

With cross-border cooperation for the Europeanisation of Ukrainian borders
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**Cross-border cooperation between Slovakia and Ukraine:
introduction and a brief analysis**

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a brief analytical overview of CBC between SK and UA

with focus on intergovernmental relations and some comments on... lessons learned and challenges ahead

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legal framework

1993 basic political treaty on good neighbourhood and cooperation
since then 124 intergovernmental and inter-ministerial treaties and agreements

border and CBC related treaties:

1993 on a common state border (amended in 2005)
1993 readmission treaty
1993 treaty on the border regime, cooperation and mutual aid in the border-related issues
1995 on border crossings on common state borders (amended in 2015)
2000 ***on cross-border cooperation***
2007 on construction of the new road border crossing the point Čierna – Solomonovo
2008 on small border traffic (amended in 2011)
2010 on the exchange of information between border guard services
2013 on common border patrols
2015 on railway transport at the common border
2020 on conditions for the use of a designated part of the airspace of SK in connection with
the provision of air traffic services at Uzhhorod International Airport

bilateral agreement on CBC

signed on 5 December 2000; in force since 29 January 2001

5 eligible regions (3 UA plus 2 SK):

3 regions of Ukraine (Transcarpathia, Lviv, and Ivano-Frankivsk) and
2 regions of Slovakia (Prešov and Košice)

15 sectorial areas, in which regional and local actors (based on the territory of the above regions) are authorised to establish and develop CBC:

regional development, economic cooperation, agriculture, transport, trade, tourism, energy, nature protection, environment, education (plus research and science), health care, social care, culture, sport, emergency assistance in case of natural and other disasters

23 follow-up agreements between CBC actors on regional and local level:

4 agreements on regional level (Prešov - Transcarpathia, Ivano-Frankivsk and Lviv; Košice - Transcarpathia)

4 agreements on the level of administrative districts (Michalovce – Uzhhorod, Prešov – Uzhhorod, Košice-Uzhhorod and Snina – Velyky Berezny)

15 agreements on the level of municipalities, including capital cities of Kyiv and Bratislava

map of the Carpathian Euroregion... just for visualisation of eligible regions



bilateral intergovernmental commission on CBC

- established by CBC agreement (2000)
- institutional intergovernmental platform for the coordination and development of CBC on the SK-UA border
- statute (scope of activities, organisational structure, budget and procedures) adopted at the first meeting of the Commission on 6 May 2004 (in Zemplínska Šírava)
- leadership - co-chairmanship:
 - SK: Deputy Interior Minister
 - UA: Deputy Minister on Regional Development, Construction, Housing and Communal Services
- since its establishment in 2004, the Commission has met 14 times, with the last meeting held in November 2018 in Uzhhorod
 - (meetings are rather irregular)

impact of the EU accession of SK: trade, border regime and cross-border mobility

trade:

- EU-ization of trade: governments lost competences to regulate bilateral trade
- Dzurinda's government stopped activities of Intergovernmental Commission on Economic Cooperation and Trade in 2002
- Fico's government renewed the Commission's activities in 2007 (trade excluded from the agenda)
- AA/DCFTA – economic integration of Ukraine with the EU around 2027-2030 (?)

Schengen and visa:

- 1981: Czechoslovak-Soviet agreement on reciprocal travel of citizens has been incorporated into SK-UA legal framework and valid till 2000 (no visa requirement, however, administrative requirements: invitations, tourist vouchers, etc.)
- 2000: Slovakia introduced unilaterally visa requirements on Ukrainian citizens (in place till 2017)
- since 2005 without fees
- 2008: small border traffic (special visa regime for residents of border zones – 50 km)

Visa dialogue/Eastern Partnership: visa free regime for Ukrainian citizens since June 2017

main challenges I: funding

- EU programs (ENPI HU-SK-RO-UA, 2007-2013, and ENI CBC HU-SK-RO-UA 2014-2020) since 2007 overwrote the development of CBC in the region (esp. Carpathian Euroregion)
- SK-UA CBC Commission within ENPI and ENI CBC programs (unlike bilateral SK CBC Commissions with PL, HU, CZ and AT within INTERREG) has no impact on the use of EU funds
- Slovak and Ukrainian governments have not yet created fund to support CBC projects between regional and local actors (except for some intergovernmental projects in the field of border management/infrastructure)
- nor regional/local authorities are in capacity to allocate funds for bilateral CBC projects

main challenges II: planning

- SK-UA CBC Commission lacks a strategic approach (until now): it failed in facilitating a joint territorial development planning of the border regions; focuses on ad hoc projects and activities
- neither regional and local actors do have or are developing institutional capacities allowing them to develop a shared vision of a common trans-border region in terms of economic, social, infrastructural, and cultural complementarity of its neighbouring national parts
- regional and local actors are in shadow of the governments: they do not show a leadership in developing CBC

main challenges III: ... persistent problems for implementation and development

(research interviews with regional and local CBC actors on both sides of the border)

factors perceived as the most significant *barriers to CBC*:

- corruption and bureaucratic procedures at the local public administration offices, police and courts
- treatment and approach of customs officers (insufficient cross-border governance, long waiting times at the border crossings)
- lack of support for CBC from national governments, ministries and government agencies
- insufficient infrastructure (number of border crossings, transport)
- low purchasing power in nearby markets across the border.
- lack of coordination in the use of the EU funds
- inadequate institutional setup (different competencies of regional and local authorities)

etc.

Conclusion

- evolution of supranational (EU-Ukraine, esp. AA/DCFTA, visa liberalisation and EU CBC funding) and national (bilateral SK-UA intergovernmental relations, esp. legal and institutional) frameworks for CBC at the SK-UA border has been positive in the course of the last two decades (esp. since 2000s):
 - gradual elimination of obstacles together with progressive generation of opportunities for CBC on the common border
- however, the practice of Slovak-Ukrainian CBC shows rather limited capacities of regional and local actors to fully use the available opportunities

Thank you for your attention!