

Ukraine's Border with Russia before and after the Orange Revolution

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The Ukrainian-Russian border, which has emerged on the European map after the collapse of the Soviet Union, is not a site of ethnic tensions or military conflicts, as it is the case with some other post-Soviet borders. However, its changing geopolitical status, economic role and the regime of control crossing reflect the complicated dynamics of the Ukrainian-Russian relations. The enlargement of the EU in 2004 endowed this border with increased international relevance in the context of European security and regional cooperation. This paper addresses political challenges which the border with Russia poses for the Ukrainian leadership, the role of the border issue in the Ukrainian-Russian relations, and the EU politics in this respect. After summarizing the main debates and developments under President Leonid Kuchma's rule (1994-2005), the paper focuses on the foreign policy of the Orange leadership and its implications for the issue of the Ukrainian-Russian border.

Ukraine's border with Russia: the heritage of the Soviet past and the new challenges

In 1991, Ukraine as a new independent state inherited the territory and the boundaries of the former Ukrainian Soviet Socialist Republic. The system of Ukraine's national borders is therefore twofold: it includes "old" and "new" borders, which differ not only in age, but also by the border regime and the level of infrastructure development. Ukraine's Western border coincides with the former external frontier of the Soviet Union, which was well protected and hardly permeable before 1991, thus contributing to the Soviet policy of isolation from the West. Having a common border with the countries of the "socialist camp" (Poland, Hungary, Slovakia, Rumania), Ukrainians could not really profit from

their Western neighbourhood: border management and cross-border contacts were strictly controlled by Moscow. On the contrary, Ukraine's borders with its neighbouring Soviet Republics (Russia, Belarus, Moldova) were purely administrative lines, which were not controlled and not demarcated; they did not matter in terms of labour market, social provisions or education system.

Therefore, with state independence Ukraine faced very different challenges at its "old" and "new" borders. The infrastructure of the Western border needed to be modernized to answer the needs of growing cross border traffic, to facilitate contacts between the populations of the near-border regions and to attract Western tourists. New crossing points have been opened and the old ones have been modernized in order to reduce waiting time for freight and passenger traffic. Modern technical equipment is supposed to simplify border control and custom procedures. These changes correspond to the Ukrainian policy of integration into Europe, openness to the West and the new status of Ukraine as an EU neighbour.¹

At the "new" borders of Ukraine with the former Soviet republics the challenges are of a rather different kind. Both the delimitation and the demarcation of the new borders have not been finished yet, which is sometimes not only a technical, but also a political issue. The infrastructure of border and custom controls has to be built here from zero, which is an additional financial burden for the limited budgets of the NIS countries. Populations in the near border areas usually speak the same language, share a common historical memory and culture, have family and friendship contacts across the border. Illegal crossing is often seen by these people as a legitimate and the most simple way to keep contact

¹ From the beginning of the 1990's, Ukrainian citizens enjoyed a visa-free border regime with Poland, Hungary and Slovakia. Due to their accession to the EU in 2004, these countries were forced to introduce visas for Ukrainian citizens, a measure criticized in Ukraine (and in Poland) for impeding cross-border trade and local business. Nevertheless, Poland (due to its historical relations to Ukraine) and Hungary (taking into account the interests of the Hungarian minority in Ukraine) still maintain a de facto rather liberal visa regime for Ukrainians. This might soon change with the accession of these new EU members to the Schengen zone.

with the other side. For the border control service this means an additional challenge of educating people and keeping them in check while at the same time winning their loyalty. In case of the Ukrainian-Moldovan border, which is in fact a border with the unrecognized separatist “Dnestr republic,” the frozen conflict has become a source of instability and cross-border criminality. Ukraine’s border with Belarus, though thinly populated and not very busy in terms of traffic, runs through territories heavily polluted as a result of the Chernobyl nuclear accident in 1986.

However, the biggest challenge for Kyiv seems to be the border with Russia. It measures 2292.6 km which is almost one third of the overall length of the state borders of Ukraine. It crosses urbanized and densely populated territories, which have a crucial importance for the economies of both countries and which until recently were deeply integrated. The main transport routes from Moscow to the South now go through the territory of Ukraine. The Ukrainian-Russian border is also one of the busiest among post-Soviet borders: 20 to 30 million persons cross it per year. Presently Russian and Ukrainian citizens can cross it with internal passports, visa is not required, but a migration card has to be filled in. In 2006 international passports were about to be introduced as obligatory for crossing the border, but this measure was postponed at the last moment as both sides were not prepared for it technically. The biggest problem for travellers is the long waiting time at the border, especially during summer holidays. Until autumn 2004 an official registration of Ukrainian visitors (entering the country for more than three days) in the local police offices was required by Russia. This unpopular measure was abolished in the wake of the presidential election campaign in Ukraine, as Vladimir Putin’s present to the electorate of the pro-Russian candidate Viktor Yanukovich.

The scale of contraband, illegal crossing and human trafficking (especially illegal transit migration to the EU countries) at the border with Russia is a serious challenge for the Ukrainian state. The open flat landscape of the southern steppe makes the task of fighting with contraband rather difficult, especially in summer, when the smugglers’ lorries can easily take small roads or just go through the fields. Part of the popula-

tion in the near border area make their living from smuggling vodka, cigarettes, sugar and petrol (this assortment changes according to the price dynamics). But an even more serious problem is the large scale of contraband based on corruption of the border and customs control services.

Due to its geographic position Ukraine faces the challenge of transit migration (first of all from China, Afghanistan, and countries of East-South Asia) to the EU. Given the relatively open border with Russia, these illegal migrants often are stopped only at the Polish or Slovak border. Some of them stay in Ukraine, having no opportunity to get into the EU, but others make it. Therefore, from the end of the 1990's the Ukrainian-Russian border has been in the focus of the EU interest. Also the OSCE, the International Organization for Migration (IOM) and the UN Development Program launched some related projects here.

Although the legal status of the Ukrainian-Russian border has been basically settled by international treaties, some problems such as the demarcation of the land part of the border and the delimitation of the Asov Sea and the Kerch Strait still remain open. For a long time Russia resisted demarcation and only recently has slightly softened its position. Negotiations on the Asov Sea are continuing but no progress has been made during the last months. Even more worrying is the fact that – with the “ice age“ in the Ukrainian-Russian relations after the Orange Revolution in 2004 and the escalation of the gas conflict in winter 2005-2006 – issues settled long ago were reanimated for political purposes. In response to the new gas price Ukraine threatened to raise the rent for the Russian naval base in Sevastopol and to reconsider the agreement on the Black Sea Fleet. In May 2006, the lower House of the Russian Parliament, or State Duma, sent the government an official inquiry “On the possibility of returning Crimea to Russia“. This provocation was condemned even by the Communist Party of Ukraine. These developments confirm what Russian political analyst Dmitri Trenin wrote about the Ukrainian-Russian border in 2001: “The border issue as such is not a major prob-

lem, but it could become a symptom of the bilateral and even regional political dynamics.”²

Not only in the relations with Russia, but in the Ukrainian society itself the status of the border with Russia is a highly sensitive subject. The still not demarcated and relatively open Eastern frontier is often associated in Ukrainian public debates with the vulnerable position vis a vis Russia as a former imperial centre, with the post-colonial status of the Ukrainian culture, the dominance of Russian media and Ukraine’s economic dependency. According to a survey conducted by the Centre for Peace, Conversion and Foreign Policy of Ukraine (CPCFPU) in 2001,³ more than half of the Ukrainian public voted for keeping open the border with the Eastern neighbour, while the overwhelming majority of Ukrainian experts assessed the transparent and not demarcated border with Russia negatively. The rather successful political instrumentalization of this issue by Yanukovich in the 2004 presidential election campaign has shown that this attitude still persists, especially in Eastern Ukraine. By promising double (Ukrainian and Russian) citizenship as well as to give Russian language an official status and to simplify border crossing for inhabitants of the near border regions, Yanukovich could win the sympathies of the pro-Russian part of the Eastern Ukrainian electorate.

The threat of territorial separatism (coming from Donetsk, Luhansk, and Kharkiv) was instrumentalized by Yanukovich’s Party of Regions to blackmail their political opponents in the 2004 presidential election campaign. This strategy, originally aimed at undermining the pro-presidential “Our Ukraine,” continued after the 2006 parliamentary elections: referring to the European Charter for Regional or Minority Languages ratified by the Ukrainian parliament, oblasts’ and city councils in the East and South of Ukraine have declared Russian the “second official language” in their regions. This “parade of language separatism,” as it was called in the Ukrainian media, coincided with an anti-NATO

² Dmitri Trenin, *The End of Eurasia: Russia on the Border between Geopolitics and Globalization*. Moscow: Carnegie Moscow Centre, 2001, p.169.

³ *Borders of Ukraine. Effective Policy Implementation*, Center for Peace, Conversion and Foreign Policy of Ukraine. Available online at: <http://cpcfpu.org.ua/en/projects/borders/papers/polls/document_1> (assessed on November 3, 2006).

campaign in Crimea. Mass protests organized by pro-Russian political parties forced U.S. troops, which had been sent there to prepare for joint manoeuvres, to withdraw from Ukraine.

Most recently, in May 2006, the State Border Service of Ukraine announced its plans to dig a 400-km ditch throughout the length of the Russian-Ukrainian border in the Luhansk region in order to reduce the criminal activities of smugglers. The ditch is going to be 1 meter wide and 1.5 meters deep. Being first of all an anti-contraband measure, this action has also a symbolic dimension. It is seen by many as a *de facto* demarcation of the Ukrainian territory. Not only the reaction of the Russian media to this measure was hostile and ironic; it also found little support in the Luhansk region, controlled by the Party of Regions. The engineering work has already started, but was interrupted due to the opposition of the Luhansk oblast' city council, which accused the Border Service to ignore the law and the interests of the local farmers. Like the "language separatism" and the anti-NATO campaign, the protests against the technical modernization of the border with Russia are aimed at undermining the Orange political forces and challenging President Viktor Yushchenko's political course.

The persisting political speculations on the problems of Crimea and the Black Sea Fleet by some political forces in Russia as well as the ongoing politization of border-related issues in Ukraine demonstrate that the status of the Ukrainian-Russian border has still not been completely settled. Unlike any other part of Ukraine's border, it is connected with the legitimacy of the new Ukrainian state and as such still remains a "symbol of unfinished nation building."⁴

Border issues in the Ukrainian-Russian relations

Nation and state-building processes in both countries, problems of "divorce" and of building new relations based on principles of national sov-

⁴ Natalia Parkhomenko and Oleksandr Sushko, Kordony Ukrainy: symvol nezavershenoho derzhavotvorennia. In: *Dzerkalo tyzhnia*, 14–20 July, 2001.

ereignty have shaped the context of the Ukrainian-Russian border issue since 1991. During Kuchma's era, it reflected the ambivalence of the Ukrainian-Russian relations: a declared "strategic partnership" and persisting economic interdependency on the one hand and growing divergence in geopolitical orientations, accumulated tensions, mutual claims and negative stereotypes on the other.

According to Roman Szporluk, "it was of critical importance that Russia defined itself within the borders of the Russian Federation as it existed in Soviet times."⁵ Indeed, the Kremlin never directly put forward territorial claims to Ukraine, although unsettled and disputed issues were often used for putting pressure on Kyiv. At the same time, various parties and politicians (from the nationalists to the communists) did not hesitate to claim Crimea and parts of Eastern Ukraine on historical and language-related grounds.⁶ The Russian State Duma indulged in anti-Ukrainian

⁵ Roman Szporluk, *Reflections on Ukraine after 1994. The Dilemmas of Nationhood*. In: Szporluk, *Russia, Ukraine, and the Breakup of the Soviet Union*, Stanford: Hoover Institution Press, 2000, p.332.

⁶ The modern history of the Ukrainian-Russian border goes back to 1917. After the February Revolution and the collapse of the Russian empire the first Ukrainian government (*Tsentralna Rada*) claimed the autonomy of Ukraine; the related territory consisted of nine *gubernia* (administrative units of Tsarist Russia). The Provisional Government in Saint-Petersburg was ready to accept the autonomy of Ukraine, but reduced it to only five *gubernia*. An agreement could not be reached, and later the October events and the civil war in Ukraine changed the situation considerably. In the beginning of 1918, a delegation of the Ukrainian government participated in the Brest-Litovsk negotiations, where the Ukrainian National Republic and its territorial claims were recognized by the Central Powers. As a result, in 1918 the Ukrainian-Russian border which corresponded in fact to the demarcation line negotiated between the German and the Russian sides, was defined according to the old administrative division of the Russian empire: the Ukrainian territory now consisted of the nine *gubernia*, as it had been claimed earlier by the *Tsentralna Rada*. But the Ukrainian claims for Taganrog, Kuban, and some parts of the Voronezh and the Kursk *gubernia* with predominant Ukrainian speaking populations were rejected. This demarcation line became the border of Soviet Ukraine with the Russian Federation in 1919 and was legitimized by the border agreement signed by Ukraine with the other Soviet Republics. In 1920 the Donbas industrial region under the jurisdiction of Ukraine was formed by adding some Russian territories (including Taranog). After the USSR came into being in 1922 and with the beginning of the administrative-territorial reforms the border issue emerged again. The Ukrainian government claimed mainly some parts of the Kursk and Vo-

rhetoric, and some politicians (nationalist hardliner Vladimir Zhirinovski, Moscow Mayor Yuri Luzhkov, Communist Party leader Genady Zyuganov, Duma deputy and director of the Moscow-based Institute for the CIS States Konstantin Zatulin and others) built their careers on playing with anti-Ukrainian sentiments. In Ukraine, similar territorial claims to Russia (most often for Kuban as a former Ukrainian ethnic territory) were only marginal and limited to some radical nationalist groups.

It took years for the Russian political elites to accept Ukrainian independence, and until the mid 1990s the Ukrainian-Russian border issue remained open. Tensions on the territorial status of Sevastopol, a Russian military base in Crimea since more than two centuries, and on the future of the Black Sea Fleet were among the main obstacles for compromise, but they were basically settled in the second half of the 90's. One of the reasons why Moscow was slow in dealing with the Ukrainian border issue was that "keeping the issue suspended, Moscow though it could use its eventual concession as a bargaining chip."⁷ According to Trenin, it was the first Chechen war in 1994 which forced Moscow to cooperate rather with central governments in the Commonwealth of Independent States, or CIS, than with separatist movements. The 1994 election of Leonid Kuchma as Ukrainian President on a pro-Russian platform made it easier for Moscow and Kyiv to reach a final agreement on borders. In 1996 the Ukrainian-Russian subcommittee on state borders was created. In 1997 the *Treaty on Cooperation, Friendship and Partnership* was signed by both presidents (Boris Yeltsin and Leonid

ronezh *gubernia*, inhabited by a Ukrainian-speaking population. As a result of the border dispute of the twenties, Ukraine was granted approximately one third of the claimed territories, while the Taganrog and Shakhty districts went back to the Russian Federation. By 1927, the administrative border between the Russian Federation and the Ukrainian Republic was finally established; further small changes were made according to Soviet law. The only exception was the transfer of Crimea to Ukrainian jurisdiction in 1954 against all legal requirements of the Soviet Constitution. This transfer was initiated by Nikita Khrushchev to celebrate the 300th anniversary of the "unification of Ukraine with Russia" and was regarded as a symbolic act in the framework of the USSR as a united state. At the time, no provision was taken for the case of a possible dissolution of the USSR.

⁷ Trenin, op. cit, p.166.

Kuchma) and, despite the resistance of the nationalist opposition in the Russian State Duma, ratified by both parliaments. This so called “Big Treaty” first recognized the territorial integrity of Ukraine *as an independent state* within the boundaries of the Ukrainian Soviet Republic. Also the Crimean knot seemed to be unravelled: Sevastopol remained Ukrainian territory with the military facilities leased to Russia, and the Black Sea Fleet was granted the right to stay there for twenty years.

In a sense, Ukraine was lucky with Yeltsin as the first President of Russia: elected on a democratic platform, Yeltsin stood for a peaceful dissolution of the Soviet empire. The “Big Treaty” with Ukraine was a natural continuation of his foreign policy course and an important argument against the communist opposition. The opponents of the Big Treaty considered it a concession to Ukraine and a big political mistake (Zatulin called it “the betrayal of the century”).

While accepting Ukrainian territorial integrity in its present borders, Russia expected Ukraine to remain its ally and integrate fully into the CIS, which was seen in the 1990’s as the main instrument for the re-integration of the post-Soviet space. But for Ukraine, the treaty was only a point of departure. The CIS was considered by most Ukrainian politicians not as a integration project with a perspective for the future, but rather as a transitional mechanism, an instrument for a “civilized divorce,” according to the first Ukrainian President Leonid Kravchuk. For Ukraine, to have its borders legitimized by international treaties and arranged according to international standards was a necessary precondition for building an independent statehood. In this respect, the Ukrainian political elites demonstrated a firm consensus. Kuchma, despite his electoral pro-Russian declarations, continued the policy of his predecessor aiming at strengthening the formal attributes of national sovereignty. Ukrainian diplomats have lobbied for the delimitation and demarcation of the border, but the Russians are rather reluctant in this respect. Indeed, for Russia in the 1990’s, the border with Ukraine was not the issue of first priority: Russia had to cope with new borders of around 13,000 km total length, some of them going through zones of military and ethnic conflicts. But the deeper reason was rather political than technical: Russia considered the borders inside the CIS “internal” and declined any

discussions on demarcation as not compatible with “partnership relations.” The transparency of Russia's and Ukraine's common border (as well as a common jurisdiction over the issues of defence policy and national security) was seen as a substantial part of this “partnership,” also based on a common history and on close cultural identities.⁸

At the same time, official Russia's position on demarcation did not prevent the institutions in charge from strengthening the border regime against contraband, illegal migration and trans-border criminality; border guard services of both countries developed a successful cooperation in this respect.

Putin's presidency marked a pragmatic turn in Russian policy towards Ukraine. He seemed to favour the development of bilateral relations and common projects led by economic interest. At the same time, since the end of the nineties, Kuchma's government, isolated from the West due to a lack of democratic reforms and to scandalous corruption, became rather vulnerable to political pressure from Moscow. Under these conditions some progress has been achieved concerning the status of the Ukrainian-Russian border, but at the cost of concessions in another strategic issue – Ukraine's participation in the Russia-led project of regional integration, the *Single Economic Area Agreement*. In January 2003, the *Agreement on the State Border between Ukraine and Russia* was signed by Putin and Kuchma and ratified by both parliaments in April 2004. This agreement finalized the negotiations on the delimitation of the Ukrainian-Russian border (concerning its land part), a process which took around four years. However, the controversial issues of the delimitation of the Azov Sea and the Kerch Strait, which unexpectedly caused the Tuzla crisis in Ukrainian-Russian relations in October 2003, has not been settled by this agreement. Ukraine insisted on the delimitation of the Azov Sea by the water surface along the administrative border existing between Russia and Ukraine in Soviet times, while Russia opted for defining only responsibility zones on the coast and for the joint use of

⁸ The Legal Status of the Russian-Ukrainian Border: Problems and Prospects. In: *Borders of Ukraine. Effective Policy Implementation*. Center for Peace, Conversion and Foreign Policy of Ukraine. Available online at: <http://cpcfpu.org.ua/en/projects/borders/papers/security/document_2> (assessed on November 3, 2006).

the Kerch Strait and Azov Sea by both countries. The same is true for the demarcation of the land part of the border, which was not even mentioned in the text of the document. Russia refused to discuss the problem of demarcation of the land part of the border, referring to its high costs and low priority. In Ukraine, the long-awaited agreement was not perceived as a sensation but merely as a symbolic gesture, connected to the opening of the “Year of Russia” in Ukraine.⁹

The Tuzla conflict, which broke out in October 2003 and turned into a serious crisis between the two countries, has shown how fragile the show case of “strategic partnership” is. In September 2003, Russia started some construction work with the aim of connecting the Taman peninsula with the Ukrainian island of Tuzla. From the Russian side, the project was justified by an ecological argument: it was supposed to protect the Taman sea coast from storms. Russians also claimed that until the 1920’s Tuzla was not an island, but a spit connected with the Taman peninsula, and therefore originally Russian. The Ukrainian side referred to some documents confirming that the island was officially attached to Crimea some years before it became part of the Ukrainian territory in 1954. The conflict culminated in an exchange of hostile statements between Ukrainian and Russian officials and in an open demonstration of military force by both sides. It was the first time that Ukrainian border guards appeared on the Tuzla island and a virtual border became real. After intensive consultations between the Ukrainian and Russian Ministries of Foreign Affairs the crisis was solved, and negotiations on the delimitation of the Azov Sea started.

The unexpected Tuzla conflict seemed to have done only little damage to the official Ukrainian-Russian “strategic partnership”, but for the Ukrainian elites it was a shock revealing the lack of transparency in the Ukrainian-Russian relations. It became evident that Russia remains an unpredictable partner and that Ukraine’s international isolation, especially from the West, poses a serious problem.¹⁰ While the immediate

⁹ See comments in Ukrainian media, for example: Ivan Sahaidachny, *Samit neformaliv*. In: *Dzerkalo tyzhnia*, 1–7 February, 2003.

¹⁰ See the analysis of the consequences of the Tuzla crisis in the CPCFPU analytical paper no.14, 2004, Present challenges for Ukraine-Russia bilateral relations. Available

effect of the Tuzla crisis on Ukrainian society was not significant – according to opinion polls only a quarter of the Ukrainian population felt provoked by Russia’s behaviour – its political implications became visible one year later, during the Orange Revolution. When Moscow repeated the same pattern by supporting its candidate for the Ukrainian presidency at any cost, it helped the opposition to mobilize the population and strengthened the political nation in Ukraine. Unlike in the Tuzla conflict, the West, and in particular the EU, did not remain indifferent observers in this critical moment.

In December 2004 the presidents of both countries signed an agreement for cooperation in the exploitation of the Azov Sea and the Kerch Strait (known as “Kerch Agreement”). This agreement confirmed the status of the Azov Sea as “inland waters“ of both countries (defined already in the Border Agreement of 2003). This has been until now the main achievement of Russia in the Azov Sea negotiations. The status of “inland waters“ does not allow third country military vessels to enter the Asov Sea, something Russia tries to prevent in case Ukraine joins NATO. According to the Kerch Agreement the rights of exploiting the Kerch channel were assigned to a joint Ukrainian-Russian corporation. Russia agreed in principle to delimit the surface of the Azov Sea. However, a final agreement on the delimitation of the Azov Sea and the Kerch Strait has not been achieved yet.

The 25th round of negotiations, which took place in June 2006, failed again. The Ukrainian side referred to international practice and proposed to draw the border along the old Soviet administrative boundary. This solution would allow Ukraine to control the traffic to and from the Azov Sea and to profit from the main sturgeon fisheries. Probably even more importantly, there are also potential oil and gas fields at the continental shelf, which are at stake in this dispute. The Russian diplomats, who understandably try to support their country’s geopolitical and economic interests in this region, insisted on a “combined” approach to delimita-

online at: <<http://foreignpolicy.org.ua/eng/papers/archive .shtml>> (assessed on September 9, 2006). See also the assessment of the Tuzla crisis in Ukrainian newspapers: Yulia Mostova, *Buldozery bez kravatok*. In: *Dzerkalo tyzhnia*, 25–31 October, 2003; Taras Kuzio, *Behind the Tuzla Island controversy*. In: *Kiyv Post*, 30 October, 2003.

tion. From the Ukrainian point of view, it is the status of “inland waters“, which is the main obstacle for delimitation according to international law. According to Ukrainian experts, the uncertain status quo is beneficial for Russia, which dominates in the Azov Sea due to its economic potential.¹¹

In response to this “dead end” situation, Ukraine has suggested to change the status of the Azov Sea from inland waters to international waters and to invite international observers to the negotiations on delimitation. Changing the status of the Azov Sea would mean an amendment of the Kerch Treaty, and such a suggestion might further increase the tensions in the Ukrainian-Russian relations. Not surprisingly, the Russian reaction was negative.

As mentioned above, Russia has resisted for a long time to the demarcation of the land part of the Ukrainian-Russian border. The Border Agreement of 2003 between Ukraine and Russia did not even mention the issue of demarcation. Otherwise, according to Russian Foreign Ministry officials, the agreement would have had no chance of being ratified by the Russian parliament.¹² Since 2005 the Russian position seems to have softened in this respect. According to an information by the Ukrainian Fifth TV Channel from May 2006, the joint Ukrainian-Russian commission on demarcation is about to start its work.¹³ Ukrainian expert Oleksandr Sushko believes that Russia is going to use its eventual concession in the demarcation issue as a bargaining chip in the Azov Sea negotiations.¹⁴ Russia’s new position on demarcation can be explained by its new accent on “sovereignty” as the centre of its national doctrine. It assumes not only the ability to conduct its own political course, independent from the West, but also full control over economic resources and national territory. State borders which are demarcated,

¹¹ Volodymyr Kravchenko, *Perepysyuchy Bibliu*. In: *Dzerkalo tyzhnia*, 10-16 June, 2006.

¹² Volodymyr Kravchenko, *Kamin spotykania na ukrainsko-rosiiskomu prykordonni*. In: *Dzerkalo tyzhnia*, 25-31 January, 2003.

¹³ *Ukrainsko-rosiysky kordon nabude chitkishikh obrisiv*. Available online at: <<http://5tv.com.ua/print/101/56/25994/>> (assessed on June 1, 2006).

¹⁴ Personal conversation with Sushko (CPCFPU) on June 8, 2006.

arranged according to the international technical standards and well controlled correspond to this doctrine of “national sovereignty.” The eventual death of the CIS and the bleak perspectives of other Russia-led integrational projects contribute to this change. Under conditions of the continuing disintegration of the post-Soviet space, “transparent borders” have become expensive and non-effective.

Paradoxically, it was the Orange Revolution which forced the Russian political class to realize these irreversible changes in the CIS and opened the way for demarcation of the Ukrainian-Russian border. At the same time, Moscow prefers to wait and does not rush to make concessions. It still hopes for political changes in Kyiv, which would remove the main protagonists of the Euro-Atlantic integration from the Ukrainian political scene and bring to power more compliant partners.

Cross-border cooperation

The border between Ukraine and Russia crosses densely populated territories. Moreover, it divides a socio-economic system, which only recently has still been integral, in particular concerning settlement and transportation. In post-war Europe cross-border cooperation has developed as a solution for the specific problems of border regions with the aim to soften the dividing effect of the international borders. Similarly, in the 1990's cross-border cooperation between the CIS countries was seen as a means to restore broken economic ties and to compensate the psychological shock afflicted to the local populations by the Soviet break up. Particularly for the Ukrainian-Russian borderlands, with their developed economic ties and common cultural background cross-border cooperation looked like an important perspective of regional development. However, during the 90's, cross-border cooperation between Ukraine and Russia reflected contradictory political tendencies. On the one hand, both new independent states, being afraid of economic and territorial disintegration, concentrated their efforts on gaining control over their borderlands and on enhancing the capacity of state institutions

such as customs and state border services.¹⁵ Cross border initiatives and direct contacts of the border regions were sometimes viewed with suspicion by the centre. On the other hand, cross-border cooperation was considered by post-Soviet elites as an important pillar of the re-integration processes in the framework of the CIS, the Eurasian Economic Community or EvrAzES in Russian (with Russia, Belarus, Kazakhstan, Uzbekistan, Tajikistan; Ukraine, Armenia, and Moldova are observers) and later the Common Economic Space (CES). “Cross-border cooperation” copied from the European model and adapted to the “Eurasian” space assumed important elements of supranational integration: harmonization of legislation, free trade, common security, defence policy and others.

Efforts to develop cross-border cooperation have been made already in the early 1990’s. In 1994, the *Council of the Border Regions of Russia and Ukraine* (which meanwhile also includes Belarus) was created. It became the main organization lobbying in Moscow and in Kyiv for the interests of the border regions. In 1995 the *Agreement on the Cooperation of the Border Regions* was signed by the two governments. Since 2000, with the political rapprochement between Ukraine and Russia, perspectives for cross-border cooperation projects seemed to be even more optimistic. Economic forums, bringing together businessmen and politicians from both countries became a regular practice, most often in Kharkiv and Belgorod. In February 2002, the Russian and Ukrainian presidents signed the *Program of interregional and cross-border cooperation* (2001-2007) in Dnipropetrovsk. For the first time, this document officially mentioned the idea of Euroregions in the Ukrainian-Russian borderlands. With the support of the *Council* various projects were initiated in the border regions: the development of the near border infrastructure (transport routes, border crossing points), the common usage of water resources and the protection of the Siversky Donets river, an experiment on encouraging cross-border trade. In order to facilitate cooperation in education and research and to provide broader opportunities for students in both countries, the *Consortium of Near-Border Ukrainian*

¹⁵ See, for example, Vladimir Kolosov and Aleksey Kiryukhin, Prigranichnoe sotrudnichestvo v rossiysko–ukrainskikh otnosheniakh. In: *Politia*, no. 1 (19), 2001, pp. 141-165.

and Russian Universities was created in 2004. In 2003, representatives of the Kharkiv and the Belgorod administrations signed an agreement on the creation of the Euroregion “Slobozhanshchyna” – the first project of this kind on the Ukrainian-Russian border.¹⁶

At the same time, with EU enlargement stimulating Ukraine’s Euro-Atlantic aspirations and with the continuing disintegration of the post-Soviet space the geopolitical context of the Ukrainian-Russian border has changed. Ukraine started to see cross-border cooperation with Russia rather pragmatic – as complementary and even subordinated to EU integration. Contradictory economic interests and divergent geopolitical orientations of both countries made the tasks of a harmonization of tax and customs legislation, a prospective cooperation in high-tech industrial projects and of a coordination of security and defence policy very difficult. Euroregions as well as other regional bureaucratic initiatives remain on paper and serve mainly as a symbolic resource for the regional elites. Besides, the pervasive corruption in Kuchma’s Ukraine is to be blamed for the systematic abuse of cross-border cooperation initiatives by oligarchic clans. Special privileges to the regions (e.g. “free zone” and the “special regime of investments”) were used for massive contraband, money laundering and tax evasion.

New cross-border cooperation projects (such as an international Ukrainian-Russian airport at the border halfway between Kharkiv and Belgorod, an exhibition hall and a business centre near the crossing point Hoptivka, a common project on modernizing the transit highway Moscow-Crimea etc.) are driven by the interests of the big business from both sides. Cross-border cooperation today is not about the “restoration of broken economic ties” and the preservation of the “common cultural space,” it is shaped by the interests of the new economic actors and entirely pragmatic. Still, even such pragmatic business projects remain suspended because of the political instability in Ukrainian-Russian relations which makes private investors longing for more security.

¹⁶ For more on the Euroregion “Slobozhanshchyna” see: Tatiana Zhurzhenko, Cross-border Cooperation and Transformation of Regional Identities in the Ukrainian-Russian Borderlands: Towards a Euroregion ‘Slobozhanshchyna’? In: *Nationalities Papers*, vol. 32, no. 1, March 2004; vol. 32, no. 2, June 2004.

Not surprisingly, the political shock of the Orange Revolution also affected the cross-border cooperation projects with Russia. Not only the cooling relations between Moscow and Kyiv, but also the defeat of Yanukovich in 2004, the lustrations of the Eastern Ukrainian regional elites and Yulia Tymoshenko's government campaign against corruption and contraband in 2005 have changed the political agenda and climate in Ukraine. For example, Yevhen Kushnaryov, the former governor of the Kharkiv oblast', who was the initiator of the "Slobozhanshchyna" Euroregion from the Ukrainian side, became notoriously famous by his attempt to play the separatist card in order to support Yanukovich and was eventually dismissed from his position. With the symbolic defeat of "Eastern Ukraine" in the Orange Revolution the idea of cross-border cooperation with Russia also seemed to be compromised. In their short term of office, the new Orange governors of the East Ukrainian regions were concerned with the consolidation of their power and did not see relations with the Russian neighbors as their priority. The other way round, the Russian partners, who anyway had prejudices against the Orange Revolution, saw this lack of interest as an expression of the new political line.¹⁷

In March 2006, the Party of Regions won the parliamentary elections in Eastern Ukraine, thus partly restoring the "pre-revolutionary" status-quo. How this will affect the perspectives of cross-border cooperation with Russia is difficult to foresee. Despite the turbulent political situation, some work was done in this direction. In April 2006, the foreign ministers of Ukraine and Russia signed an agreement on simplifying border crossing procedures for border residents. People living close to the border and crossing it frequently will be able to do so at special checkpoints without fulfilling all formalities. Foreign Minister Borys Tarasyuk also said that Ukraine hoped to sign agreements on simplified citizenship and re-admission procedures with Russia in the near future.¹⁸

¹⁷ Interviews with regional and state officials made by the author in Kharkiv and Belgorod in October 2005.

¹⁸ Ukraine, Russia agree on simplified border-crossing procedures, 21.04.2006. Available online at: <<http://5tv.com.ua/eng/newsline/179/100/24430/>> (assessed on June 1, 2006).

On the other hand, Russia's economic sanctions and trade wars against Ukraine (such as limitations to the export of Ukrainian milk and milk products) certainly have affected cross-border economic relations. In June 2006, Russia tightened the rules of border crossing for Ukrainian border residents who carry agricultural products to Russia for sale. Before, up to 500 kg was allowed according to the simplified rules; according to the new rules, an official registration and licence for export is required for such commercial activities.¹⁹ The introduction of such measures (especially in June) threatens the survival of the small Ukrainian farmers and businessmen specialized in supply of agricultural products to the neighbouring Russian territory – and will surely stimulate contraband.

Interests and activities of the EU and other international actors

In the first half of the 1990's the new post-Soviet borders were in the focus of EU's concern, mainly as sites of possible military and ethnic conflicts in the aftermath of the collapse of the Soviet empire. Both the U.S. and the EU tacitly accepted a responsibility of Russia for the stability in the post-Soviet space and its legitimate geopolitical interests in the "Near Abroad." Ukraine's borders (with the exception of the potentially conflictual Crimea) seemed to be unproblematic compared to the Caucasus and the Middle Asian republics. Although the attitudes of the EU and the US to Ukraine as a newly independent state were rather different (Washington quickly realized the geopolitical key importance of this country in the region, while Brussels just saw it as a satellite of Russia), Ukraine's state borders were not a subject of special international attention. But with the beginning of the following decade several factors changed this situation and raised the interest in the borders of Ukraine and the Ukrainian-Russian border in particular:

¹⁹ Rosiya uskladnyla peretyn kordonu dlya hromadyan Ukrainy. In: *Ukrainska Pravda*, 13.06.2006. Available online at: <http://www2.pravda.com.ua/news_print/2006/6/13/42861.htm> (assessed on June 20, 2006).

- First, the EU enlargement to the East – the accession of Poland, Hungary, and Slovakia in 2004 (and the perspective EU membership of Romania) turned Ukraine into a direct neighbour of the EU and Ukraine’s Western border into an external EU frontier, which in a couple of years will become a Schengen border. Thus, the security of Ukraine’s state borders now directly concerns the EU.
- Second, the attitude of both the EU and the USA to Russia has changed. Of course, Russia is still seen by Brussels as a strategic partner and regional power, and Washington considers it an ally in the global “war against terrorism”. However, the monopoly of Russian influence in the post-Soviet space is challenged. The West is disappointed by Russia’ ambivalent democratic reforms; particularly the war in Chechnya undermines the geopolitical claims of Russia to be the only guarantor of security in the post-Soviet space. The Western partners decided that Russia is not able to provide regional stability alone (or its methods and views on stability are unacceptable). Both the U.S. and the EU act now more actively in the post-Soviet space and openly challenge Russia’s positions (support for the Orange Revolution in Ukraine, international isolation of Alexander Lukashenko’s regime in Belarus, attempts to solve the Dnestr conflict). In this context the new post-Soviet borders get more international attention (for example, the EU monitoring mission on the Ukrainian-Moldovan border). Ukraine deliberately uses this factor to internationalize its border disputes with Russia (as during the Tuzla conflict in 2003, and in 2006 by suggesting to invite international experts to the Azov Sea negotiations).
- Third, new global threats related to international terrorism gave state borders new significance. Not only the U.S. and the EU try to secure their external frontiers against potential terrorists and arms smuggling. State borders in other regions have become important sites to prevent proliferation of technologies and materials which can be used for developing nuclear, chemical or biological weapons of mass destruction (WMD). In the eyes of Western security experts, partly abandoned Soviet military facilities, unemployed specialists, political corruption in the post-Soviet countries and insufficient border controls create a potentially dangerous situation.

- Fourth, NATO enlargement to the post-Soviet space is another important factor. A NATO accession of Ukraine would certainly change the geopolitical status of its border with Russia. Already today Ukraine cooperates with NATO in issues of border management. However, membership in the alliance is clearly not on the agenda of Yanukovich's government.

The above mentioned factors lead to the "Europeanization" and internationalization of the Ukrainian-Russian border.

The European Union

Political and economic stability in Ukraine is very important for European security. Given Ukraine's large migration potential, the impoverishment of the population, its position of a transit country and its ecological situation, the EU is interested in developing a selective cooperation with this country without committing itself too much to Ukraine's internal problems – a cooperation following the principle "exporting stability without importing instability." The EU's *Country Strategy Paper 2002-2006* on Ukraine stresses that enlargement increases "EU awareness of 'soft' security threats from Ukraine, in the field of environment, nuclear safety, justice and home affairs (illegal migration, organised crime, money laundering, etc.) and public health."²⁰ Among the various risks connected to Ukraine as a neighbour the issue of illegal migration is one of the most urgent problems. Ukraine is the biggest transit country on the way of many migrant flows from the Middle East, China and the NIS countries to Western Europe. No wonder that the issue of Ukraine's borders is of primary interest for the EU.

Since the beginning of their official relations (Partnership and Cooperation Agreement 1994) the EU and Ukraine cooperate in Justice and Home Affairs (JHA); border management has become one of the focal

²⁰ Country Strategy Paper 2002-2006, National Indicative Programme 2002-2003, Summary. Available online at: <http://ec.europa.eu/comm/external_relations/ukraine/csp/index.htm> (assessed on October 20, 2006).

points in this matter. Already the *Common EU Strategy on Ukraine* (1999) included concrete proposals about security policy, justice and internal affairs, and cooperation in border security issues in particular. The next document, the *Country Strategy Paper 2002-2006*, included the *National Indicative Programme 2002-2003* (total budget 115 million Euro) and set the support for institutional, legal and administrative reforms as the number one priority with a budget of 59 million Euro, including 22 million for border management. The Program for the next two years (2004-2006) with a total budget of 212 million Euro allocates 60 million for JHA (including border management).²¹ The aim of this part of the program is to improve the overall border management system in Ukraine with the view to facilitate movement of goods and people, while combating illegal activities. Not surprisingly, the main attention is given to the Western border of Ukraine with the purpose to support the construction or refurbishment of key border crossing points, training programs for border guards, customs and other related agencies, assistance in form of equipment and facilities, legislation development and implementation. These measures do not contradict the European aspirations of Ukraine because they are aimed at the modernization of a former Soviet frontier which was designed not for communication but for international isolation.

But national borders constitute a system, and the Western neighbors of Ukraine perfectly realize this. No wonder they require tightening the control at the border with Russia as a necessary precondition for negotiating a simplified border regime at Ukraine's Western frontier.

According to Marko Bojczun, "the EU enlargement has concentrated the minds of its decision makers on the need to work more closely with Russia and Ukraine in order to stem the tide of migration pressing on the eastern borders of the EU. What happens to migrants and refugees at the Russian-Ukrainian border is therefore an important concern of the Euro-

²¹ National Indicative Programme 2004-2006. Available online at: <http://ec.europa.eu/comm/external_relations/ukraine/csp/ip03_04_08.pdf> (assessed on October 20, 2006).

pean Union.”²² Understandably, the EU is interested not only in the Western border of Ukraine, but in the whole system of border management, including the Ukrainian-Russian border.

The aim of the EU in regard to the Eastern border of Ukraine is to monitor illegal migration (transit migration in particular) and to reduce the migration flows by improving the efficiency of border control by training the personnel and providing modern technical equipment. The *EU Action Plan on Justice and Home Affairs in Ukraine* identifies as one of the main areas of cooperation the “development of a system of efficient, comprehensive border management (i.e. border control and border surveillance) on all Ukrainian borders and examination of possible participation of the State Border Service in a system of early prevention of illegal migration.”²³ The EU has been supporting Ukraine’s efforts to reform the Border Guard Troops in order to create a law enforcement agency working as a professional body responsible for border management. For this purpose financial and expert assistance is provided by the EU, as well as by some of its members (Germany, Austria, now also Poland). The EU also welcomed the initiative of Ukraine to reduce the number of border guards on the Western border in order to strengthen control on the border with Russia. An increasing part of the border management budget is directed to the Eastern border of Ukraine. For example, in 2002 the EU decided to finance the technical modernization of the Sumy border guard division, which controls one of the longest and busiest sections of the Ukrainian-Russian border and promised 2,5 million Euro for purchasing the required technical equipment.²⁴ In 2005-2006, the Border State Service is implementing a common project with the European Commission with a total budget of about 31,3 million Hrivna. In the framework of this project Chernihiv, Kharkiv, Donetsk

²² Marko Bojcun, The European Union’s perspectives on the Ukrainian-Russian border. Available online at: <<http://eurozine.com/pdf/2005-01-12-bojcun-en.pdf>> (assessed on March 17, 2006).

²³ Official Journal of the European Union, 29.3.2003. Available online at: <http://eur-lex.europa.eu/LexUriServ/site/en/oj/2003/c_077/c_07720030329en_00010005.pdf> (assessed April 20, 2006).

²⁴ Jevrosoyuz dopomahaie ukrainskym prykordonnykam i sobi. In: *Den*, 19 October 2002.

and Luhansk units of Border Service received computers, transport vehicles and special equipment for border control. In 2006 another project is planned with the support of the European Commission (total budget of 26 million Hrivna) aiming at the improvement of human resources management and personal training.²⁵

Another aim of the EU is to encourage Ukraine to harmonize its legislation on migration with the EU requirements and to improve the country's capacities to deal with illegal migrants and asylum seekers after detention. This kind of work has started already in the framework of the TACIS Program. With the support of the EU some refugee centres are now under construction for which the State Budget of Ukraine 2004 has assessed 5,3 million Hrivna. Such refugee centres are planned also on the Eastern border (Kharkiv). The State Border Service of Ukraine has also started the introduction of the exchange data system "Arkan," which is designed for controlling goods, transport and persons crossing the state border. The information system "Refugee" (including a dactyloscopy information data base) is in the process of being implemented by the State Committee for Migration and Nationalities. These information systems create a basis for information exchange and cooperation between Ukraine's law enforcement agencies and Europol. In 2001-2004 Ukraine adopted a basic legislation on migration and asylum according to EU standards. Since 2002, the EU and Ukraine have been negotiating a re-admission agreement, and the EU encourages negotiations of analogous agreements also between Ukraine and Russia, as well as Ukraine and Belarus. Meanwhile, Ukraine already has long-standing bilateral re-admission agreements with Hungary, Poland and Slovakia. In 2005 EU has made a re-admission agreement a prerequisite for Ukraine to be granted a simplified visa regime. It would require from Ukraine to receive all of its nationals as well as stateless persons and nationals of other countries who have resided on or passed through its territory and who are expelled from EU territory for reasons of unlawful entry or rejection of claim for asylum.

²⁵ State Border Service of Ukraine, Available online at: <<http://www.pvu.gov.ua/inf/ums/ums3.htm#bss>> (assessed on March 17, 2006).

United States

The EU is not the only global actor interested in Ukrainian border security. In some respects EU policy coincides with the interests of the U.S., which after September 11 are especially concerned with the proliferation of WMD and possible movements of terrorists across the borders. According to US experts, Ukraine might present a threat for global security because of its geographic location, the length of its state borders, the remnants of the military-industrial complex but also because of “a weak economy and corrupt institutions.”²⁶ The famous Kolchuga scandal (the Kolchuga radar system was sold to Saddam Hussein’s Iraq in violation of international sanctions) revealed the fact that the Ukrainian government does not control arms exports. There are some U.S.-sponsored programs supporting the professionalization of border control services in Ukraine. For example, with the sponsorship of the U.S. European Command, the State Partnership Program has been supporting for the last ten years an exchange between the California National Guard and the Ukrainian Border Service.²⁷ In 2002, the U.S. allocated 4 million Dollars to upgrade Ukraine’s border with Moldova.

In 2005-2006 the Ukrainian Border Service together with the US Department of Defense was implementing a technical assistance project on the border with Moldova aimed at the detection of WMD and related materials (total budget about 20 million Hrivna). In 2006, a similar project, called “Prevention of proliferation of nuclear and other radioactive materials,” was supported by the US Department of Energy (with a budget of about 10 million Hrivna). In 2006 the Ukrainian Border Service – with the support of the Pentagon –started a five years program aimed at raising its capacity in the detection of the WMD, nuclear and radioactive materials in the Black Sea and Azov Sea.

²⁶ Katherina W. Gonzales, Good Fences Make Good Neighbors. Ukrainian Border Security and Western Assistance. In: *Problems of Post-Communism*, vol. 51, no.1 (January-February 2004), p.49.

²⁷ Gonzales, p.52.

International organizations

As a member of the Partnership for Peace (PfP) Program, Ukraine actively cooperates with NATO. In 2002 the NATO-Ukraine Action Plan was signed by both sides. Some components of this plan concern border security and non-proliferation of WMD. The Orange Ukrainian leadership declared NATO membership a strategic goal for Ukraine – a perspective which could be more realistic than EU accession. The Ukrainian Border Service takes an active part in the preparation for NATO membership and is adopting corresponding standards of border security, first of all at the new sections of the state border.²⁸

The IOM has also launched some projects connected to the Ukrainian-Russian border. As reported in Ukrainian media, computer registration of all persons crossing the border at the Kharkiv-Belgorod section was implemented in April 2003 with the support of the IOM which provided technical equipment and expert assistance. In the framework of the UN Development Program “Belarus, Ukraine, Moldova against drugs” (BUMAD-2), the Ukrainian Border Service purchased computers and control equipment. In 2005 a joint project with the OSCE studied the possibilities of implementing biometric control at Ukraine’s borders.

And finally, with the increasing flow of illegal migrants and asylum seekers, human rights organizations (e.g. Human Rights Watch, No borders) have started to pay attention also to Ukraine’s borders. In November 2005 Human Rights Watch published the report “Ukraine: On the Margins. Rights Violations against Migrants and Asylum Seekers at the New Eastern Border of the European Union” assessing Ukraine’s capacity to deal with illegal migrants and asylum seekers and its human rights standards in this field.

To summarize this chapter, both EU and NATO enlargement, the global threat of terrorism and the changing geopolitical balance in the post-Soviet space have increased the interest of the EU, the USA and interna-

²⁸ Evroatlantichna integratsiya. Available online at: <<http://www.pvu.gov.ua/nato.htm>> (assessed on September 12, 2006).

tional organizations in the Ukrainian-Russian border. Despite the fact that Ukraine is not considered even a potential member of EU, it is de facto involved in the formation of a new comprehensive system of European security. The Ukrainian-Russian border might become an important element of this system in the future. While the EU is mainly interested in preventing economic crimes and controlling migration at this border, the interest of the U.S. and NATO is more strategic and military concentrating on WMD proliferation and on the threat of global terrorism.

Conclusions: What did the Orange Revolution change?

Among the first actions of the Orange government in 2005 were attempts to raise the capacity of the Ukrainian state to control its borders. At that time Prime Minister Tymoshenko used radical methods to regain state control first of all over the shadow economy and border related crimes. “The war against contraband” was a part of her anti-corruption campaign, but was also expected to contribute to the state budget. Not only did she fire the top officials of the Customs Service, but also formed special police units entitled to fight against contraband. Moreover, companies involved in import-export operations were put under control, and the notorious “free trade zones” were abolished – an ambivalent decision criticized by some experts and investors. Tymoshenko’s competitor Petro Poroshenko, at that time Secretary of the Council of National Security and Defense of Ukraine (CNSD), personally visited the Luhansk section of the border with Russia. These actions of the new leadership were also symbolic and stressed its break with Kuchma’s Ukraine, associated with corruption and “porous borders.” Since September 2005 Prime Minister Yuri Yekhanurov’s government continued this course, while avoiding radical actions characteristic for Tymoshenko.

At a press-conference in Strasbourg in February 2005 Yushchenko promised that the year 2005 would be devoted to the final settlement of the Ukrainian borders and the improvement of customs control, their modernization according to EU standards in order to stop contraband traffic and illegal migration. The new Action Plan considers cooperation

in the JHA (and border management in particular) one of the priorities of the EU-Ukrainian cooperation. Ukraine repeatedly has declared its will to cooperate with the EU in settling the Dnestr conflict. In April 2005, during his visit to Chisinau, Yushchenko suggested a peace plan, backed by the EU. It features free elections in the separatist Dnestr region under international supervision and an increase of the number of Ukrainian peacekeepers in the conflict zone. Responding to the concerns of both the EU and the U.S., the Ukrainian government is determined to strengthen the relatively open Ukrainian border with Transnistria, a notorious site of smuggling and arms trafficking. For Transnistria an open transit route via Ukrainian territory is a question of economic survival, since its business is required to pay Moldovan taxes. On March 5, 2006, Ukraine changed its customs regulations so that cargos coming to Ukraine from the Dnestr region may be cleared only if their clearance is certified by the Moldovan Custom Service. This decision, evidently motivated by the EU, was called by the separatist authorities in Tiraspol an “economic blockade” and denounced by Moscow as “pressure” on them. How long these new regulations will hold after the Ukrainian parliamentary elections is still a question.

Yushchenko’s leadership intensified the cooperation with NATO and repeatedly expressed its determination to become a member of this organization. As mentioned above, border security is among the priorities of NATO-Ukrainian cooperation, with special attention paid to the Eastern frontier. This cooperation and especially the prospect of NATO membership is a geopolitical balance against Russian influence; it can help Ukraine finally settle disputed issues and arrange its border with Russia according to international standards. At the same time, the discussion of a possible Ukrainian NATO membership mainly irritates Moscow and complicates Ukrainian-Russian relations. Turning the Ukrainian-Russian border into a frontier of a military block will significantly affect Ukraine’s relations with the Eastern neighbour. Moreover, it can become a serious factor for dividing and destabilizing Ukrainian society.

As a result of the Orange Revolution, the Ukrainian-Russian relations have been “Europeanized” and internationalized. Ukraine’s foreign pol-

icy has become indeed more pro-Western, although EU membership illusions of the Orange leaders vanished rather quickly. The Ukrainian government tries to find a new modus of relations with Russia. The gas conflict in winter 2005-2006 has demonstrated that this is not an easy process. The negotiations on the Azov Sea and Kerch Strait delimitation are presently also in a dead end. At the same time, the issue of border demarcation looks more promising.

While paying lip service to the Common Economic Space (CES) agreement, Ukraine refuses to participate in this integration project. In February 2005, Russia's new initiatives – creating a CIS Security Council and a Humanitarian Cooperation Council – were rejected by Ukrainian diplomats. Ukraine confirmed its position towards the CIS: no supranational political institutions should be created, and CIS should eventually transform into a free trade zone. At the moment, cross-border cooperation projects remain suspended due to the uncertainty in Ukrainian-Russian relations, the change of the political climate and the rotation of the regional elites. In general, it seems that these projects have lost their wider ambitious framework of a post-Soviet political and economic integration.

The pompous declarations and populist initiatives of Kuchma's times will transform into more pragmatic business projects, a common use of the near border infrastructure and concrete agreements regulating cross border contacts of the local population. At the same time, with the return of the Party of Regions to power, one cannot exclude a political instrumentalization of these issues, as it is happening already with the status of the Russian language in the Eastern regions.