COUNTRY REPORT: UKRAINE BORDERS

Subtitle: **Re-conceptualisations of Borders in Post-Soviet Ukraine: Between EU regulation, Soviet Legacy and Internal Political Strife**

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Abstract: This study aims to investigate re-conceptualisations and re-institutionalisations of borders in post-Soviet Ukraine. This examination is carried out in several dimensions: re-considering and re-organisation of Ukrainian borders in accordance with EU regulation, which shapes new visions and new rules; re-framing the post-Soviet space and re-organisation(s) of the borders in accordance with the views of the Ukrainian government and different political actors; and re-thinking of border issues and re-conceptualisation of Ukrainian borders in academic reflections.

Keywords: Borders, Ukraine, EU eastward enlargement

Contents

1. Introduction to the problem

To undertake an analysis of the border issues of Ukraine one has to sketch a general outlook of Ukraine's border. This is significant to any further examination taking into consideration Ukraine's border diversity from the perspectives of its historical, political, economic and cultural background, and the developing concerns on border issues in Ukraine, the EU and other involved parties.

Ukraine shares borders with seven other nation-states (see Table 1). The biggest border length is the borderline with the former Soviet republics – now newly-

independent states – Russia, Moldova and Belarus. The other borderline is with EU-member countries – Poland, Romania, Hungary and Slovakia.

All these borders are different in their political and economic concerns, mass perceptions, and border-crossing regimes. Thus the western borders have existed on the European map for decades constituting external borders, which divided Europe and the USSR. Since Ukraine's independence there were several changes regarding this part of the borderlines. After the collapse of the USSR the western borders have been gradually opening and people who live in borderland territories enjoyed the privilege of free movement. As soon these western neighbours were accepted into the EU (Hungary, Poland and Slovakia in May 2004; Romania in January 2007), these borders became the EU's eastern border and, as a result, have more restricted access.

Table 1. New Borders of post-Soviet Ukraine

State	Length of the border
Russian Federation	2295 km (including 321 km sea border)
Republic of Moldova	1222 km (including 267 km river border)
- Transnistria	*452 km*
Republic of Belarus	1084 km (including 326 km river border)
Romania	614 km (including 292 km river border / 33 km sea border)
Republic of Poland	542 km (including 187 km river border)
Republic of Hungary	137 km (including 85 km river border)
Slovak Republic	98 km (including 2 km river border)

Ukraine's eastern and northern borders were internal borderlines in the territorial configuration of the USSR. After independence these borders had to be transformed from internal into external borders and new borders – Ukraine-Russia, Ukraine-Moldova and Ukraine-Belarus – appeared on the European map. Also namely these borders are the biggest geopolitical concerns of the EU and Russian policies.

Besides its borders' heterogeneity Ukraine also faces the problems of disputed border zones/ segments, which from time to time appear on the Ukraine political and geopolitical agenda:

- Maritime zones: Tuzla Spit Island[1], Island Zmeinyi[2].

- Land border dispute segments: some demarcation between Ukraine and Moldova[3] and some parts of the Ukraine-Russia border[4]).

In addition, Ukraine's border portrait has been complicated by the borderline between Ukraine and Transnistria – a frozen conflict zone[5]. This segment of Ukraine's border is under the special attention, border policy and regulation of the EU[6], first of all, because of its potential threat to the European security system.

Therefore such a diversity and mixed character of Ukraine's borders produce different a conceptualisation and theoretical rethinking of border issues, practical decision-making of Ukraine's government, variations and alterations in the political language of negotiating and legitimising of the borders undertaken by Ukrainian politicians and different geopolitical actors (and, first of all, the EU and Russia as the biggest influenced parties).

It should be emphasised that Ukraine's borderlines involve seven different states and one frozen conflict zone, which engender a different 'essence' of borders. Also the

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[1] Tuzla Spit Island (dispute between Ukraine and Russia) is a sandy island between the Crimean Kerch Peninsula (Ukraine) and Taman Peninsula (Russia). There was a territorial dispute over the ownership of the island between Ukraine and Russia in October 2003. The Russian authorities were claiming it as a spit that is part of continental Russia and only the continental Crimean peninsula was transferred to Ukraine in 1954. In July 2005 Russia recognised that Tuzla is part of Ukraine, as reported the press service of the Foreign Ministry of Ukraine. However, the Department of Information and Press of the Russian MID has not confirmed this information. See: *Yanukovych Signs Ukrainian-Russian Border Demarcation Law* (2010), RIA Novosti, KIEV, 22July, available at: http://en.rian.ru/world/20100722/159914295.html, accessed 18 December 2010.
[2] Island Zmeinyi: dispute between Ukraine and Romania. Romania stated that Zmeinyi was not an island but a part of a rock/reef, the main part of which was on Romanian territory. The issue was solved in February 2009 through a decision of the International Court of Justice.
[3] Land border dispute over the road Odessa-Reni (village Palanka) between Ukraine and Moldova, which was solved in 1999.
[4] The Ukraine-Russia border is still a problematic issue. In July 2010 Ukrainian President Viktor Yanukovych signed a law on the demarcation of the Ukrainian and Russian border. It raised debates and criticism from the opposition.
[5] Transnistria, also known as Trans-Dniestr, Transdniestria, or Pridnestrovie is a region in Eastern Europe that is located mostly in a strip between the Dniestr River and Ukraine. After the collapse of the USSR tensions between the Moldovan government and Transnistria escalated into a military conflict in March 1992-July 1992. Now *de jure* Transnistria is a part of Moldova, *de facto* is an independent state since its declaration of independence in 1990 – Pridnestrovian Moldovan Republic (PMR) – an internationally unrecognised Presidential Republic, known as a 'frozen conflict zone'.
[6] The *EU Border Assistance Mission to the Republic of Moldova and Ukraine* (2005) including the border between Ukraine and the Transnistrian region.

delimitation and demarcation of the new borders are still in process, and it acquires not only a technical, but also political dimensions. Hence, this assumes that every section of Ukraine's borders could be of potential research interest and of particular political and geopolitical concern. This notion of Ukrainian border dissimilarities should serve as the first point of departure in Ukraine's border and borderland analysis.

The second point of departure is shaped by the nature of 'border functions'. It is known, that the 'classical' idea of a triple function of borders – demarcating state territory, authority and the 'nation' – has continued to influence international law and politics. Nowadays the nature of border has been considerably transformed and, as N. Neuwahl (2005) has pointed out, the social sciences operate with the notion of a 'multi-dimensional function of boundaries'. Since its independence Ukraine as a new state has to deal with border issues and Ukrainian authorities have to solve the border issues in both frames: the 'classical triple function' and 'multi-dimensional function of boundaries', which sometimes includes contradictions and inconsistent strategies.

And the third point of departure is connected to the significance of Ukraine and its borders issue for the EU. Since the western border of Ukraine is the eastern border of the enlarged EU, it is clear that European security is the most obvious dimension of this implication. But there is some other facet – less evident, but none the less important – which is linked to the construction of a European identity. As researchers point out, the construction of Europe "has depended on parallel constriction of the 'other' […] against which a separate European identity is seen as being constructed, created or invented" (Christiansen, Jorgensen and Wiener 2001, 14). In this sense Ukraine and its borders constitute for the EU a 'closed other' that serves as an element involved in the process of European identity construction.

2. Ukraine and EU Initiatives and Regulations

2.1. An overview of EU Initiatives and Regulations
As soon as the European Union prioritised engagement with the newly independent states of the former Soviet Union, these aims were and are implemented through

different directives. By proposing particular agenda priorities for a particular country the EU shapes a new vision and new rules for further political dialogues and co-operation. The key document that grounds EU politics and policy toward countries that are not EU members is the *European Neighbourhood Policy (ENP)*. The ENP is viewed as the main instrument to target sustainable development and approximation to EU policies and standards supporting the agreed priorities in the ENP Action Plans. Based on common ground, nevertheless EU enlargement policy reflects differentially the situation in each concrete country and prioritises particular tasks. For the period 2007-2013 for the Eastern Region[7], the European Neighbourhood and Partnership Instrument (ENPI) has been established to support the development of an area of prosperity and good neighbourliness encompassing the European Union and the partner countries covered by the ENP. Regarding the countries of the Eastern Region, the ENPI indicates five strategic categories supported by the European Community, reflecting the main priorities of the EU: a) networks, in particular transport and energy networks; b) environment and forestry; c) border and migration management, the fight against international crime, and customs; d) people-to-people activities, information and support; e) anti-personnel landmines, explosive remnants of war, small arms and light weapons[8].

The ENPI assumes a national allocation, which means that assistance provided under the particular national ENPI focuses on country-specific strategic priorities to make its implementation most effective at the national level. The Country Strategy Paper (CSP) and National Indicative Programme (NIP) provide details of the programme for every country.

Accordingly, Ukraine and the EU have developed a CSP[9] and NIP[10] for the Ukrainian case that reflect challenges faced by Ukraine's state and country-specific

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[7] The Eastern Region includes Armenia, Azerbaijan, Belarus, Georgia, Moldova, the Russian Federation and Ukraine.

[8] *European Neighbourhood and Partnership Instrument. Eastern Regional Programme. Strategy Paper 2007-2013*, 2. Available at: http://ec.europa.eu/world/enp/pdf/country/enpi_eastern_rsp_en.pdf, accessed 17 January 2011.

[9] *European Neighbourhood and Partnership Instrument. Ukraine. Country Strategy Paper 2007-2013*. Available at: http://ec.europa.eu/world/enp/pdf/country/enpi_csp_ukraine_en.pdf, accessed 17 January 2011.

needs and tasks. The EU-Ukraine Country Strategy Paper for 2007-2013 was adopted by the Commission in March 2007 and provides a comprehensive overview of proposed European Community assistance priorities. Thus the NIP for Ukraine indicates the main goals, focusing on three priority areas:

- Priority Area 1: *Support for Democratic Development and Good Governance*. Targets are: public administration reform and public finance management; rule of law and judicial reform; human rights, civil society development and local government; education, science and people-to-people contacts/ exchanges.
- Priority Area 2: *Support for Regulatory Reform and Administrative Capacity Building*. Targets are: promoting mutual trade, improving the investment climate and strengthening social reform; sector-specific regulatory aspects.
- Priority Area 3: *Support for Infrastructure Development*. Targets are: (non-nuclear) energy; transport; environment; border management and migration, including re-admission related issues.[11]

2.2. Ukraine's Borders and EU Regulations and Initiatives

According to the key EU documents, border issues in Ukraine are considered within two domains: as a 'security issue'[12] and 'infrastructure development'[13]. Also, the EU's policy conceptualises Ukraine's border issues in a strategic context and according to the long-term impact[14].

2.2.1. Security issue: According to the main ideas of the EU's policy borders have to be transparent and secure as well. They do not have to serve as barriers creating obstacles to people's movement, but at the same time borders have to function

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[10] *European Neighbourhood and Partnership Instrument. Ukraine. National Indicative Programme 2007-2010*. Available at: http://ec.europa.eu/world/enp/pdf/country/enpi_nip_ukraine_en.pdf, accessed 17 January 2011.
[11] *ibid.*, 2.
[12] *European Neighbourhood and Partnership Instrument. Ukraine. Country Strategy Paper 2007-2013*, *op.cit.*, 14.
[13] *European Neighbourhood and Partnership Instrument. Ukraine. National Indicative Programme 2007-2010*, *op.cit.*, 4.
[14] European Neighbourhood and Partnership Instrument. Ukraine. National Indicative Programme 2007-2010, *op.cit.*, 12.

as a 'secure fence' combating effectively international threats, such are illegal migration, trafficking in human beings, and organised crime. Ukraine – as one of the EU's new eastern neighbours – embodies specific border problems that the EU has to reflect on and deal with. The length of the EU's external eastern land border with Ukrainian territory is 1418 km (see Table 2). And the most significant issues along this borderline are Ukraine's incomplete legal frameworks, unfinished border delimitation and demarcation processes, a lack of efficient infrastructure, and the presence of a 'frozen conflict zone' (Transnistria) along the borderline (Suchko 2006, 3).

Table 2. The External Eastern land border of the EU with Ukraine
(from 1 January 2007)*

Border between	Length in km
Poland-Ukraine	535
Slovakia-Ukraine	98
Hungary-Ukraine	136
Romania-Ukraine (east and west of Moldova)	649

*Source: FRONTEX (cited in Suchko 2006, 14).

EU border assistance for Ukraine is implemented both through the technical and political realms. Technical assistance is connected first of all with the upgrading and modernising of border crossings, and the strengthening of Ukraine's eastern border. In this perspective border management acquires special significance in the process of the EU's eastward enlargement. For border management in Ukraine the EU supports the reform of the State Border Guard Service (SBGS), which also assumes upgrading legislation, infrastructure and personnel training. According to this Ukraine is involved in the co-operation between the SBGS and the European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union (FRONTEX). Such co-operation does have a practical vector and is primarily focussed on joint operations covering the total length of the EU's external border with Ukraine through the 'Five Borders' joint-pilot project.[15]

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[15] *FRONTEX*. Available at: http://www.frontex.europa.eu/ , accessed 28 January 2011. *FRONTEX: the EU External Borders Agency Report with Evidence* (2008). Published by the Authority of the House of Lords, London, 5 March, 63. Available at: http://www.publications.parliament.uk/pa/ld200708/ldselect/ldeucom/60/60.pdf , accessed 21 January 2011.

Besides strict border policy, broader EU political and geopolitical components are reflected. Thus, the demand from the EU to strengthen the Ukraine-Russia border aims not only to create a 'secure fence' to repulse effectively illegal migration, trafficking in human beings, and organised crime, but also to weaken the geopolitical role and influence of Russia in this region. Another aspect of EU political and geopolitical policy in border policy is connected with the conflict zone, which challenges border security. Since its eastward enlargement the eastern border of the EU comes close to a territory of conflict (Transnistria), which is of special concern to the EU because of its actual[16] and potential security threats. These security-related interests have determined specific policies and initiatives that have been launched by the EU to reflect the issues and to provide the political basis for the conflict-resolution process in Transnistria. Relating to this the most significant initiative is the EU Border Assistance Mission (EUBAM) for Ukraine and Moldova, which was started in 2005. According to the official position of the EU, the Mission is technical and advisory and its mandate is to help improve the capacity of the Moldovan and Ukrainian border and customs services to prevent and detect smuggling, trafficking of goods and human beings, and customs fraud, by providing advice and training.[17] Also in 2009 an important advance was achieved when demarcation of the central (Transnistrian) segment of the Ukrainian-Moldovan State border was started.

Also, security-related concerns are strongly connected to the issues of migration. The migration of Ukraine's citizens from Ukraine to EU countries and the migration of citizens of third countries via Ukraine to EU countries are the main issues addressed by EU migration policy.

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[16] First of all – smuggling, trafficking of humans, weapons and drugs, organised crime, illegal migration, corruption. For more information see, for example: *ibid.*, 4.

[17] The EU Border Assistance Mission to the Republic of Moldova and Ukraine was established in response to the joint letter from the Presidents of Moldova and Ukraine calling for additional EU support for capacity building in border management, including customs, along the entire Moldova-Ukraine border, including the border between Ukraine and the Transnistrian region of the Republic of Moldova. The Mission works closely with the team of the EU Special Representative for Moldova, which has advisors in Kyiv, Chisinau and Odessa on political issues related to the border. For more information, see: *EUBAM Moldova and Ukraine.* Available at: http://www.consilium.europa.eu/showPage.aspx?id=986&lang=EN, accessed 25 January 2011. Also by agreement between the European Commission, Ukraine and Moldova, the EUBAM mission was extended in November 2009 for a second time. For more information see: *EUBAM Moldova and Ukraine.* Available at: http://www.eubam.org/en/about/overview, accessed 25 January 2011.

EU visa regulation is determined by the principles of the Schengen Agreement and Convention that provides common grounds for regulating the movement of people, transport and goods both inside the Schengen area and between contracting parties and other countries. In accordance with these principles in January 2008 the visa facilitation and readmission agreements between Ukraine and the EC entered into force. The Paris EU-Ukraine Summit (2008) launched a visa dialogue with the long-term perspective of establishing a visa-free regime between the EU and Ukraine[18]. To date migration and visa regulation are one of the priorities indicated by the EU-Ukraine Association Agenda priorities for 2010.[19]

With five neighbouring EU countries, Ukraine remains an important transit country for irregular migrants. In this context a significant initiative arising from the EU's enlargement eastwards is the 'Söderköping Process' that was launched in 2001 and had to address cross-border co-operation to promote dialogue on asylum and irregular migration issues amongst the countries situated along the EU's eastern border. Since 2004, the Söderköping Process has focused specifically on sharing the experience of asylum, protection, migration and border management issues between Estonia, Latvia, Lithuania, Hungary, the Slovak Republic, Poland and Romania on the one hand and Belarus, Moldova and Ukraine on the other.[20]

Thus, European standards for border management and enforcement assume that Ukraine will develop a migration policy incorporating the following; introduce migration controls; strengthen the Ukraine-Russian border; control the issuing of passports and introduce biometric data. Striving to follow EU visa regulation, Ukraine has adopted unilateral a non-visa regime for EU citizens. Also the EU supports the Ukrainian action plan on obtaining a visa-free regime; the implementation of the regime, by which Ukrainian citizens will be able to come to the EU for free, assumes two phases

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[18] It focuses on four thematic blocks: document security including biometrics, illegal immigration including readmission, public order and security, and external relations.
[19] *List of the EU-Ukraine Association Agenda priorities for 2010* (2010). Available at: http://ec.europa.eu/delegations/ukraine/eu_ukraine/political_relations/association_agenda/association_agenda_en.htm , accessed 15 January, 2011.
[20] This proactive initiative is supported by the European Commission, the Swedish Migration Board, the United Nations High Commissioner for Refugees, and the International Organisation for Migration. For more information, see: *Söderköping Process. A*vailable at: http://soderkoping.org.ua/, accessed 25 January 2011.

of the plan: a political phase, by which Ukraine has to sign some Council of Europe Conventions; and a technical component of requirements for obtaining a visa-free regime, including the strengthening of security along its eastern border. Taking into consideration external and especially internal factors (mainly political instability in Ukraine), it seems that to achieve this task is a 'long-time project' for Ukraine. Under such circumstances Ukraine remains an 'outsider'. And while the institutionalisation of the Schengen zone affects significantly the building of a unified Europe (even though this issue is still under debate; see Lacroix and Nicolaïdis eds. 2011), for Ukraine this produces certain obstacles or at least some 'Schengen challenges'. For several years Ukraine enjoyed a visa-free regime with its western neighbours, but as soon as Hungary, Poland, Romania, and Slovakia became new EU members, the visa-regime was tightened. Underlining the major achievements over the last years at the launching of a visa dialogue between the EU and Ukraine, experts and journalists stressed that this dialogue has been developing mostly in a one-sided manner and sometimes discriminates against Ukrainian citizens, isolating or at least distancing them from the rest of the Europe.[21]

At the same time the demands to enforce borders are derived from EU concerns about security threats coming from outside the Union: with the EU's eastward enlargement its new external border lies along regions of poverty and political tensions. Such concerns over the security aspect of border control and the desire to keep out criminals, drug smugglers and illegal immigrants are understandable, but at the same time some experts stress that a rapid extension of the Schengen regime to the new members served only a short-term interest (in order to build an effective barrier against crime and trafficking around the enlarged EU) and 'may work against the Union's long-term security interests' (Batt 2003, 5).

2.2.2. Infrastructure development: as one of the integrative parts of EU border policy, this is implemented through several initiatives. In this regards an important aspect is the expansion of cross-border co-operation, which is a significant component of the ENP. The ENPI aims to support cross-border contacts and co-operation between

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[21] For more information see, for example: Centre for Peace, Conversion and Foreign Policy of Ukraine. *The Schengen Acquis: A view from Ukraine*. Available at: *http://cpcfpu.org.ua/en/projects/borders/*

local and regional actors and civil society and covers activities across the EU's external borders in the east and south for the period 2007-2013 (receiving financial support of €1.2 billion). EU programmes on cross-border co-operation reflects the objectives of the ENP and aims to develop partnership on borders to work jointly to address common challenges, such as the economic and social development of the border areas, environment and communicable diseases, illegal immigration and trafficking, efficient border management and people-to-people contacts.

For Ukraine the EU is the biggest donor to develop cross-border co-operation. In 2007-2010 the ENPI's financial envelope for Ukraine under the National Indicative Programme was €494 million.[22] In accordance to the ENPI, Cross Border Co-operation is financed under the multi-country (including the Neighbourhood Investment Facility) and regional programmes. In 2008 three cross-border co-operation programmes in which Ukraine's participated were adopted, in particular: Romania-Moldova-Ukraine (€126.7 million for the period 2007-13), Poland-Belarus-Ukraine (€186.2 million for the period 2007-13) and the Black Sea CBC Sea Basin programme (€17.3 million for the period 2007-13).[23] These programmes aim to foster sustainable development and enhance human contacts.[24] In the frame of cross-border co-operation initiatives on small border movements[25] supported by the EU acquire particular significance, but the concern is still how much these programmes operate effectively?

3. Border issues in Ukrainian political discourse

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papers/shengen/document_1 , accessed 5 January 2011.

[22] *Implementation of the European Nighbourhood Policy in 2008. Progress Report: Ukraine. Commission Staff Working Document* (2009), Brussels, 23 April 2009. Sec (2009) 515/2, 20. Available at: http://ec.europa.eu/world/enp/pdf/progress2009/sec09_515_en.pdf, accessed 25 January 2011.

[23] *ibid.,* 20-21.

[24] For more information see: *Romania-Ukraine-Republic of Moldova Cross-Border co-operation.* Available at: http://www.ro-ua-md.net/index.php?option=com_content&view=article&id=60&Itemid=99, accessed 10 January 2011; *Hungary-Slovakia-Romania-Ukraine ENPI Cross-border Co-operation Programme 2007-2013.* Available at: http://www.huskroua-cbc.net/, accessed 10 January 2011; *Poland-Belarus-Ukraine Cross Border co-operation.* Available at: http://www.interreg.gov.pl/20072013/instrument+sasiedztwa/pl-bl-uk/, accessed 10 January 2011.

[25] *Ukraine-Poland small cross-border Movement Agreement.* Available at: http://soderkoping.org.ua/page25392.html, accessed 10 January 2011; *Ukraine and Hungary organises 'small cross-border movement'.* Available at: http://soderkoping.org.ua/page16611.html, accessed 10 January 2011.

In the Ukrainian political discourse the border issue is semantically connected, first of all, with nation-building and the establishment of Ukrainian statehood. The border-related topic is closely tied to the independence of the state, for which borders are viewed as a guarantee ensuring territorial integrity and a hands-off policy towards Ukraine. In his speech devoted to Ukraine's Independence Day, ex-president V. Yushchenko clearly demonstrates this connection:

> No one not ever will give us direction what way to choose. No one not ever will measure off our borders, islands and peninsulas. […] We must speed up our work to achieve membership in the European system of security and raise the defence capabilities of the country. Only these steps will guarantee our security and the integrity of our borders".[26]

Borders and borderlands are considerable elements in the creation of Ukrainian national identity. These elements are engaged significantly in the construction of Ukrainian national identity as 'European' or 'Slavonic'. In this sense one can trace, on the one hand, how elements of 'Europeaness' or 'Russianess' are involved in Ukrainian national identity construction; and on the other hand, one sees how the EU or Russia attempt to be a geopolitical 'actor' in the process of the institutionalisation of Ukraine's borders and the creation of the essence of Ukraine's borderlands.

The construction of Ukraine's borders in the 'European' or 'Slavonic' framework is barely correlated with pro-European or pro-Russian geopolitical orientations and preferences of politicians. Giving a talk at the conference 'Europe's borders', ex- vice-prime minister of Ukraine G. Nemirya addressed Ukraine's border issue in the context of the Europeanisation and formation of Ukrainian national identity as an European identity. "The borders of Europe are not a question of geography. Ukraine belongs to Europe geographically, but it is very significant for us to belong to Europe politically and economically"[27].

At the same time being not an 'independent player' in the world political arena, Ukraine's political leaders have constantly to convince their western partners that

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[26] *Promova Prezidenta Viktora Yushchenko z Nagody Dnia Nezalezhnosti Ukrainy*, 24 August 2008. Available at: http://www.uaoc.in.ua/2008/08/blog-post_341.html, accessed 10 December 2010.
[27] Derzhava Potrebue 'Bil'she Evropy', *Uriadovyi Kur'er,* 17 December 2008. Available at: http://www.ukurier.gov.ua/index.php?articl=1&id=73, accessed 10 December 2010.

Ukraine does have a 'European choice' and after the completion of such reforms Ukraine will be "in the centre of the Euro-Atlantic world" (Yanukovich 2006). However, such a need to persuade western partners is determined also by western countries' perceptions of and attitudes towards Ukraine. One analyst underlined that taking into consideration Russia's influence the situation regarding Ukraine can be changed only in a case when the USA and Europe are ready to make considerable investment to 're-orient Ukraine', otherwise Ukraine will remain a 'borderland' between the West and Eurasia (Zigalov 2007).

In political discourses border issues are semantically plaited into the themes of 'potential threats' and national security. Unlike Russian official political discourse, Ukrainian political rhetoric does not clearly indicate potential threats, but only outlines a problem *per se*, underlining that the 'state border must became a border of good-neighbourhood, partnership and hospitality for friends… but at the same time it must be impenetrable for those who do have bad intention"[28]. The concerns regarding illegal migrations and migrants are the most noticeable perils amongst potential threats articulated in the Ukrainian political discourse. In this perspective Ukraine's borders are viewed as 'barrage barriers' to the threats that appear for Europe itself, considering illegal migration as a factor that challenges the stability of the European continent.

It is known that the EU-Ukraine Readmission Agreement, signed in 2006, came into force from 1 January 2010 and regulates the return of undocumented Ukrainian citizens from EU territory and in particular of third country nationals who have transited Ukraine on their way west. In Ukraine, which actually does not have the necessary infrastructure along the north-eastern border, there are two powerful borders: 'ex-Soviet' on the east and a 'neo-European' border on the west. Annually numerous illegal migrants accumulate there and their aim is not Ukraine, but European countries. However, there is a certain imbalance between European and Ukrainian borders regarding this issue. This situation produces different views on border functions. Thus, the former Minister of Interior Affairs of Ukraine Yuriy Lutsenko stated that "... as a politician, I want the EU's doors on illegal [migrants] to be closed on the eastern, rather

than on the western border of Ukraine"[29]. In this regard he proposed to consider the border as an instrument of realising an internal policy that enforces the protection of the state, and by so doing it implies a revision of the border functions in which internal protection acquires a significant function of borders.

In the political discourse a border issue becomes 'borderland issue' as soon as one focuses on cross-border co-operation. For political discourse a borderland is first of all rethought of as a zone of co-operation and possibilities to develop ties with neighbouring partners[30]. Border co-operation is viewed as vital "to achieve national goals and fulfil national interests"[31]. On the regional level border co-operation is a significant element in development: it has to help Ukraine's border regions to attract investment, introduce new technologies and create new jobs, and facilitate cultural exchange. For Ukraine's authorities, at the same time it is a possibility to demonstrate how much Ukraine advances 'Europeaness' on its territory. For V. Yushchenko's administration participation in EU projects was a top priority, and relations between the border regions and European partners were considered as a "key level to resolve economic, humanitarian, social, cultural, and other problems"[32].

In general under V. Yushchenko's presidency border issues became more publically visible, caused by several factors. V. Yushchenko's policies were strongly directed towards European integration and, thus, border issues played a significant role in promoting the European vector of these policies. Also, the presidency term of V. Yushchenko coincided with the process of EU eastward enlargement, which specifically actualised Ukraine's borders. Additionally after the Orange Revolution and further EU

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[28] Vitannia Presidenta Ukrainy Viyis'kovosluzhbovtsiam, Pratsivnykam ta Veteranam Derzhavnoi prikordonnoi Sluzhby, *Press-Sluzhba Presidenta Ukrainy Viktora Yushchenko,* 28 May 2009. Available at: http://www.president.gov.ua/news/13850.html, accessed 10 December 2010.

[29] 'Yak Polituk Ya Pragnu, shchob Dveri ES vid Nelegaliv Zakrylysia na Skhidnomu, a ne na Zapadnomu Kordony Ukrainy'. Interv;yu z Yu. Lutsenko., *UNIAN,* 26 June 2009. Available at: http://eunews.unian.net/ukr/detail/191471, accessed 3 December 2010.

[30] Since December 2006 Ukraine's government has launched a programme of cross-border co-operation, which has been further developed for the years 2011-2015. According to this programme there are 8 Euro regions on the territory of Ukraine; they include both borderland regions with EU-member countries and with CIS countries (Russia, Belarus and Moldova). For more information, see the official site of the Cabinet or Ministry of Ukraine: http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=1088-2010-%EF.

[31] *The President discusses border co-operation.* Press office of President Victor Yushchenko, 06 March 2007. Available at: http://www.president.gov.ua/en/news/5534.html.

[32] *President discusses border co-operation.* Press office of President Victor Yushchenko, 06 March 2007. Available at: http://www.president.gov.ua/en/news/5534.html, accessed 1 December 2010.

eastward enlargement the issue of the Ukraine-Russia border acquired new attention, and has been highly prioritised in EU policies (Zhurzhenko 2007, 2).

V. Yanukovych's administration views border issues more from an economic perspective with pragmatic goals. It does not mean that the political factor has been decreased; rather it has been shifted towards a 'political economy' domain. Also, some practical steps have been undertaken by V. Yanukovych's administration. Ukraine prepared key legal acts that have brought it closer to European standards in the area of border and migration management. According to M. Jaroszewicz's analysis the strategy of integrated border management that has been prepared and passed through the parliament at a rapid pace "is the main strategic document that prepares Ukraine to leave behind the post-Soviet system of border control and join the four-tier model of border management operational in the EU"[33].

Now in the authorities' political discourse there is not only a manifestation of the 'European choice' for Ukraine (as Ukrainian Prime Minister M. Azarov stated it: "The most important thing for us is to do ourselves the work necessary to bring Ukraine closer to European standards"[34]), but also the affirmation and even claim to be recognised as an European country. The rhetoric of 'European country' is a part of the politics of belonging and identity implemented by Ukraine's authorities. In his interview Mr. Azarov confronted any doubts regarding the location of Ukraine outside of Europe: "we are in Europe geographically, just look at the map. Ukraine is the largest European country in territory and the fifth in terms of population. Not to notice Ukraine on Europe's map is just impossible. Or else, one would have to have zero political insight"[35].

Another significant element in the politics of belonging is the 'Slavonic brotherhood', which acquired a new reading in the authorities' rhetoric. The Slavonic brotherhood is built upon pragmatic grounds, underlining the mutual interests for both – Ukraine and Russia – as Ukraine is the biggest market for Russian products. During the last decade President L. Kuchma's 'multi-vector policy of Ukraine' has been changed

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[33] EU-Ukraine Visa Liberalisation: an Assessment of Ukraine's Readiness, *EurActiv,* 04 February 2011, available at: http://www.euractiv.com/en/east-mediterranean/eu-ukraine-visa-liberalisation-assessment-ukraines-readiness-analysis-501918, accessed 04.02 2011.
[34] Ukraine Prime Minister: 'We are against South Stream', *EurActiv*, 14 October 2010. Available at: http://www.euractiv.com/en/east-mediterranean/ukraine-prime-minister-we-are-against-south-stream-interview-498806, accessed 30 October 2010.

into 'European vector politics' under Yushchenko's presidency, and now it has been replaced by a policy of 'the most favourable regime both from the EU and from Russia'. This political discourse strives not to oppose or see as a contradiction Ukraine-Russia relations and Ukraine-EU relations.[36] Moreover, it is stressed that Europe has to benefit from such approach:

> European integration remains the priority of our foreign policy. For the first time in the years of independence we have approached the Association Agreement with the European Union… […]. It is obvious that the normalisation of our relations with Russia does not stand in the way of our European integration, but helps it. United Europe needs an economically-strong, democratic Ukraine, which together with Russia contributes to strengthening the stability of Central and Eastern Europe, as well as throughout the Eurasian space"[37].

It is clear that in their policies and practical steps towards its realisation, Ukrainian politicians have to define the identity politics regarding the Ukrainian nation, state and society that they strive to implement. Also, the on-going project of nation- and state-building in Ukraine supposes that border lines not only 'outline' and 'fix' territory, making 'geographical' markers of the Ukrainian state, but also compel political leaders to define, within which frame – European or Eurasian – these borders exist.

4. Framing Border Issue in Academic Discourse

Reflections on border issues by Ukrainian academicians are different in their research focus and aims. Generally amongst all publications one can distinguish two types of research: analytical examinations and academic 'research' *per se*. Analytical examinations do have practically-oriented aims: to give some recommendations to decisions-makers or to 'ground' concrete actions that have to be undertaken by Ukraine's officials and politicians. There are several research institutions and centres that work in the think-tank format and provide such kinds of explorations. Amongst them

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[35] *ibid.*
[36] See interview with M. Azarov, *ibid.*
[37] V. Yanukovych. *President's Independence Day address at the Independence Square in Kyiv*. Available at: http://www.president.gov.ua/en/news/17881.html, accessed 1 December 2010.

there are National Institute for Strategic Research (NISR)[38], Institute for Euro-Atlantic Co-operation (IEAC)[39], the Centre for Peace, Conversion and Foreign Policy of Ukraine (CPCFPU)[40], and also some regional centres that cover the examination of particular regions, for instance, the Centre of Regional Research (in Odessa)[41] and Centre of Inter-Regional Borderland Co-operation (created by Kharkiv oblast' in Ukraine and Belgorod oblast' in Russia)[42].

Experts analyse the processes of European and Euro-Atlantic integration of Ukraine as well as Ukraine's position in the world. This foresees producing commentary, recommendations and forecasts on relevant international events and the position of Ukraine in this regard. In this connection such research do have both analytical and practical significance. The current leadership of Ukraine with its proclaimed multi-vector, non-bloc foreign security policy produces some challenges to the vital need to continue reforms aimed at bringing Ukraine closer to Euro-Atlantic standards of the rule of law, transparency, and accountability. As O. Sushko underlined, if standards are not followed, Ukraine will not be able to become "even a 'security bridge' between the West and Russia but will instead find itself in a growing security vacuum, which is a perfect environment for the further marginalisation of the country in regional and global politics" (2010, 6). Quite often examinations provided by such institutes are part of the analytical research implemented under different international grants, which aim to evaluate Ukrainian authorities' efforts to move closer to European standards[43]. In addition, analysts of these institutes conduct their research in order to evaluate EU policy towards Ukraine. Thus, examining the EU policy and geopolitics regarding Ukraine and

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[38] *National Institute for Strategic Research*. Available at: http://www.niss.gov.ua/, accessed 29 November 2010.
[39] *Institute for Euro-Atlantic Co-operation*. Available at: http://www.ieac.org.ua/index.php?id=22&action =engine, accessed 29 November 2010.
[40] *Centre for Peace, Conversion and Foreign Policy of Ukraine*. Available at: http://cpcfpu.org.ua/en/, accessed 29 November 2010.
[41] *Centre of Regional Research*. Available at: http://crs.org.ua/ru/11/18.html, accessed 29 November 2010.
[42] *Centre of Inter-Regional Borderland Co-operation*. Available at: http://www.euroregion.ru/, accessed 29 November 2010.
[43] See, for example, Freedom House. 2001. *Borders of Ukraine*. This project was supported by the Freedom House Partnership for Reform Programme and funded by the United States Agency for International Development, available at: http://cpcfpu.org.ua/en/projects/borders/project/, accessed 5 December 2010. *Assessment of the impact of ANP 2009 implementation on Ukraine's policies: Analytical*

its border regulation and standards S. Mitriaeva (2007) underlines that for EU policies political issues and issues of security become more prioritised and important than economic questions. Besides analytical examinations, existing academic research differs in its research focus, methodology and availability to readers (i.e. published in Ukrainian or Russian and, thus, available only for a post-Soviet audience of readers or published in English and available to the international audience).

The process of the institutionalisation of Ukraine's borders is framed into several main topics. Thus, research conducted by O. Pavliuk was focussed on Ukrainian foreign policy and geopolitical interests, and gave a deep analysis of how border issues are linked to the mutual interests of Ukraine and its western neighbouring states – Poland, Hungary, Romania and Slovakia. This study attested that one of the first international problems Ukraine as an independent state had to deal with was an issue of border integrity in the aftermath of the Soviet Union. Tracking chronologically different bilateral agreements between Ukraine and Central European countries[44] since 1992, this investigation showed that for Central European countries Ukraine's borders guarantee to a certain degree geographical 'detachment' from Russia, less direct Russian influence, and therefore they allow them to recognise clearly that there is no direct external threat to their national security (Pavliuk 1999, 186). Also the border issue is deeply involved in political and cultural dialogues between Central European countries and Ukraine concerning national minorities living within the territories of neighbouring states.

One of the first analyses of the impact of EU enlargement on Ukraine's borders was conducted by O. Mrinska (2006). During the last several years different aspects of the institutionalisation of the Ukraine-Russia border has been investigated by T. Zhurzhenko (2004; 2005). In her works she emphasises the simultaneity of dual, seemingly contradictory processes: border construction, through the hardening of physical barriers, tariff and surveillance regimes, and other mechanisms of control over people and goods; and border deconstruction, through cross-border co-operation and

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Report. Available at: http://www.gwu.edu/~ieresgwu/assets/docs/pepm_123.pdf, accessed 5 December 2010.

[44] Regarding the issue of what Central European countries are, see: Zamfirescu 1996.

the development of regional economic integration programmes. One has to stress that amongst all borderland regions of Ukraine research on the Ukraine-Russia border and borderland is developed more deeply than other ones, particularly in T. Zhurzhenko's research over the last decade (2010).

Additionally, over the last several years daily life aspects of 'new border' regions (particularly the Ukraine-Russia borderland located in Rostov oblast' in Russia and Luhansk oblast' in Ukraine) have been the research focus of I. Kononov (2010) and S. Khobta (2010). The border as an element of identity politics is conceptualised by O. Filippova (2010).

Some other studies of border issues accomplished by Ukrainian scholars are connected with cross-border co-operation and have been conducted in the frame of economic geography. Many of them aim to inform regional authorities about regional cross-border co-operation development and lack theoretical conceptualisation[45].

Also one should mention that during the last decade Ukraine's border issue became the research topic of several Western scholars. Thus M. Bojcun (2005) focussed his analysis on the issue of migrants and refugees at the Russian−Ukrainian border and how the EU deals with this problem in the light of its eastward enlargement. K. Zimmer's research analyses asylum policy in Ukraine, focusing on migrants and refugees in the 'Buffer Zone'[46]. P. Vermeersch (2007) examines the impact of the EU's eastward enlargement on the position of the Ukrainian minority in Poland. Also several EU Border Monitoring reports have a research character[47].

J. Allina-Pisano's research in the Ukraine-Slovak borderland represents an excellent example of ethnographic methodology. This case study in a Hungarian village divided between Ukraine and Slovakia shows that "as the softening of internal borders and harmonisation of domestic policy have brought about a degree of denationalisation

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[45] See for instance publications of the *Centre of Inter-Regional Borderland Co-operation*. Available at: http://www.euroregion.ru/, accessed 29 November 2010 or *Centre of Regional Research*. Available at: http://crs.org.ua/ru/11/18.html, accessed 29 November 2010.
[46] Zimmer, K. *Migrants and Refugees in the Buffer Zone: Asylum Policy in Ukraine*. Available at: http://www.migrationonline.cz , accessed 15 September 2010.
[47] Pelzer, M. *Report by Border Monitoring Project Ukraine. Access to Protection Denied. Refoulement of Refugees and Minors on the Eastern Borders of the EU – the case of Hungary, Slovakia and Ukraine*. Available at: http://bordermonitoring-ukraine.eu/, accessed 15 October 2010. See also Buzalka and Benč 2007.

within EU member states, EU eastward expansion, with its attending technologies of border control and economic inequalities, has driven processes of nationalisation in its outer borderlands" (Allina-Pisano 2009, 23).

5. Conclusions

For Ukraine as a newly independent state the border issue is manifested in several domains, the most significant being: borders and Ukrainian nation-building and national identity construction; borders and Ukraine's state security; borders and Ukraine's geopolitical dialogues and further engagements. Ukraine borders with seven different states, four of which are EU members and three are post-Soviet states with one line of 'frozen conflict zone'. Such a diverse character of Ukraine's borders, complicated additionally by the uncompleted processes of delimitation and demarcation, engender a different 'essence' of borders; their conceptualisation, the practical decision-making both from the Ukrainian government and the EU, variations and alterations in the political language of negotiation and legitimisation of borders.

Ukraine exists in two 'diachronic dimensions' – the unfinished process of nation- and state-building, which the majority of European countries went through during the end of the 19th century – first part of the 20th century, and a geopolitical aspiration towards Europe and the EU (which is a 'sign' of the present). This leads to the situation in border-related problems in which Ukraine has to solve border issues in both frames – the 'classical triple function' and 'multi-dimensional function of boundaries' at the same time. It is obvious that Ukraine cannot independently resolve its border issues, especially taking into consideration the fact that Ukraine's borders are the targets of international 'big players', first and foremost the EU and Russia. At the same time one should note that not only EU or Russian policy affect border formation in Ukraine but also internal events, which lead to different perceptions about borders and their functions.

Despite its significance the border issue is underestimated in public discourses. One has to ascertain that, for instance, in the media discourse border-related topics

usually arise in an attempt to detract attention from negative domestic situations[48]. In the political discourse these themes are actualised with every new round of EU monitoring of Ukrainian reforms; yet the border issue is conceptualised in the frame of European or Eurasian space, which is determined by the geopolitical orientation of politicians. Practically it is difficult to find any debates on EU – Ukrainian co-operation in the ENP in political discourses. In academic discourses the border issue has become the focus of research recently, but the majority of them lack methodology as is common across the post-Soviet space; and a post-colonial conceptualisation of border studies and border analysis not only do not produce any debates, but are barely accepted by a majority of Ukrainian scholars.

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[48] One of the latest examples: *People protest massively in Chop against centre for refugees and illegal migrants*, 9 February 2011. Available at: http://media.bordermonitoring-ukraine.eu/category/translated-media-news-from-transcarpatia, accessed 15 February 2011.

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