

NEW BORDER STAKEHOLDERS

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The second quarter of this year was marked by the emergence of a number of new initiatives related to border management,¹ necessary due to the start of large-scale Russian invasion in Ukraine. Among these initiatives are:

- Ukraine Recovery Plan;
- «Solidarity Lanes» Initiative;
- «Open Border» working group/project.

Each of these initiatives has its own clearly defined goals and objectives for the development of Ukraine's western borders. Similarly, each of the three initiatives, as

well as the interagency working group on IBM coordination, has its own list of stakeholders that require coordinated communication and clear mechanisms of interaction between participants both within and outside the initiative in question.

However, for example, based on the results of the analysis of the «Solidarity Lanes» initiative, the experts of «Europe without Barriers» concluded that there are significant gaps in its coordination both at the national and interstate levels.² Therefore, taking into account wartime tasks and needs, today it is necessary **to conduct an audit of the border stakeholders**, as well as to revise the mechanisms for attracting new participants and other stakeholders, **in order to achieve a common goal**, in particular, to expand export corridors, eliminate bottlenecks at the borders and create preconditions for effective economic cooperation between Ukraine and the EU today and in the future.

¹

Europe without Barriers: EWB summarized the initiatives of the Ukrainian government aimed at addressing urgent border management issues <https://europewb.org.ua/v-yebb-uzagalnyly-initsiatyvy-ukrayinskogo-uryadu-natsileni-na-vyrishennya-nagalnyh-pytan-upravlinnya-kordonamy/> (accessed 23.09.2022)

²

Europe without Barriers: Solidarity Lanes Quarter https://europewb.org.ua/wp-content/uploads/2022/10/shlyahy_solidarnosti.pdf (accessed 04.10.2022)

1

1.

UKRAINE RECOVERY PLAN



Ukraine Recovery Plan, developed by the government, the Ministry of Economy, leading experts and business associations of Ukraine and presented at the conference in Lugano on July 4-5, reflects the main directions of restoring Ukrainian economy that suffered as a result of the war. The Plan has a clear division of actions for its implementation in 24 areas and contains accompanying measures, including legislative changes. The main principles of the Plan in the

context of the borders are the establishment of logistics in the western direction, free access to the markets of the EU and the G7 countries, Ukraine's candidacy and full membership in the EU in the future.

Stakeholders of the Ukraine Recovery Plan are determined by the National Council for the Recovery of Ukraine from the Consequences of the War,³ as well as the Final Document of the Conference on the Recovery of Ukraine UKR2022 («Lugano Declaration»).

³

CMU: National Council for the Recovery of Ukraine from the Consequences of War <https://www.kmu.gov.ua/diyalnist/nacionalna-rada-z-vidnovlennya-ukrayini-vid-naslidkiv-vijni> (accessed 27.09.2022)

⁴

CMU: Denys Shmyhal: In the declaration of the Lugano Conference, heads of states and governments pledged to support Ukraine on its path to recovery <https://www.kmu.gov.ua/news/denys-shmyhal-u-deklaratsii-konferentsii-v-luhano-hlavy-derzhav-i-uriadiv-zoboviazalsia-pidtrymuvaty-ukrainu-na-ii-shliakhu-do-vidnovlennia> (accessed 28.09.2022)

STAKEHOLDERS OF THE UKRAINE RECOVERY PLAN

UKRAINE	EU	EU MEMBER STATES AND OTHER COUNTRIES
National Council for the Recovery of Ukraine from the Consequences of the War:	Top officials and high representatives:	Heads of state and governments, ministers and high representatives:
· Prime Minister, · Head and deputies of the President's Office, · Chairman of the Verkhovna Rada, · Deputy Prime Minister, · Ministers of all 20 ministries, · Heads of 16 parliamentary committees	· Council of Europe (CU), · European Commission (EC), · European Bank for Reconstruction and Development (EBRD), · European Investment Bank (EIB), · Organization for Economic Cooperation and Development (OECD)	Albania, Australia, Austria, Belgium, Great Britain, Greece, Denmark, Estonia, Israel, Ireland, Iceland, Spain, Italy, Canada, Cyprus, Latvia, Lithuania, Liechtenstein, Luxembourg, Malta, Moldova, Netherlands, Germany, Norway, North Macedonia, Poland, Portugal, Korea, Romania, Slovakia, Slovenia, United States of America, Turkey, Hungary, Finland, France, Croatia, Czech Republic, Switzerland, Sweden, Japan

In addition to the above-mentioned stakeholders from Ukraine, the National Council established 24 working groups in various areas, which included both members of the Council and other representatives of central and local executive authorities, local self-government bodies, enterprises and organizations, Ukrainian and foreign experts in the relevant fields. Out of 24 working groups, the following three cover border issues:

The Ukraine Recovery Plan is designed for 10 years, so in the future the circle of stakeholders will be further expanded to implement such measures as: modernization of infrastructure at the western junctions with European countries, modernization of existing and opening of new road checkpoints, construction of transshipment complexes and cross-border terminals in western Ukraine, increasing the capacity of freight wagons.

- WG on European integration,
- WG on Infrastructure rehabilitation and development,
- WG on New Agricultural Policy.



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2.

"SOLIDARITY LANES" INITIATIVE



photo by Ljudmyla Honcharova

"Solidarity Lanes" Initiative, presented by the European Commission on May 12, aims to ensure unimpeded exports of Ukrainian agricultural products and imports of essential products to Ukraine by all modes of transport outside the Black Sea and introduces various measures to urgently eliminate transport delays (in particular on the borders of Ukraine with the EU and Moldova), as well as to improve connectivity between Ukraine and the EU in the medium- and long-term perspective.⁵

The initiative also has an impressive list of stakeholders. To implement the action plan, the European Commission has been cooperating for 5 months with EU Member States, Ukrainian authorities, EU and Ukrainian transport operators, infrastructure managers, rolling stock, vessel and vehicle owners, international financial institutions and other stakeholders around the world. The logistics platforms "EU-Ukraine Business Match-making Platform" and "Grain Lanes" are

Since there is no comprehensive information about the progress of the Initiative in the public domain, but only fragmented data in the context of individual activities, it is expected that the actual range of partners of the Initiative is much larger. At the same time, even for the already known stakeholders, the mechanism of their involvement and the degree of participation, the area of responsibility, the sphere of influence, and most importantly, the structure and mechanisms for coordinating actions within the "Solidarity Lanes" Initiative are not always clear.

the main platforms for communication between the participants.

5

European Commission: European Commission to establish Solidarity Lanes to help Ukraine export agricultural goods https://transport.ec.europa.eu/news/european-commission-establish-solidarity-lanes-help-ukraine-export-agricultural-goods-2022-05-12_en (accessed 23.09.2022)

STAKEHOLDERS OF THE "SOLIDARITY LANES" INITIATIVE

UKRAINE	EU	UKRAINE/ EU MEMBER STATES	OTHER COUNTRIES
Coordination Council for Logistics in Agriculture: - Minister of Agrarian Policy and Food + the deputy and a representative, - Representative of the CMU Secretariat, - Deputy Ministers of the Ministry of Infrastructure, Ministry of Economy, Ministry of Finance, Ministry of Foreign Affairs, - Heads of the State Border Guard Service, State Customs Service, State Service of Ukraine for Food Safety and Consumer Protection, Ukrtransbezpeka, Ukrzaliznytsia, USPA Mission of Ukraine to the EU (MFA) CEB	Directorates General of the EC of: - Mobility and Transport (MOVE), - Agriculture and Rural Development (AGRI), - Health and Food Safety (SANTE), - Taxation and Customs Union (TAXUD), - Negotiations on Neighborhood and Enlargement (NEAR) European External Action Service (EEAS) EU Delegation to Ukraine (EUDEL)	Authorities of Ukraine and neighboring EU member states: - border and customs services, - phytosanitary and veterinary authorities Customs brokers Infrastructure managers	U.S. Embassy in Ukraine U.S. infrastructure managers
Agricultural producers	Producers of critical import goods	Vehicle owners Transport and logistics service providers	International buyers and distributors International transport and logistics service providers International financial institutions
Facilitators: Coordination Center for Export Support at the Ukrainian CCI	Facilitators: - EU Advisory Mission (EUAM), - EU Border Assistance Mission to Moldova and Ukraine (EUBAM UA-MD), - EU Support to Strengthening IBM in Ukraine (EU4IBM), - European Agency for the Protection of the External Borders of the EU Member States (Frontex), - Ukraine-Romania Customs Working Group (initiated by EUAM)		Facilitators: International Organization for Migration (IOM)

3



3.

"OPEN BORDER" WORKING GROUP/ PROJECT



"Open Border" working group/project

was established by the Ukrainian government on June 1 to develop the western state border and participate in negotiations with neighboring countries on cooperation in the implementation of joint border and customs control at border crossing points. The activities of this WG are primarily aimed at institutional support for the development of the Ukrainian-Polish border and prompt resolution of problems arising there. But it is also expected that the successful experience of cooperation will be extended to border crossing points with other EU neighboring states. This is already

happening partially, in particular on the Ukrainian-Romanian border. The activities that include this WG are together combine into the **"Open Border" project**.

The list of parties involved in the "Open Border" project is not clearly defined. From Ukrainian side, it is primarily determined by the composition of the working group of the same name, the chairman of which has the right to make changes to the member list if necessary. But the list is not exhaustive, since in the context of modernization of border crossing points and introduction of electronic queue at some of them, at least 7 more stakeholders have already been involved in the Project.

STAKEHOLDERS OF THE "OPEN BORDER" PROJECT

UKRAINE	EU MEMBER STATES
"Open Border" working group:	Poland:
· Minister of Infrastructure and deputies, · Ministers of Justice, Finance, Internal Affairs, Agrarian Policy and Food, · Head of the State Border Guard Service of Ukraine, · Director of the Department for Combating Smuggling and Customs Violations of the State Customs Service.	· Minister of Infrastructure, · Minister of Agriculture and Rural Development, · Minister of Finance, · Minister of Internal Affairs + Anti-Crisis Headquarters.
Minister of Digital Transformation	Romania:
Heads of Ukravtodor and Ukrtranssafety	· President of the Suchavska County Council
Heads of Volyn, Lviv, Zakarpattia, Chernivtsi RSAs	

In addition, it should be noted that in the EU member states (in particular, Poland) there are no clearly defined counterparts for the "Open Border" WG members, and there is no clearly defined platform for Ukrainian-European interaction. Therefore, in this analytical note, the list of subjects involved in project implementation is formed according to the information from open sources on what parties participated in the implementation of certain activities and solving certain problems at the borders, in particular, the September crisis at the Yahodyn checkpoint.⁶

As for the involvement of other neighboring countries in the project, the open sources mention only the cooperation of the WG with Romanian county councils.⁷ But it is clear that the circle of stakeholders of this initiative is much wider.

Currently, the Deputy Minister for European and Euro-Atlantic Integration Olga Stefanishyna is not included in the "Open Border" WG. However, as the current chair of the inter-agency working group on IBM coordination, she is directly involved in border management and development issues and could be a useful participant of this working group.

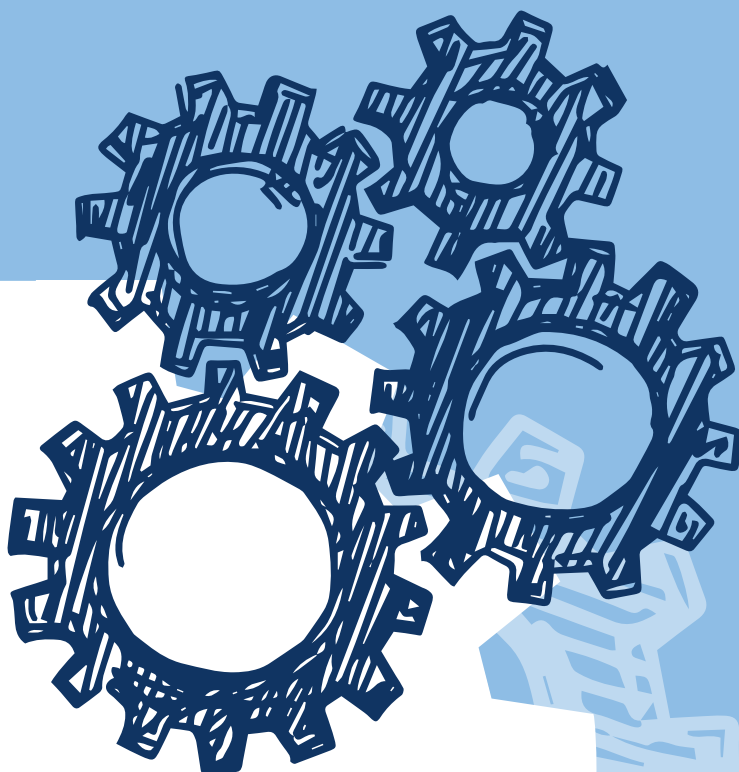
6

Economic Pravda: Polish carriers also staged a strike at the Ukrainian border because of queues <https://www.epravda.com.ua/news/2022/09/5/691145/> (accessed 26.09.2022)

7

Mustafa Naiem: "Open border": new border crossing points on the border with Romania <https://www.facebook.com/Mustafanayyem/posts/pfbid0XB1Dw-GEJLhHX7uPsfUwd3fsP24TkCA3sSLzQqdLhWVJr4rcryf13KfUrx6BNyEtm1> (accessed 21.09.2022)

4



4.

INTEGRATED BORDER MANAGEMENT

The background of the page features a close-up of two hands shaking in a firm grip. The hands are positioned over a collection of documents, some of which contain text and a bar chart. A large, light blue graphic of a bar chart with an upward-pointing arrow is overlaid on the right side of the page. The bar chart has four bars of increasing height, and the arrow points from the base of the bars towards the top right corner.

IWG MEMBERS COOPERATE WITH MANY STAKEHOLDERS FROM UKRAINE AND THE EU ON THE FOLLOWING ISSUES:

- formulating state policy in the field of IBM and measures for its implementation, in particular in the context of the implementation of the Association Agreement with the EU;
- identifying mechanisms and ways to solve problematic issues in the field of IBM;
- developing the draft IBM strategy (and action plans for its implementation), which defines the state of affairs, the range of actors, the main directions and objectives of cooperation in the field of IBM at the interagency and international levels, as well as a list of indicators for assessing their effectiveness.

The Interagency Working Group on IBM Coordination was established as a platform for communication of IBM actors in early 2019⁸ with the help and involvement of experts from the international Twinning project, the EU Advisory Mission for Civilian Security Sector Reform in Ukraine (EUAM) and the "Europe without Barriers" think tank.

8

MU: Resolution on the establishment of the interagency working group on IBM coordination <https://zakon.rada.gov.ua/laws/show/83-2019-%D0%B-F#Text> (accessed 27.09.2022)

STAKEHOLDERS OF THE IBM COORDINATION

UKRAINE	EU
The Interagency Working Group on IBM Coordination: • Deputy Minister for European Integration, • Heads of the State Border Guard Service, State Customs Service, State Food and Consumer Service, • Director of the Department of Work Organization, Planning and Control of the State Border Guard Service of Ukraine, • Deputy Ministers of Internal Affairs, Foreign Affairs, Infrastructure, Finance, • Deputy Commanders of the Air Force and Navy of the Armed Forces of Ukraine, National Guard, • Deputy Heads of the National Police, SMS, SSU, • Head of the Department of Cooperation with the State Border Guard Service of the Ministry of Internal Affairs, • Representative of the Office of the President of Ukraine, • Parliamentary Committees on Ukraine's Integration with the EU and on National Security, Defense and Intelligence, • Representative of the NSDC Staff, • Representatives of international organizations and institutions.	EU Delegation to Ukraine (EUDEL) EU Advisory Mission (EUAM) EU Border Assistance Mission to Moldova and Ukraine EU Support to Strengthening IBM in Ukraine (EU4IBM) European Agency for the Protection of the External Borders of the EU Member States (Frontex) International Organization for Migration (IOM)

The IWG staff is approved by the Cabinet of Ministers of Ukraine. At the same time, the IWG Chairman approves its members and makes changes to it, if necessary. In addition, IWG has the right to form permanent or temporary working groups to perform its tasks.

It should be noted that the last meeting of the IWG took place in early April 2021. Also in September of this year, the Administration of the State Border Guard Service of Ukraine, responsible for the organizational, informational and logistical support of the IWG, as well as for the organization of work on monitoring and evaluating the results of the implementation of the IBM Strategy for the period up to 2025, in its appeal to Olga Stefanishyna expressed the necessity and readiness to continue the work on monitoring the Action Plan for the implementation of the Strategy for 2020-2022 and the development of the Plan for 2023-2025 (which, among other things, provides measures for the maintenance of

the state border) with the involvement of other IBM actors.

Undoubtedly, in the context of extremely rapid changes and the emergence of new challenges and opportunities almost every day, the Interagency Working Group should intensify its work and ensure closer coordination of institutions involved in border issues.

Also, the renewal and adjustment of the format of the IWG could be a timely occasion to review the range of IBM stakeholders for more effective coordination of their joint actions. Thus, while the need to supplement the list of participants with regional state administrations have been present for a long time (in particular, due to the issue of land allocation for the development of border infrastructure), the issue of possible inclusion of such entities as the Ministry of Agrarian Policy, the Ministry of Digital Transformation, etc. appeared only with the emergence of new challenges and new initiatives.



As of the end of September 2022, there are at least **four groups of stakeholders** involved in the management and development of the state border of Ukraine, in particular in the context of establishing EU-Ukraine economic cooperation and expanding new export corridors. Some stakeholders have a high ranking, like the CMU ministers or above, whereas there are some on the level of deputies and other representatives of ministries and agencies.

The analysis of stakeholders shows that **most participants are members of several groups, who have overlapping functions, tasks, responsibilities** and, sometimes, **without clearly defined mechanisms for coordination among themselves and with international partners** in the implementation of specific initiatives.

Since within the competence of the IWG to **ensure coordination of actions** between executive authorities and formation of the state policy in the **field of IBM**, it would be advisable to review the **range of IBM actors** during its next meeting while taking into account the tasks of new initiatives and current needs of Ukraine.

It should also be noted that in the context of the rapidly changing situation on the western borders of Ukraine, the **format of the IWG** itself should be **changed** to a more flexible and dynamic one that can replace the outdated format of biannual meetings.

In case it will be impossible to promptly reorganize the working group, it may be advisable **to create a new all-national coordination body** at a highest political level. It would include representatives of all relevant state bodies and have clear tasks, responsibilities and mechanisms of horizontal and vertical coordination between the participants regarding the formation and implementation of state policy in the field of IBM, and in the implementation of new border initiatives.