

**Veronika Pulišová**

**Tomáš Strážay**

**(eds.)**

**Ukraine  
and  
the Visegrad Four:  
Towards a Mutually Beneficial  
Relationship**

## **UKRAINE AND THE VISEGRAD FOUR: TOWARDS A MUTUALLY BENEFICIAL RELATIONSHIP**

Veronika Pulišová, Tomáš Strážay (eds.)

Printed and designed by: ADIN, s.r.o Prešov

Bratislava, December 2010

© Research Center of the Slovak Foreign Policy Association, n. o. (RC SFPA)  
Hviezdoslavovo nám. 14  
811 02 Bratislava  
Slovak Republic  
[www.sfpa.sk](http://www.sfpa.sk)

**norway  
grants** 



*This publication appears thanks to the support of the Norwegian Financial Mechanism ([www.eeagrants.sk](http://www.eeagrants.sk)) and the State budget of the Slovak Republic. The publication was elaborated within the project "Slovak-Ukraine Research and Educational Centre (SUREC)" ([www.sfpa.sk/surec](http://www.sfpa.sk/surec)).*

**ISBN 978 – 80 – 89356 – 13 – 3**

**Veronika Pulišová**

**Tomáš Strážay**

**(eds.)**

**Ukraine  
and  
the Visegrad Four:  
Towards a Mutually Beneficial  
Relationship**

*This publication is a volume of conference contributions, presented at the conference "Ukraine and the Visegrad Four: towards a mutually beneficial relationship", which was organized in Uzhgorod on May 13-14, 2010, within the SUREC (Slovak-Ukraine Research and Educational Centre) project.*

# Content

<b>Regional Cooperation and the Visegrad Four .....</b>	<b>7</b>
<i>Pavol Hamžík</i>	
<b>Can the Visegrad Group Serve as a Model for the Development of Cooperation Among Other Countries? .....</b>	<b>9</b>
<i>Petr Vágner</i>	
<b>Towards Strengthened Cooperation: Assessing Partnership Models Between Ukraine and the Visegrad Group.....</b>	<b>13</b>
<i>Tomáš Strážay, Veronika Pulišová</i>	
<b>Ukraine and the Visegrad Four: Current Status and Prospects for Cooperation .....</b>	<b>37</b>
<i>Andriy Ivanovych Kudriachenko</i>	
<b>Democracy in Ukraine – the Most Important Common Interest.....</b>	<b>53</b>
<i>Grzegorz Gromadzki</i>	
<b>Regional Cooperation and the High North: Its Importance and Limitations....</b>	<b>52</b>
<i>Geir Flikke</i>	
<b>Customs Union of the EurAsEC: Challenge to Ukraine Ignored by the European Union .....</b>	<b>74</b>
<i>Oleksiy Yizhak</i>	
<b>Capacity of Instruments for Development of Mutually Beneficial Relations in the Format “Ukraine – Visegrad Plus” .....</b>	<b>95</b>
<i>Grygoriy Perepelytsia</i>	
<b>EU-Ukraine Visa Dialogue: Context of the Visegrad Group Countries .....</b>	<b>111</b>
<i>Svitlana Mytryayeva</i>	
<b>Ukraine and the Visegrad: Ways of Interaction .....</b>	<b>128</b>
<i>Olga Surnina-Dalekorey, Nadia Gychka</i>	
<b>DISCUSSION</b>	
<b>Modern Status and Future of the Relations between Ukraine and the Visegrad Group: Vision via the International Legal Regulation Mechanism.....</b>	<b>152</b>
<i>Heorhiy Dynys</i>	
<b>Important Aspects of Ukraine’s Euro-Regional Cooperation in the Context of the Visegrad Four’s Experience .....</b>	<b>156</b>
<i>Ivan Artjomov</i>	
<b>Military and Security Issues in Relations Between the Visegrad Four and Ukraine.....</b>	<b>160</b>
<i>Oleksii Yizhak</i>	



# **Regional Cooperation and the Visegrad Four**

**Pavol Hamžík**

Regional cooperation and especially the Visegrad Four hold a singular position among the activities of the Slovak foreign policy. Their importance has been further confirmed due to the extreme conditions of the global economic crisis and of new security and other global threats and challenges. The priority of regional and cross-border cooperation is, above all, to strengthen coherence and mutual fellowship between nations.

For the Central European region, the Visegrad Group represents an important stabilizing element, especially due to its significant potential in cooperation within the spheres of politics, economy, culture, science, education or environmental issues. The effect of a positive stabilizing influence that the V4 has on the whole region of Central Europe is a considerably positive one. Other neighbors of Slovakia are also engaged in constructive and mutually profitable cooperation, as well as partners from other European regional groups. The Visegrad Group activities are mainly influenced by the meetings of prime ministers and other members of governments. The objectives are collaboration and achievement of common positions in pursuing joint interests in relation to important issues of the EU agenda, including areas such as budget, the regional development, external energy security, supporting of the V4 candidates and representatives in the EU's institutions, and also, for example, the coordination of efforts on how to move forward in alleviating the impacts of the global economic crisis.

Supporting European and Euro-Atlantic integration of the Western Balkan countries and supporting the countries of the Eastern Partnership represent a new sphere of interest for the V4 activities.

---

**Pavol Hamžík** is an Ambassador of the Slovak Republic to Ukraine.

With relation to our proximate eastern neighbor Ukraine, the primary interest of the Slovak republic is to see and support a democratic, modern, politically stable, economically prosperous and predictable Ukraine as a partner with the closest relation to the EU as possible. As for the issue of regional and neighborhood policy, Slovakia is and will be eminently interested in friendly relations and mutually profitable economic, cultural and environmental cooperation.

In the framework of its regional dimension, the basic line of Slovak foreign policy is the policy of good neighbor relations in a broad comprehension – not only with the geographically neighboring countries, but also with the countries which are culturally and historically close and share our common interests.



# Can the Visegrad Group Serve as a Model for the Development of Cooperation Among Other Countries?

Petr Vágner

## PARTICULARS OF THE VISEGRAD EXPERIENCE

Concerning specific shared historical conditions, Visegrad countries have lived in a very exposed part of Europe throughout their history. Although walking this common historical path has not always been harmonious, a feeling of mutual belonging has prevailed. This feeling was flourishing in the post-WWII period, when the Visegrad partners-to-be became the Soviet satellites (more or less at odds with the majority will of their nations): *"In the era of socialism, this common fate was linked to the fact that, under the rule of the Soviet Union, our image of the enemy became a collective one."*<sup>1</sup> A sad experience with the communist regime was a very important integrative factor after 1989.

In respect of such a unique situation, new political elites of the Visegrad countries coming to power after 1989, who had their roots in dissident circles, have felt a special mutual affinity. Their representatives have believed that it would be better to deal with an oppressive communist heritage together. This time, their effort entitled *"Back to Europe"* has been supported by a substantial majority of citizens.

---

**Petr Vágner** is an executive director of the International Visegrad Fund.

---

<sup>1</sup> A. Jagodziński (ed) *The Visegrad Group – A Central European Constellation*. (Bratislava: International Visegrad Fund, 2006), pp. 48-49.

In the frame of these historical circumstances, it has not been too difficult to develop regional cooperation, considering particularly that the founding members had wanted to solve questions of mutual interest, such as the withdrawal of Soviet troops from Central Europe, or a bit later joining the EU and NATO. Such ambitious goals simply required a joint effort.

Following the fulfilment of these, we can say, historical tasks, the question emerged whether to continue or not to continue. So a reference used to be made to a so-called *crisis of identity* of the V4. The way to overcome such uncertainties could usually have been found in seemingly non-complicated and very concrete activities such as those supported by the International Visegrad Fund. *As regards the nature of the Visegrad cooperation in the so-called post-accession period, the time of great deeds has been replaced by the time of ordinary work.* Although this work has not been highly visible, in the public eye, such activities in particular have created the potential to help keep and develop an internal cohesion of the Visegrad Group.

## **PERSPECTIVES AND OBSTACLES IN APPLYING “THE VISEGRAD MODEL” TO THE EASTERN NEIGHBOURHOOD**

If we took into consideration Ukraine as a country potentially engaged in a model of regional collaboration as the one developed by the Visegrad Group, we would very quickly realize that *it is hardly applicable* here. The main reason can be found in Ukrainian history, which has brought qualitatively different conditions from those mentioned above. As a result, *Ukraine has not had equipollent integrative partners, nor has there been a common accord among its citizens* to which direction the country should have moved in. This fact gives us a partial answer to the question raised several times in the past, whether Ukraine could become a member of the Visegrad Group.

Actually, Ukraine is a member of another regional constellation called GUAM, gathering Georgia, Ukraine, Azerbaijan and Moldova. The cooperation within GUAM does not seem to be very effective, also because the historical conditions have not been the same as or similar to the ones in the case of the V4 countries. Put in a very simplistic way, GUAM countries do not belong to the same “civilization circle”. In addition, *former and current political elites have not followed similar goals* and notions of who have been their enemies and more or less significant allies have changed over time. Last but not least, the feeling of mutual belonging among Visegrad citizens has not been ideal but it has been far less recognizable among citizens of the GUAM countries. Nevertheless, this historical determina-

tion should not be understood as if Ukraine could not be both: successful within regional cooperation initiatives and effective in interacting with its neighbours westwards.

*Regional cooperation* needs a clear concept. Maybe it would be useful to start with *ordinary practical goals* which all member countries try to achieve. There are some encouraging examples, such as GUAM Free Trade Zone or GUAM Virtual Law-Enforcement Centre, which might contribute to the strengthening of mutually beneficial cooperation. However, we need to realize that a *question of internal compatibility of GUAM* could arise, especially in the context of recent political changes in Moldova and Ukraine.

The success of cooperation with neighbours is very closely connected to the fulfilment of tasks and a clear definition of what Ukraine wants and where it is heading for. An unclear, indeed, unreadable policy, a lax attitude to signed agreements and the seemingly permanent flux of changing the rules of the game have been a long-term problem resulting in a negative impact on any conclusive cooperation between Ukraine and its neighbours, particularly in the West.

Undoubtedly, *more could have been done in the matter of the cooperation between Ukraine and the Visegrad Group, and Ukraine and the European Union so far.* Insufficient exploitation of this cooperative potential is caused by both sides: Ukraine has viewed the behaviour of most European partners as not supportive enough, and vice versa, its EU partners have criticized Ukraine's low-profile integration endeavour and results. The depth of this *mutual disillusion* has probably resulted from *too big expectations*. Hence, it would be useful to make certain stocktaking in this regard, followed by developing projects which would not be so ambitious but with a clear and concrete content. Particularly cross-border cooperation offers promising potential. Ukraine and the V4 together have already realized several such projects, allowing cooperation for example among regions, towns and villages, and citizens at various levels, with interesting results often benefiting participating parties more than various political declarations.

On the one hand, political support for such cooperation can contribute to its development, as we can see on the example of initiatives of the Visegrad Group. But on the other hand, projects out of "political tentacles", focused on activities in orbit of a so-called low policy (culture, education, environment, etc.) are less dependent on political conjuncture, thus more stable and, supposedly, with clear perspectives. Evidently, it is necessary to find new programmes for the cooperation and new human and financial resources. Joint efforts of the Visegrad

Group (made by means of the International Visegrad Fund, inter alia) to broaden and strengthen an area of promoting democracy, stability and prosperity must go on.

# **Towards Strengthened Cooperation: Assessing Partnership Models Between Ukraine and the Visegrad Group**

**Veronika Pulišová**

**Tomáš Strážay**

Ukraine belongs to one of the most important territorial concerns in foreign policy development - making its accession a priority of all the Visegrad countries. Being the neighbor of three – out of the four – V4 countries, Ukraine has an important position among the targets of the Visegrad Group's activities.

Cooperation with Ukraine has been developed both on a bilateral and V4+ level. Though, in some areas cooperation started after the revitalization of the Visegrad Group in 1998, the accession of the V4 countries to the European Union, later accompanied by promising political changes in Ukraine in winter 2004, can be considered a trigger for more advanced cooperation.<sup>1</sup> The support for Ukraine's

---

**Tomáš Strážay** is a senior research fellow of the Slovak Foreign Policy Association, in charge of the Central and Eastern Europe Program; and an editor of *International Issues & Slovak Foreign Policy Affairs*.

**Veronika Pulišová** is a PhD candidate at the Institute of European Studies and International Relations, Comenius University in Bratislava; and an external research associate of the Slovak Foreign Policy Association.

---

<sup>1</sup> See the sheet at the end of the article, which summarizes meetings organized in recent years, somehow related to the cooperation between the Visegrad Group and Ukraine (in some cases, also other non-Visegrad partners) in various areas.

integration ambitions – for the so-called Orange government expressing its deep interest in both EU and NATO membership as an opportunity to bring the country closer to the West – has been embodied in various political declarations issued by the V4 leaders.<sup>2</sup> What is more, written or verbal supporting statements have been followed by concrete invitations for cooperation in various fields.

The paper identifies several levels of involvement of Ukraine in regional cooperation under the umbrella of the V4. Instead of rather unrealistic direct membership of Ukraine in the Visegrad Group, other possibilities are scrutinized. The paper is divided into four main parts. The first part analyzes the framing documents of the V4 and its level of institutionalization in order to assess general openness towards cooperation with other countries, including Ukraine. Secondly, the paper focuses on the possibilities of enforcing the V4-Ukrainian cooperation at both political and civil society levels. Evaluation of the cooperation on the sectoral level follows, especially in the field of security and energy. Finally, the possibility of interregional cooperation in terms of transferring V4 ‘know how’ to GUAM is also assessed.

## **INSTITUTIONAL PREDISPOSITIONS FOR COOPERATION**

The ability of the V4 to face common challenges effectively is to a large extent derived from the collection of documents framing activities of the Group and defining a role of particular stakeholders. The level of institutionalization of the cooperation, which to a certain extent determines the performance of the initiative and its interaction with other countries and regions can be seen as another influential factor.

- **Framing documents**

The Visegrad cooperation is based on quite a limited number of such documents – two general declarations, two sets of guidelines plus one supplement to these guidelines<sup>3</sup> – which means that a large portion of the success of the

---

<sup>2</sup> See, for instance, Statement of the Visegrad Ministers of Foreign Affairs on the situation in Ukraine, Cracow (December 7, 2004); Joint Declaration of the Prime Ministers of the V4 countries on Ukraine, Kazimierz Dolny (June 10, 2005); Joint Statement of the Ministers of Foreign Affairs of the Visegrad Group Countries, Sweden and Ukraine, Prague (April 23, 2008), (<http://www.visegradgroup.eu/main.php?folderID=939>).

<sup>3</sup> The first declaration establishing the Visegrad Group was signed by the representatives of the “Visegrad-Three” (Czechoslovakia, Hungary, Poland) in 1991 in Visegrád, Hungary. It set up basic goals of this regional initiative and created the basis for further development of joint activities, including “the full involvement in the European economic and political system”. (Declara-

V4 relies on other factors than strictly defined rules and codes of conduct. In general, declarations and sets of instructions create only important background information for regional initiative, while its efficiency is based on the willingness of those involved countries to participate equally in the Group's activities. Another important element underpinning regional cooperation is effective coordination of positions and activities of participating countries.

Both Visegrad declarations and guidelines assign the most important role to the governments of particular countries and sectoral cooperation, while presidents and parliaments are supposed to play only a secondary role. Other parts of society, including academic institutions, municipalities, cultural institutes or NGOs, participate in the cooperation on the ground, mostly thanks to the funding opportunities offered by the International Visegrad Fund (IVF). Despite a systematic effort to bring Visegrad closer to its citizens, still the V4 can be largely seen as a political project.

As regards cooperation with non-Visegrad countries and other regional groupings, three out of five V4 framing documents tackle this issue head on. In the Annex to the Contents of Visegrad Cooperation from 2002, particular attention is given to the principles of cooperation in the framework of the V4 plus 1 format. According to the document, cooperation with other partners should firstly be discussed and coordinated within the Group.<sup>4</sup> Also, a significant part

---

tion on Cooperation between the Czech and Slovak Federal Republic, the Republic of Poland and the Republic of Hungary in Striving for European Integration, 1991) After the revitalization of the cooperation in 1998, the Prime Ministers of the V4 countries agreed on the Contents of Visegrad cooperation, approved in Bratislava in 1999. The Contents included substantive elements of the cooperation in eight areas – 1. foreign affairs, 2. internal affairs, 3. education, culture, society, youth and sport, 4. science, technology, 5. environment, 6. infrastructure, and 7. cross-border cooperation. Another important element of the Contents was the description of the structure of the Visegrad intergovernmental cooperation, as well as the involvement of other stakeholders, including parliaments and civil society organizations. (Contents of Visegrad cooperation, 1999). The role of the presidency of the Visegrad Group was defined in the Annex to the Contents of Visegrad Cooperation (2002). The rotating presidency was supposed to intensify cooperation and concentrate it on a few priority areas. Main areas of cooperation in the post-accession period were then identified in the so-called Kroměříž Declaration (Declaration of Prime Ministers of the Czech Republic, the Republic of Hungary, the Republic of Poland and the Slovak Republic on the Cooperation of the Visegrad Group countries after their accession to the European Union, 2004) and attached Guidelines on the future areas of Visegrad cooperation. (2004). The latter also described more precisely the mechanisms of cooperation.

- <sup>4</sup> Within the so-called external dimension, the role of the presidency is based on following principles:
- If a proposal is made for a top-level meeting in the V4+1 format, such initiative will first be discussed among the Visegrad countries and only then presented to a third country by the V4 presiding country;
  - The same mechanism will apply to meetings at lower levels or expert talks held in the V4+1 format.

of the Kroměříž Declaration is devoted to countries aspiring for EU membership and to neighboring countries and regions.<sup>5</sup> The idea to develop the cooperation with non-Visegrad countries, primarily from Eastern and Southeastern Europe, is further elaborated in the Guidelines.<sup>6</sup>

• **Level of institutionalization**

The level of institutionalization has an impact on the functioning and overall performance of a particular regional initiative. The Visegrad Group as such does not have any institutional background in the form of a secretariat, through which the activities of the group would be managed. The only Visegrad institution remains to be the International Visegrad Fund, which is, however, to a large extent an independent entity focusing on the support and administration of joint projects, predominantly in the realm of culture, education, students and scholars exchange, cross-border cooperation or tourist promotion.<sup>7</sup> Obviously, the V4 is characterized by a weak level institutionalization. Forasmuch as both - weak and strong - institutionalizations have their advantages and disadvantages, it is not straightforward at all to label the lack of permanent institutional structures of the V4 as a hindering aspect or a cause of failures of this regional cooperation. The main advantages and disadvantages of this model can be summarized in the following way:

---

<sup>5</sup> “They (the Visegrad countries) are ready to assist countries aspiring for EU membership by sharing and transmitting their knowledge and experience. The Visegrad Group countries are also ready to use their unique regional and historical experience and to contribute to shaping and implementing the European Union’s policies towards the countries of Eastern and Southeastern Europe. (...) The Visegrad Group countries are committed to closely cooperating with their nearest partners in the Central European region. They are also ready to cooperate in specific areas of common interest with countries within the wider region, with other regional groupings in Europe as well as with third countries and international organizations.” See the Declaration of Prime Ministers of the Czech Republic, the Republic of Hungary, the Republic of Poland and the Slovak Republic on the Cooperation of the Visegrad Group countries after their accession to the European Union (2004).

<sup>6</sup> In the part entitled “Cooperation with other partners”, cooperation with the following groups of countries is mentioned:

- cooperation with interested Central European countries
- cooperation with candidate and aspiring countries in support of reforms essential for their European and Euro-Atlantic perspective and collaboration in effective implementation of programs of cooperation of these countries with the EU and NATO
- cooperation with other regional structures,
- collaboration with other interested countries and organizations.

See Guidelines on the future areas of Visegrad cooperation (2004, [www.visegradgroup.eu](http://www.visegradgroup.eu)).

<sup>7</sup> The International Visegrad Fund, based in Bratislava, was established on June 9, 2000. Its budget (EUR 6 million in 2010) consists of equal contributions from the governments of the V4 countries. The list of the recipients of the Fund’s support includes mainly non-governmental organizations, municipalities and local governments, private companies, schools and universities, as well as individual students and artists. For more information, see [www.visegradfund.org](http://www.visegradfund.org).



*Advantages:*

- flexibility and openness to new ideas, contents, as well as impetuses coming from a wider external environment
- more efficient spending of financial resources
- possibility to organize ad hoc meetings and coalitions with other countries

*Disadvantages:*

- lack of a single coordinating body ensuring, inter alia, continuity of strategies
- lack of strictly defined communication procedures and mechanisms of cooperation
- decisions are not legally binding

The history of the Visegrad cooperation shows that regional projects can be viable and efficient also while maintaining quite weak levels of institutionalization. However, this assumption is valid only on condition that values, principles and informal rules, which are shared by all partners, exist. One of the most important among them is the principle of *solidarity*. Despite some divergences in the positions of particular V4 countries, solidarity has remained the leading principle in the Visegrad Group. It has to be underlined that the process of developing a regional cooperation goes hand in hand with the establishment of a *widely-recognized regional "trademark"*. In this field the V4 may serve as a really good example for other regional initiatives. Finally, an *appropriate and feasible selection of common goals and aims, which are to be achieved*, matters as well. While meeting the first two requirements to overcome volatility stemming from a loose institutional setting, the V4 has, especially in the past, had high, often unattainable, expectations, turning into general disappointment undermining the trustworthiness of the Visegrad project when they have not been fulfilled. However, today the V4 seems to be "a mature girl" already, as noted by the Czech Foreign Minister Karel Schwarzenberg at the Visegrad Foreign Ministers summit in Bratislava in September 2010.

A widely accepted consensus exists to not institutionalize the Group beyond the level of the IVF. This means that the V4 political leaders prefer to maintain Visegrad cooperation as an informal platform for coordination and the exchange of ideas. On the other hand, the increased budget for the IVF and its support from the governments of four countries, steadily growing number of applications for grants, as well as the rising number of scholarships awarded – also to students from non-Visegrad countries, including Ukraine – prove that the IVF is of crucial importance for the V4.

From the perspective of Ukraine, the weak institutionalization of the Group can be perceived as an advantage. By maintaining the low level of institutionalization,

the V4 can react more flexibly on the proposals and needs of the Ukrainian side. Moreover, this model enables the avoidance of long-lasting approval procedures.

- **Enlargement question**

In the past there have been several attempts to enlarge the V4, while Slovenia, Austria and even Ukraine have come forward among possible candidates. Despite a reserved answer of other Visegrad partners to the suggestion of the former Polish President Aleksander Kwaśniewski to invite Ukraine as the fifth member of the Visegrad “club”, Ukraine has remained among the top priorities of the Visegrad Group, while other alternatives to direct membership for attaching Ukraine to the V4 have been considered. Neither in the foreseeable future the V4 enlargement is going to become an issue - the Group is still in the process of meeting the common challenges connected with the EU membership.

All in all, although the V4 is not likely to expand, both institutional arrangements of the Group and its framing documents are highly favorable for improving cooperation between the Group and other partners, including Ukraine. It could also be argued that the high level of flexibility maintained by the V4 in relations with Ukraine brings the Group an added value when compared to other regional initiatives in Europe.

## **POLITICAL COOPERATION AND CIVIL SOCIETY**

As already mentioned, Visegrad countries fully support the deepening of relations between Ukraine and the EU. In official proclamations, statements, programs of Visegrad Group’s presidencies, corresponding negotiations at the EU level, at meetings in the V4 and V4+ format; Visegrad political representatives and analysts have stressed several times the Group’s commitment or even a moral duty to offer “a helping hand” to Ukraine in its transformation and modernization efforts, in case Ukraine itself is interested in being assisted by the four Central European partners. In fact, everything leading to the EU integration perspective and developing advantages of a free trade area and free travel (information and experience transfer, strengthening dialogue, advice on making reforms, financial aid) is highly welcomed by Ukraine.

So is the Eastern Partnership, officially launched in May 2009, which is a special dimension of the European Neighborhood Policy; flourishing in so much as becoming one of the main goals of the V4’s external performance and one of the priorities of the forthcoming Hungarian and Polish EU presidencies

in 2011. Therefore, for example, the V4 countries have called attention to grant trade preferences to those most advanced in undertaking necessary reforms, to a need to increase respective EU financial commitments, and balance the amount of resources allocated to the Eastern and Southern dimensions of the ENP. Furthermore, they belong to strong advocates of, or, it could be said, *lobbyists* for liberalizing the EU visa policy towards neighboring countries. All segments of society<sup>8</sup> travelling westwards for the sake of study, work, doing business or just vacation, articulate that such a lobby is tremendously important, for as much as many of them consider the actual status of a visa regime and treatment of Ukrainians when asking for visas and crossing the Schengen borders humiliating. It certainly has a negative impact on the overall perception of the EU in Ukraine.

On the one hand, political cooperation should also be concerned with the intentional removal of existing barriers. From this point of view, applying the *Visegrad+ instrument*, inviting Ukraine's highest political representatives to some of the V4 meetings and summits, conducting dialogues in the V4+Ukraine (and other partners, based on the topic and parties' interest) format, is important for identifying actual needs and solving problems. Part of the problem solving often lies in Brussels. Hence, Visegrad officials should continue in their contribution to enhancing the EU-Ukrainian relations, both by lobbying for the easier access of Ukrainian citizens to the EU, and by assisting Ukraine in fulfilling necessary conditions set by the Union.

On the one hand, political (high level) V4-Ukrainian interaction should create – and it does create, indeed - tools and opportunities for such interaction which are at the disposal of the lower, civil society level. The International Visegrad Fund plays an important role here. The programs (grants, scholarships) offered by the IVF significantly contribute to the interlinking of civil societies in V4 countries and Ukraine. Ukrainian subjects, for instance, are encouraged to apply for grants provided by the Fund, unless they cooperate in the realization of their project with partners from at least two Visegrad countries. Another efficient tool widely used by students from Ukraine is the Ukrainian scholarship program. Thanks to this funding scheme, Ukrainian students have an opportunity to spend some time at the universities in Visegrad countries. Popularity of these, so-called in-coming scholarships, is reflected in the growing number of applications.

---

<sup>8</sup> I.e. political and state administration representatives, academia, NGOs, students and ordinary citizens in general.

## SECTORAL COOPERATION

Sectoral cooperation has played a significant role in the process of developing relations between the V4 and Ukraine. Ukraine occupies one of the top positions among the countries on which the V4 plus instrument has been applied. Within a range of related areas and issues, especially security and energy security, deserve particular attention. Therefore, the paper provides a more detailed insight into the V4-Ukrainian interaction in these fields.

- **Security**

The cooperation potential of the V4 and Ukraine in the realm of security is significant but still unexploited. Meetings of State Secretaries, Prime Ministers, Ministers of Environment, Foreign Affairs, Defense, Transport and infrastructure, high-ranking border guards officers, Chairmen of Foreign Affairs, Security, Defense and EU affairs parliamentary committees in the V4+ Ukraine format - sometimes widened by attendance and interest of other partners such as Lithuania, Slovenia, Romania, Georgia, Moldova as well - have become a typical platform for an important information and know-how exchange for the sake of a fuller realization of this potential.<sup>9</sup> For the regional security and stability of Central and Eastern Europe - both in a hard and soft sense - the V4-Ukrainian cooperation and further approximation of Ukraine to the EU is crucial and welcomed by its constituents.

The V4 could and should actively offer advice and practical aid to Ukraine in the *modernization process in security and defense sector* (e.g. by providing common training of military and police forces); *information campaigns* directed at familiarizing Ukrainian public, civil society as well as experts from the state administration structures, with the functioning of the EU and NATO, rules followed by them, their purpose, goals and means. This would contribute to improving interoperability between Ukraine and the EU, UN and NATO capacities, meeting their standards (of equipment, training, techniques, operational procedures, etc.), and provide all interested with first-hand knowledge. A positive example of engagement of the Visegrad Group in Ukrainian enhancement of Ukrainian security, and thus, the creation of conditions for further development for participating in the EU Border Assistance Mission in the Moldovan-Ukrainian borderland; aimed at a peaceful settlement and resolution of the conflict in Transnistria, the fight against smuggling and illegal migration, as well as the modernization and harmonization of border management. Visegrad partners are four out of the 22 EU member states

---

<sup>9</sup> Visa regime, Schengen zone issues, cross-border cooperation, implementation of the ENP, deepening of NATO-UA cooperation, working towards closer EU-Ukrainian relationship in terms of economy, energy, foreign and security policy; those are, for the most part, objects of the common concern on both sides of the EU eastern border.

directly contributing to the EUBAM which rests in funding secondment of customs and border guard services experts, training and advice in capacity building, investigation techniques, etc.

The question is, however, whether Ukrainian political leadership is interested in such assistance not only provided by the EU and the UN<sup>10</sup> but also with NATO, all searching for a more stable and secure world (through peacekeeping, fight against terrorism, etc.). Since the 1990's, Ukraine has deployed its military and civilian contingents to numerous international, not only EU- and UN-led but also NATO-led missions<sup>11</sup>, working shoulder to shoulder with allied forces. (Many of these deployments have coincided with those of the Visegrad countries.) It has also been taking part in NATO's Partnership for peace program. Most recently, in 2010, NATO-Ukrainian military exercises in the Black Sea region aimed at fighting sea piracy have been organized; and other international military and peacekeeping exercises hosted by Ukraine are on the way. Moreover, Ukraine is preparing a platoon specialized in nuclear, biological and chemical threats for participation in the NATO Response Force (NRF), and it has also offered strategic airlift capabilities to a future NRF rotation<sup>12</sup>. Last but not least, the current Ukrainian leadership headed by President Viktor Yanukovich has "made it clear that while it was not presently pursuing NATO membership, it wished to maintain the existing level of cooperation with the Alliance and to fulfill existing agreements. Continued political and military dialogue for regional stability, practical support for NATO-led operations and defense reform were identified as the main tasks for NATO-Ukraine cooperation."<sup>13</sup>

Simply put, Ukraine is not refusing the cultivation of ties with NATO, despite NATO membership not being the topic just now and lacking political and public enthusiasm in general (due to stereotypes, limited information and unimpressive targeted promotion campaigns). Ukraine as well as NATO are aware that internal reforms are needed first<sup>14</sup>; then the two may cooperate more intensively and deal with strategic concerns. This demonstration of Ukraine's continuous interest in and commitment to interaction with NATO should serve as a boost for the V4 in

---

<sup>10</sup> Ukraine is a member of the International Atomic Energy Agency, and a party to the Non-Proliferation Treaty and the Comprehensive Test Ban Treaty (both adopted by the UN General Assembly).

<sup>11</sup> Deployed in Kosovo, Afghanistan, Iraq and elsewhere.

<sup>12</sup> "NATO's relations with Ukraine", *North Atlantic Treaty Organization* (July 30, 2010), [http://www.nato.int/cps/en/natolive/topics\\_37750.htm](http://www.nato.int/cps/en/natolive/topics_37750.htm).

<sup>13</sup> Ibid.

<sup>14</sup> Especially in the field of justice, human rights protection, firm establishment of democratic principles and stable institutions...

thinking about strengthening its cooperation with Ukraine in all areas connected to the development of a stable and secure region and a reliable partner. Besides, priorities of any cooperation should be set in accordance with the Annual National Program, in which the Alliance assesses Ukraine's annual progress, achievements and deficiencies in concrete areas.

- **Energy**

An important part of any security dialogue between Ukraine and the V4 has always been devoted to energy security. The most important recent events influencing Ukraine's relationship with its energy trading partners have included: 1. deal with Russia on allowance of Russian Black Sea Fleet to stay in Sevastopol until 2042, in exchange for lower prices of Russian gas supplies and concessions in paying fees in case Ukraine does not spend all the contracted supplies; and, 2. signing the "Protocol concerning the accession of Ukraine to the Treaty establishing the Energy Community" (hereinafter "Protocol") signaling step-by-step fulfillment of requirements of the Community<sup>15</sup> and incorporation of Ukraine into the (European) Energy Community effective from 2006.

As to the former - on the one hand, a good relationship and close, smooth, cooperation between Ukraine and Russia is crucial, not only for themselves but also for the EU. There was a chance to see its importance during several energy (oil and gas) crises in recent years. Most recently, the January 2009 gas crisis hit Central and Eastern Europe, primarily Slovakia and Bulgaria. This Russian-Ukrainian dispute definitely did not improve Ukraine's relationship with Slovakia, nor with the Visegrad region as a whole. Ukraine has been sharply criticized for transmitting its bilateral discrepancies with Russia to European energy trading partners. Obviously, in today's interdependent world, it is also in Central European countries' and the EU's interest to have well-developed Ukrainian-Russian cooperation in the energy sector and their mutual contractual terms to be performable.

On the other hand, though, the EU itself also needs a readable, continuous and more intensive relationship with Ukraine (as a key energy transit country), in order to ensure stable, secure and sufficient gas supplies to Europe. It cannot just stand aside and wait for outcomes of Ukrainian-Russian negotiations. Hence, the decision on the accession of Ukraine to the Energy Community was made by respective ministers of member countries in December 2009 but the signature of the Accession Protocol was conditioned by "adoption of a gas law in compliance

---

<sup>15</sup> First and foremost liberalization of Ukraine's energy market, making it more transparent and regularized.

with EU relevant rules”<sup>16</sup>. Following the enactment of the new gas law in summer 2010, Ukraine signed the Protocol in September as a signal of “political will to align the principles of Ukrainian energy policy with that of the EU”<sup>17</sup>. Verkhovna Rada is now expected to ratify the Treaty establishing the Energy Community, after which Ukraine will shift from an observer status (currently held also by Georgia, Norway and Turkey) to a full-fledged member and will become a party to the Treaty with all corresponding rights and duties.

Partners from the Energy Community “have committed themselves to liberalize their energy markets and implement key EU legal acts in the area of electricity, gas, environment and renewable energy”<sup>18</sup>. Ukraine – supposedly to-be party to the Treaty – will be bound to implement core EU energy legislature and thereby put in place a transparent market structure. With another legal obligation to increase usage of renewable energy and energy efficiency, Ukraine is also supposed to contribute to tackling climate change. As a quid pro quo, the alignment with the EU legal framework should result in an improved investment climate and higher financial stability.<sup>19</sup> Ukraine’s membership in the Energy Community<sup>20</sup> is “a major step both for the Energy Community and for Ukraine. Ukraine will have access to a pan-European energy market, based on the principles of solidarity and transparency. For the Community, Ukraine is an important new member and security of supply further improved”<sup>21</sup>. Considering these facts and assumptions, what are the possibilities for V4-Ukrainian cooperation in this intertwining mix of relations?

Except for diversification of energy resources, building infrastructure interconnections to ensure alternative gas supplies routes, except for working on main-

---

<sup>16</sup> “European Commission welcomes Ukraine in Energy Community”, *Energyportal.eu* (September 24, 2010), <http://www.energyportal.eu/latest-green-energy-news/9090-european-commission-welcomes-ukraine-in-energy-community.html>.

<sup>17</sup> Y. Boyko, in “Press release: Ukraine signs the Energy Community Accession Protocol”, *Energy Community* (September 24, 2010), [http://www.energy-community.org/portal/page/portal/ENC\\_HOME/NEWS/News\\_Details?p\\_new\\_id=3721](http://www.energy-community.org/portal/page/portal/ENC_HOME/NEWS/News_Details?p_new_id=3721).

<sup>18</sup> “European Commission welcomes Ukraine in Energy Community”, *Energyportal.eu* (September 24, 2010).

<sup>19</sup> “Press release: Ukraine signs the Energy Community Accession Protocol”, *Energy Community* (September 24, 2010).

<sup>20</sup> The Energy Community is composed of the European Union, Albania, Bosnia and Herzegovina, Croatia, FYROM, Moldova, Montenegro, Serbia, and the United Nations Interim Administration Mission in Kosovo.

<sup>21</sup> G. Oettinger, in “European Commission welcomes Ukraine in Energy Community”, *Energyportal.eu* (September 24, 2010).

tenance or enhancement of a quality of dialogue on energy related issues with Ukraine; after completion of the ratification process in Ukraine, Visegrad countries (the Slovak Republic in particular) should assist Ukraine in the implementation of the respective *acquis communautaire* in accordance with the timetable for the forthcoming years as set in the Protocol. As EU members, all the Visegrad Group constituents are parties to the Treaty establishing the Energy Community. Moreover, three of them – the Czech Republic, Hungary and Slovakia – have a so-called “participant status” within the Community, which means they have the right to participate in all institutional meetings of the Energy Community, including those facilitating dialogue with aspirants for the membership. Possessing this status might become a significant tool for reinforcing cooperation of the V4 and Ukraine in reducing emissions, promotion of electricity produced from renewable resources and use of bio fuels for transport, safeguarding secure natural gas supplies, legislative adjustment and putting into practice common rules of an internal market in natural gas, cross-border exchanges in electricity (applied by the Community), etc. Helping Ukraine to become a serious member of the Energy Community and to undertake the necessary steps to be able to follow EU legal acts on the energy sector should be one of the top priorities in a relationship of the Visegrad Group towards its Eastern neighbor in order to prevent (through concrete binding agreements) similar disruptions of gas supplies and disappointments of mutual (non-)interaction in the future, indeed, to make Ukraine a more reliable partner behaving responsibly towards stakeholders in its energy policy not only eastwards but also westwards.

Despite the fact that resources from Russia are still more important than their transfer (not only) in terms of economic profitability and that gas is generally considered to be a kind of Russian foreign policy “weapon”; current Ukrainian leadership under President Viktor Yanukovich seems to be attempting to make pragmatic decisions. Moreover, he has proclaimed that the EU integration remains a priority for Ukraine’s foreign policy. This implies that the EU, and the V4 as a potential mediator, should exploit existing space for any viable negotiations.

## **V4 AND GUAM**

Ukraine is a participating country in a number of regional initiatives, including the Black Sea Synergy, GUAM or the more recently launched Eastern Partnership. The enhancement of cooperation between the V4 and regional groupings, in which Ukraine takes part, might therefore be considered as another opportunity for strengthening ties between the V4 and Ukraine.



Among all regional initiatives in Eastern Europe, the GUAM initiative appears to be the most similar to the V4. Common factors might include, for instance, a limited number of participating countries, regional ownership or sharing of some common goals. The most significant differences encompass the level of institutionalization or geopolitical situation. Several limitations also exist that may influence the possible transfer of the Visegrad model to Eastern Europe, and especially to the GUAM initiative. They can be summarized in the following points:

1. *Borders.* The four GUAM countries do not share common borders with each other. Neither Azerbaijan nor Georgia have common borders with Ukraine and Moldova. Moreover, Ukraine and Moldova are physically separated by the so-called Transnistrian Republic. There are no doubts that the absence of common borders has an unquestionably negative impact on the cross-border cooperation, people to people contacts and intra-regional cooperation – these all are fields where the V4 countries have succeeded and might serve as a good example.

2. *Unclear European perspective.* The GUAM countries are considered to be partners of the EU but have not been given a clear European perspective so far. Moreover, the advancement of partnership of GUAM members with the EU also differs. In the case of NATO the situation is even more complicated. The potential for know-how transfer from the V4 in the field of the latter is therefore very limited.

3. *“Russian factor”.* All four GUAM countries fall into the category of the former Soviet republics and Russia still considers them to be in its “sphere of influence”. The relations between Georgia and Russia are very sensitive and full of tensions. In addition, Russian troops are directly present on the territory of Georgia and Transnistria, while Russia keeps maintaining its maritime base in Sevastopol in Crimea.

4. *Economy.* The economic situation in particular within GUAM countries is different not only in terms of GDP, but also in their economic orientation. While Moldova and Georgia can be described as agricultural countries, Ukraine is more industry-oriented. Azerbaijan, because of its oil resources, is a specific example differing from the other three remaining GUAM countries. This heterogeneity could be another obstacle to the successful transfer of Visegrad practices since the V4 countries used to be more homogeneous in this respect.

5. *Insufficient political will.* Not all four countries are equally interested in developing regional cooperation within the GUAM framework. While Georgia seems to be a more active regional player, Azerbaijan and Moldova lag behind.

The importance assigned to GUAM by Ukraine has been decreasing since the last presidential elections. In addition, the development of GUAM depends to a large extent on the political situation in the member states and composition of their political elites. In other words, instability in particular countries has been reflected very intensively on the GUAM level.

The above mentioned limitations should be taken into consideration while thinking about the possibilities of transferring the Visegrad experience to the GUAM countries and strengthening cooperation between the two groupings. This does not, however, mean that the GUAM countries are supposed to give up cooperation with the V4 and vice versa. A number of areas exist where the V4's experience might be considered useful – one of them is the development of the free trade area. However, adequate political will on both sides remains to be the prerequisite for any kind of strengthened cooperation. No official dialogue between the V4 and GUAM has been launched so far.

## **CONCLUDING REMARKS**

The paper evaluated several possibilities of intensifying cooperation between the Visegrad Group and Ukraine. Though the enlargement of the Visegrad Group was presented as one of the alternatives in the past, currently it appears to be an unrealistic option. However, the importance of the advocacy of the V4 in favor of Ukraine and political cooperation in general should not be forgotten. Also, scholarships and grants provided by the IVF can be considered as a very concrete instrument for deepening cooperation between the Visegrad Group and Ukraine, especially on the civil society level. Another level of cooperation, which attracts more and more attention, is sectoral cooperation. As outlined on the examples of security and energy, the model "V4 plus" can be used in order to reinforce cooperation between the V4 and Ukraine in an efficient way. Last but not least, despite the existing limitations in the V4-GUAM cooperation, some potential still exists for further improvement of contacts between the two regional initiatives.

A closer cooperation of Ukraine with the V4 should by no means generate feelings that the V4-Ukraine partnership - or any other regional cooperation – aims to substitute the integration of Ukraine to the European Union. On the contrary - approximation of Ukraine to the EU and its deeper involvement in regional initiatives are complementary processes. By launching the Eastern Partnership concept in 2009, the EU provided countries in its Eastern neighborhood, including Ukraine, with another important instrument for cooperation. The ongoing

implementation of the EaP brings new opportunities for developing relations between the V4 and Ukraine. The V4 can truly become a “window” to the West for all EaP countries, but in the case of Ukraine, this statement is especially valid.

Finally, it is important to underline the fact that the joint *Visegrad voice* has already gained some respect in the EU. Due to holding the EU presidencies in 2011, Visegrad countries are to be found in a yet more upgraded position within the EU. It will be an extraordinary opportunity to pursue the Four’s foreign affairs and security interests in and through channels of the EU’s external relations. Well-developed and mutually beneficial relationship with Ukraine is certainly one of these interests.

## REFERENCES

- “Contents of Visegrad Cooperation”, *Visegrad Group* (1999) <http://www.visegradgroup.eu/main.php?folderID=1&articleID=3937&ctag=articlelist&iid=1>.
- “Declaration on Cooperation between the Czech and Slovak Federal Republic, the Republic of Poland and the Republic of Hungary in Striving for European Integration”, *Visegrad Group* (1991), <http://www.visegradgroup.eu/main.php?folderID=830&articleID=3940&ctag=articlelist&iid=1>.
- “Declaration of Prime Ministers of the Czech Republic, the Republic of Hungary, the Republic of Poland and the Slovak Republic on cooperation of the Visegrad Group countries after their accession to the European Union”, *Visegrad Group* (May 12, 2004), <http://www.visegradgroup.eu/main.php?folderID=940&articleID=3939&ctag=articlelist&iid=1>.
- “European Commission welcomes Ukraine in Energy Community”, *Energyportal.eu* (September 24, 2010), <http://www.energyportal.eu/latest-green-energy-news/9090-european-commission-welcomes-ukraine-in-energy-community.html>.
- “Guidelines on the Future Areas of Visegrad Cooperation”, *Visegrad Group* (May 12, 2004), <http://www.visegradgroup.eu/main.php?folderID=940&articleID=3936&ctag=articlelist&iid=1>.
- “Joint Declaration of the Prime Ministers of the V4 countries on Ukraine”, *Visegrad Group* (June 10, 2005), <http://www.visegradgroup.eu/main.php?folderID=962&articleID=3901&ctag=articlelist&iid=1>.
- “Joint Statement of the Ministers of Foreign Affairs of the Visegrad Group Countries, Sweden and Ukraine”, *Visegrad Group* (April 23, 2008), <http://www.visegradgroup.eu/main.php?folderID=939&articleID=15586&ctag=articlelist&iid=1>.

“NATO’s relations with Ukraine”, *North Atlantic Treaty Organization* (July 30, 2010), [http://www.nato.int/cps/en/natolive/topics\\_37750.htm](http://www.nato.int/cps/en/natolive/topics_37750.htm).

“Press release: Ukraine signs the Energy Community Accession Protocol”, *Energy Community* (September 24, 2010), [http://www.energy-community.org/portal/page/portal/ENC\\_HOME/NEWS/News\\_Details?p\\_new\\_id=3721](http://www.energy-community.org/portal/page/portal/ENC_HOME/NEWS/News_Details?p_new_id=3721).

“Statement of the Visegrad Group Ministers of Foreign Affairs on the situation in Ukraine”, *Visegrad Group* (December 7, 2004), <http://www.visegradgroup.eu/main.php?folderID=961&articleID=3887&ctag=articlist&iid=1>.

[www.visegradfund.org](http://www.visegradfund.org)

*Summary sheet: Meetings held in recent years, related to the V4+ Ukrainian cooperation*

<b>Date</b>	<b>event</b>	<b>content and output</b>	<b>attendance of a Ukrainian representative</b>
<b>7.-9.2.2002</b>	V4+Ukrainian, Slovenian and Austrian Ministers of Health (conference, Prague)	(not found)	yes
<b>8.-9.7.2002</b>	V4+UA State Secretaries (meeting, Košice)	The main subject of the discussion was cooperation between the V4 and Ukraine in a wider context of European integration. The State Secretaries exchanged their views on cooperation in the format of V4 and Ukraine, on the Schengen border issues, including visa regime and cross-border cooperation.	yes
<b>11.10.2002</b>	V4+UA Heads of State Veterinary and Food Administrations (meeting, Svidník)	(not found)	yes
<b>24.-25.6.2003</b>	V4 Prime Ministers (summit, Tále)	The V4 Prime Ministers, inter alia, exchanged views with the Prime Minister of Ukraine on cooperation between the V4 and Ukraine	yes
<b>16.-17.10.2003</b>	V4 National Coordinators meeting in the framework of the conference in the V4+UA format (Nyíregyháza)	cross-border cooperation	probably

<b>20.-21.5.2004</b>	V4 Ministers of Environment (meeting, Siófok)	<i>Joint Statement:</i> Ministers confirmed, inter alia, interest of their countries in implementation of the ENP and development of New Neighbourhood Instrument in order to promote effective cooperation with neighbouring countries, in particular UA, Belarus, Moldova and Western Balkans countries in the field of environment; appreciation of launch of the Interreg III/A programmes, e.g. Hungarian-Slovak-Ukrainian and Hungarian-Romanian-Serbian programmes	no
<b>21.-22.6.2004</b>	V4 Chairmen of parliamentary Foreign Affairs, Security and Defence Committees and the EU affairs Committees (meeting, Warsaw)	<i>Joint Statement:</i> “We are convinced that relations with the states of Eastern Europe, especially with Ukraine, will be of fundamental importance to the security, development and future not only of EU regions neighbouring Eastern Europe but also for the EU as a whole. Cooperation within the EU Eastern Dimension will make it possible to influence more effectively the process of the Eastern European states’ drawing closer to the EU standards.” plus participants expressed interest in deepening of NATO-UA cooperation	no
<b>7.12.2004</b>	V4 Ministers of Foreign Affairs (meeting, Krakow)	<i>Statement on the situation in Ukraine:</i> expression of support to Ukraine in its struggle for applying democratic principles and resolving political crisis, and to Presidents Kwasniewski and Adamkus in their mediation efforts; expression of readiness to share experience with transition processes	no
<b>4.3.2005</b>	V4 Ministers of Defence, UA Defence Minister A. Hrychenko also attended a part of the meeting (meeting, Warsaw)	(not found)	yes
<b>4.-5.4.2005</b>	planning departments V4+Lithuania, Georgia, Romania and Ukraine (consultations, Warsaw)	(not found)	yes

<b>21.4.2005</b>	V4+Ukrainian Ministers of Foreign Affairs (meeting, Vilnius)	(not found)	yes
<b>28.-29.4.2005</b>	V4 Ministers of Culture (meeting, Banská Bystrica), representatives of Russia, UA, Slovenia and Austria also attended	<i>Communique</i> : nothing related to UA	yes
<b>10.6.2005</b>	V4+UA Prime Ministers (meeting, Kazimierz Dolny)	<i>Declaration</i> : V4 Prime Ministers committed themselves to help Ukraine to implement the EU-UA Action Plan; to work towards closer EU-UA cooperation in the area of CFSP, JHA, economy; and to engage in twinning projects to be offered to Ukraine (no twinning project led by any of the V4 countries so far)	yes
<b>11.7.2005</b>	V4 Ministers of Foreign Affairs (conference), followed by Regional Partnership Conference, special guest of working dinner: UA Minister of Foreign Affairs B. Tarasyuk	<i>Joint Statement</i> of the V4 Foreign Ministers: „support for the reforms in Ukraine as well as other countries in the region is of special significance. The implementation of the EU - Ukraine Action Plan which will lead to deepening of the EU - Ukraine relations and further European integration of this country has crucial importance for the Visegrad Group. The V4 countries intend to discuss common assistance projects for Ukraine and coordinate their bilateral initiatives in this field, too“, future relations within the Regional Partnership and its relations with Ukraine were also discussed	yes
<b>9.3.2006</b>	V4+Lithuanian, Ukrainian, Moldovan foreign policy planning experts (consultation, Budapest)	(not found)	yes
<b>17.-18.8.2006</b>	Deputies of Directors of Border Guards HU+PL+SK+UA (without CZ) (meeting, Budapest)	coordinated by Hungary within the ARGO project, aim: to increase quality of safeguarding the outer EU border by Border Guards, fight against illegal migration and smuggling people	yes, without CZ

<p><b>3.-5.9.2006</b></p>	<p>V4 Ministers of Culture (meeting, Krakow), plus representative of the Ukrainian local government, of Belarusian NGO, and representatives of the IVF</p>	<p>preceded by expert meeting on 4 Sep. 2006 - debate on, inter alia, areas of cultural cooperation with Ukraine and NGO sector in Belarus; possibilities to support cultural projects with participation of UA and Belarusian partners (artists) by the V4 countries - prospects were positively assessed by Ministers and they encouraged participation of UA and Belarusian experts to help in enabling free flow of artists and creating a cultural dialogue</p>	<p>yes</p>
<p><b>5.9.2006</b></p>	<p>V4+UA (B. Tarasyuk) Ministers of Foreign Affairs (meeting, Bratislava)</p>	<p>UA Foreign Minister presented positions to key issues of relations between UA and EU, NATO, WTO and Russia; and asked the V4 partners for help in increasing public support for the accession to NATO (30% UA citizens supported at that time), SK Foreign Minister Kubiš promised to share experience of SK in working with public opinion, in conjunction with NGOs</p>	<p>yes</p>
<p><b>10.10.2006</b></p>	<p>V4 Prime Ministers (Hungary)</p>	<p><i>Declaration:</i> expression of support to strengthening of the EU cooperation with Russia, UA, Asia, Southern Mediterranean</p>	<p>no</p>
<p><b>15.-16.1.2007</b></p>	<p>V4 Parliamentary EU Committees (meeting, Krakow)</p>	<p><i>Statement:</i> The V4 Parl. EU Committees appealed the EU member states for uniting the management of the ENP Eastern Dimension, called on the Verkhovna Rada of Ukraine to speed up reforms aimed at moving UA closer to the EU, emphasized strategic importance of the EU-UA cooperation for the sake of stability and security in the region, asked the European Commission and the Council to lower visa fees for neighbouring countries: UA, Belarus and Balkans, promised to carefully examine the Europ. Commission proposals regarding the Common European Energy Policy...</p>	<p>no</p>

<b>22.1.2007</b>	Joint Political Statement of the Visegrad Group on the Strengthening of the European Neighbourhood Policy	expression of support to the ENP in general, to recommendations of EU institutions, and German presidency seeking to deepen cooperation with East European neighbours; „The V4 countries intend to prepare detailed proposals for reinforcement of the ENP in the coming weeks.“	no
<b>27.-28.1.2007</b>	V4+UA General Staff of the Armed Forces (meeting, Sliach)	(not found)	yes
<b>14.3.2007</b>	V4 Ministers of Defence (meeting, Bratislava)	(not found)	invited, but no
<b>12.4.2007</b>	V4 Ministers of Defence	<i>Joint Communique:</i> expression of hope to the V4-UA relations to be further developed	no
<b>19.-20.4.2007</b>	V4 Ministers for Transport and Infrastructure (meeting, High Tatras)	Ministers expressed support to Slovak request to set up an axis Žilina-Košice with a continuation to Ukraine and Russia to main trans-European axes, only Hungary asked to discuss the issue at expert level	no
<b>28.5.2007</b>	V4+Japan Ministers of Foreign Affairs (meeting, Hamburg)	expression of interest to promote cooperation with Japan in Central Asia, Western Balkans, Moldova, Ukraine and Belarus was noted	no
<b>25.10.2007</b>	V4+Moldovan Ministers of Foreign Affairs (meeting, Czech Republic)	<i>Joint Statement:</i> „The Visegrad countries and Moldova highly appreciate the activities of the EU Border Assistance Mission (EU-BAM) deployed at the Moldovan-Ukrainian border. It plays a central and effective role in securing and ensuring the management of the border of the two countries, including its Transnistrian segment.“	no
<b>9.-10.12.2007</b>	V4+Slovenian Prime Ministers (meeting, Ostrava)	<i>Joint Statement:</i> Visegrad countries and the Slovenia pay special attention to the Eastern European countries and to the implementation of the ENP Action Plans in the region. The VG and Slovenia believe that an early conclusion of negotiations with UA on the new agreement with the EU will strengthen stability and advance reform processes in this country.	no



<p><b>23.4.2008</b></p>	<p>V4+UA+Swedish Ministers of Foreign Affairs (meeting, Prague)</p>	<p><i>Joint Statement:</i> joint interest in enhancing mutual cooperation to promote EU-UA relations and to realize projects of regional development; participants welcomed progress of negotiations on New Enhanced Agreement between the EU and UA including launch of negotiations on a free trade area, as well as entry into force of the EU-UA agreements on visa facilitation and readmission; V4 and Swedish Ministers considered the ENP as an important tool to promote EU integration of UA, supported UA aspirations and promised to help to Ukrainian administration in adjusting its legal system to EU standards; the V4 support to UA and Moldova aspiring to become NATO members, V4 welcomed NATO's commitments made at the summit in Bucharest, expressed readiness to assist UA and Georgia in their implementation of mechanisms of public information on Euro-Atlantic integration; the V4 agreed on using the means from the IVF Flexible Fund to finance projects promoting the Viseg. coop. and its member states' democratic values in third countries. Beside Belarus, the target countries could be Georgia and Serbia.</p>	<p>yes</p>
<p><b>1.-2.9.2008</b></p>	<p>V4 sports administration representatives + guests from Romania, Bulgaria, Slovenia, Croatia, Serbia, and Ukraine (regional conference, Poland)</p>	<p>focus: social role of sport, importance of sport clubs (representatives presented their systems of sport clubs, national legal frameworks, funding systems, structures; regional cooperation and issues concerning sport in the EU and the Council of Europe were discussed)</p>	<p>yes</p>

<p><b>5.11.2008</b></p>	<p>V4 Prime Ministers (Warsaw)</p>	<p><i>Joint Statement:</i> „The Prime Ministers unanimously supported the initiative of the Eastern Partnership which had been approved by the European Council in June this year. It will be a significant instrument of political and economic rapprochement of Ukraine, Moldova, Belarus, Georgia, Armenia and Azerbaijan to EU. Prime Ministers hope that Ukrainian pro-European policy, strengthened by recent conclusions of EU-Ukraine Summit in Paris, will be continued. Ukrainian political elites should elaborate a common position and strong political consensus with regard to a consistent implementation of current and future European integration programmes and the continuation of reform process, which will allow Ukraine to meet European standards in all areas of life.“</p>	<p>no</p>
<p><b>24.11.2008</b></p>	<p>Foreign Ministers of the Visegrad Group countries and of Bulgaria, Estonia, Lithuania, Latvia, Romania and Sweden</p>	<p>Joint Statement: commitment to and full support for the the Eastern Partnership initiative, readiness to contribute to its successful launching and consolidation, belief that within the EaP. the EU should offer new forms of coop. with Eastern partners - In that respect Ministers expected the EaP. to be assigned ambitious goals: enhancing the EU support in adaptation of Eastern partners to EU legislation, norms and standards, creating a deepened free trade area, launching the process aimed at easing the visa-free regime for the EU's Eastern partners (reducing visa fees), implementing multilateral and regional projects... suggestion to establish an efficient institutional structure, including possibly a Special Coordinator of EaP, foreign and sector-oriented ministerial meetings, senior officials working bodies...EaP. must be underpinned by adequate funding (the EIB, the EBRD, etc.) to work closely with the EU... support of the pro-European course of Georgia, Moldova and UA...</p>	<p>no</p>

<b>28.5.2009</b>	V4 Ministers of Defence (meeting, Warsaw), second part of the meeting attended by UA Minister of Defence	discussion on EU-NATO relations, results of the NATO Strasbourg-Kehl summit, etc., second part of the meeting attended by the UA counterpart: discussion on Eastern Partnership, situation in Ukraine and Georgia and multinational military capacity initiatives	yes
<b>3.6.2009</b>	V4 Presidents of National Parliaments (meeting, Warsaw)	<i>Joint Declaration:</i> they expressed hope that Association Agreement with Ukraine would be signed during the Swedish presidency, welcomed initiative of the European Commission to extend the EU technology guarantees and access regulations to Ukrainian gas infrastructure as an important step towards security of supplies, practical commitment of the Community and a new quality of the Union's external relations	no
<b>25.6.2009</b>	V4 representatives of Ministries of Health (meeting, Warsaw) (participation of UA and Georgian colleagues had been announced, but in the end they did not attend the meeting)	exchange of experience in HIV/AIDS prevention methods and potential Visegrad cooperation in the field, discussion on pharmaceutical policy	planned but no
<b>11.-12.9.2009</b>	V4 Presidents (meeting, Sopot)	discussion on (inter alia) enlarging the EU by the Western Balkan countries, as well as by the countries from the eastern Europe, i.e. Ukraine and further into the future maybe by Georgia as well	no

<p><b>2.3.2010</b></p>	<p>(a special meeting dedicated to the Eastern Partnership, followed by a conference)  V4 Ministers of Foreign Affairs + participation of Baltic States, Eastern Partnership countries, Belgium, Spain and representatives of the European Commission</p>	<p><i>Joint Statement:</i> With regard to common historical experience with the partner countries and geographic proximity, Eastern Partnership has a specific importance for the Visegrad countries. The Ministers reconfirmed their commitment to the EaP Declaration (adopted at the EU Summit on 7 May 2009 in Prague); expressed a strong interest in a dynamic development of the initiative, thorough involvement of the European Commission in the implementation of the EaP and willingness to assist the Commission to take any steps which would contribute to reach the objectives of the EaP - political and socio-economic reforms, facilitating approximation towards the EU; highlighted the importance of connecting the region into European energy and transport infrastructure networks; emphasised the need to take gradual steps towards visa regime liberalisation for individual partner countries on a case by case basis provided that conditions for well-managed and secure mobility are in place. The Ministers stressed the need to strengthen the energy security cooperation of all participants with regard to long-term energy supply and transit, including through better regulation and energy efficiency...</p>	<p>yes</p>
------------------------	---	---	------------

# **Ukraine and the Visegrad Four: Current Status and Prospects for Cooperation**

**Andriy Ivanovych Kudriachenko**

The modern historic period is characterized by a number of new attributes and dimensions, in particular on the European continent: the emergence of new democracies on the international arena, advancement of integration processes and the considerable enlargement of the European Union that has turned from the Western European organization into a continental formation. The intensification of integration and globalization processes has contributed to the development of regional alliances, and strengthening of transnational corporations. Now the EU is becoming a more and more attractive union of states and nations of the continent. An intention to join it was also declared by Ukraine that has recently explicitly declared this desire and pursues the corresponding policy.

On the other hand, in 1993 our state on the legislative level set a priority for intensifying cooperation not only with the Unified Europe, but also with neighboring states of the so-called Visegrad Group<sup>1</sup>. It is highly important, both from the practical-perspective and in the context of achieving Ukraine's main foreign policy goal, i.e. realization of the European choice, to study the experience of cooperation and international regional integration within the Visegrad Group, as well as reinforce cooperation with these countries. Implementation by the offi-

---

**Andriy Ivanovych Kudriachenko** is a Professor and Director of the Institute of European Studies National Academy of Sciences of Ukraine, Kyiv.

---

<sup>1</sup> Постанова Верховної Ради України від 02.07.1993 "Про Основні напрями зовнішньої політики України" [Електрон. ресурс]: ред. від 02.07.1993, Верховна Рада України: офіц. веб-сайт. Законодавство України. – Режим доступу: <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=3360-12>.

cial Kyiv of the cooperation practice of our closest neighbors and partners, that is mechanisms, forms and types of cooperation approved in the framework of Visegrad, may contribute to strengthening efforts in realization of the European integration strategy of the Ukrainian state; search for additional instruments that could impact the deepening of Ukraine's relations with the EU and our closest neighbors.

It should be taken into account that the main factors that preconditioned the development of the Visegrad Group were the following ones: *historical*, that is common legacy of the past and need for consolidation for the sake of the revival of the Central European identity; *political* – return to the unified Europe, securing irrevocability of democratic changes, strengthening security; *economic* – building competitiveness of the region in conditions for European integration and unfolding globalization; social-cultural – revival of the European identity as the precondition for the Central European region to join unified Europe. Systematic interaction of the mentioned objective factors, as well as subjective understanding by the Central European ruling elites of the actual historic agenda predefined establishment of the Visegrad Group and determined its main tasks.

The Visegrad Group was founded in 1991 for the coordination of efforts of its member states on their way to joining NATO and the EU. After the dissolution of Czechoslovakia in 1993 the Group consists of four members (V4: Poland, Hungary, the Czech Republic, and Slovakia)<sup>2</sup>. The activities of the V4 covered all spheres of cooperation: security, political, economic, social and cultural, etc. It should be particularly emphasized that the common activities of the Visegrad Group were characterized by joining efforts only in favorable directions of cooperation and avoiding discussions and decisions on problematic issues. The latter were on agenda only in bilateral relations (issues of national minorities, language issues). In the quadrilateral format only those questions remain that do not cause discord, but on the contrary provide additional possibilities for consolidation of the V4 positions.

The analysis proves that three different stages of cooperation are to be singled out in the activity of the Visegrad Group. From the time of the V4 foundation to 1997, i.e. during the first stage, the main systems of cooperation between member states were established. The basis of the activity was the declaration signed by the presidents of Poland, Hungary, and Czechoslovakia in the Hungarian town of Visegrad (this is where the name of this regional group originates from).

---

<sup>2</sup> Вишеградская группа – ваш партнер. – Прага: PP Agency, 2004, p. 142.

The second stage of the development of the Visegrad cooperation evolved from 1998 to 2004. The essence of the V4 cooperation during these years was the realization of the main common national and state interest of the member states of this regional organization – NATO and EU accession. It was a qualitatively higher level of the regional integrative cooperation based on interaction of a large number of state institutions and civil sector representatives of the V4. In the system of the multilateral cooperation of this period the role of central authorities of the V4 member states increased. At the same time consistent forms, mechanisms and structures of the Visegrad cooperation were established. They contributed to further consolidation of the countries of this regional international organization. All this, as the analysis proves, created more favorable preconditions for coordinated progress of Poland, Slovakia, Hungary, and the Czech Republic on their way to a faster accession to the EU and NATO.

The modern stage in development of the V4 cooperation started in 2004 when these partner states joined the Euro-Atlantic structures. Among the distinctive features of this stage were joint efforts of the states of the sub-region aimed at development of a common position and, if possible, resolution of acute problems in the given European and Atlantic structures, development of common approaches to relations with other neighboring states, etc. In compliance with the declaration passed on May 12, 2004, cooperation within the V4 was to be developed in 41 directions<sup>3</sup>. The Visegrad Group is functioning in the format of regular meetings at all levels, starting from the presidential one. Consultations are held as well as interaction of permanent representatives of the V4 at the EU, NATO, OSCE, UN, Council of Europe, OECD, WTO, and other regional organizations takes place.

After the successful European and Atlantic integration the Visegrad Group significantly narrowed the spectrum of cooperation within the group and turned on the one hand, into a group of states that jointly lobby their interests within the EU, and on the other hand, an institutional club-forum for ideas and experience exchanged with partner countries of the V4.

Ukraine takes one of the most important places in the cooperation of the Visegrad Group with Eastern European partners. Official relations between the V4 and Ukraine were initiated on December 3, 1999, when during another meeting that took place in Gerlachov in High Tatras the presidents of the four member states on behalf of their nations confirmed their readiness to promote peace in

---

<sup>3</sup> Declaration of Prime Ministers of the Czech Republic, the Republic of Hungary, the Republic of Poland and the Slovak Republic on cooperation of the Visegrad Group countries after their accession to the European Union, *Visegrad Group* (May 12, 2004), <http://www.visegradgroup.eu/main.php?foilderID=961&articleID=3894&ctag=articlelist&iid=1>.

the Balkans and expressed their willingness to support pro-European forces in Ukraine<sup>4</sup>.

Belonging to the so-called “group of friends” of Ukraine in the EU, the Visegrad states provide sufficient political support to the European integration policy of our state, while presiding in the EU and officially supporting the EU-Ukraine Action Plan. At the same time interaction is developed in different forms: strengthening of governmental contacts, organization of various events in the format of “V4 + Ukraine” in security, military, energy, social and cultural spheres, as well as on the regional level<sup>5</sup>. Analyzing relations in all of these spheres we can define the current status and ways for improving the efficiency of this cooperation.

The modern Ukraine proceeds from the fact that development of a secure international environment around the state is one of the preconditions for its successful development. Defining the European and Euro-Atlantic choice by the official Kyiv gave a new impetus to the relations with the Western neighbors of Ukraine that joined the EU and NATO not long ago. A new dynamic energy was injected into the processes of regional cooperation, enlarging the space of democracy, sustainable development and security. During the last five years the meeting of the Ukrainian leadership with their colleagues from the EU states – their closest neighbors – became regular. In particular, President Yushchenko made 15 working visits to Poland, and his Polish colleague made 6 visits to Ukraine<sup>6</sup>. In the framework of the EU and V4 the Republic of Poland actively supports the idea of giving Ukraine a European perspective, and considers its European integration policy as the key factor for stabilizing the security system on the continent.

At the political level, especially on the part of Ukraine, there were many declarations, various intergovernmental meetings at different levels that have not brought noticeable and concrete results. However, it is worth mentioning that the official Kyiv has already got an opportunity to consider and analyze the experience of the V4 states on their way to the EU and NATO membership, as well as to feel support of the V4 states in the question of Ukraine’s European and Euro-Atlantic aspirations.

---

<sup>4</sup> Вишеградська четвірка найактивніше в Європі допомагає Україні розвивати демократію. Інформаційний бюлетень Міжнародного центру перспективних досліджень. - Число 37(429), 24 листопада 2008.

<sup>5</sup> Каплинський О.В. Роль Вишеградської четвірки в контексті національної безпеки України // Стратегічні пріоритети – № 2(11) – К. – 2009, р. 48.

<sup>6</sup> Україна в 2005 – 2009: стратегічні оцінки суспільно-політичного та соціально-економічного розвитку. – К. – НІСД. – 2009, р. 587.



Cooperation in the political and security sphere between Ukraine and V4 has been developing actively. At the same time it should be noted that a number of declarations on support of European and Euro-Atlantic aspirations of Kyiv were rather pretentious and have not brought any results in a practical dimension. As the NATO Summit in Bucharest on April 2-4, 2008 showed, not all V4 states in practice supported Ukraine's joining the MAP. In this case we mean Hungary that together with some other European states opposed it<sup>7</sup>. In other words, that was an indicator of a lack of unanimous support of the Euro-Atlantic integration of Ukraine on the part of all V4 states. And this situation is quite common as the Visegrad Group not always takes a unanimous position in similar questions.

However, it has not always been like this. For example, before the 60<sup>th</sup> anniversary of NATO in Kyiv the ambassadors of the V4 countries had a joint conference with the topic "Countries of the Visegrad Four are in NATO. And what about Ukraine?.." Ambassadors of Poland, the Czech Republic, Hungary, and Slovakia expressed their conviction that one of the achievements of participation of the Visegrad Group states in the Euro-Atlantic structures was complete mutual understanding in security questions. In their view Ukraine can also join its neighbors expanding in this way the "area of stability" in Europe, which will contribute to the growth of its well-being. The diplomats also mentioned that membership of their states in the Alliance contributed to investment flow from all over the world, creation of professional armies, powerful funding of the defense industry. They expressed their belief that our country would join the Alliance with the next wave of its enlargement, but it is up to Ukraine to state decisively whether to join this area of security and stability or not<sup>8</sup>.

In particular, the Ambassador of Slovakia in Ukraine Mr. Urban Rusnák emphasized that his country "is interested in Ukraine's becoming a NATO member, so that our biggest neighbor could become stable and successful and the level of the citizens' well-being could be growing. As a new member of NATO that understands Ukraine's problems better than others Slovakia can transfer its experience in advancement to European and Euro-Atlantic structures in order to warn Ukraine about bitter mistakes"<sup>9</sup>.

A similar position was expressed by the other ambassadors as well. Thus, the Ambassador of the Republic of Poland in Ukraine Mr. Jacek Kluczowski

---

<sup>7</sup> Zur Neue Strategie der NATO (April, 2008), [www.bundeskanzlerin.de](http://www.bundeskanzlerin.de).

<sup>8</sup> Прес-конференція у Києві 2 квітня 2009. Країни Вишеградської четвірки – у НАТО. А Україна?.. [Електрон. ресурс]. – Режим доступу: <http://dif.org.ua/ua/events/bfgb>.

<sup>9</sup> Ibid.

emphasized that the membership of his country in the North-Atlantic Alliance helped his country immensely to achieve “Copenhagen criteria”, which indicate whether countries-applicants are ready for EU membership; these criteria foresee the achievement of the candidate states institutional stability that guarantees democracy, rule of law, human rights and respect for minorities and their protection”. According to his definition, in the political sense, NATO membership means security and stability. In the economic sense, it is growth of well-being of citizens. Foreign investment in Poland increased immensely after its accession to NATO. And the reason for this is evident – when a country is protected, and protected for a couple of generations ahead, then investors’ interest begins to grow.

It is to be noted that Slovakia also treated Ukraine’s intention to realize its Euro-Atlantic intentions favorably. Its support was noticeable both during its presidency in the V4 from July 2006 to June 2007, and at the NATO Summit in Bucharest in April 2008. Furthermore, on the initiative of the Slovak party the Embassy of the Slovak Republic starting from January 2007 has been performing functions of the contact embassy of NATO. And this role of the Slovak Embassy was prolonged in 2009 for the next two years’ period<sup>10</sup>.

Cooperation in a military sphere takes an important place in Ukraine’s cooperation with the Visegrad Group. This direction of cooperation has been developing most dynamically in the format “V4+Ukraine”. Starting from 2002 defense ministers of the Visegrad states have met annually for discussion of the most important problems related to the defense policy. Ukraine joined this military cooperation in 2005. Military-political contacts with heads of military authorities were set, and consultations and meetings on NATO issues at the level of directors of departments for security policy and cooperation with NATO, were initiated. Meeting of heads of joint staff have also taken place (since 2007 Ukraine has been participating in them). During these meetings the participants exchange their experience and discuss problems of military cooperation between Poland, the Czech Republic, Slovakia, and Hungary. These meetings have contributed to efficient interaction of our country with the V4 countries in the context of its preparation to join the North-Atlantic Alliance<sup>11</sup>.

In 2008 in Warsaw, there was a meeting of defense ministers of the Visegrad

---

<sup>10</sup> Співробітництво України зі стратегічними партнерами і сусідніми державами (рівень двосторонніх відносин) у монографії: Україна в 2005 – 2009: стратегічні оцінки суспільно-політичного та соціально-економічного розвитку. – К. – НІСД. – 2009, р. 598.

<sup>11</sup> Каплинський О.В. Роль Вишеградської четвірки в контексті національної безпеки України. Стратегічні пріоритети – № 2(11) – К. – 2009, р. 50.

states – Poland, Slovakia, Hungary, and the Czech Republic. On the invitation of the heads of defense ministries of the Visegrad Four, a Ukrainian military delegation headed by the Defense Minister of Ukraine Yuriy Ekhanurov also took part in this meeting in the format “Visegrad Four+ Ukraine”. During this visit of the Ukrainian delegation in Warsaw it was possible to discuss the current status and prospects of the European and Euro-Atlantic integration of Ukraine. Further topics for discussion were also questions on future directions of military cooperation in the format “Visegrad Four +Ukraine”, as well as prospects of bilateral cooperation between the Defense Ministry of Ukraine and defense authorities of Poland, Slovakia, Hungary, and the Czech Republic<sup>12</sup>.

In 2009 a similar meeting took place in Budapest. During the meeting its participants discussed the current status and prospects of the European and Euro-Atlantic integration of Ukraine. In the framework of the meeting some consultations were held on questions of military cooperation both in the multilateral format “Visegrad Four+ Ukraine” and at the bilateral level. In the joint declaration signed by the heads of defense ministries of the Visegrad states and Ukraine it was emphasized that the V4 countries support Euro-Atlantic aspirations of Ukraine and promise to provide the necessary assistance in realization of the key reforms in the defense sphere for acceleration of our state’s integration to the EU and NATO. Also, the Visegrad Four is ready to assist the Ukrainian authorities in realization of the NATO information campaign<sup>13</sup>.

In order to further develop this cooperation, Ukrainian soldiers have participated in joint military exercises together with soldiers of the V4 countries. The most important military exercises since 2006 have been the following: joint command-staff exercises “Rapid Trident” (Poland, Hungary), exercises of airborne units “Cossack Steppe” (Poland), “Light Avalon” (Slovakia, Hungary).

One of the main results of military cooperation is assistance of the V4 countries in the reform of the armed forces of Ukraine and their transition to NATO standards. At the same time, this assistance in corresponding directions comes not from the V4 as an international formation, but from each state of this organization separately. Though, the consolidated position of all members of this Group as to the necessity of providing this assistance to Ukraine should not be underestimated.

---

<sup>12</sup> Міноборони: Вишеградська четвірка обговорює перспективи європейської і євроатлантичної інтеграції України [Електрон. ресурс]. – Режим доступу: <http://news.yurist-online.com/news/kmu/1850/>.

<sup>13</sup> Вишеградська четвірка допоможе Україні в оборонних реформах [Електрон. ресурс]. – Режим доступу: <http://eunews.unian.net/ukr/detail/191997>.

The Visegrad Four also has the potential to become an energy union that will use the geopolitical position of its member states for coordination of the transit policy. Slovakia, the Czech Republic, Poland, and Hungary together with Ukraine are important transit countries of Russian gas to Europe (80 % of Russian and Central Asian gas to the EU, which makes about 40 % of the total gas imported by the EU). There is still a dependency of this region's economies on Russian energy carriers: Slovakia is almost 100 % dependent, Poland – 92 %, Hungary – 90 %, the Czech Republic – 74 %.

V4 countries are also importers and potential transit countries of electricity from Ukraine to other European countries. The main partner of Ukrinterenergo (the Ukrainian state operator for electricity export) in delivery of electricity to Europe is the Hungarian company System Consulting, cooperation with which started in 1994. In the future other companies from the V4 countries can also become partners of the Ukrainian party.

The experience of the V4 countries in transition to the world prices on Russian energy carriers can also be of great importance for Ukraine's energy independence. The V4 countries also used to have reduced prices on energy resources. Especially useful may be the experience of Poland that turned to market prices in 2006.

The plan of Ukraine to establish the common Baltic-Black Sea energy space, expressed at the Energy summit in Kyiv on May 22, 2008, deserves special attention<sup>14</sup>. The goal of the summit was to give a stimulus to development of joint energy projects and to improve common technical base for production, transit and delivery of hydrocarbon resources from the Caspian and other countries to the European market. Besides, according to the President of Ukraine Viktor Yushchenko, joint activities in the sphere of energy security should become an answer to the "energy blackmailing" of energy suppliers. During the summit presidents of five countries (Azerbaijan, Georgia, Lithuania, Poland, and Ukraine) announced creation of the Common Caspian-Black Sea-Baltic Energy Transit Space and signed Kyiv declaration on principles of global energy security.

Another practical result of the summit was the joint declaration of the presidents of Azerbaijan, Georgia, Lithuania, Poland, and Ukraine on the project of Euro-Asian Oil Transport Corridor (EAOTC). An important achievement for Ukraine in the energy sphere within this project may be considered the framework agree-

---

<sup>14</sup> Україна у 2008 році: процеси, результати, перспективи. Біла книга державної політики. – К. – НІСД. – 2008, р. 139.

ment on transportation of Caspian high-gravity oil to the oil refinery in Kralupy (the Czech Republic) signed between “Ukrtransnafta” and the Czech company “Mero”. The agreement implies technical and strategic cooperation of the companies in oil transportation on the route Odessa-Brody-Kralupy. At the same time one of the main conditions for successful realization of this project is signing a similar agreement between the Slovak transport company “TransPetrol” and the Czech company “Mero”<sup>15</sup>.

The presidents of states participating in the Energy summit in Kyiv created an interstate working group for development of recommendations on creation and implementation of mutually acceptable mechanisms and principles for establishment of the Caspian-Black Sea-Baltic Energy Transit Space in compliance with the national legislation and the EU legislation.

So the development of the Euro-Asian Oil Transport Corridor (EAOTC) should play an important role for energy cooperation of Ukraine and V4, especially due to the launch of the oil pipeline “Baku-Supsa-Odessa-Brody-Plotzk-Gdansk” and transportation of the Caspian high-gravity oil to the CEE countries, as well as development of the common Baltic-Black Sea energy space and realization of joint infrastructure projects. For example, Ukraine, Azerbaijan and other participants develop cooperation in the framework of a large-scale international project “Sarmatia”<sup>16</sup>. This project foresees not only transportation of Caspian-Azerbaijani oil to the CEE countries, but also the construction of a new oil refinery plant in Ukraine. This cooperation will contribute to the diversification of energy supplies, not only to the V4 countries, but also to other EU countries; it will also help to coordinate the energy policy and develop common approaches of all the participants, including the V4 states. This will definitely strengthen European energy security.

In the social and cultural sphere cooperation is developed through the Visegrad Fund that was founded in Slovakia in June 2000. From the accumulated funds, which are collected through membership fees of each of the member states joint projects in the sphere of culture, education, sports and youth exchange are financed. As the analysis of documents shows, starting from 2004 the Fund extended its activities in educational cooperation with Ukraine, offering a program of post-graduate education for graduates of Ukrainian universities in Poland, the Czech Republic, Slovakia, and Hungary. As of 2010 over 200 young Ukrainian spe-

---

<sup>15</sup> Звіт Мінпаоивоенерго про виконання заходів Цільового плану на 2009 рік, July 8, 2009 [Електрон. ресурс]. – Режим доступу: <http://mht.rmu.gov.ua>.

<sup>16</sup> Азербайджан готовий забезпечити українські НПЗ 5 млн тонн нафти на рік [Електрон. ресурс] Newsru.ua: сайт. – 2008. Режим доступу: <http://www.newsru.ua/finance/25jan2008/azer.html>.

cialists have won an opportunity to continue their studies in universities of these states and this cooperation is successfully developing<sup>17</sup>.

An active interaction of Ukraine with the only institution of the Visegrad Four – Visegrad Fund – is evolving year by year, significantly benefiting the Ukrainian party, and demonstrating the potential for deepening and extending the cooperation in this sphere. However, on the other hand, the trend for the increased number of scholarships for Ukrainians can also have a reversed side effect – there is a danger of brain drain from Ukraine to these countries.

Both Ukraine and the V4 countries attach great importance to the development of regional and trans-border cooperation. Ukraine possesses significant potential for development of trans-border cooperation, having 1390 km of land frontier with the EU countries, out of this 736 km with Poland, Slovakia, and Hungary. This cooperation is considered as an instrument for developing border territories and at the same time as a component of the general European integration process of Ukraine. This is reflected in the State strategy of regional development of Ukraine for the period till 2015 and the State program for development of trans-border cooperation for 2007-2010<sup>18</sup>. It implies the creation of an independent border infrastructure (including technical modernization of Ukraine's entry points with Poland, Slovakia, and Hungary); development of the mutually beneficial economic cooperation of border regions of Ukraine and neighboring states, liberalization of the visa regime and growth in personal contacts. It is also necessary to intensify common activities at the regional level in order to resolve ecological problems, employment problems, etc.

Accession of the V4 countries to the EU and another enlargement of the Schengen area in 2007 caused significant complication of the visa regime. Ukrainians felt how difficult it had become to travel to the most often visited destinations of Poland, Hungary, Slovakia, and the Czech Republic. The dialogue on liberalization of the visa regime initiated by Kyiv made it possible to sign in 2007 the EU-Ukraine Visa Facilitation Agreement and the bilateral Hungary-Ukraine Agreement on Local Border Traffic<sup>19</sup>. The latter became a model for further agreements of Ukraine

---

<sup>17</sup> 2008 Annual Report (Guideline to 2009 Programs), International Visegrad Fund (2009), pp. 33-39, 46-48.

<sup>18</sup> Постанова Кабінету Міністрів України "Про затвердження Державної стратегії регіонального розвитку на період до 2015 року" [Електрон. ресурс]: ред. від 16.05.2007. Верховна Рада України: офіц. веб-сайт. Законодавство України. – Режим доступу: <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=1001-%EF>.

<sup>19</sup> Угода між Україною та Європейським Співтовариством про спрощення оформлення віз [Електрон. ресурс]. – Режим доступу: <http://Ukraine-eu.mfa.gov.ua/eu/ua/publica->

with Slovakia and Poland on local border traffic. It should be mentioned that the Agreement covers 384 Ukrainian and 244 Hungarian inhabited localities, according to the Agreement with Slovakia, 280 Ukrainian and 299 Slovak inhabited localities are covered. Opportunity of local border traffic covered 750 thousand citizens of border territories of Ukraine. However, already in the first months after these agreements began taking effect, they caused a great deal of disappointment in the Ukrainian society. Now we can state that the expected simplification of the visa regime has not happened.

Recently with the purpose to improve visa relations between Ukraine and the EU a number of new instruments was offered. The rational application of these instruments can eliminate current problems in the visa sphere and create conditions for introduction of the visa-free regime with Ukraine. The component of the freedom of movement has to become an important priority also for the EU, and for the states of the Visegrad Group. Advancement on the way to the visa-free regime of the EU with its Eastern partners will run parallel to the realization of important reforms in partner states.

Trans-border cooperation of Ukraine and the V4 countries, new EU members, is developed in various forms: functioning of Euro-regions, the realization of neighborhood programs, activities of international regional organizations and associations, interregional cooperation (realization of agreements on trans-border cooperation), etc.

At the current stage one of the most promising forms of trans-border cooperation of administrative units of neighboring countries in the EU is cooperation in the framework of Euro-regions. This cooperation takes place in accordance with the current bilateral and multilateral agreements with the purpose of resolving common problems or performing similar tasks using coordinated mechanisms. Now there are 6 Euro-regions in Ukraine, two of which are shared with the countries of the Visegrad Four: "Bug" (Ukraine, Poland, Belarus) and "Carpathian Euro-region" (Ukraine, Poland, Slovakia, Hungary, Romania)<sup>20</sup>. Besides, Ukraine actively supports one of the latest initiatives of the Congress of the Council of Europe on establishment of a new Euro-region in the basin of the Black Sea.

---

tion/content/11577.htm; а також див.: Угода між Україною та Угорщиною про місцевий прикордонний рух [Електрон. ресурс]. – Режим доступу: [http://www.mfa.gov.hu/kulkerpviselt/Veregovu/uk/ua\\_Konzuliinfo](http://www.mfa.gov.hu/kulkerpviselt/Veregovu/uk/ua_Konzuliinfo); Угода між Україною та Словацькою Республікою про місцевий прикордонний рух [Електрон. ресурс]. – Режим доступу: <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi>.

<sup>20</sup> Мітряєва С.І. Україна і стратегії розвитку єврорегіонів. У монографії: Україна в Європі: пошуки спільного майбутнього. – К. – Інститут європейських досліджень НАН України (2009), pp. 433 – 443.

The purpose of Euro-regions is the strengthening of good neighborly relations, cultural and economic contacts, investment growth, to fight with the consequences of natural disasters, preservation of the historic and cultural heritage, etc. The main task of this cooperation at the border with the EU, including the V4 countries, is to overcome the aftermath of the past when the border was a division line, and thus to increase its contacting function. This approach implies a ban on creation of any new division lines after the EU enlargement in May 2004. However, there are many obstacles that hinder the realization of these plans. One of the biggest obstacles is that the local authorities do not have the necessary power for fruitful cooperation, and the size of the Euro-regions is too big. For example, the Carpathian Euroregion covers more than 140000 км<sup>2</sup>, which is negatively reflected in its efficiency.

In current conditions there are neighborhood programs that were developed in 2007 and are financed through the program “European Neighborhood and Partnership Instrument” (ENPI) for Ukrainian partners, as well as the initiative of the “Eastern Partnership” are being realized. ENPI is a new modern financial instrument of the EU that replaces the former instruments like TACIS and MEDA. There is also an initiative INTERREG – a special instrument for support of programs for trans-border, transnational and interregional cooperation between the EU states in the framework of ENP and trans-border cooperation with third countries, which is provided to partners that are EU members.

The European Commission has developed 12 neighborhood programs, and Ukraine participates in three of them together with its Visegrad partners:

- 1) Neighborhood program «Poland – Belarus – Ukraine». In Ukraine this program covers Volyn, Zakarpattya, and Lviv oblast.
- 2) Neighborhood program «Hungary – Slovakia – Ukraine». In Ukraine this program covers Zakarpattya oblast.
- 3) Ukraine also joined the fourth round of the transnational program CADSES (program of EU initiatives according to which the EU fosters development of transnational cooperation in the Central-Adriatic-Danube-South-East-Space. In Ukraine it covers Volyn, Zakarpattia, Ivano-Frankivsk, Lviv, Odesa, Chernivtsi, and Ternopil oblast.

However, there are many factors that hinder the successful realization of the above mentioned programs. They are bureaucratic barriers, weak levels of awareness of potential receivers of assistance as to the opportunities of the ENP both from the Ukrainian and European sides, lack of experience of local executives and



local authorities at the level of district or village in developing common interstate projects<sup>21</sup>. Such a state of things may lead to the reduction of technical assistance of the EU, and a loss of opportunities for Ukraine to study the European experience of administration and its implementation in our country.

The Initiative of Eastern Partnership presented at the summit in Prague in May 2009 foresees in the long-term perspective a deepening of the integration between the EU and six non-member countries among which Ukraine takes an important place. In Brussels the initiative of the Eastern Partnership is treated as an integral part of the European neighborhood policy.

Corresponding Ukrainian institutions actively participate in the activity of regional international organizations and associations. Cooperation with the V4 countries is realized within the following organizations: Assembly of European Regions (AER) - (Lviv, Odesa oblast), Congress of Local and Regional Authorities of the Council of Europe (CLRAE) - (Cherkasy, Zakarpattia, Chernihiv oblast and others), Association of European Border Regions (AEBR) - (Volyn, Lviv, Ivano-Frankivsk oblast). There are also contacts at the state level and at the level of local authorities with European structures in which Visegrad countries also participate, e.g. the Committee of the Regions (CoR), Council of European Municipalities and Regions (CEMR).

In the framework of interregional cooperation nowadays all oblasts of Ukraine have signed agreements on cooperation with neighboring territories of the boundary countries, as well as agreements on cooperation with regional authorities of the neighboring countries. Such agreements are signed with all the countries of the Visegrad Group.

In other words, trans-border cooperation of Ukraine and the V4 countries is developed in the framework of various European programs of interregional cooperation. EC demonstrates a high level of interest in effective and efficient participation of Ukraine in these programs, so it is important to use the available opportunities to the full. This cooperation is useful for Ukraine because it helps to develop the border territories, evolve economic, social and cultural cooperation within the regions of the V4 countries. It also contributes to the European integration of Ukraine at a local level. It is important in this context to continue active work of Ukraine and the Visegrad states with the EC in order to practically guarantee the realization of neighborhood programs. This can become a practical example of cooperation of Ukraine, Slovakia, Poland, and Hungary within

---

<sup>21</sup> Ibid.

the program of the EU regional policy. Nevertheless, one of the obstacles in this process is insufficient attention to the above mentioned problems and lack of the required authority at the local level. As a result, the level of financing of programs of trans-border cooperation is low, which can eliminate the usefulness and availability of this cooperation.

So cooperation between Ukraine and the Visegrad Four in political, security and defense spheres can be effective and promising, especially for Ukraine as it can get assistance for its European and Euro-Atlantic integration. In the energy sphere this cooperation can be promising for export of electricity and transportation of hydrocarbons, as well as the realization of new joint energy transit projects, in particular joint Baltic-Black Sea energy space and development of the EAOTC, launch of the oil-pipeline "Baku-Supsa-Odessa-Brody-Plotzk-Gdansk". In a social and cultural sphere the cooperation is successfully developed through the Visegrad Fund. But the problem of "brain drain" through educational programs of the Visegrad Fund can significantly damage the interests of Ukraine. At the regional level the trans-border cooperation with Poland, Hungary and Slovakia has been developed mostly at the bilateral level, through the format of Euro-region cooperation and other initiatives.

At the same time Ukraine while having a systemic approach to the V4 should also selectively engage countries in this or that direction of cooperation. This concerns both the political and security sphere and other spheres: economic, energy, humanitarian, etc. As for the cooperation in the military sphere it is necessary to intensify not only studying, but also the application of experience of the V4 member states in making internal military reforms of the armed forces, in particular implementation of NATO standards, acceleration of language training, etc. Special attention should be paid to developing concrete steps in information campaigns in Ukraine on the issue of Euro-Atlantic integration. A deep analysis and moderate implementation of the experience of the V4 states in making such information campaigns may be useful for Ukraine. Without support of our citizens of the Euro-Atlantic course of our country there won't be any successful advancement in this direction.

Intensification of cooperation in the energy sphere can come from active policy in priority development of EAOTC before the EU, engaging interested countries of the Visegrad Group to this project. Further development of the contents, forms of cooperation in development of the common Baltic-Black Sea energy space, as well as the realization of corresponding infrastructure projects of the EAOTC could also improve this cooperation. In this regards construction of a new oil refinery plant in Ukraine as well as other establishments can significantly strengthen the position of Ukraine.

In the social and cultural sphere it is necessary to initiate the establishment of a state-civil commission that will monitor and analyze the employment of Ukrainian scientists that have passed studies, or internship, with the support of the Visegrad Fund. This cooperation would allow the minimization of emigration of highly qualified specialists abroad, in particular those who were supported by the Visegrad Fund.

In order to improve cooperation at the regional and local levels it is necessary to pay greater attention to trans-border cooperation, decentralization of decision making and better financing of projects on regional cooperation. At the same time some segmentation or even subdivision of Euro-regions into smaller parts should take place. For local governing bodies of Ukraine it is necessary to train experts in trans-border cooperation with knowledge of foreign languages (one working language of the EU and one language of the V4). The procedure for receiving international technical assistance should be simplified, as well as an effective system for informing grant applicants should be created.

These and other efforts are sure to significantly improve the level and results of the cooperation of Ukraine with the Visegrad Group, as well as with each of its members individually.

## REFERENCES

- Азербайджан готовий забезпечити українські НПЗ 5 млн тонн нафти на рік [Електрон. ресурс] Newsru.ua: сайт (2008), <http://www.newsru.ua/finance/25jan2008/azer.html>.
- Declaration of Prime Ministers of the Czech Republic, the Republic of Hungary, the Republic of Poland and the Slovak Republic on cooperation of the Visegrad Group countries after their accession to the European Union, *Visegrad Group* (May 12, 2004), <http://www.visegradgroup.eu/main.php?folderID=961&articleID=3894&ctag=articlelist&iid=1>.
- Каплинський, О.В., Роль Вишеградської четвірки в контексті національної безпеки України // Стратегічні пріоритети – № 2(11), (2009), pp. 48-50.
- Міноборони: Вишеградська четвірка обговорює перспективи європейської і євроатлантичної інтеграції України, <http://news.yurist-online.com/news/kmu/1850/>.
- Мітряєва, С.І., *Україна і стратегії розвитку єврорегіонів. У монографії: Україна в Європі: пошуки спільного майбутнього* (Інститут європейських досліджень НАН України: 2009), pp. 433 – 443.

- Постанова Верховної Ради України від (July 2, 1993) "Про Основні напрями зовнішньої політики України" (July 7, 1993) // Верховна Рада України: офіц. веб-сайт. Законодавство України, <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=3360-12>.
- Постанова Кабінету Міністрів України, Про затвердження Державної стратегії регіонального розвитку на період до 2015 року (May 16, 2007) Верховна Рада України: офіц. веб-сайт. Законодавство України, <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=1001-%EF>.
- Прес-конференція у Києві (April 2, 2009) Країни Вишеградської четвірки – у НАТО. А Україна?.., <http://dif.org.ua/ua/events/bfgb>.
- Співробітництво України зі стратегічними партнерами і сусідніми державами (рівень двосторонніх відносин) у монографії: Україна в 2005 – 2009: стратегічні оцінки суспільно-політичного та соціально-економічного розвитку. – К. – НІСД. (2009), p. 598.
- Угода між Україною та Європейським Співтовариством про спрощення оформлення віз, <http://Ukraine-eu.mfa.gov.ua/eu/ua/publication/content/11577.htm>.
- Угода між Україною та Угорщиною про місцевий прикордонний рух, [http://www.mfa.gov.hu/kulkepviselet/Beregovo/uk/ua\\_Konzuliinfo](http://www.mfa.gov.hu/kulkepviselet/Beregovo/uk/ua_Konzuliinfo).
- Угода між Україною та Словацькою Республікою про місцевий прикордонний рух, <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi>.
- Україна в 2005 – 2009: стратегічні оцінки суспільно-політичного та соціально-економічного розвитку. – К. – НІСД. (2009), p. 587.
- Україна у 2008 році: процеси, результати, перспективи. Біла книга державної політики. – К. – НІСД. (2008), p. 139.
- Вишеградская группа – ваш партнер. – Прага: PP Agency (2004), p. 142.
- Вишеградська четвірка допоможе Україні в оборонних реформах, <http://eunews.unian.net/ukr/detail/191997>.
- Вишеградська четвірка найактивніше в Європі допомагає Україні розвивати демократію, Інформаційний бюлетень Міжнародного центру перспективних досліджень. - Число 37(429), (November 24, 2008).
- Zur Neue Strategie der NATO (April, 2008), [www.bundeskanzlerin.de](http://www.bundeskanzlerin.de).
- Звіт Мінпаоивоенерго про виконання заходів Цільового плану на 2009 рік (July 8, 2009), <http://mht.rmu.gov.ua>.
- 2008 Annual Report (Guideline to 2009 Programs), *International Visegrad Fund* (2009), pp. 33-39, 46-48.

# **Democracy in Ukraine – the Most Important Common Interest**

**Grzegorz Gromadzki**

## **V4 COUNTRIES MOTIVATION**

One could ask why democracy in Ukraine is so important for Visegrad countries. A further expansion of democracy is still perceived as the mission in V4 countries. Those countries have a rich experience of transition from autocratic regime to the liberal democracy in the 90s. Sometimes the process happened with problem – the Slovak case under Vladimír Mečiar is an example, but problems existed also in other V4 countries to some extent. But the final result was positive in all cases. Therefore those countries are ready for sharing first of all their positive but also negative experiences. There is conviction in Visegrad countries that they are better prepared than West European countries for helping Ukraine and other East European countries in their way towards liberal democracy.

The Orange revolution played an important role in the perception of Ukraine in V4 countries. Not only political changes were important but also the actions of Ukrainian society, which proved that it is European because of shared basic European values. The main outcome of the Orange revolution was that Ukraine could be viewed as similar to us – to V4 countries and become a state with consolidated democracy. It was not only an idealistic approach but also a pragmatic one, because a democratic neighbour is the best solution. Visegrad countries have tried to conduct the same policy as Germany and Austria in the nineties of

---

**Grzegorz Gromadzki** is an independent expert and works on EU relations with neighbours and energy issues. He was a journalist at the foreign desk of 'Gazeta Wyborcza'; senior analyst at the Centre for Eastern Studies, Warsaw; and director of the International Cooperation Programme of the Stefan Batory Foundation, Warsaw.

the last Century towards V4 countries. However it should be noted that after very high expectation directly after the Orange revolution a strong disillusionment has become visible in V4 countries regarding Ukraine over the last years. Therefore a more pragmatic approach towards Ukraine can be seen even in Poland which was the main advocate of Ukraine within the EU.

## UKRAINE'S POSITION

Very high expectation and then a strong disillusionment have been visible also in Ukrainian society. Nevertheless, Ukraine still seems to be a well-established electoral democracy. It means that Ukrainians can choose their leader and can change ruling elite. After the Orange revolution we were witnesses of quite a long list of democratic elections - two presidential elections in 2005 and 2010 and two parliamentary elections in 2006 and 2007. It should be underlined that also in the 90s relatively free and fair elections were held in Ukraine - presidential elections in 1991, 1994 and 1999 are the best examples<sup>1</sup>. Ukraine as the electoral democracy is a rare example in Eastern Europe. Only Moldova after parliamentary elections in 2009 (and Georgia, but with serious doubts) can be compared to Ukraine. Other countries are more or less authoritarian regimes – Belarus, Azerbaijan, Armenia and first of all Russia. The current status of Ukraine (as the electoral democracy) is a real achievement of Ukraine society and political elite.

The question is, what the main forces interested in democratization of Ukraine are? It seems that new authorities are not, because they are focused on a strengthening of their power. Political opposition is interested in electoral democracy because without free and fair elections they cannot exist. But there are some doubts about their engagement in the further democratization. Business circles present an ambiguous position. A part of this group belongs to the ruling elites, the other part is in smooth relations with authorities, but many representatives of business circles would like to preserve pluralism both in business/economy and politics because it would be better for their future. Civil society – still weak but existing – seems to be the main pro-democratic force. Many representatives of this group are strongly interested in democratization of Ukraine and liberal democracy as the final goal. It is evident that the critical mass of democracy supporters is still needed in Ukraine. The most important question

---

<sup>1</sup> But it should be noted that electoral democracy was in danger during the second Kuchma's term (1999-2004) and autocratic tendencies present in Ukraine at that time had been the main reason which led to the Orange revolution.

today is whether history can repeat and Ukrainian electoral democracy can be in danger under president Yanukovych. Unfortunately there are many negative signals.

## **REALISTIC ASSESSMENT OF UKRAINE BY THE EU**

The first months of Yanukovych's presidency provoked many critical opinions, presented by experts and politicians: "Within the first weeks after Viktor Yanukovych's victory in the presidential elections, a small group close to the president and the new Prime Minister Mykola Azarov has swiftly taken extensive control of the country. The parliament plays only a minor role. The opposition and the free media are under pressure...Within just a few weeks a noticeable backslide into the old authoritarian patterns of the Kuchma era has taken place. Courts and public authorities are clearly making decisions in accordance with the new government's policy. The public prosecutor's office lets itself be exploited for the discreditation of the opposition...The ratification of the fleet deal and the passing of the national budget took only eight minutes. There were no government declarations, no discussions and no debates neither about the international agreement and its extensive implications for the country's long-term geopolitical orientation, nor about the national budget - the classic privilege of the parliament. President Yanukovych and Prime Minister Azarov thus have revealed the role they assign to the parliament. They have clearly shifted the country's political balance in favour of the president and expect the Verkhovna Rada to just sign-off their politics..."<sup>2</sup>

The situation in the following months has been even worse, not better for sure. The political system was changed from parliamentary-presidential to presidential one. Local elections held on October 31, 2010 cannot be assessed as free and fair. It was said openly by the EU: "Respect for common values including human rights, democratic principles and the rule of law lies at the heart of the relationship between the EU and Ukraine. Ukraine has developed a consistent record of conducting elections in accordance with OSCE commitments and international standards...Against this background; Catherine Ashton is concerned with reports from a number of election observer missions of irregularities during the local elections which were held on 31 October.

---

<sup>2</sup> N. Lange, "The first 100 Days after Change of Power in Ukraine: Authoritarian Tendencies and Rapprochement with Russia", *Konrad Adenauer Stiftung* (May 27, 2010), [http://www.kas.de/wf/doc/kas\\_19723-544-2-30.pdf](http://www.kas.de/wf/doc/kas_19723-544-2-30.pdf).

These derive primarily from the electoral framework and the administration of the elections. They undermine public confidence in the electoral process and in the further consolidation of democracy in Ukraine. Catherine Ashton welcomes the readiness expressed by President Yanukovich to draw lessons from the local elections and advance on the adoption of an Electoral Code. Electoral reform should be conducted through a transparent and participative process and should ensure that a revised electoral framework is in place well ahead of parliamentary elections. Changes to the electoral framework shortly before the launching of an electoral process do not allow for a proper preparation of the process and runs contrary to international norms and best practice. The EU remains ready to support Ukraine in the implementation of key democratic reforms and recalls its support for a project aimed at drafting an Electoral Code, with the technical expertise of the OSCE, in line with European standards. Catherine Ashton will follow closely the completion of the electoral process including the counting and tabulation of votes, the examination of complaints and appeals which should be undertaken in a thorough and impartial manner as well as the announcement of final results<sup>3</sup>. The United States has also criticised the vote, saying it had not lived up to the example set by presidential polls earlier this year.<sup>4</sup>

Several weeks earlier, Štefan Füle, EU Commissioner for Enlargement and Neighbourhood Policy, had made an early warning during 7th annual meeting of Yalta European Strategy (YES Conference) in Yalta: "Dear Ukrainian friends, the European Union is ready to accompany you in implementing your economic reform agenda. We are a passionately committed partner in this. We are ready to show flexibility where we can. We are ready to make compromises where we can. But I have to stress that there is an area where we will not compromise. We will not compromise on those common values which form the basis of our relationship: respect for human rights, the rule of law and democratic principles. This is the fundamental understanding that has bound together the Member States of the European Union since its establishment. And it is this same commitment that will ultimately define how close the EU and Ukraine come together."<sup>5</sup>

---

<sup>3</sup> "Press office of the EU HR Catherine Ashton: Comments on local elections in Ukraine", *Delegation of the European Union to Ukraine*, [http://ec.europa.eu/delegations/ukraine/press\\_corner/all\\_news/news/2010/2010\\_11\\_04\\_2\\_en.htm](http://ec.europa.eu/delegations/ukraine/press_corner/all_news/news/2010/2010_11_04_2_en.htm)

<sup>4</sup> "EU criticises Ukraine vote", AFP (November 4, 2010), <http://www.eubusiness.com/news-eu/ukraine-vote.6tf>.

<sup>5</sup> Š. Füle, "Ukraine and the World: Rethinking and Moving on 7th annual meeting of Yalta European Strategy (YES Conference) Yalta, 1 October 2010", *Press releases RAPID*, <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/10/507&format=HTML&aged=0&language=EN&guiLanguage=en>.



It seems that all four Visegrad countries have the same opinion as Commissioner Füle and Catherine Ashton. Therefore the preservation of electoral democracy can be the main challenge for Ukrainians in the next months and years. But today's Ukraine is not the same as Ukraine of Kuchma. There is not a return to the past. Ukraine is much more democratic than before 2004. But Ukrainians (and friends of Ukraine from V4 countries as well) still should think about a more ambitious goal namely the establishment of liberal (constitutional) democracy in Ukraine, because electoral democracy is only a first stage. Constitutional democracy can be named as the consolidated democracy with well working institutions such as the Constitutional Court, check-and-balance institutions in general. One can ask why the existence of this type of democracy is so important. The answer is simple: only a country with well organized constitutional/consolidated democracy can integrate with the EU. If Ukraine is interested in the integration with the EU, it should make serious efforts towards constitutional democracy. Therefore there are two goals and challenges at the same time for Ukraine: minimum – preservation of electoral democracy and maximum – building of constitutional/consolidated democracy.

## **OTHER COMMON INTERESTS**

To realize this main common interest, other common interests should be found and a list of priorities should be composed of them. A short list should include at least the following elements: Contacts between societies, visa free travel, energy co-operation, establishment of Deep and Comprehensive Free Trade Area. Fulfilment of these four challenges is supposed to lead to a more democratic Ukraine.

- **Contacts between societies**

Relations between V4 and Ukraine cannot be focused on a governmental level. Contacts between societies have the same importance or are even more important because the democratization process and integration with the EU cannot be fulfilled by governments only but first of all by Ukrainian society. Therefore cross-border cooperation is crucial. Such cooperation is natural for three V4 countries – Hungary, Poland and Slovakia and should be one of the priorities in relations of those countries with Ukraine. Much has been already done but still the cross-border cooperation has enormous potential. However cooperation between V4 countries and Ukraine cannot be limited to border regions only. In the interest of both sides are contacts with remote regions of Ukraine – the Eastern part of the country. The main reason is that Ukraine needs Europeanization of the country as a whole not only the western part which has many

contacts with the EU and individual EU Member States. Cooperation between societies means, first of all, contacts between civil society representatives from both sides. It should be openly said that the relations between societies should be developed even in spite of a discontentment with the authorities.

- **Visa free travel**

The visa question is the most important issue for Ukrainians in their approach to the EU. Both – Ukraine and the V4 are interested in visa free regime; therefore fast track towards abolishment of visas is in the interest of Ukraine and V4. One may be reminded of a relatively good experience with visa free travel between V4 and Ukraine before the entry of the former to the EU in 2004. Contacts between ordinary citizens were much easier than today. Frequent travels of ordinary Ukrainians to the EU would be the cheapest lesson of democracy and a market economy.

- **Energy cooperation**

This common interest includes two main challenges – energy security and energy efficiency. For V4 countries energy security connected with Ukraine is more important than the energy efficiency of this country. But better energy efficiency of the Ukrainian economy would be important for the ecology of the region as a whole.

The Ukrainian government signed the protocol on membership of Ukraine in Energy Community on 24.09.10. It is a very important step towards better cooperation and even integration with the EU. It was noted by Yuri Boyko, Ukrainian fuel and energy Minister: “Today’s signature signals our political will to align the principles of Ukrainian energy policy with that of the EU. I expect the Ukrainian parliament to ratify the Treaty very quickly within the coming months;”<sup>6</sup>. Full implementation of Energy Community obligations would lead to more transparency in the Ukrainian energy sector, in gas in particular.

- **Deep and Comprehensive Free Trade Area (DCFTA)**

The DCFTA is a sensitive issue for Ukraine. New authorities show some reservations. They present a more ‘pragmatic’ approach than the previous government and president. One cannot exclude also possible reservations from V4 side. But bigger trade would be for sure a positive scenario for a long term perspective

---

<sup>6</sup> “Press release: Ukraine signs the Energy Community Accession Protocol”, *Energy Community* (September 24, 2010), [http://www.energy-community.org/portal/page/portal/ENC\\_HOME/NEWS/News\\_Details?p\\_new\\_id=3721](http://www.energy-community.org/portal/page/portal/ENC_HOME/NEWS/News_Details?p_new_id=3721).

for both sides - Ukraine and Visegrad countries (also for the EU as a whole). Implementation of DCFTA would be a very important step in integration of Ukraine with the EU. Ukrainian economy would be governed partially by EU rules and standards - *acquis communautaire*.

## **V4 ASSISTANCE**

The main efforts of the V4 vis-a-vis Ukraine should be focused on these goals described above. Democracy in Ukraine can be preserved and developed only by Ukrainians of course. Also reforms can be implemented only by Ukrainians. External partners can only assist, not create, democracy there. But they can do many things for helping Ukrainians in their efforts.

It should be underlined that the V4 should be an active partner in relations with Ukraine and look for different partners in Ukraine. The V4 assistance should be done in many ways. One of them could be a transfer of V4 countries' experiences in their way towards liberal democracy and implementation of reforms. The V4 should build close relations with new Ukrainian authorities and with opposition at the same time. Both sides of Ukrainian political scene should know that are supported by governments of V4. Political parties from V4 countries should establish closer contacts with their Ukrainian partners. Common actions of local authorities from both sides of the border are badly needed.

But Visegrad countries should present a very frank assessment of the situation in Ukraine. This assessment could be made by politicians and experts. The V4 should still be Ukraine's advocacy within the EU as a whole. The Eastern Partnership could be used as a good tool because it clearly says about democracy what was written in the statement from the Communication from the Commission to the European Parliament and the Council from December 2008: "a sufficient level of progress in terms of democracy, the rule of law and human rights, and in particular evidence that the electoral legislative framework and practice are in compliance with international standards, and full cooperation with the Council of Europe, OSCE/ODIHR and UN human rights bodies will be a precondition for starting negotiations and for deepening relations thereafter"<sup>7</sup>.

---

<sup>7</sup> "Communication from the Commission to the European Parliament and the Council: Eastern Partnership", *Commission of the European Communities* (December 3, 2008), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0823:FIN:EN:PDF>.

The discussion about an action plan/road map towards a visa free regime will be the hottest issue within the EU in the next months concerning relations with Ukraine. The V4 should present a common position and do everything that is possible to achieve this goal. Financial support for changes in Ukraine will play an important role in the next years. Therefore, governments of the Visegrad countries should think about the strengthening of the Visegrad Plus initiatives which allow building new links between Ukrainian society and societies of V4 countries. The assistance of the V4 (including the financial assistance through the International Visegrad Fund) could be focused on watch-dog organizations in Ukraine and support for civil society in general.

## CONCLUSION

Actions/efforts of the V4 should not be perceived as a kind of interference in internal Ukrainian affairs because democracy as a political system is accepted by all main political forces in Ukraine. Both sides – Ukraine and the V4 countries should focus their attention on fulfilment of proposals which are included in Eastern Partnership: Association Agreement with DCFTA, liberalization of visa regime (visa free regime as a short or medium-term goal) and step-by-step integration of Ukraine with EU energy market (gas sector especially). After successful implementation of those proposals EU-Ukraine relations (V4-Ukraine relations as well) would be at a substantial higher level than today.

Looking for a more democratic Ukraine, we should remember that autocratic tendencies have intensified in many post-Soviet countries in the last five years, with Russia being the prime example of this trend. In this context Ukraine is, along with Moldova and Georgia one of the exceptions in Eastern Europe. In comparison to its immediate Western neighbours - V4 countries which became EU member states during the two waves of enlargement in 2004 and 2007 -- Ukraine stands in sharp contrast. The 'new' entrants are constitutional democracies despite their internal problems. Ukraine failed to make up ground on this latter group of countries over the last five years and thus remains unambiguously categorised as a post-Soviet state. Therefore the gap between Ukraine and its Western neighbours is even larger now than five years ago. The crucial question is how long Ukraine can continue to exist as a non-consolidated democracy, lodged between the liberal democracies of the EU and the semi-authoritarian regimes of the CIS space -- two groups which are on completely different trajectories. This question concerns not only the political system of the Ukrainian state but also Ukrainian society as a whole.

## REFERENCES

- “Communication from the Commission to the European Parliament and the Council: Eastern Partnership”, *Commission of the European Communities* (December 3, 2008), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0823:FIN:EN:PDF>.
- “EU criticises Ukraine vote”, *AFP* (November 4, 2010), <http://www.eubusiness.com/news-eu/ukraine-vote.6tf>.
- Füle, Š., “Ukraine and the World: Rethinking and Moving on 7th annual meeting of Yalta European Strategy (YES Conference) Yalta, 1 October 2010”, *Press releases RAPID*, <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/10/507&format=HTML&aged=0&language=EN&guiLanguage=en>.
- Lange, N., “The first 100 Days after Change of Power in Ukraine: Authoritarian Tendencies and Rapprochement with Russia”, *Konrad Adenauer Stiftung* (May 27, 2010), [http://www.kas.de/wf/doc/kas\\_19723-544-2-30.pdf](http://www.kas.de/wf/doc/kas_19723-544-2-30.pdf).
- “Press office of the EU HR Catherine Ashton: Comments on local elections in Ukraine”, *Delegation of the European Union to Ukraine*, [http://ec.europa.eu/delegations/ukraine/press\\_corner/all\\_news/news/2010/2010\\_11\\_04\\_2\\_en.htm](http://ec.europa.eu/delegations/ukraine/press_corner/all_news/news/2010/2010_11_04_2_en.htm).
- “Press release: Ukraine signs the Energy Community Accession Protocol”, *Energy Community* (September 24, 2010), [http://www.energy-community.org/portal/page/portal/ENC\\_HOME/NEWS/News\\_Details?p\\_new\\_id=3721](http://www.energy-community.org/portal/page/portal/ENC_HOME/NEWS/News_Details?p_new_id=3721).

# Regional Cooperation and the High North: Its Importance and Limitations

**Geir Flikke**

## INTRODUCTION

Is sub-regional cooperation advancing in Europe, or is the prime time of effective regions, starting from the mid-1990s and onwards history? Given the current focus on high politics, a focus increasingly evident since 2007 and onwards, issues of sub-regional cooperation have taken a back seat in the calculations among states in wider Europe. Evidently, regional cooperation, and the forging of regions, is effective only in so far as issues of statehood, state interests and zero sum considerations do not dominate inter-state relations. Moreover, in regional affairs, the diffusion of power to local entities matter also. In sum: regional cooperation is possible under the following conditions: when there is an inter-state trust, and when there are functional regions. But it should be added that functional sub-regional cooperation also *creates the inter-state trust, hence the security dividend of sub-regional cooperation.*

Sub-regional cooperative arrangements are, naturally, not isolated from wider trends in international politics. Trends facilitating sub-regional cooperation are trans-national linkages and interdependencies, alongside with changes in the culture of security. These are again interconnected. When states make security calculations based on their capacity to interact with other states, the culture of security is altered and moving away from a traditional state-centered security focus. Changing cultures is encouraged by incentives for interaction and changes in the perception of sovereignty. It is sometimes argued that sovereignty is enhanced by interaction. For instance, according to Anne-Marie Slaughter, in an interdependent world, sovereignty is best preserved through

---

**Geir Flikke** is a Senior Research Fellow at the Norwegian Institute for International Affairs and a Professor II at the Bodø Center for High North Studies.

a participation in transnational networks – known as the phenomenon of trans-governmentality.<sup>1</sup>

In the European context, trans-governmentality is linked to a set of institutional processes, such as open OSCE process, tools to address common security and economic challenges stretching into wider Europe, and effectiveness and openness of European and transatlantic institutions. The EU plays an increasingly important role, with the instruments of neighbourhood policies and its distinctly “normative” foreign policy. It presents incentives for transformation, and works in a way that disaggregates sovereignty and localizes issues. (Since 2004, the OSCE has been less successful, and there have been issues clearly making the OSCE seem increasingly sidelined in European affairs. Yet, a renewal of the OSCE position (alongside the still evolving EU) may take place, as the US vice-president has recently spoken about returning to the OSCE standards and aims as a part of a larger framework of resetting the relations with Russia, and the Kazakh chairmanship is going to host the upcoming OSCE summit in late 2010.<sup>2</sup>)

Clearly, there is no such thing as a global region. The world is not entirely flat, and the trends in international relations are sometimes conducive to, and sometimes not conducive to, regional cooperation. A “region” in this context is understood as a “spatially coherent territory composed of two or more states”, and a sub-region as a “part of such a region, whether it involves more than one state [...] or some transnational composition”.<sup>3</sup> Regional challenges are particular, and regional orders are distinct from one another. Yet, regions are bound to the concepts of sovereignty and governance, and also bound together in cooperative arrangements by broad security challenges. In “a world of regions” (or, of regional arrangements), states are either too small to solve big problems or vice versa, too big to handle the small ones.<sup>4</sup> Environmental and climate challenges, food security and energy supplies are all parts of what necessarily binds states together in a common fate, if not even boosts them deliberately to create cooperative arrangements. What is straightfor-

---

<sup>1</sup> A.-M. Slaughter *A New World Order*. (Princeton and London: Princeton University Press, 2004), p. 268. Slaughter’s argument is that traditional concepts of sovereignty need rethinking in a more interdependent world order. Sovereignty becomes disaggregated by processes that take place not only outside the states, but also inside them. Hence, sources of the disaggregated sovereignty are not only external forces, but also changing domestic bureaucracies and new political forces.

<sup>2</sup> J. R. Biden, “Advancing Europe’s Security”, *Herald Tribune* (May 6, 2010).

<sup>3</sup> B. Buzan, O. Wæver, and J. de Wilde *Security. A New Framework for Analysis*. (London and New York: Lynne Rienner Publishers, 1998), pp. 18 – 19.

<sup>4</sup> P.J. Katzenstein *A World of Regions*. (Ithaca and London: Cornell University Press, 2005), p. 19.

ward is that the effects of either of these challenges and related problems are not usually limited to a single country; others within the region are affected and have to deal with them as well. Pollution does not stop at state's borders, inter-state trade is more effective when functioning in a liberalized regime – when it is not burdened by mutual restrictions such as tariffs and quotas, and borderlands are often inhabited by people who have commonalities in culture, linguistic characteristics and livelihood, or, whose family ties cross the borders. Most probably, one single state cannot control or face all these challenges by itself. They are complex and affect populations. What affects populations, affects states and nations at the same time. If a state does not cope with these challenges, certain parts of its population will not identify with the state's/ nation's policy. This reaffirms the fact that national identities are not given identities, but derived from how states cope with challenges and render services to the population.

There have been few attempts to transfer knowledge and experience of regional cooperation in the High North to any other European setting. Still, the High North is interwoven with regional initiatives of the EU, more specifically with the Northern Dimension of the EU. Some of the particular Norwegian regional initiatives have a wider Nordic-Baltic frame of reference. This also makes the Norwegian experience relevant for other regional groupings, and subsequent sub-regional cooperation within these settings.

In this article, I will first outline the basic background of the regional cooperation in the High North, more specifically in the Barents Sea Region. I will not dwell on specific theories on regionalization, nor on the general framework for how to conceive regional cooperation in a globalized world. I will rather focus on *structure* and *functionality* - two issues whose quality can contribute to an enhancement of effective cooperation, also in a larger political framework. A perspective of "mutuality" will be addressed in this context as well - how one actor considers intentions and choices of another actor as elements in a policy that builds trust and cooperation.

## **THE BARENTS REGION: BACKGROUND AND GEOGRAPHY**

The context of regionalization efforts at the beginning of the 1990s was a major driver for regional initiatives to flourish. As the East-West divide disappeared, other regional divides have become evident, as well as corresponding differences in levels of livelihood, wealth, economic sustainability and population in particular territories. The Northern parts of Europe have stood out as



remote from the central parts, with their harsh climate and sparse populace. As such, the question of how to engage the regions in a new European framework has emerged.

In response to these challenges, *the Barents Euro-Arctic Cooperation* was formally established on January 11, 1993, based on a Norwegian initiative under foreign minister Thorvald Stoltenberg. It includes administrative regions Nordland, Troms, Finnmark in Norway; Västerbotten County, Norrbotten County in Sweden; Lapland Province, Northern Ostrobothnia, Kainuu in Finland; and Murmansk Oblast, Arkhangelsk Oblast, Komi Republic, Republic of Karelia, Nenets Autonomous Okrug in Russia. Geographically, it covers most of the Northern parts of Europe, a total area of about 1 756 000 square kilometres, inhabited by 5.9 million people. The Kirkenes Declaration from 1993 clearly stated that this regional cooperation should be considered a contribution to security in wider Europe. Echoing the new frame of reference for European security, the declaration stipulates:

“The Participants expressed their conviction that expanded co-operation in the Barents Euro-Arctic Region will contribute substantially to stability and progress in the area and in Europe as a whole, where partnership is now replacing the confrontation and division of the past. The Participants felt that such co-operation will contribute to international peace and security.”<sup>5</sup>

The declaration was also a communiqué that made references to legal acts, such as the European Energy Charter, the Convention on Environmental Impact Assessment (EIA Convention), and several agreements and strategies on environmental protection of the Arctic. These legal agreements and strategies have served as an important frame of reference for cross-border cooperation initiatives that have followed. They have contributed to creation of a legal frame of reference that corresponding activities evolve within.

As regards an institutional setting of the cooperation, the declaration founded principles of a rotating chairmanship of member states' ministries; and a two-level institutional system composed of the Barents regional council working at an inter-regional level, and the Barents Council with Ministries of Foreign Affairs at a political level. In terms of structure and ownership, there is a distinct local footprint on the way the secretariat has been organized. Normally, the secretariat has followed the cycle of which ever country holds the chairmanship but it has become a permanent institution in Norway after the Norwegian chairmanship.

---

<sup>5</sup> “The Kirkenes Declaration”, *Conference of Foreign Ministers on Co-operation in the Barents Euro-Arctic Region* (January 11, 1993), <http://www.unep.org/dewa/giwa/areas/kirkenes.htm>.

Since November 1998, the Secretariat has been owned by the three northernmost Norwegian regions, Nordland, Troms and Finnmark, and was made an Inter-regional Company on January 1, 1999. In the period 2002 – 2006, the Secretariat has had a staff of ten in Kirkenes and one or two in each of the four field offices, in Murmansk, Arkhangelsk, Narian-Mar and Petrozavodsk, the latter closed from 2008. The Barents region has also become increasingly internationalized. The international Barents Secretariat was established in 2008, led by a Russian diplomat and with a Swede in the second most important position in command. Norway has carried about 60 percent, and every other member about 12.5 percent of financial costs.

If the local ownership has been a central footprint within the region, it is also clear that the region is becoming increasingly internationalized, at least in terms of its focus, if not in terms of its identity as well. Thus, there is a difference between identity, function and focus of the region. As to the “identity”, the Barents Region has developed around a specific acknowledgement that there is a “Northern” identity relating to a unique nature of the North, vast distances, specific climate and harsh conditions for the infrastructure, and dispersion of the population. Border identities have also been strengthened by restoration projects, such as the Boris Gleb Chapel on the border between Russia and Norway. From the functional perspective, the regional interaction has been based on regular contacts between local and higher political authorities. As a region in “the world of regions”, or a region where diverse effects of internationalization and globalization have made an impact, the Barents region is situated between the EU and Russia, but also in the regional and bilateral dimension between Northern Europe and Russia. It has also been affected by the recent developments in the Arctic, and the global pursuit of energy resources.

## THE BARENTS SEA REGION AS A FUNCTIONAL REGION

The primary challenge for the Barents region today lies in the junction between functionality and internationalization. Various studies have produced diverse pictures of what this region would look like, the most comprehensive one being the *Big Oil Playground (2004)*, portraying the region as an area of big oil industries, a Russian Bear preserve or a European periphery.<sup>6</sup> Nevertheless, these scenarios do also take into account that a daily conduct of “Barents affairs” pre-

---

<sup>6</sup> B. Brunstad (et al.) *Big Oil Playground, Russian Bear Preserve or European Periphery? The Russian Barents Sea Region Towards 2015*. (Delft: Eburon Publishers, 2004).

serves the original intentions of the region to *foster people-to-people contacts*. Since 1993, the Barents Secretariat has financed about 3500 cross-border projects in the North. Usually, it receives about 400 applications for a subsidy annually. In order to secure a regional imprint of the project, these are reviewed only by the Secretariat itself, not by any other external bodies.<sup>7</sup> In the fiscal year of 2011, the Barents Secretariat will be granted with 36 million NOK intended for bilateral projects in the region.<sup>8</sup> About seventy percent of these grants in the period from 2002 to 2008 were given to *competence-building, training and education*.<sup>9</sup> A visible result of their impact is a greater influx of Russian students to the educational institutions in the North. As for the transfer of competence, most of the projects realized have transferred competence to Russia, rather than the other way around.<sup>10</sup>

The Barents Secretariat is also instrumental in *giving concrete advice to companies established in the Murmansk or Arkhangelsk regions in the Russian North*. So far, there have been 100 of them (2008), and they have received *assistance in clarifying legal issues, taxation issues, and finding and recruiting trainees in Russia*.<sup>11</sup> The projects cover a diverse portfolio of activities enabling development of civil society, culture and education, preparation of feasibility studies and pilot projects for a technological innovation and transfer. Examples of projects that received funding in 2002-2006 (possible to find in the NIBR evaluation report) include a feasibility study/training program for establishing a Norwegian company for electronics in Murmansk (the Barel Company Kirkenes opened a store in Murmansk in 2004, matched by funds from Interreg North), a training program for Russian offshore workers at the Kimek training centre (150 persons trained in 2005-2006)<sup>12</sup>, the Kola Saami radio, training for a youth environmental centre and so on.

The profile is thus specifically regional and includes various activities, occasionally with an edge towards wider international projects. Support for the

---

<sup>7</sup> J. Holm-Hansen, A. Aasland and E. Dybtsyna, *Building Neighbourhood. Evaluation of the Barents Secretariat's grant programme*, *Norwegian Institute for Urban and Regional Research* (2008:4), p. 26.

<sup>8</sup> J.S. Karlsbakk, "More cash to Barents projects", *The Norwegian Barents Secretariat* (March 22, 2010), <http://www.barents.no/more-cash-to-barents-projects.4762026-41098.html>.

<sup>9</sup> J. Holm-Hansen, A. Aasland and E. Dybtsyna, "Building Neighbourhood. Evaluation of the Barents Secretariat's grant programme", *Norwegian Institute for Urban and Regional Research* (2008:4).

<sup>10</sup> Survey data suggests mixed perceptions of what transfer implies.

<sup>11</sup> J. Holm-Hansen, A. Aasland and E. Dybtsyna, "Building Neighbourhood. Evaluation of the Barents Secretariat's grant programme", *Norwegian Institute for Urban and Regional Research* (2008:4), p. 20.

<sup>12</sup> Kimek offshore centre has followed up the workers being trained here and offered to work, either in Norway or in Russia. Nowadays, the Kimek Offshore has a staff of 140 employees, and a half of them are the Russians who commute between the working site in Norway and their home in Russia.

competence-building, training and education is meant to increase the number and quality of opportunities for an economic development in the North, while *easing and intensifying the cross-border traffic* at the same time. In this perspective, funding initiatives in the Barents region facilitates closer contacts and helps to cultivate a specific sense of community. Arguably, the work of the Barents Secretariat contributes to a greater sense of regionalization. Regions that lie in further north mostly apply for grants. (60 percent of the total number of project applications sent to the Secretariat comes from Finnmark, 30 percent from Troms and 10 percent from Nordland.)

On the one hand, Russian national authorities are, in some way or another, often involved in the projects, covered by about 40 percent of the grants altogether. Some reports also suggest that *Russia's willingness to contribute with financial grants* has been enhanced by the decision to allocate 122 million Euro to cross-border cooperation under the European Neighbourhood and Partnership Instrument (ENPI).<sup>13</sup> In practical terms, co-financing within the Barents region is not explicitly and exclusively linked to these funding resources, however. In spite of the global financial crisis, cross-border projects have been continuously subsidized in the North. Moreover, Russia's Minister of Foreign Affairs has proposed to create a new investment mechanism, a kind of a Barents Bank, with the Nordic countries and Russia in the North.<sup>14</sup> On the other hand, according to reports of the Barents Secretariat, respondents (grant applicants) often face a bureaucratic red tape in Russia as a major obstacle in realizing their projects. However, only 10 percent of these respondents report obstacles presented by the Barents Secretariat grants administration.

## **INCREASED INTERNATIONALIZATION? THE EFFECT OF THE BORDER AGREEMENT**

Will a new accord between Russia and Norway have a positive effect on the regional cooperation? To what extent can the Barents spirit be seen as conducive

---

<sup>13</sup> See: A. Staalesen (ed) *Talking Barents. People, borders and regional cooperation*. (Kirkenes: The Norwegian Barents Secretariat, 2010), p. 39, <http://www.barents.no/barents-review-2010.137539.en.htm> and "600 million EUR for Russia-EU projects", *Barents Observer* (June 4, 2008), <http://www.barentsobserver.com/600-million-eur-for-russia-eu-projects.4488158-16149.htm>.

<sup>14</sup> See: A. Staalesen (ed) *Talking Barents. People, borders and regional cooperation*. (Kirkenes: The Norwegian Barents Secretariat, 2010), p. 40. and, "Summary of Remarks by Russian Minister of Foreign Affairs Sergey Lavrov at the Twelfth Session of the Barents Euro-Arctic Council, Murmansk", *Ministry of Foreign Affairs of the Russian Federation* (October 15, 2009), [http://www.mid.ru/brp\\_4.nsf/0/7B9F3FA142D4C805C32576510022113B](http://www.mid.ru/brp_4.nsf/0/7B9F3FA142D4C805C32576510022113B).

to the agreement? The Minister of Foreign Affairs has explicitly underlined that there was *a connection between the trust created within the Barents Sea cooperation and the "sea of trust" that has emerged with the agreement to delimit the Barents Sea.* The Barents Council has also reiterated the fact.

Trust is a substantial factor of the cooperation, but so are the *questions of legal regimes* of the seas. When the Norwegian government adopted its *High North Strategy* in 2006, careful diplomatic proceeding was initiated in other directions as well. Norway and Denmark agreed on the mid-line principle in delineating border between Greenland and Spitsbergen in 2006, thus solving a dispute over 150 000 square kilometres, and stabilizing their stance in further negotiations with Russia.<sup>15</sup> In the same year, an agreement was also reached between Iceland, Faroe Islands and Norway on the intersection between the outer limits of their NEZ (national economic zones). This added a new 56 000 square kilometres to Norway's sea bed and was the first time in history that states reached an agreement on the seas outside the NEZ.<sup>16</sup> [Moreover, Norway presented new claims to the UN Commission on the Limits of the Continental Shelf (UNCLOS) in the areas North of Spitsbergen called the Loophole (a total of 250 000 square kilometres) also in 2006. In 2009, the UNCLOS accepted Norway's claim (235 000 sq km).<sup>17</sup>] At this stage, interestingly enough, the discussions between Norway and Russia over the delimitation in the Barents Sea were reportedly entering into a new and improved phase.

Some breakthroughs were made in February 2010 but there has not been enough public information on them until the second day of the presidential visit in April 2010. The inter-governmental discussion is pending on reaching an agreement. Wider consequences of its ratification which would "internationalize" the region remain to be seen, and are depending upon Russia's domestic transformation. One should realize that the 2008 recession has had an impact also on the Russian economy, and Russia is in no lesser need of technology and know how than earlier. Hence, the State Duma has reportedly simplified visa and entry procedures for foreign experts, including taxation and granting work permits. Effectively from January 1, 2011, this will probably help to increase the influx of knowledge to Russia – at least this is an intention, albeit the law seems to be

---

<sup>15</sup> K. Dragnes, "Delimitation around Greenland: Norwegian-Danish Agreement on Mid-Line principle", *Aftenposten* (February 20, 2006).

<sup>16</sup> K. Dragnes, "Major Agreement on Continental Shelf Reached", *Aftenposten* (September 21, 2006).

<sup>17</sup> See: "Limits of Norway's Arctic seabed agreed", *Barents Observer* (April 16, 2009), <http://www.barentsobserver.com/limits-of-norways-arctic-seabed-agreed.4580729-16149.html>.

linked to a vision of a “silicon valley” like a town called “Skol’kogo” outside of Moscow.<sup>18</sup> Most of these changes are subject to Russia’s jurisdiction as well as to Russia’s general positioning in international relations. Another important fact in this cooperative relationship which should also be taken into account is that Russia is a larger country than Norway and this is naturally mirrored in the foreign policy of Russia.

## THE MANY NAMES: HIGH NORTH, EUROPE AND NORDEN

When the Barents Sea Region was established, a “Europe of regions” was being discussed and the doors were opening to enlargement and integration of the European space. For as much as the EU enlargement has not affected just the then candidates and the EU as a whole; impact of the EU policies on its close neighbourhood and an ability of neighbouring states to embrace a European vocation have also had to be involved in the context of these discussions.

Norway’s contacts with the EU are still extensive, bringing Norway as close to a membership position as one can get, without formalizing this. The membership in the Schengen zone and various association mechanisms within the Nordic context and within EU’s security policies, make Norway a close associate of the Union.<sup>19</sup> The “High North” is thus a multifaceted region – one that calls on *Europe and Norden* to form a kind of a *political entity*.

Importantly, in European settings, “grand designs are transforming into more pragmatic considerations”; to quote a recent publication on the Northern Dimension.<sup>20</sup> The international context, in which a region develops, is not the main issue, but a coordination of initiatives and a presence of incentives and pragmatism. A big portion of Norway’s contribution to nuclear security exercised on a bilateral basis initially is now channelled through European-wide programs, adding, inter alia, a civic dimension to the security of former stockpiles.<sup>21</sup> Moreover, a lot of larger public health programs have been intertwined and internationalized

---

<sup>18</sup> “Russia invites foreign specialists”, *Barents observer* (May 5, 2010), <http://www.barentsobserver.com/russia-invites-foreign-specialists.4781177.html>.

<sup>19</sup> See: A.J.K. Bailes, G. Herolf and B. Sundelius (eds) *The Nordic Countries and the European Security and Defence Policy* (Oxford: Oxford University Press, 2006).

<sup>20</sup> P. Aalto, H. Blakkisrud and H. Smith (eds) *The New Northern Dimension of the European Neighborhood* (Brussels: Centre for European Policy Studies, 2008), p. 3.

<sup>21</sup> *Ibid.* pp. 30-31.

through a specific Northern Europe framework since 2003, starting with the creation of the Northern Dimension Partnership in Public Health and Social Well-Being, which combines task force activities in the Baltic Sea region with related activities in the Barents Sea Region.<sup>22</sup> Last but not least, environmental support has also been interconnected increasingly through the Northern Dimension Environmental Partnership. The pooling of resources in the Nordic region facilitates an increased focus on both the commonalities in approaches of the countries, and providing an added value of programs by means of financial conditionality and generous funds.

## **CONCLUSION**

This article has briefly outlined the background of the creation of the Barents Euro-Arctic Region, and the specific function of regional cooperation in the High North. Irrespective of the EU membership, the region is interconnected with other regional initiatives in the EU, and is in a way an important element of the EU's policies towards its neighbourhood. In the new international setting in the High North, this does not matter much in terms of local identities, but in terms of functions and prospects. Compared to many regions, the Barents Region can be deemed to be particularly successful in its endeavours to facilitate cooperation through concrete arrangements.

As for regional politics in wider Europe, the sub-regional efforts in the North may provide some general lessons for sub-regional initiatives elsewhere, notably also for the V-4 countries. To sum up:

- *Long-term bilateral issues need to be formulated as common challenges of management and sustainability.* This enhances the significance of the paradigm that states are sometimes too big for small matters, or too small for big ones.
- *Practical issues should not be addressed in terms of ideology, rather in terms of their effects in practice.* Practical and functional dimensions of cross-border cooperation are important, not only as a tool, but as an aim in itself.
- *Local imprint should be secured.* Regions are inscribed in a system of relations, but they exist in their own right as well, and are formed by the specifics of the adjacent region and contacts created there throughout the centuries.
- *Regional cooperation is not about changing priorities, but about changing attitudes to borders and border regions.* It's important to emphasize the difference between national priorities and global challenges. Globalization challenges

---

<sup>22</sup> Ibid. pp. 91-93.

nation-states, but internationalization strengthens it. Good neighbourly relations enhance the capacity of nation-states to govern.

## REFERENCES

- Aalto, P., Blakkisrud, H., and Smith, H. (eds) *The New Northern Dimension of the European Neighborhood*. (Brussels: Centre for European Policy Studies, 2008).
- Bailes, A.J.K., Herolf, G., and Sundelius, B. (eds). *The Nordic Countries and the European Security and Defence Policy*. (Oxford: Oxford University Press, 2006).
- Biden, J.R., "Advancing Europe's Security", *Herald Tribune* (May 6, 2010).
- Brunstad, B. (et al.) *Big Oil Playground, Russian Bear Preserve or European Periphery? The Russian Barents Sea Region Towards 2015*. (Delft: Eburon Publishers, 2004).
- Buzan, B., Wæver, O., and de Wilde, J., *Security A New Framework for Analysis*. (London and New York: Lynne Rienner Publishers, 1998).
- Dragnes, K., "Delimitation around Greenland: Norwegian-Danish Agreement on Mid-Line principle", *Aftenposten* (February 20, 2006).
- Dragnes, K., "Major Agreement on Continental Shelf Reached", *Aftenposten* (September 21, 2006).
- Dwan, R. (ed) *Building Security in Europe's New Borderlands*. (London: East West Institute 1996).
- Holm-Hansen, J., Aasland, A., and Dybtsyna, E., "Building Neighbourhood. Evaluation of the Barents Secretariat's grant programme", *Norwegian Institute for Urban and Regional Research* (2008:4).
- Karlsbakk, J.S., "More cash to Barents projects", *The Norwegian Barents Secretariat* (March 22, 2010), <http://www.barents.no/more-cash-to-barents-projects.4762026-41098.html>.
- Katzenstein, P.J. *A World of Regions*. (Ithaca and London: Cornell University Press, 2005).
- "Limits of Norway's Arctic seabed agreed", *Barents Observer* (April 16, 2009), <http://www.barentsobserver.com/limits-of-norways-arctic-seabed-agreed.4580729-16149.html>.
- "Russia invites foreign specialists", *Barents observer* (May 5, 2010), <http://www.barentsobserver.com/russia-invites-foreign-specialists.4781177.html>.
- Slaughter, A.M., *A New World Order*. (Princeton and London: Princeton University Press, 2004).
- Staalesen, A. (ed), *Talking Barents. People, borders and regional cooperation*. (Kirkenes: The Norwegian Barents Secretariat, 2010), <http://www.barents.no/barents-review-2010.137539.en.htm>.
- "Summary of Remarks by Russian Minister of Foreign Affairs Sergey Lavrov at the Twelfth Session of the Barents Euro-Arctic Council, Murmansk", *Ministry of For-*



*Foreign Affairs of the Russian Federation* (October 15, 2009), [http://www.mid.ru/brp\\_4.nsf/0/7B9F3FA142D4C805C32576510022113B](http://www.mid.ru/brp_4.nsf/0/7B9F3FA142D4C805C32576510022113B).

"The Kirkenes Declaration", *Conference of Foreign Ministers on Co-operation in the Barents Euro-Arctic Region* (January 11, 1993), <http://www.unep.org/dewa/giwa/areas/kirkenes.htm>.

"600 million EUR for Russia-EU projects", *Barents Observer* (June 4, 2008), <http://www.barentsobserver.com/600-million-eur-for-russia-eu-projects.4488158-16149.htm>.

# Customs Union of the EurAsEC: Challenge to Ukraine Ignored by the European Union

**Oleksiy Yizhak**

## **THE NATURE OF THE UKRAINIAN CHOICE: ACQUIS WITHOUT INSTITUTIONS**

In the coming years and, perhaps in the long-term perspective, the international institutional questions of defining the development strategy of Ukraine will be minor. The membership of Ukraine in the European Union and NATO is not on the agenda because of internal reasons that determine the development of these organizations. Membership of Ukraine in the (funded by Russia) Customs Union (CU) and Collective Security Treaty Organization (CSTO) is also seemingly impossible. The reasons here are quite different: these organizations would welcome Ukraine as their member, but Ukraine itself has powerful arguments to avoid membership<sup>1</sup>.

With regard to this situation Ukraine will be stuck for a long time between two geopolitical organizations – the EU and NATO in the West, and CU and CSTO in the East – without joining any of these organizations formally. At the same time this does not exclude the question of the strategic choice of Ukraine and

---

***Oleksiy Yizhak*** is the Head of the Department for Security Studies, Regional Branch of the National Institute of Strategic Studies in Dnipropetrovsk.

---

<sup>1</sup> The political elites, business and society of Ukraine do not have clear preferences as to the foreign policy orientation. It concerns both the European (EU and NATO) and Eurasian (CU and CSTO) organizations. The idea of membership in any of these organizations, perhaps with the exception of the EU, does not have enough support within the country. This fact was reflected in the new Law of Ukraine “On Foundation of the Internal and Foreign Policy” that took effect in July 2010 and confirmed the non-bloc policy as the basic foreign policy doctrine.

the vector of its internal reforms becoming part of the agenda. The mechanism of this choice is becoming different, but not its nature. When the institutional component is missing the key question is the implementation of European principles, standards and norms, in other words European *acquis* in a broader sense of this term, including *acquis communautaire* of the EU, Schengen *acquis*, and NATO *acquis*.

There is some risk as the European *acquis* is no longer a single option for Ukraine. In the framework of the Customs Union and the CSTO specific *acquis* has been forming for the last 15 years. This fact is usually ignored in Europe. European politicians and experts tend to see in these organizations artificial pro-Russian formations, the so-called “ghosts” of the past that do not have any prospects for their own development. But from the Ukrainian perspective this situation has been seen in a totally different way. Everything that happens to the East of its borders has always been and remains a reality that at first is to be taken into account and only then can one conclude from what sources it is being generated.

A mere observation of the latest developments proves that the post-Soviet space for Ukraine is not only prevalent today, like a cloud from the past, from which it should shake off any influence to enable a conclusive move to the West. After development of its own *acquis* in the framework of the CU and CSTO, Ukraine is now offered an alternative to the European model of development, at least in the economic sphere. Russia is leading an active policy aimed at implementation in Ukraine of approaches that constitute the core of the CU and CSTO. And it concerns not only the internal choice of Ukraine and its own preferences<sup>2</sup>, it concerns its foreign policy imperatives which Ukraine cannot, in many cases, resist.

Both on the part of the EU and Russia there is a trend to absolutize their own *acquis*: Ukraine is to accept it completely and irrevocably, or to search for another one at its own risk. The motivation is quite different. The EU has its own success story of implementation of the *acquis* in new member states, first of all in the states of the Visegrad Group, and believes that the same success can

---

<sup>2</sup> Since the first years of independence each new leadership of Ukraine has declared its commitment to European values, and this was also in line with the wishes of the society. But real steps were as always missing. It should not be somehow attributed to hypocrisy. This discrepancy can be explained first of all by the absence of a clear understanding by the elite and the society of what are essential characteristics of a European state in its foreign and domestic policy. European values, principles and norms are still considered by Ukraine in an abstract way, without any practical contents. The European *acquis* remains for Ukraine a hardly comprehensible idea. But the willingness of Ukraine to be a part of Europe is sincere.

await Ukraine if it makes the relevant choice. But at the same time it has completely disregarded the fact that Ukraine does not have such a powerful motivation as the EU membership, and thus is not able to influence the development of the European acquis even in a long-term perspective. Neither the Ukrainian elites nor the population understand which advantages the European acquis may have if it is not totally focused on future membership.

It is a fault of Ukraine itself, as in nearly 20 years of independence and constant talks about its European choice it has not managed to thoroughly study and understand the essence of this choice. But some formalism on the part of the EU has also played its role. It was considered that the value of the European acquis should obviously be clear for Ukraine. Relevant research and information programs in the framework of mutual interaction were never developed.

The motivation of Russia is more pragmatic. The set of principles, standards and norms, which it develops and promotes in the framework of the CU and CSTO is the realization of Russia's idea of a "sphere of influence". Besides the ideologically motivated support of the Russian language, culture, the information space in its neighboring countries; Russia has started a pragmatic promotion of its economic standards. The calculations of Russia are based on the fact that Ukraine is devoid of the possibility of becoming a member of the EU and NATO (which was actively supported by Russia) having to turn to closer cooperation with the East. This may force the Ukraine to be taken over at first by the Russian economic and then political and social models, finally turning Ukraine into a country with Russian dominion.

The Ukrainian choice of the European acquis under such conditions is not guaranteed. The European Union will take some efforts that contribute to consistent movement of Ukraine in the European direction, e.g. by offering Ukraine the so-called "matrix of reforms"<sup>3</sup>. But these efforts may turn out to be insufficient. And the problem is not only in the inertness of Ukraine that does not understand to the full extent, and is not always ready to implement, pro-European reforms. There is a completely conscious and purposeful opposition of Russia. Thus, after Ukraine expressed its intention to implement the European energy acquis (the Third Energy Package of the EU) which is essential for its membership in the Energy Community, Russia reacted with an immediate "warning" that it will "shut out the possibility for

---

<sup>3</sup> "Матрица: резолюция. Евросоюз подготовил Украине список требований и поощрений", Коммерсант-Украина, N 76 (April 30, 2010), <http://www.kommersant.ua/doc.html?path=\komua\2010\076\12538053.htm>.

Ukraine to integrate with Russia” and will have negative consequences for the gas sector of Ukraine<sup>4</sup>.

The given example proves that Ukraine needs to thoroughly analyze and understand the meaning of the European acquis and new Russian acquis that is now being actively developed, and clearly know what its implementation will bring without membership in the institutions that function on its foundation. Considering this it is necessary to assess the foreign policy imperatives and find a reasonable compromise.

On the part of the EU there are generally accepted requirements as to the development of democracy, personal liberty, rule of law. They are essential for the definition of a European independent state and are fully accepted by Ukraine, though the level of their implementation is far from ideal. However, a great part of the European acquis consists of technical requirements as to the country’s economy functioning effectively and its foreign trade. Their implementation requires purely economic pragmatism.

Applying economic regulatory norms without membership in the corresponding international institutions has to be thoroughly assessed and realized. It concerns relations both with the EU and the Customs Union. Ukraine’s adaptation to foreign legislation is senseless if the expenditures on reforms are not compensated by the benefits of economic growth and foreign trade volume growth.

So it is necessary to differentiate what belongs to the development of democracy and market economy, and what is connected with the technical adaptation to foreign requirements. The democratic development of Ukraine is to rely on its own economic potential. The question is how it is possible to divide and join different sources of economic growth in order to satisfy the essential requirements for Ukraine’s development as a European state.

## **CUSTOMS UNION: A MYTH THAT IS TURNING INTO REALITY**

In Russia talks on the customs union with the former USSR countries were initiated right after the dissolution of the Soviet Union. On the one hand, Russian proponents of political reintegration referred to the experience of unifica-

---

<sup>4</sup> “При об’єднанні “Газпрому” і “Нафтогазу” паритет неможливий - російська влада”, Українська правда (June 28, 2010), <http://www.pravda.com.ua/news/2010/06/28/5179187/>.

tion of German states in the 19<sup>th</sup> century through the customs union. On the other hand, the popularity of an economic theory was growing. It proved that the customs union of countries with an approximately equal level of development could provide stable economic growth. And free trade between countries with different levels of development was destructive for countries with a weaker economy, for example, General Agreement on Tariffs and Trade (GATT) and later the World Trade Organization (WTO). Later to support this opinion the following argument was used: the European Union has become an economically effective organization not due to free trade, but only due to unification of customs territories.

The first attempts to realize this concept were made in 1993, when the leaders of Azerbaijan, Belarus, Armenia, Georgian, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, and Uzbekistan signed an Agreement on the creation of Economic Union. Ukraine joined it as an associate member. The main goal of the treaty was a step-by-step creation of the customs union.

Understanding practically insuperable difficulties in creating the Economic Union at the beginning of 1995 Russia initiated signing of two smaller treaties on the Customs Union: one of these treaties was bilateral with Belarus; the other was trilateral with Belarus and Kazakhstan. Implementation of these treaties, as it was also the case with the Treaty on Creation of the Economic union, slowed down right after their signing. So soon some new attempts were made. In 1997 Russia and Belarus signed the Treaty on the Union between Belarus and Russia, and in 1999 Belarus, Kazakhstan, Kyrgyzstan, and Russia signed the Treaty on Customs Union and Common Economic Space.

All the mentioned treaties were of a framework nature and were realized only partially. Most ambitious were the efforts to create a common customs territory of Russia and Belarus according to the Agreement of 1995. Practically right after signing customs offices were abolished at the common border of the two countries. But because of the absence of a single customs duty at the external borders it lead to a rash increase in speculation of imported goods. As a result, in 2000 Russia had to restore the customs border with Belarus<sup>5</sup>. From the economic point of view all numerous projects of customs unions of that time failed.

---

<sup>5</sup> “Лоханулись, или о последствиях таможенного союза России и Беларуси”, Научно-исследовательский центр Мизеса (April 7, 2006), <http://liberty-belarus.info/Торговля/ЛОХАНУЛИСЬ-или-о-последствиях-таможенного-союза-России-и-Беларуси.html>.

This chaotic institutional creativity of Russia during the 1990's was amusing for many observers. However, from the modern point of view we can notice two important and absolutely serious factors. First, during many years and under different economic and political conditions Russia consistently tried to realize the idea of a customs union. Perhaps no other foreign policy and foreign economic doctrine was pushed by Russia with such perseverance. Second, starting from 1993, signing of bilateral and multilateral agreements was initiated with the goal to add concrete content to this idea. Thus, only in the framework of the Agreement on the Economic Union over 80 additional regulatory documents were signed. This actually launched the forming of the *acquis* of the modern Customs Union of the EurAsEC.

In 2000 the realization of the most ambitious Russian project in economic integration – the Treaty on the establishment of the Eurasian Economic Community (EurAsEC) was signed. It was an attempt to copy the institutional model of the EU (including the supranational regulatory organs). Belarus, Kazakhstan, Kirgызstan, Russia, and Tajikistan joined the EurAsEC. In 2006 Uzbekistan acceded to the Treaty. Ukraine despite insistence of Russia abstained from the membership and agreed to an observer status only.

The next step was the signing in 2003 of the Treaty on Common Economic Space (CES) by Belarus, Kazakhstan, Russia, and Ukraine. This Treaty implied the creation of supranational governing bodies for markets and common customs area management. Actually the CES was a replica of the EurAsEC, but with another group of participants. The meaning of this project was to engage Ukraine, that held a biased attitude, to the EurAsEC then to economic integration according to the Russian scenario – at first the customs union with supranational regulatory organs and then free trade.

The signing of the Treaty on CES by the Ukrainian government caused heated internal discussions, including the government. After long discussions in 2003-2004 a consolidated position was formed. The maximum level of integration for Ukraine in the framework of the CES was the free trade area without exceptions and limitations, also as to hydrocarbon resources. According to some calculations of Ukrainian economists, free trade with countries of the former USSR and the same level of prices for energy resources could give Ukraine a competitive advantage, even compared to Russia<sup>6</sup>. Evidently they were right, because Russia decisively rejected the common market of energy

---

<sup>6</sup> А. Гальчинський, "Обережно! - Росія", Дзеркало тижня, N 19 (May 24-30, 2003), <http://www.dt.ua/1000/1600/38625/>.

resources. As a result, the Treaty on CES was ratified by the Ukrainian Parliament with principle warnings as to the maximal level of integration, which exhausted the the idea of the treaty itself. Ukraine started active negotiations on the WTO accession, and Russia had to promote its own projects on customs union without Ukraine.

The decision on creation of the Customs Union in its modern state, now in the framework of the EurAsEC, was adopted in 2006. Two stages were foreseen. At first the common customs territory was to be formed by the most mutually integrated states – Belarus, Kazakhstan, and Russia – then other participants of the EurAsEC could also join (Kyrgyzstan, Tajikistan, and Uzbekistan). After the harmonization of the common customs tariffs and procedures this project of economic integration began to function.

Since the beginning of 2010 a consolidated customs tariff has been applied in Belarus, Kazakhstan, and Russia with some exceptions of the transition period. Practically at once some trade conflicts arose between the participants. The functioning of the aviation and automotive industry, import of goods by individuals for personal use, customs duty on energy resources turned out to be very sensitive questions. The conflict between Russia and Belarus on prices of energy resources was especially acute. In May 2010 it was announced that the pace of implementation of the Treaty on customs union was slowing down and the whole project seemed to be endangered.

Because of the problems that were aroused, the perspective of the full-fledged development of the Customs Union remained uncertain by the summer of 2010. However, after intensive negotiations between the participants on June 3, 2010 the Treaty on the customs code took effect in Russia, on June 10 – in Kazakhstan, and in July it was ratified at the closed session of the Belarus Parliament and signed by the President. So, from July 2010 the common Customs code took effect, and the Customs Union became a working organization.

In the near future it is planned to introduce unified mechanisms for foreign trade regulation, to move the control customs functions to the outer border of Belarus, to initiate this process for Kazakhstan, and to substantially simplify customs procedures at the Russian-Kazakh border. It is expected that the procedures of forming the common customs territory of the three countries will be completed by the summer of 2011.

There was an agreement reached at an informal summit of the Customs Union in Astana in December 2009 that declared that starting from January 1, 2012



the Common Economic Space (CES) will begin its activity. In addition to the common customs territory it will include common energy market and common transport space, and in the perspective – common currency<sup>7</sup>.

In the summer of 2010, after settling the first arguments between the participants, it was announced that all of the most acute questions of the CU functioning (in particular, prices and duties on energy resources) will be settled at the next stage of the integration while establishing the Common Economic Space (CES). Due to this it will be realized at a higher speed – 2011 instead of 2012.

## **THE CUSTOMS UNION AT CLOSE RANGE**

The institutional organization of the Customs Union in many ways resembles the European Union. The main difference is that in the Customs Union the influence of countries in decision-making is determined by their economic figures, while in the EU the population of a country is taken into account. The highest body of the Customs Union is the Interstate Council at the level of head of states and governments. The executive organ is the Commission of the Customs Union. The decision making procedures in the CU resemble those that exist in the EurAsEC. The decisions are taken by a two thirds majority vote. The number of votes in decision making in the framework of the EurAsEC corresponds with the contribution of each party to the budget of the Union: Russia – 40%, Belarus, Kazakhstan, and Uzbekistan – 15% each, Kirgызstan and Tajikistan – 7,5% each.

As not all members of the EurAsEC take part in the Customs Union the distribution of votes within the CU differs from quotas within the EurAsEC: Russia – 57%, Belarus and Kazakhstan – 21,5% each. Nonetheless, the procedures of decision making are the same as in the EurAsEC, i.e. by a two thirds vote. In cases when the decision cannot be taken it is passed to the Interstate Council of the Customs Union for further consideration.

The legal base of the Customs Union contains more than 60 international agreements, treaties and protocols, as well as acts of the Commission of the

---

<sup>7</sup> In this case the “common economic space” means an integration stage within the EurAsEC, and not a special integration formation, as it was in case of the signed in 2003 Treaty on Establishment of the Common Economic Space. The fundamental idea remained unchanged, but the legal base and participants are already different.

Customs Union, out of which 13 are applied in the EurAsEC, the rest is applied only between the countries of the CU. The main being the Treaty on the Establishment of the Common Customs Territory and Formation of the Customs Union and the Treaty on the Customs Union Commission (both dated 6 October 2007) and the Treaty on the Customs Code of the Customs Union adopted on 27 November 2009. Most documents relate to non-tariff regulation, administrative procedures and duties for some items of sensitive goods. But the basis of the Customs Union is the common Customs Code and common customs territory.

Coordination and unification of the customs rates of the three countries is a challenging problem. Average tariffs in the CU countries are different; rates in some groups may differ drastically. According to some calculations, in order to unify the customs tariff Belarus needs to increase rates in 18% of product groups, Kazakhstan – in 45%, Russia – in 4%. Reduction is to take place in 7% of product groups in Belarus, in 10% - in Kazakhstan, in 14% - in Russia. The rest of the product groups are to remain without changes: in Belarus — 75 %, in Kazakhstan — 45 %, in Russia — 82 %. General assessment of tariff changes in the CU is given in Table 1.

*Table 1: Assessment of changes in import duties after establishment of the Customs Union*

Parameters of changes	Countries		
	Belarus	Kazakhstan	Russia
Average rate of duty before creation of the CU, %	10,3	6,2	10,6
Items with unchangeable rate after creation of the CU, %	75	45	82
Items with increased rate, %	18	45	4
Main items with increased rate	<ul style="list-style-type: none"> <li>– some items of the meat group;</li> <li>– ready tinned meat products;</li> <li>– some items of metal goods;</li> <li>– passenger cars</li> </ul>	<ul style="list-style-type: none"> <li>– transport group (incl. cars);</li> <li>– wood;</li> <li>– refrigerating equipment;</li> <li>– pharmaceuticals;</li> <li>– consumer electronics;</li> <li>– clothes and shoes</li> </ul>	<ul style="list-style-type: none"> <li>– some items of the meat group;</li> <li>– ready tinned meat products;</li> <li>– some items of clothing</li> </ul>

Items with decreased rate, %	7	10	14
Main items with decreased rate	<ul style="list-style-type: none"> <li>– clothes;</li> <li>– blankets;</li> <li>– leather and textile shoes;</li> <li>– electric machines and equipment;</li> <li>– pharmaceutical substances</li> </ul>	<ul style="list-style-type: none"> <li>– some items of agriculture products;</li> <li>– leather;</li> <li>– optical and medical equipment</li> </ul>	<ul style="list-style-type: none"> <li>– concentrates of exotic fruits juices;</li> <li>– food for children;</li> <li>– wool and textiles;</li> <li>– pharmaceutical substances;</li> <li>– shoes accessories;</li> <li>– electric equipment</li> </ul>

Source: the official website of the Commission of the Customs Union <http://www.tsouz.ru/>.

So the biggest changes in customs duties will take place in Kazakhstan, the slightest – in Russia. In Kazakhstan and Belarus there will be a trend of general increase in duties, while in Russia there will be a trend of reduction. It should be taken into account that the status of negotiations on accedence to the WTO for Russia is estimated at the level of 95%, for Belarus – 50%, for Kazakhstan – 70%. So the conclusion can be made that Russia’s chances to join the WTO, if it decides to do this separately from other states of the CU, are increasing, while the chances of Kazakhstan and Belarus are decreasing. Their relations with the WTO become dependent on Russia to a greater extent.

Thus, the question of customs duties is only one of the factors that have to be evaluated while analyzing the influence of the CU on Ukraine. The regulations of the Customs Union foresee cardinal simplification of administrative procedures of the domestic trade (licensing, certification) and rejection of quotas and limitations (sanitary, phytosanitary, veterinary, etc.).

An evident result of reduction of the non-tariff restrictions within the CU is restoration of technological chains in industry, development of international financial and industrial groups, and growth in trade at the level of small and medium business. These processes will be accompanied by the replacement of import from the third countries by our own production. According to the calculations of the Russian economist Sergey Glazyev who is the executive secretary of the Customs Union, the creation of the union will allow the member states to get the GDP growth at the level of 15-19 % by 2015. In the money equivalent it will make \$ 400-500 billion. According to the calculations of the Russian Academy of Sciences, Russia due to the integration factor will get additionally 16,8 % of the current GDP level, Belarus — 16,1 %, Kazakhstan — 14,7 %<sup>8</sup>.

At the same time a number of problems emerged in the first months of a functioning CU. First of all importers from third countries encountered some difficulties, namely with the import of wine and wine products, computers, mobile phones, complex equipment, planes and cars. However, these problems were rather of technical nature and were connected with the change of customs procedures.

A special problem for Kazakhstan is the import of goods by individuals for personal use. By June 2010 natural persons could import goods to the sum of not more than € 10 thousand and weight of 2 metric ton. They had a simplified procedure of customs clearance. They had to pay only € 0,6 of the customs duty for each additional kilo over the limit of 35 kg.

Such conditions created a whole branch of “grey” economy. Individuals became the main suppliers of imported goods (mostly from China) at markets of the biggest cities of Kazakhstan. About 300 thousand people were involved in this kind of business<sup>9</sup>. Taking into account family members we can say that individual import was feeding more than one million people, and practically all the population of the country was its consumers (population of Kazakhstan makes over 16 million people).

When the Customs Union started its work the rules were changed. Now individuals could import up to 50 kg to the sum of € 1,5 thousand without paying duties. If this limit was exceeded, one had to pay 30 % of the customs value of goods, which can make up to € 4 pro kilo.

---

<sup>8</sup> “Создание Таможенного союза позволит трем странам получить к 2015 году прирост ВВП на уровне 19%”, БЕЛТА, November 12, 2009, [http://tamagent.biz/forum\\_mbb/showthread.php?tid=465](http://tamagent.biz/forum_mbb/showthread.php?tid=465).

<sup>9</sup> “Таможенный союз: первые результаты”, Литовский курьер, N 33 (808), (August 19, 2010), <http://www.kurier.lt/?r=25&a=5063>.

In spite of the discontent of the population the government of Kazakhstan undertook these changes. They were preconditioned not only by political considerations, but also by attempts to lead the country's economy out of the shadow. Because of the change of customs regulations the "grey" business of the cheap import that in many cases was the basis for corruption and criminal had to disappear or legalize.

However important the afore mentioned problems were, the most complicated one was trade in hydrocarbons. Because of this, till now, there is some uncertainty as to the full-fledged participation of Belarus in the Customs Union. This country expected to have duty-free supplies of the Russian crude oil, including the amounts supplied to the European consumers. Russia agreed to a duty-free supply only of the amounts necessary for internal needs of Belarus. Minsk in the result of this argument achieved some concessions from Moscow, for example, duty exemption for the amounts of oil that after refining return to the Russian market.

In the issue of natural gas supply Belarus insists that its price should be equal for all the countries of the Customs Union. Russia agrees only to a preferential price for Belarus (at the beginning of the year it was \$ 169 for 1 000 cubic meter, which is nearly half of the Ukrainian price in the first quarter 2010), but not the Russian domestic price for Belarusian consumers.

As Russian leaders state, the question of prices for hydrocarbons in the Customs Union can be finally solved only at the next stage of integration, i.e. while creating the common economic space which is planned for 2011. Actually it depends now on Belarus whether it is ready to move to a deeper integration for the sake of settling the issue of oil and gas prices. It may turn out to be difficult due to the current political situation in Belarus (presidential elections in 2011) and drastic deterioration of relations between the President Lukashenko and the leadership of Russia. From the Russian side, the question of prices and customs duties for oil and gas will be solved together with the transition of Russia to the world prices on energy carriers for domestic consumption. Now Russia plans to gradually increase internal market gas prices to the world level by the end of 2014<sup>10</sup>. European partners demand this from Russia, in particular in the negotiations on the WTO membership.

---

<sup>10</sup> "Газпром одобрил перевод России на рыночные цены", Lenta.ru (April 21, 2010), <http://www.lenta.ru/news/2010/04/21/gas/>.

## CUSTOMS UNION AND UKRAINE

During the first half of 2010 top officials of Ukraine declared both in the country and abroad that Ukraine's membership in the Customs Union is impossible, because it is not compatible with the WTO rules and contradicts the plans of creating free trade areas with the EU. That was the formula which on April 27, 2010 President of Ukraine Viktor Yanukovich stated in Strasbourg answering questions of deputies of the PACE<sup>11</sup>. Even the Prime Minister Mykola Azarov, who during 2003-2004 while taking the position of vice-premier was a seasoned fan of the CES and was skeptical about the WTO, stated that Ukraine for the sake of the Customs Union will not violate already adjusted requirements of the world trade and put at risk the possibility of creating free trade area with the EU<sup>12</sup>.

However, it does not mean that Ukraine may ignore the CU. Its formation, in case the necessary steps are not made, will have negative consequences for Ukraine in the near future. European politicians and experts are not right when they consider the question of relations Ukraine-Customs Union in the context of prices on energy carriers. First of all these questions are solved within a separate negotiations process that foresees compromises of other nature<sup>13</sup>. Moreover, within the Customs Union the question of prices on Russian energy carriers is very acute. Ukraine has to react to it also because of purely economic reasons. The key reasons are as follows:

Firstly, the competitive position of Ukraine on the markets of the CU will deteriorate. Within the CIS there is a developed system of bilateral agreements on free trade. Most of them were signed during 1992-1994 and took effect by the end of the 1990's. In particular, Ukraine signed such agreements with Belarus in 1992 (took effect in 1992), Russia in 1993 (took effect in 1994), and Kazakhstan in 1994 (took effect in 1998). Though they have some restrictions, first of all as to energy resources, and imply quotas on many groups of goods, these agreements create favorable conditions for mutual trade between participants of the CIS. For Ukraine, inter alia, they regulate economic relations with those trade partners that are not WTO members.

There are all reasons to expect revision or cancellation of those agreements that contradict the rules of the CU. This historic experience already exists – while joining

---

<sup>11</sup> "Янукович: вхождение в Таможенный союз невозможно", УНІАН (April 27, 2010), <http://www.unian.net/rus/news/news-374491.html>.

<sup>12</sup> "Азаров: Україна не може вступити до Митного союзу", УНІАН Економіка (April 10, 2010), <http://economics.unian.net/ukr/detail/42923>.

<sup>13</sup> Можна нагадати, що у квітні 2010 року Україна отримала знижки на російський газ завдяки стратегічним поступкам щодо базування Чорноморського флоту Російської Федерації у Криму.

the EU CEE countries denounced their bilateral trade agreements with Ukraine, because they did not conform to the internal economic legislation of the EU.

According to Article 5 of the Treaty on the Establishment of the Common Customs Territory and Formation of the Customs Union, its participants cannot create links with third parties offering more favorable conditions for trade than those that exist within the union. That is, Ukraine cannot expect bigger preferences in trade with Belarus, Kazakhstan and Russia in comparison to the inner conditions of the CU. This means that any legal basis for Ukraine's trade with these countries will be inevitably revised in order to conform to the requirements of the Customs Union.

According to the statistics of the State Customs Service of Ukraine in 2009 the foreign trade turnover of Ukraine with the three countries of the Customs Union made \$ 17,6 billion (20% of the total), and with the European Union — \$ 24,1 billion (27,5 % of the total)<sup>14</sup>. With this balance, e.g., the 5 % growth in turnover with the EU due to the future free trade area can be practically leveled by the 7 % reduction in foreign trade with the CU countries in case of cancellation of the free trade regime even in that limited way as it exists now.

Second, creation of the CU leads to exclusion of Ukraine from technological chains and replacement of the Ukrainian products on the markets of Belarus, Kazakhstan and Russia by goods produced in the framework of the industrial cooperation within the CU. The reason is abolishment of non-tariff restrictions and acceleration in circulation of goods at the internal border of the CU while preserving the barriers at the external borders.

Third, Ukraine is losing its positions of a transit state. The route Kazakhstan-Russia-Belarus in case of creation of the common transport space is a more attractive communication between Asia and Europe than other routes that come through Ukraine.

Recently Belarus and Russia have been pursuing a coordinated policy aimed at an increase in freight services on their territory. Over 990 thousand transit trips of foreign freight carriers were made through the territory of Belarus in 2008. Just to compare, in Ukraine in total (export, import, transit) nearly 1 million trips were made, 55% of which were transit. Transit by the railway is on the territory of Belarus twice as large as that in Ukraine. Abolishment of the customs at the Russia-

---

<sup>14</sup> "Зовнішня торгівля України з окремими країнами", Державна митна служба України, база даних статистики, <http://www.kmu.gov.ua/dmsu/control/cstat/f1/showstat>.

Belarus border will only strengthen this trend. Later inclusion of Kazakhstan to the common transport space of the CU will connect Europe with China. Russia plans building a universal port in Rostov-on-Don (port that provides access to the Sea of Azov and the Black Sea) which is going to accept a major part of transport streams that are now directed to Ukrainian ports. This route of goods delivery to Europe, according to calculations of Russian experts, will be 15 days shorter than traditional routes and thereafter cheaper. So Ukraine has to react to these processes that are taking place in the Customs Union and search for compensatory mechanisms that would allow for the avoidance of negative trends.

As we can judge from declarations of leading politicians Ukraine relies on the creation of a free trade regime with the CU as well as with the EU<sup>15</sup>. It is in some way repetition with some modifications of the position formulated in 2004 on the Common Economic Space. This time Ukraine may expect a more flexible approach from Russia. If the latter tried to put Ukraine before the choice – either free trade within common customs space, or trade wars. Now we can observe an attempt to engage Ukraine into common integration formation starting from those forms of integration that are considered acceptable. However, there are no doubts that the final goal – common customs space with supranational regulatory body that would separate Ukraine from other centers of economic development and would tie it up to Russia. The whole history of projects on free trade area in the CIS testifies that<sup>16</sup>.

## **FREE TRADE VS. CUSTOMS UNION**

The idea of the creation of a multilateral free trade area in the CIS was stated in the Treaty on creation of the Economic union of 1993. As it was mentioned, creation of this area was deemed as the first stage on the way to common economic space. But because of difficulties in this process there were attempts to create a free trade area on the basis of a separate multilateral agreement. In 1994 this Agreement on a free trade area was signed by the presidents of Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Uzbekistan, and Ukraine. The agreement foresaw duty-free trade, cancellation of tariff and non-tariff restrictions.

---

<sup>15</sup> “Азаров надеется, что Таможенный союз не навредит Украине”, Росбалт-Украина (May 21, 2010), <http://www.rosbalt.ru/2010/05/21/738840.html>.

<sup>16</sup> “Зона свободной торговли в странах СНГ. Справка”, РиаНовости (April 15, 2009), <http://www.rian.ru/economy/20090415/168192821-print.html>.



Nonetheless, this agreement was not realized. Participants could not agree on the list of exceptions from the free trade regime that had to be absorbed. Besides, as it was already mentioned, Russia was skeptical about the idea of free trade without creating common customs space and was developing some alternative projects. In the result, the free trade regime with corresponding exceptions was developed based on bilateral agreements.

In 1999 in Moscow the Protocol on amendments to the Agreement on a free trade area was signed by all the participants. According to the Protocol the system of bilateral agreements on the free trade had to be replaced by one multilateral system which cancelled all duties and taxes, as well as quantitative restrictions. During 2000-2001 the schedules and plans on realization of the signed Protocol were adjusted.

In the next years in the framework of the CIS there were numerous initiatives aimed at creation of the multilateral free trade area, but none of these initiatives was realized. Instead of this, de-facto, there are about 110 bilateral agreements on trade.

Lately, there has been a certain clash of interests as to the free trade area between Russia and the other CIS countries, in particular Ukraine. The reason of the conflict was that Russia considered free trade only as a transition period or even as the result of the creation of the common economic space. At this initial stage it rejected free trade in energy carriers, insisting that it may become reality only at higher levels of integration after creation of the common customs space and common supranational regulatory body which could be (though it was not declared directly, but meant) under control of Russia. Other states, on the contrary, were very cautious about Russia's control over their economic policy and wished to content themselves with the free trade area without exceptions and limitations, including trade in energy carriers.

Together with the ideas of the free trade area Russia was promoting projects of closer integration that implied unification of customs territories and creation of the supranational regulatory bodies. In these projects free trade was considered even not as the first stage, but as the result of integration. Similarly, we should consider the above mentioned projects of the Economic union, numerous agreements on customs unions, EurAsEC, CES, and finally the Customs Union of the EurAsEC. They are all interconnected and represent the central trend of the economic policy of Russia on the CIS territory.

After creation of the Customs Union Russia has got, though in a limited form, what it had strived for many years. As a result, its approaches to the question of the free trade areas with the CIS countries will definitely change. We could assume that from now on the free trade area will be considered by Russia as a project that

spreads the principles of the Customs Union to other countries and creates conditions for their future engagement in common customs territory, and later in a full-fledged economic union. Reasoning from this question the *acquis* becomes essential as it defines on which principle the free trade area in the CIS will be built – on principles of the WTO or the EU or principles of the Customs Union.

Reacting to the position of Ukraine as to the Customs Union, the Prime Minister of Russia Vladimir Putin suggested that a new treaty on free trade area in the CIS should become the initial level of Ukraine's cooperation with the CU<sup>17</sup>. In June 2010 the countries that constitute the Customs Union, as well as Armenia, Kyrgyzstan, Moldova, Tajikistan, and Ukraine (all CIS countries except Azerbaijan, Turkmenistan, and Uzbekistan. Azerbaijan and Uzbekistan are involved in the process as observers and may join as full-fledged members any time) declared their intention to sign a common agreement on free trade instead of the existing bilateral agreements.

With this goal in mind a meeting was held a meeting of the working group on preparation of an agreement on free trade areas of the CIS countries that does not foresee cancellation by Russia of duties on oil, oil products and gas. However, if earlier CIS countries, in particular Ukraine used to ignore Russia's offers that did not foresee free trade in energy sources, now they are interested in preserving at the multilateral level at least those preferences in trade with Belarus, Kazakhstan and Russia that were already achieved in the framework of bilateral agreements but can now be cancelled due to creation of the Customs union.

At the meeting of the working group a draft agreement was preliminarily coordinated. It foresees that the introduction of trade restrictions may be used only based on clearly defined criteria (i.e. it cannot be a result of "political expediency"). According to the draft agreement practically all import duties are cancelled, and provision on free transit of goods is introduced, as well as supranational arbitration is created for resolution of trade arguments per sample WTO. The document also regulates application of restrictions in trade with third countries, questions of competition and subsidies, rules for defining country of origin, sanitary and phytosanitary measures, customs control, as well as re-export and rules of settlement of disputes. The next meeting of the working group took place on September 8-9 so that the Heads of Ministries of the Economy of the CIS states had had time to prepare a resulting document in Moscow on September 10<sup>18</sup>.

---

<sup>17</sup> "Путин: Мы готовы приступить к полномасштабной работе по разработке всех правил, связанных с ЗСТ с Украиной", *КИД* (June 8, 2010), [http://zadonbass.org/news/politics\\_other/message\\_13548](http://zadonbass.org/news/politics_other/message_13548).

<sup>18</sup> "Тоже союз. Ряд стран СНГ намерены заключить соглашение о свободной торговле", *Взгляд* (July 16, 2010), <http://www.vz.ru/economy/2010/7/16/418855.html>.

It is necessary to keep in mind that most multilateral and bilateral agreements on economic cooperation of the CIS countries that were signed at the beginning of the 1990's are still in force. Each new agreement did not cancel the previous one, but rather expanded and extended it, creating *acquis*. There are hundreds of these agreements. Most of them are of a general nature. The others embody certain integration trends: one such trend is free trade, another one is the creation of the customs union. Evidently, now Russia will try to combine them. The above mentioned is shown in Figure 1.

Figure 1. Development of the *acquis* of the CIS economic integration.

Free Trade Acquis	Customs Union Acquis	
<p style="text-align: center;"><b>1994</b> <b>Agreement on a free trade area</b> Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Uzbekistan, Ukraine</p>	<p style="text-align: center;"><b>1993</b> <b>Agreement on the creation of Economic Union</b> Azerbaijan, Belarus, Armenia, Georgian, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan</p>	
Additional agreements	Additional agreements	
<p style="text-align: center;"><b>1992-1994</b> <b>Bilateral agreements on free trade</b> The agreements covered all CIS states and took effect during the 1990's</p>	<p style="text-align: center;"><b>1995</b> <b>Agreement on creation of Customs Union</b> Belarus, Kazakhstan, Russia</p>	<p style="text-align: center;"><b>1995</b> <b>Agreement on creation of Customs Union</b> Belarus, Russia</p>
Additional agreements	Additional agreements	
<p style="text-align: center;"><b>1999</b> <b>Protocol on amendments to the Agreement on a free trade area</b> Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Uzbekistan, Ukraine</p>	<p style="text-align: center;"><b>1999</b> <b>Treaty on Customs union and Common Economic Space</b> Belarus, Kazakhstan, Kyrgyzstan, Russia</p>	<p style="text-align: center;"><b>1997</b> <b>Treaty on the Union between Belarus and Russia</b> Belarus, Russia</p>
Additional agreements	Additional agreements	
<p style="text-align: center;"><b>2010</b> <b>Draft Agreement on CIS free trade area</b> Belarus, Armenia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Ukraine</p>	<p style="text-align: center;"><b>2000</b> <b>Treaty on the establishment of the Eurasian Economic Community (EurAsEC)</b> Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan</p>	
	<p style="text-align: center;"><b>2007</b> <b>Treaty on the Establishment of the Common Customs Territory and Formation of the Customs Union</b> Belarus, Kazakhstan, Russia</p>	
<b>Free Trade Area</b>		
<b>Economic Union</b>		

Thus, a new stage in creation of the free trade area in the framework of the CIS has begun. For Ukraine this stage will go parallel with the negotiations on the free trade area with the European Union. Theoretically these two directions do not contradict each other and ideally Ukraine will be able to get preferences in foreign trade both in the West and in the East. But it should be taken into account that practical implementation of the free trade regime implies implementation in the Ukrainian legislation of the approaches agreed at the international level. It is not obvious whether it could be possible to do with regards to different economic conditions of functioning of the EU and the Customs Union.

A period of making difficult decisions on foreign policy integration and domestic economic reforms has started in Ukraine. This complexity lies in the fact that there is no one "great" choice, instead it is necessary to make a big number of "small" steps that in total will define the strategic choice of Ukraine. On this way vision and comprehension of the goal is of vital importance. It is important to start moving, but it is not less important not to lose orientation and make a mistake at a next crossroads. If Ukraine needs any assistance from the EU, then it is in this regard.

## **CONCLUSIONS**

A long history of realization of various projects of economic integration in the CIS resulted in development and implementation of a voluminous legal base that can be considered *acquis* that functions independently from the European one.

With the start of the functioning of the Customs Union of the EurAsEC a new stage in this process has begun. There is some "core" of integration around which "crystallization" of all other projects may begin.

Until 2010 the ideas of creating common customs space and a free trade area were realized as rival, divisive, points. The first one was supported by Russia; the second one was supported by Ukraine and other countries that shared its views on integration. Now their harmonization should start. Having received at last a working Customs Union Russia is ready to support the creation of the free trade area as an "external circle" of integration.

Due to the free trade area, Russia will try to spread the *acquis* of the Customs Union to other countries, thus creating conditions for their future involvement in a closer integration. Other countries, including Ukraine, hope that the multilateral regime of free trade of the CIS countries will allow the avoidance of losses from

the revision of the bilateral agreements with Belarus, Kazakhstan, and Russia, which is inevitable because of the requirements of the Customs Union.

Ukraine is situated between two powerful economic organizations – the European Union and the Customs Union. The Ukraine is having negotiations on a free trade area with both organizations, which has created something of a void where Ukraine is forced into a balancing act – unable to completely appease each side when pursuing its own personal ambitions. Therefore, due to differences in economic influence, Ukraine has to accept the conditions of its partners rather than setting out its own conditions.

In the best case scenario, if these conditions coincide, Ukraine will find a powerful impetus for the development of foreign trade and investments on all its borders. However, taking into account different, in some cases even contrary, economic goals of the EU and CU an ideal variant is hardly possible. Ukraine will have to choose which party to prefer in this or that negotiation point. In the worst case scenario, the negotiations process may be blocked from both sides, and Ukraine will find itself in a “grey” economic zone. This may happen, for example, if Russia initiates parallel negotiations on free trade with the EU and the CU (including the preparation stage for group accession of the Customs Union countries to the WTO) and will demand more preferential trade conditions in comparison with Ukraine.

There is evident risk for Ukraine in this. On the other hand, additional opportunities also emerge. Both the EU and the CU are interested in the integration of Ukraine to the zone of their economic interests as soon as possible, not in its isolation. Thus, there might be a greater readiness to consider Ukraine’s interests as it was before, when Ukraine had no alternatives of economic integration.

There are some reasons for such expectations. Unlike the previous attempts to engage Ukraine in the common economic space, now Russia does not appeal to ultimatums, at least officially, and moreover, supports the idea of development of the free trade area of the CIS countries with the principles of the WTO; if it is really so, then Ukraine as a participant of the negotiations may influence the situations so that the free trade area of the CIS could be fully compatible with the conditions of functioning in the EU. In this case it may become a country where two free trade areas will close in, and in the perspective of time, unite.

The technology of combining two areas of free trade in Ukraine can be realized through harmonization of their certain asymmetry. It is to be taken into account that in negotiations with the EU the foremost attention is paid to the energy questions, in particular, implementation in Ukraine of “the third energy package” of the EU. Russia, on the contrary, tries to exclude energy questions while

considering projects of free trade areas in the CIS. So Ukraine may be the first country that simultaneously has the regime of free trade with the countries of the Customs Union and uses at the same time the European energy legislations.

However, Ukraine's own efforts can hardly be sufficient as an individual force. The support from the EU is needed. In the current situation Ukraine needs expert and political support for harmonization of negotiation processes on creation of the free trade areas with the EU and CIS, rather than sector-specific assistance projects. In Ukraine there is a lack of understanding of the practical aspects of foreign economic integration, implementation of the European *acquis* in the internal legislation and its compliance with the *acquis* of the Customs Union of the EurAsEC. So this has to become a priority of the Eastern Partnership of the EU and programs of the Visegrad Four with regard to Ukraine.

## REFERENCES

- Movchan, V., Giucci, R., Kutsenko, K., "Trade policy in Ukraine: Strategic aspects and next steps to be taken", *German Advisory Group, Institute for Economic Research and Policy Consulting* (April, 2010), [http://www.beratergruppe-ukraine.de/download/Beraterpapiere/2010/PP\\_02\\_2010\\_new\\_Format\\_eng.pdf](http://www.beratergruppe-ukraine.de/download/Beraterpapiere/2010/PP_02_2010_new_Format_eng.pdf).
- Нугербеков, С., "Анализ торгово-экономических отношений и состояния экономик РК, РФ и РБ в условиях предстоящего вхождения в Таможенный союз", *Analytic* (2009:3), pp. 48-58.
- Ошакбаев, Р., "Интеграция аграрных рынков стран Таможенного союза: аспект сравнительной конкурентоспособности", *Аналитический центр экономической политики в АПК* (2009), <http://www.files.gw.kz/tb2bg5mzjs.html>.
- Первунин, М., Забродская, О., "Таможенный союз: аспекты налогообложения", *Налоги и финансы* (2010:3), pp. 21-27, <http://www.tfh-uk.com/ru/2010-03-01.pdf>.
- "Статистика внешней торговли товарами в условиях Таможенного союза с точки зрения пользователей", *Деньги и кредит* (2009:12), <http://www.cbr.ru/publ/MoneyAndCredit/SODER12-2009.pdf>.
- Строкатов, А., "Что сулит Таможенный союз для Казахстана: экономический аспект", *International Centre for Trade and Sustainable Development*, Мосты, выпуск (2010), <http://ictsd.org/i/news/bridgesrussian/73022/>.
- Тоичицкая, И., "Таможенный союз Беларуси, Казахстана и России: экономические последствия для Беларуси", *Исследовательский центр ИПМ, Немецкая экономическая группа, Аналитические записки*, Минск, июль (2010), <http://research.by/pdf/pp2010r02.pdf>.

# **Capacity of Instruments for Development of Mutually Beneficial Relations in the Format “Ukraine – Visegrad Plus”**

**Grygoriy Perepelytsia**

Analysis of relations development within the instrumental approach firstly requires a clear definition of the goal that the subjects of these relations are aiming to achieve. The primacy of goal over instruments is unconditioned. According to the goal relevant instruments are chosen. If we consider the goal that Ukraine sets, at least on the declarative level, for realization of its European integration policy, then this goal lies in integration to Europe for democratization and modernization of the country. In this context the goal itself is a certain instrument or a way of democratization of the country. This goal per se is strategic, as its achievement leads to a fundamental change of the state of the country. So the realization of this strategic goal requires an appropriate strategy. The strategy of integration of the Visegrad states to the united Europe was realized by acquiring membership in NATO and the EU. In this case the experience of the Visegrad states in their accession to NATO and the EU is a vividly positive example for Ukraine. If not, then we have to revise this experience and select those instruments that are suitable for achieving our goal which might be different from the goal pursued by the Visegrad states.

So, in order to single out these instruments we need to first define the goal which is pursued by the new Ukrainian government and President Yanukovich in realization of the European integration policy. Political goals and strategy of the European integration are articulated too theoretically and ambiguously in of-

---

**Grygoriy Perepelytsia** is a Professor of Taras Shevchenko Kyiv National University and Director of the Institute of Foreign Policy.

ficial statements and passed legislation. On the one hand, membership in the EU but without NATO membership is set as a goal. On the other hand, advancement to the European community is proclaimed, but with the intention to build such a political regime in the country that is more similar to the Russian than to European one. A declarative nature of such European integration policy is obvious. Evidently, in such a situation, real policy can be assessed only based on results of the activity of the government, parliament and president of the country. As for the society, 50% of the population expects positive changes from the activity of the new authority in Ukraine; the other 50% see in this activity a threat to security and sovereignty of the state.

This situation indicates that Ukraine is to make a choice of both the geopolitical vector and the strategic concept of its development. As for the European integration, in this concept we should give a clear answer to the question: which format of its realization should be chosen by Ukraine? Should Ukraine pursue the process of European integration on the level of relations between EU-Ukraine, or on the level of relations between EU-Russia-Ukraine? It is evident today that the new Ukrainian government has chosen the latter format of realization of the European integration policy, in conditions when Russia has no intention to accede to the EU and not in the least wishes Ukraine to accede it.

In order to justify the choice of this format the new government brings forward the statement that the integration on the bilateral level which was realized by the former "orange" authority failed, which is why we need to approach Russia in order to get integrated in Europe. But Russia is not the Visegrad Group. In this case our European integration will depend on the will of Russia to get integrated or not to get integrated with Europe. This is going to be the kind of European integration of Ukraine the level of which is not to go beyond the bounds of Russian interests. If that's the case, then such concrete steps on the way to European integration as the visa-free regime or free trade area have to be coordinated with Russia. So Ukraine will have the prospect to sign these agreements only after such agreements with EU are signed by Russia.

Another risk of European integration of Ukraine through Russia or together with Russia may be in the fact that rapprochement with the Russian Federation leads to a loss of the democratic system in the country. That is why there is a perception that our new government is willing to make *modernization of the country without democratization*. The crisis of the electoral democracy and institutes of power only contributes to this. Within the twenty-year period, the system of electoral democracy has been created but we have failed to approach the next stage,



i.e. development of the constitutional democracy. Contradictory decisions taken by the Constitutional Court of Ukraine, ignoring the fundamentals of the Constitution while signing interstate treaties, e.g. Kharkiv Treaties, is a strong proof of lack of constitutional democracy in the country.

On the other hand, can it be an axiom that modernization of the country depends on the level of its democratization? Of course, not. Stalin performed modernization of the Soviet Union in the 1930's though totalitarianism. The Communist Party of China is performing modernization of China quite successfully without democratization of the Chinese society. The question is not only in the result, but also in the fact which goal this result serves and at which price it is achieved. The price of Stalin's modernization consisted in enormous natural and material resources and lives, at the minimum, of 50 million people who were sacrificed to realized their great goals. What is the priority goal of the Communist Party of China: GDP or wellbeing of the Chinese people? Increasing GDP for wellbeing of the people, or vice versa? What is the subordinating: GDP is subordinated to wellbeing, or wellbeing is sacrificed to increasing GDP?

Modernization through democratization undoubtedly sets wellbeing and liberties of people as the foundation of economic reforms, including GDP growth. For the Ukrainian nation this route and this model should be its basic value.

Defining the security environment in which this process is taking place is crucial for understanding the essence and feasibility of the European integration. In other words, can the modernization of the country be realized beyond its security environment? This question is correlated with another one – can Ukraine integrate to the EU without the NATO membership?

Today some experts, and the majority of politicians, consider the return to the non-bloc status as a "panacea" that is to solve the dilemma of the Ukrainian security and to develop constructive relations with the main foreign-policy partners, especially with Russia.

The non-bloc status in contrast to the neutral status is declared unilaterally by a country that guarantees in certain national legislative acts its international obligation not to join any military blocs. That is why now neither de-facto nor de-jure has Ukraine a non-bloc status until the Verkhovna Rada of Ukraine adopts the Law "On Fundamentals of the Foreign and Internal Policy" where this status is to be confirmed. Ukraine had the non-bloc status during 1993-2003. Its non-bloc status was stated in the Military Doctrine of Ukraine that at

that time was adopted by the Verkhovna Rada of Ukraine. This non-bloc status was abolished by the Law of Ukraine "On the National Security of Ukraine". So this return to the non-bloc status seems as a certain "d'jà vu" – a return to the period of the early 1990's that was connected with the formation of Ukraine as an independent state.

If to review the history of international relations, it becomes clear that the non-bloc idea as one of the elements of neutrality was most acute before World War I and II, and in the wartime, when states which did not want to join any war coalition or wanted to avoid occupation declared their non-alignment status. Another case when states turned to the non-bloc status was the period of division of Europe into spheres of influence after World War II. States that tried to avoid affiliation with this or that system expressed their intention not to join NATO or the Warsaw Pact during the cold war. States which followed such policy united into the non-alignment movement, directed mostly against leading Western countries and neocolonialism. The core of the non-alignment policy is the non-bloc status, i.e. non-alignment and nonparticipation in any military blocs and military-political organizations.

At peace time the idea of non-alignment and neutrality was exploited by the countries that wanted to avoid the restoration of influence of the former metropolitan states or the consequences of colonialism. A classical example can be the neutrality of Ireland or Malta - afraid of the shadow of their political relative Great Britain, especially in such sensitive relations that revolved around military-political unions.

To a great extent the non-bloc status of Ukraine that was declared in 1993 was determined by the same fear. Ukraine joined the then non-alignment movement with an observer status. The non-bloc status of Ukraine from the very beginning was directed first of all at Russia, which as a legal successor of the USSR obviously was not going to give up its military-political encroachment upon Ukraine. Confirmations of such fears were offers made to Kyiv to join the Tashkent Pact or to sign bilateral treaties on the military union. The non-bloc status allowed for avoidance of this trap.

The non-bloc status also corresponded, mostly, with the inner-political situation in Ukraine which was characterized by the different geopolitical orientation of its Western and Eastern regions, and thus it succeeded in preserving the inner-political stability in the country. The non-bloc status of Ukraine was also in general agreement with the foreign policy factors that were dominating in the 1990's. The uncertainty of the military-political situation in Europe prompted Ukraine to preserve its non-bloc status. At that time it was not clear what kind

of an organization NATO was going to become: either a structure of the European collective security or it would remain a military North-Atlantic Alliance designed for solving problems of collective defense.

On the other pole the future of the Tashkent Treaty also remained unclear, and other structures of the CIS were turning into instruments of Russia's domination in the post-Soviet area. The absence of clear contours of the system of the European collective security also prompted Ukraine to preserve its non-bloc status. However, today the contours of the European security are quite clearly defined by the borders of NATO and the EU. In addition the appropriateness of the non-bloc status in those times was confirmed by the presence of nuclear weapons and powerful armed forces on the territory of Ukraine, which could guarantee the individual defense of the country.

The present return to the non-bloc status is motivated by principally different factors. Only those countries turn to the idea of "town planning" or neutrality whose elites are not able to give a clear perspective of the country's development and solve the dilemma of its own national security by acceding to a system of collective defense. In its time, after the collapse of the Warsaw Treaty, the declaration of neutrality and non-bloc status was exploited by the old post-communist nomenclature in such countries as the Czech Republic or Slovakia. In the period of Mečiar the Slovak political elite having no political will to join NATO tried to impose on Slovakia a role of the "bridge" between Russia and the West, thus appealing to the necessity of obtaining a neutral status. However, in the course of time it turned out that nobody needed Slovakia as a "bridge", because the West and Russia preferred direct contacts avoiding any "bridges"- mediators.

In such cases the non-bloc status is considered by these elites as neutrality from NATO or non-alignment against NATO-membership. If in the 1990's the non-alignment of Ukraine was treated as an instrument against possible membership in CSTO, now it is on the contrary a prevention of a possible NATO-membership.

This intention to get a non-bloc status is evidence of uncertainty of the inner-political situation in the country, which definitely also stipulates uncertainty of the foreign policy of Ukraine. This is an attempt to return to the uncertainty of foreign policy priorities of Ukraine. It is evident that today the initiators of the non-alignment status of Ukraine aim at blocking the movement of Ukraine to NATO and EU membership. Practically they see the non-alignment status as an instrument for blocking not only the European-Atlantic integration, but also the European integration of Ukraine. After the Lisbon Treaty took effect, its article

42 clearly defines the principle of collective defense as a key principle of the European security and defense policy. Thus, the EU acquires clear characteristics of a military bloc. Because of this reason neutral EU member-states try not to emphasize their non-bloc status, treating it rather as a tradition, not as a real policy. Moreover, at the time these states joined the EU, the military-political functions of this organizations were concentrated in such a relatively independent military-political organization as WEU. So neutral states could join the EU without joining the WEU and thus they did not infringe their non-bloc status. Nowadays, when the EU is increasingly developing its security component, the neutral or non-bloc status are getting incompatible with the membership in this organization.

As for the post-socialistic countries, NATO membership remains the only way for their EU accession, despite the ever-growing discrepancies between NATO and the EU. Since without meeting the economic standards of the EU they can only fulfill the political criteria of the EU which can be provided by NATO membership.

Does the non-bloc status satisfy the interests of the national security of Ukraine? That is how we should put this question, that is, in the plane of its main application. If Ukraine acquires the non-bloc status it will fall into a geopolitical trap. Finding itself between the two military-political blocs: on the one hand NATO and on the other hand CSTO, Ukraine after declaration of its non-bloc status will confirm itself as a "buffer zone" without any guarantees for its national security from both parties. Countries that found themselves in the "buffer zone" sooner or later either lost a part of its territory in one case or lost its independence and state sovereignty in the other case.

Practically the non-bloc status is a renunciation of external military aid in case of the country being subjected to military aggression. That is why only a few countries in the world declare their non-bloc status. However, if Ukraine refuses international aid and the corresponding guarantees it has to rely on its own capacity. In this case national security and defense of a non-bloc country has to be provided by the power of its own armed forces as well as solidarity and unity of its nation and society, who are able to defend their country relying only on their own strengths. There is neither the former nor the latter in Ukraine. So there are no reasons to hope that the non-bloc status will save the country from aggression and other threats to the national security. Without acceding to the system of European Atlantic collective security and defense (which is the most efficient and effective today) we are running the risk of sharing the same destiny of such countries as Finland, the Netherlands, Belgium, Denmark, Luxemburg and the Baltic states who paid for their

neutral and non-bloc status with their sovereignty at the beginning of the World War II.

The non-bloc status is the worst variant of neutrality, because it does not foresee any security guarantees which can be given by countries that recognize the neutral status of this or that country, and at the same time it preserves the existing threats. In particular it concerns the foreign military presence which is impossible on the territory of neutral states. Any foreign military presence, if it is not aimed at protection and defense of the country of residence, is a potential threat to the national security and a limitation of its sovereignty. All the more, in the situation when the country that deploys its troops on the foreign territory claims a part of this territory. In such cases the country that provides its territory for deployment of foreign troops takes the risk of losing this territory or being involved in a war with a third party. And Ukraine experienced this risk of being involved in a war during the Russian-Georgian conflict in 2008.

Taking into account these risks, countries that provide their territory for foreign military presence usually put a great number of permissive and prohibitory mechanisms into the corresponding treaties. These mechanisms rule out risks connected with such military presence. The Treaty on status and conditions of presence of the Black Sea Fleet of the Russian Federation on the territory of Ukraine does not contain such mechanisms. Moreover, while signing the Kharkiv Treaty the Ukrainian party did not even dare to mention them.

Two groups of interests are connected with the non-bloc status of Ukraine. The first group represents the interests of regional oligarchic financial and industrial groups. These oligarchic groups are interested in preserving their monopoly in control over economic resources of the country and neutralizing competition on the part of foreign investors. The political and economic isolationism in this sense contributes to such a monopoly. European and European-Atlantic integration ruins this monopoly. The second group of interests is more diversified and is mostly of a political nature. These interests manifest the inability of the major part of the political elite as a part of the society to identify itself with Ukraine. It generates a complex, when the necessity of the non-bloc status for Ukraine is grounded not by the interests of the national security of Ukraine, but by the interests of Russia. According to the beliefs of this group of advocates of Ukraine's non-bloc status, Ukraine's accession to NATO creates a threat for Russia, because the Alliance will use its territory as a base for aggression against Russia. The non-bloc status of Ukraine will turn its territory into a "buffer zone" that will not allow NATO to unleash aggression against Russia. The fact whether Ukraine's staying in the "buffer zone" meets its interests of security or not is not actually taken into account.

Also, nobody takes into account the fact that the state sovereignty of Ukraine does not fit into the context of the geopolitical interests of Russia. NATO member states are considered the so-called suicides that might take a risk of attacking the second biggest nuclear state in the world.

But does the non-bloc status of Ukraine really meet the national interests of Russia, as many of its advocates in Ukraine think? In a tactical perspective yes, in a strategic perspective no. Of course, Russia supports the non-bloc status of Ukraine. The President of the Russian Federation Dmitry Medvedev clearly stated that during his visit to Ukraine in May 2010. First, it makes the membership of our country in NATO impossible. Second, unlike the neutral status the non-bloc status does not contradict the prolongation of the stay of the Black Sea fleet of the Russian Federation on the territory of Ukraine as well as exploiting military bases on the Ukrainian territory in the interests of Russia. Third, it also does not require any commitments as to the national security of Ukraine from Russia. However, President Medvedev himself pointed out that the accession of Ukraine to CSTO would be desirable if in line with the strategic interests of Russia. The Russian government realizes that the non-bloc status of Ukraine secures for it the status of the buffer zone. Can Russia profit from Ukraine having this status? Russia needs Ukraine in the Russian zone, not in the "buffer zone". The Strategic Policy of the Russian Federation toward CIS member states clearly states: "in dealing with the third countries and international organizations to achieve their understanding that this region is first of all the sphere of Russian interests"<sup>1</sup>. "We are not interested in having someone dominate on the territory of the former Soviet Union, especially in the military-political sphere. We are not interested in having any states playing the role of buffer states"<sup>2</sup>. So it is evident that in the strategic perspective the non-bloc status of Ukraine is accepted by Russia as temporary, necessary for transferring Ukraine from the "buffer zone" to the zone of Russian domination.

Finally, let's consider the modern interpretation of the notion of a military bloc and non-bloc status. The international community, except Russia and the CSTO countries, has long considered NATO not as a military bloc, directed against anything, either against Russia or against any other bloc.

---

<sup>1</sup> Стратегический курс России с государствами - участниками Содружества Независимых Государств "Независимость." – (October 4, 1995), pp. 4-5. (Strategic Course of Russia with the CIS Member States).

<sup>2</sup> Ельцин Б. "Давайте определимся и прямо скажем нашим народам, как мы видим судьбы государств Содружества - вместе нам быть или порознь". Независимая газета. – (April 5, 1997), p. 2. (Yeltsin, Let's decide and tell our people directly how we see the fates of CIS states – should we stay together or put asunder).

NATO perceives Russia not as an adversary, but as a partner. This level of relations is stated in the NATO Russian Founding Act, 1997. Meanwhile Russia sees NATO enlargement as an obstacle to restoration of its lost domination over the CEE states and the post-Soviet space. Today the North-Atlantic Alliance is to realize three projects for the member states of the Alliance:

- project on providing security and defense of NATO member states;
- modernization project;
- civilization project.

Unlike the military coalition, the North Atlantic Alliance is a long-term interstate union, based on common ideological values. The common goal for the member states is not only protection of their territory and sovereignty, but mostly protection of a certain political regime, common principles of community development, way of life, values. So the Alliance unlike a coalition has not only an external but also internal function. It foresees first of all the strengthening of certain positions, achieving a balance of interests of member states and reinforcing stability within the Alliance.

In this respect the actions of the Alliance in contrast to a coalition are directed to the internal transformation of its member states - their adjustment to certain common standards. Hence the states have to act first of all according to the rules and principles of the Alliance. They have to harmonize their interests with the interests of the Alliance and act on related characteristics. Therefore the Alliance requires obligatory legal acknowledgment of such relations in treaties and agreements which are subject to obligatory ratification by the parliaments of member states of this union.

The main point among these legal documents is the provision on collective defense. Collective defense is the main prerogative of the Alliance. The whole system of national security and defense is based on the principle of collective defense. The Alliance takes from its member states the functions of military planning, military policy and defense capacity building. Performing these functions the Alliance significantly reduces the burden of military expenditures of each member state and enables them to achieve a certain power balance with other countries due to strengthening the joint military potential of the Alliance. According to Morgenthau, alliances can be seen as an "obligatory function of power balance that works in the relations system of many countries".

Membership of a state in the Alliance gives it the following opportunities:

- 1) to cut expenditures on resources for achieving certain military political goals;
- 2) to achieve goals which cannot be achieved only with own national resources and capacities;

- 3) to avoid pressure from other states or escape the sphere of their military-political domination.

For the realization of the above stated functions the Alliance, unlike a coalition, has common permanent governing bodies whose decrees are legally binding for all member states of the Alliance. Within such a system the principle of sovereignty of states remains unchanged, but the priority is given to the sovereignty of the Alliance. Loss of sovereignty of the Alliance could also mean loss of sovereignty of its members.

CEE countries joined the North Atlantic Alliance not because of the threat from Russia, but because the principle of collective defense is more reliable and much cheaper, especially in the conditions of the financial economic crisis. NATO membership gave new candidates an opportunity to modernize their own armed forces and security sector, as well as strengthen democracy in the country. Finally NATO membership meant entering the European civilization space and getting a better historic perspective.

That is why the waiver of NATO membership and European-Atlantic integration by means of conservation of the non-bloc status will directly or indirectly mean the waiver of the European historic perspective, waiver of modernizing projects and the most reliable security guarantees. Of course, Ukraine can achieve this goal without NATO or the EU, if it remains intact by that time. But the question is how far away this perspective is: 50 or 100 years? And what efforts will it cost?

Thus the modernization of the country and European integration are not possible outside the collective security environment. So we can make with certainty a forecast that *after waiving NATO membership Ukraine will waive its European integration policy and perspective in the EU.*

Another dimension of interrelation between democratization and modernization is determined by those civilization fundamentals on which these modernization projects are being built. Stable traditions of Confucian philosophy which determine the mentality of the Chinese society and an enormous demographic resource of cheap labor force allows China to modernize itself in its own special way.

The Soviet Union has never been a civilization, though it tried to build it by developing a special society – the Soviet people. The USSR was an imperial-type state with an authoritarian communist regime.



Russia is also trying to build today a new ideal of its own civilization project based on imperial and Soviet heritage restoring the so-called Russian-Soviet identity. Based on this civilization project the Russian political class and its ideologists perceive the Ukrainian statehood and the Russian statehood as mutually exclusive antagonistic notions. According to them this fundamental contradiction appeared when Ukraine got its state independence. Russia can not feel secure without eliminating this contradiction. "Russia evidently or not evidently is trying to restore the integrity of the empire. Ukraine in its turn is struggling to protect its independence. Since the nature of imperial relations lies in appropriation and concentration of resources for restoration of the country, then in the case of their deficit the interaction is gaining a political form (form of a conflict – *Author*)<sup>3</sup>.

However, this hostility is directed against the Ukrainian state, but not against the Ukrainian people, that is a constituent, one of the branches of the Russian people, a part of the Russian society. Hence there is a continued exploitation of the thesis about everlasting brotherhood and century-old unity of the two people, their common historic roots, etc. At the same time the Ukrainians are waived the right to live as an independent nation that has its historic right for political self-determination. Ukrainians are presented as "Russian people that speak one of the dialects of the Russian language. There has never been any Ukraine and will never be. There is Galicia and a part of Russia that was artificially separated from the rest of the territory of Russia. Galicia should be separated from Ukraine which under the influence of a more or less fair agitation before the referendum is sure to become a part of Russia. Most likely as the South-Western Federal District. This form of organization will be optimal for Ukraine"<sup>4</sup>.

Thus, according to this concept Ukraine is not a national state at all. There is not any Ukrainian identity. It is a Galician element – hostile, foreign, brought by the West to a Russian society, that lives on aboriginal Russian territory, which in its time got the name Ukraine. So "Russia is making claims in such points where it used to resign its claims, it points out the issues which it used to conceal, and finally it sees a problem of a catastrophic collapse of a single state where it used to see the so called civilization divorce. In other words, Russia has taken the path of the Russian irredenta: ideology of restitution and unification of those parts of historic Russia, for which it has historic and moral right and in which it sees a practical sense for restitution"<sup>5</sup>.

---

<sup>3</sup> И. Коротец. Украина и Россия: постимперские отношения в ракурсе современных национально-государственных стереотипов. Украина и Россия на пути к демократии – р. 159. (I. Korotets, Ukraine and Russia: post-empire relations in the context of modern national-state stereotypes).

<sup>4</sup> А. Вассерман. "Диалог атеиста" (October, 2007), №7. (A. Wasserman, Dialogue of an Atheist).

<sup>5</sup> О. Дергачов. Російська гуманітарна стратегія для пострадянського простору. Зовнішні справи – 2009 – травень. – р. 10. (O. Dergachov, Russian Humanitarian Strategy for the Post-Soviet Area).

Denial of the national revival and Ukrainian self-determination of the population of Ukraine, as well as restoration of the national history and coming back to the historic roots has become one of the main goals of the foreign policy of Russia in regards to Ukraine in a humanitarian and information sphere. Another goal of Russia in this sphere is to construct a *Maloros development model for the Ukrainian society*. Construction of this model is done by discrediting the Ukrainian statehood, culture, and distortion of its history, ousting the Ukrainian language from all spheres of public life, developing Ukraine-phobia in the national self-consciousness of ethnic Ukrainians, developing hate and contempt to all that is Ukrainian, denial of state sovereignty. Instead they offer to reformat the Ukrainian population into a Maloros society –homogenous with the Russian society community based on the acknowledgement of the Russian language as the only state language, formation of the Russian provincial mentality and the Russian social and cultural identity. In this way the homogenizing of the cultural and social sphere will be achieved. It will contribute to enlargement and restoration of the Russian unity on the territory of Ukraine.

Another feature of the imperial nationalism is that its historic and economic goals dominate over the geostrategic ones<sup>6</sup>. That means that the Russian expansionism as an imperial part of the Russian statehood has to serve both private and national-state economic interests of Russia. This model of the Russian state provides additional opportunities for mobilization of resources, necessary for both personal enrichment and for realization of large-scale geopolitical projects. According to the definition of Russian political scientists this model has got the name of “state-corporation”. The state-corporation is a political regime in which there is a monopoly both on political power and private property, where business is subordinated to political interests and where it can be used at the same time as a political and economic resource. Due to this the Russian authorities can mobilize and concentrate in their hands all available material and economic resources, and use them for realization of internal policy and foreign policy interests.

Realization of this complex group of interests, which combine private and corporate interests of the bureaucracy and business, as well as economic development of the country and restoration of the empire through external expansion require enormous resources. Ukraine in this sense is seen as a compensatory resource reservoir for the restoration of domination in Europe and sustaining viability, development and enlargement of the Russian state-empire. At the expense of Ukraine the shortage of labor force can be compensated with the improvement

---

<sup>6</sup> J. Bugajski, “Russia’s Pragmatic Reimperialization”, *Foreign Affairs* (February, 2009), pp. 44-45.

in the demographic situation, the non-existing segments of the industry can be gained, the technological backwardness can be reduced, and the underdeveloped transport infrastructure can be made up for.

This Soviet-Russian identity is being built today by the new Ukrainian government. They put up monuments to Stalin and victims of the Ukrainian Insurgent Army (UPA), try to deprive Ukrainians of their national memory and chances for revival of the Ukrainian nation. If it is really their goal and it will be achieved, then as a result of such social modernization Ukraine will turn into a quasi-state, an appendage of Russia. It is saddening to observe, but there is an intention to modernize Ukraine based on this Russian-Soviet identification.

This project has quite sustainable historic traditions which are connected with the period when the left-bank part of Ukraine was a part of the Russian Empire, and then the period of the Soviet Union. Thus, the economic basis, social structure and mentality of the population of this part of Ukraine was formed in compliance with the needs of the Russian and Soviet empire.

The economy of this part of Ukraine was developed in the industrial era. Rich natural resources allowed for the building of powerful centers of heavy industry and machine-building. So the main industrial potential of the country is concentrated in the Eastern and Southern regions. At the same time, along with the already-mentioned positive factors, among the main problems is great dependency of the Ukrainian industry on cooperation with Russia and Russian energy resources, because the industrial enterprises of these regions were a part of the common Soviet economy.

Despite this powerful industry the society of these regions is marked with a high level of social stratification. Socially the population consists of two main groups: impoverished working class and a small number of extremely rich people grouped in clan-oligarchic units. Though this society by its political and cultural interests prefers Russian political leaders and Russian mass culture, it can not be called Russian. Moreover, it can be defined as "Little Russian" (Maloros), because unlike the Russian society it is devoid of messianic tradition, the feeling of patriotism and chauvinism. The idea of great-power is not an end in itself for it.

With this quality of society and regional elite that has become the ruling factor in Ukraine there are no grounds to talk about the possibility to create a sovereign independent state on this basis. Lack of civic position, underdevelopment of the sense of national dignity and traditions of civil society, narrow-mindedness and political passivity give very weak chances for rapid success in any state-building processes in Ukraine.

What result can be expected from such a modernization? The state built on this social basis will have no perspective of survival let alone the development. Sooner or later it will turn into a relatively independent autonomy of another state. *Foreign policy of this state* is built on the basis which is marked with Russian centrism, Eurasian authoritative trends, orientation on reintegration processes aimed at entering the bosom of interests of the Russian Federation and realization of geopolitical projects like “Rus World” aimed at restoration of the “Great Russia” and self-isolation from the West and the international community.

Evidently, with this model of Ukrainian modernization Ukraine will have no chance to preserve its sovereignty, political and economic independency. As a result of this modernization we will have a merger of Ukrainian economy, the energy sector, hi-tech, strategic industries, military industrial, agrarian sector, as well as transport infrastructure by Russia.

The *Civilization Approach* to the analysis of ways of modernization of the country gives an answer to another important question – who can be the *foreman of this modernization*? Each epoch and civilization proposed their foremen of modernization. In the age of feudalism they were landlords, in the age of early capitalism – financial-industrial and trade capital.

Modern European civilization calls *nation and middle class* as its foremen. Nations unlike populations take social responsibility for the fate and future of their country. Middle class unlike other society groups is oriented on two key social values: freedom and well-being. That is why European modernization of a country is impossible without democratization and national development, where freedoms is a precondition for well-being, and where nations bring up a national elite and take direct responsibility for it. A similar trend is can be seen in all countries of the Visegrad Group. Young European nations nominated their national elite that modernized the country. Of course, within these elite there were representatives of the former communist nomenclature. But at the same time they felt their belonging to Slovak, Polish, Hungarian or Czech nations, which is not the case for modern political elite of Ukraine.

So for modernization of Ukraine in the European and not Soviet-Russian way it is necessary to have a new Ukrainian national elite and not the Soviet-Russian one the majority of which embodies the modern government of Ukraine.

So can Ukraine under such conditions make use of the modernization experience of countries of the Visegrad Group? It is evident that in corpore – no. In Ukraine there are no internal conditions for implementing such experience, and

the international environment is absolutely different in comparison to that of 10 years ago. Unfortunately international conditions work not for the benefit of Ukraine. At the same time it does not mean that we have to reject this experience. On the local, regional and community level this experience should be used in order to achieve strategic changes on the national level.

Today the local level has a greater potential to promote European integration projects compared to the national level. The focus of work should be moved to regions. The Transcarpathian region and the regional branch of the National Institute of Strategic Studies in Uzhgorod in particular serve as a good example of such work. The Visegrad states as good neighbors of Ukraine will find a common interest rather in neighboring Ukrainian regions than in Kyiv.

For these common interests we need to allot the key instruments of their realization, such as:

1. Intensification of trans-border cooperation and monitoring of realization of the reached agreements.
2. Assisting the work of joint business association.
3. Improvement of investment climate in the regions for attracting investment from the Visegrad countries and creation of corresponding conditions for the Ukrainian business in these countries.
4. Promotion of successful experience of the Visegrad states in modernization of industrial enterprises and their agrarian sector.
5. Strengthening the civil society institutes.
6. Strengthening the network of NGOs.
7. Monitoring of civil liberties and freedom of local mass media. Conducting trainings with journalists

## **REFERENCES**

- Bugajski, J., "Russia's Pragmatic Reimperialization", *Foreign Affairs* (February, 2009), pp. 44-45.
- Дергачов, О., Російська гуманітарна стратегія для пострадянського простору. Зовнішні справи – 2009 – травень. (Dergachov, O., Russian Humanitarian Strategy for the Post-Soviet Area).
- Ельцин Б. "Давайте определимся и прямо скажем нашим народам, как мы видим судьбы государств Содружества - вместе нам быть или порознь" Независимая газета (April 5, 1997). (Yeltsin, B., Let's decide and tell our people directly how we see the fates of CIS states – should we stay together or put asunder).

Коротец, И., "Украина и Россия: постимперские отношения в ракурсе современных национально-государственных стереотипов." Украина и Россия на пути к демократии. (Korotets, I., Ukraine and Russia: post-empire relations in the context of modern national-state stereotypes).

Стратегический курс России с государствами - участниками Содружества Независимых Государств "Независимость." – (October 4, 1995). (Strategic Course of Russia with the CIS Member States)

Вассерман, А., "Диалог атеист" (October, 2007), №7. (Wasserman, A., Dialogue of an Atheist).

# EU-Ukraine Visa Dialogue: Context of the Visegrad Group Countries

**Svitlana Mytryayeva**

## INTRODUCTION

The strategic goal of Ukraine is obtaining EU membership. The way towards this goal relies on political association and economic integration, inclusion of Ukraine into the common European migration, visa, and humanitarian area. An inherent stage of achieving this is a *full-fledged visa-free regime for Ukrainian citizens from the EU member-states*. The example of the Western Balkans confirms the principle possibility for Ukraine to reach this goal. Currently Ukraine and the EU actually use this Balkan model in their negotiations process on liberalization of the visa regime. According to this model the EU allows Ukraine to become a part of the European area in the sphere of justice and internal affairs on condition of the realization of systematic reforms.

At the same time, the experience of other countries cannot be automatically transferred to Ukraine, because member states of the European Union have a different vision of pace and terms of a country's access to the visa-free regime with the EU. While some EU member states are ready to advance on the issues of the visa regime liberalization with Ukraine, the others are willing to break this process into stages. So the high expectations of citizens as to the visa-free regime - as was the case with the Agreement between the EU and Ukraine on the Facilitation of Issuance of Visas – are not always met. Nonetheless, it can be considered that Ukraine has made certain steps in the direction of the liberalization of the visa regime with the EU.

---

**Svitlana Mytryayeva** is Director of the Regional Branch of the National Institute for Strategic Studies in Uzhgorod, President of the Centre of Strategic Partnership, Honored Figure of Science and Techniques of Ukraine.

It should be noted that besides the main dimension in the visa dialogue between Ukraine and the EU – the practical one (i.e. realization of complex reforms in Ukraine), there is also a political dimension connected with reserved moods about the visa-free regime on the part of some EU countries that have doubts as to Ukraine's ability to follow the rules of the EU, and migration risks brought by the latest wave of the EU enlargement.

The process of the visa regime liberalization between Ukraine and the EU was initiated by Ukraine that *unilaterally* introduced the visa-free regime for EU citizens<sup>1</sup>. Further visa policy of Ukraine is targeted at promoting the idea of a visa-free regime for its citizens entering EU states based on a reciprocity principle.

An active advancement to the visa-free regime started after the *package of Agreements* between the EU and Ukraine on the Readmission and Facilitation of Issuance of Visas *came into force on January 1, 2008*. Defining the contents, algorithms and stages of advancement to the visa-free regime of Ukraine with the EU, it is worth pointing out certain achievements and results.

On the way to the liberalization of the visa regime between Ukraine and the EU the following was achieved most recently:

- simplification of visa procedure for Schengen visas (multiple entry visas, free of charge visas) for 14 defined categories of citizens of the whole country<sup>2</sup>;
- introduction of the local border traffic for residents of the border regions of Ukraine with Hungary<sup>3</sup>, Slovakia<sup>4</sup>, and Poland<sup>5</sup>; starting the process of its introduction with Romania;

---

<sup>1</sup> Про встановлення безвізового режиму для громадян держав-членів Європейського Союзу, Швейцарської конфедерації та князівства Ліхтенштейн: Указ Президента України: [прийнятий 26.07.05] //Урядовий кур'єр - July 30, 2005 (Decree of the President of Ukraine on Establishing Visa-Free Regime for Nationals of Member States of the European Union, the Swiss Confederation and the Principality of Liechtenstein).

<sup>2</sup> Угода між Україною та Європейським Співтовариством про спрощення оформлення віз – Режим доступу: <http://ukraine-eu.mfa.gov.ua/eu/ua/publication/content/11577.htm>. (EU-Ukraine Visa Facilitation Agreement).

<sup>3</sup> Угода про місцевий прикордонний рух між Україною та Угорщиною. – Режим доступу: [http://www.mfa.gov.hu/kulkepviselet/Beregovo/uk/ua\\_Konzuliinfo](http://www.mfa.gov.hu/kulkepviselet/Beregovo/uk/ua_Konzuliinfo). (Hungary-Ukraine Local Border Traffic Agreement).

<sup>4</sup> Угода про місцевий прикордонний рух між Україною та Словаччиною. – Режим доступу: <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi>. (Slovakia-Ukraine Local Border Traffic Agreement).

<sup>5</sup> Угода про місцевий прикордонний рух між Україною та Польщею. – Режим доступу: [http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=616\\_138&p=1251789577690164](http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=616_138&p=1251789577690164). (Poland-Ukraine Local Border Traffic Agreement).



- beginning of a new stage in relations with the EU, namely *transition from the simplification of the visa procedure to gradual liberalization of the visa regime* (cancellation of visa fees for all categories of Ukrainian citizens; increasing the number of categories of citizens who could use the simplified visa procedure, visa-free regime for owners of service passports);
- *structured visa dialogue* with the EU (definition of measures and recommendations, implementation of which allows introduction of the visa-free regime);
- first steps in the realization of the Communication from the European Commission on “Eastern Partnership. In particular, the work on development of the draft of “Road Map” that will contain preconditions and “technical criteria” fulfillment of which will allow canceling visas in relations between Ukraine and the EU states ( documents security, including collection of biometric data; combating illegal migration, including readmission; support of the public order and security; protection of fundamental human rights).

In the outlined areas special joint working groups were created. Based on the comparative analysis of the Schengen acquis and the Ukrainian legislation they coordinate corresponding propositions to the “Road Map”, ratification of which is expected at the EU-Ukraine Summit under the presidency of Belgium in autumn 2010.

## **VISA POLICY AND PRACTICE: INSTRUMENTS**

Due to the realization of the Agreement between the EU and Ukraine on the Facilitation of Issuance of Visas the number of Schengen visas received by Ukrainian citizens in 2009 reached 1,022 mln, which is 134% more than in 2008 (435 thousand visas). Now experts state that each 10<sup>th</sup> Schengen visa in the world is issued in Ukraine.

Besides, some positive changes that took place in the recent period it is worth pointing out the following:

- general increase in the number of free of charge visas;
- considerable increase in the share of multiple entry visas (from 1 to 5 years);
- decrease in the number of refusals in visas on average from 12% in 2007 to 6% in 2008 and 5% in 2009. The same trend is confirmed in 2010.

Nonetheless, the analysis of the practical realization of the *Agreement between the EU and Ukraine on the Facilitation of Issuance of Visas* as one of the

*main instruments for the visa regime liberalization* proves that this realization *does not meet the reached agreements to the full* both on the part of the EU and Ukraine. The reasons for this unsatisfied implementation of the Agreement are both the insufficiency of the corresponding mechanisms in Ukraine and lack of one single consolidated policy among the Schengen states as to the visa regime with Ukraine. This concerns, for instance, incomplete implementation of the key articles (Art. 4-7) of the Agreement by consular offices of the EU states on the territory of Ukraine. The latter usually follow their internal consular instructions.

The *All-Ukrainian Monitoring of Visa Issuance*<sup>6</sup> to Ukrainian citizens by the EU consular establishments on the territory of Ukraine covered 21 consulates from 11 EU member states (10 in Kyiv and 11 in 6 regions of Ukraine), among which there were also consular offices of the Visegrad Group countries. The results of the Monitoring proved that the *Agreement* contributed to a certain improvement of the situation with visa issuance to Ukrainian citizens mostly in the countries of the “old” Schengen. The countries of the “new” Schengen follow a more severe and restricting policy as to the entry of Ukrainian citizens to the territory of the EU than it is considered by the Agreement. The provisions on issuance of free of charge and multiple entry visas to preference categories of Ukrainian citizens are not implemented to the full.

Restrained issuance of free of charge and multiple entry visas to preference categories of Ukrainian citizens by consular offices of the EU was reflected in unmet high expectations of Ukrainian citizens as to the quick resolution of most problems that they have to face in the process of Schengen visa application. That is why the role of the *Agreement* in the visa regime liberalization for Ukrainian citizens remains disputable, first of all because Ukrainian visa applicants cannot competently use the instruments of the Agreement. Now experts point out that the potential of the *Agreement between the EU and Ukraine on the Facilitation of Issuance of Visas* is almost exhausted or close to being exhausted.

---

<sup>6</sup> The Monitoring was organized by the *All-Ukrainian Consortium of Expert Organizations and Analytical Centers of Ukraine*, among the members of which was also the Regional Branch of the National Institute for Strategic Studies in Uzhgorod, in the framework of the International Public Initiative “*Europe without Barriers*” in 4 stages (June-August 2008; November 2008; July 2009; July-August 2010).

## RESULTS OF THE MONITORING OF VISA PRACTICE IN SOME COUNTRIES OF V4 IN TRANSCARPATHIAN REGION

*Hungary and Slovakia* are the countries of the Visegrad Group that also belong to the so-called group of "new" countries of the European Union that joined the Schengen area not so long ago. Currently the visa policy of Hungary and Slovakia towards Ukraine is realized based on the Schengen acquis, Agreement between the EU and Ukraine on the Facilitation of Issuance of Visas, Agreements on local border traffic between Hungary and Ukraine, Slovakia and Ukraine. The new requirements, rules and standards of the EU and Schengen on visa policy have become new both for Hungary and Slovakia, as well as for Ukrainian citizens and frontiersmen. Taking into account this fact, *the visa policy and practice of Hungary and Slovakia in Ukraine should first of all be treated as a part of the EU policy.*

In this context the results of the four stages of the monitoring on the all-Ukrainian level prove that the quality of implementation of the *Agreement between the EU and Ukraine on the Facilitation of Issuance of Visas* in the EU consulates on the territory of *Transcarpathian region* (Consulate General of the Republic of Hungary in Uzhgorod, Consulate of the Republic of Hungary in Beregovo, and Consulate General of the Slovak Republic in Uzhgorod) favorably differs from all-Ukrainian figures and is one of the best. The four stages of the monitoring prove that Hungary and Slovakia in general adhere to the obligations defined by the *Agreement*, in particular in *fees and terms* of processing of applications. Irrespective of the level of awareness of citizens on this *Agreement* the consulates of these countries provide *free of charge and multiple entry visas* to preference groups of citizens, if *the purpose of travel corresponds with the provisions of the Agreement*. It is worth mentioning considerable positive changes that took place in the *Consulate General of the Slovak Republic in Uzhgorod* during 2009. In particular, these are: increasing issuance of multiple entry visas and free of charge visas, consulting of applicants on the procedure of documents submission, reduction of the term of visa issuance (5-7 days), considerable improvement of attitude of consulate staff to Ukrainian applicants.

The monitoring results are also confirmed by the official statistic data of consulates on the territory of the Transcarpathian region (see Tables 1, 2, 3).

Table 1

Issuance of Schengen Visas by the Consulate General of the Republic of Hungary in Uzhgorod in 2008-2010<sup>7</sup>

	2008				2009				2010	
	Quarter I	Quarter II	Quarter III	Quarter IV	Quarter I	Quarter II	Quarter III	Quarter IV	Quarter I	Quarter II
<b>Total number of received visa applications for B and C visa types</b>	<b>3393</b>	<b>8048</b>	<b>9450</b>	<b>6502</b>	<b>4912</b>	<b>7594</b>	<b>7521</b>	<b>5358</b>	<b>1911</b>	<b>8119</b>
<b>Total number of issued B and C visa types</b>	<b>3288</b>	<b>7833</b>	<b>9142</b>	<b>6371</b>	<b>4781</b>	<b>7429</b>	<b>7339</b>	<b>5191</b>	<b>1900</b>	<b>8054</b>
<b>in particular:</b>										
<b>visa type B</b>	191	1232	1750	256	110	617	1171	82	30	<b>0<sup>8</sup></b>
<b>visa type C</b>	3097	6601	7392	6115	4671	6812	6168	5109	1870	<b>8054</b>
<b>Total number of refusals (B and C visa types) (%)</b>	<b>3,09</b>	<b>2,67</b>	<b>2,01</b>	<b>2,77</b>	<b>2,67</b>	<b>2,17</b>	<b>2,42</b>	<b>3,1</b>	<b>2,0</b>	<b>0,9</b>

<sup>7</sup> Statistical data are provided to the Regional Branch of the National Institute of Strategic Studies in Uzhgorod by the Consulate General of the Republic of Hungary in Uzhgorod.

<sup>8</sup> After the EU Visa Code took effect on April 1, 2010 the transit visas type B were abolished.

Table 2

Issuance of Schengen Visas by the Consulate of the Republic of Hungary in Beregovo in 2008-2010<sup>9</sup>

	2008				2009				2010	
	Quarter I	Quarter II	Quarter III	Quarter IV	Quarter I	Quarter II	Quarter III	Quarter IV	Quarter I	Quarter II
<b>Total number of received visa applications for B and C visa types</b>	1323	2895	7951	6702	4351	5752	6892	4987	4752	9854
<b>Total number of issued B and C visa types</b>	1296	2839	7887	6619	4184	5685	6798	4832	4733	9829
<b>in particular:</b>										
<b>visa type B</b>	34	140	873	222	69	1246	1414	224	118	0 <sup>10</sup>
<b>visa type C</b>	1262	2699	7014	6397	4115	4439	5384	4608	4615	9829
<b>Total number of refusals (B and C visa types) (%)</b>	2,04	1,93	0,8	1,23	3,8	1,1	1,36	3,8	1,01	1,24
<b>Number of issued multiple entry visas (one-year, two-year and five-year visas)</b>	792	1775	4581	4092	2446	3237	1218	one-year (no statistics) two-year: 10 five-year: 7	4327	5782
<b>Number of issued free of charge visas (preference categories of citizens)</b>	709	1366	3317	2404	1216	1822	914	1127	-	-

<sup>9</sup> The statistical data are provided to the Regional Branch of the National Institute of Strategic Studies in Uzhgorod by the Consulate of the Republic of Hungary in Beregovo.

<sup>10</sup> After the EU Visa Code took effect on April 1, 2010 the transit visas type B were abolished.

Table 3

Issuance of Schengen Visas by the General Consulate of the Slovak Republic in Uzhgorod in 2008<sup>11</sup>

Visa application and visa issuance	Quarter I	Quarter II	Quarter III	Quarter IV
<b>Total number of received visa applications for B and C visa types</b>	<b>3955</b>	<b>3686</b>	<b>3526</b>	<b>3665</b>
<b>Total number of issued B and C visa types</b>	<b>3174</b>	<b>3402</b>	<b>3508</b>	<b>3575</b>
<b>in particular:</b>				
<b>visa type B</b>	8	217	416	167
<b>visa type C</b>	3166	3185	3092	3408
<b>Total number of refusals (B and C visa types) (%)</b>	<b>14,36</b>	<b>7,92</b>	<b>5,98</b>	<b>3,46</b>
<b>Number of issued one-year multiple entry visas</b>	72	50	93	85
<b>Number of issued two-year and five-year multiple entry visas</b>	0	0	0	0
<b>Number of issued free visas (preference categories of citizens)</b>	850	1488	1132	1220

Table 4

Issuance of Schengen Visas by the Consulate General of the Slovak Republic in Uzhgorod in 2009-2010

Visa application and visa issuance	2009				2010	
	Quarter I	Quarter II	Quarter III	Quarter IV	Quarter I	Quarter II
<b>Total number of received visa applications for B, C, D visa types</b>	<b>2323</b>	<b>2942</b>	<b>2594</b>	<b>2788</b>	<b>2299</b>	<b>3286</b>
<b>Total number of issued B, C, D visa types</b>	<b>2211</b>	<b>2920</b>	<b>2580</b>	<b>2700</b>	<b>2257</b>	<b>3208</b>
<b>in particular:</b>						
<b>visa type B</b>	71	21	12	11	0	0 <sup>12</sup>
<b>visa type C</b>	1955	2719	2443	2590	2134	3109
<b>visa type D</b>	185	180	124	99	123	99
<b>Total number of denials (B, C, D visa types), (%)</b>	<b>4,8</b>	<b>0,7</b>	<b>0,5</b>	<b>3,1</b>	<b>1,8</b>	<b>2,4</b>

<sup>11</sup> The statistical data are provided to the Regional Branch of the National Institute of Strategic Studies in Uzhgorod by the Consulate General of the Slovak Republic in Uzhgorod.

<sup>12</sup> After the EU Visa Code took effect on April 1, 2010 the transit visas type B were abolished.

As can be seen from the data given in the tables, despite the large number of applicants in 2008 and beginning of 2010, the number of Schengen visa refusals (types B and C) by the Hungarian Consulates in Transcarpathian region is *relatively small*. The lowest level of refusals is registered in the Consulate of the Republic of Hungary in Beregovo in the third quarter of 2008 (0,8%). A *significant decrease* in the number of refusals by the Consulate General of the Slovak Republic in Uzhgorod – from 14,36% in the first quarter to 3,46 in the fourth quarter 2008 - is also positive. In the third quarter of 2009 the number of refusals of B, C, D visa types in this Consulate is even smaller and makes only 0,5%. Nevertheless, in the number of received applications and the number of issued Schengen visas, including free of charge visas, the Slovak consulates cannot compete with Hungarian consulates. As can be seen in Table 3, the Consulate General of the Slovak Republic in Uzhgorod did not issue, in 2008, a multiple entry visa (two-year or five-year) as it was foreseen by the Agreement between the EU and Ukraine on the Facilitation of Issuance of Visas. Starting from the first half of 2009 this Consulate issued such long-term multiple entry visas, but only a small number.

This can be explained by several factors: *first*, the Hungarian national minority that resides on the territory of Zakarpattya Oblast is more numerous compared to the Slovak one (*Hungarian – 150 thousand, Slovak – 5 thousand*), *second*, the level of economic cooperation between Hungary and Zakarpattya Oblast is higher, *third*, the Schengen visa application procedure in Hungarian consulates remains simpler than that in Slovak consulates.

It should also be noted that since August 1, 2008 Hungary has simplified the Schengen visa application procedure, defined by the *Agreement, for representatives of the Hungarian national minority in Ukraine* who have a certificate of a foreign Hungarian. Such individuals, instead of an invitation and financial documents, can provide only the afore mentioned certificate and the letter of support from the Head of the Party KMKS - Party of Hungarians of Ukraine or Head of The Democratic Union of Hungarians of Ukraine.

Thus, it can be stated that consulates of the Visegrad Group countries that operate on the territory of Zakarpattya Oblast fulfill the fundamental obligations under Art. 4-7 of the EU-Ukraine Visa Facilitation Agreement in the best way.

## LOCAL BORDER TRAFFIC

The possibilities for the residents of border regions of Ukraine, in particular the Transcarpathian region, for usage of instruments for liberalization of the visa regime, are much broader because the Agreements on the Facilitation of the issuance of Visas and Local Border Traffic cover this region exclusively.

The introduction of the *Institute of the local border traffic* for Ukrainian citizens is to be considered as *approbation of new instruments for liberalization of visa policy of EU countries towards Ukraine with a prospect of a complete abolition of the visa regime*.

Local Border Traffic is a special regime of a systemic border crossing and stay of residents of the border regions within the defined border area of the neighboring states based on a special document with the purpose of family, social and cultural, tourist and recreation, economic, scientific communication. Implementation of this instrument for the visa regime liberalization contributes first of all to the development of neighborly relations and regional cooperation, preservation and encouragement of social, cultural, family, economic relations between residents of the border territories of the neighboring countries. The European Union approved of this practice; today the local border traffic has become one of the exclusive achievements of the European Union in the direction of the visa regime liberalization with Ukraine.

It was *Hungary and Ukraine* who in 2007 pioneered in the implementation of the Institute of local border traffic. Positive practical results of Hungary in implementation of this instrument, and foremost the demand for such an instrument of liberalization of the visa regime, encouraged implementation of this instrument between *Slovakia and Ukraine* in autumn 2008, and later – between *Poland and Ukraine*. But it is necessary to point out that the *forms and conditions* of operation of this instrument are quite different.

The form of local border traffic in *Hungary* foresees stays in the *50 km* border zone (*244 Hungarian and 384 Ukrainian settlements*). The cost of a permit for local border traffic is *20 Euro*, this cost is not charged from defined categories of citizens (invalids, pensioners, children under the age of 18, and children on allowance under the age of 21). The permit is issued for a period of *10 days* - the duration of each permit varies from 1 to 5 years, and the duration of each stay cannot exceed *90 days*.

The form of local border traffic in *Slovakia* foresees stays in the *30-50 km* border zone (*299 Slovak and 280 Ukrainian settlements*). The cost of permit is *20 Euro*; this cost is not charged from pensioners over 60, and children under the age of



15. The permit is issued during *60-90 days*, the duration of the permit varies from 1 to 5 years, and the duration of stay cannot exceed *30 days* during one stay and in general *90 days during 6 months*.

The form of local border traffic in *Poland* foresees stays in the *30 km* border zone (*1822 Polish and 1545 Ukrainian settlements*). The cost of each permit is *20 Euro*; this cost is not charged from invalids, pensioners, and children under the age of 18. The permit is issued during *60 days*, in some cases this term can be prolonged to *90 calendar days*, the duration of the permit is up to *5 years*, and the duration of stay cannot exceed *60 days* from the date of entry and in general *90 days during 6 months from the date of entry*.

Table 5

## Local Border Traffic: Forms and Conditions

Countries	Area of stay	Cost of permit	Term of permit preparation	Term of validity	Duration of staying
<b>H UA</b>	<b>50 km</b> (244 Hungarian and 384 Ukrainian settlements)	<b>20€</b> (not charged from invalids, pensioners, children under the age of 18, and children on allowance under the age of 21)	<b>10 days</b>	<b>1-5 years</b>	<b>not exceeding 90 days</b>
<b>SK UA</b>	<b>30-50 km</b> (299 Slovak and 280 Ukrainian settlements)	<b>20€</b> (not charged from pensioners over 60 and children under the age of 15)	<b>60-90 days</b>	<b>1-5 years</b>	<b>30 days during one stay (not exceeding 90 days during 6 months).</b>
<b>PL UA</b>	<b>30 km</b> (1822 Polish and 1545 Ukrainian settlements)	<b>20€</b> (not charged from invalids, pensioners, children under the age of 18)	<b>60-90 days</b>	<b>1-5 years</b>	<b>60 days during one stay (not exceeding 90 days during 6 months).</b>

The results for the practical functioning of the local border traffic between Ukraine and Hungary, Ukraine and Slovakia, Ukraine and Poland show that the existing differences in forms of the local border traffic for Ukraine significantly influence the will and possibilities of residents of border regions of Ukraine to use this instrument of the visa regime liberalization. This is also confirmed by the official statistical data of the Consulates General of Hungary and Slovakia in the Transcarpathian region (Table 6).

*Table 6*  
Issuance of Permits for Local Border Traffic in 2008-2009<sup>13</sup>

Consulate	2008				2009				2010	
	Quarter I	Quarter II	Quarter III	Quarter IV	Quarter I	Quarter II	Quarter III	Quarter IV	Quarter I	Quarter II
<b>Consulate General of the Republic of Hungary in Uzhgorod</b>	<b>3594</b>	<b>3634</b>	<b>3763</b>	<b>2122</b>	<b>2599</b>	<b>2984</b>	<b>2919</b>	<b>1601</b>	<b>1604</b>	<b>2178</b>
<b>Consulate of the Republic of Hungary in Beregovo</b>	<b>5843</b>	<b>5186</b>	<b>5446</b>	<b>3080</b>	<b>2679</b>	<b>2930</b>	<b>3479</b>	<b>2162</b>	<b>2007</b>	<b>2219</b>
<b>Consulate General of the Slovak Republic in Uzhgorod</b>	-	-	-	<b>165</b>	<b>231</b>	<b>198</b>	<b>143</b>	<b>59</b>	<b>183</b>	<b>153</b>

The form of the local border traffic showed that Hungarian-Ukrainian relations have turned out to be more liberal than that in Slovak-Ukrainian relations. This Hungarian-Ukrainian form is seen as the most progressive and efficient; it requires legal confirmation and spreading of its practice to other EU border countries.

Development and implementation of a *single form of local border traffic* with all neighboring EU countries could *significantly contribute* to the simplification of visa procedures. For instance, the force of permit for border crossing with *one of*

<sup>13</sup> The statistical data are provided to the Regional Branch of the National Institute of Strategic Studies in Uzhgorod by the Consulate General of the Republic of Hungary in Uzhgorod, Consulate of the Republic of Hungary in Beregovo, and Consulate General of the Slovak Republic in Uzhgorod.

these EU countries and stay in the defined border zone could be spread to border crossing and stay in the defined border zones of all other countries (Hungary, Slovakia, Poland, and Romania). This could contribute to the development of the territory of stability, security and cooperation on the common EU-Ukraine Schengen border, as well as achievement of strategic goals of trans-border cooperation.

## PROSPECTS, INITIATIVES, AND OPPORTUNITIES

“Eastern Partnership” can serve as an important instrument for EU-Ukraine visa relations (see Part I)<sup>14</sup>. The European Commission’s Communication on “Eastern Partnership” foresees a number of measures on the part of the EU and partner countries in the sphere of visa policy and labor mobility as to partner countries in the short-term and mid-term perspective. In this context the Communication emphasizes the necessity for gradual development of visa relations. As it was mentioned previously, the priority was ratification of the package of readmission and visa facilitation agreements, and preparation of the “coordinated plan for improvement of consular coverage of countries of the region” by creation of common application centers.

Since the beginning of 2010 the implementation of “mobility and security pacts” with the countries of the Eastern Partnership has started. The main elements of this document are the following:

- assistance in implementation of procedures of integrated border management;
- assistance in creation of a high-quality regime of personal data protection that will allow operative cooperation of member states with Europol and Eurojust (introduction of biometric passports);
- creation of a single migration institution;
- combating illegal migration and realization by Ukraine of the Readmission Agreement.

Special attention in the Communication is paid to the involvement of the civic society to the political dialogue between the EU and its Eastern neighbors. With this aim the Eastern Partnership Civil Society Forum was created for regular contacts of NGOs and their dialogue with authorities. Two meetings of this Forum have already taken place in Brussels and Berlin.

---

<sup>14</sup> Communication from the Commission to the Council and the European Parliament Eastern Partnership, European Commission (3.12.2008).

Speaking on the agenda and organization of the civic campaign for a visa free regime between Ukraine and the EU it should be pointed out that this campaign has to:

- *be based* on the idea of a clear European identity of the Ukrainian people. Thus, the existence of the visa regime contradicts the needs and values of the All-European project and one of its main components – *freedom of movement*;
- *be deployed* as a part of international efforts for a visa free regime in Europe, not restricting itself to the needs of the Ukrainian society only;
- *take into account* the experience of the countries that have acquired the visa free regime after having met certain requirements (Romania, Bulgaria) and the countries that together with Ukraine are in the format of “visa dialogue” (Serbia, FYR Macedonia, Montenegro, Albania, Bosnia and Herzegovina, Russian Federation);
- *combine* the internal (Ukraine) and external (the EU) components with the aim of synchronous influence on the decision-making centers in Ukraine and EU countries;
- *go together* with the state (diplomatic) efforts, taking into account contents, algorithms and stages of these efforts;
- *find active public support* for the actions of the Ukrainian authorities, aiming at fulfillment by Ukraine of the criteria for a visa free country in relations with the EU

Now the current stage of liberalization of the visa regime between Ukraine and the EU is marked with *dynamic steps and initiatives from both parties* who support this process using *new possibilities*. It should be noted that on the inauguration day of the new President of Ukraine the European Parliament adopted a Resolution on Ukraine that contains a provision on the possibility for Kyiv to apply for membership in the EU. There was also an appeal to the Council of Europe to give the European Commission a special mandate for development of the “Roadmap towards Visa Free Regime” for Ukraine and a suggestion of reviewing the existing Visa Facilitation Agreement towards its further liberalization.

During the visit of the President of Ukraine to Brussels on March 1, 2010 the President of the European Commission confirmed the possibility of the Roadmap preparation on condition that Ukraine will accomplish a number of priority tasks in the sphere of document security, personal data protection, fight against corruption, reforms in the sphere of migration, ensuring citizens’ rights, etc.

In the framework of the Meeting of foreign ministers of Visegrad states and member states of the Eastern Partnership on March 2, 2010 there was a meeting of the foreign minister of Ukraine and the European Commissioner for Enlarge-

ment and Neighborhood Policy. At this meeting the following questions were discussed: preparation of the draft of the Roadmap towards Visa Free Regime, the possibility of enlargement of the border territory in the context of the Agreements on local border traffic, which were ratified by Ukraine and the Visegrad countries that have borders with Ukraine (Hungary, Slovakia, and Poland). A special attention at this meeting was paid to the liberalization of the visa regime in bilateral relations; in particular an agreement was reached with *Slovakia* on cancellation of fees for national long-term visas for Ukrainian citizens.

After the visit of Mr. Štefan Füle (the European Commissioner for Enlargement and Neighborhood Policy) in April 2010 Ukraine received a document that sets priorities for the Government in cooperation with the EU, as it is seen in the European Commission, - the so-called *Cooperation Matrix by Füle*. On May 1 the Government of Ukraine passed a plan of top-priority measures in the sphere of European Integration (including visa issues), this plan is based on the above mentioned document.

*On June 1, 2010 the Verkhovna Rada of Ukraine passed the Law "On Personal Data Protection" which will open the way to intensification of cooperation with the EU in law-enforcement areas, and will initiate the issue of biometric passports, owners of which will be able to claim in the future a visa free entry to the EU. This law despite some flaws is a step forward and can be further elaborated with a more serious attitude to the norms of the corresponding Convention of the Council of Europe and regulation of the European Union.*

At the meeting of Ukraine and the EU-Troika in the sphere of justice and home affairs on June 9, 2010 a new resolution was passed. According to this resolution by the next EU-Ukraine summit in November 2010 it is necessary to develop an Action Plan ("Road Map") on the visa free regime that will contain a complete list of conditions to be met for cancellation of the visa regime for Ukrainian citizens. The Minister of Justice of Ukraine received a questionnaire with *40 questions* regarding the *legal framework of visa liberalization and implementation of European standards in the sphere of documents security, migration, border control, fight against corruption, etc.* Currently, ratification of the most important conventions of the Council of Europe is expected by the Parliament of Ukraine. These conventions were repeatedly approved by the new Government (on personal data, counteraction of human trafficking).

Today one of the problematic questions in the negotiations process on a visa free regime for Ukraine on the part of the EU remains the approximation of the Ukrainian legislation to the fundamental conditions and requirements of the EU on migration policy, documents security, personal data protection, border man-

agement, and anti-corruption policy. One of the main open questions remaining is the issue of biometric passports, the standard of which is already implemented in the neighboring Russia, Moldova, Turkey, and Georgia. Russia and Moldova, starting from January 1, 2011 will only issue their citizens with *biometric passports*.

It is necessary to point out that *free movement is a fundamental right of people*. At the same time the question of liberalization of the visa regime is quite unpopular in the EU, because the majority of states (including Ukraine) with which the negotiations are underway are perceived as a potential source for large migration streams. That is why while working on the internal "homework" Ukraine should seize the new opportunities, in particular the following: presidency of Hungary (first half of 2011) and Poland (second half of 2011) in the EU; presidency of Hungary (July 2009-June 2010) and Slovakia (July 2010-June 2011) in the Visegrad Group. Ukraine should also transfer the *context of bilateral relations with these countries to the format of V4 and Communication of the European Commission "Eastern Partnership"* for a more efficient lobbying of interest of Ukraine in the EU on all levels with the goal to achieve the visa free regime by EURO 2010.

## REFERENCES

- "Communication from the Commission to the Council and the European Parliament Eastern Partnership", *European Commission* (3.12.2008).
- Європейська інтеграція України: поточна ситуація, завдання та пріоритети державної політики: мат. засідання круглого столу, за заг. ред. О.В, Снігир. – К.: НІСД, 2010 – р. 64. (European Integration of Ukraine: Current Status, Tasks and Priorities of the State Policy).
- Формуючи дорожню карту до безвізового режиму для громадян України у відносинах з Європейським Союзом: інформаційно-аналітичне видання [Сушко, І., Врадій, О., Сушко, І.] ; Центр миру, конверсії та зовнішньої політики. – (2009) р. 44. (Forming the Roadmap towards Visa Free Regime for Ukrainian Citizens in Relations with the European Union).
- Громадський моніторинг візової політики і практики країн ЄС в Україні: Аналітичний звіт [Сушко, І., Врадій, О., Сушко, О.]; Центр миру, конверсії та зовнішньої політики. (2009) р. 92. (Civic Monitoring of the Visa Policy and Practice of EU Countries in Ukraine).
- Міністерство закордонних справ України. Офіційний сайт. – Режим доступу: [www.mfa.gov.ua](http://www.mfa.gov.ua) (04.12.2008). (Ministry of Foreign Affairs of Ukraine).
- Про встановлення безвізового режиму для громадян держав-членів Європейського Союзу, Швейцарської конфедерації та князівства Ліхтенштейн

- Указ Президента України: [прийнятий 26.07.05] Урядовий кур'єр. July 30, 2005. (Decree of the President of Ukraine on Establishing Visa-Free Regime for Nationals of Member States of the European Union, the Swiss Confederation and the Principality of Liechtenstein).
- Східне партнерство ЄС: додаткові можливості для євроінтеграції України Газізуллін, І.Ф., Гончар, М.М., Коломієць, О.В. [та ін.]; за ред. Мартинюка, В.; Укр. не залеж. центр політ. дослідж. – К.: [Агентство «Україна»], (2009) р. 84 – Кн.-переверт. (EU Eastern Partnership: Additional Opportunities for European Integration of Ukraine).
- Угода між Україною та Європейським Співтовариством про спрощення оформлення віз. – Режим доступу: <http://ukraine-eu.mfa.gov.ua/eu/ua/publication/content/11577.htm>. (EU-Ukraine Visa Facilitation Agreement).
- Угода про місцевий прикордонний рух між Україною та Угорщиною. – Режим доступу: [http://www.mfa.gov.hu/kulkepvisolet/Beregovo/uk/ua\\_Konzuliinfo](http://www.mfa.gov.hu/kulkepvisolet/Beregovo/uk/ua_Konzuliinfo). (Hungary-Ukraine Local Border Traffic Agreement).
- Угода про місцевий прикордонний рух між Україною та Словаччиною. – Режим доступу: <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi>. (Slovakia-Ukraine Local Border Traffic Agreement).
- Угода про місцевий прикордонний рух між Україною та Польщею. – Режим доступу: [http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=616\\_138&p=1251789577690164](http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=616_138&p=1251789577690164). (Poland-Ukraine Local Border Traffic Agreement).
- Відносини Україна-ЄС у багатопольарному світі: стан і перспективи на майбутнє: матеріали міжнародної конференції (November 23, 2009). – К.: ВД Стилос (2010) р. 60. (Relations Ukraine-EU in the Multipolar World: Status and Future Prospects).
- Законодавче забезпечення руху до симетричного безвізового режиму між ЄС та Україною. Поточні оцінки візової практики країн ЄС в Україні: інформаційно-аналітичне видання [Сушко, І., Врадій, О., Сушко, О.]; Центр миру, конверсії та зовнішньої політики. – К. (2010) р. 56. (Legal Basis for Progress in Symmetrical Visa Free Regime between the EU and Ukraine. Current Evaluation of the Visa Practice of EU States in Ukraine).

# **Ukraine and the Visegrad: Ways of Interaction**

**Olga Surnina-Dalekorey**

**Nadia Gychka**

## **EU–UKRAINE: HISTORY OF NOT QUITE SIMPLE RELATIONS**

The region of Central and Eastern Europe; organizations and initiatives of this part of the continent, have always played an important role for Ukraine with regard to its geopolitical position, trajectory of historic development, and cultural traditions. At the same time since acquiring the status of an independent democratic state Ukraine has made many steps for broadening and strengthening relations in the framework of the Central European initiative: e.g. an unprecedented contribution to the sphere of European and international security, principally new bi- and multilateral relations, a number of internal transformations, etc. Intensification of such efforts and the hard work of the developing Ukrainian diplomacy in the 1990's were important steps in the realization of a primary strategic goal – accession of Ukraine to the EU, integration of our country to the European economic and political space.

Ukraine and the EU have a history of rather complex but educatory relations. Let us briefly recall the evolution of the EU approach to the relations with Ukraine over the last 20 years. On June 14, 1994 Ukraine signed the Agreement on Partnership and Cooperation with the EU (though it only came to force on March 1,

---

**Olga Surnina-Dalekorey** is an assistant professor at the Uzhgorod National University, Ukraine.

**Nadia Gychka** is a PhD candidate at the Uzhgorod National University, Ukraine.



1998)<sup>1</sup>. Although this agreement did not grant Ukraine the status of an associate EU member, it initiated cooperation on a great number of political, trade-economic and humanitarian issues. In addition, in order to expand cooperation on both sides, a number of industrial contracts and international legal documents were signed to coordinate the relations between Ukraine and the EU.

In 2004, this agreement was replaced by the so-called 'European Neighborhood Policy', which aimed to create a zone of stability, peace and prosperity to the south and to the east of new borders of the extended European Union by establishing close, long-term relations with the neighboring countries. A three-year EU-Ukraine action plan for cooperation within the 'European Neighborhood Policy' was adopted in February 2005. A mechanism of Ukraine's accession to the declarations and statements of the EU on regional and international issues was introduced in May 2005. An agreement, establishing a general framework of Ukraine's participation in the EU crisis management operations, as well as a framework agreement on security procedures on exchanging the restricted data was signed in June of the same year. A Memorandum of Understanding on cooperation in the Energy Sector was signed by Ukraine and the EU in December 2005.

These and other events objectively opened new opportunities in the EU-Ukraine relations. Agreements on visa facilitation and readmission were signed in June 2007. The EU-Ukraine Action Plan on Justice, Freedom and Security was adopted at the same time. In March 2007, the European Commission approved the European Neighborhood and Partnership Policy 'EU Strategy Paper on Ukraine for the period 2007-2013'.

## **EASTERN PARTNERSHIP – RENEWED MOMENTUM OR THE OLD SONG TO A NEW TUNE?**

A new line in the EU-Ukraine relations can be traced from 2008 in a form of the Eastern Partnership cooperation, the summit of which took place on May 7, 2009 in Prague. The goal of this program is to promote the integration processes in a number of post-Soviet countries, including Ukraine, situated in close proximity to the EU borders, between them and the EU as a whole. Eastern Partnership is an extension of the regional (Eastern) direction of the existing 'European Neighbor-

---

<sup>1</sup> Угода про партнерство і співробітництво між Україною і Європейськими Співтовариствами та їх державами-членами, редакція від (November 10, 1994) на підставі 237/94-вр, чинний, [http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=998\\_012](http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=998_012).

hood Policy', initiated by the EU in relation to their 'new neighbors', following, yet another, expansion in May 2004.

The EU-Ukraine business dialogue evolves during the annual meetings of the EU-Ukraine Summit, attended by the President of Ukraine and three EU representatives, including the Head of the Government or the State, presiding in the EU, the President of the European Commission, and the EU High Representative for Common Foreign and Security Policy; Cooperation Committees and Subcommittees; Parliamentary Cooperation Committee; regular Ukraine-EU Troika consultations; ongoing expert consultations<sup>2</sup>.

The EU Eastern Partnership initiative has clearly raised a lot of questions, regarding its subject, objectives and direct consequences for the countries of the Central and Eastern Europe. Particularly because the proposed initiative does not contain any set provisions on actual prospects of the partner countries to become EU members. Instead, the Prague Declaration of the United Europe has yet again stated that 'the chief goal of the Eastern Partnership is to create the necessary conditions to speed up the political and economic integration of the interested parties into the European Union.' This task is set to be resolved through promotion of political and social-economic reforms in the countries, included in the Eastern Partnership, bringing their Legislation closer to the current legal norms of the EU. In particular, four main priority directions for reforms were set for partner countries and for their cooperation with the EU: democratic changes; economic integration and convergence with the EU Economic Policy, including establishment of free trade areas; energy security; development of people-to-people contacts.

Documents, accompanying the Declaration (Memorandum of the European Commission of May 5, 2009 and the press release of May 6, 2009) explain that the essence of the Eastern Partnership is best described by five so-called flagship (priority) initiatives:

- 1) Border Management Program;
- 2) Special Program to Develop Small and Medium Businesses;
- 3) Integration of the Energy Markets;
- 4) Southern Gas Corridor;
- 5) Disaster Management<sup>3</sup>.

---

<sup>2</sup> "Східне партнерство", Урядовий портал, [www.kmu.gov.ua/control/uk/publish/article%3Fart\\_id=224168250&cat\\_id=223345569](http://www.kmu.gov.ua/control/uk/publish/article%3Fart_id=224168250&cat_id=223345569).

<sup>3</sup> M. Nash, "The Boldest Outreach: the Eastern Partnership Initiative of the European Union", *Contemporary Review* Vol. 291, Issue 1694 (2009), p. 309.

Eastern Partnership also contemplates the prospect of making bilateral treaties between the EU and partner countries (subject to successful implementation of scheduled programs), which should become an important step towards further integration of partner countries into the European socio-economic and political space. However, the EU documents recognize the difference of interests of participating countries in the case of the Eastern Partnership, they still stress that all of them are eager to get even closer to the European Union and secure its various forms of assistance – financial, organizational, moral, political, etc.

The proposed partnership program of the EU was appraised differently in Ukraine. On the whole, we can observe significant differences in the assessment of the Eastern Partnership in the Ukrainian expert environment. In fact, the Ukrainian experts in the field of European integration have split into two camps – the optimists and the skeptics. Thus, the optimists see this project in a positive light and believe that correctly using the opportunities it provides, Ukraine could significantly benefit in economic, social and political terms. The sceptics, on the other hand, make no positive evaluations of the Eastern Partnership. They believe that the Eastern Partnership will not speed up the accession of Ukraine into the EU in any way. Another thought predominates in their camp – the thought that this EU initiative is only an excuse for the eastern neighbours, including Ukraine, which basically replaces the EU membership perspective.

It should be noted, that such sentiments in Ukraine are prompted by a certain inconsistency and lack of coordination among the EU countries, regarding the ‘partnership.’ Particularly, it refers to the lack of a unified approach and integrated vision, displayed by the representatives of the European Commission, as to the future mechanism of cooperation within the partnership, as well as the absence of the coordinated mechanism for the execution of project applications or the unified project proposal form, and the long internal EU debate on the concept of practical implementation of the initiative. The situation is also complicated by explicit statements of the senior European officials and experts, such as Benita Ferrero-Waldner, Matti Vanhanen, Ruprecht Polenz and others, clearly implicating that no negotiations on the Ukraine’s EU membership will take place in the near future.

Taking into account all of the above, it is quite clear that the effectiveness and success of the new initiative depends on a number of objective and subjective factors. But above all, it depends on the will of the Partnership members and the EU officials to fill this agreement with a real content and remove serious bureaucratic delays on the way to the ‘new partnership.’

Another obvious thing, and here we will argue against the sceptical camp on the European integration of Ukraine, or at least against some of its representatives, who critically assess the prospects of effective implementation of this project, is that the Eastern Partnership means the new format for the relations between Ukraine and the EU, which, on the one hand, seems to be a natural and harmonious development for nearly 20-year-long high-level bilateral EU-Ukraine relations. On the other hand, it confirms Ukraine's real status as the regional leader, and brings the Ukraine's relations with the EU to a brand new level. This conclusion is as obvious as the fact that no other country in Central and Eastern Europe has such positive, dynamic, relations as Ukraine and the EU. We believe that the positive cooperation experienced between the EU and Ukraine will continue to grow in the future, because as history shows (and it should not be treated as platitude) – Ukraine and the EU have objective interest in each other. Therefore, the Western and the Ukrainian experts are convinced that we should expect advancement of the European-Ukrainian diplomacy in the Eastern European direction.

Surely, to ensure efficiency of this advancement, action and efforts are required from both parties. As the previous experience shows – one-sided efforts bring little practical benefit. We can state that Ukraine has made significant progress toward rapprochement with the United Europe in the last five years. But, as it was rightly pointed out by the Director of the Central and Northern Europe Department of the MFA of the Slovak Republic, Pavol Ivan, 'The process of European integration is, above all, a 'serious homework' for the country, aspiring to join the EU in the future"<sup>4</sup>. Let's try to give an objective answer to the question, whether this 'homework' has been properly and fully done in Ukraine. The answer to this question is quite likely to raise a whole range of unresolved issues. One example can support the fact that Ukraine has no law on personal data protection, which is essential for adequate implementation of visa and migration operations between the EU and Ukraine, which in its turn, prevents effective progress toward visa-free travel of Ukrainian citizens to Europe. Unfortunately, quite a few similar examples can be cited. At the same time, it is clear that it is impossible to resolve these issues without an effective coordination of the foreign economic activity of Ukraine in its relations with the EU, and particularly the development of new adequate cooperation mechanisms. As it was already stated above, the EU has introduced a number of similar mechanisms of external support in recent years. One of them deserves some special attention, in our view. We mean the so-called 'neighbourhood mechanism' as coopera-

---

<sup>4</sup> P. Ivan, National Visegrad Coordinator, Ministry of Foreign Affairs of the Slovak Republic (February 4, 2010), interview by O.A. Сурніна-Далекорей, Н.М. Гичка.

tion in the format "V4+1", i.e. the Visegrad Four and Ukraine, which in the last ten years has established itself as one of the most effective cross-border and interregional cooperation programs both in addressing foreign policy issues, and in reinforcing economic and social relations between the EU and Ukraine in general.

## **UKRAINE – VISEGRAD: THE RESCUE TOOL**

Relations with the V4 countries have always been of fundamental importance to Ukraine. Firstly, it's because three out of four Visegrad countries are our direct neighbors that have a history of friendly relations with Ukraine. Secondly, all four countries serve as an example of successful advancement to the EU membership, thus their support and authority are very valuable and useful for the promotion of the Ukraine's European aspirations.

At present, the prime interest of Ukraine in relations with the Visegrad countries lies in cooperation that will create a favorable position of the EU towards Ukraine, particularly, in the context of Eastern Policy. The position of the V4 countries on further expansion of the EU is also substantial for Ukraine. It is important that all four countries realize the urgency of such relations and the need to intensify cooperation between Ukraine and the V4 countries on issues of mutual interest. They not only share these views, but support such cooperation with specific actions<sup>5</sup>. Ukrainian experts recognize that bilateral and multilateral cooperation with the Visegrad countries is one of the most productive forms of Ukraine's relations with the EU countries.

The start of formal relations between the V4 and Ukraine was at the meeting in High Tatras in December 1999, when the presidents of the four Visegrad countries expressed their willingness to support pro-European forces in Ukraine. Ukraine, in its turn, officially proclaimed the desire to cooperate with the V4 countries on the legislative level - in the Resolution of Verkhovna Rada of Ukraine 'On Main Directions of the Foreign Policy of Ukraine' in 1993<sup>6</sup>. The first step in this direction was the Poland-Ukraine intergovernmental agreement on regional cooperation of 1993. This agreement set the wheels in motion for the

---

<sup>5</sup> T. Strážay, "Regional Initiatives in Central Europe in 2005 – from Topical Specialization to Complementary of Approaches?", *Yearbook of Foreign Policy of the Slovak Republic 2006*. (Bratislava: Research Center of the Slovak Foreign Policy Association, 2006), pp. 83-84.

<sup>6</sup> Постанова Верховної Ради України "Про Основні напрями зовнішньої політики України", редакція від (July 7, 1993), <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=3360-12>.

specific segment of the international legal framework of Ukraine's cooperation with the countries of Central and Eastern Europe, particularly with the Visegrad countries.

Overall, we can state today that agreements of various levels, made at regular meetings of the V4 and Ukraine, have been successfully implemented over a long period of time. The latest of such events was a meeting in Budapest on March 2, 2010, attended by the Foreign Minister of Ukraine, Petro Poroshenko and the Foreign Ministers of the Visegrad Four, the member countries of the EU initiative 'Eastern Partnership', as well as Spain, Belgium, Baltic countries and the Chairman of the European Commission. The issues of further development of the Eastern Partnership, strengthening its institutional component in order to implement the goals, and improving cooperation mechanisms between the EU countries and the initiative members were discussed in the course of this meeting.

For his part, the Minister of Foreign Affairs thanked the participants for the ongoing support they provide to Ukraine in addressing the fundamental issues in its relations with the EU, as well as for the joint work on the 'roadmap' of visa-free travel regime between Ukraine and the EU.

Bilateral meetings of the Foreign Minister of Ukraine with the Vice Prime Minister and the Minister of Foreign Affairs of the Czech Republic Jan Kohout and the Minister of Foreign Affairs of Slovakia Miroslav Lajčák also took place in the context of the event. Key subjects of these meetings were the prospects of further bilateral cooperation with the Czech Republic and Slovakia in political, trade-economic, scientific, humanitarian and other areas, as well as the support of these countries in the implementation of the European integration course of Ukraine<sup>7</sup>.

2009 was marked as a very fruitful year for Ukrainian-Polish relations. Experts estimate it as a highly efficient interaction between the two countries on the issues of European integration, which were vital for Ukraine at the time. In particular, the work of the regular Polish-Ukrainian Conference on European integration was improved, active cooperation on the implementation of the Eastern Partnership project was deployed, and a series of measures for effective implementation of 'Support Sector Reforms in Ukraine 2009' were carried out. All of the above clearly demonstrate that Poland remains an active and consistent lobbyist of Ukraine's interests in Europe.

---

<sup>7</sup> Офіційний Веб-Сайт Міністерства закордонних справ України, <http://www.mfa.gov.ua/mfa/ua/news/init/main/1.htm?date=2010-3-2>.

The relations between Ukraine and Hungary have also been recognized as intensive due to a lot of the aspects of recent cooperation. Analysis of bilateral relations clearly indicates the significant increase in the Ukrainian-Hungarian contacts since 2005, when the Hungarian side made a number of specific proposals, directed at the promotion of the EU-Ukraine Action Plan implementation by Ukraine<sup>8</sup>. Events of the last four years confirm invariable commitment of Hungary to support Ukraine on its path toward European integration. This is particularly reflected by the well-defined schedule of contacts at high levels of expertise.

Thus, such examples of partnership clearly indicate that the Visegrad Four plays an important role in defining a clear EU strategy towards Ukraine, which has been confirmed by the specific actions of these four countries. This is evident from the support of democratic reforms at the highest level, intergovernmental contacts, and cooperation of experts to implement these reforms. Although such support of the democratization processes in Ukraine by the V4 countries is not characterized by great financial assistance, though clearly, the money is not such a crucial factor, when talking about the strategic objectives. What is more important, in our view, is the impact of the Visegrad states as equal partners, their knowledge and transformation experience, and their willingness to share them with Ukraine. The advantage of cooperation with the Visegrad states is in their recent experience of democratic transformations, and therefore, their understanding of priorities for the successful transition and consolidation of democratic institutes in general. Support of the Visegrad countries is essential and quite multi-level, as it doesn't only take form of intergovernmental consultations, but also comes through various segments of civil society, such as non-governmental organizations.

Visegrad NGOs have been working with their Ukrainian partners for a long time. This intensive cooperation began in the 1990's. These organizations include the following: the Stefan Batory Foundation in Poland, "People in Need" in the Czech Republic, Warsaw Institute of Public Affairs, European Institute and Foreign Policy Association in Slovakia. Visegrad NGOs actively support Ukraine's accession to the European Union and lobby this issue at various levels. Thus, these organizations repeatedly joined Poland in its attempts to bring the EU's attention to Ukraine, as a potential candidate for the membership (which later resulted in the establishment of the 'Eastern Partnership', the EU initiative), as well as joined the governments of Slovakia and Czech Republic in their assistance in implementation of the EU-Ukraine Action Plan.

---

<sup>8</sup> Є. Кіш, "Україна – Угорщина: сучасні пріоритетні напрями співробітництва", *Персонал* (2006:10), <http://www.personal.in.ua/article.php?ida=375>.

Thus, taking into account all of the above, we'd like to review in more detail the key aspects of cooperation between the V4 countries and Ukraine over the last ten years. We would also like to analyze all of the possible ways to deepen such cooperation between these countries in the future.

But before we get to this issue, we should note that there is currently no integrated archive for the Visegrad documents. This is due to the fact that the Visegrad as an association has no clear institutional framework or permanent structure, except for the International Visegrad Fund; therefore, centralized archiving is not performed even for the main documents and materials of the association. Various materials, including documentation on the Visegrad cooperation, are currently stored in different state archives of each member of the group. Such a state of affairs significantly complicates the scientific analysis, particularly of such issues as formation and development of cooperation between the Visegrad countries, formation of the foreign policy strategy of the association, including the regional cooperation of the countries, etc. With this in mind, the authors of the given article had to use various sources to research this issue. They include: officially published documents of the EU and the Council of Europe; materials posted on the official internet resources of the MFA and the President of Ukraine, containing analytical information on relations with the EU and individual Visegrad countries; materials of the official foreign press; and even such original sources as interviews.

## **UKRAINE – VISEGRAD: POLITICAL DIALOGUE**

Intensive development of the Ukrainian foreign policy relations with the countries of Central Europe has always been the priority for Ukraine for many reasons. Under the current circumstances, when the countries of this European region have already gained EU membership, bringing the border of the United Europe even closer to Ukraine, such relations take on a new special meaning. The fact of expansion is as important for the EU itself, forcing it to take active measures at its eastern borders in the search of new effective forms, mechanisms and types of cooperation with the neighboring countries.

Surprisingly, an extremely important and responsible task of installing the new eastern borders and developing the EU Neighborhood Policy under the new conditions fell onto the new EU members themselves, namely: Poland, Hungary and Slovakia. Such an important task was not accidentally laid on the shoulders of four countries, as rightly noted by Jozsef Munkachi (an expert on the Regional Cooperation of the Ministry of Foreign Affairs of Hungary), 'Wider



Europe requires more active contribution and involvement of the Visegrad Four. We can make our contribution to the 'Wider Europe – Neighborhood' Program and take an active part in it, based on our history, cultural heritage and knowledge of relations in this region. This is a testimony to the unity and coherence of actions, as well as to the value of undertaken initiatives in the Visegrad Four and the Visegrad Four Plus format<sup>9</sup>.

Such high evaluation of the Visegrad role in shaping the new Eastern Policy of the EU is well justified. Indeed, today most researchers, scientists and experts recognize the Visegrad Project as one of the most effective examples of successful regional integration of post-socialist countries on the brink of 20-21 centuries, which essentially brought them to the EU and NATO integration and continues to act as a coordination mechanism even after all four countries joined the EU. Successful resolution of the main task of these four countries was no doubt due to their Central European identity and solidarity, mutual assistance and support, as well as the efficient use of combined efforts. Over the years, all these factors led the Visegrad to the position of an integral component in the new security framework not only in the Central and Northern European region, but the continent security as a whole. It became a significant factor of stability and a great example of equal neighborly relations<sup>10</sup>. Therefore, it is a justified and natural fact that the Visegrad Group presently acts as a sort of outpost in the implementation of the new Eastern Policy of the EU in general, and for Ukraine in particular. For its part, Ukraine displayed high level of interest in the development of intensified relations in the 'V4+1' format, that is the Visegrad Four – Polish Republic, Slovakian Republic, Hungarian Republic, Czech Republic and Ukraine. Today we can clearly state that Ukraine has laid the foundation for the new format in its relations with the Visegrad thanks to the committed efforts on both sides. This can be proven by the fact that Ukraine's Prime Ministers attended two summits of the Visegrad Four Leaders in 2003 and 2005. In addition, regular meetings of the Foreign Ministers of Ukraine and the Visegrad countries take place. Regular consultations on the European integration of Ukraine are also carried out with the Association. Since 2007, Ukraine has attended annual meetings with the Chiefs of Defense of the Visegrad countries, where they ex-

---

<sup>9</sup> Й. Мункачі, "Які рекомендації щодо тісніших відносин України з ЄС можна зробити, враховуючи існуючий досвід?" (Досвід країн Вишеградської четвірки на шляху до ЄС: Можливості для України: Аналітичні оцінки). (Ужгород: Вид-во В. Падяка, 2003), p. 120.

<sup>10</sup> A. Jagodzinski (ed) *The Visegrad Group: A Central European Constellation*. (International Visegrad Fund: Bratislava, 2006); M. Rhodes, "Post-Visegrad Cooperation in East Central Europe", *East European Quarterly* Vol. 33, Issue 1 (1999), pp. 17, 51; R. Fawn, "Visegrad: The Study and the Celebration", *Europe-Asia Studies* Vol. 60, Issue 4 (2008), pp. 677-688; C. O'Connor, "The Status of Visegrad", *New Presence: The Prague Journal of Central European Affairs* Vol. 5, Issue 1 (2003), pp. 2, 33.

change experience and discuss military cooperation issues<sup>11</sup>. This list goes on and on. Therefore, the great significance imparted on the intensification of the dialogue by the parties led to the agreement on the need to transfer the meetings in the 'V4 +Ukraine' format on a regular basis.

Apart from the political dialogue, Ukraine and the Visegrad countries have recently achieved some positive results in the area of economic cooperation, while actively developing relations in the following areas: military-political, public administration, education and culture. In particular, the desire to enhance multilateral cooperation in these areas was declared by the Visegrad Four and Ukraine at the Prague meeting in April 2008<sup>12</sup>. The meeting of the Foreign Ministers of Slovakia, Poland, Czech Republic, Hungary, Ukraine and Sweden resulted in the adoption of the joint declaration on the European integration of Ukraine. In the course of the meeting, the support of Ukraine's European and Euro-Atlantic integration was yet again confirmed by the Visegrad countries. The parties stressed that cooperation within the Visegrad Four and Ukraine will have an impact on deepening relations between the EU and Ukraine.

## **UKRAINE – VISEGRAD: COOPERATION IN ECONOMIC, CROSS-BORDER AND MILITARY AREAS**

One specific example of support for the European aspirations of Ukraine can be the signing of bilateral protocols of access to the goods and services markets with the Czech Republic, Hungary, Poland and Slovakia. As a result, there was a significant growth in trade with these countries, reaching 60% in some cases<sup>13</sup>. According to experts, investment cooperation between Ukraine and the Visegrad Four has also intensified, despite the global economic crisis in 2009. In addition, Hungary and Poland are actively using the possibilities of cooperation with Ukraine in the transport sector. Cooperation in the energy sector is equally important in the context of discussing possible ways of strengthening trade-economic

---

<sup>11</sup> О. Зарицький, "В-4+", *Зовнішні справи* (2008), pp. 18-21.

<sup>12</sup> "Joint Statement of the Ministers of Foreign Affairs of the Visegrad Group Countries, Sweden and Ukraine", Visegrad Group (April 23, 2008), <http://www.visegradgroup.eu/main.php?folderID=113&articleID=15586&ctag=articlelist&iid=1>.

<sup>13</sup> A. Duleba, "Relations with its Eastern Neighbors in 2007", *Yearbook of Foreign Policy of the Slovak Republic 2007 (2008)*. (Bratislava: Research Center of the Slovak Foreign Policy Association, 2008), pp. 68-73; A. Duleba, "Relations with its Eastern Neighbors in 2008", *Yearbook of Foreign Policy of the Slovak Republic 2008 (2009)*. (Bratislava: Research Center of the Slovak Foreign Policy Association, 2009), pp. 113-116.

cooperation between the Visegrad countries and Ukraine. In particular, an active part is played by the Visegrad companies in the Ukrainian project of transporting Caspian oil to Europe (EAOTC project). Besides, the V4 experience of transition to the world energy prices can play a great role in promoting energy independence of Ukraine. It's clear that to ensure the most efficient use of the gas transportation system, it is vital to maintain independence while setting the transit fees by the market principles in compliance with the European Energy Charter.

The issues of cross-border and interregional cooperation are equally important to Ukraine and the Visegrad countries. The parties consider such cooperation to be a part of the overall European integration process. For example, a fundamentally new 'Agreement between the Cabinet of Ministers of Ukraine and the Government of the Slovak Republic on Cross-Border Cooperation' was signed in Bratislava in December 2005. Undoubtedly, the Visegrad countries and Ukraine realize that this sphere of cooperation requires adoption and implementation of fast and efficient solutions. First of all, we are talking about the need to establish the adequate border infrastructure and develop mutually advantageous economic cooperation between the border regions of the Visegrad Four and Ukraine, etc. In this context, the European Commission invited Ukraine to start 'neighborhood programs' in 2004 – 2006 in order to improve the cross-border cooperation between the EU and Ukraine. Implementation of these programs contributed even more to the active cooperation between the Visegrad Four, Ukraine and the European Commission. Thereafter, Ukraine was offered to take part in the following three 'neighborhood programs': 1) Cooperation between Ukraine, Poland and Belarus; 2) Cooperation between Hungary, Slovakia and Ukraine; 3) Cooperation of Ukraine with the countries of Central and Eastern Europe (CARDS). Program participants were given the opportunity to independently set the joint priorities for their cross-border cooperation and develop common management structures.

Also, all four countries give much importance to the formation of Euroregions, which they view as a new effective tool of bilateral and regional communication, as well as the means of preventing adverse events happening near the borders. The Visegrad Four countries co-emphasize the need to continue implementation of such measures as important mechanisms of involving Ukraine in European events and the European integration processes.

In general terms, the current cross-border and interregional cooperation between Ukraine and the V4 countries takes on the following forms: 1) neighbourhood programs; 2) Euroregions; 3) international regional organizations and associations; 4) interregional cooperation (agreements on cross-border cooperation with all V4 countries, involving Lviv, Volyn, Vinnytsia, Chernivtsi, Zakarpat-

tia and other oblasts). This cooperation is clearly beneficial and promising for Ukraine, as it helps to improve the near-border territories, socio-economic and cultural relations with the V4 regions, as well as the process of European integration at the regional level and in general. Besides, the experts recognize that the present state of cooperation between Ukraine and the Visegrad countries in this area is far from its development potential. The key factors, hindering effective regional cooperation, are lack of attention from the Central Government to such development programs, limited powers of the local authorities to ensure fruitful cooperation and insufficient funding.

Cooperation between Ukraine and the V4 countries in the area of Justice and Law Enforcement Agencies is quite successfully deployed in compliance with the Action Plan of the Joint Initiative, adopted at the Summit of the Visegrad Leaders in the Hungarian city of Esztergom in June 2002.

Military cooperation plays an important role in the V4+Ukraine relations. Since 2002, the Ministers of Defence of the Visegrad countries hold annual meetings in order to discuss important issues, related to the Defence Policy of the group. Ukraine has been attending these meetings since 2005. Such a work format was initiated to promote the establishment of effective cooperation of our country with the V4 Group in the context of Ukraine's preparation to join NATO. The meetings of the Chiefs of Defence are carried on the same grounds (Ukraine has taken part in such meetings since 2007). Representatives of five countries meet to exchange experience and discuss issues of military cooperation. As a result of the eleventh meeting of the Visegrad Four Committee, which took place in September 2009 in Gdynia, Poland, a joint declaration was signed and adopted in the 'V4+Ukraine' format by the Visegrad military organizations and trade unions, urging the governments of the Visegrad Four to cooperate and join their efforts in the area of social protection of servicemen and their families. The next meeting in the 'V4+Ukraine' format was scheduled for September 2010 in Hungary<sup>14</sup>.

## **VISA POLICY: THE PRICE TO BE PAID**

The problem of the visa regime and its liberalization for many years has been one of the key questions in all official and informal negotiations of Ukraine's lead-

---

<sup>14</sup> "Вышеградская четверка: перспективы восточно-европейской безопасности" (September 22, 2009), <http://antenna.com.ua/news/12825.html>.

ership with the Visegrad Four. During the period under study the Visegrad countries demonstrated different approaches to the visa policy with Ukraine. If Poland and Hungary stood for the principle of the visa free regime, the Czech Republic and Slovakia kept to the policy of preserving entry visas for Ukrainian citizens. Thus, Hungary and Poland confirmed their positions in this question with concrete steps and introduced in October-November 2003 “asymmetric visa regime” with Ukraine that foresaw visa-free entry to Ukraine of citizens of Hungary and Poland in return for free of charge visas for citizens of Ukraine. The Ukrainian party treated these steps as a practical contribution of these countries to strengthening good neighborly relations.

Slovakia introduced a visa regime for Ukrainian citizens on July 1, 2000. Starting from March 2001 due to numerous complaints of Ukrainian citizens criticizing the bureaucratic delays in visa issue, Slovakia took some measures to facilitate the visa regime with Ukraine. In August 2003 the Slovak Republic passed a resolution on further liberalization of the visa regime with Ukraine. The visa regime with the Czech Republic remains one of the most severe ones. Despite numerous consultations, the attempts to facilitate the visa regime between the two countries have not been realized.

It is evident that in the future the situation will change. This supposition can be confirmed by the statement made by the Italian Foreign Minister Franco Frattini after the meeting of ministers of foreign affairs of the EU in February 2010, “After common discussions of the situation in Ukraine after the presidential elections at the European Council on Foreign Relations it was obvious that Europeans wanted to draw Ukraine near to their community and foster the idea of liberalization of the visa regime”<sup>15</sup>. The Foreign Minister of Poland Radosław Sikorski supported his Italian colleague: „The EU has to improve support of those in Ukraine who are willing to approximate to Europe by offering a road map to the visa free regime”<sup>16</sup>. In this context it should be noted that the policy directed at possible liberalization of the visa regime between the EU and Ukraine was intensified mostly due to the pressure from the CEE countries, not in the last turn due the lobbyist of Ukraine’s interests in the EU – the Republic of Poland. Hungary also actively supported changes to the agreement on liberalization of the visa regime. Thus, these two countries by signing the Agreement on local border traffic has practically made the first step to visa free regime between citizens of Ukraine and the EU. At the same time as European experts say, the road map to

---

<sup>15</sup> “Евросоюз согласился пойти на сближение с Украиной”, *Deutsche Welle* / П.3. (February 23, 2010), <http://ru.tsn.ua/ukrayina/evrosoyuz-soglasilsya-poiti-na-sblizhenie-s-ukrainoi.html>.

<sup>16</sup> *Ibid.*

the visa free regime for Ukrainian citizens is not a guarantee for achievement of real changes, because the plan suggested by the EU is connected with many severe conditions.

## **WHAT UNITES US**

Together with the above mentioned processes there are also other forms of cooperation and mutual assistance between the Visegrad Four countries and Ukraine, e.g. cooperation in the sphere of culture and education. It is a well-known fact that the long-term historic neighborhood of the Visegrad countries and Ukraine predefines their active cultural interaction. This factor also influences the dynamic development of cooperation between Ukraine and Poland, Slovakia and Hungary in the sphere of culture, education, national minorities. For example, every year there are many various cultural events organized, numerous cultural and educational centers are established. A special role in extension and promotion of a closer cooperation between the Visegrad countries and Ukraine is played by the International Visegrad Fund (IVF) that was established five years ago with the purpose of promoting cultural, scientific and educational projects, youth exchanges and tourism promotion. The Fund was established in 2000 by Poland, Slovakia, Hungary and the Czech Republic with the purpose to promote closer cooperation between these countries in the context of their accession to the EU<sup>17</sup>. Then the activity of the Fund expanded to the neighboring CEE countries, in particular in 2005 to Ukraine. A number of countries of Southern Europe as well as a Southern-Caucasus Region also joined the Fund's activity. The major part of the programs of the IVF is represented by grant projects in which NGOs, municipalities, local authorities, and educational institutions participate. The Fund's budget from 2007 makes 5 million Euro and is formed through equal contributions of the governments of the Visegrad Group countries.

The IVF has developed a full set of social programs for such CEE countries as Ukraine, Belarus, and Russia. "Such a considerable interest in cooperation with the countries of the region is explained by the immediate vicinity of these countries to the Visegrad Group", explains Jiří Sýkora, Public Relations Coordinator of the IVF. According to Mr. Sýkora, the factor of stability in Ukraine is extremely important for regional stability. Besides, the "openness" of Ukraine improves the

---

<sup>17</sup> A. Jagodzinski (ed) *The Visegrad Group: A Central European Constellation*. (International Visegrad Fund: Bratislava, 2006).

chances for development of contacts with the countries of the Caucasian region<sup>18</sup>.

In its turn Ukraine, Belarus, and Russia are of great interest for young researchers from the V4 countries who have chosen to research the problems of international relations in the Eastern European direction, as well as political, cultural, and language characteristics of this part of the continent. Because of the same reasons young Ukrainian scientists from Ukraine, Belarus, and Russia also visit the Visegrad countries very actively. Today, in our opinion, bilateral relations between Ukraine and the V4 in the sphere of culture and science are evidently among the most fruitful.

Assistance to Ukrainian students in the form of scholarships is essential. The budget of the Fund yearly allocates money for financing programs in countries that do not belong to the Visegrad Group. So in 2008 the Fund approved over 15% of the funds for this purpose, 8% that is 359 thousand Euro was allocated for Ukraine<sup>19</sup>. In 2009 the International Visegrad Fund, for the fourth time, announced a scholarship program for Ukrainian students and aspirants. The majority of students that win these scholarships are from the Kyiv-Mohyla Academy, Kyiv National Taras Shevchenko University, universities of Uzhgorod, Ivano-Frankivsk. Today more and more students from Kherson, Odesa, Bila Tserkva and Crimea also take interest in scholarships. 77 Ukrainian students got a scholarship from the IVF in 2009<sup>20</sup>.

Besides, considerable funds in the last three years were allotted not only for scholarship programs, but also for support of social projects, e.g. "Development of cities through European integration. Experience of the Visegrad countries for Ukraine" that is realized by the Ukrainian Institute of Society Transformation with the support of the IVF. The goal of this project was building humanitarian and economic relations between Ukrainian and European cities, developing dialogue between different segments of town communities, exchange of experience in municipal administration in towns. The project was aimed at providing a resolution for concrete practical tasks on the way to the European integration of Ukraine. The efficiency of this project inspired its organizers to continue cooperation, not at the level of cities, but at the level of regions<sup>21</sup>.

---

<sup>18</sup> J. Sýkora, Public Relations and Visegrad + Program Coordinator. International Visegrad Fund (February 3, 2010), interview by O.A. Сурніна-Далекорей, Н.М. Гичка.

<sup>19</sup> Visegrad Fund: 2008 Annual Report, Guideline To 2009 Programs, *International Visegrad Fund* (2009), pp. 12-13.

<sup>20</sup> *Ibid*, pp. 46-48.

<sup>21</sup> "Міжнародна партнерська зустріч українських міст та міст країн Вишеградської групи", *Інститут трансформації суспільства*, <http://ist.osp-ua.info/material.php?pokaz=2233>.

## **CONCLUSIONS**

What conclusion can be made from the above? It is evident that multilateral cooperation of Ukraine with the Visegrad Four countries during the last decade is characterized by significant achievements. Close historic ties and common foreign policy goals of the modern Ukraine and the Visegrad Four became the foundation for effective development of good neighborly relations at the current stage and created opportunities for further large-scale interaction in the future. It goes without saying that the relations between Visegrad-Ukraine are quite balanced. Successful realization of bi- and multilateral agreements, which resulted from regular meetings at all levels testifies to that. All this creates a firm foundation for further extension of this cooperation based on mutual consideration of interests of the parties.

At the same time regular summits and meetings of the parties in the format "V4+Ukraine", constant political consultations, active work of the Fund in Ukraine prove the fact that European and Euro-Atlantic integration of Ukraine is a common interest of the Visegrad countries that clearly understand that European standards of Ukraine mean predictable stable development, strengthening of the civic society of our country, etc. Moreover, this is a considerable contribution to the all-European stability and security that is a high priority goal not only of the CEE region, but Europe in general. It is obvious that the EU wants to have stable partners, whose geographical vicinity will not threaten stability with an abundance of negative effects for the united Europe. That is why the EU has to support its neighbors in their modernization efforts that contribute to an increased level of well-being and implementation of stable democracy.

In this context we can certainly state that at the modern stage the neighborhood and partnership policy is one of the most important instruments of the EU in regards to its new Eastern neighbors. It is also clear that realization of this policy will require from Europe significant efforts and resources. Taking into account the European significance of the tasks that the Eastern Partnership program pursues, it is evident that the EU will have to engage various mechanisms for its effective realization. One efficient way of cooperation, in our opinion, is the instrument of interaction in the format of "V4 + 1".

The basis for such statements is growth in influence and attractiveness of the Visegrad countries in the sphere of foreign policy, as demonstrated by them with quick and efficient examples of Euro-Atlantic integration. A possibility of extending this experience generated by the Visegrad states during their preparation for the EU membership to other post-socialist states has enabled them to provide



support in transformational processes that are taking place in the CEE countries and Ukraine in particular.

Taking into account the completed analysis, we can certainly admit, that the Visegrad countries developed quite flexible and various foreign policy relations and cooperation with Ukraine in the framework of development and realization of the good neighborly policy of the EU. The main directions of cooperation between Ukraine and the Visegrad: 1) providing solidarity support by the Visegrad states to the European integration aspirations of Ukraine; 2) experience transfer in European integration by the Visegrad countries to Ukraine; 3) coordination of foreign policy activity of Ukraine and the Visegrad Group at a bi- and multilateral level; 4) forming a multi-level mechanism of cooperation of the Visegrad and Ukraine in the form of participation of Ukrainian representatives at the meetings of various Visegrad structures and special joint commissions; 5) extension of the International Visegrad Fund's programs to Ukraine.

This outline of cooperation between Ukraine and the Visegrad Group during more than 10 years was supported by concrete propositions and decisions in the following spheres: political cooperation, trade and economic cooperation, cooperation in the sphere of justice and internal relations, in transport infrastructure, energy and communication, as well as culture, education, personal contacts.

Despite this extended deep and comprehensive interaction between the countries in various spheres and the achievement of common results, the evaluation of the results of cooperation testifies that there is a number of problems that have slowed down the development of interregional and trans-border cooperation between the countries. The list of these objective and subjective factors lies in the same shape of both parties: insufficient speed of structural and economic reforms in Ukraine and approximation of Ukraine's legislation, norms and standards to those of the EU, on the one hand, and discriminating visa policy, for example, of Slovakia and the Czech Republic to Ukrainian citizens as well as insufficient level of funding of development programs offered by the Visegrad Group or by the EU, on the other hand. At the same time it is obvious that the resolution of these questions in the future will show new ways and opportunities for interaction between Ukraine and the Visegrad countries.

## **RECOMMENDATIONS**

Taking into account the long-term experience of efficient cooperation between the Visegrad Group states and Ukraine, which resulted in considerable extension of spheres and channels of this interaction, as well as realizing the importance of the continuing transformation process in Ukraine as an essential condition for further dynamic cooperation in this format, we envisage a number of necessary conditions and possible forms for deepening cooperation of Ukraine with the Visegrad Four in the future:

1. A mid-term goal of cooperation is the complete elimination of visa requirements between Ukraine and the Visegrad states and implementation of really transparent (and not declarative) simplified visa policy for citizens of border territories as an essential goal of good neighborly relations at the current stage. It is necessary to enlarge consulates of the Visegrad states in Ukraine, which could minimize obstacles in development of dynamic economic, cultural and humanitarian relations between the countries.
2. Further development of regional and trans-border cooperation between the Visegrad Group and Ukraine, in particular development of such components as common activities in the sphere of border control, mutually beneficial economic cooperation of border regions, intensification of trans-border cooperation in tourism, etc. Further strengthening of trans-border cooperation should be provided due to a better financing of regional cooperation projects on both sides.
3. Continue cooperation between the V4 and Ukraine within the Euroregions that in our opinion fosters strengthening of good neighborly relations between the states and represents an efficient instrument for integration of Ukraine into European structures. At the same time Euroregions is an important mechanism for approbation of compatibility of legislation and legal systems of the states.
4. Develop partner relations in the framework of trans-border cooperation between local regional authorities, companies, regional law-enforcement authorities, NGOs, etc. One of the possible instruments of this cooperation can be establishment of European integration departments within local authorities. This will successfully resolve the question of lack of professionals in trans-border cooperation at the local level.
5. Intensify cooperation in the sphere of secure transit of energy carriers as the precondition for sustainable strategic partnership of the countries of the re-

- gion. First of all cooperation in the sphere of energy saving technologies and realization of the project of Euro-Asian Oil Transport Corridor, which is included into the strategy of the EU energy security.
6. A great potential of close cooperation is attached to the sphere of tourism and recreation. Today tourism is considered by experts as one of the most effective stimulatory factors for development of border territories. So, it is worth while providing the state support and promotion of partner relations between agencies for regional development, professional associations for tourism development, local authorities, innovative organizations, associations and centers for SME promotion, cultural and religious organizations.
  7. Enhance investment and technological cooperation between the countries. Of special value could be the possibility of studying and exchanging the V4 experience in creation of a favorable investment climate and innovative environment which will attract investment and allow the realization of joint investment projects in these countries. It is essential to develop a multi-branch infrastructure for investment and innovative development in Ukraine both at the national and regional levels. In particular it is necessary to intensify the activity of the State Agency of Ukraine for Investment and Innovations aimed at dissemination of information on potential companies partners to the Visegrad states. It is also required to provide efficient legislation on protection of investors.
  8. Cooperate in the sphere of telecommunications and postal service. It is important for the V4 countries to inform the Ukrainian party about the experience acquired in the process of European integration and approximation of telecom standards to the European norms. Intensification of such consultations is especially topical, as Ukraine and Poland are making preparations for EURO 2012 that requires an active cooperation of Ukrainian and Polish telecom operators for development of telecom technologies in the region.
  9. Disseminate information through mass media on constantly working mechanisms of cooperation between Ukraine and the Visegrad countries in different spheres with the purpose to create an atmosphere of trust in the CEE region and inform the beneficiaries and all interested persons on opportunities that this cooperation offers.
  10. Support cultural cooperation; strengthen interaction in the sphere of education and tourism through real people-to-people contacts. Such measures can include: promotion of the languages of the V4 countries in Ukraine,

development of interaction between different cultural, educational and research institutions of the Visegrad Group and Ukraine, development of the European dimension of Ukraine's education, notification of diplomas and terms of studies of Ukrainian universities, promotion of youth exchange, etc.

11. From the prospect of strengthening Ukraine's position on its way to the European integration it is important to create new research and educational centers which are able to develop and implement various projects in the sphere of European integration. Support educational activities at Ukrainian universities through development of special chairs on European integration or support professors and scientific researches in European studies.
12. With the purpose to disseminate information and educate citizens on acute problems of the European integration strategy of Ukraine, it is worth recommending that the Ministry of Foreign Affairs compiles and distributes a specialized practical book in the framework of the State program on informing society on the question of European integration of Ukraine. This book will cover advantages and prospects of some instruments of European cooperation, e.g. "Visegrad and Ukraine: ways of interaction", etc.
13. Provide regular update on the websites of the state periodicals of the section on problems and prospects of Ukraine's European integration. Start publishing archive-reference/analytical specialized editions on problems of development of the cooperation system of the Visegrad member states, process of forming the strategy of foreign policy activity of the organization, cooperation of the Visegrad states and Ukraine, etc.

Efficient use of all these possible cooperation instruments in the format "V4+Ukraine" is sure to help Ukraine to advance further on its way to the European Union in the future.

## REFERENCES

- Duleba, A., "Relations with its Eastern Neighbors in 2007", *Yearbook of Foreign Policy of the Slovak Republic 2007 (2008)*. (Bratislava: Research Center of the Slovak Foreign Policy Association, 2008), pp. 68-73.
- Duleba, A., "Relations with its Eastern Neighbors in 2008", *Yearbook of Foreign Policy of the Slovak Republic 2008 (2009)*. (Bratislava: Research Center of the Slovak Foreign Policy Association, 2009), pp. 113-116.
- "Евросоюз согласился пойти на сближение с Украиной", *Deutsche Welle* (February 23, 2010), <http://ru.tsn.ua/ukrayina/evrosoyuz-soglasilsya-poiti-na-sblizhenie-s-ukrainoi.html>.
- Fawn, R., "Visegrad: The Study and the Celebration", *Europe-Asia Studies* Vol. 60, Issue 4 (2008).
- Jagodzinski, A. (ed) *The Visegrad Group: A Central European Constellation*. (International Visegrad Fund: Bratislava, 2006).
- "Joint Statement of the Ministers of Foreign Affairs of the Visegrad Group Countries, Sweden and Ukraine", *Visegrad Group* (April 23, 2008), <http://www.visegradgroup.eu/main.php?folderID=1113&articleID=15586&ctag=articleIst&iid=1>.
- Кіш, Є., "Україна – Угорщина: сучасні пріоритетні напрями співробітництва", *Персонал* (2006:10), <http://www.personal.in.ua/article.php?ida=375>.
- "Міжнародна партнерська зустріч українських міст та міст країн Вишеградської групи", *Інститут трансформації суспільства*, <http://ist.osp-ua.info/material.php?pokaz=2233>.
- Мункачі, Й., "Які рекомендації щодо тісніших відносин України з ЄС можна зробити, враховуючи існуючий досвід?" (Досвід країн Вишеградської четвірки на шляху до ЄС: Можливості для України: Аналітичні оцінки). (Ужгород: Вид-во В. Падяка, 2003), p. 120.
- Nash, M., "The Boldest Outreach: the Eastern Partnership Initiative of the European Union", *Contemporary Review* Vol. 291, Issue 1694 (2009).
- O'Connor, C., "The Status of Visegrad", *New Presence: The Prague Journal of Central European Affairs* Vol. 5, Issue 1 (2003).
- Офіційний Веб-Сайт Міністерства закордонних справ України, <http://www.mfa.gov.ua/mfa/ua/news/init/main/1.htm?date=2010-3-2>.
- Постанова Верховної Ради України "Про Основні напрями зовнішньої політики України" (July 7, 1993), <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=3360-12>.
- Rhodes, M. "Post-Visegrad Cooperation in East Central Europe", *East European Quarterly* Vol. 33, Issue 1 (1999), pp. 17, 51.
- "Східне партнерство", Урядовий портал, [http://www.kmu.gov.ua/control/uk/publish/article%3Fart\\_id=224168250&cat\\_id=223345569](http://www.kmu.gov.ua/control/uk/publish/article%3Fart_id=224168250&cat_id=223345569).

Strážay, T. "Regional Initiatives in Central Europe in 2005 – from Topical Specialization to Complementary of Approaches?", *Yearbook of Foreign Policy of the Slovak Republic 2006*. (Bratislava: Research Center of the Slovak Foreign Policy Association, 2006), pp. 83-84.

"Угода про партнерство і співробітництво між Україною і Європейськими Співтовариствами та їх державами-членами", редакція від (November 10, 1994) на підставі 237/94-вр, чинний, [http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=998\\_012](http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=998_012).

"Visegrad Fund: 2008 Annual Report, Guideline To 2009 Programs", *International Visegrad Fund* (2009), pp. 12-13.

"Вышеградская четверка: перспективы восточно-европейской безопасности" (September 22, 2009), <http://antenna.com.ua/news/12825.html>.

Зарицький, О., "В-4+", *Зовнішні справи* (2008), pp. 18-21.

# **DISCUSSION**

# **Modern Status and Future of Relations Between Ukraine and the Visegrad Group: Vision via the International Legal Regulation Mechanism**

**Heorhiy Dynys**

The problem of a relationship of the Visegrad Group (V4) and Ukraine is topical both in theoretical and practical context. Therefore it would be reasonable to draw your attention to the following key aspects.

The basis of international relations between the V4 countries (the Czech Republic, the Republic of Hungary, the Republic of Poland and the Slovak Republic) is a certain quasi- mechanism of international-legal regulation, a functional role, of which in a broader sense is a regulation of interstate regional relations and formalization of integration initiatives of the V4. A proper comprehension of the active mechanism of international-legal regulation of interstate relations between Ukraine and the V4 offers a real possibility to make a pragmatic assessment regarding the regional co-operation of Ukraine with the international political union of the V4, in identifying common interests and declaring values of interstate co-operation with Ukraine in terms of the V4 belonging to both the NATO and the EU club as well.

International Law is international politics. This is a paraphrase of the conceptual thesis of a famous international lawyer Louis Henkin (University Professor Emeritus from the Columbia University, School of Law, USA): "First of all law

---

*Heorhiy Dynys is a Professor and a Head of Chair of International Law and International Relations of the Zakarpattya State University (Uzhgorod).*



- is politics." The status of the V4 in the system of regional European relations is stimulated by the content of regional co-operation on the basis of bilateral and multilateral agreements, consultations, political declarations aimed at the coordination of foreign political positions and the formation of common approaches to the issues which present a common interest for the participants.

The mechanism of international legal regulation of interstate co-operation of the V4 and Ukraine includes the system of international legal means and influence on methods of regional interstate legal relations, which have common borders. This is in accordance with Prof. I. Lukashuk's legal formula (former Head of the Centre of international-legal researches of the Institute of the State and Law, Russia; Head of the Chair of International Law at Kyiv State University and a member of UNO International Law Commission). In the international legal context, the V4 Group is a regional international quasi-union of its four member states, the Czech Republic, Hungary, Poland and Slovakia.

The de-iure background for the foundation of the V4 is the Declaration on Co-operation between the Czech and Slovak Federal Republic, the Republic of Poland and the Republic of Hungary was adopted at the meeting in Visegrad on February 15, 1991. In the process of realizing regional priorities in the sphere of economic co-operation of the V4, the Central European Free Trade Agreement (CEFTA) was signed and the International Visegrad Fund was formed. At the same time, the Declaration on Co-operation does not contain a certain system of international rights and obligations of the afore mentioned formation and some other legal peculiarities, the availability of which would bear witness to the status of an international formation as an international organization. Practically, the clauses of the 1991 Declaration formulated the answer to the legal nature of an organizational and institutional constituent of the V4. Indeed, clause 5 of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations (21 March, 1986) contains a rule that it: "applies to any treaty between one or more States and one or more international organizations which is the constituent instrument of an international organization and to any treaty adopted within an international organization...". Thus, the V4 does not match with postulates of classic international law, as regards its legal status as an international organization<sup>1</sup>. De-iure, there is no international treaty between the states on establishing an international organization that would legally determine this grouping as an international legal entity, i.e. its international legal status, international rights and international obligations, international legal capacity to take part in international law-making, to be entitled to privileges and

---

<sup>1</sup> T. Strážay, in: J. Liptáková, "The Strategic Importance of V4", *The Slovak Spectator* (August 31, 2009).

immunities as well as the international legal responsibility (within the V4 co-operation structure, the only entity with the status of international organization is the International Visegrad Fund).

Moreover, it would not be justified to be limited by classic international legal approaches to evaluations concerning the legal nature of the V4, its decisions, resolutions, declarations, and agreements. The activity of the V4 confirms that the usage of a so-called soft law becomes significant for the EU law when member states are authorized to implement EU-level decisions directly. Since May 1, 2004, when the four Visegrad countries joined the European Union, their international legal opportunities were stipulated and limited by their international obligations and rights provided by the European Union's constitutional treaties.

The realization of trans-frontier co-operation of the V4 with Ukraine is a matter of priority for regional co-operation. In this respect, legally, it can be provided when considering the basis of the European Outline Convention on Trans-frontier Co-operation Between Territorial Communities or Authorities (Council of Europe, Madrid, 1980), the Additional Protocol (ETS No. 159, 1995) and Protocol No. 2 (ETS No. 169, 1998) and also ratified bilateral agreements on state borders. The practical contribution of these treaties is that they create a foundation mechanism of applicable international legal regulations for interstate regional relations at bilateral and multilateral levels - providing legal regulations of trans-frontier co-operation for both legal entities and physical persons. The main obstacles for the practical implementation of the European Outline Convention on Trans-frontier Co-operation by advocates of international law are the differences in national legal order (in Ukraine, for example) which prevent the direct implementation of convention norms.

Therefore, on considering the example of segments of economic co-operation in the sphere of transfrontier co-operation, it would be plausible to formulate a hypothesis that an active international legal status of the V4 as an international political institution, and a corresponding international legal mechanism of regulating interstate relations, stipulates seemingly pragmatic possibilities as to the realistic assertion of content, size and indeed of the workable co-operation and future prospects between Ukraine and the V4 respectively. The basis of this thesis *de-iure* is the status of the V4 states as EU law advocates; followers of the EU and NATO rules and regulations, which determines a systematically creative algorithm. International rights and obligations resulting from the EU (and NATO) membership stipulate the amount of international rights and obligations and restrict their competence in their relations with Ukraine. A confirmation of this hypothesis is the international legal analysis of active normative clauses of the Visegrad Declaration (May 12, 2004), namely: "The Prime Ministers of the Czech Republic, the

Republic of Hungary, the Republic of Poland and the Slovak Republic, assembled on May 12, 2004 in Kroměříž, state with full satisfaction that the key objectives set in the 1991 Visegrad Declaration have been achieved and declare their determination to continue developing the co-operation of the Visegrad Group countries as Member States of the European Union and NATO”.

At the same time, taking into account the key thesis formulated at the beginning that international law is international politics, it would be logical to extend the afore mentioned key point, namely: creation and further development of the mechanism of international-legal regulation of relations of the V4 with Ukraine depend on the political will of the participants. This argument unwittingly assumes the role of a systematic founding criterion of future co-operation and development within the framework of the V4 and (plus) Ukraine.

# Important Aspects of Ukraine's Euro-regional Cooperation in the Context of the Visegrad Four's Experience

**Ivan Artjomov**

Confirmation of Ukraine's priority of achieving European integration after the presidential elections in 2010 encourages scientists to study the international and inter-regional relations of the Visegrad countries, taking into account their experience. This is of principal importance for comprehending key issues of regional and cross-border cooperation in qualitatively new conditions for deepening the European integration process. The urgency of problems has been exacerbated by the creation of the Ukrainian EU border; the introduction of a Schengen Area and the emergence of new challenges for Ukraine in terms of the global economic crisis and destabilization of the financial situation in the European Union, clearly manifested in the financial institutions of Greece, Hungary, Portugal and Spain.

We know that Euro-regional level of integration is based on common territorial borders of states that have been integrated in a similar way and this has been complemented by the historical development of natural, economic, transport and communication, scientific and technical potential, common economic problems, foreign policy and geopolitical interests. Considering the emphasis placed on the Euro-regional integration of Ukraine, the experience of the Visegrad Four is interesting and can be referred to when researching:

- Status of Ukraine's Euro-regional cooperation in the intensification of "eastern" foreign policy vector after the 2010 presidential elections;
- Appropriate steps of the EU towards Ukraine arising from the Eastern Partnership and especially strengthening a dialogue on associate membership and a free trade zone;

---

**Ivan Artjomov** is an associate professor and a Director of the Educational-scientific Institute of European Integration Studies at the Transcarpathian State University.

- Ratio between Ukraine's Euro-regional cooperation and the Ukrainian-Russian dialogue and practical action within the sphere of mutual cooperation in eastern regions of our state and Russia, Belarus and several Asian countries.

Based on our experience, and taking into account the practice of cooperation of the Visegrad Four, Euro-regional cooperation has developed in many areas in the Ukraine. We know that there are four key levels of Euro-regional cooperation:

- *International level*: a policy of European interests; coordination of national and regional policies for participation in a balanced development of European space;
- *State level*: national policy of developing Euro-regional cooperation is worked out and national interests are consistent with European ones; harmonization of national and regional objectives is conducted;
- *Regional level*: regional policy of Euro-regional cooperation is implemented considering the interests of state and local authorities, and the coordination between the regions of neighboring countries;
- *Local level*: coordination of development plans by local authorities, with significant focus on regional and national interests, cooperation between the subjects of border areas.

If we tried to simulate the geopolitical scheme of Ukraine's Euro-regional cooperation, it would look like the following example:

Fig. 1: Geopolitical model of Ukraine's Euro-regional cooperation

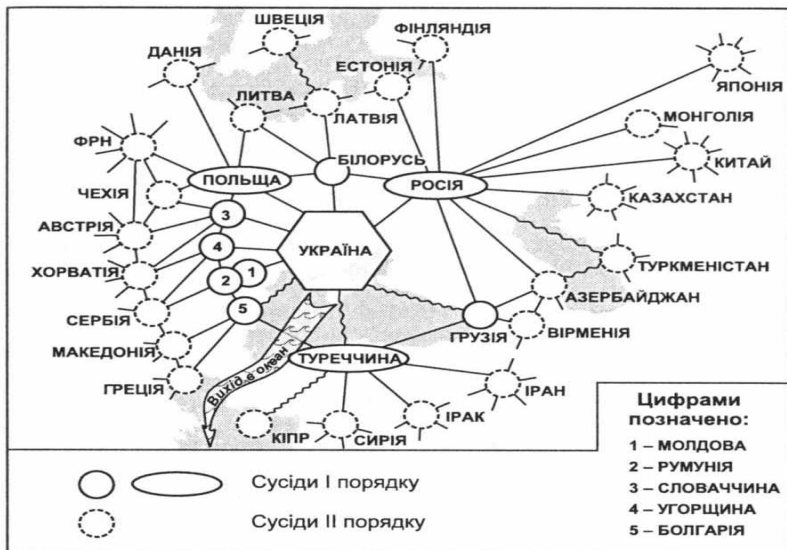


Рис. 7.6  
Граф "Україна" в системі країн центральної частини Євразії

Ukrainian territory in the zone of border influence has always been extremely politically and economically important. The geographical location of Ukraine, its role in the geopolitical area significantly influenced the cooperation of regions in the center of Europe, where above all common interests of Ukraine and neighboring countries appeared and were realized.

*Ukraine was able efficiently use its geographical position in Europe by identifying priority areas of cross-border cooperation in the system of common regional development. That's why it is needed for Ukraine's Euro-regional cooperation:*

- Maintenance and installation of necessary business contacts with relevant European institutions and regional organizations - the Chamber of Regions of Europe, Committee of Regions and local councils of the European Union, the Association of European Regions Societies, etc.;
- Measures to adapt existing legislation of Ukraine, providing Euro-regional cooperation with EU standards, and measures to improve on the legal framework and institutional support of Euro-regional cooperation;
- Improvement of state financial assistance programs and projects of Euro-regional cooperation and European regions development;
- Development of specific projects in Euro-regional cooperation, ensuring their further advancement in the EU institutions, international financial institutions, management institutions, at the stage of these projects to ensure their qualified staff, especially district and village levels;
- Improvement of providing information on the Euro-regional cooperation, and ensuring its reliable and comparative statistical information across borders.

*Another important factor in the practical experience of the Visegrad Four is the result of efforts in association with the EU. It is well-known that on November 23, 2009 a new practical tool for EU-Ukraine relations - the EU-Ukraine Association Agenda - came into force, which is different from the Action Plan Ukraine-EU (expired in March 2009).*

In contrast, implementation of the EU-Ukraine Association Agenda will operate on the principle of shared ownership and shared responsibility for the final result. This will provide qualitative change in relations between Ukraine and the EU, moving from their partnership and cooperation to political association and economic integration. Implementation of this document will enable Ukraine to begin implementation of the agreed provisions of a future association agreement between Ukraine and the EU before its conclusion.

For the coordination of the work of various ministries and departments on the development of these documents, an Action Plan on Ukraine's integration into the EU in 2010 was created, setting objectives to ensure:

- Support in the Parliament for a draft law of Ukraine "On amendments to the Customs Code of Ukraine" (new edition);
- Amendments to the Law of Ukraine "On Customs Tariff of Ukraine" (concerning the adjustment of the Ukrainian Branch of trade);
- Amendments to certain legislative acts of Ukraine on activities of the National Bank (on the strengthening of independence);
- Measures to ensure timely reimbursement of value added tax;
- Development of a plan to implement the concept of reforming the system of state aid to economic actors;
- Implementation of government policy in combating the spread of drug abuse, combating illicit trafficking in drugs, psychotropic substances, toxic potent drugs for the years 2011-2015;
- Ukraine's accession to the Treaty establishing the Energy Community;
- Development of a feasibility project to modernize the gas transmission system of Ukraine;
- Preparation of investment projects for implementation in the Initiative's energy efficiency and environment in Eastern Europe;
- Renewal of the Agreement between the European Community and Ukraine on scientific and technological cooperation.

An important factor in this context is that the main vectors of progress and stages of European integration of Ukraine is reflected in the State program of cross-border cooperation for 2007-2010 and the Regional Development Program up till 2015. Using the experience of the V4 will allow government officials; Ukraine's heads of border regions to use the potential for the European integration of Ukraine more efficiently.

# Military and Security Issues in Relations Between the Visegrad Four and Ukraine

**Oleksii Yizhak**

Until 2010 the policy of the Visegrad countries towards Ukraine had comprised three main priorities:

- promoting development of Association agreement between the EU and Ukraine (including issues of the free trade zone and simplification of visa regulations with the perspective of a visa free regime)
- solving energy security problems
- supporting Ukraine's Euro-Atlantic ambitions.

At the beginning of 2010, when the new leadership came to power in Ukraine, the last of the priorities mentioned was in fact removed from the agenda. Such a development was natural in view of the changed foreign policy priorities of Ukraine. Visegrad countries were kept waiting for the clarification of concrete issues of security policy immediately between Kyiv and Brussels.

Yet, from the summer 2010 downplaying military and security problems has lost sense. The new foreign policy of Ukraine has become the legal arrangement and its priorities concerning NATO for the tenure of the acting president Victor Yanukovich.

---

**Oleksii Yizhak** is a Head of Department of Military Security Issues, National Institute for Strategic Studies, Regional Branch in Dnipropetrovsk, Ukraine.



## **THEY ARE AS FOLLOWS:**

- Ukraine will develop cooperation with NATO based on the agreements previously signed and mechanisms set (Partnership for Peace, Charter on Distinctive Partnership, Annual Action Plans)
- Ukraine will continue participation in NATO operations and bilateral and multilateral training under the auspices of NATO
- NATO will continue to support Ukraine in reforming her defense and security sector
- Ukraine's membership in NATO has been removed from the agenda for the next few years ahead but remains possible in a strategic perspective (it is not officially proclaimed, rather it may be drawn from the mutual silence on the matter).

The problem is that further downplaying military and security issues not only narrows the possibilities of NATO-Ukraine cooperation where it is possible, but also, and this is more important, endangers any plans of comprehensively reforming Ukraine's security and defense sector according to European standards. This reforming has always been and remains the essence of NATO-Ukraine relations.

In developing new approaches, it is necessary to understand that for years to come, the introduction of the European *acquis* in Ukraine (in broader meaning that includes EU *acquis communautaire*, Schengen *acquis*, NATO *acquis*) is the focal point defining the strategic direction of Ukraine's further development. Ukraine is situated between two geopolitical formations, namely, the EU and NATO in the west and Russia-sponsored Customs Union (CU) and Collective Security Treaty Organization (CSTO) in the east, each of them having their own *acquis*. At present, Russia is carrying out a persistent policy aimed at rooting practices adopted in MC and CSTO in Ukraine. Under such circumstances, implementation of European *acquis* in Ukraine is not guaranteed. The European Union is making certain efforts to promote European-oriented reforms in Ukraine (e.g. proposing to Ukraine a so-called "matrix of reforms"). Yet, they do not include security and defense matters and may not be sufficient.

## **INITIATIVES**

1. Visegrad countries have to conduct an audit of their policy towards Ukraine concerning security and defense. The aim should be to separate Ukraine's NATO membership issues and issues of internal reforms according to European standards. A new policy should be based on the same approach

which is set for economic, energy and visa dialogue. That is: the progress on Ukraine's way to Europe and advantages connected to it depend on the adoption of the European *acquis* by Ukraine. Visegrad countries should make a priority of their policy to promote European standards and norms, including security and defense domain (democratic civilian control, transparency on security sector, stemming corruption, financial discipline, etc.) in Ukraine.

2. Assistance to Ukraine in performing defense reviews and developing strategic documents on security and defense should be renovated. Changing foreign policy priorities have raised several difficult problems before Ukraine. In 2009, the next defense review stipulated by internal legislation collapsed. Yet, it should be conducted anyway. The adoption of legislation on non-bloc policy in 2010 requires the correction or developing new National Security Strategy and Military Doctrine (this task has been officially confirmed by the Ukrainian leadership). In addition, developing a special long-term document on Ukraine's strategy towards NATO has been announced. Traditionally, Ukraine invites experts from partner countries for help in conducting defense reviews and developing strategic documents. Visegrad countries should take the initiative and propose their help through diplomatic channels. On the operative level, programs have to be supported that would promote expert communication and public discussions on these matters.
3. Bilateral and multilateral projects should be initiated with the aim of bringing Ukraine closer to the EU in judicial and internal affairs fields (the former "third pillar" of the EU). In this realm, activity may cover several directions:
  - providing expertise in reforming Ukraine's justice and law enforcement systems (active development of respective plans and draft laws is underway in Ukraine)
  - institutional support (agency to agency) and support for NGOs dealing with fighting corruption in Ukraine
  - deepening institutional links between immigration and customs bodies of V4 countries and Ukraine, as well as the promotion of better management of Ukraine's borders, including the east and the north.
4. Institutionalization of links between the V4 and Ukraine's emergency services, including establishing common monitoring and early warning centers.

## **EXPECTED RESULTS**

In the short-term, the initiatives proposed will deepen political dialogue between the Visegrad countries and Ukraine and create a permissive environment for implementing priority projects in the spheres of mutual trade, investments, energy security and visa policy.

In the long-term, developing cooperation on military and security matters will help to make Ukraine a reliable partner of the Visegrad countries strengthening stability, security and the rule of law in the region.