: €721501.29. The aim of the project was to promote local culture and preserve the historical heritage of territories. “Smart Museum as a way to present cultural heritage,” Smart-Museum. Available online: <https://keep.eu/projects/22815/Smart-Museum-as-a-way-to-pr-EN/> (accessed on February 24, 2023).

102 Project duration: September 1, 2019–August 31, 2021, grant amount: €323,604.16. The aim of the project was to improve the accessibility of the Slovak–Ukrainian cross-border region for cyclists, creating preconditions for cross-border mobility and raising awareness of the importance of bicycles as an environmentally friendly and climate-friendly means of transport. “Bicycle Accessibility Networking Territories,” BikeAcceNT. Available online: <https://keep.eu/projects/22831/Bicycle-Accessibility-Netwo-EN/> (accessed on February 24, 2023).

176



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

177



Border crossings, socio-economic situation of border areas and cross-border cooperation

1.3.5. Interviews with stakeholders

To obtain a more complex picture of cross-border cooperation we interviewed representatives of the municipalities. First, we contacted the regional cities (Košice, Prešov), district cities and selected cities with more than 5,000 inhabitants (Poprad, Michalovce, Spišská Nová Ves, Humenné, Bardejov, Trebišov, Vranov nad Topľou, Snina, Rožňava, Kežmarok, Stará Ľubovňa, Levoča, Sabinov, Moldava nad Bodvou, Svidník, Stropkov, Veľké Kapušany, Krompachy, Sečovce, Svit, Kráľovský Chlmec, Spišská Belá, Medzilaborce, Lipany, Veľký Šariš, Gelnica, Dobšiná). Some of these are not border cities. We contacted 72 people based on their job (they had to be involved in cross-border (project) cooperation or foreign relations). The initial bulk email drop took place on November 27, 2021, and then at regular intervals (once a week). We asked if they would be willing to participate in the survey for one month and answer two questions:

- With which Ukrainian regions cities/municipalities (or other entities) does/did your municipality have (formal) cross-border cooperation?
- What are the most important forms of cooperation and joint projects with Ukrainian partners your municipality has/has had?

We received nine responses, eight by email, and one by phone. The respondents stated that the main form of cooperation was joint projects, especially in culture, sport and education. But they also mentioned problems, such as with the technical and organizational side of the application process, while three respondents said that there had been no mutual cross-border cooperation.

Prešov issued a vague response and we discovered that, apart from formal cooperation with their partner city Mukachevo, they had not implemented any projects with their Ukrainian partner and had been approached by representatives of the city of Ivano-Frankivsk interested in joint cooperation, as can be seen on the online map of Prešov projects.¹⁰³ Furthermore, the Interactive Map of SlovakAid projects¹⁰⁴ showing all Slovakia’s development cooperation activities, financed or co-financed from the Slovak state budget, indicates that so far Slovakia has supported 114 projects, 25 in Transcarpathian Region

103 More information about projects of the city of Prešov implemented from external sources is available online in Slovak: <https://bit.ly/po-projekty> (accessed on February 24, 2023).

104 Interactive project map is available at <https://slovakaid.sk/projekty/> (accessed on February 24, 2023).

(21 partners were based in Uzhhorod) and three in Lviv Region. None of the projects originated from Eastern Slovakia. This shows that regional and local actors in Eastern Slovakia have not made use of this opportunity for joint Slovak–Ukrainian projects.

Secondly, we examined the results of the sociological survey conducted for the purposes of this project, which asked the same questions of the participating Slovaks and Ukrainians. According to a poll conducted in Ukraine in December 2021–January 2022 (809 interviewees) and a poll conducted in Slovakia in December 2021 (807 interviewees), the state administration and self-government bodies are not very active in cross-border cooperation and views on support for cross-border cooperation were not very positive. In case of Slovakia this may partly be because decentralization is incomplete and many municipalities have very small populations, low budgets and lack capacity. However, in cities or self-governing regions, it may be the result of a lack of strategic planning and not perceiving this kind of cooperation to be beneficial, and therefore not investing more energy into searching for opportunities and embarking on project implementation. Based on the results of the survey, there does appear to be public support for the joint planning of regional development and cross-border cooperation. The law on regional development could therefore be amended so cross-border regions can engage in joint regional development planning. Cross-border cooperation planning could also be made a legal obligation. Strategic planning should be part of every major piece of legislation pertaining to the functioning of self-government and the state administration.

1.3.6. Policy considerations and recommendations

Although there is no single law on cross-border cooperation in the Slovak Republic, the existing legal frameworks in both Slovakia and Ukraine provide sufficient, diverse formal opportunities for cooperation between regional and local actors on both sides of the border. At the beginning of the 1990s, the new self-governing structures, business environment and non-governmental sector began to take shape, and relations began to change between the newly independent states of Slovakia (established in 1993) and Ukraine (established in 1991). The legislative environment has improved over time. Nonetheless, disregarding national legislative frameworks, the official documents on international town-city partnerships are practically the only formal evidence of regional and local cooperation on the two sides of the border. Cooperation has of course always taken place, especially in areas where it still works, such as culture, sport, tourism, education, and other practical sectors, such as transport or trade.

178



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

179



Border crossings, socio-economic situation of border areas and cross-border cooperation

It should be noted that Slovakia did not have territorial regional self-government until 2001 and on the Ukrainian side, the main partners for cooperation were also the state authorities at regional level (highly centralized). Regional state authorities in Slovakia which could develop cooperation with authorities on the other side of the border were established in 1996 and stopped their operation in 2007). In 1993, the political situation in Slovakia caused that it could not join the Carpathian Euroregion, of which Ukraine was a founding member. Slovakia joined in 1999, after a change of government. A period of reform began, and Slovakia set about integrating into the Euro-Atlantic structures, which fundamentally changed its domestic and external course of development (new laws and the ratification of many conventions, charters, etc.), including in the field of international/cross-border cooperation of subnational authorities. With the introduction of regional self-government and the decentralization of the state administration, territorial local and regional self-government became stronger actors. The newly established regional self-governments began seeking out (contractual) partners in Ukraine.

The non-governmental sector, which had been ostracized and the target of animosity under the Vladimír Mečiar government (1994–1998), found itself in a completely different situation and began focusing on new initiatives (supporting Slovakia’s accession to Euro-Atlantic structures) and was able to “breathe freely.” By the new millennium, the NGOs were able to engage in active cooperation with counterparts on the Ukrainian side of the border. Another thing that made a difference to regional and local actors in Slovakia looking for cross-border partners was Slovakia’s accession to the EU in 2004 (and the pre-accession assistance), especially the European and Structural Investment Funds and the Hungary–Slovakia–Ukraine Neighborhood Program. Although, once the Schengen border was in place (December 2007) along with the visa regime, legislative obstacles and so on, partners were mainly sought in neighboring EU countries.

After the Orange Revolution, things began to change in Ukraine, and the EU’s approach reflected this, with the introduction of the EU European Neighborhood Policy (ENP) and later the Eastern Partnership initiative, which gave rise to the Hungary–Slovakia–Romania–Ukraine ENPI Cross-Border Cooperation Operational Program in 2007–2013. Mutual relations thrived consequently. Our own academic experience shows that relationships are being renewed with academic institutions in Ukraine, partly through grant schemes, some of which are EU ones. Such projects have greatly helped to revitalize formal cooperation and launch new cooperation. However, the sustainability of the cooperation is a stumbling block, given the reliance on joint projects. Much of the collaboration is intensive but is limited

to project duration. After the financial and other benefits have been exhausted, the cooperation often does not continue.

Cooperation agreement-based partnerships would motivate and provide vision and the commitment to seek additional cooperation opportunities, not just for preparing new projects (which is desirable), but also in institutional cooperation, in which own resources, time and capacity, as all partnerships require attention so they do not “fade,” particularly when times are harder. A partnership is also symbolic and a commitment that should not be down to the individual – activists, politicians, entrepreneurs – but part of the corporate/organizational culture and should continue when the politician, NGO director or head of company leaves.

Stability, in all senses of the word but especially political stability, is important as well. Ukraine has suffered in this way on several occasions, and not only through its own fault. After Euromaidan, Ukraine began to open its doors to Europe and the EU reciprocated through the visa-free regime and EU–Ukraine Association Agreement. Thousands of Ukrainians work or study in Eastern Slovakia, which will continue to foster mutual partnerships. The war and the situation in Eastern Ukraine in 2022 also raise questions about Ukraine’s stability. But they should be an additional reason for local and regional actors in Slovakia to help their counterparts and seek opportunities to help Ukraine as a whole, as stability in Ukraine is conducive to stability in Slovakia. There is no denying the historical, cultural, linguistic, religious, geographical, economic, and other ties between the countries.

Ukrainians are more proactive in finding partners, but Slovakia engages less. The Carpathian Euroregion is hampered by the passivity shown by many municipalities, as well as failures by big players, in formal cooperation agreements, the absence of a European Territorial Cooperation Association, which must be based in the EU, although Ukrainian partners may be members. The legislation is no longer the main obstacle to cooperation. Partnerships and agreements shall be meaningful, not just a pen pushing exercise. The focus should be on strategic and long-term bilateral planning.

The private and non-profit sectors appear to have overtaken the public administration (self-government). Often their cooperation is informal cooperation but more deeply rooted than the formal cooperation between local governments. There is untapped potential on both sides of the border that must be utilized. The legislative environment is favorable, but the institutional forms of cooperation need more work. There is no real need for new legislation, greater more responsible use should be made of the existing legislation, which can be amended and adapted when needed.

180



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

181



Border crossings, socio-economic situation of border areas and cross-border cooperation

Recommendations

- The interior and foreign ministries of the two countries should provide training and guidance and cooperate with regional and local actors. They should also encourage them to cooperate across common borders.
- National authorities should set up a database of cross-border partnerships (twin cities, cooperation agreements, European Territorial Cooperation Associations, etc.).
- Government advisory bodies should have a permanent representative for developing cross-border cooperation. The most important task would be to support regional and local actors in cross-border cooperation. The plenipotentiaries should be based in Košice/Prešov and Uzhhorod/Mukachevo.
- National authorities should regularly organize roundtables to inform regional and local actors about the opportunities for project cooperation between Slovakia and Ukraine.
- Municipalities, cities, and self-governing regions should be required to include cross-border cooperation planning in their strategic documents. Cooperation should be regularly evaluated using measurable criteria.
- The authorities should introduce grants, scholarships, courses, and internships for regional and local actors to travel to Slovakia/Ukraine and get to know the region, locality and actors. They could also be informed about the reality of cross-border cooperation and have knowledge of Slovak/Ukrainian. Training could also be provided on project preparation, the relevant laws on the other side the border, how the public administration works and so on.
- A wide-spectrum event could be organized on a regular basis, targeting local and regional actors (“Cross-border Dialogues”) and held annually (alternately in Slovakia and Ukraine). Prizes could be awarded for successful Slovak–Ukrainian cross-border cooperation with a financial reward.
- A joint website for Slovak–Ukrainian cross-border cooperation should be set up by a government advisory body in Slovak, Ukrainian and English to provide key information, documents, and contacts for those involved in cooperation projects.
- A newsletter by a government advisory body could be issued quarterly, summarizing key events, and providing information on cross-border cooperation between Slovakia and Ukraine.

The following recommendations apply to the legislation on cross-border cooperation in Ukraine:

- Ensure the unified use of terminology and harmonization with European standards. The terms “Euroregional cooperation groupings,” “European groupings of territorial cooperation” and “Euroregion” should be clearly defined in the law as well as the terms “cross-border cooperation project” and “cross-border co-operation program;”
- With the implementation of the administrative-territorial reforms and the widespread use of the term “territorial communities,” appropriate changes should be made to the list of legally approved entities of cross-border cooperation in Ukraine;
- Legally eligible entities for cross-border cooperation should have the legal right to make decisions about joining the relevant international associations, other associations, including “decisions on the establishment of relevant international associations and/or other associations,” “Euroregional cooperation groupings,” “European groupings of territorial cooperation” and Euroregions;
- Ukrainian legislation on cross-border cooperation should be brought in line with the provisions of Protocol II of the Madrid Convention, which sets out the status of the cross-border co-operation body in “Euroregional cooperation groupings,” and to distinguish between cross-border cooperation bodies and organizational structures;
- Ukrainian cross-border cooperation law requires a separate article on Euroregions, following the structure and content of the articles on the legal status, establishment, and operation of “Euroregional cooperation groupings,” “European groupings of territorial cooperation;” and
- Ukrainian local self-government law should be amended so that local authorities can approve agreements relating to “European groupings of territorial cooperation,” make decisions on setting up European groupings of territorial cooperation, joining or leaving a grouping and approving and amending the Statute of the European Grouping of Territorial Cooperation.



Impact of EU–Ukraine institutional framework



2.1. Prospects for Ukraine's European integration

Kateryna Brenzovych
Alexander Duleba
Sverre Fuglevaag
Thibault Rabussier
& Myroslava Tsalan

186



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

187

Impact of EU-Ukraine institutional framework



The aim of this chapter is to, first, compare Ukraine's integration in the EU single market under its Association Agreement and Deep and Comprehensive Free Trade Area (AA/DCFTA) (in force since 2017) with Norway's integration under the European Economic Area (EEA) Agreement (in force since 1994); and, second, make recommendations on how Ukraine's EU integration can be accelerated in order to stabilize Eastern Europe and eliminate the risk of a repeat of Russia's military aggression. Under their current agreements with the EU, both Norway and Ukraine are third countries that are integrated into the EU's common area of four freedoms but without institutional membership. It is our view that several elements of Norway's model of relations with the EU could prove useful in strengthening Ukraine's European integration process in the coming years.

Ukraine's AA envisages political association and economic integration in the EU, but not membership. However, the dramatic events of 2022 – Russia's military invasion of Ukraine – which began on February 24, 2022, have fundamentally changed Ukraine's European prospects. The EU and NATO member states have rejected Russia's aggression against Ukraine and have offered comprehensive assistance to enable Ukraine to defend itself, as the security of all European countries is at stake. Russia's war against Ukraine has caused tectonic geopolitical shifts on the European continent: the traditionally neutral countries of Finland and Sweden have applied for NATO membership, while Ukraine applied for EU membership, and Georgia and Moldova followed suit.¹ The enlargement of NATO and the EU in the wake of Russia's war against Ukraine may well become part of the post-war ordering of Europe. Stability in Eastern Europe is untenable without Ukraine being firmly anchored in the EU-based European integration, following the Russian aggression in 2022. The new geopolitical momentum triggered by the Russian aggression can be seen in the decision of the European Council of June 23 and 24, 2022, to grant candidate status to Ukraine and Moldova, which would not have been an option at this time under pre-war circumstances.²

1 "Finland and Sweden formally submit NATO membership applications," *NPR*, May 18, 2022. Available online: <https://www.npr.org/2022/05/18/1099679338/finland-and-sweden-formally-submit-nato-membership-applications> (accessed on February 24, 2023); L. Gerhke, "Georgia, Moldova follow Ukraine in applying to join EU," *Politico*, March 3, 2022. Available online: <https://www.politico.eu/article/georgia-and-moldova-apply-for-eu-membership/> (accessed on February 24, 2023).

2 "European Council meeting (23 and 24 June 2022) – Conclusions," EUCO 24/22, CO EUR 21, CONL 5, June 24, 2022. Available online: <https://www.consilium.europa.eu/en/press/press-releases/2022/06/24/european-council-conclusions-23-24-june-2022/> (accessed on February 24, 2023).

However, regardless of the how's and when's of Ukraine's accession process, integration into the single market is essential for developing cross-border cooperation on the Slovak–Ukrainian border. We assume that the full integration of Ukraine into the EU, which means the Slovak–Ukrainian border will become an internal EU border rather than an external Schengen border, will eliminate the divisive nature of the border and create optimal conditions for cross-border cooperation between local and regional actors in the border areas.

We also assume that Ukraine's economic integration into the EU single market will have a major impact on the Slovak–Ukrainian border regime, as it will change the existing conditions of the cross-border movement of goods, services, and capital, as well as cross-border cooperation between regional and local actors. The Slovak–Ukrainian border will no longer separate two economic spaces. Implementation of the AA provisions will bring Ukraine closer to Norway's status in relations with the EU and will bring the EU–Ukraine border closer to the border model in place between Norway and EU member states. If Ukraine completes its accession process, it will have to fully harmonize its legislation with the Schengen *acquis* and bring its customs administration system in line with EU law and rules. Nevertheless, understanding both the nature of Norway's EU integration and how the EU–Norway border operates will enable us to anticipate the future state of Ukraine's EU integration, including its border regime with the EU/Slovakia once the AA provisions or subsequently the agreement itself have been fulfilled.

Moreover, elements of the Norwegian model of EU relations may shed light on ways to improve Ukraine's socialization with the EU institutions as part of the processes of association and subsequent accession, particularly regarding non-member state access to policy shaping within the EU, where non-member states are involved in the legislative process and joint policy making under observer status. The Norwegian model of EU relations is being discussed in relation to the provision of a special track for Ukraine, aimed at accelerating its integration process and making enlargement policy more attractive for the Western Balkan countries.³ Undertaking a comparative

3 L. Bayer, "Slovakia pushes for 'special track' for Ukraine toward joining EU," *Politico*, February 27, 2022. Available online: <https://www.politico.eu/article/slovakia-pushes-for-new-eu-track-for-ukraine/> (accessed on February 24, 2023); P. Buras, K. O. Lang, "EU should make Ukraine, Moldova and Western Balkans a new offer," *BalkanInsight*, March 17, 2022. Available online: <https://balkaninsight.com/2022/03/17/eu-should-make-ukraine-moldova-and-western-balkans-a-new-offer/> (accessed on February 24, 2023).



analysis of Norway's EEA Agreement and Ukraine's AA will allow us to identify modalities for improving the management of Ukraine's EU integration process.

In comparing Ukraine's and Norway's EU integration, we draw on research into the EU's differentiated integration and related research on the EU's external governance, which offers conceptualizations of the integration of non-EU countries into the EU's common space of four freedoms and contains indicators for comparing third-country integration agreements with the EU. We pay particular attention to analyzing Norway's experience of the EEA agreement (benefits and challenges, identified in the national discourse) and Ukraine's experience of implementing the AA, along with the perceived benefits and challenges resulting from approximating national legislation with EU law. In the cases of Norway and Ukraine, we look at the changes in the way the border regimes with the EU operate as a result of economic integration.

2.1.1. Conceptual framework

Ukraine's AA/DCFTA, and the similar agreements with Georgia and Moldova, concluded under the 2014 Eastern Partnership Program, are based on the concept of differentiated (and/or flexible) integration of third countries, which the EU has applied toward its neighbors since the early 1990s. They build on agreements previously concluded between the EU and third countries giving access to the EU's common area of four freedoms but not membership: European Economic Area (EEA) Agreement with Norway, Iceland, and Liechtenstein (concluded in 1992), EU bilateral agreements with Switzerland (EU–Swiss Bilaterals I/II negotiated in 1994–2004; SBs), and the Agreement on the Customs Union with Turkey of 1995 (TCU). The EU AAs concluded at the beginning of 1990s with Central and Eastern Europe countries known as "Europe Agreements" (EAs) can also be included, along with the Stabilization and Association Agreements (SAAs) concluded with the Western Balkan countries in the 2000s.⁴

4 The first two parts of this study are based on research presented by Alexander Duleba, one of the authors of this chapter. For more see A. Duleba, "Differentiated European integration of Ukraine in comparative perspective," *East European Politics and Societies and Cultures* Vol. 36, No. 2, May 2022, pp. 359–77.

Although these agreements are all different, they go far beyond the Free Trade Area (FTA) agreements the EU concluded with other third countries, e.g., Latin American countries, South Korea, Japan. While all FTAs between the EU and third countries contain some integrative elements, under the “classical” or “simple” FTAs, according to Stephen Woolcock, there is no approximation and/or systematic transfer of EU norms. As a rule, the EU’s simple FTAs do not include obligatory approximation with the *acquis*, and regarding integration, most simply require acceptance of the World Trade Organization (WTO) provisions on trade facilitation and transparency in government procurement, investment and competition (the so-called Singapore rules of the WTO).⁵ Unlike the treaty frameworks for EU relations with the EEA countries, Switzerland and Turkey, simple FTAs do not fall within the ambit of integration agreements.

Guillaume Van der Loo states that the *conditio sine qua non* of an integration agreement is the (i) *obligation* for the partner country to (ii) *apply, implement or incorporate in its domestic legal order* a predetermined selection of EU *acquis*. Furthermore, integration agreements include, first, a procedure to amend or update the incorporated *acquis*; second, an obligation for European Court of Justice (ECJ) case-law to conform to the interpretation of the incorporated *acquis*, and third, judicial mechanisms to ensure the uniform interpretation and application of the incorporated *acquis*.⁶ The AA/DCFTAs of Ukraine, Georgia and Moldova can be categorized as differentiated integration agreements, as they provide for political association and economic integration with the EU through obligatory approximation of the national legislation with the EU *acquis*.⁷

5 S. Woolcock, “European Union policy towards Free Trade Agreements,” *ECIPE Working Paper* No. 3/2007, European Centre for International Political Economy, 2007, p. 4. Available online: <http://felixpena.com.ar/contenido/negociaciones/anexos/2010-09-european-union-policy-towards-free-trade-agreements.pdf> (accessed on February 24, 2023).

6 G. Van der Loo, *The EU–Ukraine Association Agreement and Deep and Comprehensive Free Trade Area. A New Legal Instrument for EU Integration without Membership*, Leiden, Boston: Brill Nijhoff, 2016, pp. 28, 49.

7 Cf. O. Spiliopoulos, “The EU–Ukraine Association Agreement as a framework of integration between the two parties,” *Procedia Economics and Finance* Vol. 9, 2014, pp. 256–63; R. Petrov, G. Van der Loo, P. Van Elsuwege, “The EU–Ukraine Association Agreement: a new legal instrument of integration without membership?” *Kyiv-Mohyla Law and Politics Journal* Vol. 1, 2015, pp. 1–19; P. Van Elsuwege, “Exporting the internal market beyond the EU’s borders: between political ambition and legal reality,” in F. Antenbrink, G. Davies, D. Kochenov, J. Lindeboom, ed., *The Internal Market and the Future of European Integration: Essays in Honour of Laurence W. Gormley*. Cambridge University Press, 2019, pp. 637–50.



Since the Treaty of Amsterdam (in force since 1999) introduced the “enhanced cooperation” provision into EU primary law, in the intra-EU context, the concept of differentiated integration primarily reflects the fact that member states are allowed to form groups of “willing members” in order to proceed faster and deeper in integration in some sectorial policies without all the member states having to take part.⁸ The above amendment to EU primary law was triggered by the following two needs: first, to bring the legal exceptions negotiated in the previous period by some member states, especially in the field of justice and home affairs (Denmark, Ireland and UK) into line with EU primary law, and secondly, to enable progress in the implementation of the Schengen and the Euro areas because not all member states have expressed their willingness to be part of them. At the same time, the conclusion of integration agreements with the EEA countries, Switzerland and Turkey in the 1990s extended the EU’s integration space beyond its borders.

The phenomenon of differentiated integration has been aptly captured by Katharina Holzinger and Frank Schimmelfennig as follows:

Some rules and policies of the European Union (such as monetary policy) apply to a subset of the member states only; others (such as many internal market rules) have been adopted by non-members; others again (such as the Schengen regime) do not apply in some of the member states but apply in some non-member states. All of these policies, in which the territorial extension of European Union (EU) membership and EU rule validity are incongruent, are cases of differentiated (or flexible) integration.⁹

Differentiated integration is a concept developed with the aim of grasping the realities of the different types of engagement among participating states in the European integration process.

8 For a comprehensive overview of the workings of enhanced cooperation in the EU see D.A. Kroll, D. Leuffen, “Enhanced cooperation in practice. An analysis of differentiated integration in EU secondary law,” *Journal of European Public Policy* Vol. 22, No. 3, 2015, pp. 353–73; see also F. Schimmelfennig, “Differentiation and self-determination in European integration,” in J. Jordana, M. Keating, A. Marx, J. Wouters, ed., *Changing Borders in Europe. Exploring the Dynamics of Integration, Differentiation and Self-Determination in the European Union*, London: Routledge, 2019, pp. 23–38.

9 K. Holzinger, F. Schimmelfennig, “Differentiated integration in the European Union: many concepts, sparse theory, few data,” *Journal of European Public Policy* Vol. 19, No. 2, 2012, p. 292.

Most scholars in the field use the related concept of “external” and/or “extended” EU governance when discussing (horizontal) the differentiated integration of non-member countries. The concept of EU governance was developed to capture the expanding European integration project through the diffusion of EU policies and rules to non-member countries. Most of the literature looks at the EU as an international relations actor with a foreign policy that is driven by the aim of externalizing its internal, in reality “international” (agreed between member states), environment as well as external forms of differentiated integration that are based on the export (and import) of (parts of) the *acquis*, including within the framework of the European Neighborhood Policy (ENP) and later the Eastern Partnership (EaP).¹⁰

Sandra Lavenex has produced a comprehensive operationalization of indicators for analyzing the regulatory (quantitative dimension: scope and/or breadth of integration) and organizational (qualitative dimension: degree of institutionalization and/or depth of integration) boundaries of third countries’ integration agreements. She suggests that the regulatory boundary can be identified using three indicators: the *scope* of the transferred EU *acquis* (which can range from full projection of the *acquis* to more selective norm-transfer), the *legal quality* of the commitments (which can vary between quasi-supranational harmonization, looser notions of approximation or mere dialogue and information exchange) and *supervision* (compliance with the commitments can be enhanced by judicial enforcement bodies, regular political monitoring or based on the legal principle of “good faith”). As regards the identification of the organizational boundary, she points out that the extension of EU rules involves different intensities of organizational *inclusion in EU decision-making structures*. Full organizational inclusion would be third countries participating in EU central legislative structures, and thus it would amount to membership. However, she notes that third countries are granted limited access to EU decision-shaping, which can vary from inclusion in EU structures (e.g., the observer status of Norway and Switzerland in the Council for Schengen policy), access to the EU Comitology committees (without the right to vote), EU agencies and programs and/or inclusion

192



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of EU–Ukraine institutional framework

193



in parallel structures (e.g., the Energy Community) and different levels of networking and trans-governmental contacts with the EU.¹¹

These indicators for measuring regulatory (policy-taking) and organizational (policy-shaping) boundaries were instrumental for structuring the comparative analysis of Ukraine’s AA/DCFTA and Norway’s EEA agreement, as well as other selected integration agreements, around the identification of differences and similarities. As far as the regulatory boundary is concerned, we compared Ukraine’s AA/DCFTA and Norway’s EEA agreement based on the following three indicators: first, the scope of the transposition of the EU *acquis*; second, the legal quality of the transposition, and third, the type of supervision mechanism in place. Lastly, we looked at the organizational boundary of Ukraine’s AA/DCFTA as against Norway’s EEA agreement, i.e., whether and in what way Ukraine and Norway are involved in policy-shaping within the EU, especially when it comes to legislating norms they are committed to transposing into their national legislation.

2.1.2. Comparative analysis

Scope of transposition

Guillaume Van der Loo notes that a key feature of the EU–Ukraine and other EaP AAs is their broad and comprehensive character. The EU–Ukraine AA covers the entire spectrum of EU–Ukraine relations and is unprecedented in its breadth (number of areas covered) and depth (detail of commitments and timelines). The DCFTA part of Ukraine’s AA goes much further than traditional FTAs, foreseeing not only the mutual opening of markets to most goods, but also the gradual liberalization of services and binding provisions on sanitary and phytosanitary measures, intellectual property rights, public procurement, energy, competition, etc.¹²

Moreover, in line with the above, we argue that Ukraine’s AA/DCFTA goes far beyond the scope of the transposition of the EU *acquis* when compared to the EEA agreement, Swiss Bilateral Agreements

10 S. Lavenex, “EU external governance in ‘Wider Europe,’” *Journal of European Public Policy* Vol. 11, No. 4, 2004, pp. 680–700; A. Tyushka, “Building the neighbours: the EU’s new Association Agreements and structural power in the Eastern neighbourhood,” *Journal of Contemporary Central and Eastern Europe* Vol. 25, No. 1, 2017, pp. 45–61.

11 S. Lavenex, “Concentric circles of flexible ‘European’ integration: A typology of EU external governance relations,” *Comparative European Politics* Vol. 9, 2011, pp. 374–76.

12 G. Van der Loo, op. cit., pp. 190, 221.

(SBAs) and Turkish Customs Union (TCU). According to an estimation by European Commission representatives who took part in the negotiations with Ukraine on the AA/DCFTA, the agreement envisages that Ukraine will adopt about 95 per cent of the EU trade and economic related *acquis*.¹³ By comparison, according to Benjamin Leruth, Norway, an EEA country, adopts three quarters (or around 75 per cent) of the European legislation.¹⁴

In addition to the scope of *acquis* covered by the EEA agreement, Ukraine's AA/DCFTA covers agriculture, fisheries and taxation as well as justice and home affairs and common foreign and security policy. Unlike the TCU, it includes trade in services as well as trade in goods. Ukraine's AA/DCFTA covers all trade, including "sensitive" goods such as agricultural, steel and textile products. In addition to trade related issues, the AA/DCFTA establishes cooperation with the EU in 28 sectorial policies, which are also based on gradual approximation to the EU *acquis*.¹⁵ In regard to exemptions from the *acquis*, similarly to the EEA agreement, Ukraine's AA/DCFTA does not include common trade policy or the economic and monetary union. However, Ukraine must consult the EU on compliance with the agreement should it plan to establish a traditional FTA with a third country or join a customs union established by third countries.¹⁶

As for the scope of the transposition of the *acquis*, the AA/DCFTA is the second most "ambitious" type of EU agreement with third countries, after the EAs and SAAs, which, however, include a membership perspective and thus also commits countries to complying with the *full* EU *acquis*. At the same time, in terms of the scope of the projected *acquis*, the AA/DCFTA is more ambitious than the EEA agreement, and

13 In 2010, 2011 and 2012, Alexander Duleba interviewed members of the EU's negotiating team (from EEAS and DG TRADE) about talks on the AA/DCFTA with Ukraine. The interviews took place at the end of each of the years (in November and/or December). In each interview, he asked them to estimate the scope of the *acquis* that Ukraine has to transpose into its national legislation under the agreement. The estimates provided were "around 80 per cent" in 2010, "around 80–90 per cent" in 2011, and "around 95 per cent" in 2012, when negotiations on the text of the agreement were being concluded on the expert level. The last interview took place in Brussels on November 7, 2012.

14 B. Leruth, "Differentiated integration and the Nordic States: the case of Norway," *ISL Working Paper*, University of Agder: Department of Political Science and Management, 2/2013, p. 8.

15 "Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part," *Official Journal of the European Union*, L161/3, May 29, 2014.

16 Ibid, Article 39, L 161/17.

194



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

195

Impact of EU-Ukraine institutional framework



much more ambitious than the SBAs (with exemptions for Schengen and air transport) and the TCU. Ukraine's AA/DCFTA envisages the largest adoption of the *acquis* of all the EU's existing contractual frameworks for relations with third countries, which do not include a membership perspective.

Legal quality

The key provision underpinning Ukraine's AA/DCFTA sets out the concept for the gradual approximation of Ukraine's legislation to EU norms. It contains 43 annexes setting out which EU legislation is to be adopted by a specific date. Timelines vary from between 2 and 10 years after the agreement comes into force.¹⁷

Another guiding provision in the AA/DCFTA sets out the concept of *dynamic approximation*. It reflects the reality that EU law is not static but constantly evolving. Thus, the approximation of Ukraine's national legislation to the *acquis* should keep pace with the principal EU reforms, but proportionately so, taking account of Ukraine's capacity to carry out the approximation. Under the agreement, the EU has to inform Ukraine well in advance about any changes to the legislation, and subsequently the Association Council can amend annexes to the agreement following changes to the *acquis*. After approximating its national legislation, Ukraine has to request recognition of equivalence.¹⁸

As already noted above, Ukraine's AA/DCFTA envisages the *approximation* of the national legislation to the *acquis*, a less strict method of transposition than *harmonization*. It offers more flexibility in interpretation of the *acquis* and in choosing the methods of transposition into national legislation. In discussing the legal quality of the *acquis* transposition, Sabine Jeni and Andriy Tyushka point out two important issues concerning the "micro-level" assessment: first, all forms of transposition, except harmonization, contain derogations from the *acquis* and should therefore be explicitly measured in order to ascertain the quality of transposition; and second, the supervision mechanism plays a key role in assessing the compliance of national

17 Ibid, Article 1, L 161/6, and List of Annexes, L 160/180.

18 Ibid, Articles 66, 67, and 68, L 161/31-L 161/33.

legislation with the incorporated *acquis*.¹⁹ Ukraine's explicit transposition of the *acquis* (micro-level assessment) is beyond the scope of this study, so in our analysis we stick to the criteria for measuring the legal quality of the *acquis* transposition, as identified above by Sandra Lavenex, bearing in mind the limitations. On this "simpler" definition of the legal quality of the transposition of the *acquis* to third-country national legislation, the AA/DCFTAs are less ambitious than the EEA agreement, TCU, EAs and SAAs.

Ukraine's AA/DCFTA is similar to the EEA agreement, TCU, SBAs, EAs and SAAs as regards its *dynamic nature*, because it includes constant approximation of the national legislation, with both the existing and newly adopted *acquis*. However, in terms of the legal quality of the *acquis* transposition, it is less ambitious than the other contractual frameworks, as it does not require strict legal homogeneity with the *acquis*. The EEA agreement requires harmonization with the "legal homogeneity" principle. SBAs require harmonization of the *acquis* in two sectors – air transport and Schengen – and in the remaining sectors they envisage "harmonization with flexibility" under the "equivalence of legislation" principle. And finally, the TCU requires harmonization of the single market *acquis* regulating trade in goods, including the common trade policy. Ukraine's AA/DCFTA requires legal equivalence with the *acquis* through approximation, which brings it closer to the Swiss model of DI, in which "harmonization with flexibility" is the method for transposing the *acquis* into national legislation.

Supervision

Compliance with harmonization or approximation commitments with these third country EU agreements can be backed up by, first, judicial enforcement bodies, as in the case of the EEA agreement and the TCU; second, by regular political monitoring as in the case of the EAs and SAAs; or third, based on the legal principle of "good faith" as in the case of Switzerland.²⁰

19 S. Jenni, *Mapping Switzerland's Differentiated European Integration*. University of Berne: SPSA Annual Congress 2014, p. 6; A. Tyushka, "Association through approximation: procedural law and politics of legislative and regulatory approximation in the EU-Ukraine Association Agreement," *Baltic Journal of European Studies* Vol. 5, No. 1 (18), 2015, p. 63. Available online: <https://sciendo.com/pdf/10.1515/bjes-2015-0005> (accessed on February 24, 2023).

20 R. Petrov, "Exporting the *acquis communautaire* into the legal systems of third countries," *European Foreign Affairs Review* Vol. 13, 2008, pp. 33–52.

196



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of EU-Ukraine institutional framework

197



As far as Ukraine's AA/DCFTA is concerned, there is no legal enforcement authority such as the European Free Trade Association (EFTA) Court established by the EEA agreement. The supervisory body which monitors implementation of the agreement is political in nature: the ministerial level Association Council (AC). The AC consists of representatives of the European Commission, Council of the EU and the Ukrainian government and has a rotating chairmanship. It is authorized to monitor implementation of the agreement, make binding decisions and has the right to amend annexes to the agreement to reflect changes in the EU legislation.²¹ Monitoring means the continuous appraisal of progress in implementing and enforcing the measures and commitments covered by the agreement. That includes assessments of the approximation of the legislation and is of particular importance regarding the DCFTA, as positive results are prerequisite to further opening for Ukrainian economic operators on the EU market.²²

Under the AA/DCFTA, disputes are to be resolved by the AC. The A includes a Dispute Settlement Mechanism (DSM), which comes into effect if obligations under the agreement are not fulfilled by one of the parties. Another binding trade-specific DSM applies to the DCFTA and is set out in a dedicated protocol. This trade-specific mechanism was inspired by the traditional WTO DSM. In addition, the chapter on trade establishes a mediation procedure, including an arbitration panel (led by a jointly agreed independent mediator; the panel consists of 15 individuals nominated by the Joint Trade Committee: five from the EU, five from Ukraine and five experts from outside the EU/Ukraine).²³ If the arbitration panel fails to resolve a dispute, the final decision lies with the ECJ. If the ECJ judgment is not respected by either party to the agreement, the ECJ is authorized to impose sanctions on the party.

Guillaume Van der Loo points out that the supervision mechanism in Ukraine's AA/DCFTA differs from the EEA agreement, in not including a single "horizontal" mechanism for market access conditionality and gradual integration into the EU market. Instead, almost all the DCFTA chapters have their own integration mechanism, based on different forms of market access conditionality and different procedures to guarantee the uniform interpretation and application of the

21 "Association Agreement between the European Union and its member states, of the one part, and Ukraine, of the other part," Title VII, Chapter I "Institutional framework," *Official Journal of the European Union*.

22 Ibid

23 Ibid, Title IV, Section 3.

incorporated EU *acquis*. However, he notes that two DCFTA chapters (services/establishment and public procurement) have the strictest procedures for market access conditionality and some provisions are identical to ones in the EEA agreement. In other DCFTA chapters, where the market access conditionality will result in less advanced forms of integration, such as the sanitary and phytosanitary chapter, the procedures to ensure the uniform interpretation and application are less detailed. He underlines that in Ukraine's DCFTA the strong integration dimension applies only to a limited section of the EU Internal Market (i.e., services/establishment and public procurement) and is conditional upon strict procedures of market access conditionality. He concludes that the DCFTA is a far cry from the EEA, which extends the entire EU Internal Market to EFTA-3.²⁴

In summation, the supervision mechanism established by Ukraine's AA/DCFTA includes judicial procedures for ensuring the uniform interpretation and application of the transposed *acquis*, including a DSM, like the EAs and SAAs. In the event that the established judicial procedures fail, the ECJ has the final say. Moreover, the two trade related chapters on services/establishment and public procurement include direct reference to the obligation to follow ECJ case-law in interpreting the transposed EU *acquis*, which could be considered a limited EEA-like element in Ukraine's AA/DCFTA. However, Ukraine's AA/DCFTA does not foresee the establishment of a legal enforcement authority, which is exceptional to the EEA agreement. Political institutions embodied in the AC and its sub-structures, similar to in the TCU, EAs and SAAs, play a key role in supervising the transposition of *acquis*. Ultimately, as regards the supervisory mechanisms in Ukraine's AA/DCFTA, the EAs and SAAs come somewhere between the EEA agreement, which includes the highest level of supervision with both judicial and political institutions, on one hand, and the lowest level of supervision, which is typical of the Swiss model of differentiated integration.

Inclusion in policy-shaping

The inclusion of non-member countries in the EU's policy-shaping process is a delicate political issue as the right to shape EU norms and policies is a members' prerogative. However, the inclusion of third countries in the EU internal market beginning in the early 1990s has raised questions about the legitimacy of EU external governance. During the talks on the EEA agreement, EFTA countries refused to accept an agreement that would impose on them a commitment to import

24 G. Van der Loo, op. cit., pp. 304, 308, 309, 311.

198



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of EU-Ukraine institutional framework

199



the *acquis* without having a chance to participate in its formation.²⁵ In the end, the EU accepted certain forms of non-member state participation with integration agreements in its institutions. However, the political and legal conditions under which the EU concluded the integration agreements with third countries has resulted in different forms of involvement in EU institutions. Thus, differences in the scope of harmonization or approximation with the *acquis*, differences in the supervision mechanisms and legal quality of the transposition of the *acquis* and the differentiated integration of third countries all mean different types of involvement in EU policy-shaping. The nature of non-member state inclusion in EU policy-shaping is important, as it is indicative of the *degree of political association* with the EU.

The *highest level* of non-member state involvement in the EU institutions is found in the Schengen AAs with Switzerland and EEA countries, which grant access to the Council of the EU at all levels, e.g., the ministerial level, COREPER and expert working groups, but there is no right to vote. This is the only case where non-member states have direct access to one of the EU's central policy-making institutions.²⁶

The *second level* of non-member state participation in EU policy-shaping is expert involvement in the EU Comitology. Comitology committees are expert committees set up by the Commission at the agenda-setting stage before the legislative process begins within the central EU institutions. They serve as advisory bodies to assist the Commission in drafting new legislation.²⁷ The EEA agreement grants Norway, Iceland, and Liechtenstein the right to delegate experts to the Comitology committees, but without the right to vote. That same right is granted to Turkish experts, but only in the limited fields of the *acquis* covered by the TCU.²⁸ EU Comitology is also open to Switzerland; however, in contrast to the EEA and TCU arrangements, there is no formal binding commitment on the side of the Commission to involve Swiss experts on a regular basis. In addition, the rules of participation for Swiss experts in EU Comitology vary depending on the provisions of the given sectorial agreement, as there is no single common institutional arrangement that could provide

25 S. Lavenex, "The external face of differentiated integration: third country participation in EU sectoral bodies," *Journal of European Public Policy* Vol. 22, No. 6, 2015, pp. 836–53.

26 Ibid

27 See R.H. Pedler, G. Schäfer, *Shaping European Law and Policy: the Role of Committees and Comitology in the Political Process*, Maastricht: European Institute of Public Administration, 1996, 204 p.

28 See S. Lavenex, 2015, op. cit.

one regulatory regime for involving Swiss experts in EU Comitology. During the preparatory drafting stage of the *acquis*, Swiss experts may be informed and consulted before and after the EU expert meetings. In most cases, the EU–Swiss information exchange procedure means that Switzerland must be notified of the *acquis* once it has already been adopted.²⁹ The EAs, SAAs and AA/DCFTAs do not envisage the participation of experts from contracting countries in EU Comitology. In other words, unlike the EEA, SBAs and TCU, other types of AAs do not provide access to EU Comitology for experts of contracting parties.³⁰

The *third level* of non-member state involvement in the EU structures is participation in EU programs and agencies, including the respective committees. The first EU agencies and programs were created in the 1970s with a view to producing and disseminating information of European interest. The agencies and programs established later on, in the 1990s, were predominantly meant as instruments for implementing EU policies, such as the internal market. Most of the agencies created from the 2000s onward were vested with two new key tasks: providing independent scientific/technical advice and information, sometimes in response to serious security crises, and fostering member state cooperation in various areas.³¹

The EEA agreement grants the Norway, Iceland and Liechtenstein the right to participate in the EU programs and agencies as they choose, including level of involvement, which might range from full membership to observer status.³² Currently, Iceland participates in 12 EU programs; Norway participates in 11 and Liechtenstein in three. All three EEA countries participate in 17 EU agencies that have been transformed into something like joint EU–EAA agencies,³³ moreover, Norway has concluded bilateral agreements with an additional 14 EU agencies.³⁴ Participation in EU programs and agencies is also open to

29 See M. Vahl, N. Grolimund, *Integration without Membership. Switzerland's Bilateral Agreements with the European Union*. Brussels: Centre for European Policy Studies, 2006, 121 p. Available online: <https://www.ceps.eu/wp-content/uploads/2013/02/1304.pdf> (accessed on February 24, 2023).

30 R. Petrov, *op. cit.*, pp. 44–50.

31 “Decentralised agencies: 2012 Overhaul,” European Commission.

32 See S. Lavenex, 2015, *op. cit.*

33 For more information about agencies see official website of EFTA. Available online : <https://www.efta.int/eea/eu-agencies> (accessed on February 24, 2023).

34 For more information about EU programmes see official website of Norwegian Ministry of Foreign Affairs. Available online: <https://www.norway.no/en/missions/eu/areas-of-cooperation/participation-in-programmes-and-agencies/> (accessed on February 24, 2023).

200



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of EU–Ukraine institutional framework

201



Switzerland, Turkey, SAAs, Euro-Med and EaP countries. Switzerland participates in four programs and seven agencies.³⁵ Turkey participates in seven programs and four agencies.³⁶ Ukraine participates in four programs and ten agencies.³⁷

Finally, the *fourth avenue* to non-member state institutional cooperation with the EU, which also serves as a channel for the transposition of the EU *acquis*, is the multilateral or regional platforms and/or international organizations established by the EU with non-member states, e.g., the Energy Community. As to its legal status, the Energy Community is an international organization that deals with energy policy. It was established by international treaty in October 2005 and came into force in July 2006. The treaty brings together the EU on one hand and countries in South-East Europe and the Black Sea region on the other. Ukraine acceded to the Energy Community on February 1, 2011.³⁸

In summary, in terms of its involvement in the policy-shaping process within the EU, Ukraine’s association with the EU is not the most ambitious of the institutional arrangements the EU has established with non-member states over the last three decades. Ukraine has access to the two lowest levels of non-member state participation in the EU institutions: the first, is the international organizations the EU is a member of that are not part of the EU institutions, e.g., the Energy Community; the second is the EU programs and agencies, which are advisory bodies to the central EU institutions, although they do not participate directly in the EU legislation process.

The EEA countries, Turkey and Switzerland are the only non-member countries that have access to EU Comitology, which is the basic level of the EU pre-legislating process within central EU institutions. Their experts can participate in Comitology meetings as observers but without the right to vote and they do have a chance to influence the shape of EU law and policies by presenting their legislative positions.

35 “The major bilateral agreements Switzerland–EU,” Federal Department for Foreign Affairs of the Swiss Confederation, February 2017.

36 “Turkey 2019 report,” *Commission Staff Working Document*, SWD (2019) 220 final, European Commission, 2019, p. 106. Available online: [https://www.ab.gov.tr/siteimages/resimler/20190529-turkey-report\(1\).pdf](https://www.ab.gov.tr/siteimages/resimler/20190529-turkey-report(1).pdf) (accessed on February 24, 2023).

37 For more see official website of the Cabinet of Ministers of Ukraine. Available online: <https://www.kmu.gov.ua/en/yevropejska-integraciya/programi-ta-agentstva-yes> (accessed on February 24, 2023).

38 For more see official website of Energy Community. Available online: <https://www.energy-community.org/implementation/Ukraine.html>.

Finally, the EEA countries and Switzerland have the right to participate in all three levels of the Council of the EU that deal with Schengen policy (ministerial level, ambassadorial level – COREPER and expert working groups), which is unique in terms of the EU’s policy-making set-up.

Summary of main findings

The above comparative analysis of Ukraine’s Association Agreement brings us to the following conclusion: statements by EU officials that the AA/DCFTAs are among the most ambitious of all the EU’s external relationships³⁹ are only partly true. The claim is only true for one of the three indicators selected for our comparative analysis of the *regulatory boundary* of Ukraine’s AA/DCFTA. Indeed, in terms of the scope of *acquis* transposed, Ukraine’s AA/DCFTA is the second most ambitious EU agreement with a third country (Ukraine has to transpose approximately 95 per cent of the EU trade and economic *acquis*), after the EAs applied by the Central and Eastern European countries and currently the SAAs with the Western Balkan countries (100 per cent of the *acquis*); though the latter included a membership perspective. In this respect, Ukraine’s AA/DCFTA is much more ambitious than the EEA agreement, SBAs and TCU. Ukraine’s AA/DCFTA envisages the largest adoption of *acquis* of all the integration agreements the EU has concluded with third countries, which do not include a membership perspective.

In terms of dynamism, Ukraine’s AA/DCFTA is similar to the EEA agreement, SBAs, TCU, EAs and SAAs, as it provides for the constant approximation of the national legislation with both the existing and newly adopted EU *acquis*. However, on the legal quality of *acquis* transposition, Ukraine’s AA/DCFTA is less ambitious than these other agreements as it requires approximation with *acquis* and does not require strict legal homogeneity with the EU *acquis*, i.e., harmonization. Approximation means legal equivalence with the EU *acquis*, which brings the Ukraine’s AA/DCFTA closer to the Swiss model of differentiated integration that includes a “harmonization with flexibility” method for the transposition of EU *acquis* into national legislation.

39 See e.g. Š. Füle, “Speech at the meeting of the EU–Ukraine Parliamentary Cooperation Committee,” European Parliament, Strasbourg, June 14, 2012; K. De Gucht, “EU trade policy looking East,” speech at Civil Society Trade Seminar, Warsaw, October 3, 2011.

202



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

203



Impact of EU–Ukraine institutional framework

When it comes to the supervisory mechanisms, Ukraine’s AA/DCFTA is similar to the TCU, former EAs and current SAAs. These can all be placed somewhere between the EEA agreement, which includes the highest level of supervision with both judicial and political institutions on the one hand, and the lowest level of supervision, which is typical of the SBAs on the other.

With regards to the *organizational boundary*, insofar as Ukraine’s AA/DCFTA concerns participation in EU policy-shaping, it does not provide for the most ambitious of the institutional arrangements, which are those the EU has established with EEA countries, Switzerland and Turkey. Ukraine has access to the two lowest levels of non-member state participation in the EU institutions: the international organizations to which the EU belongs but which are not part of the EU institutions, e.g., the Energy Community and EU programs and agencies. However, unlike the EEA countries, Turkey and Switzerland, Ukraine does not have access to EU Comitology, which is the first expert level of the pre-legislating process in the central EU institutions.

The above findings lead us to the conclusion that the EaP AA is the second most ambitious type of EU integration agreement in EU legal practice in its relations with third countries when it comes to the scope of absorption of the EU *acquis* (policy-taking). However, it is the least ambitious agreement in terms of the contracting party being included in the EU’s legislating and decision-making process (policy shaping). In other words, the comparative review shows that the AA/DCFTAs have the greatest structural asymmetry of the existing integrative contractual frameworks for EU relations with third countries that fall within the category of differentiated integration. Compared to other agreements (EEA, SBAs and TCU), the biggest gap is between the largest scope of approximation with the EU *acquis* on one hand and the lowest level of institutional involvement of Ukraine in EU policy-shaping on the other. Based on the above finding, we argue that there is room to further upgrade the institutional association of EaP countries with the EU in line with the EU’s existing legal practice in relations with third countries that are integrated into the EU common area of the four freedoms, which would eliminate the discrepancy in the EaP type of AA.

The implementation of Ukraine’s AA is a test case for the EU in preserving its capacity to act as a transformative actor in Europe through expanding its common area of four freedoms. It is a test that applies particularly to Eastern Europe and is especially challenging given Russia’s aggressive behavior toward Ukraine since 2014. We believe that it is in the interests of both the EU and Ukraine to make their relationship more symmetrical, and that applies especially to the institutional mechanisms for mutual interaction and cooperation.

2.1.3. Norway's experience

This part of the chapter offers a brief review of Norway's practical experience of the European Economic Area (EEA) Agreement, including the issues most frequently discussed among the Norwegian public in the context of relations with the EU. This part is structured into four parts according to the four indicators for comparing Norway's EEA agreement with Ukraine's AA.

Scope of transposition

As in other EEA EFTA countries, the scope of Norway's integration with the EU goes beyond traditional integration through free trade agreements, as it conveys full rights, but also the associated obligations, to the EU's internal market, making it an ambitious commitment. As such, the EEA agreement incorporates the four freedoms of the internal market (free movement of goods, people, services and capital) and related economic policies (competition, transport, energy, etc.).

Important parts of the *acquis* are not, however, considered binding to the agreement and can therefore be considered outside the scope of transposition: provisions for two of the three pillars of the EU structure are not included in the agreement (the EU's Common Foreign and Security Policy, as well as the Justice and Home Affairs pillar). The Economic and Monetary Union, a key feature of modern EU integration, is not part of the EEA agreement either, and nor are the EU's customs union, and common trade, agricultural and fisheries policies.

In both of Norway's referendums on EU membership (1972 and 1994), the scope of transposition of the EU *acquis* was one the most debated issues, particularly the idea of extending it to the agricultural and fisheries sectors. During the negotiations over Norway's potential EU membership after the 1994 referendum, the Norwegian government demanded several exemptions for the fisheries sector, knowing that public opinion would not accept deeper integration with the EU without provisions safeguarding its fishing industry. As these special provisions would have gone against the principle of the homogeneity of the EU single market, most were inadmissible, and were largely why Norway said "No" in the EU referendum of 1994 (52.2 per cent voted against EU membership on a turnout of 88.6 per cent).⁴⁰

40 H. Tvedte, *Snytt på nytt? Om problemområda distriktpolitikk, landbruk og fiskeri i medlemskapsforhandlingane med EU 1993–9*. [Cheating again? On the problem areas of district policy, agriculture and fisheries in the membership negotiations with the EU 1993–9] Hausten: University of Oslo, 2011, 131 p. Available online: <https://www.duo.uio.no/bitstream/handle/10852/23380/Snyttxpxnytt.pdf?sequence=2&isAllowed=y> (accessed on February 24, 2023).

Legal quality

As they are included in the EU single market, EEA EFTA countries like Norway have to adopt the same normative provisions as the EU and update them at the same pace so the homogeneity principle underpinning the four freedoms is respected. Homogeneity means both a common understanding of the rules and the same practice of the law. "In order to ensure homogeneity, EEA-relevant EU acts are continuously incorporated into the EEA Agreement."⁴¹

Within the institutional framework of the EEA agreement, the relevance and applicability of each EU act is assessed to determine whether inclusion in the EEA agreement is necessary. This assessment is carried out by the EEA Joint Committee. It decides whether the new EU legal act has to be integrated into the EEA agreement. It is only after this initial assessment that the legal act can enter into force in Norway. Although the EEA agreement does not give EEA EFTA countries the right to participation in the EU's decision-making process, it does allow for their participation in the EU policy-making process at an early stage, i.e., when the European Commission's proposal is being drafted. The European Commission consults expert groups when drafting proposals. Norwegian experts participate in the forums in just the same way as experts from the EU member states. The purpose of these expert groups is to strengthen the professional and political basis of the European Commission's work. However, the experts' views and recommendations are not binding on the European Commission, and there is therefore no requirement for them to reach a common position. Norway can participate in the process through the committees. These formal committees consist of representatives of the national authorities who assist the European Commission in drafting regulations. The committees have a formal role in the EU's decision-making process and they draw up the rules for implementing directives and regulations adopted by the European Parliament and the Council. So, although Norway only has observer-status in the committees and cannot participate in voting, these committees are an additional lever for exerting influence on EU policy-making, before the legal obligation arises to transpose these decisions into Norwegian law.⁴²

41 "The two-pillar structure of the EEA – Surveillance and judicial control," European Economic Area, Standing Committee on the EFTA States, Subcommittee V on Legal and Institutional Questions, EFTA, Ref. 16-531. Available online: <https://www.efta.int/sites/default/files/documents/eea/eea-institutions/The-Two-Pillar-Structure-Surveillance-and-Judicial-Control.pdf> (accessed on February 24, 2023).

42 More detail about how the EU law becomes EEA law is available online: <https://eealaw.efta.int> (accessed on February 24, 2023); for more detail about EFTA National experts see <https://www.efta.int/EEA/EFTA-National-Experts-753> (accessed on February 24, 2023).

When an EU act is considered relevant, it is harmonized with Norwegian law. EEA law is applied in two phases. First, Norway has to find out what the EEA rule of law entails. This process must include Norwegian sources of law. The EEA agreement was concluded under international law and the content is largely based on legislation and associated case law from the EU. To work out which rule the agreement is based on, the agreement has to be interpreted on its own terms. To a large extent, that means having to resort to another legal system, EU law, to determine the content of the rules. Secondly, Norway has to work out what that means for Norwegian law, i.e., applying the rule according to the doctrine of legal sources that applies in the Norwegian legal order, which is derived from the Supreme Court's practice. In this harmonization phase, it is not only the EU practices but also the EU interpretation of the legal acts that is incorporated into the Norwegian institutional framework. Most EU acts can be transposed directly by the government and administration. However, parliament has to approve all acts that amend existing law, financial obligations or that are deemed to be of key importance before the EEA Committee's decision on incorporation can take effect.⁴³

To counterbalance the almost automatic transposition of EU acts into Norwegian law, EEA countries like Norway can issue a reservation to stop the transposition of an EU act. However, this *de jure* veto right has never been used in practice throughout the 27 years of the existence of the EEA agreement. It is also *de facto* unlikely to be used in the future: resorting to it would potentially mean stopping the inclusion of a whole chapter of rules and would likely trigger a conflict with the EU. In that event, the disagreement would have to be solved through debates in the Joint Committee, with a time limit of six months. Furthermore, as the rule of consensus applies in the EFTA institutions between Norway, Iceland and Liechtenstein, a veto of one of these countries would stop the EU act under debate being transposed into the legislation of the other two countries as well, even if they were in favor of the act being transposed into their national legislation.⁴⁴

43 More detail about how EEA regulations come into being is available online in Norwegian: <https://www.regjeringen.no/no/tema/europapolitikk/eos1/eos-regelverk/id686837/> (accessed on February 24, 2023).

44 "Hvordan ta rettsakter ut av EØS avtalen," [How to remove legal acts from the EEA agreement] Stortingets utredningsnotater, March 11, 2021. Available online: <https://www.stortinget.no/globalassets/pdf/utredningsseksjonen/utredningsnotater/2021/hvordan-ta-rettsakter-ut-av-eos-avtalen-2021064.pdf> (accessed on February 24, 2023).

206



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

207

Impact of EU-Ukraine institutional framework



Supervision

While the EU Commission is responsible for ensuring that EU member states comply with their obligations under the EU regulations, the EFTA Surveillance Authority (ESA) holds a similar role within the EFTA system, supervising the implementation of and compliance to the EEA agreement in each EEA EFTA country.⁴⁵

In Norway, ESA has, in several instances, supervised and reviewed political decisions and influenced the national law-making process. Consequently, its supranational nature has been repeatedly criticized in Norway, along with its purported neoliberal orientation. In December 2021 the Norwegian ministry of finance enacted a national wage support system to compensate employers for the salary costs of employees who may otherwise have been laid off because of the COVID-19-related measures. Facing critics from the business community claiming that the wage support system was insufficient, Norwegian minister of finance Vedum claimed that his government "could not provide more wage support, without violating EU competition rules." The ESA then corrected the minister's statement, explaining that new rules had been established as part of the European response to the COVID-19 related restrictions providing a broad framework for wage support beyond what the government had proposed.⁴⁶ This example shows how the supranational character and perceived neoliberal orientation of ESA is not only criticized, but also used by politicians to justify certain public policies.

Another important case of ESA supervision is the recent "shipyard case" that started in 2013. The dispute between the federation of Norwegian industries (NHO) and a trade union movement defending foreign workers' claim to a larger travel and accommodation budget led to three different Norwegian court's ruling in favor of the trade union and forcing the NHO to pay larger travel and accommodation budgets. After having exhausted all legal possibilities in the national jurisdiction, the NHO appealed to ESA and won. As it is supranational, the ESA decision overruled the other three rulings from Norwegian

45 F. Sejersted, *Utenfor og innenfor. Norges avtaler med EU*. [Outside and inside. Norway's agreements with the EU] Norges offentlige utredninger, Oslo: Utenriksdepartementet, 2012, 911 p, ISBN 978-82-583-1123-9. Available online: <https://www.regjeringen.no/contentassets/5d3982d042a2472eb1b20639cd8b2341/no/pdfs/nou201220120002000dddpdfs.pdf> (accessed on February 24, 2023).

46 M. Orge, "NTB: Vedum lover skriftlig orientering til Stortinget om lønnsstøtte," [NTB: Vedum promises written information to the Storting about salary support] TV2.no, December 20, 2021. Available online: <https://www.tv2.no/a/14442647/> (accessed on February 24, 2023).

courts. The Norwegian Tariff Board then had no choice but to follow ESA's ruling. This case sparked a great deal of debate around the EEA agreement, with the Socialist Party leading the protest and claiming, through its leader, that the EEA agreement was "a subscription to Conservative Right politics."⁴⁷

Both these national debates illustrate the kind of criticism the supervisory body of the EEA has been increasingly facing in recent years, in appearing to many as a too distant, too powerful, or too economically liberal institution.

Inclusion in EU policy shaping

The EEA EFTA states participate in EU decision shaping through the contribution of experts in groups and committees. Their role is consultative, and they have no right to vote. When an EU act is considered relevant for transposition into the EEA agreement, the experts' role is to adapt the text to the national context, thereby enhancing its applicability and effectiveness but they do not question its nature or relevance. If substantial debates take place around the transposition of a particular EU act, the European External Action Service can only accept the draft text resulting from these debates based on a mandate from the Council. After the Joint Committee of the EEA adopts a decision, the protocols or annexes of the EEA agreement are updated accordingly, and the new acts have to be incorporated into the national legal order.

Since 1994, more than 11,000 EU acts have been incorporated into the EEA agreement.⁴⁸ However, the vast majority of these have triggered little debate or media attention. As outlined before, the veto right provided by the EEA agreement has never been resorted to, meaning that the transposition of all these acts was accepted (sometimes with modifications) by all three EEA EFTA countries, although they never voted on their adoption. According to Kjetil Wiedswang, a journalist at *Dagens Næringsliv*, Norway (alongside Iceland and Liechtenstein) has never used its veto right because it is "afraid of what the EU may

47 A.O. Ask, "SV utfordrer EØS-partiene: Vil ha utredet alternativer til EØS-avtalen," [SV challenges the EEA parties: Wants to have investigated alternatives to the EEA agreement] *Aftenposten.no*, November 22, 2018. Available online: <https://www.aftenposten.no/norge/politikk/i/9mw0p5/sv-utfordrer-eoes-partiene-vil-ha-utredet-alternativer-til-eoes-avtalen> (accessed on February 24, 2023).

48 For more see official website of Norwegian Government Security and Service Organisation. Available online: <https://www.regjeringen.no/no/tema/europapolitikk/fakta-115259/ofte-stilte-sporsmal/id613868/> (accessed on February 24, 2023).

208



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

209

Impact of EU-Ukraine institutional framework



do and that the whole agreement would collapse, because it's fragile."⁴⁹ Furthermore, while the EEA might not be a place of potential retaliation, Norway has concluded numerous bilateral agreements with European states, outside the EEA agreement. Arguably, exercising its right not to implement new laws and rules within the EEA framework could present a risk for Norway's future ability to conclude or renew such bilateral agreements with EU states. As such, it can be argued that Norway is the recipient of policies it cannot shape, or only in a limited fashion, and that has been repeatedly criticized in Norway.

Even though EU acts affect 49 per cent of the cases in the Norwegian municipal councils, the Norwegian government has little to no influence on these acts.⁵⁰ However, a report from 2012 showed that 64 per cent of voters are satisfied with the EEA agreement, and that EU-related issues have little influence on electoral behavior. Indeed, the report suggests that the EEA agreement has had a unifying effect in Norway, contrary to what was argued in the EU pre-referendum debate in 1994.⁵¹ While some political actors in Norway have pointed out the democratic shortcomings with the EEA, most Norwegian citizens do not seem to be greatly preoccupied with the matter, which could either indicate the stability and success of a winning, mutually beneficial partnership, or hint at an alarming lack of knowledge and interest in an agreement that shapes a large part of Norway's legislation without its representatives ever voting on it.

2.1.4. AA/DCFTA impact on Ukraine

The signing of the AA provided for the implementation of political, socio-economic, and institutional reforms, which were regarded as necessary in Ukraine. The institutional reforms are important for two reasons: first, to implement the AA, Ukraine needs strong institutions that can fulfill their commitments, and secondly, the AA provides for reforms and changes in various areas and institutions overseeing these areas that play an important role in this.

49 L. Spirit, "A Norway model of Brexit would fail Leavers and Remainers alike," *The New European*, May 4, 2019. Available online: <https://www.theneweuropean.co.uk/brexit-news-no-control-no-voice-norway-brexit-not-for-britain-45344/> (accessed on February 24, 2023).

50 M. Indset, A. Schou, S. Sigrid, "EU på dagsorden i norske kommuner og fylkeskommuner," [The EU on the agenda in Norwegian municipalities and county councils] *NIBR report*, 2018, p. 13.

51 F. Sejersted, op. cit.

Some important steps have been taken in this direction. The public administration reforms began in 2016 with the creation and approval of Ukraine's *Public Administration Reform Strategy* up to 2021 in accordance with European standards of governance (SIGMA/OECD). Directorates have been set up in ten pilot ministries, two national agencies and the secretariat of the government (cabinet of ministers). Competitions have been launched to recruit reform specialists for the directorates. The parliament (Verkhovna Rada of Ukraine) approved a bill that reinstated competitions for public office to ensure the civil service attracts the best candidates. However, the competitions were suspended due to the COVID-19 quarantine restrictions. Moreover, high-ranking civil servants cannot be dismissed based on politically motivated decisions.⁵²

The first five years of the AA implementation highlight the difficulty of the task facing Ukraine. The EU had expected Ukraine to implement the AA at the same time as it was carrying out the important reforms. A key issue for the European side in assessing AA implementation is the civil service reforms and the strengthening of institutional capacity to implement the commitments. In order to achieve this goal, and as a result of the 7th meeting of the EU–Ukraine Association Council, an EU educational project for Ukrainian civil servants, “Natolin4Capacity Building,” was launched.⁵³ The anti-corruption campaign and judicial reforms are also important as they will improve the credibility of Ukraine's judiciary, both among citizens and the international community. Clearly, it is difficult to implement laws if there is no independent judiciary in the country and corruption is an ongoing problem. Given this situation, on January 25, 2021, the G7 ambassadors to Ukraine released a roadmap for strengthening anti-corruption institutions and reforming the judiciary. The main message was the need for a comprehensive reform “which is necessary to strengthen the independence, responsibility and integrity of the judiciary, and ensure the restoration of the powers of anti-corruption institutions, which meets the expectations of the Ukrainian people.”⁵⁴

52 “Report on Implementation of the Association Agreement between Ukraine and the European Union 2015–2020,” Ukraine–Europe, p. 173. Available online: <https://www.kmu.gov.ua/storage/app/sites/1/zviti-pro-vikonannya/aa-implementation-report-2015-2020-eng-final.pdf> (accessed on February 24, 2023).

53 Ibid

54 “Priorities in the implementation of anti-corruption and judicial reforms – position G7,” Transparency International Ukraine, January 26, 2021. Available online: <https://ti-ukraine.org/news/priorytety-v-realizatsiyi-antykoruptsijnoyi-ta-sudovoyi-reform-pozytsiya-g7/> (accessed on February 24, 2023).

210



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of EU–Ukraine institutional framework

211



Ukraine needs to adopt a number of priority measures to restore public confidence in the Ukrainian judiciary and anti-corruption infrastructure. According to the G7 (to which the EU belongs), some of these measures cannot be delayed. The main tasks are to create a reliable legal framework for the institutional independence and smooth operation of the National Anti-Corruption Bureau of Ukraine (NABU), to ensure that sanctions for false declarations or public servants intentionally not declaring assets are not more lenient than previous ones and reflect those that were repealed.

In terms of judicial reform, the recommendation is to immediately introduce a clear and transparent process for selecting the Constitutional Court judges, to improve the accountability of judges. This involves strengthening the requirements for disciplinary responsibility and adopting clear rules, standards and procedures for investigating and dealing with complaints of misconduct made by judges, developing and adopting a comprehensive judicial reform strategy in line with international and European standards and the National Anti-Corruption Strategy for 2020–2024.⁵⁵ This road map is one way of fostering trust in institutions and will improve both legal cooperation and the general prospects for deepening integration with the EU.⁵⁶

Implementing the AA provisions has turned out to be the most difficult part for Ukraine's institutional structures. There has been some progress, namely the adoption of several European integration laws and the experience of having to deal with the resistance of certain parliamentary groups. Nonetheless, other difficulties emerged when the laws were adopted, namely the lack of qualified staff to draft some of the bylaws (an institutional weakness), the high degree of monopolization in certain markets, which is down to the influence of oligarchic groups. Fighting against these groups has proved difficult and ineffective. It often requires resources, political will and threatens to lower political ratings. That is why there are few or no people willing to wage such a struggle. According to some experts,⁵⁷ Ukrainian politicians are not always prepared to solve the complex problems related to the implementation of the AA, as it takes time, resources,

55 Ibid

56 V. Movchan, I. Kosse, “Інтеграція в рамках Асоціації: динаміка виконання угоди між Україною та ЄС,” [Integration within the Association: dynamics of implementation of the Agreement between Ukraine and the EU] analytical report, Ed. 4, Kyiv, 2021, p. 24. Available online: https://www.slideshare.net/IER_Kyiv/ss-250483634 (accessed on February 24, 2023).

57 “5 hot questions about Ukrainian European integration: not included in government reports,” *Європейська правда*, June 21, 2021. Available online: <https://www.euro-integration.com.ua/articles/2021/06/29/7124939/> (accessed on February 24, 2023).

and people, so they prefer to focusing on things that are easier and less resource intensive.

Attention is focused on the onerous requirements Ukraine faces in transposing legislation, often called a maximalist approach. It complicates the implementation and requires more effort and time. Ukraine still needs to create several mechanisms, including legislative ones, before it can join the cohort of close partners in the EU.

The economic transformations include the coordination of EU and Ukrainian competition policy, especially the importance of free and undistorted competition in trade relations as set out in the agreement (Article 254 Chapter 10 “Competition”). Anti-competitive economic actions and operations have the potential to distort the proper functioning of markets and generally reduce the positive effects of trade liberalization.⁵⁸

As Yasko Y. notes,⁵⁹ the main points of the AA are aimed at promoting reform and institutional development in Ukraine. However, there is still a tendency for monopolistic market distortions in Ukraine’s economy, which hampers effective competition in the commodity markets. The difficulty is that the removal of monopolization has a negative impact on all areas. The legal system, informal business practices and the culture of law enforcement are inadequate for the required level of institutional development in the national economy.⁶⁰ Unequal competitive conditions in different types of markets remains a key problem, often manifested in unequal access to different resources, namely information, technology, and materials. Another problem is the non-transparent mechanism of tax benefits and other forms of state aid, which can often be obtained by those who do not need them most. That distorts economic competition. To minimize and, in

58 “Угода про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським співтовариством з атомної енергії і їхніми державами-членами, з іншої сторони,” [Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their Member States, on the other part] Verkhovna Rada of Ukraine, June 27, 2014. Available online: https://zakon.rada.gov.ua/laws/show/984_011?lang=uk#Text (accessed on February 24, 2023).

59 Y. Yasko, “Інституційне забезпечення конкурентної політики держави,” [Institutional support of the state competitive policy] Інвестиції: практика та досвід, No. 19–20, 2020, p. 77.

60 V. Lagutin, “Institutions and economic mechanisms of stability and development of society,” *Economy of Ukraine*, No. 9, 2018, p. 14. Available online: https://www.researchgate.net/publication/342407488_INSTITUTIONS_AND_ECONOMIC_MECHANISMS_OF_STABILITY_AND_DEVELOPMENT_OF_SOCIETY (accessed on February 24, 2023).

212



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

213

Impact of EU–Ukraine institutional framework



the long run, eliminate this, the competitive sphere has to be transformed. One important step in this direction is the building of effective infrastructure to simplify the work of public authorities, including antitrust authorities. Transparency is essential to this, as it enables events to be publicized promptly and discussed publicly.⁶¹ Active public involvement in the discussion of competition issues can have a positive impact, leading to constructive dialogue with competition policy bodies and public control of the steps taken.

The reports of the Antimonopoly Committee of Ukraine (AMCU) have generally paid little attention to the need to expand the institutional support for competition policy, tending to emphasize the need to motivate employees to remain in antitrust regulation. The AMCU report for 2020 states that substantial work had been done to reform the territorial offices, but the high staff turnover rate and low salaries indicated that staff salaries needed to be higher if the AMCU was to be able to attract and retain specialists and strengthen its institutional capacity and independence.⁶² Moreover, information and technological support needs updating and communication networks improved, which will improve work efficiencies. Another issue that needs addressing is political influence and interference in its activities. The AMCU has to be able to operate as an independent body.⁶³

Similar problems were identified in an analysis of the reporting by the public authorities, responsible for the implementation of the Association Agreement, including trade issues, compliance with product quality norms and standards, sanitary legislation and the pursuit of sanitary and epidemiological well-being. Institutional reform of the existing structures has not been given adequate attention. There has been little flexibility on this from institutions such as the Cabinet of Ministers, the Ministry of Economy or the State Service for Food Safety and Consumer Protection. Their goals and priorities are to strengthen institutional capacity by enabling international cooperation and rule-making activities and creating a strategy for digital transformation. Generally the country is unprepared for radical institutional change. Therefore, Ukraine should structure the organizational side of the AA implementation process. Priorities, time frames, responsibilities should all be defined clearly to avoid the duplication of functions. The process will need to be monitored to ensure the implementation is in step with the reforms.

61 Y. Yasko, op. cit., p. 78.

62 “Report of the Antimonopoly Committee of Ukraine for 2020,” Antimonopoly Committee of Ukraine, Kyiv, 2021, p. 168.

63 Y. Yasko, op. cit., p. 78.

The ENP provides opportunities for Ukraine to participate in the work of the agencies and the implementation of EU programs. The main purpose of the EU agencies is to facilitate EU level regulation of certain sectors⁶⁴. It is envisaged that the basic conditions of Ukraine's interaction with EU agencies will be regulated by bilateral agreements. Under these agreements countries have the right to sit as observers on the board of the agency. Obtaining this status requires the approximation of national legislation and the payment of membership fees.

As of August 2022, Ukraine is cooperating with 10 of the 22 existing agencies and there are opportunities for cooperation within the framework of the ENP. The State Border Guard Service, the State Fiscal Service, the ministries of defense, internal affairs and health, the State Aviation Service and the State Space Agency are involved in cooperation. Since 2011 the regulations on Ukraine's participation in EU agencies have changed several times. The principles and conditions of Ukraine's participation in EU agencies have been set out. It is important to note that priority areas for cooperation have been identified in the new generation of EU programs. These include science, technology, innovation (Horizon 2020), customs and tax policy (Fiscalis 2020, Customs 2020), statistics (EU Statistical Program), entrepreneurship and the EU Program for the Competitiveness of small and Medium-Sized Enterprises. Ukraine is in favor of the gradual implementation of such programs and considers it important to continue cooperation with agencies based on bilateral agreements.

Ukraine is seeking to enhance its presence and role in EU policy shaping. However, at the moment, that will prove possible only with EU membership.⁶⁵ Ukraine is currently moving away from the implementation of existing EU policies to participating in their creation. That will ensure the physical and ideological "linking of Ukraine with the EU," even before integration has been implemented politically.⁶⁶

64 For more details about EU Programs and Agencies see official Government portal: <https://www.kmu.gov.ua/en/yevropejska-integraciya/programi-ta-agentstva-yes> (accessed on January 28, 2022).

65 Ibid

66 "Звіт про виконання Угоди про асоціацію між Україною та Європейським Союзом 2015-2020," [Report on the Implementation of the Association Agreement between Ukraine and the European Union for 2015–2020] Ukraine–Europe, pp. 176–77. Available online: <https://www.kmu.gov.ua/storage/app/sites/1/zviti-pro-vikonannya/aa-implementation-report-2015-2020-ukr-final.pdf> (accessed on February 2, 2022).

214



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

215



Impact of EU–Ukraine institutional framework

The signing of the AA/DCFTA on trade had an immediate impact on Ukraine, following the granting of autonomous trade preferences in 2014, with growth in the export of Ukrainian goods once the import tariffs were abolished or reduced, or tariff quotas were introduced. In 2015–2020, goods exports from Ukraine to the EU grew by 60 per cent and in 2021 the share of trade in goods from the EU was 40.7 per cent of Ukraine's total foreign trade.⁶⁷

Adopting the AA/DCFTA had the following positive effects in Ukraine:

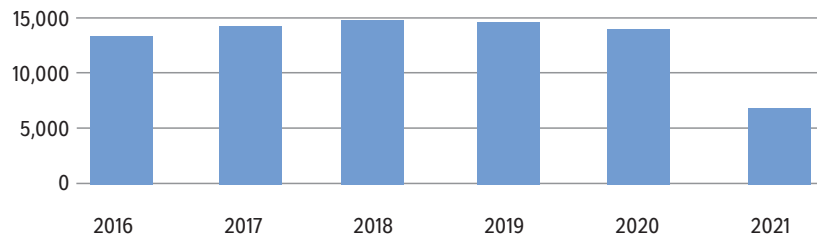
- diversification of the product range, markets and network of partnerships;
- partial completion of the stages of adaptation to EU standards and the quality characteristics requirements for food products;
- trade became more transparent and predictable;
- a better reputation in the world community.
- During this period, some aspects, such as filling tariff quotas were exhausted quickly, while agricultural raw materials, food and mineral products remained as main positions. Trade intensified under the quotas for more processed goods.⁶⁸

Ukraine's main commodity positions in trade with the EU for the period 2014–2020 were oil, grain, iron ore, rolled metal and electric cables for cars. Among the positive effects of the DCFTA was the increase in the number of enterprises exporting to the EU in 2016–2021 (see Figure 1).

67 Ibid, p. 32.

68 In 2020, Ukrainian exporters made use of 31 of the 40 tariff quotas. Twelve tariff quotas were used fully, including honey, barley groats and flour, processed tomatoes, processed starch, grape and apple juices, corn, malt and starch products, sugar, poultry, eggs and albumin, processed cereals, starch. This year's tariff quotas were used as follows: garlic (93.8 per cent); bran, waste and residues (87.7 per cent); eggs and albums extra (84.2 per cent); wheat (77.9 per cent); malt and wheat gluten (72.2 per cent); oats (69.1 per cent); poultry meat (65.4 per cent), etc. In 2021, Ukrainian exporters made use of 28 of the 40 tariff quotas. As of mid-March 2021, tariff quotas for such products as honey, grape and apple juice, processed tomatoes have been fully used. Tariff quotas were used for: barley groats and flour (85.0 per cent); corn (73.8 per cent); sugar (44.6 per cent); starch (35.1 per cent); processed cereals (32.0 per cent); poultry meat (25.0 per cent); eggs and albumins (25.0 per cent); oats (20.8 per cent); garlic (15.7 per cent); wheat (12.9 per cent); bran, waste and residues (10.7 per cent), etc.; Ibid, p. 33.

Figure 1. Number of Ukrainian enterprises exporting to the EU in 2016–2021 (number of units)



Note: data for 2021 are indicated for January–February

Source: Authors, based on AA/DCFTA data

There is a growing number of enterprises whose production processes meet EU standards and who have the right to export to the EU. In 2014, there were 185 such enterprises and five years later that number had increased by 72.4 per cent, amounting to 319 units in 2019. In 2020, the figure was 362 units.⁶⁹

With regard to the technical barriers to trade, 85 per cent of planned targets were achieved in the six years after the AA entered into force. As of 2020, 91 technical regulations have been adopted, of which 83 were based on EU legislation. Eighty-two technical regulations are already mandatory.⁷⁰

An important step in the implementation of the AA is to update the regulatory framework for the functioning of standards, bringing them closer to European and international ones. Of the 27,083 normative documents relating to national standards, 9,629 have been harmonized with European standards and 8,743 with international ones.⁷¹ Another key advance is the completion of the transition from the outdated UkrSEPRO state certification system of mandatory product certification to the conformity assessment system based on technical regulations that are identical to European ones.⁷² As Ukraine has adopted EU standards in production and services, and international

69 Ibid, p. 33.

70 Ibid, p. 36.

71 Ibid

72 Ibid, p. 37.

216



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

217

Impact of EU–Ukraine institutional framework



recognition, it should be able to export more easily, not only to the EU but also to the rest of the world – including its traditional markets.⁷³

Changes to the sanitary and phytosanitary norms reflect the new type of relationship between Ukraine and the EU and are essential changes. Among the achievements in sanitary and phytosanitary norms the following stand out:

- adoption of the Comprehensive Strategy of Chapter 4 Implementation (Sanitary and Phytosanitary Measures) of Chapter IV “Trade and trade-related matters” of the EU–Ukraine Association Agreement, which provides for 1,943 measures in 27 areas;
- adoption of a number of framework laws, including the law on the basic principles and requirements of food safety and quality, the law on animal by-products not intended for human consumption, made changes to the law on seeds and planting material etc.;
- approval and implementation of the Procedure for Approval of Export Capacities, Procedure for State Registration and Maintenance of the State Register of the Capacities of Market Operators, Methodological Recommendations on Sampling Procedures for Implementation of the State Monitoring Plan for Veterinary Drugs Residues and Pollutants, Procedure for Certification, Issuance and Revocation of Certificates for Seeds and Planting Material. Ukraine also participates in the European Animal Disease Notification System (ADNS);
- gradual implementation of the Hazard Analysis Critical Control Point (HACCP) system.⁷⁴

Despite the steps taken, a number of regulations need finalizing such as those relating to hygiene rules for food products of animal origin, food additives, new food products, live animal and animal product imports into the customs territory of Ukraine, phytosanitary plant health measures. At the beginning of 2021 Ukraine still had to adopt more than 250 EU laws into national legislation such as state control in SPM, food and feed safety, animal health and welfare, plant health

73 “EU–Ukraine Deep and Comprehensive Free Trade Area,” European Commission. Available online: <https://trade.ec.europa.eu/doclib/html/154128.htm> (accessed on February 24, 2023).

74 “Наближення законодавства України до Європейського союзу,” [Approximation of Ukrainian legislation to EU law] State Service of Ukraine for Food Safety and Consumer Protection. Available online: <https://dpss.gov.ua/mizhnarodno-spivrobitnictv/yevropejska-integraciya/nablizhennya-zakonodavstva-ukrayini-doprava-yes> (accessed on February 24, 2023).

etc., in order to fulfil its obligations under the AA, Ukraine changed 60 per cent of SPM laws to bring them closer to EU law.⁷⁵

The DCFTA implementation was expected to mark a milestone in curbing corruption and improve the business climate in Ukraine. A better business climate will open up more opportunities to gain access to new sources of financing – including foreign direct investment and foreign loans – and provide an incentive to EU businesses to invest in Ukraine. It will also create additional jobs in Ukraine.

EU businesses in Ukraine will naturally trigger the transfer of new technologies and management methods that will improve the efficiency and quality of Ukrainian production. Ukrainian businesses will also be pushed to upgrade their production technologies to reduce production costs and enable them to compete with EU-based firms.⁷⁶ The AA/DCFTA has had an impact on business. It is manifest not only in the volume of growth and product diversification, but also in the entrepreneurial focus on the mechanisms of protection for the national market and their position within it. Similarly to EU–Ukrainian trade cooperation, there is an imbalance between exports and imports, which has deepened over the years. For comparison: in the first year of the FTA, Ukrainian exports to the EU amounted to \$15.82 billion and imports from the EU to \$17.1 billion. Ukraine therefore has a trade deficit of \$1.3 billion. In the fifth year of the FTA, the disparity increased, with exports from Ukraine worth \$18.66 billion and imports from the EU worth \$23.74 billion. Given the advantage of European imports over Ukrainian exports to the EU, domestic producers are having to pursue business policies that support export opportunities, while enabling them to retain their Ukrainian market.⁷⁷

However, that is not without problems. The challenges posed by the implementation of the Association Agreement are thought to come from lobbying groups at various levels, as well as influential business owners pursuing their own interests, which results in protectionist decisions that distort competition in the domestic market, negatively affecting

75 “Report on implementation of the Association Agreement between Ukraine and the European Union 2015–2020,” op. cit., p. 174.

76 “EU–Ukraine Deep and Comprehensive Free Trade Area,” op. cit.

77 “How Europeans are protecting themselves from the expansion of Ukrainian producers and what to do about it,” *Європейська правда*, April 6, 2021. Available online: <https://www.epravda.com.ua/publications/2021/04/6/672676/> (accessed on February 24, 2023).

218



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

219



Impact of EU–Ukraine institutional framework

economic sectors and drastically reducing Ukraine’s trust rating.⁷⁸ A big problem in Ukraine is that the backbone of the economy is controlled by a handful of financial and industrial groups. These include electricity exports, the thermal energy market, titanium industry and fertilizer production.⁷⁹ Back in 2011, more than 70 per cent of the Ukrainian economy was in the hands of oligarchs.⁸⁰ One way of solving this problem is the law on the prevention of threats to national security associated with the excessive influence of persons with significant economic and political weight in public life (oligarchs) adopted in 2021. There is a clear need to eliminate the factors distorting economic competition in Ukraine.

A pervasive problem in Ukraine is the key role played by informal relations between businesses and the authorities. As confirmed in a survey of exporters and importers conducted by the Institute for Economic Research and Policy Consulting as part of the project “For Fair and Transparent Customs” run by Support to the Public Initiative. In 2021, 36.5 per cent of respondents said that informal relationships with at least one authority was important for business success. It is worth noting that this was the smallest share of respondents in the entire survey period. The distribution of respondents’ answers regarding the importance of “friendship” with the authorities for doing business is shown in Figure 2.

As can be seen from Figure 2, business entities consider informal relations with customs and tax authorities to be most important, but on the positive side they are declining in importance. Only exporters emphasize the importance of such relations. The importance of “friendship” with at least one authority increases with the size of the business. Large enterprises focus more on relations with local authorities, while medium-sized enterprises focus on relations with the tax authorities. Agricultural enterprises are most likely to think it necessary to “make friends” with various authorities. Enterprises using the Black Sea, Polissya and Odessa customs service consider it important to “make friends” with at least one authority. Enterprises using

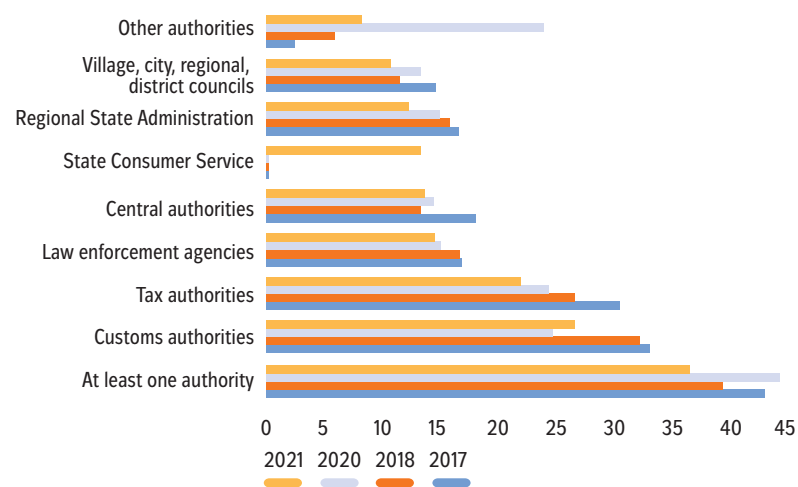
78 “Європейська та євроатлантична інтеграція,” [European and Euro-Atlantic integration] Transition book, p. 11. Available online: <https://euprostir.org.ua/resources/144206> (accessed on February 24, 2023).

79 T. Bevz, “Business-party corporations and Ukrainian political practice.”

80 “Данилишин: Рівень олігархізації Української економіки перевищує 70 per cent,” [Danylyshyn: The level of oligarchization of the Ukrainian economy exceeds 70 per cent] *Mirror of the Week*, June 24, 2011. Available online: https://zn.ua/ukr/ECONOMICS/danilishin_riven_oligarhizatsiyi_ukrayinskoyi_ekonomiki_perevischue_70.html (accessed on February 24, 2023).

the Kyiv, Dnipro and Transcarpathian customs service are much less likely to think the same way.⁸¹

Figure 2. Respondents' views of the importance of informal business relations with various authorities⁸²



Source: Authors' calculations, based on Institute for Economic Research and Policy Consulting data

Besides the positive impact of the DCFTA, there have been some difficulties with it. For example, the dispute over the temporary ban on the export of raw timber from Ukraine, which was decided by the Arbitration Group in 2020, which found Ukraine had breached Article 35 of the Association Agreement. Ukraine has to implement faithfully

81 Ibid, pp.13–14.

82 "Шоста хвиля щорічного опитування українських експортерів та імпортерів. Тема 3. спрощення процедур торгівлі в Україні: контрабанда та «сірий импорт», корупція на митниці. Короткий виклад основних результатів," [The sixth wave of the annual survey of Ukrainian exporters and importers. Topic 3. Simplification of trade procedures in Ukraine: smuggling and 'grey imports,' corruption in customs. Summary of the main results] Institute for Economic Research and Policy Consulting. Available online: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwje-Jfvgv_3AhWTuYsKHYg4AjoQFnoECAlQAQ&url=http%2F%2Fwww.ier.com.ua%2Ffiles%2FProjects%2F2021%2FTFD%2FTradeSurvey%2F3.2021-12-02_IER_FTC_survey_short_report_3_final.pdf&usq=AOvVaw2n-jSxk4UJ-1AJfwOBwrXxM (accessed on February 24, 2023).

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation



Impact of EU-Ukraine institutional framework



the decision of the Arbitration Group in accordance with Article 311 of the AA.⁸³ Particular attention should be paid to the problems hampering Ukraine's export potential under the DCFTA. One such problem is the lack of agreed veterinary and sanitary control procedures, which restricts the export of poultry meat from Ukraine to the European market and exacerbates non-compliance with the relevant tariff quotas. In addition, quota occupancy is constrained by the fact that some include a list of goods that have to be sold in markets with different conditions and rules of operation.

Other difficulties include the:

- lack of regionalization and zoning in Ukraine for the purposes of applying export bans on products that fall under state veterinary control;
- limits on the number of universal and transit permits for the carriage of goods by road through EU countries;
- lack of benefits for Ukrainian producers participating in public procurement;⁸⁴
- lack of an Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA).

ACAAs are aimed at reducing non-tariff restrictions on industrial goods trade. Progress on an ACAA between Ukraine and the EU is being affected by the results on harmonization of its legislation with EU standards in areas covered by the ACAA and harmonization of the operation of the national quality assessment infrastructure.

The economic benefits of concluding the ACAA Agreement include:

- stimulation of trade operations in the scope of the Agreement through the reduction of trade costs;
- new entities having access to EU markets and being able to expand product ranges;
- a reduction in the cost and time it takes for new, in particular, innovative products to enter the EU and Ukrainian markets, as the Agreement allows for the mutual recognition of conformity assessments, and thus eliminates the need for additional conformity assessments in the new market;

83 "Report on implementation of the Association Agreement between Ukraine and the European Union 2015–2020," op. cit.

84 Ibid, p. 34.

- cheaper imports of investment goods from the EU, which, in turn, will increase investment and accelerate economic development in Ukraine in general.⁸⁵

Signing an ACAA with the EU would have a positive effect, including on Ukraine's image, and further create new opportunities in third-country markets. Ukraine's image is extremely important both at home and for its position in the world economy. According to analysts, to conclude an ACAA Agreement in 2023 Ukraine needs to:

- complete the process of bringing its legislation in line with EU norms;
- ensure its legislation is in full compliance with European legislation, both horizontally (framework) and vertically (sectoral);
- to fully adopt European harmonized standards for relevant products;
- make sure the national quality infrastructure and state market supervision infrastructure are in line with the European requirements;
- abolish all regulatory regimes that contradict, duplicate or are additional to European requirements for certain kinds of products.⁸⁶

Impact on customs administration

Customs reforms are a necessary condition of Ukraine's integration into the world economy, primarily due to the need to ensure security and transparency of trade operations. The EU has successfully implemented key aspects of administration in this field such as the prevention of customs fraud, transparency, and the provision of simple, innovative procedures for IT-based customs clearance of goods.

Bringing Ukraine's customs sphere closer to these areas of administration is essential for successful integration into the EU common market as well. It is therefore covered in an important block in the economic component of the Association Agreement. The implementation of these tasks, along with generally recognizable outcomes, will have a significant impact on the western border regions of Ukraine and neighboring EU regions. Poorly functioning customs services hinder the deepening of trade and economic cooperation and trade in goods and services between Slovak and Ukrainian regions. Given the

⁸⁵ V. Movchan, I. Kosse, op. cit., pp. 25–6.

⁸⁶ Ibid, p. 26.



significant number of Ukrainian, and, in particular, Transcarpathian enterprises engaged in trade with the EU, successful implementation of tasks aimed at improving the work of the customs services is key to the socio-economic development of Transcarpathia.

Most of the checkpoints on the EU border, which are being prioritized in light of the increase in trade flows between Ukraine and the EU, are located in Transcarpathian Region, including five checkpoints with Slovakia. Therefore, it is expected that changes to the work of the Ukrainian customs services and the transformation of the customs regime under the AA will primarily affect the bordering regions of Ukraine and the EU countries – Transcarpathian, Košice and Prešov Regions.

The list of the EU customs regulations that Ukraine has committed to transpose into the national legislation can be seen in Annex XV “Approximation of Customs legislation.” Chapter 5 “Customs and trade facilitation” of Title IV “Trade and trade-related matters” of the Association Agreement. Combatting fraud and the EU provision of mutual administrative assistance and technical assistance are among the priorities in this area of EU–Ukraine cooperation. The chapter establishes the general principles for drafting legislation and procedures for the customs sphere, sets out provisions on transit, interaction between the customs authorities and business community, the collection of additional fees and charges, customs valuations and more.⁸⁷

The key part of the AA relating to customs cooperation concerns the implementation of the provisions of the EU customs legislation, based on the following core EU acts:

- Regulation (EU) No 952/2013, which establishes the Customs Code of the Union (around 70–80 per cent of the provisions of the EU Customs Code has to be implemented into Ukraine's customs legislation);⁸⁸
- Convention on the simplification of formalities in trade in goods and the Convention on a single transit procedure (with a view to further accession);

⁸⁷ M. Kuzyuo, R. Khorolskyi, D. Chernikov, “Угода про асоціацію між Україною та ЄС: зміст та імплементація,” [Association agreement between Ukraine and the EU: content and implementation] Kyiv, 2015, 38 p. Available online: <https://parliament.org.ua/wp-content/uploads/2018/03/1.pdf> (accessed on February 24, 2023).

⁸⁸ “Основні напрями реформування української митниці,” [The main directions of reforming the Ukrainian customs] project, unpublished. Available online: <https://ips.ligazakon.net/document/NT0840> (accessed on February 24, 2023).

- Council Regulation (EC) No 1186/2009 of November 16, 2009 setting up a Community system of reliefs from customs duty (chapters I and II);

Regulation (EU) No 608/2013 of the European Parliament and of the Council on customs control of intellectual property rights.

Approximating Ukrainian legislation to the EU legislation is designed to improve the overall practical functioning of customs, which is key to effective foreign trade operations and deepening trade cooperation with the EU. Reforming the customs sphere based on the European approach to administration will reduce the impact of corruption on trade and economic relations through transparency and secure customs procedures, whilst improving staffing through new approaches to the selection, training and motivation of customs officers.

In general, the customs reforms, based on introducing European principles of work and customs instruments, as a means of achieving a fair and generally accepted operating environment for the economic entities, are a precondition to joining the common market and deepening trade cooperation with the EU. Ukraine's customs cooperation with the EU also directly affects the competitiveness of Ukrainian products, reducing the cost and time businesses spend on export-import operations. The implementation of the norms stipulated in the AA and the introduction of European mechanisms for the operation of customs services should change the operation of Ukrainian customs, as has already happened with the EU customs service. Neither the collection of taxes, nor the protection of the domestic market, are the primary functions of the European customs authority. What is key is the establishment of mutually beneficial partnerships between government and business and making customs part of the international trade chain.

Institutionally, the customs reforms are based on changes to the status and conditions under which the customs services function, particularly the transition to common European practices in customs service operating under the status of a separate legal entity. Therefore, the plan is to ensure a high institutional capacity, restore vertical management and improve staffing, which will allow for the more efficient use of new electronic services, which will in turn reduce the time and cost for lawful businesses.⁸⁹

⁸⁹ "Функціонування Держмитслужби у форматі єдиної юридичної особи," [Functioning of the State Customs Service in the format of a single legal entity] Ministry of Finance of Ukraine. Available online: https://mof.gov.ua/uk/functioning_of_the_state_customs_service_in_the_format_of_a_single_legal_entity-476 (accessed on February 24, 2023).

224



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

225

Impact of EU-Ukraine institutional framework



The EU-Ukraine Customs Sub-Committee, established within the framework of the AA, is a platform for enhancing dialogue with the EU on customs matters. It is responsible for monitoring the convergence of the Ukrainian legislation and procedures under the commitments. The core institution responsible for customs cooperation is the finance ministry in Ukraine. To summarize the main directions of cooperation between Ukraine and the EU in the customs sphere regarding the implementation of the AA, we can identify the high priority practical tasks facing the Ukrainian authorities:⁹⁰

- accession to the EU common transit system and, relatedly, the creation of a National Computerized Transit System for the exchange of customs information; implementation of a single administrative document (SAD) in Ukraine and obtaining EU recognition;
- implementation of the Authorized Economic Operator (AEO) program and mutual recognition of the AEO;
- improving the technical and personnel sides of customs work;
- other measures aimed at preventing fraud in the customs sphere, reducing corruption, creating favorable conditions for trade by responsible and bona fide entrepreneurs, protection of intellectual property rights during the cross-border movement of goods.

The first two points are of particular importance, with a clear focus on the outcome.

Ukraine's accession to the common transit system. The preliminary assessment mission for Ukraine's accession to the Convention on the Common Transit Procedure and the new computerized transit system (NCTS) is the preparatory stage before the main assessment mission, which will assess Ukraine's readiness to accede to the Convention in

⁹⁰ "Митне співробітництво Україна-ЄС," [Customs cooperation between Ukraine-EU] Mission of Ukraine to the European Union, July 1, 2021. Available online: <https://ukraine-eu.mfa.gov.ua/posolstvo/galuzeve-spivrobitnictvo/mitne-spivrobitnictvo/mitne-spivrobitnictvo-ukrayina-yes> (accessed on February 24, 2023); "Завдяки конструктивній співпраці у митній сфері успішно реалізуються положення Угоди про асоціацію між Україною та ЄС," [Thanks to constructive cooperation in the customs sphere, the provisions of the Association Agreement between Ukraine and the EU are being successfully implemented] *Державна фіскальна служба України*, July 12, 2019. Available online: <https://www.kmu.gov.ua/news/zavdyaki-konstruktivnij-spivraci-u-mitnij-sferi-uspishno-realizovuyutsya-polozhennya-ugodi-pro-asociaciju-mizh-ukrayinoyu-ta-es> (accessed on February 24, 2023); see also O. Goreskyi, "Association with the EU. The results of the reform: have expectations been met?" *Legal Newspaper Online*, May 6, 2019. Available online: <https://yur-gazeta.com/publications/practice/inshe/asociaciya-z-es-rezultati-reformuvannya-chi-vipravdali-sebe-ochikuvannya.html> (accessed on February 24, 2023).

2022. The preliminary mission took place in late 2021 and showed that Ukraine is already implementing an NCTS at the national level. Significant progress has been made in the preparations and Ukraine is likely to accede to the convention and thus begin international NCTS operations in 2022. As of November 2021, the necessary legal framework in Ukraine has been completed, the necessary technical functionality for the joint transit regime has been deployed and staff training has been conducted.⁹¹

Implementation of the AEO program and mutual recognition of the AEO. The AEO is a special status, certifying a high degree of customs confidence in a business entity, which means it can enjoy the benefits of simplified customs clearance. Third-country, particularly EU recognition, of the AEO status of Ukrainian companies (following the conclusion of bilateral agreements on mutual recognition) will mean that, for example, EU countries will trust Ukrainian AEO companies in the same way they trust European companies.⁹² In 2019–2020, the Ministry of Finance and the State Customs Service, with the assistance of the Office for Support of Reforms and the EU Public Finance Management Program in Ukraine (EU4PFM) created and adopted the legal framework. However, in Ukraine there has been no rush to apply for AEO status, which is concerning for the Ukrainian government, as active use of this mechanism is key to the country's accession to the Transit Convention. As of December 2021, there was only one registered AEO in Ukraine.⁹³

Implementation of the SAD in Ukraine and EU recognition. On August 5, 2020, Ukraine's government approved new requirements for customs declarations, which will regulate the use of so-called special type declarations (T1UA), which will operate within the NCTS system. The introduction of the Single Window mechanism for international tradeOne is a key achievement in the customs reforms. The Single Window mechanism makes foreign economic activity much simpler

91 "Мінфін: Україна впевнено рухається до запровадження спільного митного транзиту NCTS з 35 країнами світу," [Ministry of Finance: Ukraine is confidently moving towards the introduction of a joint customs transit NCTS with 35 countries] Ministry of Finance of Ukraine, November 21, 2021. Available online: <https://www.kmu.gov.ua/news/minfin-ukrayina-vpevnenno-ruhayetsya-do-zaprovadzhennya-spilnogo-mitnogo-tranzitu-ncts-z-35-krayinami-svitu> (accessed on February 24, 2023).

92 For more see official website of State Customs Service of Ukraine. Available online: <https://customs.gov.ua/deiaki-pitannia-funktsionuvannia-avtorizovanikh-ekonomichnikh-operatoriv> (accessed on February 24, 2023).

93 Ibid

226



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

227



Impact of EU-Ukraine institutional framework

through the electrification of interaction between enterprises and the customs and regulatory authorities.⁹⁴

Technical and HR improvements to the work of the customs service includes IT transformation, modernization, and improvements to staffing, under the constant support and monitoring of the EU. It is worth emphasizing that the EU's customs reform support in Ukraine is both free and irreversible (for instance, the country received free NCTS software), which reflects the EU's interest in Ukraine's progress in this direction and also imposes a high level of commitment on the Ukrainian government.

The main ongoing EU assistance projects to Ukraine are EU4PFM,⁹⁵ EU4IBM, EUBAM and the EU Advisory Mission. Since January 2019, the EU has supported Ukraine by providing a High-Level Advisory Team on Integrated Border Management (IBM) to assist Ukraine in creating an overarching IBM strategy and Implementation Action Plan. The EU is also providing support to strengthen the IBM with a €5 million EU4IBM Phase I Project, to assist Ukrainian Customs. The project started in December 2019 and aims to enhance the efficiency with which the cross-border movement of persons and goods is processed in line with EU IBM good practices.⁹⁶

The Ukrainian government has positively evaluated progress in the customs sphere, although it is one of the sectors with the slowest progression (overall progress from November 2014 to the end of 2021 was only 52 per cent).⁹⁷ At the same time, Ukrainian business, which should benefit from the innovations, are showing much less optimism. A survey of exporters and importers' views on the work

94 "Єдине вікно для міжнародної торгівлі," [Single window for international trade] Ministry of Finance of Ukraine. Available online: https://mof.gov.ua/uk/the_only_window_for_international_trade-472 (accessed on February 24, 2023).

95 The overall objective of the EU4PFM Program is to improve Public Finance Management (PFM) in Ukraine. However, the program also facilitates legal and procedural changes in customs and trade facilitation areas, in particular by supporting the introduction of the New Computerized Transit System and joining the Convention on the Common Transit Procedure. Furthermore, the program supports the introduction and implementation of the AEO scheme, as well as the enhancement of post clearance controls and improved audit capacity. It helps Ukraine's PFM institutions in designing and implementing modern HR management practices including anti-corruption provisions, reviewing, adapting and automating business processes, modernizing institutional structures and practices and strengthening the capacities of Ukrainian PFM institutions in designing, implementing and monitoring reforms.

96 "EU-UKRAINE Association Agreement fourth meeting of the EU-UKRAINE Customs Sub-Committee (report)," September 23, 2020.

97 For more see European Integration Portal in Ukrainian: <https://pulse.kmu.gov.ua/ua/streams/customs> (accessed on February 4, 2022).

of Ukrainian customs shows that legislative inadequacies are the biggest obstacle.⁹⁸ Yet the index of perceptions of customs work, calculated on the basis of a survey conducted by the Institute for Economic Research and Policy Consulting, shows a positive dynamic since 2016 (the index rose from 0.10 points in 2016 to 0.43 points in 2020 on a scale of -1 to +1).⁹⁹ Exporters, industrial enterprises and large enterprises tend to give positive assessments of the work of the customs. But small and medium-sized businesses, which should benefit from the improvements and gain better access to European markets, are not so optimistic.

Another survey is a sort of barometer of the quality, speed and transparency of customs procedures in Ukraine, known as the Customs Index – an indicator calculated by the European Business Association, a non-profit organization bringing together more than 900 foreign and domestic companies operating in Ukraine.¹⁰⁰ It shows that the customs index (with a maximum possible value of 5 points) ranged from a minimum of 2 points in 2010 to a maximum of 3.84 in 2012 – see figure 3. There was some growth from 2017 to the second part of 2020. However, the indicator is lower than it was in 2012.

An analysis of the approximation of Ukrainian legislation to EU norms, conducted by the Institute for Economic Research and Political Transformation, shows it will have a mostly positive impact on economic entities engaged in foreign economic activity, as well as on the public sector and households.¹⁰¹ The main outcome should be a change in relations between enterprises and customs – with the state becoming a business partner instead of a supervisory authority. However, the simplification of border control procedures is linked to growth in the

98 “П’ята хвиля щорічного опитування українських експортерів та імпортерів. Тема 2. Спрощення процедур торгівлі в Україні: митні процедури, єдине вікно та електронний документообіг. Короткий виклад основних результатів,” [Fifth wave of the annual survey of Ukrainian exporters and importers. Topic 2. Simplification of trade procedures in Ukraine: customs procedures, single window and electronic document flow. A summary of the main results] Institute for Economic Research and Policy Consulting. Available online: http://www.ier.com.ua/files/Projects/2020/customs_initiative/V_Survey/V_survey_part2.pdf (accessed on February 24, 2023).

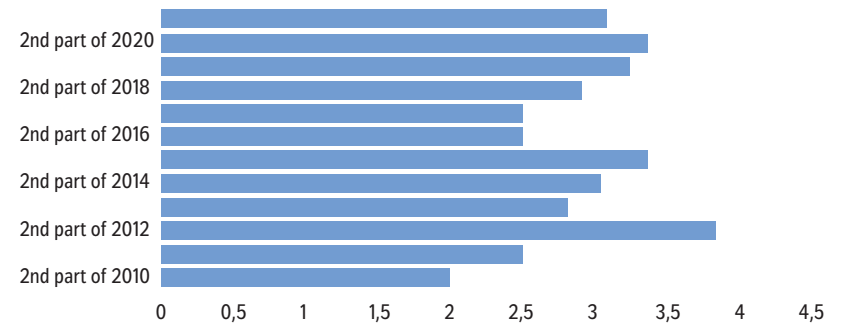
99 Ibid

100 I. Berezhnuk, ed., *Conceptualization of Evaluation of Customs Procedures under Activation of Foreign Economic Activity*. Khmelnytskyi: 2015, 196 p.

101 “Законодавство та процедури, наближення законодавства у митній сфері,” [Legislation and procedures, approximation of customs legislation] Institute for Economic Research and Policy Consulting. Available online: http://www.ier.com.ua/ua/Ukraine_EU_project/materials/AA_title_4/trade_facilitation/legislation (accessed on February 24, 2023) (accessed on February 24, 2023).

responsibilities of businesses, which means that companies participating in foreign economic activity will have to be more careful with their documentation and self-control, as violations could lead to weighty financial sanctions. The implementation of these mechanisms in the practical work of economic entities is probably connected with the growing responsibility of business.

Figure 3. Customs Index in Ukraine, measured by the European Business Association, (2010–2021)



Source: Authors' calculations, based on European Business Association data¹⁰²

While implementing European norms has obvious benefits for the state, that is not the case for businesses, which is partly related to a lack of knowledge among entrepreneurs about the essence of the reforms. Thus, according to surveys, 43 per cent of respondents believe that the customs reforms are moving in the right or roughly right direction, while almost 35 per cent think they are going in the wrong or roughly wrong directions. Respondents also pointed to obstacles to business owing to the involvement of the Security Service of Ukraine in customs control (lengthier customs procedures, cargo control and “manual” control over transportation).¹⁰³

102 For more see official website of European Business Association. Available online: <https://eba.com.ua/en/research/doslidzhennya-ta-analytika/> (accessed on February 24, 2023).

103 “Реформа митниці рухається в правильному напрямку, але через нерозуміння процесів та наслідків зустрічає опір – результати моніторингу,” [Customs reform is moving in the right direction, but due to a lack of understanding of the processes and consequences is met with resistance – monitoring results] Громадський Простір, June 16, 2021. Available online: <https://www.prostir.ua/?news=reforma-mytntysi-ruhajetsya-v-pravylnomu-napryamku-ale-cherез-nerozuminnya-protsestv-ta-naslidkiv-zustrichaje-opir-rezultaty-monitorynhu> (accessed on February 24, 2023).

These views are similar to those of European and international experts.¹⁰⁴ This also ties in with the most controversial aspect of customs policy, according to experts. The EU has recommended that Ukraine should implement the European conceptual model known as “The Integrated Border Management (the IBM model)” which is designed to help avoid the duplication of functions among the state agencies responsible for security and the oversight of movement of people and products. Implementation of the model presupposes granting the State Customs Service the right to carry out operational and investigative activities in this area under the best examples of European practice and the need to create internal security units.¹⁰⁵ This requires reform of the Security Service of Ukraine, one of the points of which is to exclude economic crime from investigations, i.e., corruption in international trade, from its responsibilities. However, the security service reforms are being hampered by the lack of a unified vision on the part of legislators, consequently the necessary legislative changes had not taken place by the end of 2021.

Ensuring the transparency of customs work is a sure step toward eliminating shadow international trade. In this context, the Ukrainian authorities need to pay special attention to balancing the task of disincentivizing customs law violations among foreign trade participants and the use of penalties for non-compliance. In the EU, the new customs rules work under the principle of giving maximum freedom to participants with minimal intervention from the public authorities at the various stages in the customs process, but with the full range of law enforcement tools to tackle non-compliance with the rules.¹⁰⁶

104 “The representatives of the EU Delegation, EU4PFM Program, the Ministry of Finance of Ukraine, and the State Customs Service of Ukraine met to discuss the progress of PFM reforms in the customs stream,” EU Public Finance Management Support Programme for Ukraine. Available online: <https://eu4pfm.com.ua/news/vidbulasya-zustrich-z-mytnyh-putann/> (accessed on February 5, 2022).

105 Ibid

106 “Ukrainian customs officers get acquainted with the best European anti-smuggling practices,” State Customs Service of Ukraine. Available online: <https://customs.gov.ua/news/zagalne-20/post/ukrayinski-mitniki-oznaiomilisia-z-naikrashchimi-ievropeiskimi-praktikami-protidiyi-kontrabandi-569> (accessed on February 24, 2023).



2.15. Policy considerations and recommendations

In the war against Russia, the citizens of Ukraine are paying the ultimate price for defending their homeland and its European perspective, whilst also paying the ultimate price for defending European values, security and the future prosperity of EU countries. If Russia were to succeed in this war, the EU member states would have to increase defense spending dramatically, the cost of security would rise many times over and public spending on social services, health, education and science, the green transition and modernization projects would have to be reduced. The EU cannot repeat the same mistake it made when its hesitant response to Russia’s aggression against Ukraine in 2014 created a geopolitical vacuum in Eastern Europe. For that allowed Russia to unleash another war in 2022, the biggest war since WWII, which is threatening the very foundations of European order, security and prosperity.

Russia’s military aggression against Ukraine must be met with a change to the paradigm of the EU’s approach toward Ukraine’s EU perspective. If the EU wants to stabilize the situation in Eastern Europe in the long term, it needs to anchor Ukraine in the EU-based integration processes. Otherwise, the destabilization of Eastern Europe will continue, at a cost to the security of EU countries and the prospects for shared prosperity, including the EU’s ability to deliver on its strategic objectives. The paradigm shift entails a move away from the perception that Ukraine’s ability to reform and prepare for EU integration is solely down to Ukraine toward the view that it is also a job for the EU institutions and for all member states.

Moreover, Ukraine needs both material and moral and political support from the EU – after two revolutions (2004–2005, 2014) and a war (starting in 2014) over European values, it deserves an unambiguous European perspective. It is time to take the key decisions that will translate the will of most Ukrainian and EU citizens into reality because, according to recent opinion polls 91 per cent of Ukrainian citizens and 66 per cent of EU citizens support Ukraine’s EU integration. Ukraine’s integration should take place under a special fast-track procedure, which will require extraordinary commitment and performance by the government and civil society in Ukraine, as well as extraordinary assistance from the EU institutions and member states.

Slovakia’s fast-track accession process could serve as a model for Ukraine’s EU integration. Thanks to special assistance from the European

Commission, which set up a High-Level Group to help Slovakia implement the *acquis*, and robust assistance from member states, including neighbors, Slovakia managed to complete its accession process within four years (2000–2003). Ukraine deserves a similar approach, and its government is prepared to invest its best efforts in handling the EU integration at least as well as the Slovak government did at the time. At the same time, we believe that the Norway model of EU relations, based on the rules established by the EEA agreement, contains elements that would help Ukraine better manage its integration process, such as third-country access to EU institutions prior to membership.

Based on the above reasons, we propose the following measures to enable the implementation of Ukraine's EU integration:

Policy measures

Continuation of the accession process – toward opening accession negotiations: after obtaining candidate status at the June 2022 EU summit, Ukraine needs to focus on fulfilling the conditions to continue the accession process. The European Commission will assess the state of Ukraine's fulfilment of the conditions and issue an opinion so the European Council can decide on whether to open accession negotiations. EU member states, having clearly supported granting candidate status to Ukraine, should help the Ukrainian government fulfill the conditions set out at the June 2022 Summit so the positive momentum of Ukraine's integration process can be maintained.

Trade: lift all the restrictions and quotas on imports of goods and services from Ukraine and create green lanes for critical produce (e.g., wheat) under the current DCFTA or other relevant agreements.

Energy sector: integrate Ukraine into ENTSO-G, it is already a member of ENTSO-E, so Ukraine can obtain secure supplies of natural gas and electricity. Engage Ukraine in the common energy policy, including joint procurement and the management of strategic energy reserves.

Governance: assistance in the integration process

Support Group for Ukraine (SGUA): strengthen and expand its activities and build on the High-Level Group model set up to support Slovakia's accession process in 2000–2003 so the SGUA becomes an effective instrument for providing expertise and assistance to Ukraine as it follows its European path. It should be directly linked to financial assistance tools to support Ukraine's relief, recovery, reforms and European integration.

232



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of EU-Ukraine institutional framework

233



Member states (lead nations): in cooperation with the SGUA and based on an agreement with Ukraine, member states should be given the opportunity to voluntarily become lead nations in helping Ukraine speed up the harmonization of legislation with the EU and accelerate reforms and investments in sectorial areas, including institutional reforms and human resources and capacity building reforms, including the public administration at the central authority, regional and local administration levels, as well as reforming the judiciary, protecting public order, fighting against corruption and supporting civil society so EU standards can be met as soon as possible.

To strengthen Ukraine's integration into the EU institutions, along with the above measures, we propose that Ukraine should have observer status in the following EU institutions:

EU programs and agencies: Ukraine is currently (as of August 2022) participating in 3 programs (out of 41) and 10 agencies (out of 69). Access to programs that expand the possibilities for financing joint projects between Ukrainian entities and European partners would serve as an additional source of funding besides the special fund resources dedicated to post-war reconstruction needs, support for reforms and integration. Ukrainian experts should be involved as observers in the work of the agencies as an important contribution to building Ukraine's human resources and capacity. Ukraine should be given access free of charge for the transitional period.

Main advisory bodies: Ukraine should be given the opportunity to nominate representatives as observers to the EU's main consultative institutions – the Economic and Social Committee and the Committee of the Regions in line with their RoP. Involvement in their activities will contribute to networking and cooperation between businesses, civil society, and regional and local governments in Ukraine and EU member states.

Council: where appropriate and in line with Article 6 para 1 of the Council RoP, Ukraine should be invited to attend the deliberations of the Council of the EU when common policies that are key to Ukraine's interests are being discussed, e.g., energy, Common Foreign and Security Policy, trade. To this end, the potential of the EU-Ukraine Association Council should also be fully exploited.

European Council: where appropriate the president of Ukraine should be invited to European Council meetings as a guest under Article 4 para 2 of the EUCO RoP.

Comitology: subject to Ukraine implementing the relevant EU *acquis*, the relevant instruments (basic acts, international agreements, decisions

of the association council) should provide for Ukraine to act as observer at the relevant comitology committees.

Financing

Solidarity Trust Fund for Ukraine (STFU): Ukraine's EU integration is not only in the interests of Ukraine and the EU, but also in the interests of other international actors (national governments, international financial institutions, private investors). If they wish to support a prosperous, stable, and democratic Ukraine, they should support Ukraine's EU path, which is integral to its successful and sustainable development. The EU should have the ambition to make Ukraine's European integration a shared objective for the wider international community.

Objectives suggested for STFU:

Relief: to strengthen Ukraine's resilience in a time of war, economic downturn, reduced state budget revenues and higher defense spending, the STFU's resources should be used to support the liquidity of the state budget.

Reconstruction: once the war ends, in the first stage, the STFU should be used primarily for the reconstruction of strategic infrastructure at national, regional and municipal levels, including transport, housing, energy networks and utilities, social and health service facilities, schools at all education levels. At the same time, resources should be directed at supporting small and medium-sized enterprises, science and research, energy efficiency and the green transition.

Reforms: in parallel with the basic renewal of strategic infrastructure, resources (grants and loans) invested in implementing structural reforms and investments should be in place with the aim of ensuring Ukraine can meet both the EU standards in all the dimensions (political and economic) as well as the accession criteria. Ukraine should be involved in planning and preparations for the disbursement of the STFU and should be responsible for managing the allocated funds.

The above measures will accelerate Ukraine's EU integration, including full membership. Among other things, as part of its accession process, Ukraine will have to implement the Schengen *acquis* and bring the customs administration system in line with EU rules. The Slovak-Ukrainian border will thereby become an internal EU border. The divisive functions of the border in terms of the free movement of people, goods, services and capital will be eliminated; instead, the border will connect and improve conditions for cross-border cooperation between regional and local actors in the border areas. With Ukraine

234



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

235



Impact of EU-Ukraine institutional framework

having been granted candidate status in June 2022, this objective is clearly in sight and achievable. However, the path will not be a simple easy one, as evidenced by the challenges of the customs reform, and in some other areas in Ukraine, analyzed above. It is in the interests of both Ukraine and its EU neighbors, including Slovakia, for its EU accession process to succeed. If this happens, some of the main winners will be the border regions on both sides of Ukraine's border with the EU.

2.2. Toward integrated border management

Anatoliy Holovka
Ladislav Chabreček
Svitlana Mitryayeva
Thibault Rabussier
& Stein Ulrich

236



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

237

Impact of EU–Ukraine institutional framework



The signing of the EU–Ukraine Association Agreement, along with the establishment of a visa-free regime, have increased Ukraine’s readiness and ability to undertake the activities required for EU integration. European integration, defined in the Ukrainian Constitution as a strategic foreign policy objective, would best be demonstrated by inclusion in the Schengen Area and the consequent removal of internal borders. The Schengen Area comprises European countries, including the associated countries of Iceland, Norway, Switzerland, Liechtenstein. Other countries, such as Romania, Bulgaria, Croatia and Cyprus apply the Schengen *acquis* in border management, while derogating to its provisions in maintaining border controls at their internal borders. However, the EU–Ukraine cooperation under the Schengen *acquis* depends on Ukraine’s readiness to implement European values and standards in terms of ensuring effective and inclusive border management.

When assessing Ukraine’s perspective for inclusion in the Schengen Area the future external borders of the Schengen Area, i.e., the borders Ukraine shares with Belarus, Russia and eventually Moldova, should be taken into consideration. Under the perspective, its borders with Slovakia, Poland, Hungary, and Romania will be deemed internal borders. As such, they hold no relevance to this particular issue. Nonetheless, we think it important and useful to assess the potential for facilitating the movement of persons across borders with EU member states, especially Slovakia, at the time of joining the Schengen Area.

The aim of this study is to describe and assess the institutional framework for the implementation of European integrated border management (IBM), including the potential for facilitating the movement of persons across the Slovak–Ukrainian border and the state of preparedness of the national legislation on border management. In addition, this study features a comparative perspective from Norway. The authors selected the following research methods in order to achieve the aim of this study:

- Institutional approach to describing the institutional framework of border regime management – the main legal instruments for the implementation of border management, rules and the principles of institutions’ activities (at the central, regional and local levels).
- Expert survey method – Schengen questionnaire items supplied by employees of the State Border Guard Service of Ukraine, independent expert involvement in the project as informants.

This assessment is based on replies to the Schengen questionnaire¹ used in the Schengen evaluation mechanism. None of the on-spot visits to Ukraine under the second obligatory component of the Schengen evaluation mechanism have been conducted. In addition, some of the Schengen questionnaire items were not answered: some of them are sensitive and so responses are provided during the Schengen evaluation only. It is important to assess the prospect of shifting the external Schengen borders eastwards. In Ukraine's case, these will be its future external borders, with Belarus and Russia in the first instance. This research considers the institutional factors and makes no reference to the current politico-military situation.

This study is not a Schengen evaluation as defined in the EU law/Schengen *acquis*, consisting of a broad system for evaluating the performance of a member state (candidate country) in the areas of external borders, visa policy, the Schengen Information System, data protection, police cooperation, judicial cooperation in criminal matters, as well as the absence of border control at internal borders.² Such evaluations consist of questionnaires and on-site visits in the member states and Schengen association states. The abolishment of internal border controls and integration into the Schengen Area are dependent on the member state passing the Schengen evaluations.

2.2.1. Concept of European Integrated Border Management

One of the main objectives of the EU in protecting the common area of freedom, security and justice is to gradually introduce an integrated management system for its external borders.³ The original model of integrated border management was adopted as part of the "Justice

1 The authors had the opportunity to see an unofficial and unpublished version of the document.

2 "Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen," *Official Journal of the European Union*, 2013. Available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R1053> (accessed on February 24, 2023).

3 "Treaty on the Functioning of the European Union," Article 77 (1) (c). Available online: <https://eur-lex.europa.eu/EN/legal-content/summary/treaty-on-the-functioning-of-the-european-union.html> (accessed on February 24, 2023).



and Home Affairs Council conclusions" in 2006⁴ as a key tool for safeguarding the internal security of member states and, in particular, for preventing and exposing illegal immigration and related crimes as well as other cross-border crimes.

The Regulation on the European Border and Coast Guard from 2016⁵ rendered the European IBM legally binding in relation to the previous model of integrated border management from 2006. It was composed of 11 components. In 2019, the new Regulation on the European Border and Coast Guard⁶ (EBCG 2.0) was adopted. Under Article 4 of the Regulation, European IBM consists of the following components:

- a. border control, including measures to facilitate legitimate border crossings and, where appropriate: measures related to the prevention and detection of cross-border crime at the external borders, in particular migrant smuggling, human trafficking and terrorism; and mechanisms and procedures for the identification of vulnerable persons and unaccompanied minors, and for the identification of persons who are in need of international protection or wish to apply for such protection, the provision of information to such persons and the referral of such persons;
- b. search and rescue operations for persons in distress at sea launched and carried out in accordance with Regulation (EU) No 656/2014 and with international law, being conducted in situations that may arise during border surveillance operations at sea;

4 "Council Conclusions of 4–5 December 2006 on Integrated Border Management (2768th Justice and Home Affairs Council meeting in Brussels)," Council of the European Union, 2006. Available online: https://ec.europa.eu/commission/presscorner/detail/en/PRES_06_341 (accessed on February 24, 2023).

5 "Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC," *Official Journal of the European Union*, L 251/1, 2016. Available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R1624> (accessed on February 24, 2023).

6 "Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624," *Official Journal of the European Union*, L 295/1, 2019. Available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R1896> (accessed on February 24, 2023).

- c. analysis of the internal security risks and analysis of threats that could affect the functioning or security of the external borders;
- d. information exchange and cooperation between member states in the areas covered by this regulation, as well as information exchange and cooperation between member states and the European Border and Coast Guard Agency (Frontex), including the support coordinated by Frontex;
- e. inter-agency cooperation among the national authorities in each member state responsible for border control or other tasks carried out at the border, as well as between authorities responsible for returns in each member state, including the regular exchange of information via existing information exchange tools, including, where appropriate, cooperation with national bodies responsible for protecting fundamental rights;
- f. cooperation among the relevant Union institutions, bodies, offices and agencies in the areas covered by this regulation, including through regular exchange of information;
- g. cooperation with third countries in the areas covered by this regulation, focusing in particular on neighboring third countries and on third countries identified through risk analysis as being countries of origin or transit for illegal immigration;
- h. technical and operational measures within the Schengen Area related to border control and designed to target illegal immigration and improve actions against counter cross-border crime;
- i. the return of third-country nationals who are the subject of return decisions issued by a member state;⁷
- j. the use of state-of-the-art technology including large-scale information systems;
- k. a quality control mechanism, especially the Schengen evaluation mechanism, vulnerability assessment and possible national mechanisms, to ensure the implementation of Union law in the area of border management;
- l. solidarity mechanisms, in particular Union funding instruments.

240



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of EU-Ukraine institutional framework

241



Institutional framework for border regime management

Ukraine has a land state border of 5,637.982 km, including 1,084.2 km shared with Belarus, 542.39 km with Poland, 97.852 km with the Slovak Republic, 136.7 km with Hungary, 613.8 km with Romania, 1,222 km with Moldova and 1,974.04 km with Russia. There are 229 border crossing points (including checkpoints) for persons and transport: 166 of these are international, 28 are interstate and 35 are local. The 229 border-crossing points consist of road (100), railway (57), air (28), sea (29), river (10), ferry (2) and pedestrian crossing points (3).¹⁰

⁸ The EBCG is composed of the national authorities of member states responsible for border management, including coast guards – to the extent that they carry out border control tasks – the national authorities responsible for returns and Frontex.

⁹ See Article 8 para 6 of the European Border and Coast Guard Regulation. See “Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU), No. 1052/2013 and (EU) 2016/1624,” *op. cit.*

¹⁰ See “Кабінет міністрів України розпорядження від 24 липня 2019 р. No. 687-р Київ Про схвалення Стратегії інтегрованого управління кордонами на період до 2025 року,” [Cabinet of Ministers of Ukraine Order of July 24, 2019 No. 687-r Kyiv On Approval of the Strategy of Integrated Border Management for the Period Until 2025] Verkhovna Rada of Ukraine, p. 5. Available online: <https://zakon.rada.gov.ua/laws/show/687-2019-%D1%80#Text> (accessed on February 24, 2023).

⁷ “Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals,” *Official Journal of the European Union*, 2001. Available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32001L0040> (accessed on February 24, 2023).

Article 15 of the Schengen Borders Code¹¹ states that member states have to deploy the appropriate staff and resources in sufficient numbers to carry out border control at the external borders, while ensuring an efficient, high and uniform level of control at the external border (Articles 7 to 14).

Under Article 16 of the Schengen Borders Code, border guards have to be specialized and properly trained professionals in accordance with the common core curricula for border guards established and developed by Frontex. The training includes specialized training for detecting and dealing with situations involving vulnerable persons, such as unaccompanied minors and victims of trafficking. With the support of the agency, member states should encourage border guards to learn the languages necessary for carrying out their tasks.

The main document regulating Schengen standards on border management is the Updated EU Schengen Catalog on External Borders Control, Return and Readmission¹² (Schengen catalog). The purpose of the Schengen catalog is to give recommendations and highlight best practices for implementing the regulations and other border management documents. The Schengen catalog serves as a reference tool for future evaluations undertaken in candidate countries and for monitoring the correct application of the Schengen *acquis* by Schengen states.

Border management requires a high level of professionalism. Each member state is expected to grant one public civil authority primary responsibility for implementing Integrated Border Management, especially with regard to border control, preventing illegal immigration along external borders and combating illegal immigration inside the member state's territory. There should be a centralized command, control, supervision and instructions for border control, risk analysis and criminal investigation as well as for inter-agency and international cooperation with regard to preventing and combating illegal immigration.

The responsible authority, typically the Border Guard or Border Police, should be centralized and have a clear structure. There should

11 "Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)," *Official Journal of the European Union*, L 77/1, 2016. Available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0399> (accessed on February 24, 2023).

12 "Updated EU Schengen catalog on external borders control, return and readmission," No. 7864/09, SCH-EVAL 48, FRONT 21, COMIX 252, March 19, 2009. Available online: <https://data.consilium.europa.eu/doc/document/ST-7864-2009-INIT/en/pdf> (accessed on February 24, 2023).

242



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of EU-Ukraine institutional framework

243



be a direct chain of command between the units of the responsible authority at the central, regional and local level to ensure a common approach to border control, a unified planning and training system and an extensive and fast data flow at all levels of the organization. In Ukraine, integrated border management is being implemented in accordance with the "Integrated Border Management Strategy for the period till 2025."¹³ IBM is defined as the coordinated activity of the competent state bodies and military formations with the aim of creating and maintaining a balance between the adequate provision of border security and maintaining the openness of the state border for legal cross-border cooperation and travelers. The strategy is aimed at achieving the following nine strategic objectives:

- a. optimization of border control procedures at the border to ensure the proper level of security;
- b. rapid response to violations at the state border beyond border crossing points;
- c. control of maritime situations and a rapid response to changes;
- d. selective control based on risk analysis and assessments to minimize threats at the border;
- e. introduction of a coordination mechanism for integrated border management agencies, and efficient cooperation;
- f. establishment of an effective international cooperation mechanism for developing IBM in Ukraine;
- g. law-enforcement agencies are effective at tackling cross-border crimes;
- h. detention of illegal migrants and return to countries of origin;
- i. establishment of a national quality control system to determine the implementation status of IBM tasks.

The State Border Guard Service of Ukraine (SBGS) is responsible for border control and its duties are performed in accordance with Ukrainian law regulations as well as international agreements. Where necessary the State Phytosanitary Service and the State Ecological

13 Approved by the Cabinet of Ministers of Ukraine. See "Кабінет міністрів України розпорядження від 24 липня 2019 р. No. 687-р Київ Про схвалення Стратегії інтегрованого управління кордонами на період до 2025 року," [Cabinet of Ministers of Ukraine Order of July 24, 2019, No. 687-r Kyiv On Approval of the Strategy of Integrated Border Management for the Period Until 2025] Verkhovna Rada of Ukraine, 2019. Available online: <https://zakon.rada.gov.ua/laws/show/687-2019-%D1%80#Text> (accessed on February 24, 2023).

Inspectorate may be involved in border control. The SBGS coordinates activities at border crossing points. It is subordinated to the Ministry of Internal Affairs of Ukraine.

The chain of command in the SBGS is as follows:

Cabinet of Ministers of Ukraine – Ministry of Internal Affairs – Administration of the State Border Guard Service of Ukraine – Regional Departments – Border Guard Bodies (Border Detachments) – Border Guard Units (Border Guard Departments).

The main functions of the SBGS are:

- border control at the state border of Ukraine on land, sea, rivers, lakes and other bodies of water;
- protection of the sovereign rights of Ukraine in its exclusive (maritime) economic zone and control over the implementation of rights and fulfillment of obligations in this zone of other states/ Ukrainian and foreign legal and natural persons, international organizations;
- conducting intelligence, information-analytical and operational-search activities in the interests of ensuring the protection of the Ukrainian border;
- participation in the fight against organized crime and combating illegal migration;
- participation in the fight against terrorism, as well as stopping illegal paramilitary or armed groups (groups), organized groups and criminal organizations;
- participation in the implementation of state protection for the president of Ukraine and officials at places of permanent and temporary stay;
- protection for foreign diplomatic missions of Ukrainian representatives;
- coordination of the activities of military formations and relevant state bodies (including law enforcement agencies) relating to the protection of the Ukrainian border.

According to the law on the armed forces of Ukraine,¹⁴ the armed forces and other military formations set up pursuant to Ukrainian law may be used to stop armed provocations and armed conflicts on the Ukrainian

¹⁴ “Закон України Про Збройні Сили України,” [Law of Ukraine on the Armed Forces of Ukraine] Verkhovna Rada of Ukraine. Available online: <https://zakon.rada.gov.ua/laws/show/1934-12#Text> (accessed on February 24, 2023).

244



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of EU-Ukraine institutional framework

245



border. The SBGS consists of 53,000 persons, including 45,000 servicemen and servicewomen (military personnel). The units, military units and subdivisions of the armed forces may be involved in

- implementation of martial law and a state of emergency,
- national security and defense measures,
- repelling and deterring armed aggression by the Russian Federation in Donetsk and Luhansk regions,
- organizing and supporting the actions of the resistance movement,
- conducting military information and psychological operations, combating terrorism and piracy,
- protecting the lives, health of citizens and state property outside Ukraine,
- ensuring their security and evacuation (return),
- strengthening control of the state border,
- protecting Ukraine’s sovereign rights in its exclusive (maritime) economic zone and on the continental shelf and their legal registration,
- ensuring the safety of Ukraine’s national shipping on the high seas or anywhere outside the jurisdiction of any state,
- measures to prevent the proliferation of weapons of mass destruction,
- combating the illicit trafficking of weapons and narcotics, psychotropic substances, their analogues or precursors on the high seas,
- prevention of natural and man-made emergencies,
- provision of military assistance to other states and participation in international military cooperation, international anti-terrorism, anti-piracy and other international operations to maintain peace and security on the basis of international agreements to which Ukraine is a party and, in the manner, and under the conditions specified in Ukrainian law.

Preparedness of institutions at central, regional, and local level

Ukraine has adopted its national “Integrated Border Management Strategy for up to 2025” which is in line with the Schengen *acquis*. This strategy has a supplementary “Action plan for 2020–2022”. The strategy takes account of the 11 components of European Integrated

Border Management (regulation EU 2016/1624), the technical and operational strategy for European IBM and the recommendations of the Compendium of the Coordinated Border Management of the World Customs Organization. It covers the three horizontal (common) areas (human rights, staff training, technology and research development).¹⁵

The main goal of the strategy is to fulfill the national obligation to implement the Association Agreement between Ukraine, on the one hand, and the EU, the European Atomic Energy Community and their member states, on the other. The strategy and action plan follow the Schengen *acquis* standards, are well structured and identify clear and perspicuous goals for IBM up to 2025. According to the strategy one of the main threats is the sectors of the Ukrainian border that are temporarily not under Ukrainian control (following the Russian invasion of Ukraine on February 24, 2022). Moreover, its geographical location makes Ukraine an attractive country for illegal migration and drug smuggling.

The second part of the strategy contains strategic objectives, and together with the specific activities in the action plan, it clearly sets out plans for IBM in Ukraine. The action plan sets out detailed actions along with the responsible authorities, period and budget. The Russian invasion has had a significant impact on the IBM system. The implementation of the activities will therefore depend on the ongoing situation in Ukraine.

Border control is in the interest not only of the Schengen member states, at whose external borders it is carried out, but of all member states that have abolished or will be abolishing border controls at their internal borders. Therefore, it is worth remembering that when implementing border management, member state control of the external border benefits both the member state and the remaining Schengen member states (under the principle of solidarity). Effective border controls should therefore be maintained constantly and cover all illegalities, including those with no impact on local security.

15 See “Кабінет міністрів України розпорядження від 24 липня 2019 р. No. 687-р Київ Про схвалення Стратегії інтегрованого управління кордонами на період до 2025 року,” [Cabinet of Ministers of Ukraine Order of July 24, 2019 No. 687-r Kyiv On Approval of the Strategy of Integrated Border Management for the Period Until 2025] Verkhovna Rada of Ukraine, p. 7. Available online: <https://zakon.rada.gov.ua/laws/show/687-2019-%D1%80#Text> (accessed on February 24, 2023).

Facilitation of the movement of persons across the Slovak-Ukrainian border

Three Schengen members share a border with Ukraine—Slovakia, Poland and Hungary. Another EU member, Romania, has committed to joining the Schengen Area in the future. Schengen border crossing points represent 13 per cent of all the border crossing-points (all sections of the border) and 25 per cent of crossings over this section of the Ukrainian border (data for 2020, Table 1). It's important to note that, following the 2022 Russian invasion of Ukraine, the numbers crossing the Schengen border increased when refugees began fleeing Ukraine (more than 6.6 million persons¹⁶).

Table 1. Cross-border movement over the Schengen border and other sections of the Ukrainian border (data for 2020)¹⁷

sections of the Ukrainian border	length of boundary line	number of border crossing points	numbers crossing the Ukrainian border
border with Schengen Area	778 km	26 (13%)	over 1.3 million (25%)
remaining sections of the Ukrainian border	5638 km	173 (87%)	3.9 million (75%)

Source: The State Border Guard Service of Ukraine

While there is a relatively small number of crossing points between Ukraine and the Schengen Area, the crossing points are extremely busy. Consequently, social tensions and corruption are more likely due to travelers' dissatisfaction and longer waiting times at the crossing-points. The ecological (traffic pollution caused by queues) and economic impacts are also substantial. Modern-Expo analysts

16 For more details on Ukraine refugee situation see Operational Data Portal. Available online: https://data.unhcr.org/en/situations/ukraine#_ga=2.228732760.514168680.1646989952-176134281.1646551413 (accessed on February 24, 2023).

17 “Перелік пунктів пропуску,” [List of Checkpoints] State Border Guard Service of Ukraine, February 19, 2019. Available online: <https://dpsu.gov.ua/ua/perelik-punktiv-propusku/> (accessed on February 24, 2023); “Статистичні дані щодо перетину українського кордону громадянами інших держав,” [Statistical data on the crossing of the Ukrainian border by citizens of other countries] ДАПТ, March 2, 2021. Available online: <https://www.tourism.gov.ua/blog/statistichni-dani-shchodo-peretinu-ukrayinskogo-kordonu-inozemcyami> (accessed on February 24, 2023).

have estimated that border queues cost the Ukrainian economy more than €50 million every year.¹⁸

There are five border crossing points on the Slovak–Ukrainian border:

- Vyšné Nemecké–Uzhhorod
- Ublá–Malyi Bereznyi
- Velké Slemence–Mali Slemenci (for pedestrians and cyclists)
- Čierna nad Tisou–Čop
- Maťovské Vojkovce–Pavlovo (only for cargo trains).

In the last ten years, no new border crossing-points have been opened, the last one to open was Velké Slemence–Mali Slemenci in December 2005. Similarly, there have been no recent major infrastructure projects to increase capacity on any of these crossing-points. In 2019, a total of 2,660,346 persons crossed the Slovak–Ukrainian border, which is probably the maximum capacity of the border crossing-points (see also Chapter 1.1).

As part of a vulnerability assessment, in 2017 Frontex recommended that Slovakia increase the maximum capacity of the border crossing-points at Vyšné Nemecké and Ublá. Consultations with Frontex ensued, until the agency eventually reassessed and withdrew its recommendation for Ublá, given the high costs entailed¹⁹. But work commenced on extending the infrastructure at the Vyšné Nemecké border crossing-point in 2018 to include:

- 2 car lanes at the entry point;
- 1 bus lane at the entry point;
- 2 car lanes at the exit point;
- a new terminal for pedestrians and cyclists.

18 P. Kravchuk, I. Sushko “Solution roadmap. Current problems of Ukraine–Schengen border,” Europe without Barriers, February 10, 2021. Available online: <https://europeweb.org.ua/wp-content/uploads/2021/02/Dorozhnia-karta-web.pdf> (accessed on February 7, 2022).

19 “Frontex completed first set of vulnerability assessments,” FRONTEX, 2017. Available online: <https://frontex.europa.eu/media-centre/news/news-release/frontex-completed-first-set-of-vulnerability-assessments-xLBfrG> (accessed on February 24, 2023).

248



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

249



Impact of EU–Ukraine institutional framework

The work on the Vyšné Nemecké crossing point should be finalized at the end of 2023. The Financial Directorate of the Slovak Republic is responsible for the work. In addition, the new Entry/Exit/System (EES) will be operational by September 2022.²⁰ The EES is an electronic system for registering the time and place of the entry and exit of third-country nationals admitted for short stays to member state territory. It will calculate the duration of authorized stay and remove the obligation to stamp third-country nationals’ passports applicable to member states.

The objectives of the EES are to improve the management of external borders, prevent irregular immigration and facilitate the management of migration flows. In particular the EES should help member states identify any person who does not fulfill or no longer fulfills the conditions of duration of the authorized stay on the territory of the member states. Additionally, the EES should aid the prevention, detection and investigation of terrorist offences and other serious criminal offences. The EES will register the alphanumeric and biometric data (four fingerprints and facial images of the third country national). The EES will raise the level of security in the EU but may also extend the time spent on border procedures (because it registers biometric information). That is likely to represent an additional burden in the management of passenger flows through the existing border crossing-points at the common border.

National legislation on border management

The Schengen *acquis* is the part of EU law expressed directly in primary law. The protocol (No 19) on the Schengen *acquis*, integrated into the legal framework of the EU, stipulates that the *acquis* comes from agreements on the gradual abolition of checks at internal borders.²¹ The Schengen *acquis* was integrated into the framework of EU primary law by the Treaty of Amsterdam of October 2, 1997.

20 “Regulation (EU) 2017/2226 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the member states and determining the conditions for access to the EES for law enforcement purposes and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011,” EUR-Lex. Available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R2226> (accessed on February 24, 2023).

21 Agreement of June 14, 1985, and of June 19, 1990, as well as related agreements and the rules adopted on the basis of these agreements.

Border management is also integrated into primary legislation, as stipulated in Article 77 of the Treaty on the Functioning of the EU. In secondary law, there are many regulations, directives and decisions regulating border management. The most important regulations are the Schengen Borders Code and the European Border and Coast Guard regulation. The regulations have general application and are binding in their entirety and directly applicable in all member states. That means they are not transposed into member state national law, but automatically and directly integrated. As such, these regulations would apply immediately upon Ukraine's inclusion into the Schengen Area.

The EU directives form the Schengen *acquis* relating to IBM. These are, for example, the return directives,²² directives on the obligations of carriers,²³ removal by air of third-country nationals²⁴ and travel and residence of EU citizens²⁵.

22 "Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in member states for returning illegally staying third-country nationals," *Official Journal of the European Union*, L 348/98, 2008. Available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008L0115> (accessed on February 24, 2023).

23 "Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985," *Official Journal of the European Union*, L 187, 2001. Available online: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32001L0051> (accessed on February 24, 2023); and "Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data," *Official Journal of the European Union*, L 261/24, 2004. Available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0082> (accessed on February 24, 2023).

24 "Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air," *Official Journal of the European Union*, L 321, 2003. Available online: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32003L0110> (accessed on February 24, 2023).

25 "Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the member states amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance)," *Official Journal of the European Union*, L 158/77, 2004. Available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004L0038> (accessed on February 24, 2023).

250



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of EU-Ukraine institutional framework

251



Under European Law, the directive is binding upon all the member states it applies to, but leaves the form and methods applied down to the national authorities. In practice, all directives relating to IBM will have to be transposed into Ukrainian national law before it can become a member of the Schengen Area.

The approximation of Ukrainian legislation to the Schengen *acquis* is primarily the task of the government institutions and the parliament (Verkhovna Rada of Ukraine). At the political level, planning and monitoring the process of the approximating Ukrainian legislation to European law lies within the competence of the Cabinet of Ministers of Ukraine – Prime Minister of Ukraine, Deputy Prime Minister for European and Euro-Atlantic Integration of Ukraine. At the operational level, the Government Office for Coordination on European and Euro-Atlantic Integration coordinates the activities of the executive bodies in drafting and implementing measures aimed at implementing the EU *acquis*.

The Support Group for Ukraine and the EU Advisory Commission in Ukraine were created to support Ukraine in improving its legislation (and implementation of the Schengen *acquis*). Their task is to provide advice and training to support the reform of the state bodies (including the border guard service). Several agreements were concluded between the Ukrainian government and the governments of the Schengen countries. These agreements have been ratified by the Ukrainian parliament and form part of Ukrainian legislation. In particular, they relate to local border traffic²⁶ and joint border

26 For Local Border Traffic Agreement between Ukraine and Schengen Area's member states see "Угода між Кабінетом Міністрів України та Урядом Республіки Польща про правила місцевого прикордонного руху," [Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Poland on the rules of local border traffic] Verkhovna Rada of Ukraine, 2009. Available online: https://zakon.rada.gov.ua/laws/show/%20616_138#Text (accessed on February 24, 2023); "Угода між Україною та Словацькою Республікою про місцевий прикордонний рух," [Agreement between Ukraine and the Slovak Republic about local border traffic] Verkhovna Rada of Ukraine, 2008. Available online: https://zakon.rada.gov.ua/laws/show/%20703_076#Text (accessed on February 24, 2023); "Угода між Кабінетом Міністрів України та Урядом Угорської Республіки про правила місцевого прикордонного руху," [Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Hungary on the rules of local border traffic] Verkhovna Rada of Ukraine, 2007. Available online: https://zakon.rada.gov.ua/laws/show/348_072#Text (accessed on February 24, 2023).

patrolling.²⁷ Nevertheless, one can agree with the experts of the Ukrainian NGO Europe Without Barriers²⁸ that one of the main problems is the incompatibility of Schengen and Ukrainian legislation, particularly regarding the legal interpretation of the phrase “territory of a common checkpoint.” Within the framework of the Schengen legislation, the “territory of a common checkpoint” is a place where only EU laws and regulations apply. There is a need for consultations on this in the EU–Ukraine format.

2.2.2. Comparative perspective from Norway

Norway shares a border with three countries: Sweden, Finland, and Russia. As a Schengen member state, Norway is part of the internal free-travel area with a common external border. The only external Schengen land border in Norway is the border with Russia. In the north-east of the country the border is 197 km long. It is partly a land border but most of it runs along rivers and lakes. The only land border crossing point is Storskog Border Crossing-Point. The Norwegian coastline is in its entirety defined as a Schengen external border. The coastline is 22,000 km long and the territorial waters border with the Barents

252



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of EU–Ukraine institutional framework

253



27 For Joint Border Patrolling Agreements between Ukraine and Schengen Area's member states see: “Угода між Адміністрацією Державної прикордонної служби України і Міністерством внутрішніх справ Словацької Республіки про спільне патрулювання українсько-словацького державного кордону,” [Agreement between the Administration of the State Border Service of Ukraine and the Ministry of Internal Affairs of the Slovak Republic on joint patrolling of the Ukrainian–Slovak state border] Verkhovna Rada of Ukraine, 2013. Available online: https://zakon.rada.gov.ua/laws/show/703_093#Text (accessed on February 24, 2023); “Протокол між Адміністрацією Державної прикордонної служби України та Поліцією Угорщини про спільне патрулювання українсько-угорського державного кордону,” [Protocol between the Administration of the State Border Service of Ukraine and the Police of Hungary on joint patrolling of the Ukrainian–Hungarian state border] Verkhovna Rada of Ukraine, 2013. Available online: https://zakon.rada.gov.ua/laws/show/348_089#Text (accessed on February 24, 2023); “Протокол між Адміністрацією Державної прикордонної служби України та Головним Комендантом Прикордонної варті Республіки Польща про спільне патрулювання,” [Protocol between the Administration of the State Border Service of Ukraine and the Chief Commandant of the Border Guard of the Republic of Poland on joint patrolling] Verkhovna Rada of Ukraine, 2010. Available online: https://zakon.rada.gov.ua/laws/show/616_150#Text (accessed on February 24, 2023).

28 P. Kravchuk, I. Sushko, op. cit.

Sea, Norwegian Sea, North Sea, and Skagerrak.²⁹ Norway applies the common set of Schengen rules in full, including rules on police cooperation, legal cooperation on criminal cases, visa rules and rules on control of the external borders and participates in Frontex. It is involved in developing the Schengen *acquis* at all levels of the EU Council decision-making system. But, as Norway is not a part of the EU, it has only the right to speak, not vote.³⁰

Implementation and negotiations on the Schengen agreement

Norway began negotiations on Schengen membership in 1995. A passport union between the Nordic countries had existed since 1954, which meant the Nordic region was a common area of freedom of movement. When the three Nordic EU member states, Sweden, Denmark and Finland, applied to join the Schengen Area, Norway and Iceland found it necessary to enter into an agreement with the Schengen countries to preserve the Nordic passport union. That association agreement was signed on December 19, 1996. In principle the Schengen agreement applies only to EU member states, but all four EFTA countries have agreements in association with the Schengen agreement. In 2001, the Schengen *acquis* was applied in all the Nordic countries, including Norway and Iceland.³¹

In the debate in Norway about the implementation of the Schengen *acquis*, there was little discussion of the financial aspects. The main topic was the consequences of being left outside the Schengen cooperation. Exclusion from the Schengen Area would have meant border controls between Norway and the Nordic countries. There was no disagreement on continuing Nordic police cooperation, so the discussion merely focused on whether Norway would have to join the Schengen agreement in order to maintain this cooperation.³²

29 “National Programme ISF,” *Politiet*, January 1, 2014. Available online: <https://www.politiet.no/globalassets/dokumenter/pod/eus-indre-sikkerhetsfond/norges-nasjonale-program-for-indre-sikkerhetsfond-2014-2020.pdf> (accessed on February 24, 2023).

30 “Schengen,” Norwegian Ministry of Foreign Affairs, March 1, 2017. Available online: <https://www.norway.no/en/missions/eu/areas-of-cooperation/schengen> (accessed on February 24, 2023).

31 Ibid

32 D. Davidsen, “Internasjonalt politisamarbeid,” [International police cooperation] master thesis, Institutt for statsvitenskap, Universitetet i Oslo, May 2005. Available online: <https://www.duo.uio.no/bitstream/handle/10852/13771/26767.pdf?sequence=1&isAllowed=y> (accessed on February 24, 2023).

The main motivation behind the agreement with the Schengen Area was to keep the Nordic passport union intact. At a meeting in Reykjavik (February 27, 1995), the Nordic countries agreed that the best way to continue that union was through a common approach to the Schengen agreement. The prime ministers of the three Nordic EU countries had all declared that they would only join the Schengen agreement if there was a guarantee that the Nordic passport union would be preserved.³³ During the negotiations over the signing of the Schengen association agreement, there was a change of government in Norway. The newly elected government, tasked with negotiating the agreement, outspokenly voiced its opposition to the Schengen agreement. Nevertheless, it negotiated and signed the agreement, believing that the process was already too advanced to back down and that such an agreement, negotiated by it, would at least take opposing voices into consideration in the newly signed framework.

Norway's joining the Schengen Area mainly affected police cooperation and the external Schengen border to Russia and Nordic cooperation. The main change in police cooperation brought about by the Schengen agreement related to the Schengen Information System (SIS). The SIS brought both benefits and challenges. The data registration system allows the police to track criminal activities more easily and over a much broader area than previously. The challenges of the SIS relate to legal security and the privacy of the personal data of individuals registered in the SIS. The Norwegian police has generally had a positive attitude to the innovations and amendments relating to police cooperation. However, it is hard to measure the actual impact on the police's efficiency, as police operations are not only affected by its ability to detect and track criminal activities, but by the extent of the criminal deeds committed. Another major change in police cooperation was the ability of foreign police to prosecute offenders across national borders, which led to increased cooperation across borders.³⁴

In the 2000 Schengen evaluation, the Schengen border with Russia was rated positively. In the 2005 evaluation, it was found that the Norwegian Armed Forces played an abnormal role: indeed, the inspectors criticized Norway for its use of military personnel for border surveillance and thereby the military's direct control over civilians. It was pointed out that the agreement between the police and the armed forces was inadequate and the inspectors criticized the armed forces'

33 Ibid
34 Ibid

254



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of EU-Ukraine institutional framework

255



use of conscripts instead of professional soldiers. The communication and division of responsibilities and tasks between the military and the police also needed improving. As a result, a new cooperation agreement was drafted between the police, the Garrison of Sør-Varanger and the Border Commissioner. It entered into force in 2008, and stipulated that, if the armed forces were to intervene against civilians, the police were to take over the case and handle the situation immediately.³⁵

There has been no need to reinforce the cooperation measures between Norwegian and Swedish authorities based on the Schengen *acquis* since Norway joined the Schengen agreement, as the police forces on both sides of the border were already working closely together in the absence of language barriers. For many years, the two sides contacted one another and asked for assistance in much the same way as they did with neighboring districts in the state. During the Schengen evaluation, the inspectors noticed this proximity and concluded that a joint police station did not seem necessary. Moreover, they did not consider the lack of joint patrols to be a problem. It was noted that the Norwegian police in the border areas preferred to use the Nordic police cooperation agreement in their cooperation, rather than the Schengen regulations. There is no indication that the exchange of information between the police in the Nordic countries has been hindered or inhibited in any way.³⁶

The Norwegian-Russian Border

The Norwegian Commissioner for the Norwegian-Russian Border is responsible for the Norwegian-Russian border on the Norwegian side. The Commissioner's Office is situated in the center of the border municipality Kirkenes and consists of an office manager, an interpreter/senior adviser and two border inspectors, with the Border Commissioner as leader. In addition, the Border Commissioner approves the use of some local representatives from the armed forces and the police as border assistants to assist, when needed, in solving assignments. The Border Commissioner is a civilian post but has always been held by a former officer of the armed forces so is of equal rank as Russia's Border Commissioner. The Border Commissariat is an independent

35 S. Ulrich, "Norsk politi i Schengen 1996–2016," [Norwegian police in Schengen 1996–2016] *Police Report*, 2016. Available online: <https://www.politiet.no/globalassets/05-om-oss/internasjonalt/norsk-politi-i-schengen.pdf> (accessed on February 24, 2023).

36 Ibid

administrative body, administratively subordinated to the Police Directorate with the Ministry of Foreign Affairs.³⁷

The main responsibilities of the Norwegian Commissioner for the Norwegian–Russian Border are:

- ensuring that the Border Agreement of 1949 and other bilateral border agreements are properly complied with;
- minimizing the probability of incidents at the border through preventive activity (this involves disseminating information about the border rules and regulations to the public, inspectors and maintenance of the border lane and the border markings);
- cooperating with the state administration, especially the police and the Border Guard;
- communicating regularly with the Border Guard Service of Russia through talks, meetings, and letters. The border commissioners usually meet monthly, and the border inspectors and assistants have weekly meetings.

The Norwegian-Russian border is marked out by 396 border markers consisting of concrete supports, piles, poles, and upper marks. The border posts face each other in pairs. The Norwegian bars are yellow with black top panels, while the Russian bars are red and green striped. Where the border is on land, the border posts are located 4 meters apart in a cleared border road that is 8 meters wide and the national border runs along the middle between the posts. Where the border is in water, the border marks are located on islands or on the banks of watercourses.

Several special rules apply to the areas surrounding the Norwegian–Russian border. It is forbidden to cross the land, water or air border; to have contact or a conversation across the border; to commit abusive or provocative acts against the border; to remove, damage or destroy boundary marks; to walk around or climb on the border piles or concrete supports; to throw objects across the border; to photograph or film Russian personnel, installations, facilities and defense equipment or other objects on Russian territory, in a manner that appears prying or provocative; to let pets or livestock cross the border – pet owners are held responsible and quarantine rules apply.

³⁷ For more see official website of Norway Police. Available online: <https://www.politiet.no/om-politiet/organisasjonen/sarorganene/grensekommisariatet/om-grensekommisariatet> (accessed on February 24, 2023).

256



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

257



Impact of EU–Ukraine institutional framework

In 2021, border traffic across the Storskog Border Crossing-Point was at a 25-year low, with a total number of 14,752 crossings.³⁸ With the COVID-19 pandemic and travel restrictions that number was down by 76 per cent on 2020, which had also been heavily affected by the pandemic, but had seen high numbers of border crossings in January and February.³⁹ Not since 1993 and 1994 have so few people crossed the Norwegian-Russian border. During the Cold War, the border with the Soviet Union was crossed only a few hundred times every year. Throughout the 1980s, there was an increase in crossings from the Norwegian side, and in 1990, when the Kremlin lifted restrictions on Russian travel abroad, there were more than 8,000 border crossings. The first year after the collapse of the Soviet Union, there were more than 80,000 border crossings, 60,000 of which were from the Russian side. The following year, in 1993, Norway imposed restrictions on Russian street traders, and the number of border crossings fell by 50 per cent.⁴⁰ After that, the number of crossings increased steadily up until the annexation of Crimea in 2014, which led to the collapse of the ruble, making shopping in the Norwegian border town of Kirkenes more expensive for Russian people.⁴¹

2.2.3. Conclusions and policy recommendations

Ukraine's prospects for Schengen integration, as well as the absence of internal borders and institutional readiness to cooperation with EU depend on its ability to undertake the necessary steps:

- a. to continue implementing the National Integrated Border Management Strategy, including the components outlined in the new European Border and Coast Guard Regulation (2019);
- b. to further bolster the institution responsible for controls at the state borders, focusing on the future Schengen external borders;

³⁸ T. Nilsen, "Border crossings at 25-year low," *The Barents Observer*, January 10, 2021. Available online: <https://thebarentsobserver.com/en/borders/2021/01/border-crossings-25-years-low> (accessed on February 24, 2023).

³⁹ T. Nilsen, "Russia-Norway sees fewest crossings since Soviet times," *Arctic Today*, January 7, 2022. Available online: <https://www.arctictoday.com/russia-norway-border-sees-fewest-crossings-since-soviet-times/> (accessed on February 24, 2023).

⁴⁰ T. Nilsen, "Border crossings at 25-year low," op. cit.

⁴¹ T. Nilsen, "Russia-Norway sees fewest crossings since Soviet times," op. cit.

- c. to adapt the national legislation to the Schengen *acquis* relating to border management and facilitate the movement of persons across the border.

Recommendations regarding the National Integrated Border Management Strategy:

- consistently implement the actions and regularly assess and update the Action Plan;
- update the parts of the Action Plan relating to the Russian invasion of Ukrainian territory;
- when drafting the new strategy for the next period, more attention should be paid to the strict content (components), as stated in Article 3 of the Regulation (EU) 2019/1896. For example, the current strategy lacks provisions on “technical and operational measures within the Schengen area which are related to border control and designed to address illegal immigration and to counter cross-border crime better”, and the management of these is not clearly defined at the national level;
- similarly, the next strategy should pay more attention to future external borders (with Belarus, Russia and Moldova, as well as international airports), depending on the situation in the temporarily occupied territory).

Recommendations for building institutional capacity:

Concerning the institutional model on which the controls at the state (external) borders rest, the focus should be on building the institutional capacity, mainly at the future external Schengen borders, which means:

- creating enough positions (staff) for border check and border surveillance activities;
- continue building the border crossing-point infrastructure in line with the Schengen standards given in the Schengen catalog;
- upgrading infrastructure at future Schengen airports, namely the infrastructure for separating passengers on Schengen and non-Schengen flights;
- creating an IT infrastructure that is compatible with EU and international information systems (namely the Schengen Information System, visa information system, entry/exit system, ETIAS System, Interpol systems);
- adopting the necessary measures for the correct application of EU legislation (the main part of the legislation on border control is covered in the regulations);

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

258



Impact of EU-Ukraine institutional framework

259



- providing sufficient technical means for carrying out first-line and second-line checks (common Schengen entry–exit stamps, document check devices, etc.);
- creating a national coordination center for border surveillance for the timely exchange of information and timely cooperation among the national authorities responsible for land and sea border surveillance;
- providing sufficient technical and other means of border surveillance (e.g., portable technical systems, surveillance vehicles, patrol cars, night vision devices, helicopters, airplanes, patrol dogs etc.).

Recommendations for adapting the national legislation to the Schengen acquis:

- analyze the national legislation and Schengen *acquis* relating to IBM. The analysis could be provided through organized discussions with experts (e.g., focus groups). Experts involved in the discussion should identify the main directions for adapting the national legislation to the Schengen *acquis*;
- the facilitation of the movement of persons across the common border could be improved by extending the infrastructure and building new border crossing-points at the common border. Pressure should be exerted on the state authorities by municipal authorities in particular, as the negative impacts visibly affect the quality of life of citizens in villages along the border (traffic queues in villages, etc.).



Impact of
bilateral
inter-
governmental
relations

3.1. Policies and practices

Alexander Duleba
Yevhen Haydanka
Anatoliy Klyuchkovych
& Yuriy Ostapets

262



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

263



Impact of bilateral inter-governmental relations

Intergovernmental relations create the basic framework for cross-border cooperation between neighboring countries at the sub-national actor level. Good, conflict-free relations between national actors and governments tend to mean that regional and local actors on both sides of the border are open to expanding cross-border cooperation. Conversely, tension, mistrust and conflict at the intergovernmental level usually translate into limited regional and local opportunities for cross-border cooperation.

The nature of intergovernmental relations between two neighboring countries is inevitably conditioned by both past and recent history, which contributes to the creation of positive or negative stereotypes that can affect approaches to bilateral relations. The significance the government of one or other country attaches to relations with a neighbor in pursuit of foreign policy priorities and objectives is also important. As is the extent to which the governments of neighboring countries share ideas about future modernization and the place or importance, they attach to relations with the neighboring country in achieving these ideas. These factors exert a key influence on the nature and content of intergovernmental relations, which may generate opportunities or, conversely, obstacles to cross-border cooperation between regional and local actors.

The aim of this chapter is to analyze intergovernmental relations between Slovakia and Ukraine since they became independent states in the early 1990s and consider whether and to what extent they have generated opportunities or obstacles to cross-border cooperation between regional and local actors. Based on the assumption that optimal circumstances for sub-national cross-border cooperation between Slovakia and Ukraine will be created once Ukraine is integrated into the EU and the Slovak-Ukrainian border becomes an internal EU border, we pay special attention to intergovernmental relations on issues relating to Ukraine's European prospects.

3.1.1. Political approaches towards bilateral relations since 1990s

The Slovak perspective

Although support for Ukraine's European integration has been a foreign policy priority in all the Slovak government program statements since Slovakia's EU and NATO accessions in 2004, not all of the political parties that garner sufficient public support to be elected to parliament or government support this goal. This was particularly evident in crises such as the gas crisis of 2009. The Russia–Ukraine crisis that began in 2014 and led to eight years of “neither war nor peace” has fully exposed this fact, even to the extent that there is no consensus among Slovakia's main political actors on foreign policy priorities. Neither the main political parties nor the wider public can agree on what the Russia–Ukraine conflict is about and what Slovakia's interests are. That changed partly after Russia launched a full-scale military invasion against Ukraine on February 24, 2022, which shocked the Slovak public and politicians alike. Despite the majority of Slovaks being unequivocally opposed to the Russian aggression, the Russian–Ukrainian war has polarized Slovak society politically. As a result, President Zuzana Čaputová and the coalition government led by Prime Minister Eduard Heger have adopted a clear pro-Ukrainian stance on the war, while the opposition has questioned them.¹ Political forces naturally have different ideas about foreign policy goals and interests, but the inability to accurately name the country's interests in relations with Eastern Europe countries is a persistent problem for Slovakia's eastern policy.

One cannot separate out Slovak government approaches to relations with Ukraine since 1993 when Slovakia became an independent state from its approaches to relations with Russia. The three Vladimír Mečiar governments in the 1990s prioritized relations with Russia at the expense of relations with Ukraine. There were two seemingly logical “good” economic arguments for this at the time:

¹ According to opinion polls conducted after the start of the war on February 24, 2022, roughly one-third of the Slovak public held views that echoed Russian propaganda: that the West had provoked Russia's attack on Ukraine. Before the war, more than 40 per cent held that view. For an overview of opinion polls see “Tretina Slovákov verí, že vojnu na Ukrajine vyvolal Západ,” [A third of Slovaks believe that the war in Ukraine was caused by the West] *Sme*, March 30, 2022. Available online: <https://domov.sme.sk/c/22873296/rusko-ukrajina-vojna-invazia-prieskum-slovensko-propaganda.html> (accessed on February 24, 2023).

264



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

265



Impact of bilateral inter-governmental relations

1. the desire to retain Slovakia's military industry after the division of Czechoslovakia, which accounted for almost 40 per cent of Slovakia's GDP at the beginning of the 1990s. The production of heavy military equipment, largely concentrated in Slovakia under the former common federal state, depended on Soviet and later Russian production licenses; and
2. revenues from the transit of Russian natural gas to Europe, which represented a significant proportion of the state budget. Yet it was also a major source of political corruption in Slovak politics in the 1990s.

After 1995, the third Mečiar government aligned Slovakia's future with Russia, primarily for domestic political reasons, because, unlike the EU and NATO member states, the Russian leadership was sympathetic to its authoritarian style of governance, which led to Slovakia's exclusion from the first wave of the post-Cold War enlargement of both the Union and the Alliance in the second half of 1990s.²

The Mečiar governments' policy towards Eastern European countries can be characterized by the belief that “as long as we agree with Moscow, agree everything we need in the Eastern European region, the other countries, including Ukraine, will submit to our agreements with Moscow.”³ Mečiar's foreign policy was defensive in nature because it sought, with Russia's support, to defend and maintain the unsustainable, i.e., the outdated structure of the socialist economy in Slovakia and the authoritarian political regime. Mečiar's governments did not take the necessary fundamental reforms and subordinated foreign policy to their own domestic power interests, based, however, on unsustainable economic and political foundations. In reality, Slovakia needed reforms that the Mečiar governments were unable to deliver.

The two Mikuláš Dzurinda coalition governments (1998–2002; 2002–2006) took a completely different approach to domestic and foreign policy. First, they carried out fundamental political and economic reforms at home. Secondly, they pursued the main foreign policy

² For an analysis see A. Duleba, “Democratic consolidation and the conflict over Slovakian international alignment,” in S. Szomolanyi, J.A. Gould, eds, *Slovakia: Problems of Democratic Consolidation*. Bratislava: Slovak Political Science Association, Friedrich Ebert Stiftung, 1997, pp. 209–30.

³ A. Duleba, *Slepý pragmatizmus slovenskej východnej politiky. Aktuálna agenda slovensko-ruských bilaterálnych vzťahov* [The blind pragmatism of Slovakia's eastern policy. Current agenda of Slovak–Russian bilateral relations] Bratislava: Research Center of the Slovak Foreign Policy Association, 1996.

priority that had featured in all the Slovak government program statements since the Velvet Revolution in 1989, including those of the three Mečiar governments in the 1990s, which was to join the EU and NATO. Hence, the foreign policy efforts of the Dzurinda governments were concentrated on this goal, and all other foreign policy relations, including with Russia and Ukraine, were subordinate. Dzurinda's first official visit east of the Slovak border did not take place until his second term in office, in June 2004. His first official visit as prime minister to Ukraine occurred six years after he took office. The Dzurinda governments made two achievements that have had a decisive impact on Slovakia's current eastern policy: the first is directly related to the economic reforms and the second to post-accession foreign policy priorities.

The structural reforms of industrial production in the 2010s and the expansion of the automotive industry were of fundamental, systemic importance to Slovakia's eastern policy and relations between Slovakia and Russia. As noted above, in the early 1990s the manufacture of military equipment under Soviet and subsequently Russian license accounted for roughly 40 per cent of Slovak industry. These days the automotive industry accounts for roughly the same proportion of Slovak GDP. Slovak government efforts to retain military production in the 1990s left Slovakia systemically dependent on Russia and restricted its foreign policy options. The conversion from military engineering to the automotive industry is one of the most successful examples of military industry conversion in the former Eastern Bloc countries. Not only did it fundamentally kick-start economic development, but it also put an end to Slovakia's strategic economic dependence on Russia, which was rooted in the era of socialism and the former Eastern bloc. But most importantly, it freed up opportunities for foreign policy engagement and the redefinition of Slovakia's interests in Eastern Europe. One of the main arguments of the 1990s, which Mečiar governments used to justify the need for better relations with Russia, no longer applied.

The Dzurinda government was instrumental in changing Slovakia's foreign policy paradigm, and that is still true today. NATO and the EU are no longer foreign policy objectives but instruments. The key challenge for Slovak diplomacy in the post-accession period is utilizing NATO and EU membership as foreign policy instruments to advance its interests in relations with third countries. Since joining NATO and the EU in 2004, Slovak diplomacy can often achieve more in its relations with non-member countries in Brussels than it can in the capitals. At the same time, the more open third countries are to rapprochement with the Union and the Alliance, the more Slovak foreign policy can achieve in its relations with them, whilst also promoting its own interests. This change in foreign policy paradigm has

266



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

267



completely altered the way Slovakia can and indeed has to view its interests and opportunities in relations with third countries, including in Eastern Europe.

The expert and political debate on the post-accession priorities of Slovakia's foreign policy took place in 2002–2004, at a time when it was already obvious that the pre-accession priorities would be fulfilled, and Slovakia would become a member of both the Alliance and the Union. The conclusion drawn was that Slovakia needed to formulate its own level of responsibility in the common NATO and the EU policies to assume part of the allied responsibility for stable international relations especially in the neighborhoods of both the Alliance and the Union. But Slovakia's also has to define its responsibilities within NATO and the EU such that it can promote its own national interests as well. The Western Balkans and Slovakia's largest eastern neighbor, Ukraine, were seen as foreign policy areas with convergent characteristics:

- they are areas of priority interest for both NATO and the EU; and
- areas where Slovakia has its own vital interests.⁴

After Slovakia joined NATO and the EU the Prime Minister Mikuláš Dzurinda first publicly declared that relations with Ukraine and the Western Balkans were Slovak foreign policy priorities at the annual Slovak Foreign Policy Review Conference in March 2004.⁵ Since then, they have featured in all Slovakia's strategic foreign and security policy documents, including the Slovak government program statements, including those of the three Robert Fico governments beginning in 2006.

While the Mečiar governments prioritized relations with Russia and the Dzurinda governments prioritized relations with Ukraine, the Smer–SD governments (led by Robert Fico, 2006–2010, 2012–2016, 2016–2018) and then Peter Pellegrini (2018–2020) opted for a third variation of Slovak Eastern policy. This “double-track” policy, i.e., the pursuit of good relations with both Russia and Ukraine, was the result

4 A. Duleba, P. Lukáč, eds, *Zahraničná politika Slovenska po vstupe do NATO a EÚ. Východiská a stratégie*. [Slovakia's foreign policy after joining NATO and the EU. Background and strategies] Bratislava: Research Center of the Slovak Foreign Policy Association, 2004.

5 “Vystúpenie predsedu vlády Slovenskej republiky Mikuláša Dzurindu,” [Speech by the Prime Minister of the Slovak Republic, Mikuláš Dzurinda] in P. Brezáni, ed., *Ročenka zahraničnej politiky Slovenskej republiky 2003*. [Yearbook of Slovakia's Foreign Policy 2003] Bratislava: Research Center of the Slovak Foreign Policy Association, 2004, pp. 11–7.

of a “pragmatic” economy-and-trade-focused approach to foreign policy. On the one hand, in 2006 the Fico government declared it would continue with the foreign policy of the Dzurinda government, but on the other hand, it stressed that it wanted to focus on economic diplomacy and international cooperation in all “four cardinal directions,” to include the West, and especially countries such as Russia, Ukraine and China.⁶

However, amid contentions in international relations and crises in relations between Russia and the West (the debate on the US anti-missile defense system in Europe and the construction of a radar in the Czech Republic and an anti-missile base in Poland in 2007; the interpretation of the causes and consequences of the Russian-Georgian war in August 2008, etc.), Robert Fico regularly expressed sympathy for Russia’s position. However, the gas crisis in January 2009, the result of the Russian-Ukrainian gas dispute, marked the end of his quest for equally good relations with Russia and Ukraine. He one-sidedly backed Russia in the gas dispute with Ukraine and blamed Ukraine for the disruption of gas supplies to the Slovak Republic. Moreover, he stated that, in retaliation against Ukraine, Slovakia should reconsider its support for its European aspirations.⁷ As prime minister, he was contradicting his own government’s 2006 program statement.

Paradoxically, at the same time, the foreign ministry, under the leadership of Miroslav Lajčák, was operating in a parallel world to the Fico government’s foreign policy, including in relations with Ukraine. In 2007–2008, the Slovak embassy in Kyiv served as the NATO liaison embassy for Ukraine. Slovakia became one of the most active supporters of the Eastern Partnership policy since 2009 and pushed for its most ambitious form, including the provision of a European perspective for Ukraine. In 2010, Slovakia presented an ambitious list of projects in support of reforms and rapprochement between the Eastern Partnership countries and the EU, involving 15 central government bodies. Belarus, Ukraine, Moldova and Georgia became beneficiaries of Slovak development aid and technical assistance. In

6 A. Duleba, “Vzťahy s východnými susedmi v roku 2007,” [Relations with Eastern neighbors in 2007] in P. Brezáni, ed., *Ročenka zahraničnej politiky Slovenskej republiky 2007*. [Yearbook of Slovakia’s Foreign Policy 2007] Bratislava: Research Center of the Slovak Foreign Policy Association, 2008, pp. 62–78.

7 A. Duleba, “Vzťahy Slovenska s východnými susedmi,” [Slovakia’s relations with eastern neighbors] in P. Brezáni, ed., *Ročenka zahraničnej politiky Slovenskej republiky 2008*. [Yearbook of Slovakia’s Foreign Policy 2008] Bratislava: Research Center of the Slovak Foreign Policy Association, 2009, pp. 103–22.

268



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

269



2012, for example, the Government and Non-Governmental Sector Platform was established to coordinate the involvement of Slovak public administration institutions and NGOs in multilateral platforms established under the Eastern Partnership and to support their cooperation with partners in Eastern Partnership countries⁸. While the Prime Minister Robert Fico (from 2007) shared Russia’s positions in multiple disputes with the West and post-Soviet neighbors, including Ukraine, his own foreign minister, Miroslav Lajčák, was portraying Slovakia as a country that was critical of Russia and supportive of Ukraine in these disputes.

The existence of two parallel Eastern policies under the Fico governments was a phenomenon worthy of special attention and academic research. However, with the onset of the Russia-Ukraine crisis in 2014, the two tracks of the Fico government’s “pragmatic” eastern policy began to unravel to such an extent that only did Slovakia’s EU and NATO allies find it hard to read, but so did Russia and Ukraine. At home, politicians’ reactions to the events in Ukraine, which following the Russian annexation of Crimea in February 2014 and the start of fighting in Donbas in April 2014 escalated into a full Russian-Ukrainian crisis, exposed a serious problem in both Slovakia’s relations with its eastern neighbors and its foreign policy as a whole: political leaders with the single biggest democratic mandate from voters were unable to offer a consensual interpretation of Slovakia’s long-term foreign policy interests amid the Russia-Ukraine crisis. The crisis and the contradictory attitudes towards it represented a turning point in Slovakia’s foreign policy since joining the EU and NATO in 2004, as it meant the loss of a domestic consensus on the country’s foreign policy priorities.

The tip of the iceberg was the diametrically opposed attitudes to the crisis held by President Andrej Kiska (2014–2019) and Prime Minister Robert Fico. Not to mention interpretations of Slovakia’s interests in relation to the crisis and how to defend them. The attitudes of the

8 See “Návrhy projektov Slovenskej republiky pre Východné partnerstvo,” [Project proposals of the Slovak Republic for the Eastern Partnership] Government Office of the Slovak Republic, 2010; V. Benč, A. Duleba, *Zapojenie orgánov ústrednej štátnej správy Slovenskej republiky do multilaterálnych platforiem Východného partnerstva*. [Involvement of the bodies of the central state administration of the Slovak Republic in the multilateral platforms of the Eastern Partnership] Bratislava: Research Center of the Slovak Foreign Policy Association, 2014.

Slovak public were just as contradictory.⁹ The Ministry of Foreign and European Affairs, led by Miroslav Lajčák, who was the Deputy Prime Minister and Foreign Minister, was forced to pursue a “middle way” in Slovak policy on the Russia–Ukraine crisis somewhere between the positions of the prime minister and the president, whilst trying to connect the incompatible – two increasingly diverging tracks. By 2014, Slovakia had been simultaneously presenting all three “historical” faces of eastern policy since becoming independent in 1993, which meant that it had none.

The situation changed only after the 2019 presidential elections and the 2020 parliamentary elections. President Zuzana Čaputová, Prime Minister Eduard Heger (from April 2021) and Foreign and European Affairs Minister Ivan Korčok have presented a single and thus far united face in Slovakia’s Eastern policy, which follows on from the programmatic starting points and diplomatic practices set by the second Dzurinda government (2002–2006). However, unlike in Poland for example, there may soon be a change of government and former prime ministers Robert Fico and Peter Pellegrini could return to power, which might also mean a change in Slovakia’s eastern policy. From the programmatic point of view, the three Mečiar and two Dzurinda governments presented two extreme conceptions of Slovakia’s eastern policy. Should the current opposition take power, the middle-way two-track concept of the three Fico governments would prove unsustainable and mean a de facto return to Mečiar’s eastern policy, which was partly justifiable (in the short term) in the 1990s, but given that Slovakia is now a member of the EU and NATO and how much the international situation has changed since 2014, including in Eastern Europe, that would damage Slovakia’s long-term interests and international standing.

When considering Slovakia’s international interests, it is worth looking at official data from the World Bank, the Statistical Office of the Slovak Republic and the Ministry of Finance of the Slovak Republic. Whilst in 1993, Slovak GDP (in constant 2015 prices) was \$35.9 billion,

9 A. Duleba, “Východná politika SR v roku 2014 v znamení rusko-ukrajinskej krízy,” [Eastern policy of the Slovak Republic in 2014 under the sign of the Russian–Ukrainian crisis] in P. Brezáni, ed., *Ročenka zahraničnej politiky Slovenskej republiky 2014*. [Yearbook of Slovakia’s Foreign Policy 2014] Bratislava: Research Center of the Slovak Foreign Policy Association, 2015, pp. 81–100; A. Duleba, “The Janus-face of Slovakia’s eastern policy in 2017,” in P. Brezáni, ed., *Yearbook of Slovakia’s Foreign Policy 2017*. Bratislava: Research Center of the Slovak Foreign Policy Association, 2018, pp. 71–86; A. Duleba, “Slovakia’s Eastern Policy in 2019: the ruling coalition in cacophony,” in P. Brezáni, ed., *Yearbook of Slovakia’s Foreign Policy 2019*. Bratislava: Research Center of the Slovak Foreign Policy Association, 2020, pp. 81–94.

270



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

271



by 2019 it had reached \$98.9 billion.¹⁰ The threefold growth of the Slovak economy over the 16-year period (1993–2019) was due to two main factors: 1) the major reforms undertaken by the two Dzurinda governments, and 2) Slovakia’s EU and NATO membership. Most importantly, Slovakia’s integration into the EU single market has attracted significant foreign investment to the country, which stimulated economic development, reduced unemployment, raised incomes and improved the socio-economic conditions of its citizens. The threefold growth of the Slovak economy was not brought about by the preservation of military production under Russian license, as pursued by the Mečiar governments in the 1990s, but because of the conversion of the defense industry. In 2019, Slovakia had a foreign trade turnover of €159.6 billion, while trade turnover with Russia in that same year was €5.8 billion, which represents 3.6 per cent of Slovakia’s total foreign trade turnover.¹¹ State revenue from the transit of Russian gas was around €300 million per year out of a total state revenue of €15.5 billion (2018, 2019), which does not represent the full state budget and most importantly it is not a source political corruption these days, following the privatization of the Slovak gas industry, which was a state monopoly.¹²

Moreover, the measures to improve security of gas supply taken in the aftermath of the gas crisis in January 2009 have strengthened Slovakia’s energy security and resilience to potential gas supply risks and, above all, have substantially reduced the potential for third actors to use gas supply as a foreign policy instrument against Slovakia. At the same time, Slovakia has become a strategic transit route for gas supplies from Europe to Ukraine. Together with the previous conversion of military production, the improvements to security of gas supply have fundamentally changed Slovakia’s foreign policy baseline regarding Eastern Europe. Moreover, Russia has shown in its behavior over the Nord Stream 2 (NS2) project that it is determined to pursue its own interests, regardless of Slovakia’s transit interests.

10 “GDP (constant 2015 US \$) – Slovak Republic,” The World Bank. Available online: <https://data.worldbank.org/indicator/NY.GDP.MKTP.KD?locations=SK> (accessed on February 24, 2023).

11 “Vývoj zahraničného obchodu Slovenskej republiky 2015–2019,” [Development of Foreign Trade of the Slovak Republic 2015–2019] Statistical Office of the Slovak Republic, 2020.

12 “Príjmy a výdavky štátneho rozpočtu vlni rástli,” [Revenues and expenses of the state budget increased last year] Ministry of Finance of the Slovak Republic, 2020. Available online: <https://www.mfsr.sk/sk/media/tlacove-spravy/prijmy-aj-vydavky-statneho-rozpocetu-vlni-rastli.html?forceBrowserDetector=blind> (accessed on February 24, 2023).

All this should be borne in mind when discussing Slovakia's foreign policy interests, especially with supporters of Mečiar's and/or Fico's conceptions of Slovakia's eastern policy.

We must rid ourselves of the illusion that Russia is a strategic partner that the Slovak Republic needs on side to implement "big projects" for developing and modernizing the country. Illusions such as Prime Minister Mečiar's belief that cooperation with Russia would give life to military production in Slovakia. Or Prime Minister Fico's belief (until Nord Stream 2) that Russia adopted a special approach to Slovakia insofar as gas transit was concerned and that it would always take Slovakia's interests into account on this issue. Fico also believed in the construction of the "wide gauge railway," a major development project connecting Western Slovakia with China and Russia. And most recently, the former Prime Minister Igor Matovič (2020–2021) believed that the Russian Sputnik V vaccines would save Slovakia from the COVID-19 pandemic, despite being uncertified by the EU.¹³ Slovak prime ministers who have believed in the illusion of Russia's strategic importance to Slovakia have always been insensitive to, or ignorant, of Ukraine's interests and questioned EU and NATO policies. It is remarkable that Slovakia even has politicians who come to power and ignore the statistical data or are unable to interpret it properly in order to make responsible decisions in the interests of Slovakia's prosperity and security. That, however, does not apply to the current government led by Prime Minister Eduard Heger.

Heger made relations with Ukraine, including support for its European integration, a foreign policy priority of his government. He followed Dzurinda's foreign policy line, which was to support Ukraine's European integration, seen as a means of boosting the economy and enhancing Slovakia's national security. Heger shares Dzurinda's belief that Ukraine's European integration will create new opportunities for trade and business cooperation between Slovak and Ukrainian businesses as well as cross-border cooperation between sub-national actors. And above all, that it will provide an impetus to develop eastern Slovakia, which borders Ukraine, and thereby help balance out the unequal regional development.¹⁴ In this sense, Ukraine's European

13 A. Duleba, "Slovakia's Eastern policy in 2020: good start with a bad end," in P. Brežáni, ed., *Yearbook of Slovakia's Foreign Policy 2020*. Bratislava: Research Center of the Slovak Foreign Policy Association, 2021, pp. 124–49.

14 For an analysis see J. Marušíak, "Eastern policy of the Slovak Republic — the end of an era," in P. Brežáni, ed., *Yearbook of Slovakia's Foreign Policy 2021*. Bratislava: Research Center of the Slovak Foreign Policy Association, 2022, pp. 124–49.

272



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

273



integration is in the long-term systemic interests of Slovakia, and undoubtedly much more important for Slovakia's development than ad hoc projects with Russia.

Heger initiated a major upgrade of bilateral relations with Ukraine, including support for the implementation of Ukraine's Association Agreement with the EU, for reforming the work of four bilateral inter-governmental commissions (on economic cooperation, cross-border cooperation, national minorities and collaboration in science and research) and the establishment of a European Grouping of Territorial Cooperation (EGTC) on the common border with the participation of two Slovak regions (Prešov and Košice) and three Ukrainian regions (Transcarpathia, Ivano-Frankivsk and Lviv). At a meeting between prime ministers Eduard Heger and Denys Shmyhal in Uzhhorod on November 11, 2021, the Ukrainian government accepted the proposal and the parties agreed to coordinate steps in its implementation, as this new stage in cooperation involved some 20 ministries and state agencies on both sides. The Slovak government adopted an implementing resolution for the implementation of the Uzhhorod Prime Ministerial Agreements on January 12, 2022.¹⁵

However, implementation was interrupted by Russia's military invasion of Ukraine, on February 24, 2022. Heger and his government did not have the dilemma faced by the Fico and Pellegrini governments: how to proceed in the event of a conflict between Russia and Ukraine so as to maintain equally good relations with both, because its reading of Slovakia's strategic interests in Eastern Europe was unambiguous. Firstly, on principle, Slovakia cannot accept the Russian aggression against Ukraine, and secondly, Russia is trying to dismantle the fundamental pillars of Slovakia's security and prosperity, i.e., the EU and NATO, while Ukraine is defending them. In other words, Russia's interests, as represented by President Vladimir Putin, are at odds with the interests of Slovakia, and so Slovakia has to act accordingly.

After the war started, Heger was among the most active European leaders who supported Ukraine. Slovakia became the fourth largest supporter of Ukraine in the world (as a percentage of GDP) in supplying military, material and humanitarian aid during the first two months

15 "Uznesenie vlády Slovenskej republiky č. 17 z 12. januára 2022 k návrhu na ďalší rozvoj vzťahov a spolupráce Slovenskej republiky s Ukrajinou," [Resolution of the Government of the Slovak Republic No. 17 of January 12, 2022 on the proposal for further development of relations and cooperation between the Slovak Republic and Ukraine] Government Office of the Slovak Republic, 2022. Available online <https://rokovania.gov.sk/RVL/Resolution/19799/1> (accessed on February 24, 2023).

of the war.¹⁶ He became the first prime minister of an EU member state to propose that Ukraine should become an EU member via a special fast-track procedure. At the informal leaders' summit in Versailles on March 10–11, 2022, he presented a concrete plan on the steps European partners should implement to accelerate Ukraine's integration into the EU.

To sum up, the foreign policy of the governments led by Dzurinda (1998–2006), Iveta Radičová (2010–2012) and now Eduard Heger (since April 2021) are united by their vision of Ukraine's European integration, which will serve as an additional impetus for Slovakia's development. In that sense, they supported integrative relations with Ukraine, which has to include sectoral cooperation, including sub-national cooperation. These Slovak governments created the largest window of opportunity for sub-national actors to engage in cross-border cooperation on the Slovak–Ukrainian border. They represent a Slovak foreign policy line that is based on the premise that the transformation of the Slovak–Ukrainian border, currently an external EU border, into an internal EU border will eliminate its divisive functions, which constitute obstacles to the sub-national cross-border activities. If Ukraine aspires to EU membership, Slovakia can do no other than assist it in this endeavor as much as it can. But we should not forget that in the history of modern Slovak foreign policy, other governments, led by Vladimír Mečiar (1992–1994, 1994–1998), Robert Fico (2006–2010, 2012–2016, 2016–2018) and Peter Pellegrini (2018–2020), have not read Slovakia's strategic interests in relations with Ukraine in the same way.

A Ukrainian perspective

Ukrainian–Slovak intergovernmental relations have always been dynamic and ambiguous. Cooperation between the two countries has evolved from stalemate in the 1990s to an intensive strategic partnership in the 2000s. The two countries' strategies were shaped by various factors, the political situation, the course of Euro-Atlantic integration and the actions of key international players and geographical neighbors (EU, NATO, Russia). In recent political history, the following years have proved critical for both countries: Slovak independence

¹⁶ "Ukraine support tracker. A database of military, financial and humanitarian aid to Ukraine," Kiel Institute for the World Economy, 2022. Available online: <https://www.ifw-kiel.de/topics/war-against-ukraine/ukraine-support-tracker/> (accessed on February 24, 2023).

274



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

275



Impact of bilateral inter-governmental relations

in 1993, the reboot of Slovak–Ukrainian relations after the Slovak elections of 1998, Slovakia's EU accession EU in 2004, the end of "Kuchmism" in 2004 and, in Ukraine, reorientation toward European structures, the socio-political events of the Ukrainian Revolution of Dignity of 2013–2014, the Russian aggression in Crimea and eastern Ukraine and the full-scale Russian military aggression in Ukraine in February 2022.

Ukraine and Slovakia share much in common, given their shared political past, the challenges of Euro-Atlantic integration in the 1990s and the post-Soviet need to redefine relations with Russia. This is especially true of the border regions, e.g., the Transcarpathian Region (Ukraine) and the present-day Prešov and Košice Regions (Slovakia). Not to mention the ethnic affinity, common folk customs and cross-cultural communication between Transcarpathian Ukrainians and Eastern Slovaks. The complex economic reforms of the 1990s fostered informal trade relations on the frontier. All these factors forced the two countries into bilateral cooperation, which would reduce havoc at the borders and strengthen bilateral diplomacy between the young independent countries, complicated by their weak involvement in the European economic community and ambiguous trajectories of political and economic transformation. Cross-border cooperation in border regions is hard to establish without a well-functioning system of local self-government on either side.

During 1993–2022, Ukraine adopted the necessary legislation that would determine the development of bilateral Slovak–Ukrainian relations, such as international agreements, international protocols, Resolutions of the Cabinet of Ministers of Ukraine, and agreements between ministries of the two countries as well as Ukrainian laws. We will analyze hundreds of legal acts adopted and signed in three chronological periods:

1. 1993–1998: a period that began when the Slovak Republic gained independence and is therefore characterized by concluding agreements with other states and the "pro-Russian era" of Prime Minister Vladimír Mečiar;
2. 1999–2004: Slovakia changed foreign policy orientation and was preparing to join the Euro-Atlantic structures;
3. 2005–2021: the present-day period, and indeed the longest period following Slovakia's completion of Euro-Atlantic integration, and the subsequent era of political transformation (crises) in Ukraine.

The starting conditions for the transformation of the Ukrainian and Slovak political systems in yielded similar results. In the 1990s, the two transitional countries had similar types of political regime with

a strong executive chain of command. The impact of post-communism led to the formation of two specific models of governance, Slovak “Mečiarism” (1993–1998) and Ukrainian “Kuchmism” (1994–2004). The critical difference between their post-communist development is that Slovakia reshaped the government and subsequently changed foreign policy orientation to focus on NATO and EU integration. Ukraine nearly parted ways with post-communism in 2004 (the “Orange Revolution”) but it did not take the geopolitical turn to the West that Slovakia did, having implemented only superficial, cosmetic reforms.

Yet another institutional consequence of the Ukrainian and Slovak communist past was a foreign policy peculiarity that affected the nature of Slovak–Ukrainian bilateral relations. The political nature of post-communism and the complex trajectory of both the Slovak and Ukrainian Euro–Atlantic integration under the significant influence wielded by Russia over Slovak–Ukrainian relations in the 1990s. At this time, Russia, the political heir of the Soviet empire (Soviet Union), played a pivotal role in the priorities of Ukrainian and Slovak foreign policy. Foreign policy strategy was conservative, focusing on the centers of former great superpower unions: Kyiv was strategically focused on Prague (the Central European geopolitical center and the capital of the former Czechoslovak Federation), whereas Bratislava sought above all to establish a partnership with Moscow (the regional geopolitical center and capital of the Soviet Union until 1991). In the 1990s, Slovakia’s foreign policy strategies centered around Russia, not Ukraine, whereas Ukraine’s foreign policy tended to be Czechia-oriented (due to mass seasonal labor migration from Ukraine) or Poland-oriented (the geopolitical leader of Central Europe), but it was not focused on Slovakia. The tensions in Slovak–Ukrainian relations were especially noticeable during Vladimir Mečiar’s premiership in the first five years of Slovakia’s independence (1993–1998) and Leonid Kuchma’s first presidential term (1994–1999). The volatility of Ukraine’s governmental structures impeded the establishment of constructive Slovak–Ukrainian cooperation. Over the six years of the first stage in Slovak–Ukrainian relations (1993–1998), Ukraine had seven prime ministers. Under such conditions, pursuing a unified state foreign policy course was undoubtedly problematic.

Having gained independence, Ukraine faced not only the challenges of an ambiguous post-communist transformation but also those relating to foreign policy vectors. In the 1990s, the Ukrainian authorities failed to make the geopolitical choice between the West and the East. Neutrality in foreign policy (absence of Euro-Atlantic integration declarations or interstate rapprochement with Russia) had consequences for Ukraine under Leonid Kuchma. In practice, Kuchma’s multi-vector foreign policy meant balancing the West and Russia, which allowed him to maintain the status quo in Ukraine in

276



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

277



matters of personal political dominance. Consequently, complex relations between the Ukrainian government and the EU in the 1990s already had visible outcomes by the early 2000s. On the one hand, Ukrainian authorities could well have declared a strategic course on EU membership in 2003.¹⁷ Equally, they could have repealed the decision to pursue EU and NATO accession in 2004.¹⁸ In 2004, the outcomes of Ukraine’s and Slovakia’s Euro-Atlantic strategies started to differ noticeably, with Ukraine continuing the populist rhetoric of its NATO and EU integration strategy, whereas Slovakia had by then completed its Euro-Atlantic course and become a member of the two international organizations. Ukraine’s so-called neutrality turned out to be a very vague notion. And its distancing from the EU hardly contributed to the potential for Slovak–Ukrainian intergovernmental relations.

In the mid-1990s, not only was Vladimir Mečiar’s government reluctant to see Ukraine as a strategic partner, since it was prioritizing foreign policy with Russia, but Kyiv’s official initiative to develop an effective bilateral cooperation strategy was weak as well. The first governmental level meeting did not take place until June 1995 in Kyiv¹⁹ (with Prime Minister Vladimir Mečiar representing the Slovak side and Prime Minister Yevhen Marchuk representing Ukraine). The meeting proved constructive and mutually beneficial as, apart from the general declarations on deepening cooperation, they signed several Slovak–Ukrainian agreements. Among the documents regulating the border area, there were agreements on cooperation in customs, checkpoints on the Slovak–Ukrainian border, transport

17 “Спільна заява Президента України Леоніда Кучми та Президента Європейської Ради Сільвіо Берлусконі, за участю Генерального секретаря Ради – верховного представника з питань спільної зовнішньої політики і політики безпеки ЄС Хав’єра Солани та Президента Комісії Європейських Співтовариств Романо Проді,” [Joint statement by the President of Ukraine, Leonid Kuchma, and the President of the European Council, Silvio Berlusconi, with the participation of the General Secretary of the Council – High Representative for Common Foreign and Security Policy of the EU, Javier Solana, and the President of the Commission of the European Communities, Romano Prodi] Yalta, October 7, 2003, Verkhovna Rada of Ukraine, 2003. Available online: https://zakon.rada.gov.ua/laws/show/994_458#-Text (accessed on February 24, 2023).

18 O. Konashevich, “Вступ у НАТО вилучено з Воєнної Доктрини України,” [Joining NATO has been removed from the Military Doctrine of Ukraine] *BBC Ukrainian.com*, July 26, 2004. Available online: https://www.bbc.com/ukrainian/domestic/story/2004/07/040726_doctrine_military (accessed on February 24, 2023).

19 V. Hudak, “Relations between Ukraine and Slovakia: recent history and future opportunities,” in J. Clem, N. Popson, eds, *Ukraine and its Western Neighbors*. Washington DC: Woodrow Wilson International Center for Scholars, 2000.

connections between the countries, and several inter-ministerial agreements. In the final statement of the two heads of government, Slovakia supported Ukraine's aspiration to join the Council of Europe and the Central European Initiative.²⁰ It is worth mentioning the previous Slovak–Ukrainian meetings at a high political level: in June 1993, Ukrainian President Leonid Kravchuk and his Slovak counterpart Michal Kováč met in Kyiv; in February 1994, Ukrainian foreign minister Anatolij Zlenko visited the Slovak capital of Bratislava. After the 1995 heads of government meeting, Slovak–Ukrainian officials continued meeting in 1996–1997.²¹

Figure 1. Statistics on the adoption of legal acts on Ukrainian–Slovak cooperation (1993–1998)



Source: Verkhovna Rada of Ukraine

In 1998, with the new Slovak government led by Mikuláš Dzurinda, Slovak–Ukrainian relations entered a new stage, in which the previous cooperation was reconsidered, and became quite intense. However, despite the rapprochement between the two countries, the ambiguity was still there. Indeed, even this new format of bilateral cooperation faced multiple controversial issues and challenges. The following issues proved the most problematic:

20 "Урядова делегація Словаччини відвідала Україну," [The government delegation of Slovakia visited Ukraine] *Svoboda*, June 25, 1995.

21 V. Hudak, op. cit.

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

278

Impact of bilateral inter-governmental relations

279

1. competition between the two countries for the presidency over the 52nd UN General Assembly in 1997 and to obtain a non-permanent seat on the UN Security Council in 1999;²²
2. energy transit through Slovak–Ukrainian territory was strategically crucial for both countries, as well as for Russia and the EU. Geographically, both countries are located along the main Russian gas supply lines to "old Europe." Slovakia and Ukraine become active participants in Russia's politicization of the "gas issue" or "gas blackmail," and, in practice, hostages to the political confrontation between Russia and Europe;
3. Slovakia introduced a visa regime for Ukrainian citizens: on the one hand, Slovakia had to comply with EU visa policy, under its upcoming membership. On the other hand, the introduction of visa restrictions always introduces tensions into the relations between the countries involved;
4. the politicization of the Ruthenian (Rusyn) movement in Transcarpathia, which has always been controversial. The Ukrainian authorities took the opposite stance to Slovak and designated Ruthenism a political, rather than an ethnocultural movement.²³

After the Central European countries joined the EU in 2004, including Slovakia, the system of international cooperation in Eastern Europe changed. First of all, Ukraine now had to build relations not only with its geographical neighbors to the west but also had to take into account their EU membership, e.g., the implementation of joint projects on the Slovak–Ukrainian border with European funding support (financial, consulting, technical, etc.). This opened up new prospects for cross-border cooperation for Transcarpathian Region and the neighboring Prešov and Košice Regions.

The other face of the new format of bilateral Slovak–Ukrainian cooperation after 2004 was the general strategy of EU cooperation with partner countries like Ukraine. After the fifth and largest wave of EU enlargement, its Eastern policy needed revising and amending.²⁴ Initially, the EU's eastern orientation was implemented through the European Neighborhood Policy, but by 2008–2009, under pressure

22 Ibid

23 N. Belitser, "Political and ethno-cultural aspects of the Rusyns' problem: A Ukrainian perspective," *Minority Rights Information System*.

24 J. Marušiak, "Slovensko a Východné partnerstvo," [Slovakia and the Eastern Partnership] in P. Brežáni, ed., *Ročenka zahraničnej politiky Slovenskej republiky 2009*. [Yearbook of Slovakia's Foreign Policy 2009] Bratislava: Research Center of the Slovak Foreign Policy Association, 2010, pp. 133–60.

from the Visegrad Four, the Eastern Partnership Program was launched in full. These processes affected the nature of Ukraine's cooperation with its Western partners across the border, which became new EU member states, including Slovakia of course. Once the association agreement with the EU had been concluded, it seemed expedient to reformat EU partnership relations with the associated Eastern Partnership countries, or the so-called "Associated Trio," Ukraine, Georgia and Moldova.²⁵ As early as 2015, some Ukrainian diplomats began discussing deepening EU cooperation with associated countries and excluding Armenia, Azerbaijan and Belarus from the agenda of the Eastern Partnership.²⁶ Such allegations were undoubtedly purely political given the undemocratic regimes in these countries and the futility of such cooperation.

The last 2021 inter-ministerial meeting to take place laid the groundwork for the December Eastern Partnership Summit. The Minister of Foreign Affairs of Ukraine, Dmytro Kuleba, stated that further cooperation between partner countries and the EU should be developed based on "inclusivity and differentiation."²⁷ He advocated special rapprochement between associated members and EU structures, which in fact meant the debacle of the previous Eastern partnership format. On economic cooperation, Kuleba underscored the EU's full support for Ukraine during the turbulence of the pandemic and Russian aggression.

The meeting between prime ministers Denys Shmyhal and Eduard Heger in the city of Uzhhorod (Transcarpathian Region) on November 12, 2021, was a major step toward building cross-border alliances

25 "Joint Statement issued by the Heads of State/Government of Association Trio – Georgia, Republic of Moldova and Ukraine following the 6th Eastern Partnership Summit," Mission of Ukraine to the European Union, December 15, 2021. Available online: <https://ukraine-eu.mfa.gov.ua/en/news/spilna-zayava-glav-derzhavuryadiv-asocijovanogo-trio-gruziyi-respubliki-moldova-ta-ukrayini-za-pidsumkami-6-gosamitu-shidnogo-partnerstva> (accessed on February 24, 2023).

26 "Азербайджан, Білорусь і Вірменію час відокремити від решти країн 'Східного партнерства' – дипломат," [It's time to separate Azerbaijan, Belarus and Armenia from the rest of the countries of the "Eastern Partnership" – a diplomat] Уніан, May 29, 2015. Available online: <https://www.unian.ua/politics/1083541-azerbaydjan-bilorus-i-vmrmeniyu-chas-vidokremity-vid-reshti-krajn-shidnogo-partnerstva-diplomat.html> (accessed on February 24, 2023).

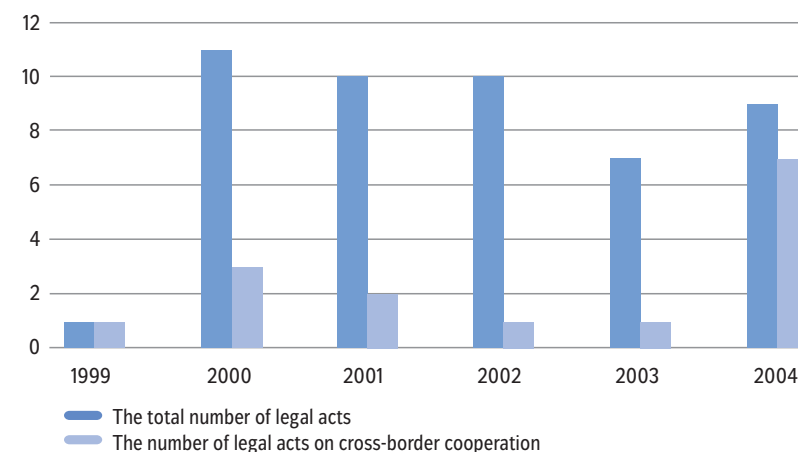
27 "Joint Statement issued by the Heads of State/Government of Association Trio – Georgia, Republic of Moldova and Ukraine following the 6th Eastern Partnership Summit," Mission of Ukraine to the European Union, December 15, 2021. Available online: <https://ukraine-eu.mfa.gov.ua/en/news/spilna-zayava-glav-derzhavuryadiv-asocijovanogo-trio-gruziyi-respubliki-moldova-ta-ukrayini-za-pidsumkami-6-gosamitu-shidnogo-partnerstva> (accessed on February 24, 2023).

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

and strengthening bilateral relations.²⁸ It was a strategic meeting and one of its outcomes was the agenda to implement the negotiated agreements. The spectrum of cooperation is vast, touching upon various aspects of bilateral relations: Slovakia's Road Map of Support for Ukraine, the implementation of the association agreement with the EU, promoting the activities of bilateral intergovernmental commissions and a wide range of cross-border cooperation issues, implementation of a joint energy policy, etc.²⁹

Figure 2. Statistics on the adoption of legal acts on Ukrainian–Slovak cooperation (1999–2004)



Source: Verkhovna Rada of Ukraine

February 24, 2022, marked a new chapter in European history as full-scale war unfolded in Europe for the first time since World War II. Slovak–Ukrainian relations were coercively shifted to military-political cooperation. Without focusing on the intra-Slovak political struggle, the official authorities of the Slovak Republic supported Ukraine

28 "З робочим візитом на Закарпатті перебувають Глави Урядів України та Словацької Республіки," [The Heads of Government of Ukraine and the Slovak Republic are on a working visit to Transcarpathia] Закарпатська обласна рада.

29 "Закарпатська ОДА долучилася до обговорення питань реалізації домовленостей, досягнутих у ході переговорів Глав Урядів України та Словацької Республіки," [The Transcarpathian Regional State Administration joined the discussion of the implementation of the agreements reached during the negotiations between the Heads of Government of Ukraine and Slovakia] Zakarpattya Oblast Council.

right from the start of the war, for instance by “opening” the Slovak–Ukrainian border to Ukrainian refugees by allowing entry on an internal Ukrainian passport.

Figure 3. Statistics on the adoption of legal acts on Ukrainian–Slovak cooperation (2005–2021)



Source: Verkhovna Rada of Ukraine

The Slovak government introduced several social programs to facilitate registration and provide financial assistance to Ukrainian refugees and their entire families³⁰. Ultimately, Slovakia became one of the first European countries to provide military aid to Ukraine. In early April 2022, it provided Ukraine with S-300 missile systems³¹. That laid the precedent for direct support for Ukraine, which set a good example to all of Europe. Moreover, on April 8th, Prime Minister Heger had a meeting with the Ukrainian President Volodymyr Zelensky in Kyiv.³²

30 “Pomoc pre odídenčov z Ukrajiny,” [Help for people leaving Ukraine] Ministry of Labor, Social Affairs and Family of the Slovak Republic. Available online: <https://www.employment.gov.sk/sk/uvodna-stranka/informacie-odidencov-z-ukrajiny/informacie-odidencov-z-ukrajiny.html> (accessed on February 24, 2023).

31 “Словаччина передала Україні систему ППО С-300,” [Slovakia handed over the ПРО С-300 system to Ukraine – premier] *Радіо Свобода*, April 8, 2022. Available online: <https://www.radiosvoboda.org/a/news-slovachchyna-s-300/31792975.html> (accessed on February 24, 2023).

32 “Volodymyr Zelenskyy met with the Prime Minister of Slovakia in Kyiv,” President of Ukraine, April 8, 2022. Available online: <https://www.president.gov.ua/news/prezident-ukrayini-u-kiyevi-zustrivsyia-z-premyer-ministrom-s-74189> (accessed on February 24, 2023).

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

282

Impact of bilateral inter-governmental relations

283

Soon afterwards, President Čaputová made an official visit to Kyiv, during the war, demonstrating general support and solidarity with Ukraine. On May 31, 2022, the Slovak president discussed further humanitarian and military aid for Ukraine with the Ukrainian president. Čaputová also visited the Ukrainian cities of Irpin and Borodyanka, which suffered greatly during the Russian occupation.³³ Currently, Slovakia is one of Ukraine’s main partners in the EU. Not only does it advocate and provide all kinds of support for Ukraine in the war with Russia but, it also advocates within the EU for Ukraine to be granted candidate status to join the EU.

As Ukraine resists Russian military aggression, the Ukrainian authorities have gained a strong ally in the eastern part of the European Union. For decades, Ukraine regarded Slovakia as a potential foreign ally, but the Russian government continued to wield significant influence. After February 2022, Slovakia became a strategic ally of Ukraine, capable of providing both political and military assistance. In addition, in June 2022, Ukraine acquired candidate status to join the European Union, which will bring the two Eastern European countries even closer together. Indeed, the Slovak authorities are actively lobbying in the EU for Ukraine’s European ambitions. These days, Ukrainian politicians no longer consider Slovakia to be just a neighboring country with an insignificant border. Slovak–Ukrainian relations have taken on a significant European perspective, and Slovakia has become Ukraine’s strategic partner.

3.1.2. Impact of Slovakia’s EU accession on bilateral relations

Slovakia’s EU accession led to a tighter border regime and generated restrictions on cross-border cooperation at the border with Ukraine, compared to the pre-accession period. The Slovak and Ukrainian governments have lost their ability to regulate border management, including permeability insofar as the movement of goods, services and persons are concerned, on the basis of bilateral agreements alone. As an acceding country, Slovakia had to transfer a significant

33 “Президент Словаччини Зузана Чапутова відвідала Бородянку та Ірпінь,” [The President of Slovakia Zuzana Čaputová visited Borodyanka and Irpin] Kyiv Regional Military Administration, May 31, 2022. Available online: <https://www.koda.gov.ua/prezydent-slovachchyny-zuzana-chaputova-vidvidala-borodyanku-ta-irpin/> (accessed on February 24, 2023).

part of its national sovereignty to the EU institutions over its border with Ukraine, which became part of the Union's external border.

Authority over Slovak trade interests in relations with post-Soviet countries was transferred from national to transnational EU level when Slovakia became part of the EU single market. According to the EU Treaty, only the European Commission has the authority to negotiate foreign trade conditions on behalf of all member states in relation to third countries.³⁴ The commission is also authorized to represent the trade interests of all EU member states in the World Trade Organization (WTO).

In order to comply with the EU *acquis*, the Slovak government led by Mikuláš Dzurinda (1998–2002) relinquished legal regulation of economic relations with Eastern European countries, including Ukraine. It also terminated the activities of the bilateral Intergovernmental Commissions on Trade and Economic Cooperation with Ukraine, Russia, and Belarus in 2002, which had been established by basic bilateral treaties between Slovakia and the three post-Soviet countries in 1993–1994.³⁵ The Slovak–Ukrainian intergovernmental agreements that have been signed since 2001 reflect the EU *acquis*, which Slovakia is obliged to follow in its relations with third countries, while the bilateral legal documents signed before 2000 had to be revised and adjusted to the EU *acquis*. Even if there was no need to change all the bilateral documents signed before 2000, the entire bilateral legal framework for economic cooperation and trade relations certainly needed revising.³⁶

As far as the management of the border with Ukraine is concerned, its present shape began to emerge at the beginning of the 2000s during the EU accession process. From the very beginning of the accession

34 This does not apply to trade with services, which are not fully regulated by the EU *acquis*, where EU member states may apply a bilateral approach towards EU non-member countries, i.e., they may have specific bilateral agreements (e.g., on tourism) and are authorized to act individually, albeit under the supervision of the European Commission and the condition that there is no risk to the functioning of the EU single market.

35 A. Duleba, "Vzťahy rozšírenej EÚ s východnými susedmi a zahraničná politika SR," [Relations of the Enlarged EU with its Eastern Neighbors and the Foreign Policy of Slovakia] in P. Brežáni, ed., *Ročenka zahraničnej politiky Slovenskej republiky 2004*. [Yearbook of Slovakia's Foreign Policy 2004] Bratislava: Research Center of the Slovak Foreign Policy Association, 2005, pp. 41–54.

36 A. Duleba, "Slovakia's relations with Russia and Eastern Neighbours," in G. Fóti, Z. Ludvig, eds, *EU–Russian relations and the Eastern Partnership. Central-East European member-states interests and positions. East European Studies*. Budapest: Institute for World Economics of the Hungarian Academy of Sciences, 2009, pp. 7–60.



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations



talks on Chapter 24 (Justice and Home Affairs – JHA), the Slovak government insisted that “the Slovak Republic gives great importance to an effective protection of state borders and specially emphasizes the protection of its state border with Ukraine, i.e. a future external border of the EU.”³⁷ The very fact that Ukraine is Slovakia's only non-EU neighbor focused the Slovak government's attention on adapting its border management policy to the need to protect the future external border of the Schengen Area. The strategic planning and subsequent reforms undertaken in Slovakia since 1999 – including the allocation of finances, improving the maintenance and supply of the border service and building new JHA administrative capacities – followed on from the strategic priority associated with the Slovak–Ukrainian border becoming an external EU border.

Finally, since 2005, Slovakia has fully integrated its border management into the Schengen system, including protecting the external EU border. On October 13, 2006, Slovakia implemented the Schengen Border Codex, which regulates the crossing of the external Schengen border. The Slovak–Ukrainian border became an external border of the Schengen Area on December 21, 2007, and the borders with Austria, Czech Republic, Hungary, and Poland became internal land borders within the Schengen Area. Slovakia's international airports, located in Bratislava, Košice and Poprad, became external EU air borders on March 30, 2008.³⁸

Slovakia's EU accession process was a key factor that changed the essence of the bilateral Slovak–Ukrainian regime on the common border. The adoption of the EU legislation, as well as having to bring administrative capacities and border infrastructure in line with EU standards, had a major impact on the bilateral border regime between Slovakia and Ukraine that had been in place since the beginning of the 1990s. In fact, the *Europeanization* of the border regime was the second most substantial change to the Slovak–Ukrainian border regime after 1993, when both countries gained independence.

The first change stemmed from the dramatic geopolitical changes in the former communist bloc in the early 1990s, when the countries that Ukraine and Slovakia were formerly parts of – the Soviet Union and

37 “Negotiating position of the Slovak Republic. Chapter 24 – Co-operation in the area of Justice and Home Affairs,” Ministry of Foreign Affairs of the Slovak Republic, 2000.

38 “Ako funguje schengenská hranica,” [How the Schengen border works] Ministry of Interior of the Slovak Republic, 2019. Available online: <http://www.minv.sk/?schengenske-hranice-a-cestovanie&galeria=ako-funguje-schengenska-hranica> (accessed on February 24, 2023).

Czechoslovakia respectively – disappeared from the political map of Europe. In October 1993, Slovakia and Ukraine signed a package of three “border treaties” that followed the basic treaty recognizing the common state border inherited from the preceding states with Belarus, Russia, and Ukraine. The technical provisions allowing Ukrainian citizens (formerly of the USSR) and Slovak citizens (formerly of Czechoslovakia) to cross the common border remained the same as in the agreement between the Soviet Union and Czechoslovakia on conditions for reciprocal travel by citizens of both countries from 1981.³⁹

There was no visa requirement; however, the new regime imposed a set of regulatory measures, e.g., citizens of both countries required an official invitation from the other country, authorized by the police authorities, or a tourist voucher (for a rather symbolic fee) to cross the border. Business trips required a special stamp authorizing the passport bearer to cross the border without a fee and limited to a number of crossings per year. The border police authorities were authorized to stamp foreign passports of corporate employees, providing the corporate body applied and was able to document cooperation with the partner in Ukraine and vice versa. Considering the communist past, when citizens’ access to travel documents for travel abroad was under strict political and police control, the new travel regime imposed in 1993 on the Slovak–Ukrainian border was widely seen in both countries to be part of the individual freedoms of the new post-communist period.⁴⁰ The border procedures under the new travel regime were not that different from the former communist one, but citizen access to travel documents and the right and opportunities to travel abroad were completely new.

Moreover, in the mid-1990s, the original intention on both sides was to deepen the liberalization of the border regime, even beyond the

39 “Vyhláška ministra zahraničných vecí z 13. júla 1982 o Dohode medzi vládou Československej socialistickej republiky a vládou Zväzu sovietskych socialistických republík o podmienkach vzájomných ciest občanov oboch štátov,” [Decree of the Minister of Foreign Affairs of July 13, 1982 on the Agreement between the Government of the Czechoslovak Socialist Republic and the Government of the Union of Soviet Socialist Republics on the Conditions of Mutual Travel of Citizens of Both States] *Slov-Lex*, 1982. Available online: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1982/92/> (accessed on February 24, 2023).

40 “Ukrayina ta Slovachchyna naperedodni vvedennya vizovoho rezhymu. Dvostoronnii vidnosyny ta prykordonne spivrobitnyctvo,” [Ukraine and Slovakia on the eve of the introduction of the visa regime. Bilateral relations and cross-border cooperation] materials from international scientific conference, Uzhhorod, May 31 – June 1, 2000, National Institute of Strategic Studies of Ukraine, Friedrich Ebert Stiftung, Slovak Foreign Policy Association, Ukraïnskyi Tsentri Doslidzhen Problem Mizhnarodnoyi Bezpeky, Uzhhorod: V. Padyak Publishing House, 2000.

286



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

287

Impact of bilateral inter-governmental relations



timeframe set in the 1993 border treaties between Ukraine and Slovakia. Thus, in February 1995, the Mečiar government in Slovakia (1994–1998) signed the Agreement on the Conditions for Non-visa Travel by Citizens of Both States with the Russian Federation, which abolished regulations such as the need to show a tourist voucher, official invitation etc., at the border crossing for Slovak and Russian citizens wishing to cross, so long as their stay in the other country did not exceed 30 days. An identical agreement was concluded with Belarus in September 1995. The Mečiar government was also planning to sign a similar non-visa agreement with Ukraine. But that did not come to fruition owing to the following events. In March 1995 the Implementation Convention of the Schengen Treaty entered into force, and in June 1995 Slovakia submitted its official application for EU membership. In September 1997, the Dublin Convention of 1990 entered into force, under which the Common Consular Instruction authorized a so-called EU “negative list” of visa countries, whose citizens required a visa to enter an EU member state. Russia, Belarus, and Ukraine were on this list of EU visa countries.⁴¹

The EU December 1997 summit in Luxembourg invited the first candidate countries, including Slovakia’s Visegrad neighbors, to start accession talks. Among the requirements was the need to adjust domestic legislation and treaties with third parties to meet EU standards, including those relating to JHA. Slovakia, under Mečiar’s government, was excluded from the first round of countries to join the EU. The reason for Slovakia’s exclusion was not reluctance on Slovakia’s part to follow the EU standards, inasmuch the harmonization of the Schengen *acquis* is concerned, but because of its undemocratic government.⁴² The truth is that the Mečiar government did not withdraw from the non-visa agreement with Russia and Belarus of 1994 and 1995 before its electoral term ended in 1998, but nor did it sign such an agreement with Ukraine or any other country on the EU visa list. The subsequent Dzurinda government made it clear that it considered NATO and EU membership a foreign policy priority and that domestic policy and external relations would be subordinate to that priority.⁴³ It succeeded in bringing Slovakia back on track for European

41 A. Duleba, “The implications of Schengen visa policy for the Visegrad states: the case of Slovakia,” in K. Henderson, ed., *The Area of Freedom, Security and Justice in the Enlarged Europe*. Houndmills: Palgrave, 2005, pp. 65–88.

42 A. Duleba, “Democratic consolidation and the conflict over Slovakian international alignment,” op. cit.

43 A. Duleba, “Slovak–Ukrainian relations: policies, perceptions, and practices,” in A. Duleba, ed., *Cross-Border Cooperation between Slovakia and Ukraine: Volume II. Impact of intergovernmental relations*, Prešov: Prešov University Publishing House, 2019, pp. 9–114.

integration. The EU invited Slovakia to start EU accession talks at the Helsinki summit in December 1999.⁴⁴

The Amsterdam Treaty, which entered into force in 1999, incorporated the Schengen Protocol into EU legislative framework. The Schengen *acquis* thereby became part of the accession talks between the EU and candidate countries and was included in Chapter 24 under JHA cooperation. The European Commission, in its 1999 Regular Report on Slovakia's progress toward EU accession, noted that "there was no progress concerning alignment of the Slovak visa legislation to EU requirements, particularly with regard to Belarus, Russia and Ukraine."⁴⁵ The commission's critical evaluation became a challenging factor for the Slovak government that advanced the process of it gradually aligning Slovakia's visa policy with that of EU member states.

On March 15, 2000, the Slovak government approved the "Concept of visa alignment policy of the Slovak Republic with the European Union,"⁴⁶ including a timetable for repealing visa-free regimes with countries on the EU's negative visa list. On that same day, the Slovak government decided to repeal the Czechoslovak–Soviet agreement of 1981 on reciprocal travel for citizens, including a protocol regarding Ukraine, and to make visas compulsory for Ukrainian citizens as of June 28, 2000. It also repealed its visa-free agreements with Russia and Belarus, terminating the visa-free regimes on January 1, 2001.⁴⁷ Slovakia submitted its negotiating position on Chapter 24 to the EU on December 8, 2000. Meanwhile the EU adopted its common negotiating position towards Slovakia on the chapter on June 22, 2001, and agreed to open the chapter for accession talks on June 27, 2001. In Slovakia, Act No. 48/2002 on the stay of foreigners on territory of the Slovak Republic⁴⁸ sets out the visa rules on the application procedure, conditions, and types of visas in compliance with

44 "Helsinki European Council 10 and 11 December 1999. Presidency Conclusions," European Parliament, 1999. Available online: https://www.europarl.europa.eu/summits/hel1_en.htm (accessed on February 24, 2023).

45 "1999 Regular Report on Slovakia's progress towards accession," Commission of the European Communities, October 13, 1999.

46 "Konštrukcia zosúladovania vízovej politiky SR s vízovou politikou EÚ," [The strategy of harmonizing the Slovak Republic visa policy with the EU visa policy] Office of the Government of the Slovak Republic, March 15, 2000.

47 "Negotiating position of the Slovak Republic..." op. cit.

48 "Zákon z 13. decembra 2001 o pobyte cudzincov a o zmene doplnení niektorých zákonov," [Act of 13 December 2001 on the residence of foreigners and on the amendment of certain laws] No. 48/2002 Coll., *Slov-Lex*, 2002. Available online: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2002/48/vyhlasene_znenie.html (accessed on February 24, 2023).

288

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

289

EU standards. Unlike its neighbors Poland and Hungary, under this chapter Slovakia's visa policy for Ukraine did not foresee derogation or a transitional period for implementing the legislation building administrative capacity: Slovakia stated that it would be complete before accession to the EU.⁴⁹

In 2004, after a noticeable change in the Dzurinda government policy on Ukraine, relations with both Ukraine and the Western Balkan countries became a post-accession priority in Slovak foreign policy. Above all, as already noted, Slovakia believed Ukraine's EU rapprochement was in Slovakia's long-term interests. Support for Ukraine's reforms, including EU integration, became an integral part of Slovak government policy, regardless of the political hue of the coalitions that have governed Slovakia since then. That was also reflected in the change of approach to visa policy. On April 20, 2005, the Slovak government decided to abolish visas fees for Ukrainian citizens, in response to the Ukrainian decision to abolish visas for citizens of EU member states travelling to Ukraine. This "asymmetric visa regime" entered into force in May 2005, under which Ukrainian citizens required a visa to enter Slovakia but did not pay the fee and Slovak citizens did not need a visa to enter Ukraine.⁵⁰

The visa regime changed again in 2007, when Slovakia, together with Poland and Hungary, joined the Schengen Area. Ukraine was interested in signing an agreement on small border traffic with its Western neighbors, including Slovakia, that would enable inhabitants of border municipalities to cross the border more easily. The Schengen rules allow for a special visa regime for inhabitants of municipalities located within 50 km of the external Schengen border. The Slovak side proposed that the agreement with Ukraine should be coordinated with Poland and Hungary. The agreement on small border traffic between Slovakia and Ukraine was signed on May 30, 2008.⁵¹ The agreement was the maximum possible the two governments could achieve within the ambit of the Schengen *acquis* to minimize visa requirements for citizens of both countries. Further moves since then have depended on the agreement between the EU and Ukraine.

In 2013, Slovakia and Ukraine achieved an important milestone in border protection cooperation by concluding a bilateral agreement on common border patrols, signed by government envoys of Slovakia

49 "Negotiating position of the Slovak Republic..." op. cit.

50 A. Duleba, "Slovak–Ukrainian relations: policies, perceptions, and practices," op. cit., pp. 98–104.

51 "Ukrayintsy uzhe mogut poluchit bezvizovyy vyezd v Slovakiyu," [Ukrainians can already get visa-free entry to Slovakia] *UNIAN*, September 29, 2008.

and Ukraine for the common border.⁵² Common patrols allow for joint border management and create conditions for improving the implementation of border related bilateral agreements, including the readmission treaty and border statistics, including joint planning in border protection. One could conclude that institutional border management cooperation between Slovakia and Ukraine is more than satisfactory.

Given the history of Slovak–Ukrainian relations on visa policy and border management, Ukraine’s political will for greater proximity with the EU has done much to improve bilateral relations, especially since 2007 when Ukraine started talks on its Association Agreement. One can conclude that since then transnational EU–Ukraine relations have had a positive impact on bilateral Slovak–Ukrainian relations. The visa-free regime, together with the collaborative management of the common border achieved during the 2010s, has also improved conditions for regional and local actors to engage in cross-border cooperation.

3.1.3. Bilateral relations under the EU–Ukraine institutional framework

Like Slovakia’s accession to the EU, which reinforced the restrictive nature of the border regime with Ukraine, rapprochement between Ukraine and the EU through the Eastern Partnership triggered the process of easing the restrictive nature of the Slovak–Ukrainian border as well as improving conditions for cross-border interaction.

The most substantive part of the EU’s offer under Eastern Partnership (EaP) was the opportunity for partnership countries to conclude Association Agreements with the EU, including agreements on the Deep and Comprehensive Free Trade Area (AA/DCFTA). The AA/DCFTAs are a means whereby the EaP countries can achieve political association and economic integration with the EU. By implementing their AA/DCFTAs they can become part of the EU internal market, including the markets of countries with similar types of EU integration agreement –

52 “Bezpečnosť slovensko-ukrajinskej hranice sa zvyšuje,” [The security of Slovak–Ukrainian border is increasing] Ministry of Interior of the Slovak Republic, November 5, 2013. Available online: <https://www.minv.sk/?tlacove-spravy-2&sprava=bezpecnost-slovensko-ukrajinskej-statnej-hranice-sa-neustale-zvysuje> (accessed on February 24, 2023).

the EEA agreements (Norway, Iceland and Lichtenstein) and the customs union agreement (Turkey). Switzerland has an extensive set of bilateral sectoral agreements with the EU that have a similar effect. In terms of approximation with the European legislation, Ukraine’s AA does not differ greatly from the structure of the EU accession treaties (the most recent on is Croatia’s accession treaty) and it is almost identical to the EEA type agreements.⁵³

The EaP initiative also includes specific cooperation programs for approximating EaP country national legislation and policies to the EU Schengen and energy *acquis*, where the aim is to abolish the visa free regime and gradually integrate the EaP countries into the EU energy market. In other words, the EU has shown more flexibility on the EaP, as it enables EaP partner countries to proceed with integration in selected EU sectorial policies via separate bilateral agreements – visa dialogue and energy policy. In these two sectors, the EU common space is open to EaP countries prior to implementation of all the AA provisions. Visa liberalization between the EU and Ukraine is of particular importance for the development of Slovak–Ukrainian cross-border cooperation.

The EU–Ukraine visa dialogue began in 2008. In June 2009, both sides agreed on the Visa Liberalization Action Plan (VLAP), which anticipated the lifting of visas for Ukrainian citizens traveling to the EU based on Ukraine’s approximation to the Schengen *acquis*. The European Commission and the European External Action Service published the First Progress Report on implementation of the VLAP with Ukraine in 2011. The Sixth Progress Report published in December 2015 stated that Ukraine had met all the action plan requirements and was ready for the visa-free regime with the EU. In April 2016, the European Commission recommended to the Council and European Parliament that compulsory visas should be abolished for Ukrainian citizens traveling into the Schengen Area. In May 2017, the Council, and previously the European Parliament, approved the Commission’s proposal. The decision entered into force on June 11, 2017, and since then Ukrainian citizens with valid biometric passports do not require visas for stays in the territory of the Schengen Area of up to 90 days (Visa liberalization 2017).

53 A. Duleba, “Differentiated European integration of Ukraine in comparative perspective,” *East European Politics and Societies and Cultures* Vol. 36, No.2, 2022, pp. 359–77.

It should be noted that the EU only offered the EaP countries with AAs – Ukraine, Georgia and Moldova – a visa dialogue aimed at a visa free regime. The EU’s decision to lift the visa requirement for Moldovan citizens for short-term stays (up to 90 days) in the Schengen Area entered into force on April 28, 2014, and for Georgian citizens on March 28, 2017. The introduction of the visa-free regime for Ukrainian citizens in June 2017 created a new opportunity for people-to-people contacts and cross-border cooperation between Ukraine and its EU member state neighbors – Poland, Slovakia, Hungary and Romania. It was also the first step towards an agreement on labor market liberalization between the EU and Ukraine. But that will depend on Ukraine successfully implementing its AA. In any case, the visa-free regime for short-term stays by Ukrainian citizens in the Schengen Area marks the start of Ukraine’s integration into the common area of the free movement of people within the Union.

Implementing the entire *acquis* of the AA will mean integrating Ukraine into the EU internal area of the free movement of goods, services and capital, including laying the foundations for the free movement of labor. The visa abolishment and Ukraine’s economic integration with the EU will fundamentally alter the nature of the Slovak–Ukrainian border, which is currently an external EU border. The border and customs controls will remain, but Ukrainian citizens and businesses will have better access to the EU. Visa-free travel and tariff-free trade tariffs and the absence of non-tariff measures will help revive economic growth in the border region on both sides of the Slovak–Ukraine border. AA implementation will facilitate the approximation of the Slovak and Ukrainian legislative, administrative and business environments and lastly, it will help revive economic development in the border regions. Such expectations are supported by the impact the Visegrad Four (V4) AAs had on economic development in their border regions with Germany and Austria over the last 30 years.

The AAs agreed between the EU and Poland, Czech Republic, Hungary and Slovakia were concluded in the early 1990s, and included trade liberalization. In the past few decades this has led to dynamic growth in the German regions bordering with Poland and the Czech Republic as well as in the Austrian regions bordering with the Czech Republic, Slovakia and Hungary. Research on the effect the AAs with the former Central European communist countries, including trade liberalization, had on regional development along the old external EU border prior to the EU-15 and EU-25 expansion in 2004, clearly shows that the main “winners” were the regions of the V4 countries sharing a border with EU-15 countries, and the German and Austrian regions on the other side. In comparison with other regions in the V4 countries, the regions bordering with Germany and Austria have had much greater economic growth over the past 30 years than non-border regions

292



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

293



Impact of bilateral inter-governmental relations

in the V4 countries, Germany, and Austria. The research also shows that being located on an external EU border contributes to the economic marginalization of a region and relative decline as measured by socio-economic indicators.⁵⁴ The implementation of the EU–Ukraine AA will create comparable foundations for the economic side of cross-border cooperation on Ukraine’s borders with the EU, including Slovakia.

Full and successful implementation of the AA/DCFTA would signal that Ukraine was institutionally and economically prepared for full EU membership. Following implementation of the AA/DCFTA, Ukraine’s joining the EU will then be down to a political decision by the EU member states and, of course, Ukraine’s political will to satisfy the political criteria of membership. Slovakia has supported Ukraine’s rapprochement with the EU since its accession in 2004.

Ukraine’s EU membership was a foreign policy priority for the Dzurinda governments. Under Dzurinda, Slovakia became an active supporter of the political reforms in Ukraine triggered by the Orange Revolution of 2004 and of civil society in Belarus. In 2004, the Slovak government launched its special Official Assistance Program to support democratization processes in Ukraine and Belarus via cooperation between Slovak NGOs and Ukrainian and Belarusian partners. The foreign ministry was allocated 20 million Slovak crowns for democratization projects carried out by Slovak NGOs in Ukraine and Belarus in 2004 and 2005 as part of the Program of Official Assistance to Ukraine. Moreover, in 2005 the Slovak Embassy in Kyiv, together with the embassy in Sarajevo, became the first Slovak embassies to receive the opportunity to provide micro-grants for supporting democratization and reforms in the country of accreditation.⁵⁵

Slovakia’s proposed assistance to Ukraine in Implementation of the Objectives of the EU-Ukraine Action Plan of 2005 was a key step in fulfilling Slovakia’s new foreign policy priorities vis-à-vis Ukraine. Dzurinda submitted the proposal, which was approved by the Slovak government on October 26, 2005, to the Ukrainian Prime Minister Yuriy Yekhanurov on an official visit to Slovakia on November 24, 2005. The document consisted of more than 40 activities through which

54 J. Bröcker, M. Schneider, “How does economic development in Eastern Europe affect Austria’s regions? A multiregional general equilibrium framework,” *Journal of Regional Science* Vol. 42, No. 2, 2002, pp. 257–85.

55 “Národný program oficiálnej rozvojovej pomoci na rok 2005,” [National Programme for Official Development Aid] Ministry of Foreign Affairs of the Slovak Republic, 2005.

Slovak governmental and non-governmental organizations would provide expert assistance to their Ukrainian partners in implementing the EU–Ukraine Action Plan. The Ukrainian government, eager to make progress on EU membership, considered fulfilment of the action plan goals a foreign policy priority. Taking its “best practices” approach to legislation and institutional reform from the EU integration process into account, the Slovak institutions shared their know-how with Ukrainian counterparts. The goal was to fulfil the EU–Ukraine Action Plan, which would then lead to a new EU–Ukraine basic agreement in place of the Partnership and Cooperation Agreement. At a meeting with the EU member states ambassadors to Ukraine, Yekhanurov signaled his appreciation of Slovakia’s proposal, remarking that “several countries offered assistance to Ukraine in implementing the Action Plan. The proposal of Slovakia is the best, though.”⁵⁶

The Fico governments (from 2006) followed the policy lines on Ukraine drawn by the Dzurinda government, whilst also seeking to develop good relations with Russia. In that period, a combination of good relations with both Ukraine and Russia seemed to be a good pragmatic concept for Slovakia’s eastern policy. Moreover, if one compares the intensity of bilateral contacts and Slovakia’s support for Ukraine’s European integration, including the activities of the Slovak Embassy in Kyiv as the NATO Contact Point Embassy for 2007–2008, one could conclude that Slovakia’s political approach towards Ukraine under the Fico government, i.e., assisting it in drawing closer to the EU, was even more active than that of its predecessor.⁵⁷ It also justifies the characterization of Slovakia’s eastern policy under the Fico government as a double-track approach.

Slovakia welcomed the Eastern Partnership (EaP) initiative launched in 2009 as a logical outcome of the European Neighborhood Policy (ENP) since 2004. It supported Slovakia’s argument that the EU should distinguish between eastern and southern neighbors. Eastern neighbors should be offered both special treatment and the prospect of EU membership. Slovakia’s foreign policy was to support the EU signing the AA/DCFTA with Ukraine, Moldova and Georgia on one hand, while also calling for good relations with Russia on the other.

56 “V Jevropu – razom iz Slovaččynoju,” [In Europe – including Slovakia] *Den*, February 18, 2006.

57 “Správa o priebehu a výsledkoch cesty delegácie vedenej predsedom vlády Slovenskej republiky Robertom Ficom na Ukrajinu 26. februára 2007,” [Report on the course and results of the trip of the delegation led by the Prime Minister of the Slovak Republic Robert Fico to Ukraine on February 26, 2007] Office of the Government of the Slovak Republic, 2007.

294



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

295

Impact of bilateral inter-governmental relations



The Annual Report of the Slovak Ministry of Foreign Affairs for 2009, the year in which the EaP was launched, noted Slovakia’s participation in the preparation and start-up of the EaP and stated that “Slovakia was one of the spiritual fathers of the initiative as long ago as the period when it was being formed within the V4.” According to the report, during the preparation stage, Slovakia had “advocated achieving a collective commitment of EU members as strong as possible, a project as robust as possible and the launch of its practical steps as soon as possible in relation to this important area.” As the report states, Slovakia used the first year of the EaP to offer specific projects to the six countries, and once the areas of common interests had been identified, the project implementation phases began.⁵⁸

In 2010, the Slovak government created an extensive list of projects for the EaP program with the participation of 15 central state institutions and authorities,⁵⁹ aimed at supporting reforms in the EaP countries and sharing experiences in the following three main areas: the use of the EU pre-accession assistance, harmonization and approximation with the EU *acquis*, and digitalization of the public administration.⁶⁰ Representatives of these authorities participate in the meetings of the EaP multilateral platforms and panels. The foreign ministry serves as the coordinating body for the involvement of Slovak state institutions in the EaP program and activities. In partnership with the NGO Slovak Foreign Policy Association, in 2012, the ministry initiated the creation of a platform for governmental and non-governmental sector cooperation and activities under the EaP, with the aim of coordinating the activities of Slovak governmental and non-governmental organizations in the EaP.⁶¹

Among the projects proposed by the Slovak government that were or are being implemented with the support of EaP financial tools or the Slovak Official and Development Assistance Program (*SlovakAid*),

58 “Annual Report of the Ministry of Foreign Affairs of the Slovak Republic. Foreign Policy in 2009,” Ministry of Foreign Affairs of the Slovak Republic, 2009, p. 42.

59 Ministry of Economy, Ministry of Finance, Ministry of Transport, Ministry of Culture, Ministry of Labor, Family and Social Affairs, Ministry of Justice, Ministry of Education, Ministry of Interior, Ministry of Environment, Ministry of Construction and Regional Development, Ministry of Health, the Regulatory Office for Network Industries, the Prosecutor General’s Office, the Antimonopoly Office, and the National Bank of Slovakia.

60 “Návrhy projektov Slovenskej republiky pre Východné partnerstvo,” [Proposals for projects of the Slovak Republic for the Eastern Partnership] Government Office of the Slovak Republic, 2010.

61 V. Benč, A. Duleba, op. cit.

special reference should be made to the twinning project carried out by the Slovak Regulatory Office for Network Industries (2016–2018), which helped found the National Energy Regulatory Authority of Ukraine and prepare the legislative framework for regulatory policies and energy market reforms in Ukraine.⁶² Since 2009 the Slovak ministry of finance has been running its own program: “Public finances for development – strengthening capacities in the field of public finances of the countries of the Western Balkans and CIS.” Together with the European Bank for Reconstruction and Development, the finance ministry set up the Fund for Technical Cooperation, which enables regular interaction and experience sharing between finance ministry experts from EaP countries and the Slovak finance ministry.⁶³

Ukraine and Belarus became immediate beneficiaries of the *SlovakAid* program once it was launched in 2003. The program facilitates Slovakia’s provision of bilateral assistance to third countries. Moldova and Georgia were also included in the list of *SlovakAid* program countries following the launch of the EaP in 2009. It should be stressed that Slovakia’s bilateral assistance programming for Eastern European countries provided through the *SlovakAid* program operated by the Slovak Agency for International Development Assistance was fully aligned with the goals of the EaP. Most of the bilateral *SlovakAid* projects in EaP countries have been implemented by Slovak NGOs. Starting from €3 million in 2003, the annual financial volume of the bilateral *SlovakAid* program grew gradually to €12 million in 2017, of which about a third went to EaP countries.⁶⁴ The current *SlovakAid* program supports projects to help reforms in the associated EaP countries (Georgia, Moldova and Ukraine) in three priority areas: good governance and building civil society capacities, infrastructure and the sustainable use of natural resources, and support for developing a market environment.⁶⁵

62 “Úspech ÚRSO na Ukrajine,” [Success of URSO in Ukraine] Regulatory Office for Network Industries, November 24, 2016. Available online: <http://www.urso.gov.sk/?q=node/449> (accessed on February 24, 2023).

63 “Program odovzdávania transformačných skúseností,” [Program for the transfer of transformational experiences] SlovakAid, 2019.

64 “Vývoj slovenskej rozvojovej spolupráce SR v rokoch 2003 – 2017,” [Development of Slovak development cooperation 2003 – 2017] *DEV Development Cooperation of Slovak Republic*. Available online: <http://www.slovakdev.sk/> (accessed on February 24, 2023).

65 “Podpora krajín Východného partnerstva (Ukrajina, Gruzínsko, Moldavsko) – SAMRS/2019/VP,” [Support of Eastern partnership countries (Ukraine, Georgia, Moldova) – SAMRS/2019/VP] SlovakAid. Available online: <https://slovakaid.sk/en/vyzvy/samrs-2019-vp/> (accessed on February 24, 2023).

296



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

297



In terms of supporting reforms and European integration of the associated EaP countries, including Ukraine, Slovakia has adopted a clear and continual policy approach to the ENP since the very beginning, in the early 2000s. The EaP is seen as a foreign policy priority, and the government acted accordingly by mobilizing the respective country’s capacities, including financial assistance. Internationally, Slovakia has consistently used its chairmanships of the V4 and Council of the EU (2016), including the OSCE chairmanship (2019), to maintain momentum and secure support for the EaP. In 2013, Deputy Prime Minister and Foreign Minister Miroslav Lajčák initiated two meetings of the Friends of Ukraine Group, created by the foreign ministers of some EU member states to promote the signing of the AA with Ukraine at the Vilnius summit in November of that year.⁶⁶ Throughout the events that have taken place in Ukraine since then, Slovakia has expressed its support for the government formed after Maidan, Ukraine’s territorial integrity and its pathway to European integration. Slovak diplomats have stressed that Slovakia is ready to share its experience with Ukraine of transformation through building stable democratic institutions, implementing economic and social reforms and harmonization with the European legislation, as required under the AA. At the same time, under Fico there was greater emphasis in Slovak foreign policy on the Russian side of EU policy toward Eastern European countries. It pointed out that the EaP should not be allowed to become an anti-Russian project; rather, it should be viewed as “very good preparation for the future unification of all parts of Europe in one European project.”⁶⁷

The events in Ukraine starting in November 2013, including Russia’s military aggression against Ukraine, which began in February 2014, did not change the Fico government’s pragmatic approach to Russia and Ukraine. It continued to advance an ambivalent double-track policy of trying to maintain good relations with both countries. Fico became one of the most outspoken EU leaders to oppose economic sanctions against Russia in response to the Ukrainian crisis. Commenting on the conclusion of the EU summit in May 2014 acknowledging

66 “Na podnet ministra M. Lajčáka sa v Luxemburgu zišla Skupina priateľov Ukrajiny,” [At the initiative of Minister M. Lajčák, the Group of Friends of Ukraine met in Luxembourg] Ministry of Foreign and European Affairs of the Slovak Republic, October 21, 2013.

67 “Vystúpenie ministra zahraničných vecí SR Jána Kubiša na Fakulte medzinárodných vzťahov Univerzity v Bologni 27. novembra 2008,” [Speech by the Minister of Foreign Affairs of the Slovak Republic, Ján Kubiš, at the Faculty of International Relations of the University of Bologna on November 27, 2008] Ministry of Foreign and European Affairs of the Slovak Republic, November 27, 2008.

the ongoing preparatory work of the Commission and European External Action Service (EEAS) on targeted measures against Russia, he said that tougher sanctions would be “suicidal” and “nonsensical.”⁶⁸

While Slovak diplomacy under foreign minister Miroslav Lajčák supported Ukraine’s European integration, Fico cast doubt on it. The Slovak government signed off on all measures adopted by the EU and NATO, including economic sanctions on Russia in response to its aggression against Ukraine, while Fico criticized them. On one hand, Slovak diplomats managed to reach an important agreement on the division of roles among the V4 countries in supporting reforms in Ukraine during Slovakia’s V4 Presidency (July 2014–June 2015).⁶⁹ On the other hand, the Ukrainian ambassador to Slovakia, Oleh Havashi, was forced to respond to Fico’s statements on Ukraine and the Russian–Ukrainian conflict, pointing out that “a good neighbor cannot speak like this.”⁷⁰

As mentioned above, despite Fico’s anti-sanction rhetoric, his government approved all the restrictive measures against Russia adopted by the EU. What is more, it concluded a gas supply agreement with Ukraine in April 2014, when Gazprom raised its prices to levels that Ukraine refused to pay. When Russia stopped the gas supply to Ukraine in June 2014, it was only thanks to an agreement between the Slovak and Ukrainian governments on reverse gas flow (with the participation of the national gas transit system operators, Ukrtransgaz, a subsidiary of Naftogaz of Ukraine, Slovak TSO Eustream, a. s., and the European Commission) that Ukraine gained access to an alternative natural gas route and source. The reverse flow via Slovakia

298



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

299



Impact of bilateral inter-governmental relations

helped Ukraine to meet its basic energy needs and survive the winter of 2014–2015. Even though Russia responded by reducing its gas deliveries to Slovakia, minister Lajčák rejected calls to stop the flow of gas to Ukraine, saying that

(our) reverse flow has already saved approximately half a billion USD to Ukraine... We will continue with practical help for Ukraine through reverse flow despite the 50 per cent gas supply reduction for Slovakia. This is our concrete contribution to the discussion on how to help Ukraine to survive this winter.⁷¹

The subsequent coalition government headed initially by Igor Matovič, who was replaced by Eduard Heger in April 2021, agreed a programmatic statement that “reaffirmed the importance of EU and NATO membership as the best means of promoting Slovakia’s foreign policy interests.”⁷² As President Čaputová immediately began following the same foreign policy line, beginning in 2020, Slovakia presented itself internationally, including in relations with Eastern European countries, as a country with clear and readable attitudes.

At the heads of state level, Slovakia’s support for Ukraine’s efforts to join the EU was expressed in a joint declaration by President Zuzana Čaputová and President Volodymyr Zelensky supporting Ukraine’s European perspective, signed during the 2nd Climate Conference in Glasgow on November 2, 2021⁷³. However, the negotiations between prime ministers Eduard Heger and Denys Shmyhal, which took place in Uzhhorod on November 11, 2021, were of crucial importance for the implementation of Slovakia’s new policy toward Ukraine. The Slovak government drafted a conceptual proposal for upgrading bilateral cooperation, consisting of three main packages:

68 *The Slovak Spectator*, May 29, 2014.

69 Following the agreement initiated by the Slovak Presidency of the Visegrad Group (2014–2015) between the V4 and Ukraine’s foreign minister in Kyiv on December 16, 2014, Slovakia concentrated on providing assistance to Ukraine in energy and security sector reforms, the Czech Republic on support for civil society, media and education, Hungary on support for SMEs and implementation of the DCFTA, and Poland on public administration and fiscal decentralization. See “Ukrajina: Konkrétne pomoc SR a V4 pri reformách” [Ukraine: Concrete help with reforms from SR and V4] Ministry of Foreign and European Affairs, 2014. Available online: http://www.mzv.sk/servlet/content?mt=/app/wcm/main.nsf/vw_ByiD/iD_c0B1D004B5a332B-2c1257627003301e7&openDocument=Y&lanG=sk&tG=Blankmaster&url=/app/wcm/aktualit.nsf/%28vw_ByiD%29/iD_B4672B2363e43749c1257D-B00054713e&menu=vsetky_spravy (accessed on March 3, 2015).

70 “Ukrajinský veľvyslanec: Fico rozpráva ako zlý sused,” [Ukrainian ambassador: Fico talks like a bad neighbor] *Sme*, September 5, 2014, Available online: <http://www.sme.sk/c/7369480/ukrajinsky-velvyslanec-fico-rozprava-ako-zly-sused.html> (accessed on February 24, 2023).

71 “Lajčák: nikto v EÚ nepomohol Ukrajine tak ako Slovensko,” [Lajčák: no one in the EU has helped Ukraine as much as Slovakia.] *Sme*, February 21, 2015. Available online: <http://www.sme.sk/c/7659080/lajcak-nikto-v-eu-nepomohol-ukrajine-tak-ako-slovensko.html> (accessed on February 24, 2023).

72 “Programové vyhlásenie vlády Slovenskej republiky na obdobie rokov 2020 – 2024,” [Program statement of the Government of the Slovak Republic for the period 2020–2024] National Council of the Slovak Republic, April 19, 2020. Available online: <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=477513> (accessed on February 24, 2023).

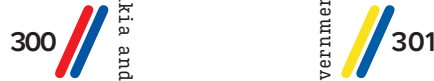
73 “Ukraine and Slovakia signed a declaration recognizing the European perspective,” UATV, November 2, 2021. Available online: <https://uatv.ua/en/ukraine-and-slovakia-signed-a-declaration-recognizing-the-european-perspective/> (accessed on February 24, 2023).

1. assisting Ukraine in implementing the AA provisions to prepare it for EU integration (8 sectoral chapters were identified as posing the greatest challenge on the Ukrainian side, with Slovak institutions providing assistance to Ukrainian partners on adopting the relevant sectoral *acquis* and building institutions in line with the best EU practices – the cooperation envisaged the involvement of 15 Slovak and 20 Ukrainian state agencies);
2. reforming the work of the four intergovernmental commissions (on economic cooperation, cross-border cooperation, ethnic minorities and culture and cooperation in science and research), including redefining their agenda and introducing modern forms of communication to make them more effective in fostering cooperation and creating synergies between governmental institutions involved in developing bilateral relations; and
3. developing cross-border cooperation on the common border through the establishment of the European Grouping of Territorial Cooperation (EGTC) involving two Slovak (Košice, Prešov) and three Ukrainian (Transcarpathia, Ivano-Frankivsk and Lviv) border regions and with the governments' support.⁷⁴

The Ukrainians accepted the proposal, and an agreement was reached on a further coordinated approach to implementation. The Slovak government adopted a resolution on the implementation of the Uzhhorod agreements on January 12, 2022.⁷⁵ At the same time, the preparation began on eight sectoral agreements on cooperation in the implementation of the AA, to be negotiated by the end of February 2022. In March, the Ukrainian Prime Minister, Denys Shmyhal, was to visit Bratislava, when the sectoral agreements were to be signed and implementation was to start. Unfortunately, the plans to develop bilateral relations were interrupted by Russia's military aggression against Ukraine, which began on February 24, 2022. Nonetheless, the Russian aggression has not stopped Slovakia's support for Ukraine, including European integration.

74 For an analytical justification of the proposal see A. Duleba, *Bilaterálne vzťahy SR s Ukrajinou a prognóza ich vývoja v strednodobej perspektíve*. [Bilateral relations of the Slovak Republic with Ukraine and the forecast of their development in a medium-term perspective] Bratislava: Research Center of the Slovak Foreign Policy Association, 2021.

75 "Uznesenie vlády Slovenskej republiky č. 17 z 12. januára 2022 k návrhu na ďalší rozvoj vzťahov a spolupráce Slovenskej republiky s Ukrajinou," [Resolution of the Government of the Slovak Republic No. 17 of January 12, 2022 on the proposal for further development of relations and cooperation between the Slovak Republic and Ukraine] Government Office of the Slovak Republic, 2022. Available online <https://rokovania.gov.sk/RVL/Resolution/19799/1> (accessed on February 24, 2023).



Russia's war against Ukraine is the biggest military conflict in Europe since the end of the WWII and has fundamentally changed the dynamics of international relations in Europe, including decision-making within the EU. This extraordinary situation has made the previously unimaginable and politically untenable possible: on February 28, 2022, Ukraine formally applied for EU membership. On that same day, three member states – Slovakia, Poland and the Czech Republic – expressed their support for Ukraine's admission to the EU.⁷⁶ Heger declared that Ukraine should be offered a "special track" that would allow its integration via an accelerated procedure.⁷⁷ In addition, Heger was the first leader of an EU member state to present a concrete plan for organizing a fast-track integration process for Ukraine, delivered to his partners at the Versailles informal summit of March 10–11, 2022. The active role of the prime minister and foreign ministry in supporting Ukraine's European integration was greatly appreciated by Ukraine's leaders, including President Zelensky, during Heger's trip to Kyiv on April 8, 2022, together with President of the European Commission Ursula von der Leyen and EU High Representative for Common Foreign and Security Policy Joseph Borrel.⁷⁸

Slovakia's support for Ukraine's European integration since the start of the full-scale military invasion of Ukraine in February 2022 is no longer just out of a natural interest in developing cooperation and a good relationship with an immediate neighbor but has taken on a pan-European significance. The EU can no longer afford to repeat its earlier mistake: its hesitant response to Russia's aggression against Ukraine in 2014 created a geopolitical vacuum in Eastern Europe that allowed Russia to unleash another war in 2022, the biggest war since WWII. If the EU wants to stabilize the situation in Eastern Europe in the long term, it needs to anchor Ukraine in EU-based integration processes. Otherwise, the destabilization of Eastern Europe will continue,

76 "Україна подала заявку на вступ до ЄС. Що це означає?" [Ukraine submitted a request for accession to the EU. What does this mean?] *Zakhid.net*, February 28, 2022. Available online: https://zakid.net/ukrajina_podala_zayavku_na_vstup_do_yes_n1537131 (accessed on February 24, 2023).

77 L. Bayer, "Slovakia pushes for 'special track' for Ukraine toward joining EU," *Politico*, February 27, 2022. Available online: <https://www.politico.eu/article/slovakia-pushes-for-new-eu-track-for-ukraine/> (accessed on February 24, 2023).

78 N. L. Poloha, "Heger: Priateľovi sa v núdej chrbtom neotáčame, Ukrajina musí zvíťaziť," [Heger: We do not turn our backs on a friend in need, Ukraine must win] *Startitup*, April 9, 2022. Available online: <https://www.google.com/search?client=safari&rls=en&q=Heger%3A+Priate%20C4%BEovi+sa+v+n%3%BAdzi+chrbtom+neot%3%A1%C4%8Dame%2C+Ukrajina+mus%C3%AD+zv%3%AD%5%A5azi%5%A5&ie=UTF-8&oe=UTF-8> (accessed on February 24, 2023).

the security costs of European countries will rise and the prospects for prosperity and the EU's ability to deliver on its strategic objectives will deteriorate. In the event Russia succeeds in the war, the EU member states will have to raise defense spending dramatically, security costs will increase many times over; public spending on social services, health, education and science, the green transition and modernization projects will have to be reduced; and the quality of life of citizens in all European countries will fall dramatically.

Moreover, Ukraine does not just need material support. It also requires moral and political support from the EU – after two revolutions (2004–2005, 2014) and a war (starting in 2014) for European values, it deserves a clear European perspective. It is time to make the substantive decisions that reflect the will of most EU and Ukrainian citizens. According to recent opinion polls, 91 per cent of Ukrainian citizens (Rating agency) and 66 per cent of EU citizens (Eurobarometer) support Ukraine's EU integration.⁷⁹ Ultimately, Ukraine will pay the price for its defense and European perspective, but it is also paying the price for defending Europe's values, security and future prosperity. The shape of EU national budgets is at stake. The situation is extraordinary, and EU leaders have to be able to make extraordinary decisions. If they do not, they will pay a huge price. This sums up the motives behind the current Slovak government's approach to Ukraine and its reading of Slovakia's interests in relation to the Russian–Ukrainian war.

3.1.4. Policy considerations

The Slovak–Ukrainian border regime, including conditions for cross-border cooperation between regional and local actors, reflects the dynamically changing intergovernmental framework. Windows of opportunity for regional and local actors on both sides of the border open and/or close accordingly.

We can divide the intergovernmental agenda of Slovak–Ukrainian relations since the early 1990s into at least the five following periods

79 "Рейтинг": підтримка вступу України в НАТО падає, в ЄС – рекордно висока," [Rating: support for Ukraine's entry into NATO falls, in the EU – record high] *Європейська правда*, April 8, 2022. Available online: <https://www.eurointegration.com.ua/news/2022/04/5/7137269/> (accessed on February 24, 2023); "Eurobarometer: A majority of citizens supports Ukraine joining the EU," *The Brussels Times*, May 6, 2022. Available online: <https://www.brusselstimes.com/222771/eurobarometer-a-majority-of-citizens-supports-ukraine-joining-the-eu> (accessed on February 24, 2023).



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations



(1993–1998, 1998–2000, 2001–2004, 2004–2013, 2014 onwards). These mainly depend on the approach of Slovak governments toward Ukraine, including differences in the projection of Slovak interests in relations with Ukraine. Since gaining independence in 1993, Slovakia has been a parliamentary republic, in which the government has the key role in executive power. Ukraine has a presidential system of government (since 2006, except for 2010–2014, Ukraine has been a presidential-parliamentary republic) in which the president is the head of the executive and extremely powerful. Over the past 30 years, Slovakia has had more governments than Ukraine has had presidents, so the dynamics of the bilateral intergovernmental agenda depend more on changes in Slovak governments, including approaches to Ukraine, than on Ukrainian presidents. Although the intergovernmental level of bilateral relations is more complex, in terms of the impact of the intergovernmental agenda on cross-border cooperation between regional and local actors, the two following main periods can be identified: 1993–1999 and 2000 onwards.

The Mečiar governments in Slovakia (1992–1994, 1994–1998) took a negative attitude to local government participation in cross-border cooperation in the 1990s, arguing that the legislative framework had to be created first to set appropriate local government competencies in cross-border cooperation with foreign partners. Although Slovakia signed the European Cross-border Cooperation Framework Convention of the Council of Europe in 1994, it did not come into force until 2000. The Dzurinda governments (1998–2002, 2002–2006) were the only ones to make any fundamental changes to Slovakia's approach to cross-border cooperation. It was only in 2001 that Slovakia finally concluded bilateral treaties on cross-border cooperation with its neighboring countries. Prior to 2000, it had only one such agreement, signed with Poland in 1994. Agreements with the Czech Republic and Ukraine were signed in 2000 and with Hungary in 2001.

Another problem that has framed Slovak–Ukrainian relations since the early 1990s, including cross-border cooperation, is mutual perception. Looking at the history of Slovak and Ukrainian nationalism, it is hard to find common interests and cooperation in the past. Nonetheless, unlike in Polish–Ukrainian relations, there are no historical conflicts that could be the source of national animosity or conflict in the future. Rather, the Slovaks and Ukrainians have historically been indifferent to each other. The Slovak political elite has always viewed Slovakia's relations with Ukraine through the prism of Slovakia's relations with Russia, which caused a great deal of misunderstanding in Slovak–Ukrainian bilateral relations after 1993. Slovakia's attitude towards Ukraine can be summed up by the fact that it only politically "discovered" it in 1995. Although even that only applied to Ukraine's importance to Slovak–Russian relations. An apt illustration of this is a statement by Slovak Deputy Prime Minister Sergej Kozlík

from June 1995, who at the end of the first intergovernmental Slovak–Ukrainian talks held in Kyiv said: “Ukraine is a gateway into the Russian market for us and its capacities to transit Slovak goods must be increased ten-fold at least.” His words might be interpreted as follows: Ukraine is important to Slovakia not in itself, but because of Russia’s importance to Slovakia.

Slovak nationalism has traditionally been pro-Russian. By contrast, Ukrainian nationalism has been traditionally anti-Russian and has quite different historical features. That is another reason for Slovakia’s historical “coolness” towards Ukraine and Ukrainians. It took more than a decade after the collapse of communism for the Slovak political establishment and the general public to stop conceiving of the entire post-Soviet space and/or “lands beyond the Carpathian Mountains” predominantly as “Russia.” In other words, Russian thinking was much closer to Slovaks than their immediate neighbor Ukraine. This stereotype created a rather negative mental framework for Slovak–Ukrainian relations after the two nations became independent at the beginning of the 1990s.

It should also be noted that many in Kyiv still think that “if we manage to agree with Brussels, Berlin or Warsaw, Bratislava will follow.” It is like the mistaken belief in Slovakia (under Mečiar’s foreign policy in the 1990s) that “if we manage to agree with Moscow, Kyiv will follow.” Unlike the Ukrainian political class, Slovak politicians cast off this illusion at the beginning of the 2000s. In Kyiv, there is still a tendency in foreign policy thinking to underestimate Slovakia as a political actor. Ukraine’s approach to Slovakia as a “smaller neighbor” has created serious difficulties in bilateral relations.

The differences in historical notions of national identity underpinned different approaches on some fundamental issues such as the transit of Russian energy resources to Europe. For many years, the two countries have shown an inability to speak one language vis-à-vis Russia on the transit of Russian oil and natural gas to European consumers through their territories. Both Ukraine and Slovakia inherited the communist-era shared transit energy infrastructure connecting Russia with Europe. However, even in the 1990s, Slovakia was still supporting Russia’s projects to construct natural gas pipelines that bypassed Ukraine. Instead of becoming grounds for strategic cooperation between Ukraine and Slovakia in order to protect shared interests as transit countries vis-à-vis Russia as the energy producer on one hand, and its European consumers on the other, the shared natural gas transit infrastructure became the source of misunderstanding and tension in Slovak–Ukrainian bilateral relations.

Since 2014, the Russian–Ukrainian crisis has become a foreign-policy issue that divides Slovak politicians and society. The diving line cuts

304



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

305



across the government coalition and the parliamentary opposition. A clear majority of Slovak citizens consider Ukraine to be an independent state and think that Russia has no right to interfere in its domestic affairs; yet half of them do not think that Russia’s unfair actions against Ukraine should mean a change in Slovakia’s “business as usual” style of policy towards Russia, including the adoption of sanctions that would harm the Slovak economy. This public schizophrenia is evident in Fico’s post-Maidan Eastern policy. Slovakia’s Janus-faced policy toward the Russian–Ukrainian crisis since 2014 can be summarized as follows. Its first face is represented by former President Andrej Kiska (2014–2019), President Čaputová (since 2019) and Prime Minister Eduard Heger (since 2020) who all condemned the Russian aggression against Ukraine and viewed the Maidan as the Revolution of Dignity of Ukrainian citizens who have a sovereign right to live in a democratic and free country. They also boosted Ukraine’s European aspirations, supported the anti-Russian sanctions adopted by the West, and lastly called for more defense spending and greater resilience so Slovakia can protect itself against the security threats posed by Russia, including its disinformation campaign, which is aimed at undermining the unity of the Euro-Atlantic structures and democratic institutions of Western countries.

Slovakia has become a strategic partner to Ukraine, ensuring an alternative supply of natural gas from the EU when Russia stopped its gas supply in 2014. Both countries are interested in maintaining their positions as the largest transit countries supplying Russian gas to Europe. Furthermore, they are prepared to work together to defend their integral transit interests vis-à-vis Russia and European consumers of Russian gas, which is a dramatic change from the two decades leading up to the Maidan. In addition to the gas sector, they have expanded bilateral energy cooperation, including in energy sector reforms, improving energy efficiency and the use of renewables focusing on the municipal level. They appear to have learned that working together on energy better serves their national interests. This provides new momentum to Slovak–Ukrainian bilateral relations, especially against the misunderstandings or disputes over energy in the years before the Maidan.

The analysis of the political context of the Slovak–Ukrainian energy partnership reveals that it is a new phenomenon with very new and fragile roots. Its sustainability depends entirely on the political will and capacity of each side to reflect upon the national interests of the other. The risks on the Slovak side relate to the duplicitous shape of its Eastern policy. The post-Maidan developments have done much to change Slovak perceptions of Eastern Europe, including Russia and Ukraine; however, Slovakia’s foreign policy identity is shaped by long-term political and historical factors, and they will not disappear over the next couple of years.

3.2. Bilateral framework for cross-border cooperation

Alexander Duleba
Yevhen Haydanka
Anatolij Klyuchkovych
& Yuriy Ostapets

306



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

307



Impact of bilateral inter-governmental relations

The aim of this chapter is to analyze and evaluate the institutional framework for Slovak–Ukrainian cross-border cooperation, which was established by an intergovernmental agreement concluded in 2000. Particular attention is paid to the activities of the Slovak–Ukrainian Intergovernmental Commission for Cross-Border Cooperation, which was set up based on the above agreement, and is tasked with joint planning and coordination of the cross-border cooperation development on the Slovak–Ukrainian border.

This analysis entails a comparison of the intergovernmental framework for cross-border cooperation between Slovakia and its other neighboring countries – Austria, the Czech Republic, Hungary and Poland – and identifies differences and especially deficits in cross-Slovak–Ukrainian-border cooperation. The chapter includes an assessment of the results of the work of the bilateral Slovak–Ukrainian Intergovernmental Commission for Cross-Border Cooperation, including a SWOT analysis, and makes recommendations for cross-border cooperation development, including planning and coordination at the intergovernmental level, as well as streamlining the use of existing EU institutional and financial instruments to engage sub-national actors on both sides of the border in cross-border cooperation.

3.2.1. A comparative analysis of bilateral agreements on cross-border cooperation

Slovakia has bilateral intergovernmental cross-border cooperation agreements with all its neighboring countries. The first, in chronological order, was the agreement with Poland signed back in 1994. That was followed by bilateral agreements with the Czech Republic and Ukraine (2000), then Hungary (2001), followed by the framework treaty on cross-border cooperation with Austria (2003).¹ The framework treaty with Austria differs from the agreements with the other neighboring countries in that it does not establish a role for central governments in cross-border cooperation development. The treaty expresses the political support of the governments of Austria and Slovakia for cooperation between regional and local actors across

¹ “Bilaterálne dohody a zmluvy o cezhraničnej spolupráci,” [Bilateral agreements and treaties on cross-border cooperation] Ministry of Interior of the Slovak Republic. Available online: <https://www.minv.sk/?bilateralne-dohody-a-zmluvy-o-cezhranicnej-spolupraci> (accessed on February 24, 2023).

the common border and provides for a basic legal framework, but it does not envisage the institutional involvement of government. The agreements with the other neighboring countries, including Ukraine, set up bilateral intergovernmental commissions for cross-border cooperation, most of which meet regularly and plan and coordinate cross-border cooperation development. Along with the state authorities, they organize the commission meetings and local and regional authorities participate as well.

The bilateral Slovak–Ukrainian cross-border cooperation agreement was signed on December 5, 2000, and entered into force on January 29, 2001.² The agreement (Art. 1) defines cross-border cooperation as follows:

all administrative, technical, economic, social and cultural activities aimed at consolidating and developing relations between the parties as well as municipalities, cities and regions and their bodies on both sides of the common state border, as well as the conclusion of appropriate agreements to address common problems.

The provisions of the agreement apply to three regions in Ukraine (Transcarpathia, Lviv and Ivano-Frankivsk) and two self-governing regions in Slovakia (Prešov and Košice).

Under the agreement the Slovak and Ukrainian government have to consult each other on any legal, administrative or technical problem that could hinder the development and smooth running of cross-border cooperation. They also have to support local and regional authority activities to initiate and develop cross-border cooperation and to provide local and regional authorities with financial resources, within the limits of their capabilities, for initiating and developing cross-border cooperation (Art. 4). The agreement lists the sectorial areas, in which regional and local actors are authorized to establish and develop cross-border cooperation:

- a. regional development and spatial planning;
- b. transport and communications (passenger transport, roads and motorways, airports, waterways, etc.);
- c. cross-border trade;

² "Dohoda medzi vládou Slovenskej republiky a Kabinetom ministrov Ukrajiny o cezhraničnej spolupráci," [Agreement between the government of the Slovak Republic and the Cabinet of Ministers of Ukraine on cross-border cooperation] Announcement of the Ministry of Foreign Affairs of the Slovak Republic No.172/2001 Coll., December 5, 2001.



- d. energy;
- e. nature protection (protected areas, recreation centers, parks, etc.);
- f. protection and rational use of water resources (pollution reduction, construction of waste water management plants);
- g. environment protection (air pollution, noise reduction, etc.);
- h. education, training, research and science;
- i. health-care (use of health-care facilities by residents of the neighboring territory);
- j. culture, leisure, sport (theatres, music festivals, sport centers, youth centers, etc.);
- k. mutual assistance in natural disasters and other disasters (fires, floods, epidemics, earthquakes, etc.);
- l. tourism (tourism support projects);
- m. problems affecting workers in the border regions (transport, housing, social insurance, taxation, employment, etc.);
- n. economic cooperation (joint ventures);
- o. other cooperation projects (waste management, communal economy, etc.);
- p. agricultural development; and
- q. social care (Art. 9).

With the aim of promoting and coordinating cross-border cooperation, the agreement (Art. 7) established the Slovak–Ukrainian Intergovernmental Commission on Cross-Border Cooperation, which has the right to set up working groups to address specific issues. The statute specifying the scope of its activities, organizational structure, budget and procedures was adopted at the first meeting of the commission on May 6, 2004, in Zemplínska Šírava (Slovakia). The commission is co-chaired by the Deputy Interior Minister of the Slovak Republic and the Deputy Minister of Ukraine for Regional Development, Construction, Housing and Communal Services. Since its establishment in 2004, the commission has met 14 times, with the last meeting held in November 2018 in Uzhhorod (Ukraine).³

³ See "Protokoly zo zasadnutí Slovensko-ukrajinskej medzivládnej komisie pre cezhraničnú spoluprácu," [Minutes from the meetings of the Slovak–Ukrainian intergovernmental commission for cross-border cooperation] Ministry of Interior of the Slovak Republic. Available online: <https://www.minv.sk/?protokoly-zo-zasadnuti-slovensko-ukrajinskej-medzivladnej-komisie> (accessed on February 24, 2023).

The commission has become the main institutional intergovernmental platform for the coordination and development of cross-border cooperation on the Slovak–Ukrainian border.⁴ One could therefore conclude that, by 2004, Slovakia and Ukraine had established a full-fledged bilateral legal and institutional framework for cross-border cooperation development on the common border by national authorities and regional and local actors.

However, while the existence of the legal and institutional mechanisms for intergovernmental cross-border cooperation generates opportunities for regional and local actors, it does not ensure the effectiveness of regional and local cross-border cooperation. In practice regional and local mechanisms of Slovak–Ukrainian cross-border cooperation are much less effective than national mechanisms. The main obstacles to bilateral cross-border cooperation, including regional and local trade, can be identified as follows: insufficient cross-border governance, scarce financial resources, historical legacy of the Slovak–Ukrainian borderland, including the complicated identities, insufficient legislation for dealing with legal protection for businesses, inadequate institutional setup (different competencies of regional and local authorities, inefficient custom offices that paralyze small businesses, local public administration offices, police and court practices), lack of infrastructure (number of border crossings, transport), corruption (local corruption often hampers trade cooperation more than national corruption), undercapitalization of enterprises in the region, lack of coordination in the use of EU funds etc.⁵ Generally, the systemic obstacles to cross-border cooperation are bound up with the Slovak–Ukrainian border itself, as it is an external EU border and performs a restrictive and protective function for the integrated area of the four fundamental freedoms within the EU.

Slovakia's bilateral cross-border cooperation agreements with neighboring countries provide the legal framework for cooperation between regional and local actors. But project funding is dependent on the EU's INTERREG program. Each Slovak region (there are 8 in total) shares a border with a neighboring country, with half sharing a border

4 For an analysis of strengths and weaknesses of the commission's activities, see O. Marcheuský, "The Slovak–Ukrainian intergovernmental commission on cross-border cooperation: institutional framework, activities, and outcomes," in A. Duleba, ed., "Cross-border cooperation between Slovakia and Ukraine," Vol. II: *Impact of intergovernmental relations*. Prešov: Prešov University Publishing House, 2019, pp. 129–43.

5 For an analysis see M. Lačný, A. Polačková, "Cross-border cooperation between Slovakia and Ukraine." Vol. IV: *Perceptions of local and regional actors*. Prešov: Prešov University Publishing House, 2019.



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations 311



with two neighboring countries (Bratislava, Košice, Prešov, Trnava and Žilina). Trnava Region is a unique case, as it is the only Slovak region to share a border with three neighboring countries (Austria, Czech Republic, and Hungary). All the EU's internal interstate borders are part of INTERREG A, which is a program for financing bilateral cross-border cooperation projects.

In the previous EU financial period (2014–2020), entities based in the Slovak regions could apply, in cooperation with partners in regions of neighboring countries, for financial support for common INTERREG A projects as follows: Slovak Republic–Czech Republic (eligible regions: Bratislava, Trenčín, Trnava and Žilina; total allocation for programming period: €71.2 mil.), Slovakia–Austria (Bratislava, and Trnava; €60.9 mil.), Slovakia–Hungary (eligible regions: Bratislava, Banská Bystrica, Košice, Nitra and Trnava; €128 mil.), and Poland–Slovakia (Prešov and Žilina; €145.7 mil.). In the same programming period, entities based in the Prešov and Košice Regions could apply for support for bilateral or multilateral cooperation projects with Ukrainian partners within the Hungary–Slovakia–Romania–Ukraine 2014–2020 ENI Cross-border Cooperation Program, financed from the European Neighborhood Instrument (€68.4 mil.). It should be noted that the financial support a project receives from these EU programs cannot exceed 85 per cent of the total project budget. In addition to INTERREG A, in the recent EU programming period, Slovak local and regional authorities could apply for support for cross-border cooperation projects within the following EU programs:

INTERREG Europe, Program URBACT, INTERREG Central Europe, and INTERREG Danube Transnational Program.⁶

However, it should be noted that the Slovak regions make very limited use of the available resources from the INTERREG B (transnational cooperation) and INTERREG C (interregional cooperation) programs, not to mention the other horizontal programs of the European Structural and Investment Funds (e.g., Horizon 2020 or Horizon Europe in the upcoming programming period 2021–2027). INTERREG B allows for the financing of projects with the participation of Slovak entities, including local and regional authorities, under the Central Europe and Danube Region regional programs, if they establish cooperation with partners from Central and South-Eastern European countries, including selected regions of Germany and Northern Italy, which are

6 "Mestá a obce. A fondy EÚ," [Cities and municipalities. And the EU funds] Office of the Deputy Prime Minister of the Slovak Republic for Investments and Informatization, 2019.

included in these regional programs. INTERREG C supports cooperation between actors from all EU member states, as well as Norway and Switzerland. INTERREG B and INTERREG C are untapped opportunities that Slovak regions could exploit for their own regional development, provided that they cooperate in sectors with “distant” foreign partners, at least to a degree comparable to the financial benefits they derive from cross-border cooperation projects supported under INTERREG A. It is in Slovakia’s public interest to improve the involvement of Slovak entities, including local authorities, in the use of INTERREG B and C resources, as these represent investment opportunities that go beyond the European funds allocated under the national Partnership Agreement and the funds allocated to Slovakia in the respective programming period.⁷

Since they were established⁸ Slovakia’s self-governing regions have tended to develop cooperation with regions in neighboring EU member states, partly because of the immediate geographical proximity and existing cross-border contacts (to varying degrees) with neighboring regions, but also, and especially after the EU accession in 2004, because of INTERREG A, which provides funding for cross-border cooperation projects across the EU’s internal borders. INTERREG A supports cross-border cooperation across each internal EU border. Slovak regions participate in the management of bilateral cross-border cooperation programs with neighboring countries. Except for the Slovak-Austrian border, these are coordinated by the Slovak government in cooperation with the government of the neighboring country through the bilateral commissions on cross-border cooperation. Together with partners from the neighboring countries, Slovak regional authorities have sufficient information about the opportunities offered by the programs and as a result, the use of allocated resources is relatively successful. Most of the financial resources that Slovak regions have received from cooperation with foreign partners since their establishment in 2001 (roughly 80% or more) have come from cross-border cooperation projects with neighboring regions funded by INTERREG A (cross-border cooperation).⁹

7 A. Duleba, P. Kováč, V. Oravcová, M. Cirner et al, “Legislatívny a inštitucionálny rámec pre medzinárodnú spoluprácu samosprávnych krajov SR,” [Legislative and institutional framework for international cooperation of self-governing regions of the Slovak Republic] Research Center of the Slovak Foreign Policy Association, 2021.

8 “Zákon o samospráve vyšších územných celkov (zákon o samosprávnych krajoch),” [Act on the self-government of territorial units (act on self-governing regions)] No. 302/2001 Coll. Available online: <https://www.zakonypreludi.sk/zz/2001-302> (accessed on February 24, 2023).

9 A. Duleba, P. Kováč, V. Oravcová, M. Cirner, et al., op. cit.

312



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

313



Moreover, the Slovak regions do not make effective use of the INTERREG A funding, owing to deficiencies in central government management. The Ministry of Investments, Regional Development and Informatization of the Slovak Republic (MIRDI) coordinates the bilateral commissions on cross-border cooperation (BCCCs) with neighboring countries, but in previous programming periods (2007–2013 and 2014–2020) the Ministry of Agriculture and Regional Development of the Slovak Republic (MARD) was the managing authority for INTERREG A, which has sub-programs for financing cross-border cooperation projects on the Slovak border with the Czech Republic, Hungary and Poland (MIRDI took over in 2020).

The unanswered question for the government is why the planning of cross-border cooperation development with neighboring regions is coordinated by one central state administration body (MIRDI) through the BCCC while the other central state administration body (MARD) manages the program for financing cross-border cooperation projects. Cross-border cooperation planning and implementation should be the responsibility of one central government body. The institutional separation of the planning and implementation processes hampers effective development of cross-border cooperation with regions in neighboring countries, in which the self-governing regions of the Slovak Republic play a key role.

Based on the current practices in cross-border cooperation between Slovak regions and foreign partners, it can be stated that one of the main deficits in the cross-border cooperation on the Slovak–Ukrainian border is the absence of a specific INTERREG program, which could serve as a financing source. Unlike the BCCCs, which directly involve the Slovak regions bordering with the Czech Republic, Hungary and Poland, the bilateral Slovak–Ukrainian commission has no direct impact on the sources of its funding.

INTERREG A only funds cross-border cooperation on the EU’s internal borders and the HUSKROUA INTEREG ENI program, for funding cross-border cooperation projects on the Slovak, Hungarian and Romanian borders with Ukraine, is managed by an international secretariat based in Budapest. In other words, the Slovak–Ukrainian bilateral commission can plan joint activities and cross-border cooperation projects, but it has no influence on securing the funding. That is the main reason why the Slovak–Ukrainian Bilateral Commission for Cross-Border Cooperation has been much more successful in reaching intergovernmental agreements on border management at the national level than in promoting and developing cross-border cooperation between sub-national actors.

3.2.2. Slovak–Ukrainian intergovernmental commission on cross-border cooperation

Institutional and legal framework

There are four key levels of cross-border cooperation:

- international: pan-European interests; national regional policies are coordinated so development within the European area is balanced;
- state: national cross-border cooperation policy, national interests are coordinated with pan-European ones, national and regional goals are harmonized;
- regional: cross-border cooperation policy is implemented based on the interests of the state and local authorities, coordination of actions with regions in neighboring countries;
- local: in coordinating local government development plans particular attention is paid to regional and national interests, cooperation also takes place between actors in the border areas.¹⁰

At the state level, the central executive authority is responsible for general coordination and monitoring of compliance with the cross-border cooperation legislation. In Ukraine, the Ministry of Development of Communities and Territories of Ukraine is responsible for drafting and implementing state regional policy, in line with a decision by the Cabinet of Ministers of Ukraine.¹¹

In 2006–2021, the Ukrainian government approved four state programs for cross-border cooperation development (2007–2010, 2011–2015, 2016–2020, 2021–2027). The last such program was approved in 2021.¹² The program goals are to

10 N. Mikula, *Міжтериторіальне та транскордонне співробітництво* [Interterritorial and cross-border cooperation] Lviv: IPД НАН України, 2004, p. 300. Available online: <http://znc.com.ua/ukr/publ/book/book-mikula-2004/book-mikula-2004.pdf> (accessed on February 24, 2023).

11 “Постанова Про затвердження Положення про Міністерство розвитку громад та територій України,” [Resolution on approval of the regulation on the Ministry of Communities and Territories Development of Ukraine] No. 197-2014-p, April 30, 2014. Available online: <https://zakon.rada.gov.ua/laws/show/197-2014-%D0%BF> (accessed on February 24, 2023).

12 “Постанова Про затвердження Державної програми розвитку транскордонного співробітництва на 2021–2027 роки,” [Resolution on approval of the state program for the development of cross-border cooperation for 2021–2027] No. 408, April 14, 2021. Available online: <https://www.kmu.gov.ua/npas/pro-zatverdzhennya-derzhavnoyi-programi-rozvitku-transkordonnogo-s140421> (accessed on February 24, 2023).

314



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

315



- a. implement the EU Strategy for the Danube Region and the Danube Transnational Program in Ukraine;
- b. implement internationally funded programs, including border cooperation programs within the framework of the European Territorial Cooperation for 2021–2027 (NDICI);
- c. develop the border infrastructure in the mountainous territories of the Carpathians;
- d. develop institutional capacity among cross-border cooperation participants.¹³

At the regional level, the institutional support for cross-border cooperation is provided by district and regional state administrations (in Transcarpathian Region, the Department of Euro-Regional Cooperation has this responsibility). As a rule, the regional administrations approve the cross-border cooperation development program for a specified area. The “Program for the Development of Cross-Border Cooperation of the Transcarpathian Region for 2021–2027” was approved in accordance with the government’s 2020 program for Transcarpathian Region. It sets out the main directions, financial mechanisms, institutional resources and personnel for cross-border cooperation.¹⁴

At the local level, the main participants in cross-border cooperation are territorial communities located along the border, who cooperate with similar communities on the other side of the border. The local self-government bodies and local state administrations, with administrative-territorial units participating in cross-border cooperation, have the following responsibilities: concluding cross-border cooperation agreements with the relevant bodies in the adjacent border region; meeting obligations arising from international treaties and agreements on cross-border cooperation; creating and implementing regional programs and strategies for cross-border cooperation; creating common interregional bodies to tackle common cross-border problems; participate in the activities of international interregional organizations promoting cross-border cooperation etc.¹⁵ Consequently, institutional support for the implementation of cross-border cooperation is carried out on a multi-level basis. It should be noted that, at

13 Ibid

14 “Розпорядження голови Закарпатської обласної адміністрації Про Програму розвитку транскордонного співробітництва Закарпатської області на 2021–2027 рр,” [Order of the Head of the Zakarpattia Oblast Administration on the Program for the Development of Cross-Border Cooperation of the Zakarpattia Oblast for 2021–2027] No. 705, December 3, 2020. Available online: https://oda.carpathia.gov.ua/sites/default/files/upload/201203_0705.pdf (accessed on February 24, 2023).

15 N. Mikula, op. cit., p. 116.

the state level, implementation of cross-border cooperation in Ukraine is declarative and concurrent. Most cross-border cooperation takes place at the regional and local levels.

Over a hundred treaties, agreements and other international documents form the contractual and legal basis of bilateral cooperation between Ukraine and Slovakia. Seventeen of which directly or indirectly regulate cross-border cooperation.

The main contractual legal document regulating bilateral relations between Ukraine and Slovakia is the Agreement on Good Neighborhood, Friendly Relations and Cooperation between Ukraine and the Slovak Republic of June 29, 1993. It enhanced opportunities for cross-border cooperation in the Ukrainian–Slovak border region. The key bilateral agreements creating opportunities for cross-border cooperation and making it easier for local residents to cross the border include the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Slovak Republic on cross-border cooperation from December 5, 2000, Agreement between Ukraine and the Slovak Republic on local border traffic from May 30, 2008.¹⁶

At the interregional level, a number of important bilateral agreements have been concluded between Transcarpathian Region and bordering regions in Slovakia that foster cross-border cooperation between these regions, namely: Agreement on cooperation between Transcarpathian Region in Ukraine and Prešov Self-Governing Region in the Slovak Republic (March 15, 2005); Memorandum on cooperation between the Transcarpathian Region of Ukraine and Košice Self-Governing Region in the Slovak Republic (May 13, 2006); Agreement on trade, economic, scientific, technical and cultural cooperation between Transcarpathian Region in Ukraine and Košice Self-Governing Region in the Slovak Republic (November 24, 2006). At local government level in Transcarpathian Region and the Slovak border regions, there are several cross-border cooperation agreements, for example: a cooperation agreement between Kamianytsia, Uzhhorod District, and Janovce, Bardejov District, and a memorandum on further cooperation between the twin cities of Uzhhorod and Košice.

The institutional and legal basis of Ukrainian–Slovak cross-border cooperation includes general programs and development strategies in neighboring territories (for example, the Strategy for the Development of Slovak–Ukrainian Cross-Border Cooperation up to 2020). The

16 “Закон України Про транскордонне співробітництво,” [Law of Ukraine on cross-border cooperation] Verkhovna Rada of Ukraine, No. 45, Art. 499, 2004. Available online: <https://zakon.rada.gov.ua/laws> (accessed on February 24, 2023).

316



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

317



main law setting out the institutional, legal, economic and organizational foundations of cross-border cooperation is the cross-border cooperation law, adopted on July 24, 2004.¹⁷ It establishes the goals and principles of cross-border cooperation, spheres and organizational forms, the powers of the entities involved in cross-border cooperation, state support for cross-border cooperation etc. Cross-border cooperation may be carried out:

1. by cross-border associations and bodies, in particular, associations of Euro-regional cooperation, European associations of territorial cooperation;
2. in the Euroregion;
3. based on cross-border cooperation agreements in certain areas;
4. through the development and implementation of common initiatives, activities, projects, programs and strategies in certain areas that enable the coordination of cooperation and accumulation of resources for a set period in order to jointly implement relevant activities;
5. through establishing and developing mutually beneficial contacts between entities engaged in cross-border cooperation.

In Ukraine effective cross-border cooperation, especially at the local level, is hampered by a number of problems and obstacles.

Firstly, the regulatory and legal regulation is inadequate, especially the mechanism for implementing cross-border cooperation and the means of ensuring it.

Secondly, there is a lack of effective institutional and personnel support for cross-border cooperation. Local self-government bodies and territorial communities in EU countries have significantly more power in pursuing cross-border cooperation. In Ukraine, local initiatives are “revised” by the central executive bodies. While the regional development agencies in EU countries have proved a success, the ones in Ukraine do not work properly. Personnel support for cross-border cooperation and the lack of power allocated to local and regional authorities remain a challenge. In Ukraine, the authorities and local self-government involved in cross-border cooperation have received no training or instruction (financial mechanisms, project management etc.). Therefore, projects tend to be implemented by officials who have access to the relevant information, which has a dampening effect on local initiatives.

17 Ibid

Thirdly, cross-border cooperation needs proper resources. There is a need for co-financing in cross-border projects. The problems with resources relate to the underdeveloped border, transport, tourism, and logistics infrastructure in Ukraine.

Fourthly, cross-border cooperation requires better information support. Media support is also important so cross-border entities and participants can obtain information on the benefits and opportunities of cross-border cooperation. For example, a sociological study conducted as part of this project found there was a lack of information.¹⁸

As noted above, the Slovak–Ukrainian intergovernmental commission for cross-border cooperation (ICCC) was established under the Intergovernmental Treaty on Cross-Border Cooperation concluded in 2000.¹⁹ The Slovak side is represented by the interior ministry (the co-chair of the ICCC is the state secretary). The Ukrainian side was originally represented by the economy ministry, but at the last ICCC meeting in 2018 this role was taken on by the Ministry of Regional Development, Construction and Housing and Communal Economy of Ukraine (the co-chair of the ICCC is the first deputy minister). The aim of the ICCC is to coordinate border management (cooperation between the border police and customs services) and to promote cross-border cooperation between regional and local actors on both sides of the border (under the 2000 treaty, the regional demarcation of cross-border cooperation consists of Prešov and Košice Regions on the Slovak side and three regions in Ukraine: Transcarpathia, Ivano-Frankivsk and Lviv).

Its main activities are set out in the ICCC Statute.²⁰ Firstly, the ICCC issues general instructions and stipulates the forms of cross-border cooperation, ensuring compliance with the agreement between the Slovak and Ukrainian governments on cross-border cooperation. Secondly, it proposes favorable legal, economic, financial and trade

18 Respondents were asked: “Do you have any information about the activities of the Slovak–Ukrainian Intergovernmental Commission on Cross-Border Cooperation?” The respondents gave the following answers: “I have a lot of information” (0.7 per cent), “I have some information” (10 per cent), “I have little information” (26.1 per cent), “I have no information at all” (47.3 per cent), “I don’t know/I don’t want to answer” (15.9 per cent).

19 “Dohoda medzi vládou Slovenskej republiky a Kabinetom ministrov Ukrajiny o cezhraničnej spolupráci, December 5, 2001,” op. cit.

20 “Štatút Slovensko-ukrajinskej medzivládnej komisie pre cezhraničnú spoluprácu,” [Statute of the Slovak–Ukrainian intergovernmental commission for cross-border cooperation] Ministry of Interior of the Slovak Republic. Available online: <https://www.minv.sk/?statut-slovensko-ukrajinskej-medzivladnej-komisie-pre-cezhranicnu-spolupracu> (accessed on February 24, 2023).

conditions for mutually beneficial development in the economic, social, scientific, and technical, cultural, educational, environmental, and other spheres of cross-border cooperation, which are then considered by the competent authorities in Slovakia and the Ukrainian government. Thirdly, the ICCC aids on solving legal, administrative and technical problems that may hinder the development of the cross-border cooperation. Fourthly, it supports local and regional authorities involved in developing cross-border cooperation.

ICCC agenda

Between 2004 and 2018, the ICCC held 14 meetings (Table 1).

The analysis of the minutes of the ICCC meetings enables us to identify three key areas of its work:

1. joint planning and coordination of Slovak–Ukrainian cross-border cooperation;
2. improving traffic flow across the common border and border-customs control, including discussions and decisions on visa policy, small border traffic, exchange of operational information, developing border infrastructure and logistics;
3. sectoral cross-border cooperation covering such areas and sectors as: economy, ecology, tourism, education, science, culture.

Another important aspect of the work of the ICCC is a set of issues relating to the joint planning and coordination of Slovak–Ukrainian cross-border cooperation at the regional and local levels. Here European instruments, cross-border programs for activities, regional strategies and regional cooperation agreements are of particular interest. The ICCC took on board information relating to the preparation of projects and made recommendations for the implementation of these programs. In particular, at all the ICCC meetings in 2004–2006, the progress and results of the implementation of the Hungary–Slovakia–Romania–Ukraine Neighborhood Program (2004–2006) INTERREG/TACIS were discussed.²¹ From 2007 to 2013, the ICCC took on board information about projects relating to the Hungary–Slovakia–Romania–Ukraine 2007–2013 ENPI program and projects within the framework of the Norwegian Mechanism.²²

21 “Protokoly zo zasadnutí Slovensko-ukrajinskej medzivládnej komisie pre cezhraničnú spoluprácu,” [Minutes from the meetings of the Slovak–Ukrainian intergovernmental commission for cross-border cooperation] op. cit.

22 Ibid



Since 2013, the ICCC has discussed the preparation and implementation of various projects relating to the Hungary–Slovakia–Romania–Ukraine 2014–2020 ENI Cross-Border Cooperation Program.²³ In particular, it made recommendations to the relevant bodies in Ukraine and Slovakia responsible for implementation of the program for assistance in preparing and conducting competitions in accordance with the thematic goals: the development of local culture and preservation of historical heritage; environmental protection, climate change, natural disasters, renewable energy; accessibility of regions, transport and communication infrastructure and systems; common security and protection challenges.²⁴

With the help of the European programs, many successful innovative projects have been implemented, the border infrastructure has been modernized, and personal and institutional contacts activated. The implementation of cross-border projects has made a positive contribution to the development of Transcarpathia, the Ukrainian–Slovak border areas and Ukraine’s European integration strategy as a whole. In its work, the ICCC has participated in the discussions and conclusion of interregional cooperation agreements between Transcarpathian Region and Košice and Prešov Regions).

Table 1. Meetings of the Slovak–Ukrainian (Ukrainian–Slovak) intergovernmental commission on cross-border cooperation

No	Date and place of meeting	Ukrainian and Slovak co-chairs of the commission
1	May 6–7, 2004 (Zemplínska Šírava, Slovakia)	Pado Martin – State Secretary of Ministry of Interior of the Slovak Republic Pershin Volodymyr – Deputy Minister of Economy and European Integration of Ukraine
2	December 1–2, 2005 (Huta, Ukraine)	Pado Martin – State Secretary of Ministry of Interior of the Slovak Republic Romanyuk Sergiy – First Deputy Minister of Economy of Ukraine
3	May 11–12, 2006 (Humenné, Slovakia)	Pado Martin – Ministry of Interior of the Slovak Republic Romanyuk Sergiy – First Deputy Minister of Economy of Ukraine

²³ Ibid

²⁴ “Protokol zo štrnásteho zasadnutia Slovensko-ukrajinskej medzivládnej komisie pre cezhraničnú spoluprácu,” [Minutes from the 14th meeting of the Slovak–Ukrainian intergovernmental commission for cross-border cooperation] Uzhhorod, Ukraine, Ministry of Interior of the Slovak Republic, November 26–27, 2018. Available online: <https://www.minv.sk/?protokoly-zo-zasadnuti-slovensko-ukrajinskej-medzivladnej-komisie> (accessed on February 24, 2023).

320



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

321



4	December 7–8, 2006 (Solochny, Slovakia)	Čečot Vladimír – State Secretary of Ministry of Interior of the Slovak Republic Romanyuk Sergiy – First Deputy Minister of Economy of Ukraine
5	June 21–22, 2007 (Michalovce, Slovakia)	Čečot Vladimír – State Secretary of Ministry of Interior of the Slovak Republic Romanyuk Sergiy – First Deputy Minister of Economy of Ukraine
6	December 13–14, 2007 (Uzhhorod, Ukraine)	Čečot Vladimír – State Secretary of Ministry of Interior of the Slovak Republic Havashi Oleg – Head of Transcarpathian Regional State Administration
7	June 5–6, 2008 (Prešov, Slovakia)	Čečot Vladimír – State Secretary of Ministry of Interior of the Slovak Republic Havashi Oleg – Head of Transcarpathian Regional State Administration
8	September 30–October 1, 2010 (Antalovtsi, Ukraine)	Žilinka Maroš – State Secretary of Ministry of Interior of the Slovak Republic First Deputy Minister of Economy of Ukraine
9	June 8–9, 2011 (Michalovce, Slovakia)	Žilinka Maroš – State Secretary of Ministry of Interior of the Slovak Republic Baloga Viktor – Minister of Emergencies of Ukraine
10	December 1–2, 2011 (Barvinok, Ukraine)	Žilinka Maroš – State Secretary of Ministry of Interior of the Slovak Republic Baloga Viktor – Minister of Emergencies of Ukraine
11	November 28–29, 2013 (Košice, Slovakia)	Buček Jozef – State Secretary of Ministry of Interior of the Slovak Republic Maksyuta Anatolii – First Deputy Minister of Economic Development and Trade of Ukraine
12	September 12–13, 2016 (Uzhhorod, Ukraine)	Urbanovič Rudolf – State Secretary of Ministry of Interior of the Slovak Republic Kucherenko Olena – Director of the Department for Regional Development, Ministry of Regional Development, Construction, Housing and Communal Services of Ukraine
13	November 21–22, 2017 (Zemplínska Šírava, Slovakia)	Urbanovič Rudolf – State Secretary of Ministry of Interior of the Slovak Republic Nehoda Viacheslav – First Deputy Minister for Regional Development, Construction, Housing and Communal Services of Ukraine
14	November 26–27, 2018 (Uzhhorod, Ukraine)	Urbanovič Rudolf – State Secretary of Ministry of Interior of the Slovak Republic Nehoda Viacheslav – First Deputy Minister for Regional Development, Construction, Housing and Communal Services of Ukraine

Source: Authors, based on ICCC data

The second priority area in the work of the ICCC is a set of issues related to the Ukrainian–Slovak border, namely: improving border-customs control, simplifying the border crossing procedure, visa issuance, small border traffic, border infrastructure etc. One issue that was raised at almost all the ICCC meetings is the construction and

upgrading of the checkpoints on the Ukrainian–Slovak border. The main problems are as follows:

The undecided location for a future checkpoint reached by European highway D1. The decision to create a D1 junction between the villages of Storozhnytsia (Ukraine) and Záhор (Slovak Republic) was made in 1997 under an agreement between the Ministry of Transport of Ukraine and the Ministry of Transport, Post and Telecommunications of Slovakia.²⁵

However, the construction of that particular checkpoint is no longer an issue for Transcarpathia, as Uzhhorod, the regional center, has expanded and the traffic flow around it has increased. Consequently, the location of the checkpoint requires further discussion.

Since 2005, the ICCC has been considering the construction of the Solomonovo–Chierna international checkpoint. Back in 2006, it was decided that the checkpoint would be built on Slovak territory where document control would be performed for both sides of the border.²⁶ The agreement between the Slovak and Ukrainian governments on the construction of a new road checkpoint at Solomonovo–Chierna was signed in October 2007 in Bratislava.²⁷ But there has been no progress on implementation of the agreement, despite both parties

25 “Угода між Міністерством транспорту України та Міністерством транспорту, пошт і телекомунікацій Словацької Республіки про визначення місця з’єднання проєктованих автомагістралі на українській стороні і автомагістралі D1 на словацькій стороні на українсько-словацькому державному кордоні на південний захід від міста Ужгород між селами Сторожниця (Україна) і Загор (Словацька Республіка) та їх проходження у прикордонних областях,” [Agreement between the Ministry of Transport of Ukraine and the Ministry of Transport, Posts and Telecommunications of the Slovak Republic on determining the junction of the planned highway on the Ukrainian side and the D1 highway on the Slovak side on the Ukrainian–Slovak state border southwest of the city of Uzhhorod between the villages of Storozhnytsia (Ukraine) and Zahor (Slovak Republic) and their passage in the border regions] March 7, 1997, Verkhovna Rada of Ukraine. Available online: https://zakon.rada.gov.ua/laws/show/703_041#Text (accessed on February 24, 2023).

26 “Протокол 3-го засідання Словацько-української (Українсько-словацької) міжурядової комісії з питань транскордонного співробітництва,” [Minutes from the 3rd meeting of the Slovak–Ukrainian (Ukrainian–Slovak) inter-governmental commission on issues of cross-border cooperation] Humenné, Slovak Republic, May 11–12, 2006, 7 p.

27 “Угода між Кабінетом Міністрів України і Урядом Словацької Республіки про будівництво нового автодорожнього пункту пропуску ‘Соломоново-Чіерна,’” [Agreement between the Cabinet of Ministers of Ukraine and the Government of the Slovak Republic on the construction of a new highway checkpoint “Solomonovo-Cierna”] Verkhovna Rada of Ukraine, 2007. Available online: https://zakon.rada.gov.ua/laws/show/703_073#Text (accessed on February 24, 2023).

322



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

323



declaring that the checkpoint was important. In 2017, Ukraine raised this issue at an ICCC meeting.²⁸

Another priority is the Palad Komarivtsi–Ruská crossing-point, which could reduce the burden on the Uzhhorod–Vyšné Nemecké checkpoint. Land acquisition measures have already been implemented at Palad Komarivtsi–Ruská.²⁹

Another long-term project is the creation of the Ulič–Zabrid crossing-point on the border between Prešov Region and Velykobereznianskyi District, which could lead to economic growth, regional cooperation and development in the mountain border areas. Back in 2003, the Slovak–Ukrainian Working Group raised the possibility of building a crossing here.³⁰ But in 2004, the Slovak side decided that opening a road vehicle checkpoint at Ulič–Zabrid would prove ineffective.³¹ The opening of an international checkpoint at Ulič–Zabrid on the Slovak–Ukrainian border was part of the State Program for the Development of Cross-Border Cooperation for 2016–2020.³² Despite optimistic plans and forecasts, the project has not been implemented yet.

28 “Протокол 13-го Українсько-словацької (Словацько-української) міжурядової комісії з питань транскордонного співробітництва,” [Minutes from the 13th Ukrainian–Slovak (Slovak–Ukrainian) intergovernmental commission on cross-border cooperation] Zemplínska Širava, Slovak Republic, November 21 – 22, 2017, 7 p.

29 “Detailed plan of the territory for the construction of the ‘Palad-Komarivtsi – Ruske’ automobile checkpoint outside the settlement, on the territory of the Surtiv Village Council of the Uzhhorod District of the Transcarpathian Region,” Uzhhorod District State Administration. Available online: <http://uzh-rda.gov.ua/storinka/detalnyy-plan-terytoriyi-dlya-budivnytva-avtomobilnogo-punktu-propusku-palad-komarivci> (accessed on February 24, 2023).

30 “Protokol z druhého zasadnutia Slovensko-ukrajinskej pracovnej skupiny pre cezhraničnú spoluprácu pri Medzivládnej komisii pre obchodno-hospodársku a vedcko-technickú spoluprácu medzi Slovenskou republikou a Ukrajinou,” [Minutes from the 2nd meeting of the Slovak–Ukrainian working group for cross-border cooperation at the Intergovernmental Commission for Business-Economic and Scientific-Technical Cooperation between the Slovak Republic and Ukraine] Uzhhorod, Ukraine, December 11–12, 2003, 9 p.

31 “Protokol z prvého zasadnutia Slovensko-ukrajinskej (Ukrajinsko-slovenskej) medzivládnej komisie pre cezhraničnú spoluprácu,” [Minutes from the 1st meeting of the Slovak–Ukrainian (Ukrainian–Slovak) intergovernmental commission for cross-border cooperation] Zemplínska Širava, Slovak Republic, Ministry of Interior of the Slovak Republic, May 6–7, 2004. Available online: <https://www.minv.sk/?protokoly-zo-zasadnuti-slovensko-ukrajinskej-medzivladnej-komisie>.

32 “Постанова Кабінету Міністрів України Про затвердження Державної програми розвитку транскордонного співробітництва на 2016–2020 роки,” [Resolution of the Cabinet of Ministers of Ukraine on the approval of the State Program for the development of transboundary cooperation for 2016–2020]. Available online: <https://zakon.rada.gov.ua/laws/show/554-2016-%D0%BF/print#n10> (accessed on February 24, 2023).

The issue of changing the status of the international bicycle and pedestrian traffic border-crossing at Mali Selmentsi–Veľké Slemence to an international vehicle checkpoint for cars has been raised repeatedly at ICCC meetings since 2010. However, the issue has still not been resolved.

Another long-term issue is the modernization of the main crossing-point on the Slovak–Ukrainian border at Uzhhorod–Vyšné Nemecké. The construction project documentation was approved in 2006.³³ And, in 2013, the EU allocated funds for the reconstruction of the Uzhhorod checkpoint from the Hungary–Slovakia–Romania–Ukraine 2007–2013 ENPI program. Violations on the Ukrainian side led the EU to halt the project financing and the work was abandoned for many years. Ukraine was forced to return the money and to finance the repair work from the state budget. The work to rebuild the Uzhhorod–Vyšné Nemecké checkpoint on the Ukrainian side did not begin until October 2018 and completion was planned for November 2019.³⁴ However, in July 2022, the work was still ongoing. Expansion of the freight checkpoint at Uzhhorod–Vyšné Nemecké checkpoint is another unresolved issue.

The prospect of introducing joint controls at the existing checkpoints (experimentally at first) was regularly discussed at ICCC meetings. At the last meetings in 2017–2018, the Ukrainian side suggested the Slovak side could consider proposals for introducing joint controls on the Malyi Bereznyi–Ubl'a checkpoint after signing an agreement. The Ukrainian side also expressed an interest in creating a joint contact point on the state border.³⁵ It would deal with the normative, legal, and organizational regulation of joint border-customs controls at border crossing-points.

Therefore, in the 14 years of its work, the ICCC has largely been concerned with general improvements to the infrastructure at the crossing-points on the Ukrainian–Slovak border, increasing throughput capacity and speeding up customs and border control in accordance

33 "Протокол 3-го засідання Словацько-української (Українсько-словацької) міжурядової комісії з питань транскордонного співробітництва," [Minutes from the 3rd meeting of the Slovak–Ukrainian (Ukrainian–Slovak) inter-governmental commission on issues of cross-border cooperation] op. cit.

34 "Protokol zo štrnásteho zasadnutia Slovensko-ukrajinskej medzivládnej komisie pre cezhraničnú spoluprácu," [Minutes from the 14th meeting of the Slovakia–Ukraine intergovernmental commission for cross-border cooperation] op. cit.

35 See "Protokoly zo zasadnutí Slovensko-ukrajinskej medzivládnej komisie pre cezhraničnú spoluprácu," [Minutes from the meetings of the Slovak–Ukrainian intergovernmental commission for cross-border cooperation] op. cit.

324



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

325



with European standards. Nonetheless, despite the interest and consultations between the Slovak and Ukrainian partners, the ICCC has not proved very successful. Currently, Ukraine's efforts are aimed at continuing the interstate dialogue on amending existing or concluding new intergovernmental agreements on the checkpoints on the Ukrainian–Slovak border: Storozhnyitsia–Záhor, Palad-Komarivtsi–Ruská, Solomonovo–Čierna, Zabrid–Ulič.

The ICCC often discussed problems concerning the issuance of visas and small border traffic permits for Ukrainian citizens at Slovakia's consulates and embassies. It produced various proposals for a small border traffic agreement and changing the regulations. The ICCC recommended simplifying and accelerating the approval process for issuing local border traffic permits.³⁶

It spent a great deal of effort on introducing an effective small border traffic mechanism and expanding its geographic scope. Visa issuance was repeatedly discussed, as it was extremely important for Ukrainian citizens before the introduction of the visa-free regime with the EU. The ICCC produced many recommendations on the mechanism for optimizing visa issuance and repeatedly recommended that the Slovak side should consider simplifying the visa regime for Ukrainian citizens and issuing a larger number of multi-visas. Ultimately, these efforts led to an increase in the number of visas issued by the Slovak Republic in Ukraine and sped up the process. That should be evaluated positively, because thanks to the work of the ICCC in regular monitoring the visa situation, participants were informed about the problems and potential solutions.

The ICCC did a great deal to develop sectoral cooperation between Ukraine and Slovakia (the third main area of its work). Achievements in certain industries and spheres were based on decades of experience of cooperation, as well as personal and institutional contacts in the Ukrainian–Slovak border area.

An important factor in the revival of cross-border cooperation is the development of transport infrastructure on both sides of the border. The ICCC was regularly informed of the current state and development of transport border infrastructure. Despite the unique preconditions

36 "Protokol z deviateho zasadnutia Slovensko-ukrajinskej (Ukrajinsko-slovenskej) medzivládnej komisie pre cezhraničnú spoluprácu," [Minutes from the ninth meeting of the Slovak–Ukrainian (Ukrainian–Slovak) intergovernmental commission for cross-border cooperation] Michalovce, Slovak Republic, Ministry of Interior of the Slovak Republic, June 8–9, 2011. Available online: <https://www.minv.sk/?protokoly-zo-zasadnuti-slovensko-ukrajinskej-medzivladnej-komisie> (accessed on February 24, 2023).

and opportunities Transcarpathia has for creating effective transport and logistics cross-border infrastructure problems remain. Better road, border and customs infrastructure would make it easier to exploit the full transit potential of the cross-border region. Thanks to the work of the ICCC, a number of measures have been adopted regarding the joint planning of international transport and communication corridors. Among the most important events, we note the following.

In 2016–2018 the functioning of Uzhhorod Airport was discussed at ICCC meetings, including aircraft flying in Slovak airspace. The previous intergovernmental agreement expired in 2016, and the ICCC worked to renew the agreements for the full launch of the airport. In September 2020, a new intergovernmental agreement was signed between Ukraine and Slovakia allowing the resumption of operations at Uzhhorod Airport.³⁷

Another issue that was repeatedly discussed at ICCC meetings was the development of transport links between Košice, Prešov and Transcarpathian Regions. The “Modernization of road connections between Prešov Region and Transcarpathian Region in Ukraine” was approved within the framework of the Hungary–Slovakia–Romania–Ukraine 2014–2020 ENI program.³⁸ Under the project, road repairs were carried out on the Ukrainian and Slovak sides.

The possibility of renewing the operation of the Uzhhorod–Matovyse railway line has been raised at meetings since 2006.³⁹ In recent years, the Slovak Railway Administration has shown interest in creating a direct Uzhhorod–Košice connection. The opening of new road and

37 “Угода між Кабінетом Міністрів України та Урядом Словацької Республіки про визначення умов використання визначеної частини повітряного простору Словацької Республіки у зв’язку з наданням послуг з обслуговування повітряного руху призначеним українським провайдером аеронавігаційного обслуговування у міжнародному аеропорту ‘Ужгород,’” [Agreement between the Cabinet of Ministers of Ukraine and the Government of the Slovak republic on the determination of the conditions for the use of a certain part of the airspace of the Slovak Republic in connection with the provision of air traffic services by the designated Ukrainian air navigation service provider at the Uzhhorod International Airport] September 14, 2020. Available online: https://zakon.rada.gov.ua/laws/show/703_002-20/print (accessed on February 24, 2023).

38 “Protokol zo štrnásteho zasadnutia Slovensko-ukrajinskej medzivládnej komisie pre cezhraničnú spoluprácu,” [Minutes from the 14th session of the Slovakia–Ukraine intergovernmental commission for cross-border cooperation] op. cit.

39 “Протокол 3-го засідання Словацько-української (Українсько-словацької) міжурядової комісії з питань транскордонного співробітництва,” [Minutes from the 3rd meeting of the Slovak–Ukrainian (Ukrainian–Slovak) inter-governmental commission on issues of cross-border cooperation] op. cit.

326



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

327

Impact of bilateral inter-governmental relations



railway passenger crossings, along with the Pavlovo railway freight checkpoint, will improve the dynamics of cross-border contacts and have a positive effect on economic development in both countries. Nonetheless, the issue has been under consideration for a long time.

Another issue that was regularly raised at the ICCC meetings was the D1 motorway, particularly the connection between the villages of Záhор and Storozhnytsia (in line with the 1997 agreement between the Slovak and Ukrainian transport ministries⁴⁰). To this day, it has not been resolved. Modernizing the II/558 road was another issue raised, including the rebuilding of two main bridges in connection with the planned opening of the Ulič–Zabrid border crossing-point (since 2017).

The ICCC also fosters municipal cooperation between cities and villages. For example, in 2007, there was a presentation on cooperation between Michalovce (Slovakia) and Uzhhorod (Ukraine) at an ICCC meeting, including successful cultural, sports, social contacts and urban planning and tourism projects.⁴¹

The prospect of collaboration between educational institutions in Transcarpathian Region and Prešov and Košice Regions was repeatedly raised at ICCC meetings. The provision of assistance to schools was discussed, particular for Secondary School No. 21 in Uzhhorod

40 “Угода між Міністерством транспорту України та Міністерством транспорту, пошт і телекомунікацій Словацької Республіки про визначення місця з’єднання проєктованих автомагістралі на українській стороні і автомагістралі D1 на словацькій стороні на українсько-словацькому державному кордоні на південний захід від міста Ужгород між селами Сторожниця (Україна) і Загор (Словацька Республіка) та їх проходження у прикордонних областях,” [Agreement between the Ministry of Transport of Ukraine and the Ministry of Transport, Posts and Telecommunications of the Slovak Republic on determining the location of the junction of the projected highway on the Ukrainian side and the D1 highway on the Slovak side on the Ukrainian Slovak state border southwest of the city of Uzhgorod between the villages of Storozhnytsia (Ukraine) and Zagor (Slovak Republic) and passing through border regions] Verkhovna Rada of Ukraine, March 7, 1997. Available online: https://zakon.rada.gov.ua/laws/show/703_041#Text (accessed on February 24, 2023).

41 “Protokol z piatego zasadnutia Slovensko-ukrajinskej (Ukrajinsko-slovenskej) medzivládnej komisie pre cezhraničnu spoluprácu,” [Minutes from the fifth meeting of the Slovak–Ukrainian (Ukrainian–Slovak) intergovernmental commission for cross-border cooperation] Michalovce, Ministry of Interior of the Slovak Republic, June 21–22, 2007. Available online: <https://www.minv.sk/?protokoly-zo-zasadnuti-slovensko-ukrajinskej-medzivladnej-komisie> (accessed on February 24, 2023).

where the languages of instruction are Slovak and Ukrainian.⁴² An important step in the development of Slovak–Ukrainian cooperation was the opening in 2011 of a secondary school where Ukrainian and Slovak are the languages of instruction and the Center of Slovak Culture. The center was opened to satisfy the educational needs of Slovaks abroad and to preserve and popularize the culture and traditions of the Slovak people.

Socio-cultural cross border cooperation between Slovakia and Ukraine is another issue the ICCC has addressed. It has repeatedly made recommendations to Ukrainian and Slovak cultural organizations concerning the expansion of cooperation opportunities through the organization of joint cultural events. An example of partnership and friendly relations between the border communities, is the Days of Good Neighborliness, traditionally held on the border between Transcarpathian Region and Prešov and Košice Regions. The success of the Days of Good Neighborliness is evident in the additional provision of a cultural program, promotional materials on cross-border cooperation, negotiations, memoranda, agreements and the signing of protocols of intentions on cooperation between regional and local authorities, communities and associations.

The ICCC was regularly informed as to the state and prospects of tourism cooperation and repeatedly discussed problems and measures to foster cross-border cooperation. Its recommendations led to the promotion of natural and cultural heritage tourism. For example, in 2005–2006, promotional materials, *Travels in the Carpathians – castles and fortresses* and *Travels in the Carpathians – natural sceneries*, were published with the assistance of the Carpathian Euroregion.⁴³ The work of the ICCC also contributed to mutual communication, the search for partners and cooperation in holding tourist events in the border regions.

42 "Protokol zo šiesteho zasadnutia Slovensko-ukrajinskej (Ukrajinsko-slovenskej) medzivládnej komisie pre cezhraničnú spoluprácu," [Minutes from the sixth meeting of the Slovak–Ukrainian (Ukrainian–Slovak) intergovernmental commission for cross-border cooperation] Transcarpathian region, Antalovci village, Ukraine, Ministry of Interior of the Slovak Republic, December 13–14, 2007. Available online: <https://www.minv.sk/?protokoly-zo-zasadnuti-slovensko-ukrajinskej-medzivladnej-komisie> (accessed on February 24, 2023).

43 "Protokol zo štvrtého zasadnutia Slovensko-ukrajinskej (Ukrajinsko-slovenskej) medzivládnej komisie pre cezhraničnú spoluprácu," [Minutes from the fourth meeting of the Slovak–Ukrainian (Ukrainian–Slovak) intergovernmental commission for cross-border cooperation] Transcarpathian region, Soločin, Ministry of Interior of the Slovak Republic, December 7–8, 2006. Available online: <https://www.minv.sk/?protokoly-zo-zasadnuti-slovensko-ukrajinskej-medzivladnej-komisie> (accessed on February 24, 2023).

328



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

329



The ICCC was regularly informed about promising and ongoing environmental preservation projects on both sides of the border. As a result, measures were taken to improve waste management and water purification in rivers and to create cross-border water reserves. For example, the ICCC positively assessed research collaboration in 2006–2007 on the quality of cross-border waters and waste.⁴⁴ Ukrainian and Slovak parties also engaged in successful cooperation as part of a sustainable development the project in the Tizsa river basin.⁴⁵

The ICCC helped develop a strategy for studying climate change, prevention and environmental adaptation and implement joint activities. Another issue discussed at its meetings was cooperation between national parks on both sides of the border. A number of these measures were part of the implementation of cross-border cooperation projects within the framework of HUSKROUA ENI for 2014–2020.⁴⁶ For many years, Slovakia and Ukraine have successfully cooperated within the Eastern Carpathians International Biosphere Reserve. Cooperation is also ongoing alongside joint initiatives as part of the EU Strategy for the Danube Region (EUSDR). It is important to continue organizing environmental protection activities in the border area to increase public awareness of environmental issues.

Ukrainian and Slovak parties to the ICCC meetings reached agreements on joint monitoring and information about natural and man-made emergencies in adjacent border areas, on holding joint conferences, training sessions, internships on civil protection for the population and the provision of emergency medical care. Agreements were concluded between the district departments in Košice, Prešov and the Transcarpathian Regional State Administration in Uzhhorod on the mutual provision of information and assistance in emergency situations. These agreements were reached in accordance with an agreement between the Slovak and Ukrainian government on cooperation and mutual assistance in emergency situations, signed in

44 "Protokol zo šiesteho zasadnutia Slovensko-ukrajinskej (Ukrajinsko-slovenskej) medzivládnej komisie pre cezhraničnú spoluprácu," [Minutes from the sixth meeting of the Slovak–Ukrainian (Ukrainian–Slovak) intergovernmental commission for cross-border cooperation] op. cit.

45 Ibid

46 "Protokol zo štrnásteho zasadnutia Slovensko-ukrajinskej medzivládnej komisie pre cezhraničnú spoluprácu," [Minute of the 14th meeting of the Slovak–Ukrainian intergovernmental commission for cross-border cooperation] op. cit.

December 2000.⁴⁷ Another important aspect is the development of cross-border cooperation between local entities and state services regarding joint measures to prevent natural disasters and joint planning of actions in emergency events near the border.

To sum up, the analysis of the minutes of the ICCC meetings and measures for implementing the recommendations shows that, in 2004–2018, the ICCC was active, although not on a regular basis. It made significant contributions to the discussion and resolution of a wide range of problems regarding cross-border interaction. In recent years, the ICCC has been less actively engaged in cooperation, although not for reasons of its own making, such as the pandemic, but current developments suggest there is hope of intensification.

Assessment of activities and outcomes

Based on the analysis of the minutes of the ICCC meetings and verification of the results, it can be concluded that the ICCC fulfils its purpose, particularly in coordinating border management cooperation between the border police and customs services of the two countries and in developing border infrastructure. Interviews with representatives of the Slovak and Ukrainian ministries involved in the work of the intergovernmental commissions showed that on both sides there is much greater satisfaction with the work of the ICCC than with other intergovernmental commissions (economic cooperation, national minorities, education and culture).⁴⁸ Negotiations within the ICCC led to around 15 agreements being concluded since 2000 between the interior and finance ministries and regulating cooperation between police officers and customs officers on border protection and management. Since 2006, the border police and customs services of both countries have carried out several joint projects that have enabled the sharing of experience and cooperation development. The cooperation between the border police and customs

47 "Протокол 13-го Українсько-словацької (Словацько-української) міжурядової комісії з питань транскордонного співробітництва," [Minutes from the 13th Ukrainian–Slovak (Slovak–Ukrainian) intergovernmental commission on cross-border cooperation] op. cit.

48 In September and October 2021, the authors of this chapter interviewed seven representatives from the Slovak ministries (transport, economy, interior and foreign ministries) and five representatives from the Ukrainian ministries (infrastructure, economy, education and science and foreign ministries) who are involved in organizing the meetings and work of the bilateral intergovernmental commissions.



services is a positive example of cooperation between public institutions in recent Slovak–Ukrainian relations.

A major challenge for the ICCC is the development of border infrastructure to improve border permeability. That entails the upgrading of existing crossing-points as well as the opening and construction of new ones, as the current infrastructure is no longer able to cope with the flow of goods and people across the border. The EU–Ukraine visa-free regime introduced in 2017 has more than doubled the number of people crossing the border in both directions. Following the implementation of the EU association agreement, trade liberalization between Ukraine and the EU will follow the same trend as goods and services. If trade flows are not to be diverted to Ukraine's borders with Poland, Hungary and Romania, the permeability of the Slovak–Ukrainian border must be enhanced. The existing infrastructure needs modernizing and new border crossing-points are needed as well, not to mention the transport (road, rail and air) infrastructure between Slovakia and Ukraine. The ICCC has proved that it is a suitable platform for negotiation, coordinating progress and reaching bilateral agreements.

On the other hand, the interviews show that the ICCC is failing to deliver on the second part of its responsibilities – initiating cross-border cooperation between regional and local actors in border areas. Representatives of the Slovak regions (Prešov Region and Košice Region) and Ukrainian regions (Transcarpathia, Ivano-Frankivsk and Lviv) are invited to its meetings, but so far, the results have fallen far short. Prešov Region has concluded cooperation agreements with both Transcarpathian and Ivano-Frankivsk Regions, as has Košice Region with Transcarpathian Region; however, the number of joint cross-border cooperation projects implemented is minimal. The border regions do not make sufficient use of the possibilities offered by European programs for financing cross-border cooperation, including the INTERREG sub-program HUSKROUA ENI, which is intended for cross-border cooperation on Ukraine's borders with Slovakia, Hungary and Romania), as well as the horizontal programs of the European Investment and Structural Funds, which could be used to implement larger infrastructure projects. In other words, through cross-border cooperation, the regions could make use of additional resources from EU funds besides the national EU funds allocated to Slovakia under its partnership agreement or to support Ukraine in its association process. The insufficient cross-border cooperation between regional and local government, and other entities (businesses, schools, NGOs, health facilities, social services etc.) means there is untapped potential for developing the Slovak and Ukrainian border areas. However, the Slovak and Ukrainian regional authorities should be taking the leading role in development, supported by the governments of the two countries.

To determine the potential for Slovak–Ukrainian cooperation within the framework of the ICCC, we consider it appropriate to conduct a SWOT analysis of the strengths and weaknesses of its work as well as the risk and opportunities (see Table 2). Taking into account the potential opportunities and strengths could serve as a basis for improving Ukrainian–Slovak cooperation within the ICCC.

Table 2. SWOT analysis of the work of the ICCC

<p>strengths:</p> <ul style="list-style-type: none"> ● long-term experience of cooperation; ● an effective institutional communication mechanism; ● the ICCC has pursued successful directions in cross-border cooperation development; ● a number of interstate agreements have been drafted; contractual basis for regional and local cross-border interaction; ● cooperation between local and regional authorities; experience of implementing joint cross-border projects within the framework of EU financial mechanisms. 	<p>weaknesses:</p> <ul style="list-style-type: none"> ● underperforms in ensuring decisions are implemented; ● ICCC minutes ambiguous on tasks and recommendations; ● lack of information on the implementation of ICCC tasks and recommendations; ● the non-permanent nature of the work and irregularity of ICCC meetings; ● no stable cohort of ICCC attendees; ● poor information coverage of the ICCC's work; ● lack of financial resources; insufficient information support for ICCC's work.
<p>opportunities:</p> <ul style="list-style-type: none"> ● joint planning of cross-border cooperation could be improved; ● the institutional and legal status of the ICCC could be improved; ● intergovernmental support for cooperation between local and regional authorities, business entities could be strengthened; ● joint planning for regional development could be improved; ● better coordination and management of cross-border cooperation programs; ● use of EU funds. 	<p>risks:</p> <ul style="list-style-type: none"> ● differences and inconsistencies in the rules and regulations and institutional support for cross-border cooperation in Slovakia and Ukraine; ● unstable political situation and changes in political approaches to cross-border cooperation.

Source: Authors

3.2.3. Policy considerations and recommendations

Based on the above analysis, including the assessment of the results, and the deficits in the existing framework for Slovak–Ukrainian cross-border cooperation, we propose the following measures for planning and institutional development:

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation.

332



Impact of bilateral inter-governmental relations

333



Planning

The biggest deficits and missed opportunities in Slovak–Ukrainian relations are the lack of joint regional development planning for the border areas in Slovakia and Ukraine that make up the common cross-border region, and the use of local and regional cross-border cooperation as a tool for border area development. In both countries, the border area is among the less developed areas. These are peripherally located and have less developed infrastructure, a lower economic performance, lack employment opportunities and local inhabitants migrate to other regions for work and education.

Although regional and local actors have to become the leaders of cross-border cooperation, it is in the public interest for the governments of both countries to support and participate in these efforts, for the following reasons:

1. joint regional development planning has to include the development of strategic cross-border infrastructure, which has to be coordinated at the intergovernmental level;
2. an important factor in cross-border cooperation is the mode of operation and the permeability of the border, both of which depend on intergovernmental agreements and Ukraine's relations with the EU;
3. governments should support regional cross-border cooperation as well. It is in the public interest of both countries for regional and local cross-border cooperation to attract additional resources for the development of border areas beyond the state budget and EU national funds allocated through Slovakia's partnership agreement and support for Ukraine's association process.

The minutes of the Working Group for Cross-border Cooperation, which met twice in 2003 before becoming the ICCC in 2004, show that in 2002 the Ministry of Environment of the Slovak Republic signed a cooperation agreement on territorial development with the State Committee of Construction and Architecture of Ukraine. On that basis, the Slovak environmental agency (Centre for Environmental Regionalization in Košice) and the Dipromisto Institute based in Kyiv prepared the "Project of Territorial Development of the Border Territory of the Slovak Republic–Ukraine Border Area."⁴⁹

⁴⁹ "Protokol z prvého zasadnutia slovensko-ukrajinskej (ukrajinsko-slovenskej) Pracovnej skupiny pre cezhraničnú spoluprácu," [Minutes from the first meeting of the Slovak–Ukrainian (Ukrainian–Slovak) Working Group for cross-border cooperation] Michalovce, Slovak Republic, Ministry of Interior of the Slovak Republic, March 7, 2003. Available online: <https://www.minv.sk/?protokoly-zo-zasadnuti-slovensko-ukrajinskej-medzivladnej-komisie> (accessed on February 24, 2023).

It was elaborated and presented at the second meeting of the Working Group on Cross-border Cooperation in 2003. The minutes of the ICCC meetings show that it was the only attempt to create a joint regional development strategy for the border areas. Unfortunately, it did not serve as a guide for further cross-border cooperation development. The situation in the border areas has changed over the last 20 years as have the competences of the territorial administration authorities in planning regional development, which means the project outputs are now out-of-date. Nonetheless it could serve as an inspiration for future border development strategies.

If the developmental potential of cross-border cooperation is to be exploited in border areas, as envisaged in the 2000 bilateral agreement, then we need to return to joint strategic regional development planning. Strategies should set out long-term development objectives for the common cross-border region as defined in the bilateral treaty (5 regions: 2 Slovak and one Ukrainian). These should consider the existing infrastructure in the cross-border region and set developmental objectives that benefit the cross-border region in its entirety. They should contain objectives on cross-border infrastructure development, including transport networks and sectoral policies within the remit of regional governments, such as tourism, promoting small and medium-sized enterprises, health and social services, science and education, the green transition, environmental protection, and other spheres covered in joint agreements between the regions and governments of the two countries. Cross-border cooperation should be seen as a means of meeting the development strategy objectives for the common cross-border region and implemented as such. Individual cross-border cooperation projects should achieve the agreed common development objectives and that should be reflected in the planning, preparation, and implementation, with priority being attributed based on their overall contribution to the cross-border region as a whole.

European Grouping of Territorial Cooperation

The ICCC should not prioritize cross-border cooperation between regional and local actors in border areas. Nonetheless, representatives of the regions and municipalities should continue to be invited to ICCC meetings, given that border management and infrastructure development has a direct impact on local and regional governance and the framework conditions for cross-border cooperation. However, the experiences of the ICCC since 2004 show there is no need to tackle cross-border cooperation issues that entail local and regional cooperation at the intergovernmental level. Instead, Slovak and Ukrainian regional authorities should lay down the institutions for

334



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

335



a new format of regional and local cross-border cooperation, with government of course, but the regions should provide the leadership and guidance.

Ultimately, both sides should strive to ensure that Slovak–Ukrainian cross-border cooperation is set up in such a way as to allow the use of INTERREG funds, including INTERREG HUSKROUA NEXT 2021–2027, the Danube Transnational Strategy (INTERREG B) and, other European Funds for horizontal (communitarian) programs. Creating a *European Grouping of Territorial Cooperation* (EGTC) for Slovak–Ukrainian cross-border cooperation would provide a suitable instrument for institutionalizing and developing cross-border cooperation, as EGTCs can access funding provided by the horizontal programs of European funds for regional development needs through cross-border cooperation projects.

The EU plays a key role in financing cross-border cooperation and has developed a legal framework for strengthening the capacities and capabilities of local and regional authorities, which is considered one of the main tools for achieving cohesion within the EU. EU legislation is designed to encourage member states to strengthen the competences of local and regional authorities in international and cross-border cooperation. Local and regional authorities in at least two member states can create an EGTC, as a legal format for territorial cooperation, introduced as part of the *acquis* that all member states have to transpose into domestic law.⁵⁰ EGTCs are intended to facilitate and promote cross-border, transnational and/or interregional territorial cooperation between its members with the aim of strengthening economic and social cohesion. Slovakia transposed EU law on EGTCs into its national legislation in 2008.⁵¹

At the time of writing, Slovak local and regional authorities are members of 13 EGTCs. One example is the *Via Carpathia* EGTC set up in 2013 by Košice Region (Slovakia) and Borsod–Abaúj–Zemplén Region (Hungary) which is a limited liability company. *Via Carpathia* facilitates cooperation between these two neighboring regions that share

50 "Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC)," *Official Journal of the European Union*, L 210/19, July 31, 2006.

51 "Zákon č. 90/2008 Z.z. o európskom zoskupení územnej spolupráce a o doplnení zákona č. 540/2001 Z.z. o štátnej štatistike v znení neskorších predpisov," [Act No. 90/2008 Coll. on European grouping of territorial cooperation amending the Act No. 540/2001 Coll. on state statistics, as amended] February 15, 2008. Available online: <https://www.zakonypreludi.sk/zz/2008-90> (accessed on February 24, 2023).

a common historical and cultural heritage. The area covered by Via Carpathia has a population of more than 1.5 million and a surface area of 14,000 km². The aims and activities of the EGTC include advising local authorities and other entities based in the EGTC territories on regional development, including drafting joint development strategies and implementing cross-border cooperation projects; improving the coordination and management of cross-border cooperation programs receiving EU funding; supporting integration in health-care, cross-border infrastructure and logistics, including passenger and road transport, bicycle routes, municipal waste management, environmental and flood protection, the Tokaj wine region, tourist facilities, industrial zones, regional and local energy supplies, crisis management, attracting foreign investment, and the intermodal Via Carpathia Transit Route, which is part of the EU's TEN-T network (core network). Another goal of the EGTC is to support small and medium-sized enterprises as part of attempts to integrate the EGTC territory through active cross-border cooperation between entities based within the EGTC. Lastly, the EGTC aims at supporting and protecting the common natural, cultural and historical heritage of the member regions.⁵² Thus far, none of the EGTCs contain both Slovak and Ukrainian regions.

An EGTC is a legal entity established on a voluntary basis to improve conditions for territorial cooperation. They are intended to facilitate and promote cross-border, transnational and/or interregional cooperation between members in order to strengthen economic, social and territorial cohesion. EGTC members may be EU member states, regional authorities, local authorities, bodies governed by public law or associations made up of entities belonging to one or more of these categories. EGTC members have to include entities from at least two countries. Entities from non-EU countries can be members of an EGTC if they are based in a country neighboring a member country or have access to common European programs. At least one of the EGTC members has to be established in an EU member country. Hence, under current rules, the Slovak government can be a member of an EGTC, but the Ukrainian government cannot.

As a method of institutionalizing cross-border cooperation, EGTCs have several major advantages:

1. they enable long-term cross-border cooperation planning, and cross-border cooperation projects can be more effectively tailored to achieve development priorities set out in cross-regional development plans;

⁵² For more information see official website of Via Carpathia EGTC. Available online: <http://www.viacarpatia.eu/basic-information> (accessed on February 24, 2023).

336



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

337



2. INTERREG and horizontal (communitarian) program funding is only open to project consortia consisting of multiple actors from multiple countries. As EGTCs are a type of permanent consortium, being a member of an EGTC can be a means of saving money otherwise spent on creating ad hoc project consortia;
3. Being a member of an EGTC makes it easier for Slovak and Ukrainian regions to establish cooperation with large metropolitan regions in EU member states, at NUTS2 level, which are often among the European leaders in innovation, science and research, promotion of entrepreneurship and the provision of good quality health and social services. These are often the sectoral priorities of development plans of Slovak and Ukrainian regions. The regional development of the Slovak-Ukrainian border region depends on cooperation with European leaders in sectoral policies; and finally;
4. EGTCs can apply for project funding provided by all the INTERREG programs and horizontal programs. An EGTC would be particularly advantageous for the Ukrainian side and participating regions, as it would give Ukrainian EGTC members access to all the horizontal programs. At the national level, Ukraine has access to only a few EU Community programs at the moment.

Recommended course of action for the governments of Slovakia and Ukraine

At a meeting in November 2021, the Slovak and Ukrainian prime ministers agreed a proposal to institutionally reform the intergovernmental commissions to enhance their effectiveness in supporting bilateral relations.⁵³

1. discussions should be held with the participation of the heads of Slovak regions (Prešov and Košice) and heads of Ukrainian regions (Transcarpathia, Ivano-Frankivsk, and Lviv) on interest in deepening cross-border cooperation through the creation of EGTCs or other ways of institutionalizing cross-border cooperation;

⁵³ "Uznesenie vlády SR k návrhu na ďalší rozvoj vzťahov a spolupráce Slovenskej republiky s Ukrajinou č. 17 z 12. januára 2022," [Resolution of the Government of the Slovak Republic on the proposal for further development of relations and cooperation between the Slovak Republic and Ukraine No. 17 of January 12, 2022] Government Office of the Slovak Republic. Available online: <https://rokovania.gov.sk/RVL/Resolution/19799/1> (accessed on February 24, 2023).

2. an agreement should be reached with interested regions to establish a common platform or consultative body to coordinate the drafting of a strategy for the long-term development of the common cross-border region comprising the two Slovak and three Ukrainian regions, with the participation of the regions and governments of both countries;
3. once the joint development strategy has been created, plans should be drawn up for the creation of cross-border cooperation projects that will achieve the objectives of the sectoral policies targeting INTERREG and sectorial EU Community (horizontal) Program funding;
4. for each of the sectoral policies in the development strategy, sectoral action plans should be drawn up for the paradiplomacy and project applications, identifying the project objectives and appropriate sources of project funding (INTERREG or sectorial horizontal programs). There is no need for regional authorities to apply for or implement all the projects. They should be networking in their part of the cross-border region in line with their sectoral interests and providing information when opportunities arise to apply for projects and then provide support on how to complete the applications and implement the projects. Regional actors should lead and coordinate the cooperation between local actors within an agreed bilateral framework;
5. the governments of both countries should financially support the operation of the body (an existing regional development body may be identified or a new one could be created on agreement by the consortium members) tasked with coordinating the drafting of the joint development strategy for the cross-border region and subsequent project management for the consortium members within the EGTC or other agreed form of institutionalized cross-border cooperation;
6. governments of both countries should help create the required institutional capacity for cross-border cooperation by providing organizational and informational and analytical support. Staffing is of particular importance here. Local self-government bodies, executive authorities and non-governmental organizations will require knowledge and skills on cross-border cooperation (this issue is especially relevant for the Ukrainian side), along with experience-sharing on the implementation of successful cross-border projects;
7. the Ukrainian side will need to amend its rules and regulations on cross-border cooperation. First, the focus should be on practical mechanisms for implementing cross-border cooperation. Functional capabilities of local self-government bodies, and the

338

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

339

- sources for co-financing cross-border cooperation projects need to be clearly defined. Disproportions that exist between the EU member states and Ukraine regarding the administrative and legal capabilities of the cross-border cooperation implementation should be eliminated, and the European norms that determine the cross-border cooperation should be implemented into Ukrainian legislation;
8. governments of both countries must ensure proper information support for the preparation and implementation of cross-border cooperation projects, including transparency in preparation and implementation. All those involved in cross-border cooperation, businesses, and the public, need information support. Official information sources (local and regional authorities' websites, government television channels, newspapers) rarely provide high-quality and accessible information about cross-border cooperation, focusing instead on the results of project tenders and conferences;
 9. in order to improve the functioning and effectiveness of the work of the ICCC, we propose the governments of both countries should do the following: a) strengthen the institutional and legal status of the ICCC and its ability to ensure/influence the implementation of decisions agreed; b) narrow the policy and subject of the ICCC's considerations (for example, define a core set of issues relating to border and customs regulation); c) the minutes of the ICCC meetings should include a section that clearly sets out the tasks with an accompanying description of the issue and responsible persons or bodies; d) create an effective mechanism for monitoring and assessing task implementation and ICCC recommendations on both the Slovak and Ukrainian sides; e) ensure regular ICCC meetings are held according to a predetermined schedule; f) ensure the permanent operation of the ICCC apparatus and fund its activities on a permanent basis from guaranteed sources; g) improve the informational support for the ICCC's work. Sociological research has revealed the public were insufficiently aware of the ICCC's work and thereby opportunities for cross-border cooperation. In fact, most of the population on the Ukrainian and Slovak sides of the border know nothing about the work of the ICCC.

3.3. Mechanism for communication and coordination between border management agencies

Mária Blahová
Iryna Sushko
Thibault Rabussier
& Christian Kuran

340



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

341



The concept of integral border management is widely accepted by states and international organizations around the world with variations in name and approach. “Collaborative Border Management” is the term used by the World Bank, while the OSCE has “Comprehensive Border Management,” and the World Customs Organization opts for “Coordinated Border Management.”¹ The EU and non-EU European states use the term “Integrated Border Management” (IBM). All these approaches involve collaboration between authorities involved in border management, as well as the planning and implementation of tasks through integrated cooperation.

For example, in the OECD *Handbook on Security System Reform: Supporting Security and Justice*, which stands out, the term “collaborative border management” is considered to be broader than “integrated border management,” as it refers not only to the involvement of the authorities in the border management process, but also to the opportunity to mobilize regulatory, financial and ideological resources around a common vision of an effectively administrated border.² In this approach, the emphasis is on the fact that coordination between various agencies takes place at different levels, particularly the personal level but also on a more formal basis, as defined by the regulations and legislation. If informal contacts and communication are not bound by a regulatory framework, such interaction may be sporadic and ineffective, while coordination based on a regulatory framework and defined principles of interaction may lead to better cooperation.

According to the approach adopted by the World Customs Organization, the agreed principle of interaction involves the following stages: level of coexistence, communication, cooperation and finally coordination. Each stage is characterized by a gradually enhanced level of formality and quality of inter-agency relationships. For example, at the coexistence level each agency acts on its own, whereas the communication level involves the exchange of information. Cooperation is about sharing resources, and coordination is about sharing work. Finally, collaboration supposes the sharing of responsibilities.³ Some

¹ “Coordinated border management. An inclusive approach for connecting stakeholders,” World Customs Organization. Available online: <http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/cbm-compendium.PDF?la=en> (accessed on February 24, 2023).

² *The OECD DAC Handbook on Security System Reform: Supporting Security and Justice*. Paris: OECD Publishing, 2008, 256 p. Available online: <https://doi.org/10.1787/9789264027862-en> (accessed on February 24, 2023).

³ “Coordinated border management. An inclusive approach for connecting stakeholders,” op. cit.

authors define collaboration as the joint effort of various actors based on legal norms (international and national) aimed at carrying out the given tasks, while respecting the rules of effectivity and efficiency.⁴ From the linguistic point of view, on the other hand, cooperation is seen as the joint work of two or more persons or institutions, joint participation on a given activity.

The hypothesis underpinning this chapter is that all these forms of interaction, such as sharing (or not sharing) information, resources, actions and responsibilities, are not necessarily hierarchical and may be simultaneously represented in a single border management process. Here the terms communication, coordination, cooperation and interaction may be used synonymously.

With this in mind, our chapter is devoted to identifying the established forms of coordination and communication between authorities working on the Slovak–Ukraine border. In order to explore the coordination and communication between the border agencies, we try to answer the following questions:

- Do the authorities cooperate both inside and outside the country in accordance with the existing coordination regulations?
- What official events, mechanisms, communication channels do they use to communicate with each other? Can they share resources and responsibilities?
- What needs to be strengthened when it comes to coordinating efforts?

The first part deals with the mechanism for communication and coordination by the border management authorities, the second focuses on the legal framework and the third on bilateral agreements. The next four parts examine the communication and coordination procedures from the perspective of the internal process, inter-agency, toward public and international organizations. The eighth part offers a comparative perspective of the practices of the Norway–Swedish border, the ninth part provides an overview of the results of the sociological survey and the last part draws conclusions and makes recommendations.

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

342



Impact of bilateral inter-governmental relations

343



3.3.1. Horizontal and vertical mechanism of communication and coordination of border management authorities

In Ukraine, border management follows the IBM principles, largely due to the ongoing security sector reforms. It is an approach that calls for systematic coordination and cooperation between border authorities. The aim is to increase institutional capacity.

Cooperation between authorities envisages three cooperation levels:

- vertical cooperation and data exchange between border checkpoints, ministries and other specialized agencies;
- horizontal cooperation between all border agencies;
- international cooperation between relevant agencies in bordering countries.

The EU began working on its concept in 2002, which involves areas as diverse as:

- introducing joint legislation;
- developing mechanisms for urgent cooperation;
- carrying out risk analyses;
- staff training;
- developing compatible technology and software.

In 2006, the concept of collaborative border management was set out in the Schengen Border Code. It included an additional component – interagency border management cooperation, i.e., border control, customs, police, security service and other specialized agencies. Importance was attached to international cooperation and consistent actions among EU member states, EU institutions and other Union agencies. In its full version, this approach is buttressed by the principles of the security sector reforms that call for an integral and holistic approach.

Ukraine began developing its collaborative border management in 2010. Following the adoption of the first concept of IBM, it was developed into an IBM model. The subsequent concept, conceived of in 2015, fleshed out the objectives. In 2019, the Ukrainian government adopted its holistic IBM strategy for up to 2025.⁵

4 M. Lisoň, J. Stieranka, *Organizovaná kriminalita v Slovenskej republike*. [Organized Crime in the Slovak Republic] Bratislava: Akadémia Policajného zboru v Bratislave, 2004, s. 205.

5 "Уряд схвалив Стратегію інтегрованого управління кордонами," [Government approves Integrated Border Management Strategy] Official website of the Government of Ukraine, July 24, 2019. Available online: <https://www.kmu.gov.ua/news/uryad-shvaliv-strategiyu-integrovanogo-upravlinnya-kordonami> (accessed on February 24, 2023).

Slovakia had been bolstering its IBM since before joining the EU. It has adopted numerous strategies that have improved IBM.⁶ The most recent one is the National Strategy of Integrated Border Management for 2019–2022, adopted under government resolution No. 27 of January 2019. It contains 10 components of European Integrated Border Management (EIBM).⁷ Search and rescue operations at sea were not included as Slovakia is a landlocked country. The chapters on education, training and human rights are horizontal and apply to all other chapters.

3.3.2. Legal and regulatory framework for border management communication and coordination

Slovak Republic

The Slovak border authorities come under the remit of the interior ministry,⁸ in common with most European countries. Border authorities are all authorities as defined in law No. 171/1993 on the police force, which defines and specifies the organization and division of the police force. Under Article 4 paragraph 1, the border and foreign service (police) is one such authority. The role of the border authorities is set out in Article 2 para 1 h), which states that one of the tasks of the police force is to “control the borders of the Slovak Republic.” Further information is given in the Organizational Chart and Organizational

6 For example, the strategy for building the Schengen type protection of the State Border, adopted under government regulation No. 835 of August 7, 2002; the National Plan for the Management of the Protection of State Borders of the Slovak Republic, adopted under government regulation No. 465 of May 30, 2007; The National Plan for Management of Border Control for the years 2011–2014, adopted by government regulation No. 473 on June 6, 2011; National Plan for the Management of Border Controls for the years 2015–2018, adopted under government regulation No. 128 of March 18, 2015.

7 According to Article 4 of the Border and Coast Guard Regulation, EIBM consists of 11 components (parts) and is obligatory, as is implementation, in contrast to the 2006 version.

8 The protection and administration of the Slovak borders is stipulated in Article 11 a) of Act No. 575/2001 on the organization of the work of the government and other central administrative authorities.



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation



Order of the Police Force.⁹ According to Article 3, the Presidium of the Police Force is the section of the interior ministry that is responsible for managing the border and foreign police service. The Bureau of Border and Foreign Police (BBFP) is the national authority responsible for border management in the Slovak Republic. It is one of the bureaus and departments that comprise the presidium. The President of the Police Force has overall responsibility for the bureau. There are also two vice presidents, one of whom is responsible for the border and foreign police. The main responsibilities of the BBFP are stipulated in Article 25 of the organizational order. Its cooperation and coordination responsibilities are as follows: coordination of the work of border plenipotentiaries, cooperation with the European Border and Coast Guard, implementation of EU financed projects and bilateral cooperation programs, implementation of EIBM in Slovakia, exchange of information and statistics on legal and illegal migration and drafting analytic reports on bilateral and multi-lateral cooperation.

Under Article 3 of the European Border and Coast Guard Regulation,¹⁰ the BBFP are part of the European Border and Coast Guard.¹¹ In Slovakia, a single authority, the BBFP, is responsible for managing the institutions directly participating in the implementation of EIBM. This system, known as “line management,” is an effective system for delegating and carrying out tasks on all levels from the central to the regional and local level.

Ukraine

In Ukraine, the State Border Guard Service (SBGS) has come under the remit of the Ministry of Internal Affairs of Ukraine since December 2012. According to the Regulation on the Administration of the SBGS, the head of the SBGS administration is the Head of the State Border Guard Service, who is appointed and dismissed by the Ukrainian

9 “Regulation No. 84/2019 of the Presidium of the Police Force on the Organizational Order of the Presidium of the Police Force.”

10 “Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624,” *Official Journal of the European Union*, L 295, November 11, 2019, p. 1–131.

11 According to Article 3 (1) of “Regulation(EU) 2019/1896...” op. cit.: “the European Border and Coast Guard is formed by the European Agency for Border and Coast Guard and the national authorities of the Member States, who are responsible for managing borders including the coast guard in the extent, in which it carries out tasks in relation to border management.”

government at the behest of the prime minister.¹² The head has two deputies who are appointed and dismissed by the government at the behest of the prime minister, based on a recommendation by the internal affairs minister.

The internal affairs ministry is the central executive body and is directed and coordinated by the government. It is the main central executive body and is responsible for formulating state policy, including on the protection of the state border and Ukraine's sovereign rights within its exclusive (maritime) economic zone. Most of the practical side of cooperation is functionally defined in the responsibilities of the head of the SBGS, who is responsible for the interaction between the SBGS administration and a structural unit (Department on interaction with SBGS) within the internal affairs ministry designated by the minister. One of the key tasks of the Department unit is to comply with the procedure established by the minister for the timely exchange of information between the ministry and the SBGS administration.¹³

As the SBGS is subordinated to the ministry, it has issued dozens of regulations on cooperation in various spheres. However, the key documents regulating the interaction between the two agencies are the Regulations of the Cabinet of Ministries concerning the State Border Guard Service Administration and the Regulation of the Cabinet of Ministers concerning the Ministry of Internal Affairs of Ukraine.

3.3.3. Bilateral agreements

The Ukraine–Slovak agreements cover various issues relating to border cooperation and mutual assistance. More than 10 bilateral agreements—some of which are intergovernmental—define the general principles of border management at land/road and railway checkpoints, for countering crime and for joint patrols. Some provisions regulate

12 “Постанова Про затвердження Положення про Адміністрацію Державної прикордонної служби України,” [Resolution on approval of the regulation on the administration of the State Border Guard Service of Ukraine] 533-2014-p, April 28, 2021. Available online: https://zakon.rada.gov.ua/laws/show/533-2014-%D0%BF?fbclid=IwAR2Gm-46-SYB5V7CrClhBLEAe5W4s_GRHIZOH8Pasyu0tz0DwZx-36ILNxPk#Text (accessed on February 24, 2023).

13 The Department on interaction with State Border Guard Service of Ukraine is part of the Ministry of Internal Affairs of Ukraine. More see “Структура,” [Structure] the Ministry of Internal Affairs of Ukraine. Available online: <https://mvs.gov.ua/uk/ministry/struktura> (accessed on February 24, 2023).

346



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

347



data exchange and mutual assistance in an emergency, while some of the documents relate to the functioning of specialized ministries and agencies.

Cooperation among border authorities within the mechanism of border plenipotentiaries

Border Plenipotentiaries fulfil the objectives stipulated in most of the agreements on bilateral cooperation. They serve to enhance security and maintain order on the joint border and undertake joint actions and coordinate bilateral activities. Cooperation between the border authorities of both countries at the level of cooperation of Main Border Plenipotentiaries is the highest one. Main Border Plenipotentiaries are appointed by the prime minister of each state. At the same time, Main Border Plenipotentiaries are Heads of the Border Guards of both countries.¹⁴ Their legal status is conferred by an agreement between Slovakia and Ukraine on the Slovak–Ukraine border and associated cooperation and mutual assistance (signed in Bratislava on October 14, 1993).¹⁵ It was agreed at presidential level and so takes primacy over the national legislation. The agreement did not enter into force until January 10, 1995, as both parliaments had to ratify it. The bulk of the agreement concerns the remit of the border plenipotentiaries, organizational aspects of their cooperation and their tasks.

The first part of the agreement stipulates that the border plenipotentiary mechanism was established to implement the tasks set out in the agreement. This mechanism is composed of the main border plenipotentiary, deputy main border plenipotentiary, border plenipotentiary, deputy border plenipotentiary, assistants of border plenipotentiaries and experts who are responsible for work and communication further down the hierarchy on both sides of the border. The

14 The Czech Republic, Poland and Hungary also have Main Border Plenipotentiaries. As a rule, this function is held by Chiefs of the Border Guards of these countries. Similar agreements exist between the Slovak Republic and Czech Republic, the Slovak Republic and Hungary, and the Slovak Republic and Poland. In Slovakia, Colonel Robert Gucký is the current incumbent and in Ukraine it is General Major Serhii Deineko.

15 “Communication No. 2/1995 of January 10, 1995, of the Ministry of Foreign Affairs of the Slovak Republic on signing of the Agreement between the Slovak Republic and Ukraine on the regime on Slovak–Ukraine state borders, cooperation and mutual assistance in border issues.” Available online: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1995/2/19950110.html> (accessed on February 24, 2023).

main border plenipotentiaries and their deputies are appointed by the government and the other side is informed through diplomatic channels. Border plenipotentiaries and their deputies are appointed by main border plenipotentiaries. If needed, staff, assistants and experts can be appointed and may be present at joint meetings and involved in task implementation.

Articles 4 and 5 of the agreement set out the obligations of the main border plenipotentiaries and border plenipotentiaries (or their deputies), which covers the practical side of the functioning of border crossing-points. They also stipulate the way in which issues arising in joint areas of responsibility should be solved. Main border plenipotentiaries are responsible for evaluating the situation on the joint border, taking appropriate measures to solve any problems, and coordinating the activities of border plenipotentiaries. They contact the other side when necessary and set the tasks and responsibilities of border plenipotentiaries and the geographical scope of their competencies on the joint border. Managing the control of border traffic and functioning of border crossing-points is another of their tasks. More complex issues and problems are resolved higher up the hierarchy.

The border plenipotentiaries are mainly tasked with ensuring security and order on the joint border and coordinating the work of the border authorities. This involves managing border traffic and border crossing points and cooperating with other control authorities working on border crossing points. In the fight against crime, their role is to detect and investigate all incidents at the border. They also inform each other of any natural disasters that may affect the other territory and any violations of the air border. For example, the use of drones has become a problem in recent years.¹⁶ The way the parties outlined in the agreement communicate will depend on the issue. In emergencies, such as natural disasters or airspace violations, the parties must immediately inform one another. In other cases, they use the usual diplomatic communication channels.

The presidential character of the agreement determines rules for crossing the borders for representatives of border authorities working and assisting in these cases. Deterring illegal border crossings is another important task. Detections must be reported to the other side and acted on as soon as possible, with feedback on measures adopted conveyed to the other side.

¹⁶ Recently, there have been problems with unauthorized flights across the border. Flying devices are used to smuggle goods, particularly tobacco.

348



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

349



The main border plenipotentiaries and border plenipotentiaries also cooperate through joint meetings. At the highest level, the main border plenipotentiaries meet at least once a year, alternately once in Slovakia, once in Ukraine¹⁷ and for a lower-level border plenipotentiaries meet at least twice a year both in Ukraine and in Slovakia. Representatives of both countries also have the right to initiate other meetings. As a rule, a proposal can be sent to one of the parties within a defined timeframe. The response must be sent no later than within 48 hours (or upon receipt, in case of emergencies). Minutes are kept and signed at each meeting in the languages of the participating countries.

The agreement sets out the terms and conditions under which the plenipotentiaries can cross the border and their status as law enforcement authorities when on foreign territory.¹⁸ Under the agreement, they can cross the state border at any place and within any border area under their jurisdiction. When performing their duties, they have the right to privacy. The other party assists and, if necessary, provides vehicles, means of communication or even accommodation. The agreement also regulates trust-based activities. For example, Article 5 states that in the event of a natural disaster or emergency, the plenipotentiaries may cross without any documents.

The agreement also sets out the appropriate procedure to be used when border plenipotentiaries fail to agree on an issue. In such cases, each contention must be submitted to the main border plenipotentiary within 14 days. The notice has to contain a description of the problem along with potential solutions. Slovakia has an additional law regulating the activities of the border plenipotentiaries, covers horizontal cooperation and coordination issues.¹⁹

¹⁷ The last meeting of the main border plenipotentiaries was held online and was organized by the Ukrainian side on December 3, 2021. In Slovakia a Report on the Activities of the Main Border Plenipotentiary for the preceding year submits is submitted to the government each year in March for information purposes. The 2021 report was discussed by the Slovak government at its 86th Session on March 24, 2022. For more see the official website of the Government Office of the Slovak Republic: <https://rokovania.gov.sk/RVL/Negotiation/1126> (accessed on February 24, 2023).

¹⁸ Rules on the wearing of uniforms and carrying arms. Other provisions of the agreement relate to the readmission of persons, animals and goods, the use of cross-border waters, railways and roads, and construction work on state borders, environmental protection and hunting.

¹⁹ Regulation of the Minister of Interior of the Slovak Republic No. 83/1994 established the mechanism within the ministry, which was further elaborated in an amendment from 2005.

Direct cooperation between the authorities

Direct cooperation between the authorities on both sides is set out in the Protocol between the Border and Foreign Police of the Presidium of the Police Force and the State Border Guard Service Administration of Ukraine on the Direct Mutual Cooperation of Operative Authorities, signed in Uzhhorod on October 25, 2005. It is based on the provisions of the 1993 agreement²⁰ and is intended to facilitate the implementation of the Agreement between the Government of the Slovak Republic and the Cabinet of Ministers of Ukraine on Cooperation in the Fight against Organized Crime, signed in Bratislava on December 5, 2000.²¹

As the preamble indicates, the main objective is to protect the Slovak–Ukrainian border, which is also the EU–Ukraine border, and to prevent criminal activity on the border and to organize and support cooperation between the Slovak BBFP and the SBGS administration in Ukraine. Prior to the protocol entering into force, cooperation among the operative authorities was set out in a document from 1995. The principal aim was to protect the joint border and strengthen cooperation.

Article 1 determines the regional operative authorities that come under the main border authorities – the National Unit for Tackling Illegal Migration on the Slovak side and the Department of Operative Work on the Ukrainian side. The directors of these authorities are responsible for implementing the protocol and meet once a year in order to respond to situations and needs on the border and to deal with border security. The heads of the local representatives of these authorities meet regularly, at least once each quarter to exchange information on the situation on the border, adopt joint measures and plan implementation and strengthen cooperation.

Article 2 is mainly concerned with the fight against terrorism, illegal migration – including unauthorized attempts to cross the border – and

²⁰ Pursuant to Act No. 400/2015 on drafting legal acts and on the collected laws, international treaties are included in the collected laws only if ratified by the president or if they contain provisions relating to the legal status of persons or their other rights. This protocol is not publicly available.

²¹ “Communication No. 282/2001 of July 18, 2001, by the Ministry of Foreign Affairs of the Slovak Republic on signing of the Agreement between the Government of the Slovak Republic and Cabinet of Ministers of Ukraine on cooperation in the fight against organized crime, signed on December 5, 2000, in Bratislava.” Available online: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/282/> (accessed on February 24, 2023).



the smuggling of migrants, cigarettes, arms, ammunition, radioactive material, drugs, poisons, and precursors. Article 3 provides detail on joint operative measures, mainly the exchange of information in compliance with international and national law and the responsibilities of the authorities. The exchange of information relates to all relevant information needed, in particular, information on individuals suspected of engaging in criminal activities that fall within the scope of the protocol, their accomplices, smugglers, but also relating to smuggling and preparations for smuggling, modus operandi and new trends, interviews with detected and detained persons and documents used in criminal activities.

The joint measures may include plans for joint action days focusing on various areas of ongoing cooperation and according to actual needs. The remaining provisions concern formal procedures.

Exchange of information, statistical data and analytical reports

Since 2010, the bilateral cooperation on the exchange of statistical and analytical information has been handled very professionally. Communication and cooperation between the authorities responsible for the exchange of information, particularly statistical data and analytical reports, is covered by the Protocol between the Ministry of Interior of the Slovak Republic and the State Border Guard Service Administration of Ukraine on the Exchange of Information, signed in Kyiv on April 15, 2010.

Similarly to the protocol on direct operative cooperation, this protocol is based on the agreement on cooperation against organized crime of 2000. It also refers to the basic agreement on the border regime and cooperation from 1993. Data is exchanged on illegal migration, and the effectiveness of the cooperation is strengthened by twice-yearly joint meetings between the relevant border authority departments. Such cooperation is important for ensuring proper control of the joint border. Analytical reports on illegal migration are exchanged in a timely manner and are used by both sides to evaluate threats on the joint border. Joint informative and analytic report on threats to the security of the joint border are produced annually. Experts meet regularly on the border to discuss new trends and the latest statistics. Cooperation will intensify because of Ukraine’s EU integration process.

According to Article 1, the parties exchange information about the situation on the joint border, its possible evolution, main results of the border management and the daily work of the authorities with the aim of ensuring security at the joint border. Article 3 sets out the

statistical data to be exchanged and Article 4 concerns the security level at which the data is exchanged. Cooperation is conducted in Slovak and Ukrainian, like most of the cooperation between the two countries. Parties share information on the key terms used in the statistical and analytical reports to ensure understanding is consistent.

Regional and central authorities are responsible for the exchange of information. Data is exchanged centrally between the Slovak BBFP and the Ukrainian SBGS administration monthly, quarterly, and annually. The Directorate of the Border and Foreign Police in Sobrance District in Slovakia and the Western Border Unit of the SBGS in Chop, Ukraine, exchange data on a monthly, quarterly, six-monthly, and annual basis. Data is exchanged in written and electronic form. Statistical data is exchanged on the pedestrians and vehicles crossing the border, persons detained for breaching the law when crossing the border, persons refused entry, violations of the rules and regulations on the movement of goods and on the detection of illicit goods and forged documents. The data categories can be extended by agreement between both parties. No data is shared with third parties.

Joint Border Commission

Ukraine and Slovakia carry out joint inspections and attend border commissions meetings, under the Agreement between the Slovak Republic and Ukraine on Joint State Borders, signed on October 14, 1993, in Bratislava.²² Inspections are carried out every two years on the demarcation of the state border. A record of the results of these inspections is kept in Ukrainian and Slovak. Once the border demarcation has been completed, joint checks are carried out as deemed necessary in the agreement (every 10 years).

Article 12 regulates the activities of the joint Ukrainian–Slovak commission that demarcates the state border. The governments designate representatives to the delegation. Each party covers the costs of its delegation. Border demarcation costs are shared equally. Article 14 regulates interaction between the commission’s representatives and the terms and conditions of cooperation are agreed at meetings, held in both countries. Diplomatic channels are used to resolve any disputes.

²² “Communication No. 1/1995 of January 10, 1995, of the Ministry of Foreign Affairs of the Slovak Republic on the Conclusion of the Joint State Border Agreement between the Slovak Republic and Ukraine.” Available online: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1995/1/> (accessed on February 24, 2023).

352



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

353



The joint Ukrainian–Slovak Border Commission has met 24 times, with the last meeting taking place in Košice, Slovakia, in 2019. Meetings which were to take place in 2020–2021 were postponed owing to the COVID-19 pandemic. The joint Ukrainian–Slovak Border Commission continued to communicate electronically. Most of the joint inspections carried out by the commission members concern changes to the coordinates and heights of the border markers.

Cooperation in joint patrols

Some of the agreements setting out the principles of Ukrainian and Slovak communication and cooperation are interdepartmental. For instance, the Agreement between the Administration of the State Border Guard Service of Ukraine and the Ministry of Interior of the Slovak Republic on Joint Patrols of the Slovak–Ukrainian State Border.²³ Joint patrols form an important part of the cooperation between border authorities on the lower level. The purpose of the joint patrols is to effectively combat illegal crossings of the Slovak–Ukrainian state border and the illicit movement of goods. Officers of the Ukrainian border detachments and the Slovak border police carry out the joint patrols pursuant to the agreement. Their task is to inspect the Slovak–Ukrainian border and facilitate information exchange.

Under the agreement, there is a joint patrol schedule for communication with strict deadlines. The border plenipotentiaries coordinating the training are invited to participate. Both sides are in regular communication, the means of which is determined by the country in which the joint patrol is carried out. To ensure that communication is effective, bilingual officers are invited to participate.²⁴ The parties contact each other whenever necessary, but no less than twice a year. Both sides are allowed to organize joint exercises, during which the parties verify compliance with the legal norms relating to joint patrols.

²³ “Угода між Адміністрацією Державної прикордонної служби України і Міністерством внутрішніх справ Словацької Республіки про спільне патрулювання українсько-словацького державного кордону,” [Agreement between the Administration of the State Border Service of Ukraine and the Ministry of Internal Affairs of the Slovak Republic on joint patrolling of the Ukrainian–Slovak state border] Verkhovna Rada of Ukraine, November 13, 2013. Available online: https://zakon.rada.gov.ua/laws/show/703_093#Text (accessed on February 24, 2023).

²⁴ “Agreement between the Ministry of the Interior of the Slovak Republic and the Administration of the State Border Service of Ukraine on joint patrols at the Slovak–Ukrainian state border,” Article 6.

Cooperation on returns and readmissions

Cooperation on returns and readmission is implemented on the basis of the readmission agreement between the EU and Ukraine.²⁵ Readmission of persons who have crossed the external border irregularly is carried out without delay and shortcomings on both sides. Any difficulties are solved directly on the spot by border plenipotentiaries.

Cooperation Development Plan

The BBFP and SBGS cooperate daily. In Slovakia, the Directorate of the Border and Foreign Police in Sobrance is the competent authority. Cooperation is conducted in accordance with the relevant bilateral and multilateral agreements, mainly in relation to preventing illegal migration and the smuggling of goods. Intensive cooperation is carried out by border plenipotentiaries. The main border plenipotentiaries, deputies, border plenipotentiaries and assistants meet regularly to exchange information. Border plenipotentiaries inform each other about the security situation on the joint border, resolve problems and exchange information on anti-crime measures. The cooperation between border plenipotentiaries is efficient, particularly relating to joint patrols, illegal migration, the exchange of statistical and analytical data and reports, returns and readmissions of persons.

Cooperation is conducted in line with the cooperation development plan issued by the BBFP and SBGS administration. The plan is revised and approved every two years at the Main Border Plenipotentiaries meetings. Both sides, including the border services, have many years of experience implementing the plan and consider it to bring added value. Each year, the planned activities are implemented and evaluated. The plan covers joint border controls, operative cooperation, and information exchange. In the last decade the plans have targeted the following:

- Improving cooperation in joint state border control with the aim of strengthening personal relations, exchanging best practices on border checks, agreeing on information exchange processes and

²⁵ "2007/839/EC: Council Decision of 29 November 2007 concerning the conclusion of the Agreement between the European Community and Ukraine on readmission of persons," *Official Journal of the European Union*, L 332, December 18, 2007.

354



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

355



border control measures. The plans also include analyzing cross border transport, drafting proposals for improving pedestrian and vehicle border crossings, and short-term joint activities on the border crossing-points.

- Measures to improve border checks aimed at the exchange of best practices in detecting crime at border crossing-points and the adoption of measures on the management of border control on joint border crossing-points.
- Cooperation between the operating authorities, proactive exchange of operational information and best practices on the ways and methods of fighting organized crime, planning and coordination of joint activities for detection purposes and documenting crime and drafting joint analyses of specific cases.
- Exchange of information regarding joint border control (protection), cooperation between analytic departments.
- Joint risk analysis of the joint state border.
- Prevention and detection of new types and modus operandi of criminal activities.
- Support for the mechanism of joint patrols, training personnel for service in the joint patrols on the state border.
- Education and training personnel via internships, language training for students at the Bohdan Chmelnický National Academy of (SBGS administration in Ukraine) at the Police Force Secondary School in Košice.
- Measures for promoting credibility.

The plan contains the objectives, place of realization, date, participants, responsible parties, and any required additional information. If refinement of the plan is needed, it is discussed at joint meetings.

3.3.4. Internal procedures for communication and coordination

Ukraine

Vertical communication between central and regional authorities and departments is covered in the key strategic documents of the border management agencies. But the key source of communication is the SBGS. The main communication principles are defined in the

Strategy of the State Border Guard Service.²⁶ It sets out the tasks for improving the information side of the state border protection system by enhancing the system for information analysis and evaluation and modernizing the communication system, informatization and information protection. The action plan for the implementation of the strategy is aimed at expanding the format of information exchange and cooperation among operational bodies, implementation of the information exchange mechanism and joint risk analysis.

Another important document regulating the vertical interaction of the bodies involved in border management is Resolution No. 48 of the Cabinet of Ministers of Ukraine on Approval of the Procedure for the Coordination of the Activities of Executive Bodies and Local Self-Government Bodies on Observance of Regimes at the State Border, dated January 18, 1999. This procedure sets out the main directions of coordination by the SBGS administration regarding the activities of executive bodies and local governments that carry out controls at the state border checkpoints or that are involved in ensuring the state border, border regime and state border crossing points are managed in accordance with the Ukrainian law on the state border of Ukraine. Ukrainian law No. 1710-VI on Border Control, dated November 5, 2009 (Section IV, interaction and cooperation regarding border control):

Article 25 of this law defines the principles of state authority interaction with persons, vehicles and goods passing through the border checkpoints. The state border protection authorities coordinate the officials performing the various types of control. Interaction between the control bodies and services, the general procedures, and sequences of control at the border checkpoint is governed by the technological mechanism that regulates the passage of persons, vehicles and goods.

The technological mechanism used at each border crossing point has to be approved by the head of the state border protection body, in coordination with the customs authority, heads of control bodies and state services, as well as various agencies, the territory of which contains the checkpoints across the state border. The standardized

26 "Кабінет міністрів України розпоряджен Про схвалення Стратегії розвитку Державної прикордонної служби," [Order of Cabinet of Ministers of Ukraine on the approval of the Development Strategy of the State Border Service] No. 1189-p, Verkhovna Rada of Ukraine, November 23, 2015. Available online: <https://zakon.rada.gov.ua/laws/show/1189-2015-%D1%80#Text> (accessed on February 24, 2023).

356



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

357



Impact of bilateral inter-governmental relations

technological mechanism of crossing the state border²⁷ at border crossing points for vehicular, air, sea (river), ferry and railway connections is approved by the government. State bodies and local self-government bodies that have the powers to do so assist the SBGS in ensuring the implementation of border control.

Interaction between the central and regional authorities is covered in other strategic documents, such as the Strategy for the Implementation of Integrated Border Management. One of the key goals pertaining to the functional elements of the strategy is "Coordination of activities in the field of integrated border management and interagency cooperation."

The interdepartmental working group that coordinates the work of the border management authorities is concerned with strengthening the interaction and communication of the authorities. The group contains representatives from more than 12 ministries and agencies. The group does not include representatives of regional state administrations, in particular from the border regions, despite the fact that these often initiate new border projects. For example, the Transcarpathian Regional State Administration proposed and initiated a project for an electronic queuing system for freight. The system will soon be launched at the Uzhhorod–Vyšné Nemecké checkpoint. Transcarpathian Regional State Administration and the infrastructure ministry drafted a resolution pertaining to an electronic queuing system for the border, which was approved by the government in December 2021.²⁸

27 "Постанова Кабінету Міністрів України Питання пропуску через державний кордон осіб, автомобільних, водних, залізничних та повітряних транспортних засобів перевізників і товарів, що переміщуються ними," [Resolution of the Cabinet of Ministers of Ukraine on the issues of passage across the state border of persons, road, water, rail and air transport vehicles of carriers and goods moved by them] No. 451, Verkhovna Rada of Ukraine, May 21, 2021. <https://zakon.rada.gov.ua/laws/show/451-2012-%D0%BF#n16> (accessed on February 24, 2023).

28 "Постанова Кабінету Міністрів України Питання реалізації експериментального проекту з організації управління чергами перед міжнародними пунктами пропуску через державний кордон України для автомобільного сполучення 'Електронна черга перетину кордону,'" [Resolution of the Cabinet of Ministers of Ukraine issues of the implementation of the experimental project on the organization of queue management in front of international checkpoints across the state border of Ukraine for road traffic 'Electronic border crossing queue'] No 1393, Verkhovna Rada of Ukraine, December 9, 2021. Available online: <https://zakon.rada.gov.ua/laws/show/1393-2021-%D0%BF#Text> (accessed on February 24, 2023).

Slovak Republic

Slovakia has clear vertical procedures of communication and coordination. At government level, the interior ministry has primary responsibility for border protection and related issues. The ministry has a special international relations department. It is the main coordinator of the ministry's international and European activities. The department emerged out the legal affairs section and department of foreign protocol and international agreements. Staff levels have increased yearly, largely in response to the need to harmonize and implement the EU and Schengen *acquis*.

The Presidium of the Police Force is another element in the vertical coordination and is the main coordinator of international issues after the Office of the Minister of Interior of the Slovak Republic. The Bureau of International Police Cooperation of the Presidium of the Police Force has the main authority for coordinating activities. It existed prior to Slovakia joining the EU and is responsible for regular day to day international cooperation with Interpol, neighboring countries and third countries. It subsequently took on responsibility for cooperation with Europol and Sirene on Schengen matters. It was created to exercise a coordinating role in gathering the opinions of the services and bureaus within the Presidium to produce a single opinion on international or European issues, documents, proposals etc.

The last element in the chain of vertical coordination is the BBFP which has jurisdiction over all Slovak territory. On the horizontal level, it coordinates the four regional directorates of the Border and Foreign Police in Bratislava, Banská Bystrica, Sobrance and Prešov. The Ukrainian border lies in the competence of the Directorate in Sobrance. Within the BBFP there are two Units for the Detention of Foreigners, one in Medveďov and one in Sečovce.

Within the vertical coordination, same applies also for cooperation with various offices and departments not only within the Presidium of the Police Force, but also with the Migration Office, which is an office within the Ministry of Interior responsible for issues of asylum, international protection and partially for integration. Migration Policy²⁹ is a strategic document created and drafted by the Migration Office in close cooperation with the BBPF, which is responsible for legal and illegal migration.

²⁹ The Migration Policy of the Slovak Republic is a strategic document describing the future orientation of the Slovak Republic in the field of migration in general. It was approved for the years 2010 to 2020 and in 2021 the government adopted its new version for 2021 to 2025.

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

358



Impact of bilateral inter-governmental relations

359



The organizational chart depicts the horizontal coordination and cooperation within the BBFP. Each department has its own separate tasks and responsibilities. The BBFP is divided into six departments, the Internal Department, Risk Analysis Department, Border Police Department, Foreign Police Department, External Affairs Department, and the National Unit for Fighting Crime. This last department is the only one to have operative tasks and the competence to detect and investigate crime. The External Affairs Department coordinates horizontally, following the intentions and direction set by the BBFP management. It is responsible for communication with the Ukrainian side and for evaluating cooperation with Ukraine. It also has responsibility for the work of the main border plenipotentiaries and their highest-level meetings and acts also as the coordinating body for communication between the lower levels of the border plenipotentiaries. It collates the minutes of the meetings of border plenipotentiaries.

3.3.5. Interagency communication and coordination mechanism

Ukraine

There is a holistic border management policy in place as a result of the new approach to drafting effective domestic policies. These are increasingly focused on systemic coordination and cooperation, not just the individual institutional capacity of the state body in question. It is the government's priority to ensure that border management is good quality and effective. Priorities include interdepartmental cooperation in border protection; combating illegal migration, illicit trafficking in weapons and drugs; preventing international terrorism, crime and human trafficking. Ukraine has already introduced horizontal cooperation and coordination practices that reflect modern approaches to border management.

In order to ensure the proper coordination of the central executive bodies, which are coordinated through the office of the internal affairs minister, the Procedure for Interaction between the Ministry of Internal Affairs of Ukraine and Central Executive Bodies (CEB) coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs has been approved (Regulation No.148, February 27, 2018). It regulates the organizational and procedural side of interaction between the internal affairs ministry, the State Tax Service and other authorities in creating and implementing state policy. A subdivision within internal affairs ministry is responsible for cooperation with the CEB. A mechanism for approving draft regulations proposed by other authorities has been introduced.

Good interdepartmental cooperation requires procedures that regulate the work of state bodies, determine the sequence of interaction and information exchange. The latter is regulated by Order of Ministry of Internal Affairs No. 920 on the approval of a Procedure for access to information in interaction between the Ministry of Internal Affairs of Ukraine, the State Migration Service of Ukraine, and the State Border Service of Ukraine, dated September 26, 2013. This procedure determines the rules for the access to information resources of the internal affairs ministry, SBGS and the State Migration Service, whereby only authorized official have access to the information. After the Ukrainian government had introduced its concept of IBM,³⁰ the principles of cooperation between authorities were strengthened by Joint Order of the Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Infrastructure, Ministry of Finance and Security Service of Ukraine No. 1050/254/341/749/562 on the approval of the exchange of information and analytical materials between integrated border management entities,³¹ dated September 1, 2015. The contact departments are responsible for information exchange at the interagency level through a virtual contact analytical center. The contact unit for the SBGS is the Department of Information Analysis and Evaluation, and for the internal affairs ministry it is the ministry's Department of Information and Analytical Support.

The coordinating body of the analytical center is the Department of Information Analysis and Evaluation, which is part of the SBGS administration. This department is responsible for proposing improvements to the mechanisms of cooperation between border management authorities. The center itself is responsible for the exchange of open statistical and analytical information relating to border security and conducting joint analytical studies to assess threats and risks. The department is tasked with proposing specific steps for establishing interagency information exchange. Ultimately this should contribute to the creation of a single information space.

³⁰ The concept was implemented in 2010, then updated in 2015, and in 2019 the government approved the Strategy for Integrated Border Management and action plan, which covers interaction and coordination between relevant agencies.

³¹ "Наказ Про затвердження Порядку обміну інформаційно-аналітичними матеріалами між суб'єктами інтегрованого управління кордонами," [Order on the approval of the Procedure for the exchange of information and analytical materials between subjects of integrated border management] No 1050/254/341/749/562, Verkhovna Rada of Ukraine, September 1, 2019. Available online: <https://zakon.rada.gov.ua/laws/show/z1094-15#Text> (accessed on February 24, 2023).

360



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

361



In an attempt to improve the mechanism of interaction between all border management bodies, the SBGS, with the assistance of international partners, is developing a regulatory framework for a high-level interdepartmental working group that will coordinate the ministries and agencies involved in border issues. In 2019, the government adopted a resolution regulating the activities of the working group³² The group includes more than 12 ministries and agencies, along with representatives of international and expert organizations. Its communication and interaction mechanism provides for meetings twice a year. Organizational, informational and logistical support is provided by the SBGS administration.

Slovak Republic

The BBFP cooperates mainly with the Financial Administration, which comes under the finance ministry. The two bodies cooperate on a daily basis at border crossing points. The cooperation is regulated by agreements on the work regime for each border crossing-point. The main goal is to strengthen cooperation in compliance with the European Commission's recommendation from 2013.³³ Cooperation is to be developed from the level of central authorities to local ones.

The BBFP cooperates closely with the foreign ministry on visa issuance for third country nationals. It also cooperates on deploying legal experts to the General Consulate of the Slovak Republic in Uzhhorod.

On the horizontal level, the BBFP cooperates with the other authorities, offices and services that come under the Presidium of the Police Force. The Bureau for International Police Cooperation is involved in this cooperation, and it manages the National Interpol Unit, National Sirene Unit and National Passenger Information Unit. Border and foreign police officers rely daily on the information and data contained in the Interpol databases. Cooperation on the exchange of air passenger information (Passenger Name Record) is one area that needs

³² "Постанова Кабінету Міністрів України Про утворення міжвідомчої робочої групи з питань координації інтегрованого управління кордонами," [Resolution of the Cabinet of Ministers of Ukraine on the formation of an interdepartmental working group on the coordination of integrated border management] No. 83, Verkhovna Rada of Ukraine, January 30, 2019. Available online: <https://zakon.rada.gov.ua/laws/show/83-2019-%D0%BF#Text> (accessed on February 24, 2023).

³³ Guidelines for cooperation between border guards and custom administration bodies working on the external borders from 2013.

strengthening. This data is used by border units working on illegal migration at international airports.

The transport ministry is also engaged in cooperation, particularly in developing international airport infrastructure. The aim is to develop cooperation on the new automated border control systems at Slovak international airports. The interior ministry cooperates with other authorities, such as the defense and health ministries, on crisis management and increases in the flow of illegal migrants across the external borders and so on.

In the field of exchange of information and analysis, the BBFP cooperates with other interior ministry units and the foreign and finance ministries on drafting regular bi-monthly analytical reports on illegal migration and on border security. The analytical reports are published on the BBFP website for all management levels. Six-monthly and annual strategic risk analysis reports are drafted and sent to cooperating ministries, the Migration Office at the interior ministry, and the labor ministry.

In crime detection, national interagency cooperation is carried out by the International Expert Coordination Body for Fighting Crime (MEKO), which was created specifically for this purpose. It brings together the interior, justice, defense, transport ministers and the General Prosecutor's Office and Slovak Information Service. MEKO members are under an agreement to cooperate and provide assistance to one another, especially when fighting organized crime. There is also a MEKO subgroup that focuses on analyzing the risks and threats of illegal migration and border security. It began operating in 2014 and represents the ministries and bureaus working on legal and illegal migration and risk analysis. The subgroup meets once a year and produces the Joint Interagency Analytic Report, which provides a comprehensive overview of the migration situation in Slovakia. It forms the basis of security measures, cohesive legislation, and the adoption of joint decisions on enhancing internal the security of the Slovak Republic.

In 2002, an interagency expert group was created to deal with illegal migration, smuggling and human trafficking. It focuses on reducing illegal migration, organized unauthorized border crossings and human trafficking. It is led by the National Unit for Combatting Illegal Migration which comes under the remit of the BBFP. In 2018, it was renamed National Expert Group for Combatting Smuggling and Human Trafficking (NES-POL). Its members represent the Slovak Information Service, General Prosecutor's Office, defense ministry and Financial Administration, as well as the Migration Office, Section for Control and Inspections and Police Force Academy in Bratislava, which come under the remit of the interior ministry.



3.3.6. Public communication

The development of social media in the 1990s has posed a challenge to the public communications of the police, even at the EU level, who need to inform the public and promote its work. New technologies were a concern but police forces across Europe having to keep pace with events. This was mainly done by acknowledging an important role of social media in public communication.

Ukraine

The key body that communicates all border news is the SBGS. According to the Development Strategy of the State Border Guard Service, the SBGS has to provide full coverage of its official position, and inform public, domestic and foreign media about its activities. Where necessary, it should react to the spread of misinformation. In addition, it has to organize coverage of official SBGS events, publicize events and allow accredited journalists and media employees access to its activities. It actively uses such communication channels as: the SBGS website, departmental social media pages (Facebook, YouTube, Twitter, Instagram) and radio.³⁴ They also periodically hold topical information campaigns with key messages for the public.

Communication channels are a means of promptly informing citizens about the SBGS, changes to the law on crossing the state border, the demarcation line, environmental protection, the administrative border with the Autonomous Republic of Crimea, border regime etc. They are also used to inform the public in a timely manner about SBGS activities related to COVID-19, legal changes relating to the border such as quarantine restrictions within the country and quarantine restrictions (or their removal) and new rules to prevent the spread of the coronavirus (requirements, conditions) that affect those wishing to cross the state border.

Additionally, the SBGS is implementing measures to put in place a strategic communication system that achieves its main objectives and fosters a high level of trust in the SBGS. It should be noted that the work on the implementation of strategic communications in the

³⁴ For more see official Facebook page of State Border Service of Ukraine. Available online: <https://www.facebook.com/DPSUkraine> (accessed on February 24, 2023); and official Facebook page of *Radio Kordon*. Available online: <https://www.facebook.com/DPSUkraine> (accessed on February 24, 2023).

SBGS and on its activities is carried out consistently, systematically and in accordance with its obligations. Nonetheless, there are improvements to be made in the methods for promptly informing the public on changes to border crossing rules.

Slovak Republic

The Police Force of the Slovak Republic has its own Facebook page, where the daily work of police officers can be promoted. It also serves as an information tool, showcasing border police successes and providing brief information on important international meetings involving the BBFP. During the COVID-19 pandemic and amid policy concerns related to government measures, the police altered its profile and created a special Hoaxes and Scams profile in 2021.³⁵ This was part of the new interior ministry and police strategy to fight hoaxes by highlighting the real threat of being detected and accused of crime. The project was a great success and was used daily.

The BBFP communicates regularly with the media, including radio and television. During the COVID-19 pandemic, the director regularly gave statements about the situation on the internal and external borders. One of the most regular ways of communicating with the public in neighboring states is to inform the main border plenipotentiary in the given country so the public receives the information as soon as possible.

3.3.7. Communication with international organizations

All border management agencies have to communicate regularly with relevant regional or international organizations, such as Interpol, the United Nations Office on Drugs and Crime (UNODC), United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the World Customs Organization. These and other organizations, such as Frontex, offer assistance and support to governments in their field of expertise.

³⁵ For more see Facebook page of Police of the Slovak Republic dealing with hoaxes and frauds: <https://www.facebook.com/hoaxPZ> (accessed on February 24, 2023).

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation



Impact of bilateral inter-governmental relations



Slovak Republic

In the fight against illegal migration, the Slovak Republic supports and cooperates with international organizations, particularly the International Centre for Migration Policy Development (ICMPD), Organization for Security and Cooperation in Europe (OSCE), International Organization for Migration (IOM) and with (UNHCR).

The priority objective of the ICMPD is to draft and implement long-term strategies for managing migration. These are aimed at early warning signals, combatting the main causes, harmonizing entry checks, and coordinating foreign, asylum and refugee policies. The ICMPD analyzes current and potential migration flows to European receiving countries, monitors, and reviews the situation in the main countries of origin and develops measures to better identify and control migration movements. The steering committee regularly analyzes and modifies the work of the ICMMPD to reflect and migration trends and policy making. Decisions are then reflected in the strategic documents agreed by the steering committee and in the annual work programs and budgets.

The OSCE is a key platform for constant dialogue among the 57 participating states, including Slovakia and Ukraine. Its work on establishing the joint European security area encompasses border security and management and so it is integral to the integrated border management in both countries. The growing importance of the OSCE and its work on border security and management in neighboring third countries as well as in European countries is recognized by Slovakia and Ukraine. That is why both countries continue to deepen and coordinate cooperation with the OSCE headquarters in Vienna on border security and management. In 2019, Slovakia held the OSCE presidency. Similarly to other years, a plenary meeting of the network of national contact points for security and border management was organized in cooperation with OSCE secretariat and its department for transnational threats.

Slovakia cooperates with the IOM and UNHCR in the humanitarian transfer of refugees in need of international protection (refugees and persons under UNHCR protection, who are subject to deportation or in need of international protection up to the moment resettlement proceedings are finalized). The plan is to continue actively cooperating with public sector organizations in the field of legal and illegal migration.

Ukraine

Ukrainian border authorities actively cooperate with international organizations that provide technical assistance for developing horizontal cooperation between all the stakeholders and beneficiaries involved in border management processes. In 2017, a new phase of cooperation with organizations such as the ICMPD and IOM Ukraine began. Operational protocols and cooperation agreements have been signed to facilitate information exchange and the implementation of communication on migration issues as well as integrated border management. Advisory bodies and steering committees have been set up to work out common priorities and needs. Another tool for ensuring dialogue between government and society is the project approach, which has underpinned communication between all the parties.

After discussion and consultation, the authorities and international organizations focused on the following areas: updating Ukraine's migration and border legislation to meet EU standards, ensuring appropriate conditions for migrants held in detention, identification, and documentation, improving the educational materials for training personnel, working with migrants, as well as introducing new automated methods for the control of persons and goods. Over the past few years, joint projects implemented by the Ukrainian authorities and international organizations have increased the level of trust between Ukrainian and EU law enforcement agencies.³⁶

Communication with the ICMPD is carried out through the steering committee, which includes all stakeholders. Representatives of the ICMPD are involved with the High-Level Group on Integrated Border Management. The tangible outcome of cooperation with this organization is the Strategy of Integrated Border Management up to 2025, approved by order of the Cabinet of Ministers of Ukraine No. 687, dated July 24, 2019. In cooperation with the ICMPD, the action plan for implementing the IAC Strategy is updated annually. The key focus is to strengthen horizontal communication and cooperation at both the Ukrainian and international level. through profile groups, seminars, and the exchange of experience. Great attention is paid to building

³⁶ One example is the EU4IBM project, implemented by ICMPD in cooperation with the SBGS, State Customs Service, State Migration Service and the foreign ministry. The project aims to enable Ukrainian border management agencies on the national and cross-border levels to deliver better services to people, promote regional cooperation, cross-border trade, development, and human contact as well as to help Ukrainian citizens and companies benefit from increased mobility and integration into the world economic flows, while ensuring a high level of security and preventing cross-border crime.

366



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

367



an effective communication mechanism within the IUC entities and with international partners.

Systematic communication and interaction with the IOM have had an impact through the Eastern Partnership Panel on Migration and Integrated Border Management. The relevant authorities of the six Eastern Partnership and EU member states meet twice a year and share their experiences. The IOM IMMIS project is widely communicated to all stakeholders. This effective mechanism of interaction has enabled a number of innovative technological solutions for automating migration and border work processes for collecting and processing biometric data of foreigners and stateless persons.

As part of the IMMIS project, the State Migration Service and the SBGS received state-of-the-art infrastructure for storing and backing up its digital data. The data is personal data on Ukrainian citizens (for example, relating to ID cards, passports etc.) and foreigners (data on temporary and permanent residence permits etc.). Ukraine, like Slovakia, also engages in active cooperation with the UNHCR, which deals with internally displaced persons and refugees. Additionally, the authorities cooperate on the provision of temporary accommodation shelters for refugees and upholding human rights. Communication takes place through ongoing consultations with the UNHCR Office in Ukraine and the border authorities.

Cooperation is to be further strengthened through communication with other stakeholders and projects. For instance, the SBGS implemented the "New Face of the Border," a project supported by the IOM, the UN Migration Agency and the US State Department. The IOM Mission in Ukraine developed and implemented a new border guard recruitment system for the SBGS based on an objective, transparent and impartial process. Out of the more than 2,550 applicants, over 1,500 were civilians under the age of 45 and almost 1,000 were currently or previously serving border guards. The new recruits received intensive training, organized with the support of IOM and the US State Department.³⁷

The selection process was based on gender impartiality; women did not face any additional barriers to employment and as a result made up a significant proportion of the new employees. In 2019, the new face concept was developed, and the project "New face of leadership" (NOKC) was launched. It was the first ever public competition for

³⁷ For more see official website of IOM Ukraine. Available online: <https://www.iom.org.ua/ua/za-pidtrymky-mom-600-prykordonnykiv-vstuplyly-na-sluzhbu-proyshovshy-prozoryy-procesu-vidboru> (accessed on February 24, 2023).

a leadership position in the Ukrainian service. The selection committee was composed of experts from SBGS as well as international and independent experts. The plan is to launch the same project for customers.

3.3.8. Cooperation and coordination between the border management authorities in Norway and Sweden

Cultural factors

The 1,630-kilometer border between Norway and Sweden is considered to be the most flexible external border of the EU in terms of border crossings.³⁸ It is also a fairly open border, characterized by wooded terrain, rivers and free passage at border crossings. There are some societal and cultural features that make communication and coordination between Norwegian and Swedish border management easier than in many other European countries.³⁹ Societal factors, such as the Nordic welfare state, democracy, and cultural and linguistic similarities – Norwegian and Swedish are mutually intelligible – facilitate border cooperation between the two countries.

Culture can be defined as shared beliefs, values, norms, and practices.⁴⁰ Norway and Sweden have similar cultural backgrounds in terms of values, such as adherence to democracy, respect of authorities, such as the police, compliance with the law, and trust in other people. This institutionalized trust together with the similar languages enhances and allows easy collaboration and communication between the Norwegians and Swedish in border control.⁴¹

38 L.A. Grünfeld, H. Baustad, L. H. Lind, "Kartlegging av handelshindringer mellom Norske Og Nordiske handelspartnere," [Mapping trade barriers between Norwegian and Nordic trading partners] *Menon Publication* No. 79/2017, Menon Economics, November 2017.

39 Ibid; B.S. Fors, "The Swedish-Norwegian cross-border region," *Nordegio Magazine*, 2015. Available online: <https://nordregio.org/nordregio-magazine/issues/cross-border-co-operation/the-swedish-norwegian-cross-border-region/> (accessed on February 24, 2023).

40 E. H. Schein, P. Schein, *Organizational Culture and Leadership*, 5th ed., John Wiley & Sons P & T, 2016, 416 p.

41 L.A. Grünfeld, H. Baustad, L.H. Lind, op. cit.

368



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

369



Legal and regulatory framework

In Norway, the EU-level frameworks such as the Schengen Border Code; Norway's Schengen agreement; national law such as the Customs Law (chapter 14); and the administrative agreement on border control cooperation provide the legal and regulatory framework for the cooperation between Norway and Sweden. In addition, bilateral agreements regulate the communication and coordination of border management between Norway and Sweden. Digitalization has led to the growing need to modernize or at least revise the agreements.

Sweden is a member of the EU, but Norway is not. However, both countries are Schengen member states. Norway signed its cooperation agreement with Schengen countries on December 19, 1996.

Norway participates in key aspects of EU cooperation in justice and home affairs, of which the Schengen cooperation is the most important. As a Schengen member state, Norway is part of an internal free travel area with a common external border. Norway applies the common set of Schengen rules in full. These include rules on police cooperation, legal cooperation on criminal cases, visa rules and rules on checks on persons at the outer borders.⁴²

Norway is involved in the development of the Schengen *acquis* at all levels of the EU council decision-making system and has the right to speak, but not to vote.

At the overall level, the Ministry of Justice and Emergency Preparedness has national responsibility for comprehensive border management. Several ministries are responsible for tasks related to border management. The focus of this part of the chapter is on the border cooperation related to customs. The National Police Directorate in Norway has several border control responsibilities. Close co-operation between the police and customs is important in ensuring effective border crossings.⁴³

42 "Schengen," Norwegian Ministry of Foreign Affairs, March 1, 2017. Available online: <https://www.norway.no/en/missions/eu/areas-of-cooperation/schengen/> (accessed on February 24, 2023).

43 "Nasjonal strategi for helhetlig grenseforvaltning. Tidshorisont: 2019–2021," [National strategy for comprehensive border management. Time horizon: 2019–2021] Version 1.0, Politiet. Available online: <https://www.politiet.no/globalassets/dokumenter/pod/grenseforvaltning/nasjonal-strategi-for-helhetlig-grenseforvaltning.pdf> (accessed on February 24, 2023).

In 1959, Norway and Sweden signed a customs cooperation agreement aimed at facilitating border crossing and simplifying customs controls and clearance procedures. The Norwegian-Swedish and Norwegian-Finnish Customs agreements allow customs officers to act on behalf of the partnering country.⁴⁴ This is an example of resource efficiency. Norway and Sweden have a 15 km zone on each side of the border where the customs department of the opposite side has legal authority. This entails all legal rights to act on behalf of the country. The Norwegian and Swedish authorities have delegated the handling of customs procedures to each other. For example, Norwegian customs officers can handle Swedish exports on the Norwegian border crossings and vice versa. Thus, exporters need stop only once at the border crossing-point. In addition, the time spent at the border crossing-point is short.⁴⁵ There is also an administrative agreement on border control cooperation and there are guidelines for control cooperation based on the administrative agreement.

The customs agency in Norway is divided into six divisions and two staff. While all are involved in aspects of border cooperation, the two most involved are: the Director of Customs Staff and the Border Division. Among the Director of Customs staff the main areas of responsibility and tasks are to coordinate, assist, develop, and participate in the agency's collaboration with national agencies and ministries, as well as other national partners, other countries' customs authorities and international organizations. The Office of the Auditor General is the Norwegian public institution with supervisory authority for the Norwegian customs. Norway participates in Frontex, the European Border and Coast Guard Agency, which enhances and coordinates the management of common external borders.

Practical examples of interagency communication and coordination

In addition to the legal and regulatory frameworks, interagency communication is supported by the following practical arrangements. Leading officers on either side of the border have the opportunity to directly contact the officer in charge of the closest customs station on the other side. Due to the long border, there are many small customs-stations in Norway and Sweden, but also multiple border crossings

44 "Customs 1959," Oslo, October 28, 1959. Available online: https://www.toll.no/contentassets/18b42f1fa9454dbab9dba65c6203fe2d/tollssamarbeid_med_sverige.pdf (accessed on February 24, 2023).

45 L.A. Grünfeld, H. Baustad, L.H. Lind, op. cit.



370

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations



371

without any customs stations or offices. Connection is therefore mainly made between the stations with regular traffic.

This type of direct contact between customs officers has steadily decreased with digitalization, but it is common for Norwegian border control officers to cross the border at least once a week at busy border crossings, to engage in dialogue with Swedish colleagues. Norwegian and Swedish border control officials have the right to enter the other side of the border within the 15 km zone. Norwegian and Swedish officers share the idea that they are working for the same goal. Interagency communication is facilitated by the Norwegian customs liaison in the Swedish customs' main offices in Sweden. There is cooperation on intelligence.

There are continuous attempts to improve on the cooperation, but that is not always easy when customs and border control agencies are being reorganized. Both the Norwegian and Swedish customs departments have recently been reorganized and bear many similarities such as the movement of goods and control of wares and objects being organized in the same unit.

Meeting levels

On the highest level, there is the border cooperation tribunal (including the Norwegian and Swedish customs directors who meet once a year to discuss the cooperation on a strategy level). The tribunal is mentioned in the agreement of 1959.⁴⁶

On the second level, there are meetings between the Norwegian and Swedish division leaders. This level has not been clearly defined, after the recent reorganization of both Norwegian and Swedish customs agencies and it is currently under development.

On a lower level, there are contact meetings between regional leaders in the border divisions in both the Norwegian and Swedish customs agencies.

In addition, operative cooperation meetings are arranged between the leaders of the local customs offices that are geographically close.

Also, there are different modes of cooperation that are dependent on the amount of cross-border traffic. There are customs stations on both side of the border crossing (both Norwegian and Swedish, such as

46 "Customs 1959," op. cit.

the border crossing at Svinesund Norway). In this case the Norwegian customs station handles both imports to Norway and Norwegian imports and exports to Sweden. Whilst at the Swedish border station, the Swedish officers handle Norwegian exports and Swedish imports. The customs stations are located on only one side of the border crossing (either the Norwegian or Swedish side, such as at Magnaromoen, Norway). In this case, one customs station at either side of the border handles both the Norwegian import and export as well as the Swedish import and export.

To facilitate these tasks, Norwegian and Swedish customs officers have access to the other country's import/export software. On a local level, there is the opportunity for the leading officers on either side of the border to directly contact the officer in charge of the closest custom station on the other side. Both the Norwegian and Swedish customs departments have recently been reorganized and bear many similarities such as the movement of goods and control of wares and objects being organized in similar divisions within the customs agencies. There are continuous attempts to improve on the cooperation.

3.3.9. Results of the survey on communication channels between border communities and authorities

This part gives an overview of the results of the survey carried out as part of this project. Respondents on the Slovak and Ukrainian sides of the border were given the same questions (see also chapter 4.2 for detailed overview).

In Ukraine, a tiny majority (51.1 per cent), thought that community meetups were the most effective or an effective communication channel. Only 15.8 per cent disagreed with the statement. In municipalities of fewer than 1,000 people, public hearings are considered less effective – only 36 per cent supported this communication channel, with 26.7 per cent describing it as ineffective. The corresponding percentage for bigger towns was 43–47 per cent and 14–17, respectively. Inhabitants of Uzhhorod and municipalities with a population of 5–10 thousand people, including ethnic groups other than Ukrainian and Hungarian, thought that hotlines were effective. Consultations, discussions, public hearings, and hotlines were considered effective by 43.9–44.5 per cent of respondents. While 24.5 of those surveyed thought hotlines were less effective than the other three communication methods. Press conferences were least



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation



Impact of bilateral inter-governmental relations

popular, with 31.8 per cent judging them to be effective and 26.2 per cent holding the opposite view.

There are some regional and socio-demographic differences, such as the fact that inhabitants of Uzhhorod and the Uzhhorod area considered community meetups to be less effective than people in other areas. The figure for Uzhhorod and the Uzhhorod area, which share a border with Slovakia is between 17.9 per cent and 20 per cent. This can be compared with other regions where the proportion of those doubting the effectiveness of these meetups stands at around 11.9–13.6 per cent. In Berehovo and Uzhhorod districts, consultations are viewed as a slightly better communication channel. The over 60s thought discussions were slightly less effective: 23.5 per cent compared to 16.6 per cent for the other age groups. Those living in municipalities with fewer than 1,000 inhabitants felt public hearings were less effective, including ethnic groups other than Ukrainians and Hungarians.

Overall, respondents thought that channels that enabled feedback and information exchange were sufficiently effective compared to other types of communication, such as press conferences, as they felt the absence of direct and immediate contact with stakeholders was one-sided. The results suggest that communities prefer democratic forms of two-way communication and offer opportunities to influence decision-makers, which means that public discussions, hearings, and consultations are the optimal communication channels, in line with best democratic practices. Interactive communication allows local communities to express their ideas and alert the authorities to problems that directly influence everyday community life. People were willing to share their experiences with the border authorities and help them solve border-related problems. Some national and local authorities have already indicated that they are prepared to oversee the management and running of the checkpoints. They are also willing to perform other tasks.

The Slovak results of the survey confirm that more than half of all respondents had no or almost no or very little information on the functioning of the border regime (border control and custom controls) and on Slovak–Ukrainian cross-border cooperation. Only 15 per cent felt they had good or very good knowledge, while 33 per cent thought the information was average. Men are more strongly represented in the last two groups, while women were more likely to think there was an absence of information.

Community meetups are considered an effective communication tool for 38.7 per cent of respondents and more than 40 per cent of those aged 18 to 39. Press conferences were deemed to be either effective or ineffective by 23 per cent, while 27 per cent though they were middling.

Consultations were evaluated effective by 23 per cent of the respondents, 31.5 per cent thought them average and 20 per cent thought they were ineffective. Discussions fall into this category as well, although the percentage thinking them an effective means was a bit higher at 29 per cent. Only 17 per cent of respondents thought them ineffective and 31.4 per cent thought they were effective on average. Public hearings came between discussions and consultations, with 27 per cent considering them effective, 25.7 per cent thinking them average and 21 per cent deeming them ineffective. One interesting finding is the views on hotlines. They were considered effective by 22 per cent, with the same percentage judging them to be average, and 25.8 per cent deeming this type of communication to be ineffective.

It is important to note that apart from the responses on community meetups (12 per cent), 20–29 per cent respondents did not answer this question in relation to the other types of communication. Respondents aged 18–39 tended to give slightly more favorable answers on the effectiveness of all types of communication. This category is more positive about the will to communicate.

There were no clear differences between the districts participating in the survey (Michalovce, Trebišov, Humenné, Sobrance). Participants in the districts had their own opinions of the means of communication. Overall, we can say that community meetups were the most popular means of communication, but 62.5 per cent of respondents in Sobrance District thought they the effectiveness was average.

3.3.10. Conclusions and recommendations

Integrated border cooperation presents a test for effective bilateral relations. Various forms of communication can be used to enhance the mutual benefits of bilateral cooperation. The means of communication used by the Ukrainian and Slovak sides in bilateral relation were mainly established in the 1990s, when Ukraine became independent. Communication is increasingly playing a role in Ukrainian border management since the launch of the visa-free regime with the EU and the introduction of integrated border management in 2015–2017. These two new European projects have had an effect on communication approaches, with the old, centralized working meetings having been replaced by interagency cooperation.

Since the Slovak Republic was founded in 1993, bilateral relations have grown considerably. Border management and cooperation and cooperation among law enforcement authorities, are no exception. Despite most bilateral relations being based on bilateral agreements



374

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation



375

Impact of bilateral inter-governmental relations

are almost 20–30 years old, they are just as relevant today. The Bureau of Border and Foreign Police still plays a key role, as do the main border plenipotentiaries, which is the main mechanism for cooperation with Ukraine and other neighboring countries. What has changed is that Slovakia became a member of the EU, and that has had a substantial effect on the approach to border management, particularly the creation of the European Border and Coast Guard. Notwithstanding these changes, national integrated border management is still important, especially in cooperation with third countries and above all with countries with which EU member states share an external border. But, as the Ukrainian side highlighted in the recommendations section, it has also changed the nature of joint expert meetings, as Slovakia is bound by both the national legislation and the European and Schengen *acquis*.

With the introduction of an integrated approach on both sides, the involvement of other border authorities is essential. There is a need to further strengthen horizontal and vertical cooperation between countries. Many of the new border management methods and approaches have now become part of the regular practices of agencies in partner countries. Yet, they are not tied into the broader context of border policy and border management. Now, the focus is too narrow. Border protection is only part of the problem.

With the emergence of new challenges, there needs to be effective communication and good exchange of information to regulate the rapid flow of data and data processing. Operational staff working for border management agencies need relevant, up-to-date information so they can fulfil their duties properly and respond to threats and emergencies appropriately. Border management agencies should adopt more methods to help them address emergencies. Effective communication is provided not only through routine team meetings and inter-departmental meetings but should form part of ad hoc meetings and joint activities between the agencies in both countries.

An effective communication mechanism is needed to overcome the challenges that arise in the new circumstances. Along with formal instruments of communications, such as formal meetings at the central and regional levels, there is a need for more informal communications chains. All aspects of border management need to be monitored and covered, including integrated border management and collaborative border management, as well as the four management levels of coexistence, communication, cooperation and finally coordination.

The research conducted within the SIBSU project has revealed the need for more interactive mechanisms whereby local communities can engage in direct contact with stakeholders. Effective communication has to include sustained partnerships with international organizations and be open to the best practices of partner countries.

Enhancing bilateral communication between Ukraine and Slovakia

Bilateral agreements are not always sufficient for the effective communication of issues relating to mutual relations. For instance, in the case of Ukraine–Slovakia relations, joint control talks and mutual agreements providing the legal underpinning are still necessary because of the differences between the Schengen *acquis* and Ukrainian legislation. Trilateral consultations between Ukraine, the Slovak Republic and the European Commission have to be held to address this issue and find common ground.

A new approach and communication instruments for use under pandemic restrictions when physical meetings are not possible is also required. In the reports on the implementation of the national IBM strategies, the main border authorities on both sides noted that most of the tasks envisaged under “international cooperation” were not completed because of the pandemic restrictions that made in-person meetings impossible.

Border management agencies should enhance cooperation at the local, regional and international levels based on the following steps:

- enhanced cross-border cooperation between border law enforcement officials at the local level, focusing on facilitating day-to-day communication and coordinating the necessary activities;
- liaison officer exchanges, joint offices for information sharing and/or risk analysis;
- international regular seminars (offline and online) to help enhance credibility and reliability.

Communication with international partners and non-state actors

Notwithstanding the positive experiences, the SBGS and other border management bodies need to improve and develop international cooperation. At an administrative level, cooperation should be enhanced with EU officials in Kyiv working on border security issues (such as the EU Delegation, European Union Advisory Mission, embassies of EU member states).

To improve communication with key international partners, an SBGS liaison office should be established in Ukraine’s diplomatic missions. Communication between border management agencies and airlines, railway companies, importers in the country of origin and non-governmental organizations should be strengthened.

376



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Impact of bilateral inter-governmental relations

377



Interagency cooperation and communication

In order to ensure effective interagency cooperation, public authorities require clear administrative procedures including sequence of interaction and information exchange. Indicators for monitoring and evaluating task implementation could also be set.

Ukraine requires legal acts that regulate interagency communication, coordination, and cooperation in IBM, perhaps in the form of a comprehensive government decree on interagency coordination and cooperation in IBM. The Virtual Contact Analytical Center for information exchange between border management authorities needs to operate effectively. Responsible persons should be identified in all the border management agencies to ensure the SBGS administration has timely information on task completion. Information provided by border management agencies should refer to the regulations on task implementation. Existing laws/strategic documents should be amended so they stipulate the amount and structure of the data to be collected and information required on suppliers (sources) and information recipients, control of access to databases, measures for implementing personal data protection requirements, especially, sensitive personal information.

In Slovakia, it would be advisable to establish an interagency multi-disciplinary group to strengthen communication and the effective implementation of the National Strategy of Integrated Border Management. Interagency cooperation should also be developed on the national level in relation to Ukraine in order to coordinate the implementation of activities and cooperation areas where the legal basis differs.⁴⁷ There is a continued need to strengthen cooperation with customs authorities in line with the 2013 recommendations of the European Commission.⁴⁸ Such cooperation should be developed at the level of central authorities and forwarded to local ones. Another area of cooperation is the deployment of legal experts to the Slovak general consulate in Uzhhorod. This cooperation is of great benefit and should continue.

⁴⁷ On the basis of bilateral cooperation, national IBM strategies, on the local level etc.

⁴⁸ Guidelines for cooperation between border guards and custom administration bodies working on the external borders from 2013.

Communication during unexpected events

The lesson learnt from the COVID-19 pandemic is that something similar could happen in the future. Consequently, protocols or scenarios should be produced so citizens are adequately informed about changes to the rules and procedures on the border and to promote safe mobility. The results of the survey on communication channels between border communities and border authorities show that respondents thought two-way communication was most effective for solving day-to-day border management problems.

Uncertainty, inconsistencies and unsuitable restrictions relating to individual cases are best dealt with via a personal communication channel for citizens (a hotline, a special mailbox etc.) and a system of prior notification for those intending to cross the border/demarcation line. That would significantly reduce the number of individuals “turned away” at the border or who have to wait a long time for a decision. There is a certain imbalance in public trust in information provided by the central government and regional authorities in Ukraine. In 2020, the pandemic and socio-economic crisis exacerbated levels of distrust, while the position of regional media strengthened. In these circumstances, the central government should make maximum use of the regional authorities and the media as a platform for disseminating information on restrictions on freedom of movement to minimize their negative impact and raise public awareness.

Communication by diplomatic means should be replaced or bolstered by more rapid ways of exchanging information so local people and media obtain information as soon as possible. The COVID-19 pandemic has revealed good practices in the direct exchange of information on new measures by main border plenipotentiaries of both countries. This channel should be maintained and improved with speed in mind. Border authorities should ensure that contractor information is not released on the national level. Coordination is most important in this respect.

Recommendations based on the experiences of the Norwegian authorities in cooperation and bilateral relations in border management with Sweden

These recommendations are based on good practices in Norwegian and Swedish border management cooperation. It would be a good idea to set up a system of local counterparts on both sides of the border. Where appropriate, this should apply at all hierarchical levels of border management agencies. A further recommendation is to

378



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

379



Impact of bilateral inter-governmental relations

enhance permanent forums for local counterparts to meet regularly, as in the Norwegian and Swedish model.

Norwegian partners recommend fostering a common understanding of cultural similarities and differences at all levels (both intra-agency and inter-agency) of the organizations. Openly addressing the similarities and differences in cultures would help to further develop common border management collaboration particularly at local levels with a high frequency of social interaction.

Norwegian partners recommend that Slovakia and Ukraine should continue promoting high standards of border management (control) officers (e.g., good professional ethics). Continuous promotion of high standards is relevant because of the digitalization of border and customs control activities and the subsequent new opportunities and risks. These need to be promoted continuously as there is also a risk of corruption in border and customs management globally.

Norwegian partners recommend that the Ukrainian and Slovak border management authorities should take steps to explore the possibilities of establishing free-access zones. Norwegian and Swedish border control officials have a right to enter the other side of the border within the 15 km zone. In addition to facilitating efficient border management, this would require regular communication across the border on the local level. The establishment of free-access zones would of course require discussion and legislative amendments on the governmental levels of both countries.

4 

Cross-border
cooperation
capacities of
regional and
local actors

4.1. Policies and practices

Olesya Benchak
Hanna Melehanych
Veronika Oravcová
Mykhailo Shelemba
& Oksana Svezhentseva

382



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

383

Cross-border cooperation capacities of regional and local actors



Cross-border cooperation in European countries is conducted in the light of such principles as partnership, subsidiarity and complementarity. Partnership is defined as close cooperation between the community and the respective public administration bodies and includes the preparation, financing, implementation and evaluation of the community's activities. Partnership consists of the various economic agents acting in line with official strategies and programs to achieve common goals in close cooperation with each other. Subsidiarity means the transfer of competence to the level that can most effectively solve problems. As a rule, that is the territorial communities and regions. Pursuing subsidiarity means acknowledging that priority is accorded to the lesser, local power that is in closest proximity to citizens. Complementarity is the third fundamental principle of EU regional development policy and relates to the co-financing of activities and projects.¹

A study of the scientific, normative and regulatory sources shows that cross-border policy within the EU framework is divided into two types, depending on the country's relationship to the EU:²

- cross-border cooperation between EU member states comes under the Union's internal policy,
- cross-border cooperation between an EU member state and a neighboring third country comes under EU foreign policy.

The second type of EU cross-border policy applies to Ukraine, given that it is not a member of the EU.³ The legal basis of this policy is Article 212 of the Treaty on the Functioning of the European Union⁴, while European Neighborhood Policy (ENP) and secondly the European

1 L.A. Melnyk, "European development management experience cross-border cooperation," *State Administration: Improvement and Development* UDK 339.92:327 (4), No. 2/2018. Available online: http://www.dy.nayka.com.ua/pdf/2_2018/30.pdf (accessed on February 24, 2023).

2 R. Shohly Mirzoiev, "International legal regulation of cross-border cooperation (on the example of Ukraine)," PhD Thesis: 2020, 228 p.

3 R. Benko, "Prospects for the development of cross-border cooperation between the neighboring regions of Hungary, Slovakia, Romania and Ukraine in the framework of EU cross-border cooperation policy. Ways to increase the effectiveness of cross-border cooperation on the new Eastern border of the European Union: the proceedings of the international scientific and practical conference. Stará Lesná, Slovak Republic, September 18–19, 2012)," Uzhhorod, 2012, p. 194.

4 "Consolidated version of the Treaty on the Functioning of the European Union," *Official Journal of the European Union*, C202/3, 2016. Available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12016E/TXT&from=EN> (accessed on February 24, 2023).

Neighborhood Instrument (and its predecessor European Neighborhood and Partnership Instrument) are the main means, and the EU funding procedure supplies the appropriate structural funds.⁵ Cross-border cooperation in the European Neighborhood is an extension of the principles of cooperation within the EU and comes under the INTERREG programs, adapted to the specificities of the EU external cooperation.⁶

Access to the European Neighborhood Instrument (ENI) and cross-border cooperation programs opens up new additional development opportunities for the cross-border territories of Ukraine and Slovakia. Cooperation between partners and project implementation is easiest for administrative units located in proximity to ENI program countries, in which local state authorities have cooperation memorandums and agreements. International technical assistance is encouraged through the ENI, EU Strategy for the Danube Region, but also other project frameworks such as the EEA and Norway Grants Fund and the International Visegrad Fund.

The next part of this chapter analyses projects carried out by Slovakia and Ukraine within three programs: Hungary–Slovakia–Romania–Ukraine ENI Cross-Border Cooperation Program, EEA and Norway Grants Program and Visegrad Plus Program. We collected data and created our dataset based on the information from official websites of these programs. In addition, we also used the information from the sociological survey conducted from December 2021 to January 2022 for the scope of this publication (for detailed analysis of the survey see chapter 4.2. Citizens' perceptions on cross-border cooperation). The second part of the analysis provides examples of projects and the main challenges in project implementation, based on interviews with project beneficiaries and sociological survey. The last part of the chapter summarizes the main findings and provides recommendations.

5 "Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999," Document 32006R1083. Available online: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32006R1083> (accessed on February 24, 2023).

6 "Programme description," Hungary–Slovakia–Romania–Ukraine, 2014. Available online: <https://huskroua-cbc.eu/about/programme-description> (accessed on February 24, 2023).

384



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

385



Cross-border cooperation capacities of regional and local actors

4.1.1. Project analysis

In this section we present the overview of past projects conducted by Slovakia and Ukraine. We analyzed the past and ongoing projects under three programs – Hungary–Slovakia–Romania–Ukraine ENI, EEA and Norway Grants, and Visegrad Plus.

Hungary–Slovakia–Romania–Ukraine ENI Program

Access to the ENI and cross-border cooperation programs opens new additional development opportunities for the cross-border territories of Ukraine and Slovakia. Cooperation between partners and project implementation is easiest for administrative units located in proximity to the ENI program countries, in which local state authorities have cooperation memorandums and agreements.

Up until 2007, the main source of donor funding for cross-border cooperation projects on the Slovak–Ukrainian border was the TACIS⁷ program, which was replaced by the Hungary–Slovakia–Romania–Ukraine 2007–2013 ENPI program. It entered into force on September 23, 2008, following approval from the European Commission. The ENPI program (later ENI program) was aimed at promoting activities with the support of the EU to encourage more intense and deeper social and economic cooperation between regions in Ukraine that share a border with an EU member state.⁸ It is currently in its third programming period: the first period was 2007–2013, the second was 2014–2020 and the third started in 2021 and continues until 2027.

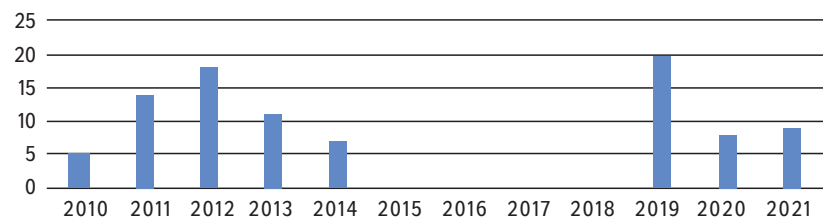
Our analysis shows that under the Hungary–Slovakia–Romania–Ukraine ENI program 92 projects involving Slovakia and Ukraine have been carried out. Figure 1 shows the number of projects by year of start. Most of the projects were started in 2019 (20). In 2012 18 projects were launched. In 2015–2018, the second programming period,

7 "Транскордонне співробітництво," [Cross-border cooperation] *Noviny spivpraci z EC*, 2008. Available online: https://eeas.europa.eu/archives/delegations/ukraine/documents/eucooperationnews/14_eucooperationnews_uk.pdf (accessed on February 24, 2023).

8 "Information about the programme," Hungary–Slovakia–Romania–Ukraine, 2007. Available online: <http://www.huskroua-cbc.net/en/information-about-the-programm> (accessed on February 24, 2023).

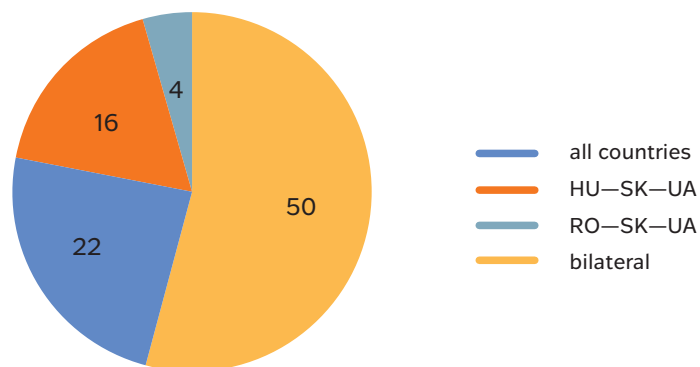
there were no projects. The possible explanation to that is that it reflects difficulties with setting framework for new programming period. Most of the 92 projects (56) lasted for two years, but 24 projects lasted for one year and 13 projects for three years.

Figure 1. Number of projects by year



Source: Authors

Figure 2. Number of projects by cooperation with neighboring countries



Source: Authors

Figure 2 shows that most of the projects carried out under the Hungary-Slovakia-Romania-Ukraine ENI program that involved Slovakia and Ukraine were bilateral in nature and did not include Hungary and Romania. All four countries participated in 22 projects. Twenty projects were conducted by 3 countries, 16 of which involved Hungary and just 4 were with partners in Romania. The small number can be explained by the fact there is no border between Romania and Slovakia and thus limited regional cooperation between the countries.

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

386

Cross-border cooperation capacities of regional and local actors

387

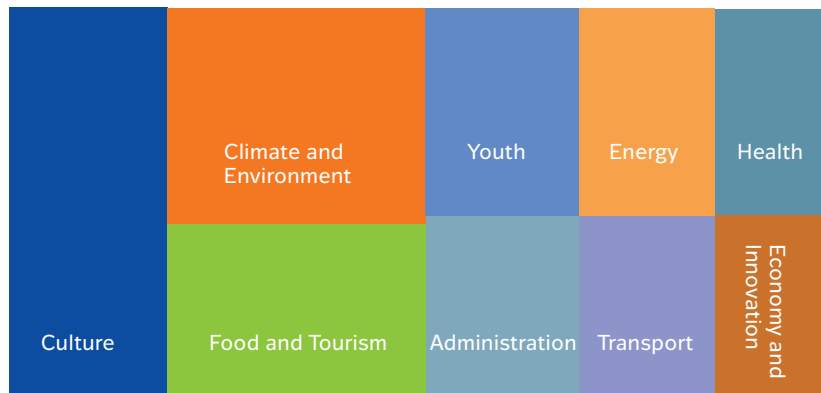
Conversely, more than half of the bilateral projects were between Slovakia and Ukraine, which is a sign of good cooperation. However, the number is still relatively small.

Figure 3 shows the share of projects by category. Most projects were in the Culture category, which contained 18 projects, followed by Climate and Environment with 16 projects. Food and Tourism contained 13 projects and Administration 8 projects. This last category includes projects related to deepening cross-border cooperation and improving local administration, including the sharing of best practices. 9 projects on activities for children and youth, mainly educational activities and exchange programs. There were 8 Energy projects, 7 Transport and Health projects, while Economy and Innovation contained the fewest projects (6). This last category contained projects on entrepreneurial potential, business training, knowledge transfer and information sharing.

When we look at project funding, the situation differs slightly. As Figure 4 shows, Climate and Environment projects received the most funding, followed by Administration and Culture. The Climate and Environment projects were focused on early warning systems and natural disaster prevention, forest and water management, wildlife protection and environmental education and awareness. The Administration category included the project with the largest grant allocation, €6,795,000. The project “Modernization and Reconstruction of Border Crossing Points at the Slovak-Ukrainian Border” was conducted by national authorities: the Financial Directorate of the Slovak Republic, Ministry of Finance of the Slovak Republic, Ministry of Revenue and Duties of Ukraine and Chop Customs Office, which comes under the revenue ministry. By contrast the smallest grant went to the Hungary-Slovakia-Ukraine project led by Hungarian partners: “Understand and Prevent Violence among Youth,” aimed at learning how to deal with interpersonal and intergroup conflicts in a solution-orientated and peaceful way.⁹

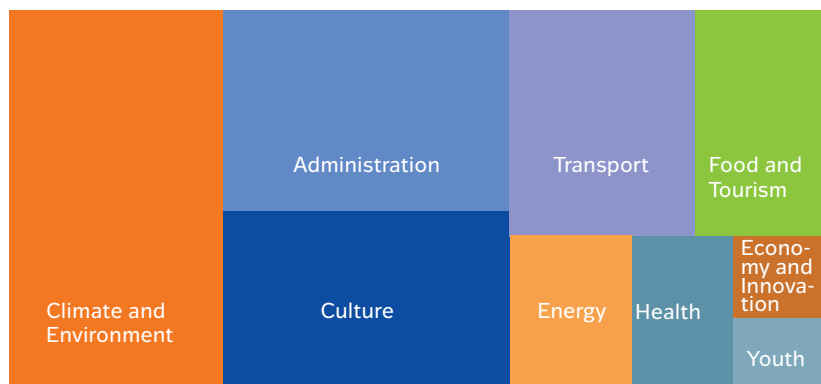
⁹ “Understand and prevent violence among youth – ‘UviaYouth,’” HUSKROUA/1101. Available online: <http://www.huskroua-cbc.net/en/project-database/292> (accessed on February 24, 2023).

Figure 3. Share of projects in each category



Source: Authors

Figure 4. Project categories by amount of funding



Source: Authors

Important aspects of cross-border cooperation include the popularization and dissemination of information on the language, history and culture of neighboring countries and the organization of study tours or summer schools. The following projects in the Ukrainian–Slovak cross-border region were primarily focused on deepening the study of historical and cultural ties between the populations of neighboring countries; preserving common cultural heritage, traditions, religious values; intensifying institutional cross-border cooperation; strengthening socio-cultural cohesion by improving cooperation between individuals and communities; involving young people in the study and

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Cross-border cooperation capacities of regional and local actors

dissemination of traditions, culture, historical values; raising young people’s awareness of institutional cross-border relations. The projects are: “Revival of Snina–Khust Historical Monuments,” “Smart Museum as a Way to Present Cultural Heritage,” “The cross-border Cultural Dialogue for the Preservation of European Cultural Heritage,” “Through Art we Ruin Borders,” “Revive Your Common History and Cultural Heritage,” “Culture Unites–Cultural Mobility in the Border Area,” “Common Culture in the Past and Today,” “Cross-border Artistic Space of Culture,” “Promotion of Handicrafts and Gastronomy of the Region as an Integral Part of the Cultural Heritage of the Carpathian Euroregion.”

Natural and human-induced disasters and emergencies in the region are mainly caused by natural factors: frequent floods and earthquakes linked to geographical location. A team of representatives from all four of the countries involved in the program undertook geo-monitoring of natural and man-made processes in the cross-border area in order to prevent emergencies. For example, the aim of the project “Expanding the Current Space Emergency Protection System to Monitor Hazardous Natural and Man-made Processes in the Cross-border Area of Hungary, Slovakia, Romania and Ukraine” is to combine best practices in new, coherent and innovative ways to improve our understanding of land deformation (landslides) on the Tysa River and its impact on the environment. The project also involved interaction between scientists and stakeholders with civil protection agencies/units being systematically informed about the results of the project.¹⁰

International projects on natural disaster management include “Joint Measures to Prevent Natural Disasters in the Uzh River Basin,” “Joint Development of Rescue Measures to be taken by Volunteers in Natural Disasters” and “Joint Development of Rescue Measures for Volunteers in Natural Disasters.” Among the environmentally oriented projects supported by the program, it is worth mentioning a major cross-border infrastructure project to make the Carpathian forests more resilient to climate change: “Ways to Healthy Forests: Strengthening the Resilience, Viability and Adaptability of Forests in the Border Regions of Ukraine and Slovakia.” Other projects are: “Open Borders for the Wildlife of the Carpathians,” “Environmental Assessment of Natural Resources and Restoration in Solotvyno to Prevent Further Pollution of the Upper Tysa Basin through Preparing a Comprehensive Monitoring System” or “Raising Environmental

¹⁰ “Extension of the operational ‘Space Emergency System’ in the HU–SK–RO–UA cross-border region,” GeoSES HUSKROUA/1702/8.1/0065, Uzhhorod National University. Available online: <https://www.uzhnu.edu.ua/uk/cat/projects-huskroua> (accessed on February 24, 2023).

Awareness in Local Communities through the Joint Conservation of Bats in the Border Regions of Hungary, Slovakia, Romania and Ukraine (The Carpathian Star Way)” on tackling light pollution and raising awareness of the problem. Geographically, the focus was on three national parks and the surrounding areas. Light pollution is low in these areas, so they are ideal for observing the night sky and for astrotourism. On the Slovak side, the project is coordinated by Vihorlat Observatory in the town of Humenné.

Pavel Jozef Šafárik University in Košice and Uzhhorod National University are currently (second half of 2022) implementing “Environment for the Future by Scientific Education (EFFUSE).” This joint Slovak–Ukrainian environmental education campaign is aimed at highlighting the state of the environment, in particular water pollution levels and the need to protect water resources in the border regions of Slovakia and Ukraine. The main goal of the project is to foster environmental thinking in young people. Students study water quality and identify species of invertebrates, vertebrates, plants and microorganisms that are bioindicators of the ecological status of the river.

Green energy and local energy sources are another means of achieving environmental cooperation in the Carpathian Region. The solution to this truly global problem is closely linked to preserving the inhabitable environment around the globe for future generations. That ultimately requires better harmony between human development and environmental changes and the living conditions of the population. Today, energy conservation is considered the primary means of solving such large-scale global problems. In almost all countries, energy conservation is becoming one of the main priorities in economic policy, including in cross-border areas.

One of the largest international projects “New Energy Solutions in the Carpathian Region (NESICA)” is devoted to energy efficiency and greater use of renewable energy sources through educational and practical activities in the community to encourage the sustainable use of natural resources in border regions. Uzhhorod National University in Ukraine and the Technical University of Košice in Slovakia are involved in this project for developing new energy solutions. Among the best practices worth mentioning are the projects “Way out of the Energy Trap – Being More Conscious of Using Smaller Amounts of Energy” and “GreenWheels: Eco-transport of the Future – Today!”

Many of the projects are on common security and safety challenges, health promotion, and transport infrastructure with the aim of improving the movement of people and goods in the cross-border region. One such project is by an international consortium of local self-government bodies and professional institutions: the International Association of Regional Development Institutions (Ukraine),

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

390



Cross-border cooperation capacities of regional and local actors

391



Szabolcs-Szatmár-Bereg County (Hungary), Košice Region (Slovakia), Maramureş County Council (Romania), Satu Mare County (Romania) and Transcarpathian Road Services (Ukraine). The aim of the project “Modern Border Infrastructure–Successful Carpathian Region” is to create a joint mobility plan for synchronizing regional plans for border region transport, border infrastructure, international transport corridors, railways, international air services etc. Other examples of large-scale infrastructure projects are the “Modernization of Road Links between Prešov Region and Transcarpathian Region,” “Carpathian Mobility: Improving Accessibility and Mobility in the Slovakia–Ukraine Cross-border Region” and “Carpathian Small Aviation,” which is aimed at create a sustainable platform for effective mobility of people and goods through the creation of small airlines, using and improving existing infrastructure and potential for intersectoral cooperation between self-government bodies, professional organizations and air companies.

A list of the projects that received the largest amounts of funding can be found in the table below. Seven are bilateral projects between actors in Slovakia and Ukraine. Most fall under Administration, Transport, and Climate and Environment, but there is one Culture project with an overall grant of €998,750, aimed at helping save cultural heritage sites in the towns of Michalovce and Uzhhorod.¹¹

Finally, we looked at the actors involved in the projects, both as lead project partners (main beneficiaries) and participating partners. Table 2 shows project partners by country. Project partners in Slovakia led most of the projects (42), but overall, the number of project partners from Ukrainian organizations was highest (137). On the Slovak side, the Slovak Cystic Fibrosis Association was the most successful project beneficiary and led three projects. Two projects were led by Snina, Prešov Region, Roads Administration of Prešov Region, First Contact Centre–Michalovce and the Regional Development Support Agency in Košice.

¹¹“Throughartweruinborders,” HUSKROUA/1702. Available online: <https://huskroua-cbc.eu/projects/financed-projects-database/through-art-we-ruin-borders> (accessed on February 24, 2023).

Table 1. List of ten projects with the largest amount of funding

start date	end date	project name	countries involved	grant (€)	category
2013	2015	Modernization and Re-construction of Border Crossing=Points at the Slovak-Ukrainian border	SK-UA	6,795,000	administration
2019	2021	Modernization of the road connection between Prešov Region and Transcarpathian Region	SK-UA	3,732,212.43	transport
2019	2022	Roads to Healthy Forests: Resilient, Adaptive, Diverse and Sustainable Forests in Cross-border Region of Ukraine and Slovakia	SK-UA	3,171,483.12	climate and environment
2014	2015	Early warning system UA SK 2 (EWS UA SR 2)	SK-UA	1,988,867.52	climate and environment
2011	2014	Early warning system UA SK (EWS UA SR)	SK-UA	1,415,121.30	climate and environment
2019	2022	Open Borders for Wildlife in the Carpathians	RO-SK-UA-HU	1,395,784.63	climate and environment
2021	2023	Modernization of the road connection between Prešov Region and Transcarpathian Region – Stage 2	SK-UA	1,248,165.19	transport
2019	2022	Joint activities for the prevention of natural disasters in the transboundary Uzh river basin	HU-SK-UA	1,034,196.21	climate and environment
2021	2023	Improving accessibility and mobility in the SK-UA cross-border region	SK-UA	1,033,842.47	transport
2019	2021	Through Art we Ruin Borders	RO-SK-UA-HU	998,750.76	culture

Source: Authors

On the Ukrainian side, the most successful project beneficiaries led three projects each. They were Uzhhorod National University (involved in 6 projects), Ivano-Frankivsk National Technical University of Oil and Gas and the Transcarpathia Association of Student Economists. Transcarpathia Agency of Regional Development and Cross-Border Cooperation led two projects. FORZA Agency for the sustainable development of the Carpathian Region was involved in six projects and Velykyi Bereznyi Village Council in three.

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation



392

Cross-border cooperation capacities of regional and local actors



393

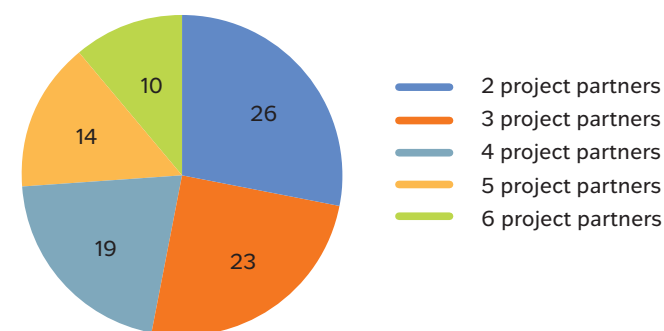
Table 2. Number of project partners by country

	lead project partners	other project partners	all
Hungary	11	37	48
Romania	7	25	32
Slovakia	42	68	110
Ukraine	32	105	137

Source: Authors

When we look at the number of project partners per project (Figure 5), most projects (26) were carried out by two project partners, led by Slovak project partners in 17 cases and Ukrainian partners in 9 cases. Conversely, although only 10 projects were carried out by a large project consortium of 6 project partners, most of these were led by Ukrainian partners, for example Uzhhorod Forest Enterprise, Uzhhorod National University and Uzhhorod Secondary School.

Figure 5. Number of project partners participating in one project



Source: Authors

Altogether, 324 project partners participated in the projects. That figure includes partners participating more than once – if an organization participated in 5 projects, we counted that organization five times, not just once. Most were regional authorities and non-governmental organizations and were involved in all types of projects (Table 3). Regional authorities include schools and hospitals, while non-governmental organizations include churches and charities.

Table 3. Number of projects by type of project partner

	lead project partner	other project partners	all
national authority	4	8	12
regional authority	32	87	119
municipality	17	35	52
university/research institution	10	28	38
non-governmental institution	29	70	99
company/chamber of commerce	0	4	4

Source: Authors

Figure 6. Visible results within cross-border cooperation



Source: Authors, based on sociological research data

The Danube Cross-Border Program, which is part of INTERREG, should not be overlooked, as it has opened new possibilities for cooperation. It is open to Transcarpathian Region in Ukraine, along with the border areas in 14 countries in the Danube region (Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Germany, Hungary, Moldova, Montenegro, Romania, Serbia, Slovenia, Slovakia, and Ukraine).¹² On August 19, 2018, the Ukrainian parliament adopted a law ratifying

¹² "What you need to know about the Danube Transnational Programme," Децентралізація, September 20, 2018. Available online: <https://decentralization.gov.ua/news/9704> (accessed on February 24, 2023).

an agreement on financing the Danube Transnational Program. Between 2019 and 2021, several projects involving Ukrainian and Slovak partners were implemented under this program,¹³ 4 with Transcarpathian Region.¹⁴

In addition to the data of the projects from the official websites of the programs, we looked also at the opinions of cross-border residents on the number of grants and ability to attract funding to the region and we found that views differed by area.¹⁵ Culture, sports and leisure, tourism and education, science and research tended to be the areas with the most visible results. Most respondents in Ukraine (Figure 6) mentioned these categories. However, the prevailing opinion among border residents was that in many areas, EU funds are underused by local and regional authorities and so do not have obvious or desired results for the region. Areas that performed badly were social care and services (assistance in adverse social situations, social integration), health care, agriculture, and governance.

Environment and transport infrastructure fared badly as well, and residents thought the EU funds were not used adequately. In Slovakia 40 per cent of residents thought the use of EU funds had not brought any positive outcomes for the environment, and for transport the figure was 35 per cent. According to the Ukrainian residents, use of EU funds on environment and transport infrastructure was either very low or low, and estimated equally at 43.6 per cent for both.

The question "In which socio-economic areas does cross-border cooperation lead to most visible results in the border area?" yielded similar responses. On both sides of the border respondents felt that

¹³ For more see official website of Danube Transnational Program. Available online: https://www.interreg-danube.eu/approved-projects?approved_project_filter%5Bcall%5D=&approved_project_filter%5Bstatus%5D=&approved_project_filter%5Bpriority%5D=&approved_project_filter%5Bacronym%5D=&approved_project_filter%5BprojectCountry%5D%5B%5D=UA&approved_project_filter%5B_token%5D=tHF2_YE8WsmLtbYAybEH6g_oBhrbB88ww5LCojSKdM4 (accessed on February 24, 2023).

¹⁴ "Закарпатська область здійснює співробітництво у рамках Дунайської транснаціональної програми," [Transcarpathian Region cooperates within the framework of the Danube Transnational Program] Rakhiv District State Administration, October 21, 2020. Available online: <https://rakhiv-rda.gov.ua/novyna/zakarpatska-oblast-zdiysnyuye-spivrobitnyctvo-u-ramkah-dunayskoyi-transnacionalnoyi-programy> (accessed on February 24, 2023).

¹⁵ These data were part of the sociological survey conducted from December 2021 to January 2022. For more information see chapter 4.2. Citizens' perceptions on cross-border cooperation.

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Cross-border cooperation capacities of regional and local actors

cross-border cooperation had the most visible impact in tourism, education, science and research, culture, sports and leisure. Figure 6 illustrates the views of the border population on the various areas of cross-border cooperation.

Residents of the border areas are aware of the importance of EU funds for developing cross-border cooperation between Slovakia and Ukraine. A significant proportion of respondents (Slovaks 33 per cent, Ukrainians 48 per cent) unequivocally stated that without the European funds, cooperation would not be so effective. Moreover, almost 40 per cent of the Ukrainian respondents thought that Slovak-Ukrainian cross-border cooperation would not exist at all were it not for the European funds. Slovak respondents were less likely to have this opinion, with only 23 per cent of them thinking that the funds played a primary role in developing cross-border cooperation.

About a third of respondents in the border area thought attracting European funding brought practical results, even though they were aware that grant funds can be associated with corruption. However, some respondents thought the grant funds fueled corruption and had no real practical results; sadly, as many as 24 per cent of respondents in Slovakia and 17 per cent in Ukraine thought this was the case. However, when it comes to the most useful means of supporting cross-border cooperation, European funded projects still got the most votes, according to 78 per cent of Ukrainians and 53 per cent of Slovaks. Thus, even though project funding can sometimes be associated with corruption, it is still the best means of improving the lives of border residents.

EEA and Norway Grants

The EEA and Norway Grants (funded by Iceland, Liechtenstein and Norway) are aimed at a more equal Europe, both socially and economically, and strengthening relations between these countries and the 15 beneficiary states in Europe, including Slovakia.¹⁶ Under the EEA Grants strengthening cross-border cooperation program, 47 projects involving Slovakia and Ukraine have been carried out.

When we look at the main categories (Figure 7), most came under Administration (11), followed by Economy and Innovation with 9 projects, Climate and Environment with 8 projects, and Culture. Youth

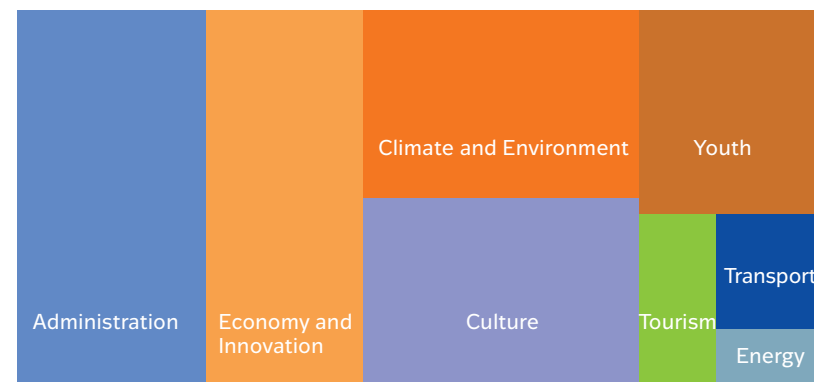
¹⁶ For more see official website of EEA and Norway Grants. Available online: <https://eeagrants.org/about-us> (accessed on February 24, 2023).

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Cross-border cooperation capacities of regional and local actors

was the subject of 6 projects and Tourism and Transport had 2 projects each. In Energy there was “Cross-border cooperation in the field of energy efficiency and transfer of knowledge to practice” led by the company Perspektiva. The Ministry of Interior of the Slovak Republic was the main investigator for the EEA Grants and Norway Grants projects, with 4 projects in Administration and Climate and Environment. The Regional Development Support Agency in Košice led two projects – one in Climate and Environment and one in Economy and Innovation. Košice Region led one project in Culture and one in Transport. The University of Prešov led one project in Culture and another in Climate and Environment, and the Research Centre of the Slovak Foreign Policy Association led two projects in Administration.

Figure 7. Share of projects by category



Source: Authors

As can be seen in Table 4, the Slovak interior ministry led the projects with the most funding, which came under Climate and Environment. By contrast, the lowest amount of funding went to the project “The Exchange of Partners for Local Employment Development” led by the village Spišský Hrhov aimed at increasing employment among the most vulnerable unemployed groups in border regions – the Roma and young people.¹⁷

¹⁷ “The exchange of partners for local employment development,” SK08-0002. Available online: <https://eeagrants.org/archive/2009–2014/projects/SK08-0002> (accessed on February 24, 2023).

Table 4. List of the ten projects with the most funding

start date	end date	project name	category	project leader	grant (€)
2021	2023	TRIGLAV – Strengthen the fight against CBRN threats at the Slovak–Ukrainian border	climate and environment	Ministry of Interior of the Slovak Republic	2,500,000
2015	2017	SOS-Alert Solution – Cross-border cooperation project for enhanced detection and interception of illicit CBRN materials on the Slovak–Ukrainian border	climate and environment	Ministry of Interior of the Slovak Republic	971,848
2021	2023	Safe and Inclusive Border between Slovakia and Ukraine	administration	Ministry of Interior of the Slovak Republic	894,227
2015	2017	DRUŽBA Slovakia–Ukraine	culture	Družba Slovensko–Ukrajina, n.o.	873,779
2015	2017	Improving technical and educational capacity to accelerate the handling process for common Slovakia–Ukraine border	administration	Ministry of Interior of the Slovak Republic	829,180
2015	2017	Nature conservation as opportunity for regional development	climate and environment	State Nature Conservation of the Slovak Republic	756,849
N/A	N/A	International Cooperation in the area of human health and life during accidents and natural disasters (ICHH)	climate and environment	Municipality of Drienica	747,412
2015	2017	Sharing know-how for better management of the Schengen Border between Slovakia/ Ukraine and Norway/Russia	administration	Research Center of the Slovak Foreign Policy Association, n.o.	612,497
2015	2017	Forest for society – Forest without barriers (FOR SOC)	climate and environment	National Forest Centre	597,881
2015	2017	Innovative Methods of Education to Promote Partnerships – “InovEduc”	economy and innovation	Pan-European University	575,486

Source: Authors

The type of lead project partners (Figure 8) differ from those in the Hungary–Slovakia–Romania–Ukraine ENI program (see also Table 3). Most of the EEA and Norway Grants projects were led by non-governmental organizations (14) and were related to culture. National institutions led 7 projects, most of which were Climate and

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation



398

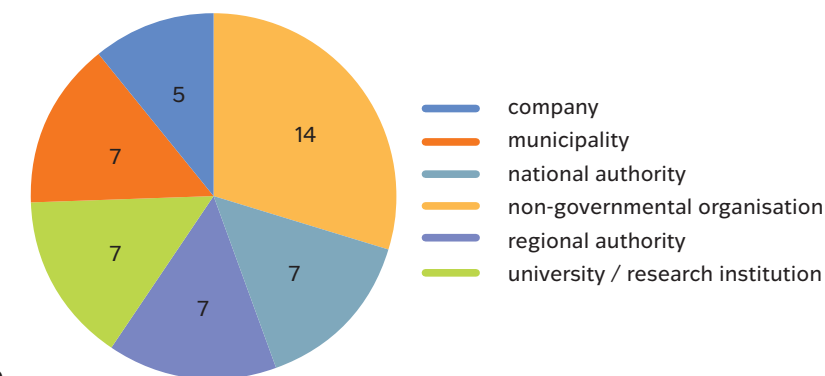
Cross-border cooperation capacities of regional and local actors



399

Environment projects. Regional institutions led 2 Climate and Environment projects and 2 Economy and Innovation projects. Municipalities mainly focused on improvements to the administration, including strengthening cross-border cooperation. University and company projects varied.

Figure 8. Types of lead project partner



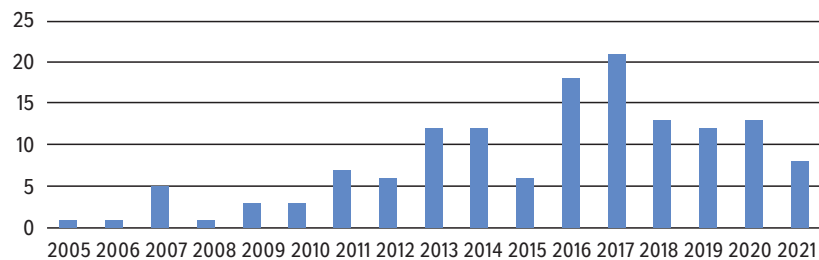
Source: Authors

Visegrad Plus Program

Within the Visegrad Plus Program administered by Visegrad countries (Czechia, Hungary, Poland and Slovakia) and supporting projects which contribute to the democratization and transformation processes in selected countries,¹⁸ 142 projects have been carried involving both Slovakia and Ukraine. Figure 9 shows the number of projects by year since 2005. The largest number of projects was approved in 2017 (21), followed by 18 projects in 2016. By contrast, in 2005, 2006 and 2008, only one project was approved. Since 2017, the number of projects has been steadily decreasing, except in 2020, when the number rose slightly.

¹⁸ These include the Western Balkans (Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro, Serbia) and the Eastern Partnership regions (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine).

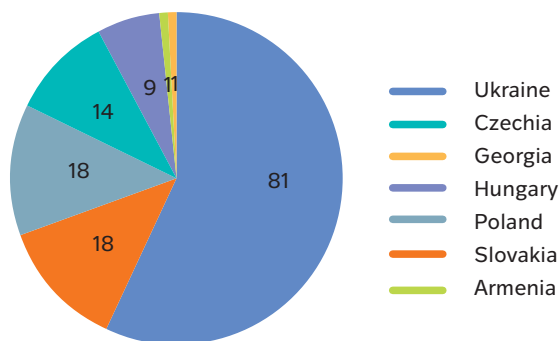
Figure 9. Number of projects by year



Source: Authors

When we look at the country of the lead project partner, most of the projects (81) were carried out under Ukrainian organizations and institutions. Organizations in Poland and Slovakia led 18 projects each, followed by Czechia with 14 projects and Hungary with 9. One project, “V4+Armenia, EaP/Georgia, Ukraine, Belarus/: Enhancing Intercultural Dialogue in the COVID-19 Pandemic,” was led by an Armenian organization and another, “V4 countries reforming experience for Georgia and Ukraine,” by an organization in Georgia.

Figure 10. Number of projects by lead partner country



Source: Authors

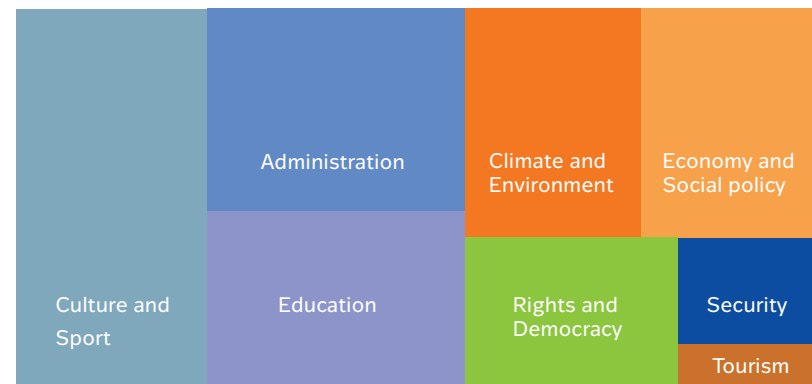
Similarly, to the previous two funding programs, the Visegrad Plus Program had a large number of Culture and Sport projects (34). There were 24 Administration projects including local government capacity building, exchanging reform and transformation experience, and building partnerships among municipalities. Education contained 21 projects, encompassing a wide range of activities for children and youth,

400 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

401 Cross-border cooperation capacities of regional and local actors

but also teachers, journalists, or start-ups. There were 19 Climate and Environment projects, such as exchange of best practices relating to the carbon-free economy, avalanche prevention or water management. There was the same number of projects in Economy and Social policy, such as on accessibility and migration. Rights and Democracy contained 15 projects, mainly related to civil society, media, and human rights. Seven projects related to security issues, including cyber security, and three projects were on tourism development.

Figure 11. Number of projects by category



Source: Authors

A list of the projects with the largest grants can be found in Table 5. Interestingly, most of these come under Rights and Democracy, including the largest beneficiary project, to develop the capacity of organizations working with LGBT people in the Visegrad Four countries, Ukraine, Belarus, Georgia, Armenia, and Azerbaijan.¹⁹

¹⁹ For more see official website of Saplinq. Available online in Slovak: <https://www.saplinq.org/kto-sme.html> (accessed on February 24, 2023).

Table 5. List of the ten projects with the largest grants

date	project	topic	grant (€)
2016	East–West Rainbow Bridges	rights and democracy	100,000
2019	Strengthening the capacity of local self-government in frontline towns in Luhansk Region	administration	97,430
2016	POINT – Platform for Opportunities and Ideas in Non-Profit Training	rights and democracy	89,965
2016	Visegrad Urban Creativity Cluster Network	culture	89,900
2016	Enhancing civil society’s management, fundraising and communication in Ukraine	rights and democracy	88,980
2016	Good Governance in Local Communities: V4 Experience of Strategic planning for EaP Countries	administration	85,703
2020	Accessibility across borders. Improving information accessibility for deaf and blind people	economy and social policy	74,700
2016	Public Control and Media Literacy in V4 and EaP Countries	rights and democracy	69,770
2016	Communicating Europe – Making the EU understandable	education	67,710
2017	Agri-Edu Startup Boost. Agri School students Startups for Rural Innovations (V4+UA+MD+GE)	education	66,630

Source: Authors

4.1.2. Practices and challenges of project implementation

Among the main challenges and needs currently prioritized by the most powerful Hungary–Slovakia–Romania–Ukraine Joint Operational Program are a number of important areas: local culture and preservation of historical heritage; rational use of natural resources; responsible consumption culture; monitoring forecasting and preventing natural disasters; natural and man-made disasters; emergencies; energy efficiency; introduction of environmentally friendly technologies; production of renewable energy sources; and others.²⁰ Despite the

²⁰ For more see official website of Hungary–Slovakia–Romania–Ukraine ENI Cross-border Cooperation Programme 2014–2020. Available online: <https://huskroua-cbc.eu/> (accessed on February 24, 2023).

highlighted advantages of this program, both Ukraine²¹ and Slovakia have failed to exploit all implementation opportunities due to:

1. insufficient experience of programs supporting cross-border cooperation among regional level and local authority officials;
2. secondly, problems with implementing and regulating co-financed projects; and
3. thirdly, regional actors face an imperfect lending environment, including limited capacity to obtain external funding for local budgets.

Conversely, successful beneficiaries have faced few obstacles to implementing cross-border projects. Leading Uzhhorod NGOs with many years of experience have been successful, having formed partner consortia, studied the legal, regulatory, national and European frameworks and established a mechanism for monitoring cross-border program deadlines, funds and donor organizations etc. Having a well-established mechanism produces visible results, for example, Uzhhorod National University has implemented more than ten successful cross-border projects (HUSKROUA, the Visegrad Fund, the Norwegian Financial Mechanism), together with Slovak partners – Pavel Jozef Šafárik University in Košice, the Technical University of Košice and the University of Prešov. Projects by universities and research institutes in the border region have proved competitive and successful primarily because they have enormous human resources potential. Other respondents actively participating in projects thought that university collaboration was crucial to project participation.

Recipients have identified the key to success as having individuals able to write project applications and perform the expert, analytical and organizational work. Another important aspect is being able to demonstrate the institution is financially stable and able to provide sufficient co-financing, which usually ranges from 10 to 20 per cent of the total cost of the project. Co-financing is often the main obstacle to obtaining European funds for cross-border projects (project capacity is most frequently assessed by regional and local authorities). Less successful recipients put their problems down to not being able to write project ideas based on mere enthusiasm, being rejected by donors year in and year out as they are unable to convince them and lack of experience, the inability to work on a refinancing basis and so on.

²¹ “Проекты трансграничной співпраці ЄС: чому вони неефективні в Україні,” [EU cross-border cooperation projects: why they are ineffective in Ukraine] *Європейська правда*, August 16, 2018. Available online: <https://www.eurointegration.com.ua/experts/2018/08/16/7085038/> (accessed on February 24, 2023).

402 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

403 Cross-border cooperation capacities of regional and local actors

Obstacles to obtaining grants from European funds include insufficient awareness of the opportunities, inadequate level of English, which is the language of project management communication, and sometimes a lack of information about potential partners. Although respondents on the Slovak side noted that the older generations can speak Slovak, Russian and Ukrainian and so are able to communicate; nonetheless, project design and implementation require English. All the respondents, both successful and unsuccessful, stressed that the implementation of joint ideas through project work was a great opportunity for cross-border regional development and had both financial and non-financial benefits. The financial benefits include the ability to attract EU funding to introduce innovations, conduct research and improve infrastructure. Non-financial aspects include better communication between people, primarily through the exchange of experience. However, respondents also mentioned that if you find good partners, future collaboration is likely and that networking and establishing long-term cooperation help (not necessarily project-related, but also on best practices and policies and know-how exchange).

One example of a successful project is a project involving cystic fibrosis patients that already has several follow ups and has become a spill-over project – cooperation was transferred to other parts of healthcare. The first project was undertaken in 2021–2014, “Transfer of know-how to ensure better care for Cystic Fibrosis patients in Transcarpathian Region,” which was followed by “Transfer of know-how and creation of Cystic Fibrosis Centre to ensure better care for Cystic Fibrosis patients in Ivano-Frankivsk Region” in 2019–2022 and lastly “Modernization of Cystic Fibrosis Centers in Košice and Ivano-Frankivsk” in 2021–2023, which is currently being implemented. These projects have also been adopted in other parts of Ukraine, as these regions can already diagnose such patients.

Similarly, also residents that do not participate in the projects have pointed out several problems, as resulted from the sociological survey. Does the population think project actors have been successful and have potential? And how do respondents on both sides of the border assess the project capacity of local and regional authorities? According to the survey, only one quarter of Slovak citizens (22 per cent) and Ukrainian (26 per cent) citizens living in the border areas think local and regional authorities are able to obtain grants and use European funds. Ukrainian respondents rated the ability of their authorities to obtaining cross-border cooperation grants as much higher. More than a third (32 per cent) of the surveyed residents in Uzhhorod, Uzhhorod District, Mukachevo, Mukachevo District and Berehovo thought highly of the local and regional authorities’ ability to use EU funds.

404



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Cross-border cooperation capacities of regional and local actors

405



The Slovak population had higher expectations of local and regional authorities’ capacities for preparing cross-border cooperation projects, with only 11 per cent of respondents commending this aspect. Just over a third (38 per cent) of residents in Snina, Humenné, Sobrance, thought they could be much more active in obtaining regional development grants for the border region. In our opinion, this difference in opinion can be explained by the fact that Slovakia is in the EU and so citizens are more aware of the range of funding opportunities, which are not fully used. Ukrainians, on the other hand, look at it from a comparative perspective. They think that local and regional authorities and other institutions have got much better at obtaining funding for cross-border cooperation over the past ten years. Consequently, Ukrainians believe that public authorities and local governments would not be able to implement cross-border cooperation projects at the highest level without EU financial assistance. Ukrainians, citizens of a non-EU country, tend to believe that positive changes in areas cross-border cooperation are largely down to the EU.

In general, the results of the survey on cross-border cooperation show that opinions vary depending on the side of the border the respondents live on, which indicates that the population is poorly informed about this issue. An example is perceptions of the functioning of the state sector in the Ukrainian border area, where various civic associations are fairly successful in cross-border cooperation with Slovakia. They account for than fifty of the cross-border cooperation actors, which is almost half of all the actors involved. The survey showed that on both sides of the border respondents are least aware of NGO support for cross-border cooperation. Among Ukrainians, 20.6 per cent and among Slovaks 28 per cent did not wish to answer this question or did not know anything about NGO participation in cross-border cooperation. At the same time, 17.4 per cent of Ukrainians and 31 per cent of Slovaks stated there was low or no support from the sector. That means that almost every third Ukrainian and every second Slovak knew nothing about NGO activities or thought they did little to support cross-border cooperation. Only 27.3 per cent of Ukrainians and 11 per cent of Slovaks thought the NGO sector supported cross-border cooperation. That indicates, first, that border residents know much less about the existence and activities of civil society organizations than about the activities of the government and local government; second, the NGO sector pays less attention to the publicizing its work; thirdly, some NGOs implement projects together with other entities that are more important or better known to the population and that way those involved in cross-border cooperation become more memorable and visible in the information space.

4.1.3. Conclusions and recommendations

EU enlargement, globalization, internal political, economic, and social changes, the COVID-19 pandemic, and the Russian invasion of Ukraine are creating new challenges and opening up new opportunities for cross-border cooperation. The modern processes of globalization are having a significant impact on socio-economic development across the world. In many respects, this influence has weakened the role of state institutions, while strengthening the role of other actors, such as local communities and governments, NGOs, and multinational companies. At present, globalization is faltering, with regional and local factors becoming increasingly important and nation-states regaining their importance and role. Global and regional trends in Ukraine are sometimes contradictory, which is reflected in the cross-border cooperation between Ukraine's regions and neighboring EU regions. Although we identified a number of common cooperation projects between Ukraine and Slovakia, the number is small and there is no systematic approach. For example, in most cases there were no follow-up projects building on previous successful cooperation between partners. On the positive side several small towns, and even some villages, regional agencies and local NGOs, were able to conduct projects.

These days all countries think that border areas should establish and maintain partnerships with one another and thereby promote friendly interstate relations. The governments and local authorities of these countries are committed to using EU funding to try to solve poverty, unemployment and ensure regional development is more even. In many cases, there is a lack of the skills and capacity to do so on a larger scale. For example, the largest EEA and Norway Grants projects were obtained by national institutions. They do of course benefit the region, but the state should also aim to develop regional capacities to obtain large projects. In turn, the EU should strive to ensure that the border areas of neighboring states are a continuation of the European zone of stability and prosperity, since only then can the new eastern borders be secured against, for example, illegal migration, smuggling and environmental disasters. The Russian invasion of Ukraine will bring the need for deeper cooperation among local and regional authorities.

Effective use of allocated funds should be improved through:

- proper coordination of existing financial assistance programs;
- more thoughtful consideration when preparing and selecting projects to be financed; project planning is crucial for border region development;

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation



Cross-border cooperation capacities of regional and local actors



- simplification of the procedures, decision making on the allocation of financial assistance should be bureaucratized, while ensuring proper control over the targeted use of the funding provided;
- ensuring the public is properly informed about successfully implemented projects, their practical significance and even possible engagement;
- initiating the establishment of the Carpathian Centre for Training and Retraining the Management and Personnel of Cross-Border Cooperation in order to develop local and regional capacities for the successful implementation of cross-border cooperation projects and to train cross-border cooperation entities in the Carpathian region on European methods and technologies used in public and business administration;
- more coverage of the activities of local and regional authorities, local and/or regional public administrations and in particular the non-governmental (non-profit) sector in Ukraine and Slovakia implementing cross-border projects;
- cross-border cooperation development requires better financial support for projects implemented by local and regional entities, and the capacity of local and regional participants needs to be expanded so they can implement cooperation projects;
- developing agreed concepts of economic and social development in border areas, in Slovakia and Ukraine, as a basis for joint project proposals to high-level institutions, EU structural foundations of the EU and other donors;
- intensifying international cooperation activities between local authorities in the border areas, giving them sufficient independence and capacity from government agencies in cross-border cooperation;
- ensuring the allocation of sufficient funds for budget financing (or co-financing) of projects promoting Slovak-Ukrainian cross-border cooperation, and invest in human capacities;
- evaluating successful projects and plan follow-ups to obtain better results from the cooperation, bearing development in the region in mind.

4.2. Citizens' perceptions on cross-border cooperation

Olesya Benchak
Hanna Melehanych
Veronika Oravcová
Mykhailo Shelemba
& Oksana Svezhentseva

408



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

409



Cross-border cooperation capacities of regional and local actors

In this chapter, we look closer at citizens' perceptions of cross-border cooperation. Previous public opinion research on cross-border regions, both on the external EU border and within the EU member states, has shed light on cross-border cooperation from the perspective of stakeholders and politicians, which is basically everyone that is directly involved in cross-border cooperation.¹ It has considered various aspects, for example regional development on the Italy–Tunisia border from the perspective of local private and public stakeholders,² quality and intensity of cross-border cooperation from the perspective of Euroregion mayors³ and the opinion of public managers and employees involved in implementing cross-border cooperation at the Hungary–Romania border.⁴ However, there are also several articles exploring the attitudes of citizens in border regions, for example on EU integration, by comparing opinions in border and non-border districts in France and Germany.⁵

To shed light on the cross-border cooperation between Slovakia and Ukraine, a public opinion survey was conducted as part of the SIBSU project. It was conducted from December 2021 to January 2022 by two leading professional research agencies on the Ukrainian and Slovak sides of the border. The aim of the survey was to examine public opinion on cross-border cooperation between these two countries and the functioning of the border regime.

On the Slovak side, there were 807 respondents in five selected districts: Snina, Humenné, Sobrance, Michalovce and Trebišov. Humenné is the only district that is not on the border with Ukraine. However, its proximity to Ukraine means it is affected by cross-border relations.

1 R. A. Castanho, A. Vulevic, J.M. Naranjo Gómez, et al., "Political commitment and transparency as a critical factor to achieve territorial cohesion and sustainable growth. European cross-border projects and strategies," *Regional Science Policy and Practice* Vol. 11, No. 1, 2019, pp. 423–35.

2 F. Celata, R. Coletti, A. Stocchiero, "Cross-border cooperation across Sicily and Tunisia: experiences and prospects," *Documenti Geografici* Vol. 2, 2015, pp. 7–32.

3 B. K. Muller, D. Kny, K. Fleissner, L. Frane, "Active borders and local politicians as key agents of the Europeanization cross border regions as an institutional attempt at boosting a European public sphere," *Political and Economic Unrest in the Contemporary Era*, 2019, pp. 158–73.

4 D. Badulescu, A. Badulescu, R. Simut, D. Bac, "Considerations on the effects of cross-border cooperation on fostering local public administration. Study-case: Hungarian–Romanian border area," *Lex Localis-Journal of Local Self-Government* Vol. 15, No. 3, 2017, pp. 583–604.

5 T. Kuhn, "Europa ante portas: Border residence, transnational interaction and Euroscepticism in Germany and France," *European Union Politics* Vol. 13, No. 1, 2012, pp. 94–117.

The sample was representative. Respondents were aged 18 and over and were interviewed by telephone.

On the Ukrainian side, the same principle was followed, and 809 respondents were interviewed through personal formalized interviews (face-to-face) at their place of residence (Uzhhorod, Mukachevo and Berehovo Districts). The sample data (gender, age, education, nationality, size of location) allows us to generalize the main results of the survey with respect to the population of the selected districts aged 18 and over with a maximum deviation of ± 3.5 per cent. There were 24 items, of which 23 were closed questions and one was an open question. Most of the closed questions required respondents to rank the options according to attractiveness, agreement or disagreement and importance.

Findings of the sociological research

According to the survey conducted on both sides of the border, respondents were fairly critical of the effectiveness of the border and customs services as well as border crossing practices (see Figure 1). Ukrainian respondents thought these were problematic or neutral, while Slovak respondents thought them less problematic or neutral. Slovak respondents evaluated the effectiveness of these services slightly more highly than Ukrainian respondents.

The survey showed there were several problems with the Ukrainian–Slovak border crossing, especially long waiting times at border checkpoints. The results showed that 66 per cent of Ukrainian and 53 per cent of Slovak respondents considered the long waits to be a serious problem and confirmed that they had often experienced it personally on both sides of the border. Among the Slovak respondents, the long waiting times were a particular problem for respondents in Michalovce District (almost 74 per cent of respondents were not satisfied with the waiting times. Only 8 per cent of Ukrainian respondents and 17 per cent of Slovaks thought it was a minor obstacle or no obstacle – these respondents rarely traveled or did not travel at all. The number of crossing points was considered to be a major problem by 30 per cent of Ukrainian respondents and 19 per cent of Slovaks. By contrast, 34 per cent of Ukrainians and 46 per cent of Slovaks considered it a minor obstacle.

Regarding the proximity of border crossings, 58 per cent of Ukrainian and 63 per cent of Slovak respondents considered it a minor obstacle or no obstacle and only 16 per cent of Ukrainian and 13 per cent of Slovak respondents considered it a big problem. Among the respondents in Slovakia, waiting times were less of a problem for citizens in

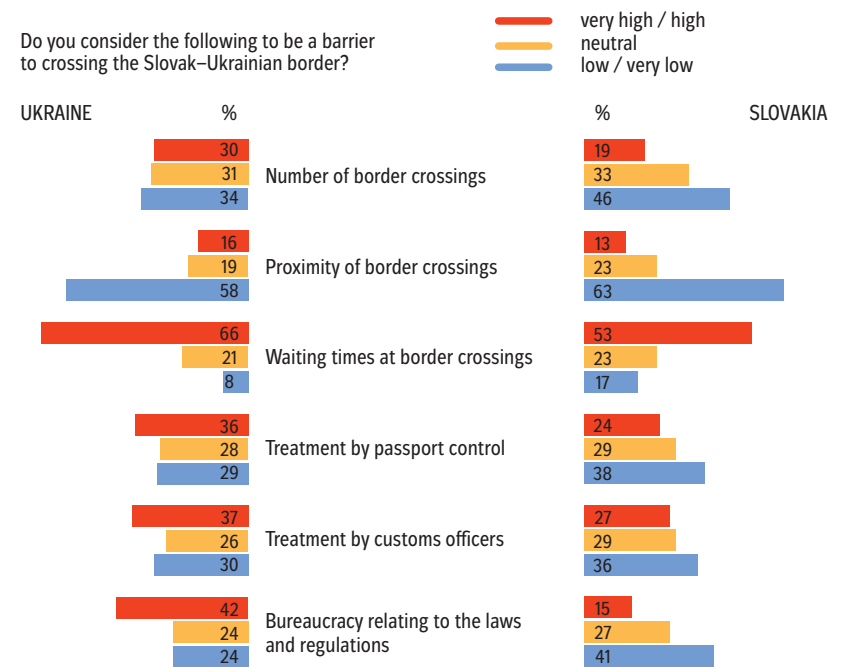
Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

410 411

Cross-border cooperation capacities of regional and local actors

Sobrance District, followed by Snina, with 78.5 per cent and 76.7 per cent respectively, thinking it was not a problem.

Figure 1. Problems with the border crossing on the Slovak–Ukrainian border



Source: Authors, based on the sociological survey data

Respondents also thought the attitudes of customs officers on the Slovak–Ukrainian border was a very big or big problem: 37.1 per cent on the Ukrainian side and 27 per cent on the Slovak side. Attitudes towards travelers at passport control was a problem for 36 per cent of Ukrainian respondents and 24 per cent of Slovaks. Bureaucracy relating to the laws and regulations at the border was considered a major obstacle by 42 per cent of Ukrainian and only 15 per cent of Slovak respondents. On the Slovak side, among the surveyed groups, the bureaucracy was considered a problem mainly by citizens in Michalovce District and as least problematic by respondents in Sobrance District.

According to Ukrainian respondents, all these problems are primarily related to the numbers passing through the checkpoints, which makes it impossible to speed up vehicle registration and passage,

with frequent breakdowns of the stationary scanning system, bureaucratic procedures at the border and customs officers working too slowly. The most critical problem for trucks is the queues, which mean they have to spend several days on the border, sometimes in queues of up to 10 km, and that needs to be addressed as soon as possible.⁶

The second question was related to the cross-border infrastructure (see Figure 2). While the Ukrainian respondents were mainly satisfied with public bus transport (33 per cent), the Slovak respondents were mainly satisfied with the telecommunication services (35 per cent). More than a quarter of Ukrainian respondents rated the telecommunications between Slovakia and Ukraine as very good or good (26 per cent). By contrast, 23 per cent of Ukrainian and 16 per cent of Slovak respondents considered the telecommunications to be poor or very poor.

412

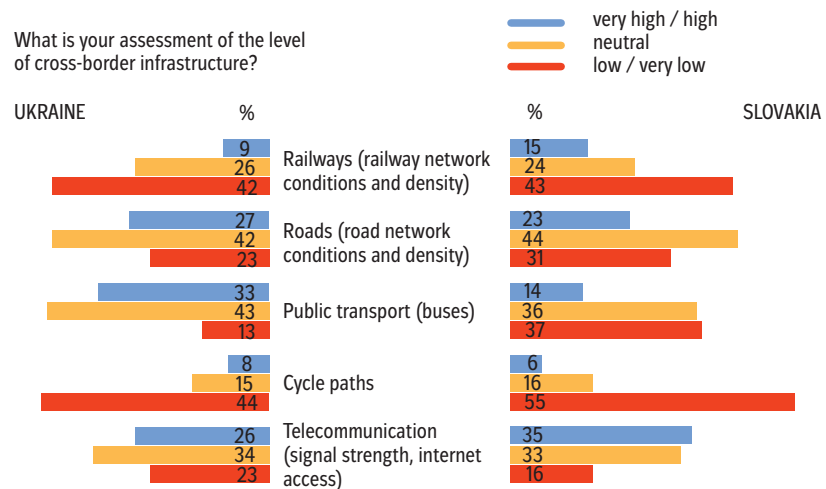
Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

6 "Черги чи корупція: що більше турбує українців на кордоні," [Queues or corruption: what worries Ukrainians at the border more] UKRINFORM, July 12, 2018. Available online: <https://www.ukrinform.ua/rubric-presshall/2493193-cergi-ci-korupcia-so-bilse-turbue-ukrainciv-na-kordoni.html> (accessed on February 24, 2024); "Від 5 тисяч гривень: на кордоні зі Словаччиною у перевізників вимагають гроші," [From 5,000 hryvnias: money is demanded from carriers at the border with Slovakia] *СтонКоп*, November 10, 2020. Available online: <https://www.stopcor.org/ukr/section-ekonomika/news-vid-5-tisyach-griven-na-kordoni-zi-slovachchinoyu-u-pereviznikiv-vimagayut-groshi-10-11-2020.html> (accessed on February 24, 2023); "На українсько-словацькому кордоні 7-кілометрова черга в напрямку України," [On the Ukrainian-Slovak border, there is a 7-kilometer queue in the direction of Ukraine] *LB.ua*, December 24, 2020. Available online: https://lb.ua/society/2017/12/24/385724_ukrainoslovatskoy_granitse.html (accessed on February 24, 2023); "The prime ministers of Ukraine and Slovakia visited the Uzhhorod – Vyšné Nemecké checkpoint on the common border," Communications Department of the Secretariat of the CMU, November 12, 2021. Available online: <https://www.kmu.gov.ua/news/premyer-ministri-ukrayini-j-slovachchini-vidvidali-na-spilnomu-kordoni-punkt-propusku-uzhgorod-vishnye-nyemecke> (accessed on February 24, 2023); "Рекетирів на кордоні поліція назвала хуліганями, а прикордонники їх взагалі не побачили (відео)," [The police called the racketeers at the border hooligans, but the border guards did not see them at all (video)] *DailyLviv.com*, October 27, 2021. Available online: <https://dailylviv.com/news/kryminal/reketyriv-na-kordoni-politsiya-nazvala-khulihanamy-a-prykordonnyky-yikh-vzahali-ne-pobachyly-sytsyliya-v-ukrayini-video-94809> (accessed on February 24, 2023).

Cross-border cooperation capacities of regional and local actors

413

Figure 2. Assessments of the cross-border infrastructure



Source: Authors, based on the sociological survey data

All other cross-border infrastructure was viewed negatively rather than positively. In particular, only 27 per cent of Ukrainian and 23 per cent of Slovak respondents rated the condition of the roads between Slovakia and Ukraine as very high or high. On the other hand, 23 per cent of Ukrainian and 31 per cent of Slovak respondents thought the road network was bad or very bad. Slovak respondents in towns with more than 20,000 inhabitants tended to hold critical opinions, with 35.5 per cent being dissatisfied with the quality and density of the road network between the countries.

Respondents were even more critical of the rail connections between the two countries, with only 9 per cent of Ukrainian and 15 per cent of Slovak respondents rating the railway connections between Slovakia and Ukraine as very good or good. On the other hand, up to 42 per cent of Ukrainian and 43 per cent of Slovak respondents considered the rail service to be poor or very poor, which reflects the overall situation with the railways,⁷ which are mainly low quality with

7 V. Khozhainova, "Україна відновила залізничне сполучення зі Словаччиною," [Ukraine has restored railway connections with Slovakia] *Суспільне Новини*, July 1, 2021. Available online: <https://suspline.media/143758-ukraina-vidnovlue-zaliznicne-spolucenna-zi-slovaccinou-ukrzaliznica/> (accessed on February 24, 2023).

poor capacity.⁸ Among the Slovak respondents, the most dissatisfied citizens were from Sobrance District (73.2 per cent of the answers).

The situation with the public bus transport is a bit better, with 33 per cent of Ukrainian, but only 14 per cent of Slovak respondents rating public transport as very high or high. On the other hand, 13 per cent of Ukrainian and 37 per cent of Slovak respondents thought public transport was bad or very bad. The most satisfied group among the respondents in Slovakia were elderly people (over 65), but even in that category the level of satisfaction was low (16.5 per cent).

The main problem for bicycle traffic across the border is the law. In Ukrainian law and international agreements with EU countries, cyclists are not mentioned as part of the cross-border traffic, except for the Mali Selmentsi–Veľké Slemence checkpoint on the border with Slovakia. The information systems used by customs and border guards do not allow them to record persons who cross the border without a vehicle. Legally, a bicycle is a personal belonging, not a means of transport. That leads to difficulties crossing the border, particularly the unpredictability (there are checkpoints where cyclists may or may not be allowed to pass depending on the decision of border guards). Another problem is the lack of infrastructure and the lack of opportunities for multimodal cycling (for example, using a train or bus as well). Therefore, only 8 per cent of Ukrainian and 6 per cent of Slovak respondents rated the bicycle paths between Slovakia and Ukraine as very good or good. On the other hand, 44 per cent of Ukrainian and 55 per cent of Slovak respondents described the condition of bicycle paths as bad or very bad.⁹

On the issue of corruption at the border checkpoints, there was a large percentage of negative assessments from the Ukrainian respondents (see Figure 3). In particular, the results showed that corruption is very high or high among Ukrainian customs officials (according to 50 per cent) and less so among Slovak customs officers (26 per cent). Slovak and Ukrainian journalists refer to the Slovak and Ukrainian sides of the border as part of the border mafia chain. The main problem is

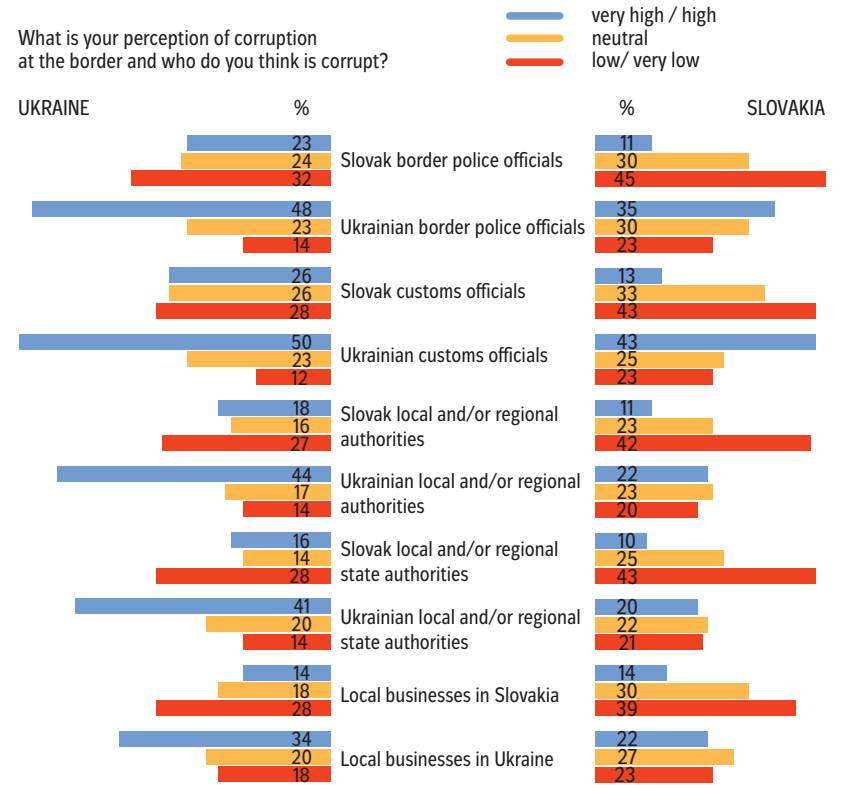
Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

414 415

Cross-border cooperation capacities of regional and local actors

officials abusing their powers and extortion.¹⁰ Ukrainians and Slovaks are much more critical of the Ukrainians officials and authorities. In general, Ukraine is a country with higher perception of corruption also according to corruption perceptions index by Transparency International.

Figure 3. Perceptions of corruption at the border



Source: Authors, based on the sociological survey data

⁸ "Problémy železničných dopravcov bude riešiť medzirezortná skupina," [The problems of railway carriers will be solved by an interdepartmental group] *TASR*, June 16, 2022. Available online: <https://www.teraz.sk/najnovsie/problemy-zeleznicnych-dopracov-bude/641346-clanok.html> (accessed on February 24, 2023).

⁹ "Велосипедний рух через кордон з ЄС," [Cycling across the border with the EU] *Europe without Barriers*, June 8, 2021. Available online: <https://europewb.org.ua/velosipednyj-ruh-cherez-kordon-z-yes/> (accessed on February 24, 2023).

¹⁰ "Безсмертно-корупційна Закарпатська митниця. Частина 1," [The immortally corrupt Transcarpathian Customs. Part 1] *Незалежна Служба Новин*, May 15, 2022. Available online: <https://bloginside.in.ua/Безсмертно-корупційна-Закарпатська/> (accessed on February 24, 2023); "Митниця залишається однією з найбільш корумпованих систем' – Кушнірук," ['Customs remains one of the most corrupt systems' – Kushniruk] *Незалежна Служба Новин*, April 22, 2022. Available online: <https://bloginside.in.ua/Митниця-залишається-однією-з-найбільш/> (accessed on February 24, 2023). "Словацький журналіст розповів про корупцію та кримінал на словацько-українському кордоні на Закарпатті," [A Slovak journalist talked about corruption and crime on the Slovak-Ukrainian border in Transcarpathia] *Незалежна Служба Новин*, December 14, 2022. Available online: <https://bloginside.in.ua/Словацький-журналіст-розповів-про-ко/> (accessed on February 24, 2023).

Perceptions of border police officials are similarly negative. Ukrainian respondents had negative perceptions of Ukrainian officials, with 48 per cent of respondents perceiving Ukrainian border guards to be corrupt, but they thought only 23 per cent of Slovak border guards were corrupt. Slovak respondents (35 per cent) thought Ukrainian border police were more corrupt than Slovak officials, while 11 per cent of respondents thought Slovak officials were corrupt.

The picture is no better when it comes to local and regional authorities, with 44 per cent of Ukrainian respondents noting a very high or high level of corruption among local and regional authority officials in Ukraine and 41 per cent among state officials in the regions in Ukraine. In Slovakia, the figures are very much different, 10 per cent considered state authorities within the region to be corrupt and 11 per cent thinking the same of the local regional authorities.

One third of Ukrainian respondents thought Ukrainian businesses were very or mostly corrupt, but only 14 per cent perceived corruption among local businesses in Slovakia. In Slovakia 14 per cent of respondents perceiving Slovak businesses to be corrupt and 22 per cent perceiving Ukrainian business to be corrupt.

Figure 4. Impact of illegal cross-border activities on the situation in border areas



Source: Authors, based on the sociological survey data

Figure 4 shows the impact of illegal cross-border activities. According to Ukrainian respondents, illegal cross-border activities have a very large or large impact on the situation in border areas. In particular, illegal cross-border activities (smuggling goods and people across the border) have a very or very large impact on crime and public safety in the border region for up to 28 per cent of Slovak respondents and 47 per

cent of Ukrainians. Among the Slovak respondents, this is a particular concern for people living in municipalities of between 5,000 and 20,000 inhabitants, where 43 per cent of respondents think there is a strong connection between illegal activities and threats to safety.

Perceptions of the effect of illegal activities on organized crime, corruption and local government transparency are similar, with 37 per cent of Slovaks (mostly in Michalovce District, in almost 48 per cent cases) and as much as 60 per cent of Ukrainian respondents seeing it as a problem. Moreover, 34 per cent of Slovak and 61 per cent of Ukrainian respondents thought the shadow economy (impact on prices of goods and services) had a high and very high impact. Illegal cross-border activities were often assumed to have little or no effect on local labor market competition and unemployment.¹¹ However, in Ukraine 52 per cent thought illegal activities had an impact on local markets and unemployment.

When it comes to effective communication between authorities and citizens, respondents in both countries differed in their views about the effective mechanisms of communication between residents of border areas and border authorities for solving everyday border management problems in the border areas (see Figure 5). According to the respondents in both countries, the most effective ways of communication are those that actively involve both parties in the process. In particular, meetings with citizens were thought to be very effective by 51 per cent of Ukrainian respondents and 39 per cent of Slovaks. In Slovakia, this was the preferred option, especially among citizens living in municipalities of between 1,000 and 5,000 inhabitants and in Michalovce District. In both of these groups, more than 45 per cent gave positive answers on in-person meetings.

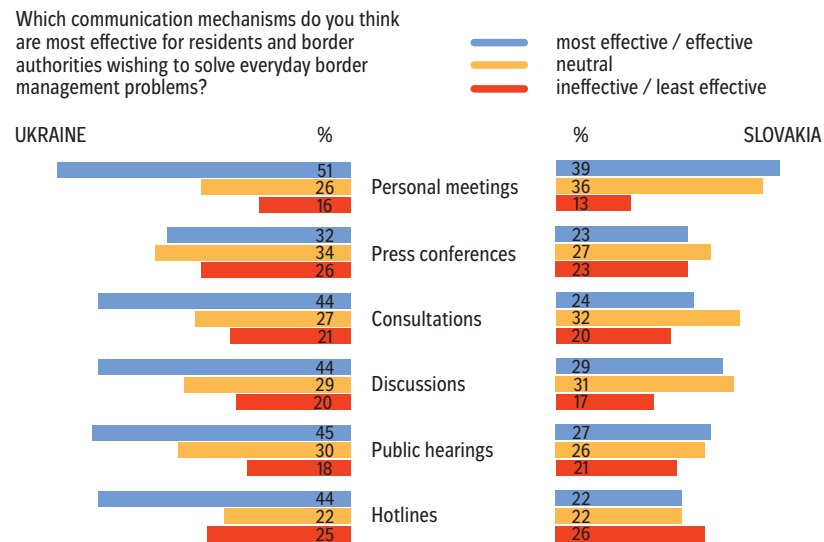
Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Cross-border cooperation capacities of regional and local actors

¹¹ J. Loginov, "В Україну через Словаччину," [To Ukraine through Slovakia] *Nasze Słowo*, November 12, 2016. Available online: <https://nasze-slowo.pl/v-ukrainu-cherez-slovachchinu/> (accessed on February 24, 2023); "Словацький журналіст розповів про корупцію та кримінал на словацько-українському кордоні на Закарпатті," op. cit.

Moreover, about a quarter of Slovak respondents think that discussions (29 per cent), public hearings (27 per cent) and consultations (24 per cent) are very effective and efficient ways of communicating. Ukrainian respondents believe that discussions (44 per cent), public hearings (45 per cent), consultations (44 per cent) and hotlines (44 per cent) are very effective or efficient means of communication.

Figure 5. Effectiveness of means of communication between residents and authorities in border areas



Source: Authors, based on the sociological survey data

The least preferred option among Ukrainian respondents was press conferences given by officials. This interesting finding suggests that people prefer in-person modes, as press conferences are a one-way medium with no direct involvement.

Another area that we investigated was reasons for crossing the border. Residents of the Ukrainian and Slovak border regions tended to cross the border for personal reasons (visiting relatives, shopping, hiking, etc.; see Figure 6). The majority of respondents in Slovakia (59 per cent) crossed the border to visit cross-border areas in Ukraine, and the majority of Ukrainians (75 per cent) crossed the border to visit cross-border areas in Slovakia. In Slovakia, this was highest among citizens in Sobrance District (almost 70 per cent), and in Ukraine it applied almost equally to Mukachevo. This can be explained partly by

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

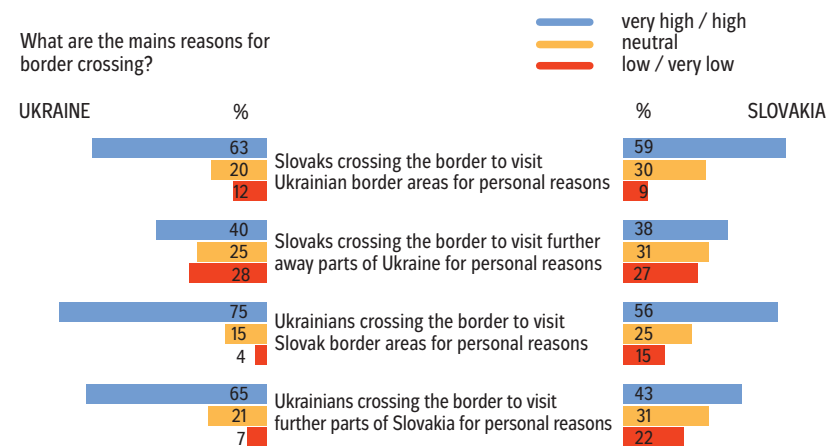
418

Cross-border cooperation capacities of regional and local actors

419

the visa-free regime and partly by the local border traffic agreement in place since 2008 (most recently amended on July 31, 2019).¹²

Figure 6. Reasons for crossing the border



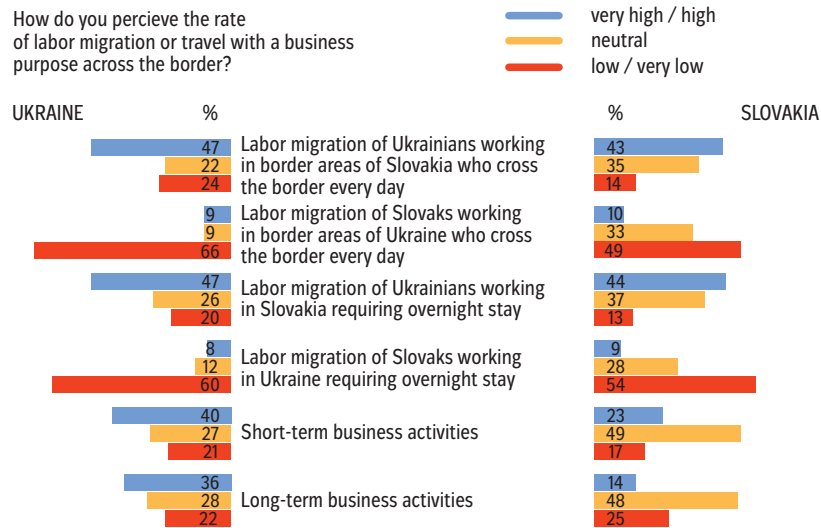
Source: Authors, based on the sociological survey data

There are noteworthy differences in the number of people crossing the border. The largest category is Ukrainians who work in the Slovak border area and cross the border on a daily basis – according to 47 per cent of Ukrainian and 43 per cent of Slovak respondents (see Figure 7). Among the Slovak respondents, almost 70 per cent of respondents in Sobrance District think Ukrainians cross the border for work. Opinions relating to the smallest category of reasons for crossing the border were similar, with people thinking that few Slovaks work on the Ukrainian side of the border. Only 8 to 10 per cent of respondents in both border regions thought there were Slovaks who worked in Ukraine and crossed the border daily or stayed for several days or more. In Ukraine, the figures were 60 per cent and

¹² “Угода між Україною та Словацькою Республікою про внесення змін до Угоди між Україною та Словацькою Республікою про місцевий прикордонний рух від 30 травня 2008 року,” [Agreement between Ukraine and the Slovak Republic on amendments to the Agreement between Ukraine and the Slovak Republic on local border traffic dated May 30, 2008] Verkhovna Rada of Ukraine, 2008. Available online: https://zakon.rada.gov.ua/laws/show/703_001-19#Text (accessed on February 24, 2023).

66 per cent of respondents, with 54 per cent and 49 per cent thinking that the numbers of cross-border workers from Slovakia needing overnight accommodation or crossing the border, was very small or negligible. Most Slovak respondents reporting that Slovaks traveled to Ukraine for work lived in Humenné District. The answers can be explained by the fact that the pay is much higher in Slovakia, as it is an EU country, and many Ukrainians living in the border regions are interested in working in Slovakia and living in Ukraine. These answers were mostly given by respondents in municipalities with less than 1,000 inhabitants, where finding work is harder.

Figure 7. Crossing the border for work or business



Source: Authors, based on the sociological survey data

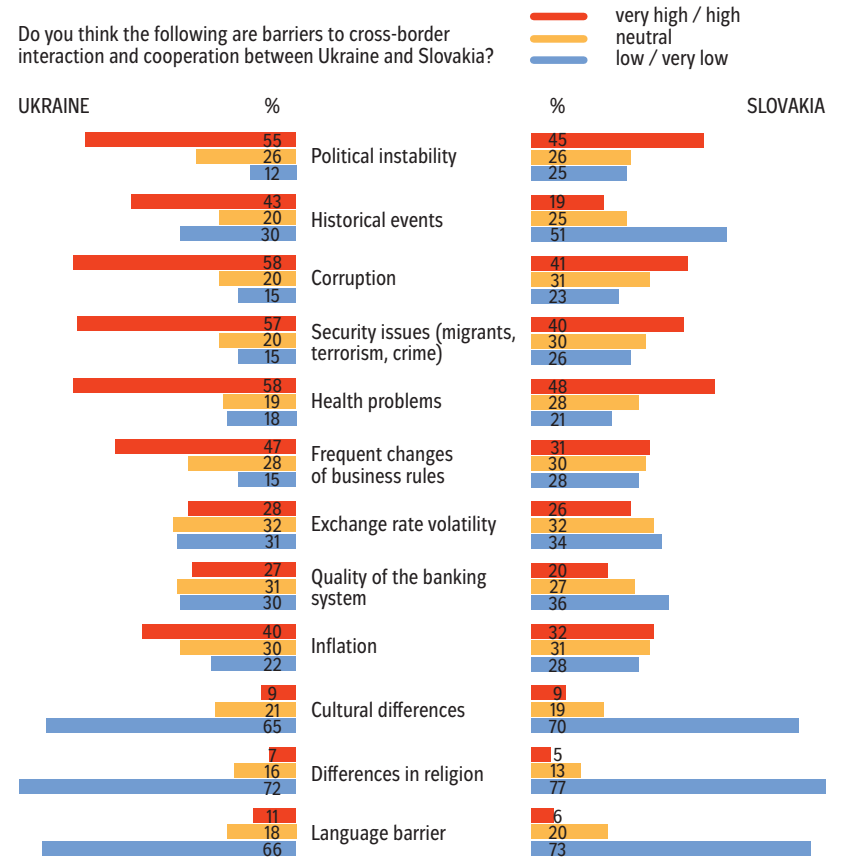
People perceived more Ukrainians than Slovaks crossing the border for business, whether short-term or long-term, and had to stay in the country. More than a third of Ukrainian respondents thought a large or very large proportion crossed the border for short-term business purposes (local traders selling products on the other side of the border during short trips) (40 per cent) and long-term business purposes (business on the other side border requiring a long stay) (36 per cent). Slovak answers to this question differed. Almost half of respondents thought the numbers crossing for business purposes was neither high nor low with the mean engaging in short-term business – 49 per cent of respondents – and long-term business (business on the other side of the border requiring a long stay) – 48 per

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

420 421

cent. These days, many people register or expand their businesses abroad, but that is clearly not widely known, which is why there is a difference in respondents' views on either side of the border.

Figure 8. Barriers to the development of border areas



Source: Authors, based on sociological survey data

There are many factors affecting the intensity of cooperation in the Slovak-Ukrainian border regions, including major obstacles. The majority of the Ukrainians surveyed (55–58 per cent) thought health (the spread of disease, viruses, epidemics), security (migrants, terrorism, crime), corruption (taking bribes – customs officers, policemen, officials) were very big or big obstacles (see Figure 8). Slovak respondents held the same opinion, but not to the same extent, which was true for a number of other issues as well. The main difference is the

Cross-border cooperation capacities of regional and local actors

ranking. Health comes first for both Ukrainians and Slovaks (58 per cent and 48 per cent, respectively). But these answers were skewed by the Covid-19 pandemic, as the survey was conducted in the winter 2021/2022.

Corruption also came first for Ukrainians (58 per cent) and third in Slovakia (41 per cent). Political instability was second for Slovaks, 45 per cent, whereas for Ukrainians it was third (55 per cent). It is worth noting that corruption ranked highest for Ukrainians in a study conducted in 2019.¹³ Factors that were negligible or that cannot be considered an obstacle were cultural differences, religious differences, and the language barrier. These aspects are crucial for good relations and common understanding.

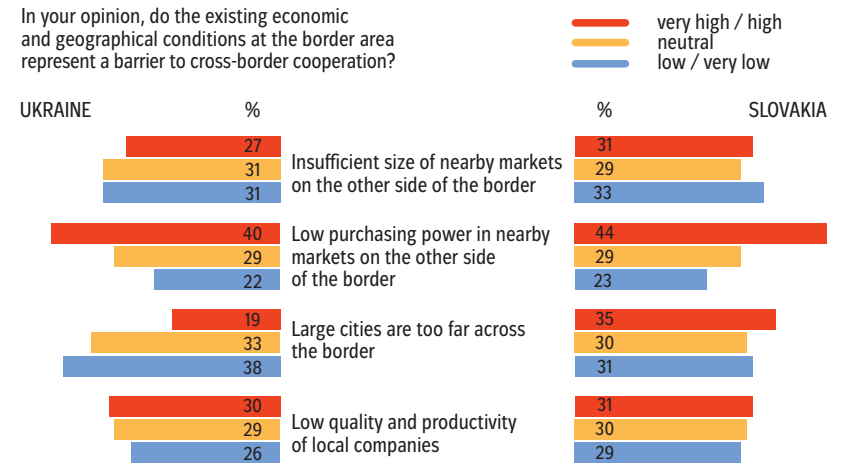
The list is far from exhaustive, but the similar views among respondents on both sides of the border is good reason for stakeholder to take them into account when making decisions or implementing programs and projects. The economic and geographical conditions were usually considered relevant to cross-border cooperation (see Figure 9). However, the same respondents thought the low purchasing power of the population on the other side of the border (being unable to afford purchases) was a very big or big obstacle. This was the view among 40 per cent of the Ukrainians and 44 per cent of the Slovaks. Interestingly, these answers were more common in Slovak municipalities of between 1,000 and 5,000 inhabitants and among degree-holders, whereas in Ukraine they were more common in cities with more than 20,000 inhabitants and among other ethnic groups (non-Ukrainians). Just over a third of Ukrainians (38 per cent) thought that the fact that the larger cities with a richer population were situated far from the border was only a minor obstacle or no obstacle. Only 19 per cent of Ukrainians thought distance was a problem, compared to 35 per cent of Slovak respondents (especially in Trebišov District and municipalities of between 1,000 and 5,000 inhabitants). In Ukraine, the majority of respondents in Uzhhorod and Mukachevo Districts held this view. Furthermore, comparable numbers of Slovaks and Ukrainians thought neighboring markets were underdeveloped (limited supply of goods and services, small product range).

13 A. Duleba, ed., *Cross-Border Cooperation between Slovakia and Ukraine: Volume II: Impact of intergovernmental relations*. Prešov: Prešov University Publishing House, 2019, p. 170. Projects: "EU-Ukraine Association Agreement and the Slovak-Ukrainian cross-border cooperation: impacts and opportunities," APVV-15-0369. Available online: https://www.researchgate.net/publication/341161640_Cross-Border_Cooperation_between_Slovakia_and_Ukraine_Volume_II_Impact_of_intergovernmental_relations (accessed on February 24, 2023).

422 Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

423 Cross-border cooperation capacities of regional and local actors

Figure 9. Economic and geographical barriers to development



Source: Authors, based on sociological survey data

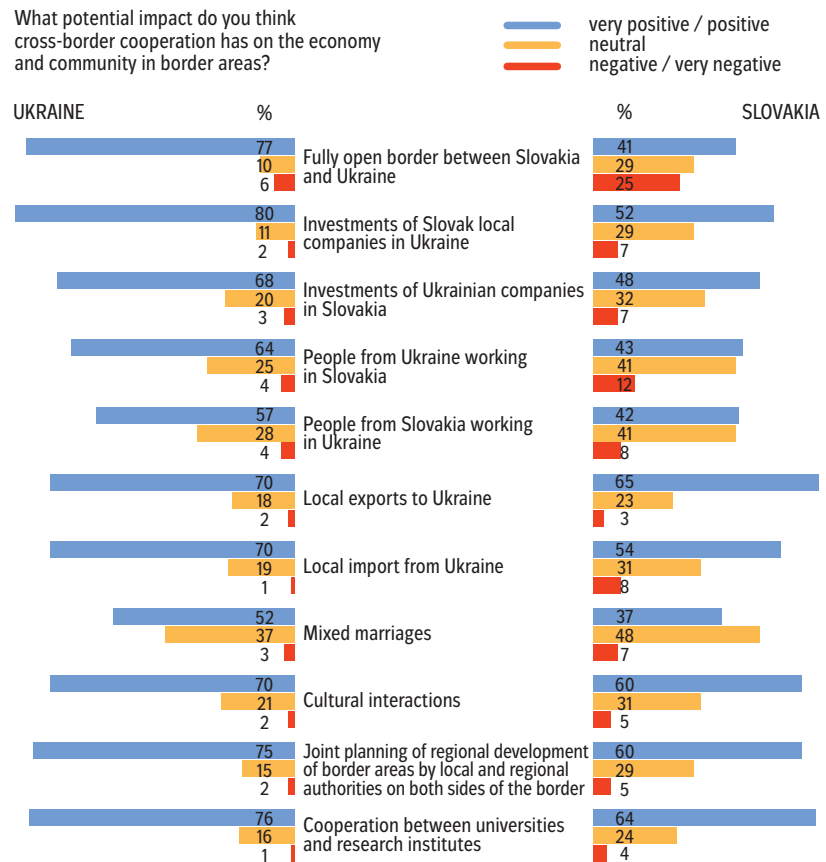
Another set of questions was dedicated to what one might call the prospects for cross-border cooperation, including factors that could benefit (or even harm) the potential for cross-border relations, particularly, economic and social cooperation in the border areas (see Figure 10). The 11 factors were viewed positively by a majority of Ukrainians (from 52 per cent to 80 per cent), who thought they would have a very positive or positive impact. The respondents in Slovakia were more critical, with positive answers ranging from 37–65 per cent.

For Ukrainian respondents, the most important factor was Slovak companies investing in Ukraine, 80 per cent of whom thought this was positive. On the Slovak side, the most important factor was local exports to Ukraine, with 65 per cent viewing this positively. The least important factor was mixed marriages, for both countries.

From the perspective of the Ukrainian respondents, having a fully open border between Slovakia and Ukraine was important and came second with 77 per cent of the answers, followed by cooperation between universities and research institutes (76 per cent) and joint planning of regional development (75 per cent). Among the Slovaks, an absolute majority (over 50 per cent) thought only 6 out of the 11 options would have a positive or very positive impact. Apart from local exports to Ukraine, the following were considered important: cooperation between universities and research institutes (64 per cent), cultural interactions (cultural or sports events, festivals, pilgrimages, exhibitions)

and the joint planning of the regional development of the border areas by local and regional authorities on both sides of the border (with 60 per cent for each).

Figure 10. Potential impact of certain factors on cross-border cooperation development



Source: Authors, based on the sociological survey data

Very few people thought these factors would have a negative impact, although 25 per cent of Slovaks and 6 per cent of Ukrainians thought a fully open border would have a negative or very negative impact. Many Slovaks thought the 11 factors would have neither a positive nor a negative impact. Around third of respondents in Slovakia gave this answer. As can be seen from the survey, the answers differ in potential impact accorded to a number of factor and on the proportion

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

424

Cross-border cooperation capacities of regional and local actors

425

holding the same view. There is more diversity of opinion among the Slovaks, with a higher proportion of neutral responses. Most of the answers by the Slovaks and Ukrainians on the potential impact are in line with two of the three ENI CBC strategic goals and thematic goals in the European Neighborhood Instrument (ENI) regulation adopted in March 2014.¹⁴

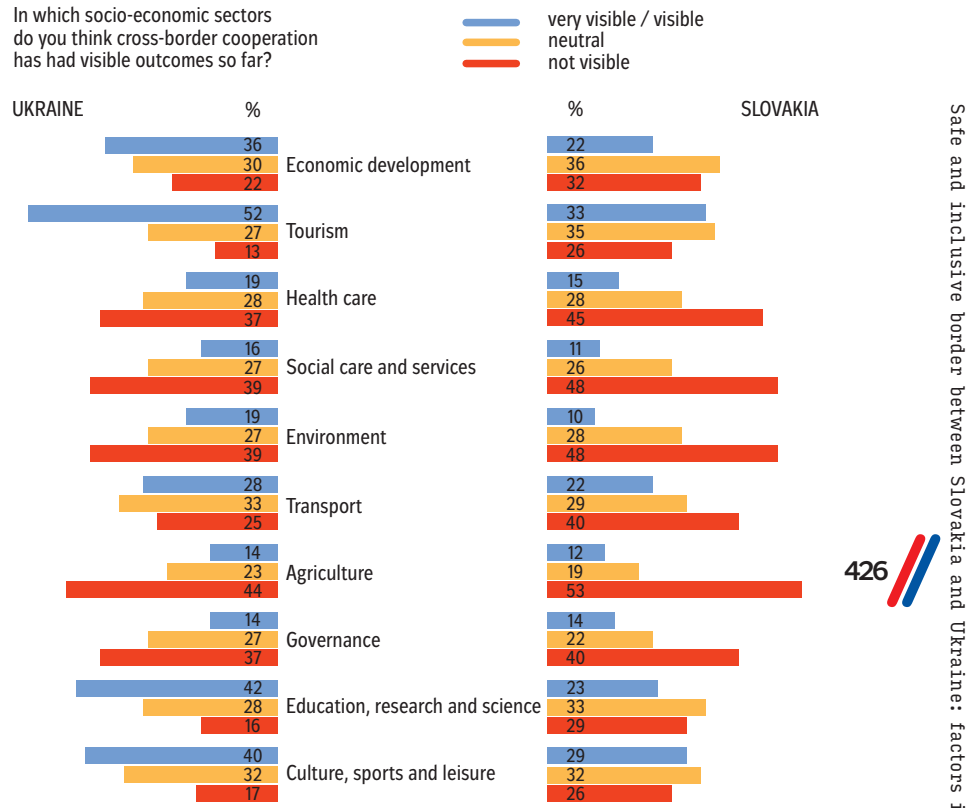
The impact of cross-border cooperation has affected the socioeconomics of the border areas differently. This is despite the priority directions of the cross-border programs over the past ten years being aimed at many areas – local culture and preservation of historical heritage, rational use of natural resources, economic development and tourism, health care, education, science and research, agriculture, fostering a responsible consumption culture, monitoring, forecasting and preventing natural disasters, natural and human-induced disasters, emergency situations, energy efficiency, implementation of environmentally friendly technologies, energy production from renewable sources¹⁵ and a number of others.

According to the survey, so far cross-border cooperation has so far had the most visible results in tourism, followed by culture, sports, leisure, education, science and research (see Figure 11). The majority of respondents thought cross-border cooperation had been most successful in tourism. More than a third of respondents in Slovakia (33 per cent) and more than half in Ukraine (52 per cent) thought cross-border cooperation had led to the development of tourist facilities and that there was a high or noticeable number of tourists. It is worth emphasizing that the highest rates were reported in Michalovce District, Mukachevo and Mukachevo District, particularly among young people. In these regions, and more generally, achievements in culture, sports and leisure were also positively evaluated on the Slovak side (by 29 per cent) and 40 per cent on the Ukrainian side. Among the Slovak respondents, those living in municipalities with 1,000 to 5,000 inhabitants tended to evaluate tourist development more positively.

14 “Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing the European Neighbourhood Instrument,” *Official Journal of the European Union*, L 77/27, March 11, 2014. Available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0232> (accessed on February 24, 2023).

15 “Постанова Кабінету Міністрів України Про затвердження Державної програми розвитку транскордонного співробітництва на 2021–2027 роки,” [Resolution of the Cabinet of Ministers of Ukraine on approval of the State program for the development of cross-border cooperation for 2021–2027] Verkhovna Rada of Ukraine, April 14, 2021. Available online: <https://zakon.rada.gov.ua/laws/show/408-2021-n?lang=en#Text> (accessed on February 24, 2023).

Figure 11. Evaluation of visible outcomes of cross-border cooperation



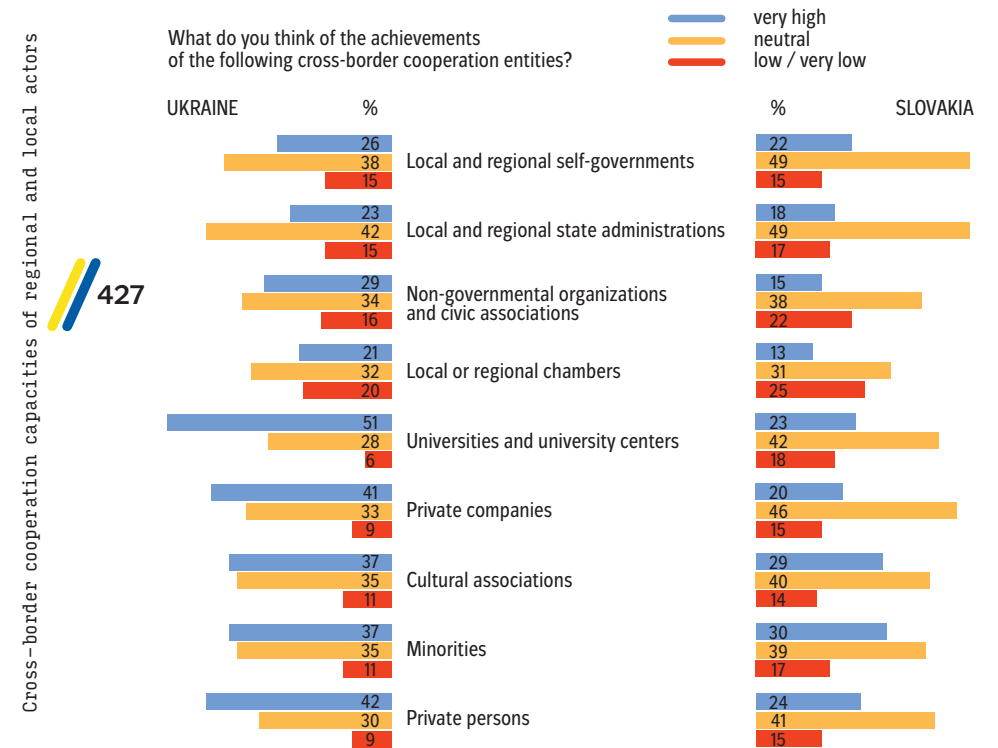
Source: Authors, based on the sociological survey data

A substantial percentage of respondents from the Ukrainian side of the border (42 per cent) thought there had been visible results in education, science, and research, particularly in Uzhhorod and Mukachevo Districts, and a substantial percentage of the visible results of cooperation can be attributed to the involvement of educational institutions in cross-border cooperation and projects.¹⁶ Uzhhorod National University, comprehensive schools and preschools have all participated in cross-border educational and research activities.

¹⁶ For more See official website of Hungary–Slovakia–Romania–Ukraine ENI CBC Programme 2014–2020. Available online: <https://huskroua-cbc.eu> (accessed on February 24, 2023).

About a fifth of Slovak respondents (23 per cent) noted significant results in education and science, especially inhabitants of municipalities with 1,000 to 5,000 inhabitants. Cross-border cooperation outcomes were also partially observed in transport infrastructure in border areas (22 per cent on the Slovak side, 28 per cent on the Ukrainian side). Opinions differed on economic development, with only 22 per cent of respondents in Slovakia and 36 per cent of Ukrainian respondents rating trade, investment and employment positively.

Figure 12. Successful actors in cross-border cooperation



Source: Authors, based on the sociological survey data

The results of cross-border cooperation in health care, particularly hospitals and medical and rehabilitation facilities, were quite similar on both sides of the border and leave much to be desired. Less than 20 per cent of the population of the border areas in Slovakia and Ukraine could see notable achievements, and around 40 per cent of respondents said there were no results or barely visible results in health-care. According to experts health-care cooperation will be

the focus of upcoming cross-border programs. The impact of cross-border cooperation on local and regional government was evaluated identically in both border areas – with 14 per cent of Slovak and Ukrainian respondents reporting visible results and 40 per cent and 37 per cent respectively reporting no results. A small number of people reported positive changes in agriculture, with about half of the respondents on both sides feeling dissatisfied at the pace of cross-border relations between farmers and other agricultural stakeholders. In Slovakia, respondents in Sobrance District were most critical of the agricultural development and saw no positives at all. Social care and social services need significant improvement as does environmental protection. As much as 48 per cent in Slovakia and 39 per cent in Ukraine could see no obvious the changes in these spheres. Cross-border social services were perceived as worst by respondents in Snina, Sobrance and Trebišov Districts and in municipalities of up to 1,000 inhabitants. Further planning to improve and enhance Slovak–Ukrainian cross-border cooperation should take this urgent need into account. Improvements to agricultural productivity and health-care and environmental safety should be considered first.

In these spheres, there are varying degrees of success among cross-border cooperation actors (see Figure 12). The majority of respondents in Slovakia thought ethnic minorities, religious and ethnic groups and cultural associations were successful at cross-border cooperation. In Ukraine, universities and university centers, individuals and private companies did a little bit better than the ethnic minorities, religious organizations and cultural associations and were considered to be more successful at cross-border cooperation.¹⁷ On the other hand, local and regional chambers, local and regional state administrations and local and regional self-government bodies were either considered to be moderately successful or unsuccessful on both sides of the border. This is primarily because expectations are much higher. About a third of respondents in Slovakia (30 per cent) and Ukraine (37 per cent) thought that minorities (ethnic minorities and religious groups, and their organizations) were very successful or successful at cross-border cooperation. Views of cultural unions and associations were similar, with 29 per cent and 37 per cent respectively considering their cross-border cooperation successful.

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation



Cross-border cooperation capacities of regional and local actors



However, a striking number of Slovak respondents were neutral, which may indicate a lack of knowledge about cross-border cooperation and projects in the border area. On the other hand, a relatively high number of Ukrainian respondents thought universities were successful. Not only do they win projects, but as the survey results show their work is well-communicated and visible to ordinary citizens.

About half of the Ukrainian respondents thought universities, university centers (51 per cent), individuals (42 per cent) and private companies (41 per cent) were very successful. Slovak respondents also thought individuals tended to be more successful than unsuccessful, 24 per cent rated them as very successful or successful, 23 per cent thought the same of universities and university centers in Slovakia. Ukrainian (29 per cent) and Slovak (15 per cent) respondents put non-governmental organizations and social associations in this category. The success of local and regional authorities was assessed as quite low – 26 per cent in Ukraine and 22 per cent in Slovakia. Moreover, 23 per cent and 18 per cent of respondents voiced support for local and regional state administrations. About a third of respondents thought local and regional chambers, chambers of commerce and professional associations achieved average success rates.

Figure 13. Forms of cross-border cooperation support



Source: Authors, based on the sociological survey data

When it comes to direct support for cross-border cooperation, border region residents were unanimous in thinking that various forms were beneficial for cross-border cooperation on the Slovak–Ukrainian border: first came direct financial support for cross-border cooperation projects carried out by local and regional entities – municipalities, cities, communities, regions, enterprises, non-profit organizations, according

¹⁷ For more see official website of Transcarpathian Regional State Administration. Available online: <https://oda.carpathia.gov.ua/storinka/yevropeyskyy-institut-susidstva> (accessed on February 24, 2023); and at the official website of Uzhhorod National University: <https://www.uzhnu.edu.ua/uk/cat/irelations-projects> (accessed on February 24, 2023).

to a majority of respondents in Slovakia and the overwhelming majority in Ukraine (see Figure 13). A stable and favorable legal environment is thought to have a positive effect on cross-border cooperation. Exactly half of the respondents in Slovakia thought this was a useful form of support, and in Ukraine the figure was 76 per cent. Developing local and regional actors' potential for implementing cross-border cooperation projects was considered useful by 50 per cent of respondents in Slovakia and 75 per cent in Ukraine.

Among the Slovak respondents, two groups in particular thought better support was needed: people with university degrees thought support should be provided through directly financed projects and people in Michalovce District would welcome national government support (almost 70 per cent of the answers). However, some respondents thought such support was useless: about a tenth of Slovak respondents and four per cent of Ukrainians. A large proportion of Ukrainians could not answer the question about the potential of local and regional actors for implementing cross-border cooperation projects.¹⁸

There were very different results on perceptions of the organizations related to cross-border development (see Figure 14). Ukrainians rated the EU as providing the highest level of support for cross-border cooperation, according to half of the respondents. On the other hand, the Slovak side rated local and regional authorities as giving the highest support for cross-border cooperation. Survey participants' assessments of the actors involved in supporting cross-border cooperation indicate a lack of knowledge on the topic. Respondents either knew less or did not want to provide answers, as indicated by many neutral responses.

When it comes to perceptions of the EU, Slovakia and Ukraine being reliable partners, respondents on the Slovak side of the border were more critical of Ukraine than vice-versa, but they were also more critical of the EU (see Figure 15). Only 47 per cent of respondents in Slovakia thought the EU was a reliable partner toward Ukraine, compared to 71 per cent of respondents in Ukraine. On the other hand, 16 per cent of respondents in Slovakia thought Ukraine cannot consider the EU a reliable partner, compared to 6 per cent of respondents in Ukraine. The most positive views among respondents in Slovakia

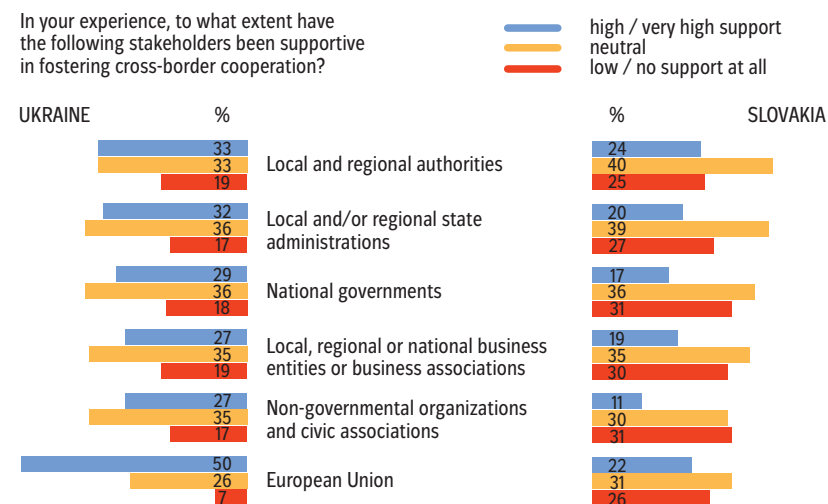
Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation.

430   431  

Cross-border cooperation capacities of regional and local actors

came from Michalovce District (55.5 per cent) and municipalities of 1,000 to 5,000 inhabitants (55.6 per cent). Those most critical of the idea the EU is a reliable partner to Ukraine were university degree holders (more than 25 per cent) and inhabitants of towns with more than 20,000 inhabitants (23.4 per cent).

Figure 14. Supporting stakeholders and cross-border cooperation organizations



Source: Authors, based on the sociological survey data

Looking further at perceptions of EU-Ukrainian relations, 22 per cent of respondents in both Slovakia and Ukraine did not consider Ukraine a reliable partner to the EU. But 46 per cent of Ukrainians thought Ukraine was reliable; a much higher number than among respondents in Slovakia, of whom only 26 per cent thought Ukraine was trustworthy. However, these attitudes may have changed considerably following the Russian invasion and the EU leaders' decision to grant Ukraine candidate status in June 2022.¹⁹ Interestingly, Ukrainian respondents thought themselves a less reliable partner than Slovakia; only 53 per cent of Ukrainian respondents thought

¹⁸ "Проекты трансграничной співпраці ЄС: чому вони неефективні в Україні," [Cross-border cooperation projects: why they are ineffective in Ukraine] *Європейська правда*, August 16, 2018. Available online: <https://www.eurointegration.com.ua/experts/2018/08/16/7085038/> (accessed on February 24, 2023).

¹⁹ J. Rankin, "Ukraine's future is in the EU: Zelenskiy welcomes granting of candidate status," *The Guardian*, June 23, 2022. Available online: <https://www.theguardian.com/world/2022/jun/23/eu-leaders-ukraine-candidate-status-russian-attack> (accessed on February 24, 2023).

Ukraine was a reliable and trustworthy partner to Slovakia, while 65 per cent thought Slovakia was a reliable and trustworthy partner to Ukraine. That is a remarkable critical opinion. Respondents from Slovakia were much more positive about their own country, with 68 per cent considering Slovakia a reliable and trustworthy partner to Ukraine (similar to the Ukrainian perceptions).

Those most confident about their own country were respondents from municipalities of 1,000 to 5,000 inhabitants and Michalovce District and middle-aged people, approximately 73 per cent of whom gave positive answers. Inhabitants of Snina District were more negative with 10 per cent not considering Slovakia to be a reliable partner to Ukraine, which is relatively high given that 4 per cent was the average. Respondents in Slovakia share a more cautious approach toward Ukraine, as only 37 per cent of them saw Ukraine as a reliable and trustworthy partner to Slovakia. Their perceptions were not entirely negative, as 43 per cent were neutral. Slovak respondents in municipalities with less than 1,000 inhabitants (46 per cent) had the most positive perceptions of Ukraine.

The visa-free regime between Ukraine and the EU member states came into effect on June 11, 2017. That means Ukrainian biometric passport holders wishing to travel to the Schengen zone (including Slovakia since December 2007) for a short stay do not need a visa.²⁰ Ukrainian respondents positive evaluated the visa-free regime. Indeed, this question received the most evaluations of the whole questionnaire, with only one per cent expressing a negative view. Positive or very positive answers were expressed by 77 per cent of respondents. Conversely, only 45 per cent of Slovaks evaluated this positively, with 35 per cent remaining neutral (see Figure 16). One explanation could be that they did not think the visa-free regime benefited themselves or their families.

Ukrainians (77 per cent) were much more positive in their assessments of the visa-free regime than Slovaks, 45 per cent of whom thought it very positive or positive. Ukrainians may have been more positive because of the new opportunities for Ukrainians to visit not only Slovakia, but also other EU countries, as Slovakia has been part

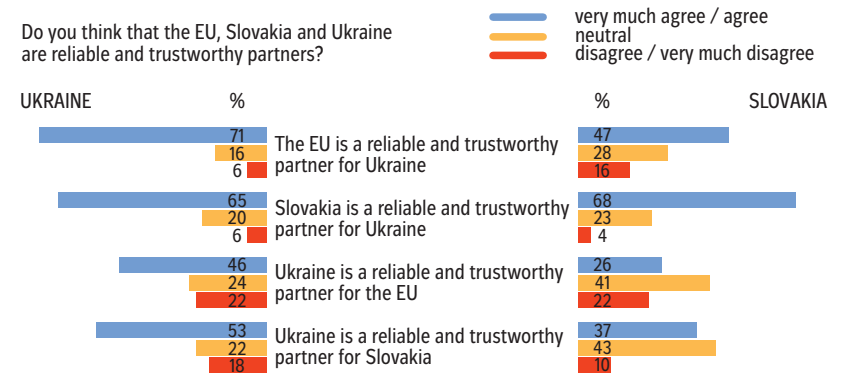
Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation



Cross-border cooperation capacities of regional and local actors

of Schengen since 2007. As more people prefer road transportation²¹, driving through neighboring countries (including Slovakia) is a convenient way of reaching other EU countries.

Figure 15. Reliability and trust



Source: Authors, based on the sociological survey data

While the visa-free regime was not perceived negatively in Ukraine (only 1 per cent of respondents shared this view), in Slovakia 11 per cent of all the answers were negative. Middle-aged respondents (13 per cent) were particularly negative, as were inhabitants of Sobrance District (16 per cent of respondents had negative views and 25 per cent positive views). On the other hand, respondents in Michalovce District were most positive among Slovak respondents (56 per cent positive views compared to 8 per cent negative views). That could be explained by the fact that people living in Michalovce travel to Ukraine for leisure or shopping.

Looking more closely at the reasons for the negative and positive stances on the visa-free regime, two types of answers can be identified (see Figure 17). Respondents from both countries agreed the visa-free regime had expanded the possibilities for legal economic and trade cooperation – 71 per cent of Ukrainian and 63 per cent of Slovak

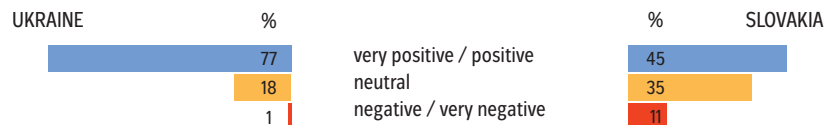
²⁰ "Visa liberalisation with Moldova, Ukraine and Georgia," European Commission, 2017. Available online: https://ec.europa.eu/home-affairs/policies/international-affairs/collaboration-countries/visa-liberalisation-moldova-ukraine-and-georgia_en (accessed on February 24, 2023).

²¹ "Ukrajinci už do Únie cestujú bez víz," [Ukrainians are already traveling to the Union without visas] *Euractiv*, June 12, 2017. Available online: <https://euractiv.sk/section/mobilita/news/ukrajinci-uz-unie-cestuju-bez-viz/> (accessed on February 24, 2023).

respondents. This view was popular in Michalovce District, where 75.5 per cent of respondents agreed with the statement. Ethnic Hungarians in Slovakia were more positive with 72 per cent agreeing.

Figure 16. Assessment of the visa-free regime

Overall, how would you assess the impact of the visa-free regime (in force since 2017) on the development of relations and cooperation between Ukraine and the EU?



Source: Authors, based on the sociological survey data

However, respondents also felt the visa-free regime had created opportunities for illegal activities: this view was shared by 46 per cent of Ukrainians and 53 per cent of Slovaks. The highest rate was for Michalovce District, where almost 66 per cent of respondents shared this view, followed by ethnic Hungarians (more than 61 per cent), those with a high-school education and the over 65s.

Figure 17. Impact of the visa-free regime

In your opinion, what impact did the visa-free regime have on cross-border relations and cooperation between Slovakia and Ukraine?



Source: Authors, based on the sociological survey data

Interestingly, both countries share a similar view of cheap labor and about a third of respondents in both countries agreed it was a consequence of the visa-free regime. However, about one third in both countries disagreed, so it seems to be a very divisive issue among

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation.

434

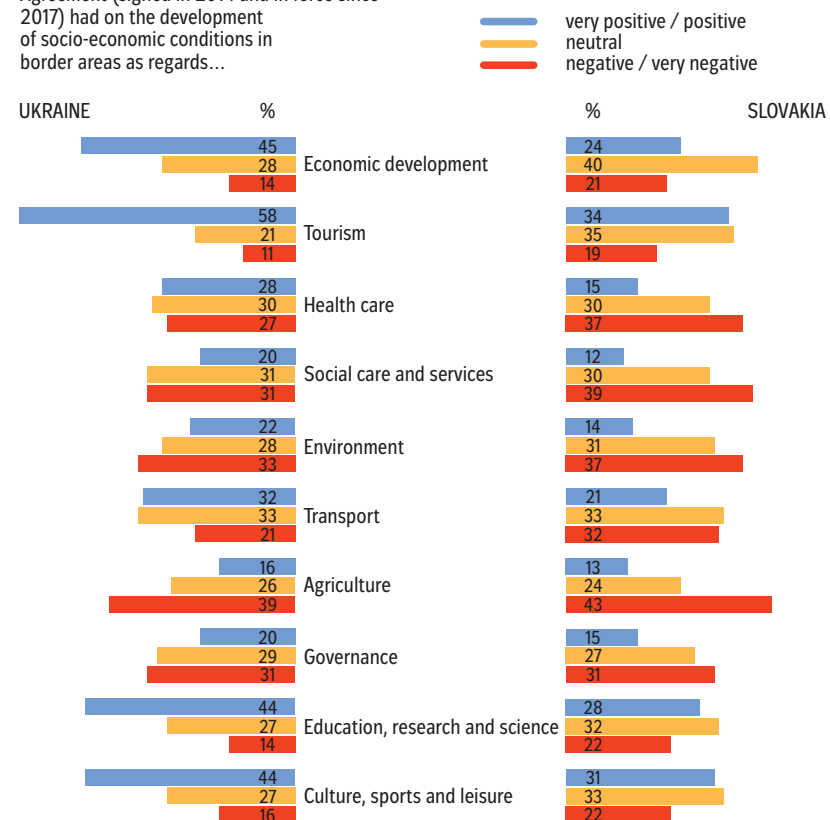
Cross-border cooperation capacities of regional and local actors

435

the population, but similar in both countries. The highest disagreement was again found among the ethnic Hungarian population in Slovakia, at more than 48 per cent of respondents, followed by municipalities of 1,000 to 5,000 inhabitants (41 per cent). Interestingly, in Sobrance District more than 23 per cent refused to or could not answer this question. That is a very high percentage, as around 5.7 per cent of answers by respondents in Slovakia were N/A.

Figure 18. Impact of the Association Agreement

What impact has the EU-Ukraine Association Agreement (signed in 2014 and in force since 2017) had on the development of socio-economic conditions in border areas as regards...



Source: Authors, based on the sociological survey data

According to almost 33 per cent of respondents in Ukraine, the EU-Ukraine Association Agreement had a positive impact on socio-economic conditions in border areas, whereas 21 per cent of respondents in Slovakia shared this view. Despite this gap, respondents of

both countries thought the same areas showed positive development: economic development; tourism; education research and science; culture, sports, and leisure activities. These areas cooperate intensively on cross-border projects.

The gap between Slovak and Ukrainian respondents on negative answers was not remarkable, with 24 per cent of respondents in Ukraine and 30 per cent of respondents in Slovakia thinking the Association Agreement had negatively impacted socio-economic development. The negatively perceived areas were the same ones, with agriculture at the top of the list, 43 per cent for Slovakia and 39 per cent for Ukraine, followed closely by social care and social services and the environment. Slovaks also thought it had a negative effect on healthcare (37 per cent of answers) (see Figure 18).

The question about the role of the EU funds and their role in cross-border cooperation revealed more positive answers among respondents on the Ukrainian side of the border. That can be explained by Slovakia's negative experiences of the use of EU funds nationally. Since the beginning of the first programming period, Slovakia has struggled to make effective use of EU funds, been affected by corruption scandals and has been among the slowest member states to spend the funds.²² A larger percentage of Ukrainian respondents than Slovaks thought the EU funds were crucial for cross-border development: 48 per cent thought Slovak-Ukrainian cross-border cooperation would be much less intensive without EU funds and 40 per cent stated that cross-border cooperation would not exist without financial support from the EU. By comparison, only 33 per cent and 23 per cent, respectively, of respondents in Slovakia held this view (see Figure 19).

These views were relatively equally distributed among the different groups of respondents: more than 27 per cent respondents in Snina and Humenné Districts thought the EU funds were crucial for cross-border cooperation, while at the other extreme 18 per cent of ethnic Hungarians held this view. Major differences were identified in perceptions of the importance of the EU funds: 42.5 per cent of respondents in Michalovce District thought the EU funds important for the intensity of cross-border cooperation, while the other extreme is Trebišov District, where 23 per cent expressed this view. Moreover,

22 "Druhý najpomalší v EÚ: Ako Slovensko čerpá eurofondy," [The second slowest in the EU: how Slovakia spends EU funds] *Euractiv*, July 1, 2021. Available online: <https://euractiv.sk/section/ekonomika-a-euro/infographic/druhy-najpomalsi-v-eu-ako-slovensko-cerpa-eurofondy/> (accessed on February 24, 2023).

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Cross-border cooperation capacities of regional and local actors

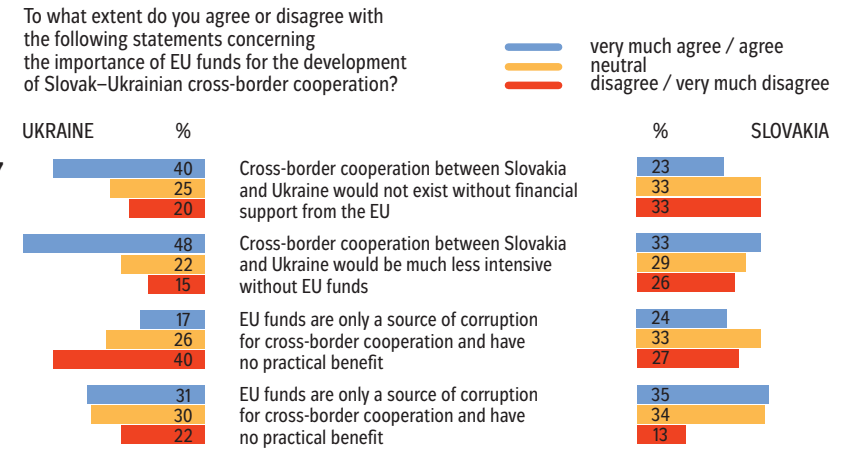
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437

33 per cent of respondents in Slovakia did not consider EU funds essential for cross-border cooperation.

Slovak respondents were more likely to think the EU funds were a source of corruption: 24 per cent of them thought the EU funds were just a source of corruption in cross-border cooperation and had no practical benefit, while 33 per cent adopted a neutral stance and 27 per cent did not share this view. Respondents from Humenné District were the most critical, with 33 per cent sharing this view. Among the Ukrainian respondents, only 17 per cent considered the EU funds a source of corruption with no benefit, 26 per cent had a neutral stance and 40 per cent were against this idea.

Figure 19. The importance of EU funds in cross-border development

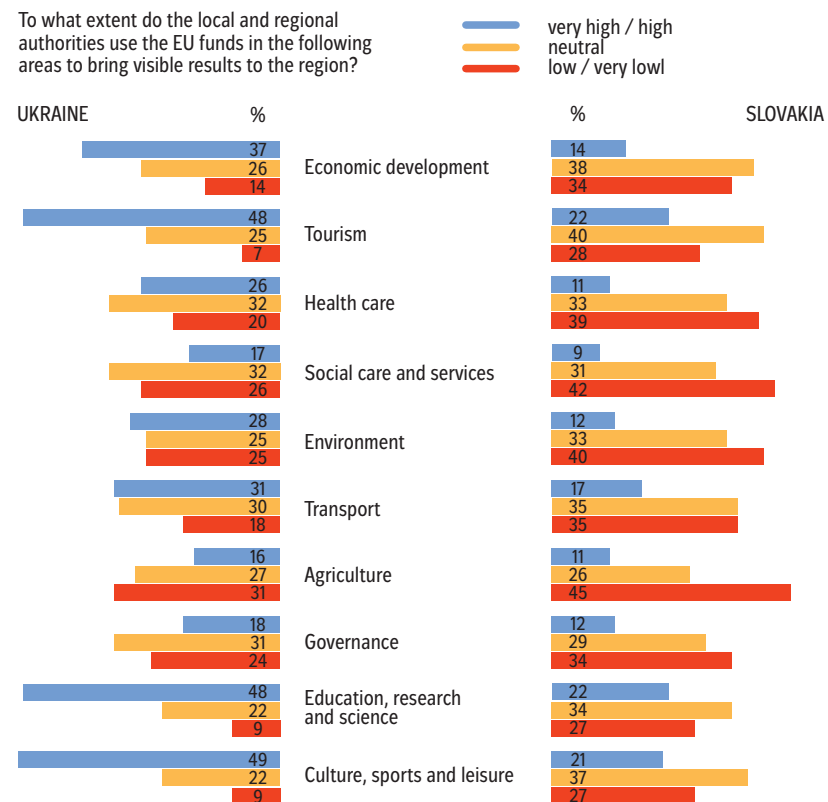


Source: Authors, based on the sociological survey data

The answers to the previous two questions nicely mirror the question on the visible results of EU fund use by local and regional authorities (see Figure 20). On average, almost 32 per cent of respondents in Ukraine thought there was a high usage of EU funds, compared to 15 per cent in Slovakia. In Ukraine, 18 per cent of respondents thought usage was low and in Slovakia the figure was 35 per cent. Although both countries thought the areas where the EU funds had the most visible results were the same, there was a big gap in the percentage positively and negatively perceiving these areas. In both countries, respondents thought EU fund usage was highest in these areas: tourism; education and research; culture, sports, and leisure activities. While Ukrainian respondents thought local and regional authorities

made relatively high usage of EU funds in these areas (with 48–49 per cent of positive answers in each category), Slovak respondents thought there was much less success (with only 21–22 per cent of positive answers in each category).

Figure 20. Results of the use of EU funds



Source: Authors, based on the sociological survey data

EU funds were not thought to bring visible results in the environment, social care and social services and agriculture. This last area is particularly interesting, as many cross-border projects are targeted at cooperation in environmental issues (see Study 4.1 for a detailed overview). EU fund use in environmental issues was perceived to be low by 25 per cent of respondents in Ukraine and 40 per cent in Slovakia. EU fund performance in social services was thought to be poor by 26 per cent of respondents in Ukraine and 42 per cent in Slovakia.

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Cross-border cooperation capacities of regional and local actors

438 439

In agriculture, the figures were 31 per cent of Ukrainian respondents and 45 per cent of Slovak respondents. However, it should be noted that in Slovakia, agriculture has its own chapter of EU funds, and the perceived low use of EU funds could be linked to a lack of transparency at the national level as well.

Slovak inhabitants are more critical of regional and local authority use of EU funds for cross-border cooperation and regional development in border areas. Only 11 per cent thought the local and regional authorities were sufficiently trained at using the EU funds, for example the ability to prepare quality projects (see Figure 21), while 38 per cent thought they were poorly trained and 36 per cent find thought it was about average. The most striking difference could be seen between Humenné and Sobrance Districts, which gave the highest and lowest percentages. In Humenné, around 20 per cent of respondents thought the local authorities had good skills, while in Sobrance it was less than 2 per cent. In Sobrance, the majority thought the local authorities were poorly trained, at almost 60 per cent. That indicates there are high levels of dissatisfaction with local authorities.

In December 2000, the Slovak and Ukrainian governments signed an agreement on cross-border cooperation aimed at developing cooperation and facilitating good relations and mutual understanding. Cooperation has taken place in all sorts of sphere, such as regional development and spatial planning, transport and communications, cross-border trade, energy, environmental protection, research and education, healthcare, culture, leisure, sports, mutual assistance in the event of natural disasters and other disasters, tourism, agriculture and social care.²³

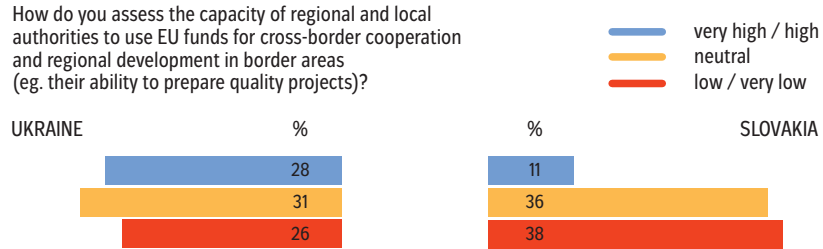
To support closer cross-border cooperation between local and regional authorities, a Slovak–Ukrainian working group was set up, which later became the Slovak–Ukrainian (Ukrainian–Slovak) Intergovernmental Commission for Cross-Border Cooperation. In Ukraine, the cooperation will focus on Transcarpathian Region, as well as Ivano-Frankivsk and Lviv Regions.²⁴

²³ For more see official website of Ministry of Interior of the Slovak Republic: <https://www.minv.sk/?bilateralne-dohody-a-zmluvy-o-cezhranicnej-spolupraci> (accessed on February 24, 2023).

²⁴ For more details about Intergovernmental commissions for cross-border cooperation see official website of Ministry of Interior of the Slovak Republic: <https://www.minv.sk/?medzivladne-komisie-pre-cezhranicnu-spolupracu> (accessed on February 24, 2023).

However, the ICCC does not seem to fulfill its mission properly, as the majority of respondents on both side of the border were unfamiliar with its activities.

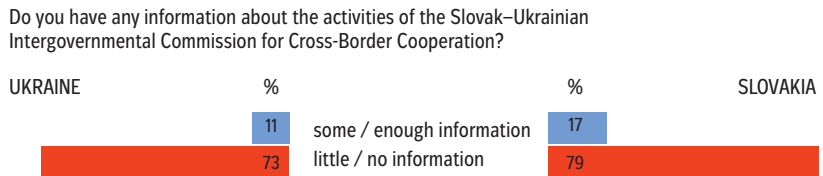
Figure 21. Capacities of the local and regional actors to use EU funds



Source: Authors, based on the sociological survey data

Only 11 per cent of respondents in Ukraine and 17 per cent of respondents in Slovakia thought they had enough information about the ICCC's activities. In Ukraine, 73 per cent of respondents and in Slovakia 79 per cent of respondents had very little or almost no information at all (see Figure 22).

Figure 22. Slovak-Ukrainian Intergovernmental Commission for Cross-Border Cooperation



Source: Authors, based on the sociological survey data

Interestingly, respondents on both the Ukrainian and Slovak side of the border gave quite different answers regarding perceptions of their counterparts. Respondents in Slovakia thought Ukrainians were mostly perceived as hardworking (in 65 per cent of the answers), productive (60 per cent) and having a positive attitude toward Slovaks (56 per cent) (see Figure 23). The first two qualities relate to work skills, which is hardly surprising, as Ukrainian workers have represented the biggest share of foreign workers for several

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

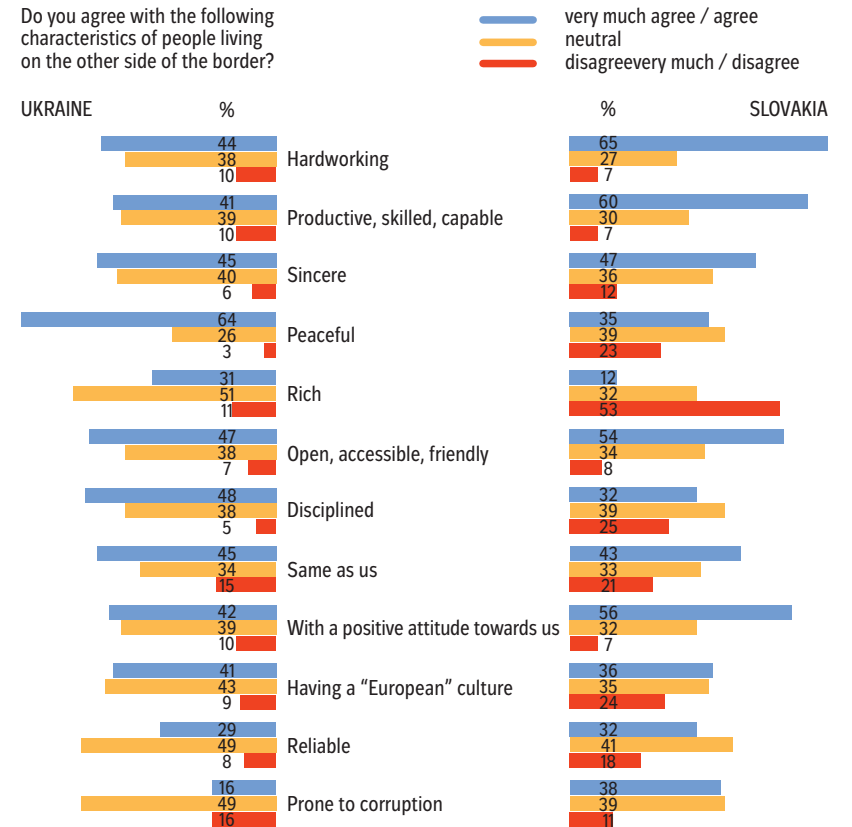


Cross-border cooperation capacities of regional and local actors



years now.²⁵ Over 70 per cent of respondents from Michalovce District, primarily municipalities of 1,000 to 5,000 inhabitants, as well as retired people and ethnic Hungarians, thought Ukrainians were hardworking.

Figure 23. Perceptions of the people living on the other side of the border



Source: Authors, based on the sociological survey data

25 M. Halečka, "Ako cudzinci (ne)zaplavujú Slovensko (príbeh v obrázkoch a dátach)," [How foreigners (do not) flood Slovakia (story in pictures and data)] *Denník N Blog*, February 12, 2022. Available online: <https://dennikn.sk/blog/681399/ako-cudzinci-nezaplavuju-slovensko-pribeh-v-obrazkoch-a-datach/> (accessed on February 24, 2023).

Respondents from Michalovce District were most likely to rate Ukrainians as productive (68.5 per cent). Retired people were most likely to think Ukrainians had a positive attitude. More than 64 per cent of responses in Michalovce District and towns with more than 20,000 inhabitants were positive. However, only 32 per cent of respondents in Slovakia agreed that their Ukrainian neighbors were disciplined and reliable.

Most people on the Slovak side of the border do not think their neighbors are rich (53 per cent), especially in Sobrance District where the figure was 75 per cent. About one fourth of the respondents disagreed that Ukrainians were peaceful, disciplined and had a “European culture.” This last perception may have changed in light of the Russian invasion, in which Ukrainians proved that not only do they respect European culture and values but that they are prepared to fight for them.

Respondents in Ukraine thought their neighbors were mostly peaceful (64 per cent), open and disciplined (almost 50 per cent positive answers for both categories). On the other side of the spectrum, 16 per cent of Ukrainians thought there was a proclivity for corruption, and the same percentage disagreed, with 49 per cent adopting a neutral stance. Interestingly, although the answers were completely different completely on each side of the border, the proportion of positive answers among respondents in Slovakia and Ukraine toward the people in the neighboring country was very similar (42.5 per cent and 41 per cent respectively).

Conclusions

This chapter looked at perceptions of citizens living on each side of the border. The survey is unique because it was conducted in both countries, Slovakia and Ukraine, and so has comparable results. Generally, the Slovak respondents were more critical of the cross-border day-to-day reality than their Ukrainian counterparts were. In this part, we provide recommendations and summarize the main problems identified by the respondents. These are the main areas that should be improved in order to ensure cross-border cooperation benefits citizens living in border regions:

- Waiting times at the borders were considered a problem by respondents on both sides. Ukrainian respondents had negative perceptions of the additional bureaucracy and treatment

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

442

Cross-border cooperation capacities of regional and local actors

443

by customs official and passport control. There is room for improvement on both these problems, especially when it comes to training officials.

- Respondents were not satisfied with the cross-border infrastructure, especially the bicycle paths and railways. It is worth thinking about large scale investment in the railways in particular, as they will be an important mode of transport in the future. Cycle paths could be supported through cross-border projects in the new HUSKROUA programming period.
- Corruption is a huge problem in both countries, and this was reflected in respondents’ answers. However, our survey indicates it is more of a national issue, with respondents on both sides perceiving their own side (customs, police officials, local and regional politicians and businessmen) to be corrupt compared to the neighboring country. As domestic corruption levels are perceived to be high, the authorities should take measures to improve openness, transparency and accountability.
- Ukrainian respondents generally thought the impact of illegal cross-border activities was felt in local markets and organized crime. Slovak respondents thought it affected safety and security. This represents a great challenge for both the local and national authorities.
- Respondents’ preferred in-person bi-directional forms of communication between local officials and inhabitants, whether in the form of meetings, discussions or public hearings. That is a good signal suggesting that people are willing to participate directly in daily life in the border regions.
- The fact that respondents on both sides of the border thought residents of Ukraine crossed the border for work – whether on a daily commuting basis or for longer periods requiring a stay – is unsurprising. It can be explained by the economic conditions in the two countries, and the greater work opportunities in Slovakia than in Ukraine.
- Respondents identified several factors that they thought were major obstacles to cross-border cooperation, namely corruption, political instability and health concerns. While the first two are more systemic, the health concerns are connected to the COVID-19 pandemic, as the survey was conducted in the winter. Conversely, the language barrier, cultural and religious differences were considered unimportant on both sides of the border, which means there are good prospects for developing cross-border cooperation based on mutual understanding and respect.
- The economic and geographical barriers identified by respondents on both sides of the border were low purchasing power

and the difficulty of expanding business as a result. More targeted help from the state would be beneficial, so the region can attract more private investment, especially for private businesses.

- Looking at the future of cross-border development, the most important factor for Ukrainian respondents was Slovak companies investing in Ukraine, while on the Slovak side it was local exports to Ukraine. The least important factor was mixed marriages between the nationals of the two countries. However, Ukrainian respondents thought all the 11 economic and cultural factors were much more important for cross-border development than their Slovak counterparts. Ukrainians saw opportunities in fully open borders, and respondents in both countries acknowledged the importance of joint research and regional planning, which could inspire regional authorities trying to coordinate regional development with the neighboring country.
- Several areas represent a window of opportunity for intense cross-border cooperation. In the past, tourism cooperation has brought positive results, according to both sides, but respondents were critical of results in other areas. Perceptions of cooperation in social care and social services, environmental protection and agriculture were poor – especially in Sobrance District where the last category did particularly badly. Cooperation in these areas needs to be intensified to produce visible results for citizens. Here, projects under the new HUSKROUA programming period could prove very beneficial, especially ones relating to environmental protection, as climate change is a top EU priority.
- When it comes to the actors of cross-border cooperation, the results between the two countries vary substantially. While the majority of answers from Slovak respondents were neutral, which could suggest inadequate knowledge of cross-border cooperation and projects implemented in the border area, a relatively high number of Ukrainian respondents thought universities were successful (52 per cent). They are able to win projects, but as the survey results show their work is also well-communicated and visible to regular citizens, which could set an example for other actors in the border region.
- Respondents on both sides of the border thought there was a need for cross-border cooperation support, a view that was mainly seen among Ukrainian respondents (in about 75 per cent of the answers), but also among Slovak ones (in more than 50 per cent). There is a need for financial support, additional capacity building and political support from national governments, not to mention political stability. This should be borne in mind, especially during the upcoming 2021–2027 programming period, where national governments should create a favorable environment for further cross-border development. Ukrainian respondents

444



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Cross-border cooperation capacities of regional and local actors

445

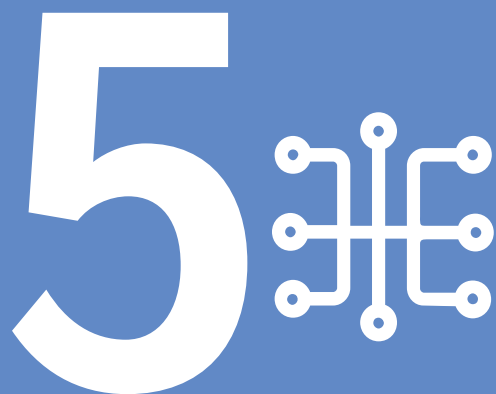


thought the EU was the leading authority in the enhancement of cross-border cooperation, while Slovaks thought it was local and regional bodies.

- In Ukraine, the EU is generally viewed very positively as a reliable partner, but in Slovakia only around half of respondents trusted the EU, which can be related to the fact that Slovakia has more experience of the EU as a member state and the pre-accession optimism has vanished. Slovak–Ukrainian relations are also interesting. Ukrainian respondents considered themselves to be a less reliable partner than Slovakia, which is a remarkably critical view of the country. Respondents in Slovakia were much more positive toward their own country than toward Ukraine.
- Ukrainians gave some surprising answers on the visa-free regime, with only one per cent holding a negative stance. By contrast, only 45 per cent of Slovaks gave a positive evaluation, while 35 per cent remained neutral. That can be explained by the fact they thought the visa-free regime brought little benefit for themselves or their families. Both sides agreed that the visa-free regime opened the door to legal (mainly among Ukrainians) as well as illegal (mainly among Slovaks) economic activities.
- The EU–Ukraine Association Agreement has had a positive impact on the socio-economic conditions, mainly from the Ukrainian perspective, but the percentage was relatively low (only 33 per cent). Respondents in both countries evaluated the agreement positively in these spheres: economic development; tourism; education, research and science; culture, sports and leisure activities, which form the core of cross-border cooperation projects.
- Respondents on the Ukrainian side of the border gave more positive answers about the role of the EU funds in cross-border cooperation. This can be explained by Slovakia’s negative experience of the national use of EU funds. For example, the survey showed that Slovak respondents were more likely to see the EU funds as a source of corruption. Moreover, the perception is that EU funds have not produced visible results for the region, which is something that should be considered during project planning. Respondents were also critical (mostly in Slovakia) of local authority capacity to use the funding and design good quality projects.
- These results have shed light on the everyday problems of people living in border areas as well as problems with the local administration, national legislation and stakeholders. With the February 2022 Russian invasion of Ukraine, the situation on the border has changed and the need to rebuild Ukraine has become a (EU) priority, especially in the areas most affected by the war. Well-functioning cross-border cooperation could help to achieve this.

Policy considerations

Alexander Duleba
Myroslava Lendel
& Veronika Oravcová



In the final chapter, we offer a summary and discussion of the main findings of the research, and reflections on policy recommendations developed by authors on the basis of the partial research outcomes. The aim is, first, to create better conditions for cross-border cooperation between regional and local actors on the Slovak–Ukrainian border, second, to enhance the permeability of the common border for the legal movement of people, goods, and services by improving border management, and third, to help improve the quality of life of Ukrainian and Slovak citizens living along the common border. The research confirms our initial assumption that the border regime and cross-border cooperation are factors that have a marked impact on the socio-economic situation in the border regions and, if handled appropriately, these could serve as tools for improving quality of life among residents of the border regions. Moreover, our research findings confirm that the Slovak–Ukrainian border and existing cross-border cooperation offer relatively large scope for improving the effectiveness of their use. In particular, regional and local actors should make better use of the legal and financial opportunities set up to promote cross-border cooperation on the EU’s external border, to interact more closely with each other, improve planning and project management, and contribute to overcoming the stereotypes that still persist in the Slovak–Ukrainian borderland, as these hinder rather than help the development of cross-border interaction.

In this final chapter, we highlight both the key research findings, explaining their contexts, and the policy recommendations that, in our opinion, are of strategic importance in further developing cross-border cooperation on the Slovak–Ukrainian border. The chapter is structured into three parts that reflect the three levels of the research framework selected for the project research. In the first part, we reflect on the main issues relating to the impact of the EU–Ukraine institutional framework for developing cross-border cooperation on the Slovak–Ukrainian border. In the second part, we discuss the main related issues of the bilateral intergovernmental agenda. And finally, in the third part we discuss the main findings on the relationship between the border regime and the socio-economic conditions of the inhabitants of the border areas as well as policy recommendations for further developing cross-border cooperation between Slovakia and Ukraine.

5.1. Progressive dynamics of the EU–Ukraine institutional framework

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

450



Policy considerations

451



The present and the future border regime between Slovakia and Ukraine, including the conditions for the cross-border movement of persons, goods, services and capital, and thus also for cross-border cooperation, depend first and foremost on the contractual framework of EU–Ukraine relations, and the same applies to the relevant EU policies on Ukraine. The EU’s common policies and legislation (*acquis communautaire*), which regulate the functioning of the EU internal market, including the common area of the four freedoms within the integrated space with no internal borders, are binding on EU member states, including the Slovak Republic. In line with EU primary law (the basic treaties of the EU), EU member states transferred their national policy-making competences to the common EU institutions, relating to the functioning and deepening of the integrated space of the four basic freedoms (communitarian level). That includes external relations with non-member countries which have an impact on the functioning of the internal integrated space of the Union. The optimal scenario in terms of creating the best conditions for developing cross-border cooperation on the Slovak–Ukrainian border is to transform it into an internal border of the EU single market and Schengen Area.

Russia’s aggression against Ukraine in 2022 triggered a united response from EU countries, including political support for Ukraine. As recently as the beginning of February 2022, it was inconceivable that Ukraine would be granted EU candidate status in June 2022. Russia’s war against Ukraine has changed the paradigm of strategic thinking among the political elites of EU member states and marked a fundamental shift in the Union’s approach to Ukraine. Let us add that this is a shift in the right direction in terms of creating better conditions for cross-border cooperation on the Slovak–Ukrainian border in the future. Regardless of the timeframe of Ukraine’s accession process, its European integration, including the prospect of full EU membership, is a political reality and will mean its integration into the EU single market and the Schengen Area. Cross-border cooperation on the Slovak–Ukrainian border will be transformed into cross-border cooperation on an internal EU border, and all the obstacles stemming from its current status as an external border will be removed.

The mere implementation of the *acquis* included in the Association Agreement integrates Ukraine into the EU’s internal area of the free movement of goods, services, and capital, including the creation of the foundations for the free movement of labor. The lifting of the restriction on free movement for Ukrainian citizens and Ukraine’s economic integration with the EU will fundamentally change the character of the border between Slovakia and Ukraine, currently an external EU border. The border and customs controls will remain, but the border will become far more permeable and Ukraine’s citizens, including businesses, will have access to the EU. Visa-free travel and the

easing of tariffs and non-tariffs on business will help revive economic growth in the border region on both sides of the Slovak–Ukraine border. Implementation of the *acquis* will facilitate the approximation of the Slovak and Ukrainian legislative, administrative and business environments, and ultimately, help boost economic development in the regions on both sides of the border. The first three years of the implementation of the Deep and Comprehensive Free Trade Area (DCFTA; 2017–2019) led to an increase in mutual trade and the number of Ukrainian enterprises involved in trade and the assortment of goods and services exported to the European Union. Unfortunately, this positive trend was interrupted by the COVID-19 pandemic in 2020–2021 and the Russian military aggression against Ukraine in 2022. However, both the pandemic and the war will come to an end one day, and we are confident that the dynamics of Ukraine’s trade development with the EU will follow the positive trend of 2017–2019.

Just as Slovakia’s EU accession led to the “centralization” of regulated relations between Slovakia and Ukraine, or the transfer of an important portion of national competences to Brussels, the implementation of the Association Agreement and/or accession process will have the opposite effect – “decentralization” of regulated relations between Slovakia and Ukraine from the transnational EU–Ukraine level to intergovernmental national level and regional and local government level. First of all, Ukraine’s European integration will strengthen the competences of regional and local stakeholders of Slovak–Ukrainian cross-border cooperation to engage in mutual interaction, as it will significantly narrow the agenda regarding the movement of persons, goods, services and capital, which is regulated at the supranational and/or national level. It will create opportunities for the regional and local stakeholders of cross-border cooperation to plan joint cross-border regional development on their own and in the long-term conclude agreements. It will depend especially on regional and local actors, and, above all, on their readiness, political will, planning and administrative capacities to take advantage of the opportunities offered.

In the meantime, if the Slovak government wants to improve conditions for cross-border cooperation with Ukraine, it will have to take part in forming the EU communitarian policies on which the character of the “external” EU–Ukraine border depends, including trying to change the respective EU–Ukraine institutional relations in order to create more favorable terms for cross-border cooperation between Slovak entities and their Ukrainian partners. Equally, if the Ukrainian government wants to achieve better terms for cross-border cooperation with Slovakia and its neighbors that are EU members, it will have to work on changing its contractual regime with the EU to ease the movement of persons, goods, services and capital between Ukraine and the EU, and thereby between Ukraine and Slovakia.



We are confident that the recommendations proposed at the end of chapter 2.1. are the best way to organize Ukraine’s EU accession process. In the transition period leading up to Ukraine’s EU accession, the experiences of Norway and other EEA countries including Switzerland, that is, the existing institutional practice of EU relations with non-EU countries integrated into the single market, could and should be studied so Ukraine can undergo rapid and successful “socialization” with the EU institutions and subsequent integration. The Slovak Prime Minister Eduard Heger presented the recommendations in chapter 2.1. to an informal summit of EU leaders in Versailles in March 2022. The first recommendation – granting candidate status to Ukraine – was achieved at the EU Council summit in June 2022. The implementation of the remaining recommendations should be pursued by the Slovak and Ukrainian governments, regardless of their political orientation, assuming of course a concern for the long-term strategic interests of both countries, including the creation of better conditions for cross-border cooperation between regional and local actors on the Slovak–Ukrainian border. Considering the speed of the European integration reforms carried out by Ukraine, despite the war, and the strengthening of humanitarian contacts between border communities and regions in Slovakia and Ukraine through the provision of assistance to displaced persons, accomplishing this task is entirely realistic.

5.2. Evolving bilateral agenda of intergovernmental relations

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

454

Policy considerations

455

To better understand the way Slovak and Ukrainian governments approach regional and local cross-border cooperation requires us to take a closer look at the story of the Carpathian Euroregion in the 1990s, as that influenced government approaches in the subsequent two decades as well. It is impossible to fully understand the current challenges in bilateral relations or the governments' approaches to cross-border cooperation without being aware of the mistakes and successes of previous relations.

The Carpathian Euroregion project that was proposed in the early 1990s was an excellent idea, but turned out to be premature because the governments of the neighboring post-communist countries did not understand it. Eastern Slovakia and Transcarpathian Region in Ukraine along with adjacent territories in western Ukraine, south-eastern Poland, north-eastern Hungary, and north-western Romania form a unique region in Europe, where the borders of five post-communist countries meet. Not only do these border regions exhibit high levels of ethnic, cultural and religious diversity but they are among the poorest parts of the given country. They are far from the national capital and its more developed economic and social infrastructure. They also share in common a difficult history, geographical proximity, similar economic development and aspire to economic prosperity and European integration. That has created a sense of community and, at the beginning of 1990s, a willingness to develop cross-border cooperation. In 1993, the Carpathian Euroregion was the very first "Euroregion" to be established in post-communist Eastern Europe, in accordance with the rules and principles of the Western European "euro-regional" cross-border cooperation that was successfully developed in the post-WWII period.

The local authorities and self-governments in Eastern Slovakia had been working on launching interregional cooperation with neighboring partners in Poland, Ukraine and Hungary since the early 1990s. They anticipated that successful cross-border cooperation would promote revitalization and development in Eastern Slovakia. They also thought the lack of government investment in the region's transport and communication infrastructure and support for private enterprise and educational and cultural programs in Eastern Slovakia could be at least partly compensated for by the activities of the Carpathian Euroregion. They envisaged that Eastern Slovakia would not only form the geographic center of the Carpathian Euroregion, but that it would have the most developed economic capacity of the five participating neighboring border regions. Eastern Slovakia would thus be able to serve as a building block for developing programs within the Carpathian Euroregion. They thought it would benefit both Eastern Slovakia and Slovakia as a whole. By playing an active role in developing the Carpathian Euroregion, Slovakia would be able to

strengthen its international position in the Central and Eastern European subregions, while enhancing its reputation as a serious and constructive actor in regional and European affairs. They hoped the central government would understand this and support their cross-border activities. But they were wrong, because the Vladimír Mečiar government blocked their participation and prevented them from becoming fully involved in the Carpathian Euroregion.

But it was not just the Slovak government that viewed the initiative negatively. The central governments of the participating countries were initially very apprehensive about the Carpathian Euroregion. First of all, the new post-communist governments had centralist ideas about who was authorized to participate in making foreign contacts and how that could be done, so the notion that local authorities might develop relations with foreign partners was a new phenomenon for them. Secondly, in the mid-1990s nationalist political forces were strongly influencing the national debate on the Carpathian Euroregion in the member countries. They argued, among other things, that the Carpathian Euroregion was a tool for other participating countries to enforce their own national interests. The Carpathian Euroregion thereby became a victim of the undemocratic culture in the region. Ultimately, the politicization of the Carpathian Euroregion led to the foreign ministries and central authorities becoming more involved in cross-border development within the Euroregion than the local and regional authorities were. Paradoxically, one effect of this was the artificial extension of the Carpathian Euroregion.

The Ukrainian government insisted that three other Ukrainian regions (Lviv, Ivano-Frankivsk and Chernivtsi), besides Transcarpathian Region, should become part of the project out of fears of “Transcarpathian separatism.” The result was that the Carpathian Euroregion expanded to 140,000 km² in size with a population of almost 16 million. Hence the “balancing policy” enforced by central governments led to the Carpathian Euroregion becoming the largest Euroregion in Europe. But this hampered the functioning of the Euroregion, including its original purpose, which was to create a common platform to support cross-border cooperation between regional and local actors in the border area of the five post-communist countries. So, in the end, the foreign ministries of the participating countries played a more important role in the project than regional and local authorities.

The Mikuláš Dzurinda government that came to power in Slovakia after the September 1998 parliamentary elections revamped Slovakia’s policy on cross-border cooperation to include regional and local authorities. In the end, the eastern Slovak regions of Prešov and Košice were allowed to sign the accession agreements and became full members of the Carpathian Euroregion in November 1999. On

Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

456

Policy considerations 457

December 5, 2000, Slovakia and Ukraine concluded an intergovernmental agreement on cross-border cooperation that entered into force on January 29, 2001 (see chapter 3.1.). Thus, it took almost eight years from the moment the local and regional authorities on both sides of state border expressed an interest in cross-border development until the Slovak and Ukrainian governments “legalized” cross-border cooperation. The intergovernmental cross-border cooperation agreement of December 2000 applies to three regions in Ukraine (Transcarpathian Region, Lviv Region and Ivano-Frankivsk Region) and two regions in Slovakia (Prešov and Košice). Geographically, these regions are the Slovak and Ukrainian parts of the Carpathian Euroregion, with the exception of Chernivtsi Region in Ukraine, which was not part of the agreement. Here it is worth noting that our research shows that most of the cooperation agreements for joint cross-border cooperation projects between regional and local actors have been signed or implemented by entities based in the Transcarpathian, Prešov and Košice Regions. There is minimal cooperation between regional and local actors in the Slovak border area and partners in Lviv and Ivano-Frankivsk Regions (see chapter 1.3.).

Under the intergovernmental agreement, the Slovak and Ukrainian governments made a commitment to consult each other on any legal, administrative or technical problems that might hinder the development and functioning of cross-border cooperation, to support local and regional authorities initiating and developing cross-border cooperation, to provide financial resources for local and regional authorities, within the limits of their capabilities, and to initiate and develop cross-border cooperation. To promote and coordinate cross-border cooperation, the Slovak–Ukrainian Intergovernmental Commission on Cross-Border Cooperation (ICCC) was established under the agreement along with the right to set up working groups to address specific issues (see chapter 3.2.).

On the one hand, the governments of both countries were able to establish an institutional framework for cross-border cooperation, but as our research findings show one of the main problems with Slovak–Ukrainian cross-border cooperation is that they have not been able to set up a common fund to finance cross-border projects of regional and local actors. Slovakia has a *SlovakAid* Program that it uses to fund projects by Slovak and Ukrainian organizations aimed at helping Ukraine to implement reforms and the EU Association Agreement. But regions, cities and municipalities do not use *SlovakAid* to implement cross-border projects, even though public administration reforms are part of the key reforms Ukraine needs to implement before it can join the EU. The ICCC should also be obtaining feedback from Ukraine for planning Slovak development and technical assistance for Ukraine. Unfortunately, it does not do so. One can legitimately

ask why, on the one hand, the provision of Slovak governmental assistance to Ukraine does not include cross-border cooperation and, on the other, why the ICCC, which is the only regular platform for bilateral intergovernmental dialogue (the Commission for Economic and Scientific Cooperation was re-established in 2007 but last met in 2013), is not used to assess the effectiveness of the development and technical assistance Slovakia provides to Ukraine. As a result, in practice, the ICCC's work is restricted to intergovernmental cooperation in border management, whereas its main original objective, to provide support for regional and local cross-border cooperation, is beyond its capacity.

The efforts of the Dzurinda governments (1998–2006) to create favorable conditions for involving Slovak regional and local actors in cross-border cooperation on borders with neighboring countries have not been effective in the case of Ukraine (see chapter 3.2.). Unlike in bilateral relations with its other neighbors, Slovakia's EU accession had a negative impact on bilateral relations with Ukraine regarding the movement of persons, goods, and services across the common border. To meet the legislative and political conditions for EU accession, Slovakia unilaterally introduced a visa regime with Ukraine in 2000, which changed the relatively liberal regime of mutual travel by citizens established by the Czechoslovak–Soviet agreement of 1981, which was incorporated into the laws regulating Slovak–Ukrainian relations in the early 1990s. At the same time, the Slovak government withdrew from all trade agreements with Ukraine. Slovakia's EU accession meant the government had fewer powers to conclude bilateral agreements with Ukraine regulating mutual trade and citizens' travel. The supranational level of Ukraine's relations with the EU places limits on Slovakia's capacity to shape bilateral relations with Ukraine. Although Slovakia abolished visa fees for Ukrainian citizens in 2005 and reached an agreement with Ukraine on local border traffic in 2008, the movement of persons across the common border did not fundamentally change until 2017 when the EU and Ukraine reached an agreement on a visa-free regime. The liberalization of trade relations between Slovakia and Ukraine depends on the full implementation of the EU–Ukraine Association Agreement, including the DCFTA, in other words, successful completion of the accession process.

There have been two paradoxes in the history of Slovak–Ukrainian cross-border cooperation and the approach of the Slovak governments since the 1990s. Mečiar's government had the opportunity to promote regional and local cooperation but did not do so for political and ideological reasons. Dzurinda's government created the legislative conditions for involving regional and local actors in cross-border cooperation development, but the EU accession process limited opportunities for regional and local cross-border cooperation on the



Slovak–Ukrainian border. Slovakia's EU accession had a major impact on bilateral Slovak–Ukrainian relations and made it more difficult for regional and local actors to engage in cross-border cooperation.

Moreover, in the case of the Slovak–Ukrainian border and cross-border cooperation, the EU funds have not substantially improved the situation. The EU programs to support cross-border cooperation at the Slovak–Ukrainian border (HUSKROUA 2007–2013 and HUSKROUA 2014–2020) have “reshaped” the natural development since the early 1990s. These programs did not consider the existence, development and territorial structure of the Carpathian Euroregion, which was originally created at the initiative of regional and local actors. The project was later politicized by the governments of the participating countries, not by regional and local actors. The Polish region Podkarpackie Voivodeship was not included in the above EU multilateral programs launched in 2007. The result is the marginalization of the Carpathian Euroregion, once the flagship of cross-border cooperation in the Slovak–Ukrainian border area. The question is why the natural development of cross-border cooperation in the region since the early 1990s was not taken into consideration when designing the EU funds that were supposed to compensate for the legal restrictions on cross-border cooperation on the Ukrainian border, an EU external border introduced because of the EU accession of Slovakia, Hungary, Poland and Romania. The efforts of regional and local actors were initially ignored by the governments of the participating countries and later by the EU programs as well.

To summarize our findings, the main problems with Slovak–Ukrainian cross-border cooperation at the national and regional levels relate to financing and planning. The EU's multilateral program for supporting cross-border cooperation on the Ukrainian border with Slovakia, Hungary and Romania does not take into account the specific conditions and needs of cross-border cooperation development between regional and local actors on the Slovak–Ukrainian border. The ICCC has no direct impact. At the same time, the Slovak and Ukrainian governments were not able to create an intergovernmental financial instrument to support cross-border cooperation. The ICCC can coordinate the common activities of the two governments, but without a financial instrument it has limited opportunities to implement any agreements. It can act on border management in some cases but has hardly any effect on cooperation between regional and local actors. At the same time, neither the ICCC, nor the regional authorities in Slovakia or the regional state administrations in Ukraine are able to jointly plan the territorial development of border regions. They lack the institutional and human capacities, financial resources and often the political will. The potential for cross-border cooperation between Slovakia and Ukraine remains untapped (see chapter 3.2.).

Nevertheless, in the last decade or so (since the beginning of the 2010s), there have been positive developments in the supranational and national frameworks for cross-border cooperation on the Slovak–Ukrainian border, with the creation of a positive political, legal, and institutional set up for the cross-border activities of regional and local actors. There has been progress in EU–Ukraine and bilateral Slovakia–Ukraine relations, as these have gradually eliminated obstacles and generated more cross-border cooperation opportunities on the common border. However, in practice Slovak–Ukrainian cross-border cooperation has rather limited capacities for regional and local actors to utilize the opportunities offered. The weak capacity of local self-government bodies to implement joint initiatives is partly down to frequent changes in local elites and the local election cycles in both countries.

Lastly, the research findings indicate that the Slovak and Ukrainian governments should play a key role in revitalizing cross-border cooperation between regional and local actors on the common border. The main reason for that is that central governments have much greater administrative, planning, and financial capacity than regional and local actors. Government involvement in the revitalization of cross-border cooperation should be seen as a necessary investment that will substantially benefit both countries once the administrative and planning capacity of regional and local actors is strengthened so they can take much greater advantage of the opportunities offered by the EU's cross-border cooperation programs, as well as other Community programs. In the conclusion of chapter 3.2., we proposed concrete measures to be taken by the Slovak and Ukrainian governments to achieve a new level of cross-border cooperation on the common border, including the establishment of a European Grouping of Territorial Cooperation with the participation of the three Ukrainian and two Slovak border regions that are eligible for Slovak–Ukrainian cross-border cooperation under the bilateral agreement of 2000.



5.3. Border, cross-border cooperation and the socio-economic situation in border areas

462



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Policy considerations

463



An important starting point for considering the development of cross-border cooperation on the Slovak–Ukrainian border is the fact that the border regions, particularly Transcarpathian Region (Ukraine) and Prešov Region (Slovakia), are among the least economically developed regions within their home countries and have the lowest socio-economic indicators of quality of life. Yet there is still a large gap between the economic development in the Slovak and Ukrainian parts of the border region, which our research shows, has been deepening since 2014 (see chapter 1.2.). In 2019, the GDP per capita of Transcarpathian Region was roughly 12 per cent of the GDP per capita of Košice Region and roughly 16 per cent of Prešov Region. In 2020, compared to in Prešov and Košice Regions, the total disposable household income in Transcarpathian Region was approximately one third of household income. The findings further show that over the last eight years there has been no convergence in economic development in the Slovak–Ukrainian border region, in other words, Transcarpathian Region is not catching up with neighboring Slovak regions; on the contrary, since 2014 the differences in regional development have widened slightly. This is due to the overall economic development in both countries over the last eight years, and in Ukraine’s case, the negative economic impact of the Russian aggression that started in 2014.

The deepening asymmetry in the socio-economic development in the Slovak–Ukrainian border region has negative impacts on cross-border contacts and the situation in the border regions, but at the same time, it could and should serve as an additional stimulus for cross-border cooperation development. The negative impacts include growth in illegal economic activities, i.e., the smuggling of goods and people from Ukraine to Slovakia, growth in organized crime in the border areas, rising corruption among public authorities and a fall in perceived public safety in the border regions. The greater the asymmetry in regional development between the Slovak and Ukrainian parts of the border region, the greater the incentive for illegal cross-border economic activities, as their profitability is directly proportional to the degree of asymmetry in regional development.

At the same time, illegal cross-border activities are a factor that generally worsens the socio-economic living conditions of inhabitants in border areas. Interestingly, a representative sociological survey of opinions of border residents, conducted as part of the project (in January–February 2022) shows that the negative impacts of the illegal cross-border activities are felt much more by the residents of Ukrainian areas than Slovak ones. As much as 61.1 per cent of Ukrainian respondents thought illegal cross-border activities increased the size of the shadow economy and the price of goods and services, but

only 33.5 per cent of Slovak respondents thought the same. Moreover, 60.1 per cent of Ukrainian respondents said that illegal cross-border activities increased corruption and organized crime and reduced the transparency of local authorities, while 37.3 per cent of Slovak respondents thought the same. Furthermore, 46.8 per cent of Ukrainian and 37.6 per cent of Slovak respondents considered illegal cross-border activities to be a security risk for residents of border areas (see chapter 4.2.). The relatively significant differences in the level of perceived negative impacts of illegal cross-border activities by residents on the Ukrainian and Slovak sides of the border can be at least partially explained by the more stable economic development and social situation of the residents of Slovak border areas, as well as by the higher level of trust in the functioning of public administration institutions in Slovakia.

Data on illegal activities at the border (see chapter 1.1., numbers of illegal migrants, seized smuggled goods, especially cigarettes, attempts to cross the border illegally using invalid documents, etc.) confirms a slightly increasing trend since 2014, which points to the validity of the findings of the socio-economic development research showing a widening gap in regional development between the Slovak and Ukrainian parts of the border area. The greater number of illegal activities on the Ukrainian side of the border than on the Slovak side illustrates the main direction of the flow of illegal cross-border activities (from Ukraine to Slovakia), especially the smuggling of goods and people, and also confirms improvements in the work of the Ukrainian border services.

Nonetheless, the asymmetrical economic development of neighboring regions will continuously create favorable conditions for illegal activities on the border, as they are an extremely attractive source of earnings, and a precondition of deterioration in the transparency of public institutions and authorities, including the border services of both countries. When asked about their views of corruption on the Slovak–Ukrainian border and who the culprits were, 50 per cent of Ukrainian respondents associated corruption on the border with customs officers, 48 per cent with border police officers, 44 per cent with regional and local state authority officials, 41 per cent with regional and local self-government representatives and 34 per cent with local businesses. On the Slovak side of the border, perceptions of corruption at the border were significantly lower. Slovak respondents associated corruption at the border with customs officers (13 per cent), border police officers (11 per cent), state officials (11 per cent), local government representatives (10 per cent) and local entrepreneurs (14 per cent) (see chapter 4.2.). Similarly, the sociological survey revealed significant differences in the perception of corruption on the border between the residents of Ukrainian and Slovak border areas.



There are two possible ways of eliminating opportunities for illegal cross-border activities and corruption at the border and in border areas: first, by reducing the regional disparities in the development of areas on each side of the border, and second, by taking measures to eliminate corruption in the border services, state agencies and municipalities in border areas. Progress has been made on fighting corruption on both sides of the border, thanks to reforms related to Slovakia's Schengen integration and to Ukraine's efforts to harmonize with the Schengen *acquis* (see chapters 2.2. and 3.3.). Reducing regional disparities in development in the border areas is a more complex challenge, as it depends on the overall economic development of the countries and Ukraine's ability to catch up with Slovakia's economic development. Systemically, gradual convergence in the economic development of the two countries will be aided by the end of the war with Russia, as that will confirm both that Ukraine is an independent country within internationally recognized borders and its integration into the EU single market (see chapter 2.1.).

As noted, the asymmetrical economic development between the Ukrainian and Slovak border areas will stimulate both illegal and legal cross-border activities and, above all, economic and trade cooperation at the regional and local level. The Slovak market should be sufficiently attractive for Ukrainian producers of goods and service providers. Paradoxically, our research findings show that, unlike illegal cross-border activities, legal trade and economic cooperation do not have this effect. According to the data for 2020, only 2.8 per cent of foreign exports of goods and services from Transcarpathian Region went to Slovakia (see chapter 1.2.). Instead 60 per cent of Transcarpathian exports went to Hungary and countries further away, such as Germany, Austria, Poland and the Czech Republic. Only 1.6 per cent (€4.9 million out of a total of €306.8 million) of foreign direct investment went from Slovakia to Transcarpathian Region in 2019. Slovakia ranks among the top five EU destinations for labor migration from Transcarpathian Region. Nevertheless, most labor migrants from Transcarpathian Region are employed in the more developed regions of Western and Central Slovakia (only up to 20 per cent work in Prešov and Košice Regions), mostly on short- and medium-term contracts of up to 24 months as machinery and equipment operators and installers, or skilled workers and craftsmen (see *ibid*).

Of course, the data on Slovak–Ukrainian economic interaction for 2020–2022 should be taken with a grain of salt, both in general and for Transcarpathian Region in particular, as these were the two pandemic years (2020–2021) and the year (2022) Russia launched its military aggression against Ukraine, which caused a dramatic drop in trade relations. The same applies to the assessment of the expected positive impacts on bilateral Slovakia–Ukraine trade of the implementation

of Ukraine's DCFTA agreement, which has significantly liberalized Ukraine's trade with the EU since 2017. However, despite everything, our research findings and comparison of the data on economic relations between Transcarpathian Region and other countries over the last few years clearly shows that economic and trade cooperation between the Transcarpathian Region and the neighboring Slovak regions is well below the economic potential that exists in the Slovak-Ukrainian borderland. This, of course, affects the socio-economic living conditions of the inhabitants in the border areas.

One explanation for this situation is that large foreign investors who have invested in business activities on one or other side of the border sell their products in markets away from the Slovak-Ukrainian border area, which is less economically developed with a lower purchasing power. It is difficult for regional and local governments to influence the decision-making of large investors in the Slovak-Ukrainian border region, most of whom choose Košice Region, as it depends on their strategic planning. Hence the economic priority in cross-border cooperation development should be on promoting small and medium-sized business development in the border region, as well as science and innovation at regional universities or private research and development sites. But that requires joint planning to ensure development is systemic, and that is lacking in the Slovak-Ukrainian border area.

The permeability of the border for the legal movement of people, goods and services plays a key role in the development of cross-border contacts, and not just in trade and economic cooperation. The biggest obstacle to crossing the border identified in the sociological survey was "long waiting times," among 65.4 per cent of Ukrainian and 52.6 per cent of Slovak respondents (see chapter 4.2). Furthermore, 41.8 per cent of Ukrainian respondents thought bureaucratic regulations stemming from the legislation were a problem, while only 15.1 per cent of Slovak respondents expressed the same opinion. Moreover, 30 per cent of Ukrainian and 19 per cent of Slovak respondents expressed dissatisfaction at the small number of border crossing points, which creates an obstacle to crossing the border. There are only five border crossings for the almost 100 km stretch of the Slovak-Ukrainian border, and not a single new one has been opened in the last decade. At the same time, not a single motorway crosses the Slovak-Ukrainian border. The permeability of the border also depends on how well-organized the customs and border controls are and on the state of the existing border infrastructure. Modernizing the existing border crossings, constructing new ones and developing the transport infrastructure in the Slovak-Ukrainian border area is essential for the further development of cross-border cooperation and a necessary challenge for bilateral Slovak-Ukrainian relations at the intergovernmental level.



Integrated management is another important factor that can increase border permeability. It requires full harmonization of the rules and procedures of the border services of the two countries, including the possibility of joint controls. The aim of the SIBSU project was to contribute to building integrated border management between Slovakia and Ukraine. This process depends crucially on the harmonization of Ukrainian legislation with the Schengen *acquis* (see chapter 2.2.) and on strengthening cooperation between border services, including public communication in the border areas (see chapter 3.3.). Another key role border services can or should play in the future development of cross-border cooperation is cross-border cooperation planning, which is reliant on accurate data on the functioning of the border regime, legal and illegal migration, and cross-border activities. A key recommendation arising from the research findings is the need to improve the recording and processing of data on the border regime, which is a task for the border services of both countries (see chapter 1.1.).

In addition to more structured data collection and the recording of legal and illegal activities related to the border, data on cross-border activities (legal and illegal) of businesses and individuals located in and operating in border areas will be of key importance for planning cross-border cooperation development. As data collection takes place at the national level of the border services of both countries, we have not been able to ascertain, for example, the impact of the introduction of the local border traffic agreement in 2008 on the Slovak-Ukrainian border crossings. It is impossible to identify data relating to the Slovak and Ukrainian citizens covered by the agreement in the national data on citizens of Ukraine, Slovakia and third countries crossing the border. If the "regional" data were disaggregated from the "national data," it would be possible to map the cross-border activities of those residing in the border areas, which would be of great benefit when planning cross-border cooperation development. The border police and customs services in the two countries should agree a common methodology for recording data that maps the functioning of the border and collect data in such a form that allows for the identification of the dynamics and trends in cross-border contacts at the level of actors operating in border areas.

Within the project, special attention was paid to the survey of the current state of cross-border cooperation, focusing on regional and local authorities (see chapter 1.3.) and the capacity of regional and local actors to use existing opportunities, especially EU programs for funding cross-border projects on the Slovak-Ukrainian border (see chapter 4.1.). On the one hand, we found that more than 20 cooperation agreements had been concluded by regions, cities and municipalities located in the neighboring border areas. On the other



hand, we found that most of the cross-border cooperation projects implemented with the support of EU programs were carried out by entities other than public administrations and local government institutions. In other words, most of the cooperation framework agreements concluded at regional and local government level and by self-government bodies in the Slovak–Ukrainian border area were declaratory and, except for a few exceptions that merely confirm the rule, contained no substance, in other words, projects that could be implemented on the basis of existing framework agreements.

Furthermore, there is no systematic planning of cross-border cooperation in the regional, municipal and city administrations, that is, it is not treated as a key instrument for regional or municipal development, but rather as a complementary resource. Most cross-border projects emerge ad hoc in response to a funding program or grant scheme, rather than as part of preconceived sectoral territorial development strategies for which funding is sought in a targeted manner. In the Slovak–Ukrainian border region, the funding programs and grant schemes determine the projects, whereas the opposite would be true if the public administration and local governments undertook strategic planning i.e., they would look for programs to fund their territorial cooperation projects. Unfortunately, public administration and local government planning of cross-border cooperation in the Slovak–Ukrainian border area is not sufficient for cross-border cooperation to become a driver of regional development on both sides of the border. It is no coincidence that only 26.1 per cent of Ukrainian and 21.8 per cent of Slovak respondents in our survey thought local governments were successful actors of cross-border cooperation. Regional and local government authorities were identified as successful actors of cross-border cooperation by only 23.1 per cent of Ukrainian and 18.1 per cent of Slovak respondents (see chapter 4.2.).

There are no major national legislative obstacles to regional and local public administration actors engaging in cross-border cooperation between Slovakia and Ukraine. The local public administration reforms in Ukraine, underway since 2015, will harmonize the competences of the local self-government bodies in the two countries. There is still a problem at the regional public administration level because regional administrations are part of the centralized state administration in Ukraine, while in Slovakia there is no state administration at the regional level, just regional self-government. The differences in the scope of competences of the partners entering into cooperation agreements may pose a problem. For example, Slovak self-governing regions and municipalities have the power to enter into cooperation agreements with foreign partners, whereas the regional state administrations in Ukraine are subordinate to the president of Ukraine and require the approval of the presidential administration to

468



Safe and inclusive border between Slovakia and Ukraine: factors influencing cross-border cooperation

Policy considerations

469



enter into agreements with foreign partners. This has been a problem in Slovak–Ukrainian cross-border cooperation in the past. Over the last 20 years, the different dynamics of the public administration reforms in Ukraine and Slovakia, especially the creation of local and regional self-governing bodies, has hampered territorial regional and local cooperation between Slovakia and Ukraine. However, these days the president of Ukraine, the administration, and the government do their utmost to support territorial cooperation between Ukrainian regions and foreign partners in EU member states, so this will no longer be a major obstacle to cross-border cooperation development between Ukraine and Slovakia.

The findings of the research on cross-border cooperation projects (see chapter 4.1.) show that the largest number of projects was implemented in the following sectoral areas: tourism, environmental protection, and culture. This is also reflected in the perceptions of the inhabitants of the border areas who, in our survey, identified tourism and culture as the areas where they felt cross-border cooperation had the strongest benefit (see chapter 4.2.). That applies to both public opinion and the regional and local administrations, where cross-border cooperation is narrowed down to these particular sectoral areas. There is no recognition that cross-border cooperation projects should be aimed primarily at promoting local entrepreneurship, creating cross-border chains of small and medium-sized local enterprises, pooling the innovative potential of universities and research institutes, implementing green transition projects, including the streamlining of municipal energy, waste management, the development of jointly shared cross-border services in health and social care provision, public transport, improving good governance practices at the regional and local level, harmonizing education programs at all levels and types of schools, and other types of public services that fall within the primary competences of regional and local public administrations. It should, of course, also include the “traditional” areas of cross-border cooperation, i.e., the development of tourism, environmental protection, culture, and sport. Slovak–Ukrainian cross-border cooperation could contribute to reducing the regional development disparities in border areas, but it has to be planned and implemented as a strategy for developing the common cross-border region, i.e., it must include all the key sectoral areas of regional development. The success of planning and developing cross-border cooperation is dependent on building the identity of the common cross-border region at both the population level and that of the political elites of the border regions.

Thus far Slovak–Ukrainian cross-border cooperation has lacked strategic planning for the development of the common cross-border region. Cross-border cooperation needs to be systemic at the interregional

level and cannot be replaced by the activities of cities and municipalities or other entities. Therefore, one of the main recommendations arising from our research findings is to establish a European Grouping of Territorial Cooperation (EGTC) with the participation of the governments of the border regions and the support of the central governments of both countries (see chapter 3.2.), which would then treat cross-border cooperation as a strategic instrument for the comprehensive development of the common cross-border region. We believe that an EGTC would remedy the existing shortcomings in Slovak–Ukrainian cross-border cooperation and would be of great importance for the further development of the eastern regions of Slovakia and the western regions of Ukraine.



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editors

Alexander Duleba, Myroslava Lendel, Veronika Oravcová

executive editor

Peter Brezáni

authors

Olesya Benchak, Mária Blahová, Kleng Bråtveit, Kateryna Benzovych, Michal Cirner, Ladislav Chabreček, Alexander Duleba, Yuliia Fetko, Sverre Fuglevaag, Yevhen Haydanka, Anatolii Holovka, Nadiia Kichera, Anatolii Klyuchkovych, Christian Kuran, Martin Lačný, Yasser Lahbib, Yaroslav Lazur, Hanna Melehanych, Mariya Mendzhul, Svitlana Mitryayeva, Veronika Oravcová, Yuriy Ostapets, Thibault Rabussier, Mykhailo Shelemba, Olga Surnina-Dalekorey, Iryna Sushko, Oksana Svezhentseva, Myroslava Tsalan, Ivana Uličná, Stein Ulrich Ihor Vegesh

reviewers

Halyna Zelenko, Juraj Marušiak, Peter Brezáni

proofreading

Catriona Menzies

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