



SFPA
Slovak Foreign Policy Association



Ukraine and Donbas – borders in conflict zones

Samuel Goda



The project is co-financed by the Norwegian Financial Mechanism and the State budget of the Slovak Republic. Program SK08 – Cross-Border Cooperation: „Slovakia–Ukraine: Cooperation across the Border“.

Publisher:



Co-financing:



Published within the project “Sharing know-how for better management of the Schengen Border between Slovakia and Ukraine as well as Norway and Russia,” CBC 01018
The amount of the grant: 619 454,- EUR. www.norwaygrants.org

The project is co-financed by the Norwegian Financial Mechanism and the State budget of the Slovak Republic. Program SK08 – Cross-Border Cooperation: „Slovakia – Ukraine: Cooperation across the Border“.



Policy paper published within the project "Sharing know-how for better management of the Schengen Border between Slovakia and Ukraine as well as Norway and Russia," CBC 01018

Ukraine and Donbas – borders in conflict zones

Samuel Goda

Bratislava 2016

© Research Center of the Slovak Foreign Policy Association

Published by:

Research Center of the Slovak Foreign Policy Association
Staromestská 6/D, 811 03 Bratislava

Prešov-office:

Hlavná 11, 080 01 Prešov, Slovakia
www.sfpa.sk

Author: Samuel Goda

Editor: Alexander Duleba

Reviewers: Peter Brezáni, Vladimír Benč

Printed by: ADIN s.r.o., Prešov

The policy paper has not been proofread.

ISBN 978-80-89356-48-5

Contents

Introduction	4
Borders in conflict zones and in general	4
Donbas and Transnistria in theory and practice	6
Lessons learned	10
Instead of recommendations	14

Introduction

New developments in wider European Union neighborhood have significant impact on the structure of the whole European (Euro-Atlantic as well as Eurasian) security architecture. In both cases, Mediterranean and East European, State borders have been changed – Syria and Libya are hardly to be defined within its previous borders and border change is significant in Ukraine as well – both the annexation of Crimea and war in Donbass.

Ukraine, being a top foreign policy priority of the Slovak republic as well as for the EU, is a case study of our paper. Internal and external security threats and challenges that Ukraine is facing nowadays are enormous, with its significance for the European security comparable probably (but hardly) only to the Yugoslav war(s). In our paper we aim to analyze specific features of Ukrainian crisis, especially the developments in Donbass, with primary focus on the “border”, or “the line of contact” between the separatist regions of Donetsk and Luhansk and Ukraine, as well as the “administrative boundary line” in Moldova. All of this against the background of comparison with another case in point which is the Transnistrian Moldovan Republic, commonly known as Transnistria and Moldova. We will analyze and compare both cases in order to identify similar characteristics of both internal borders – or line of contact in Ukraine and administrative boundary line in Moldova. The comparison of the two cases is based on the theoretical works on “quasi-states” and “de facto states” as well as on studies dealing with the role of borders in conflict zones and in general. In sum, the main research question is – what will be the role and future character of line of contact in Ukraine compared to the administrative boundary line in Moldova? Based on this, we will identify policy recommendations for relevant actors.

Borders in conflict zones and in general

In general we may say that in all civilizations and societies around the world, throughout all periods of modern and pre-modern history, there is a systematic feature - bounding particular territory where specific society exists. This feature is generally accompanied with terms as security, identity, culture, territorial integrity, globalization, etc. Borders are research subject in different social sciences, mainly sociology, political science or international relations. Starting from

the end – international relations do perceive borders mainly among States, thus from the external point of view. On the other hand, political science is more concerned with developments inside the State. However, as argued by Anderson¹, both disciplines are weakened by the “inside/outside” dichotomy.

We come to the point where we see that the issue of fixed, legal lines among/between geopolitical entities combined with the issue of territoriality and its role in construction and deconstruction of States might not always be harmonic or even permanent or legal. “During conflict, however, the permanence, legality and geopolitics of those lines may be tested by the course of the events, by changes in international law or its interpretation, by differences in the parties” interpretations of the lines, or by geopolitical factors. Additionally, the permanence and the legality of the borders may not be coterminous.”² Prelz Oltramonti, is further trying to distinguish between borders and boundaries. In her view, boundaries “do not carry the weight of permanence, legality and geopolitics though they do not exclude them either. Boundaries are the dividing lines at which something - rules of behavior - changes. The characteristic that most distinguishes boundaries (from borders) is their greater potential to change and evolve.”³

Kolossov and Loughlin offers a constructivist approach and argues that the core for border studies” should be the analysis of identity formation and change, with territorial dimensions as a central theme. Rather than following the primordialist tradition of equating national identity to a specific piece of land based on an historical claim, we see borders as social constructions of recent origin...”⁴

In European realm we may witness relatively often changes of borders – unfortunately, almost in general after a violent conflict. The same is applied to case of Donbas and Ukraine and Transnistria and Moldova respectively. In the following chapter we will analyze and compare both entities – Transnistria and Donbass – early beginnings of their existence, development of the conflict and current state of affairs – not only of the “border”. Transnistria, being a two decades older case will serve as a primary source of analysis and this experience will be further transferred (in a limited scope while maintaining “one size does not fit all” approach) to Donbas and Ukraine. As both Donbas (self-proclaimed Donetsk national republic and Luhansk

¹ J. Anderson, T.M. Wilson, L. O’Dowd, *New borders for a changing Europe: cross-border cooperation and governance*, London, Portland, OR: F. Cass, 2003.

² G. Prelz Oltramonti, “Borders, boundaries, ceasefire lines and *de facto* borders: the impact of mobility policies,” in J. Wielgoths, A. Lechevalier, eds, *Borders and border regions in Europe*, Bielfeld: Verlag, 2013, p. 158.

³ Ibid

⁴ V. Kolosov, J. O’Loughlin, “New borders for new world orders: Territorialities at the fin-de-siecle,” *GeoJournal* Vol. 44, No. 3, 1998, pp. 259–73.

national republic) and Transnistria are not internationally recognized entities – States as defined in the 1933 Montevideo Convention, we firstly have to put them into a coherent theoretical concept which will serve for further comparison and analyze framework. In this regard, works of Pal Kolsto will serve as a primary source.

Donbas and Transnistria in theory and practice

The basic Kolstø's premise – essentially differing from other authors who understand quasi-states to be relatively strong actor is that quasi-states are weak entities characterized by weak internal institutions and weak economy. The reason for existence of quasi-states is according to Kolsto in particular the fact that they were able to get a fairly strong internal support from the domestic population through propaganda and identity building; managed to redirect disproportionately large resources to the military and defense areas and not least rely on the support of a strong external patrons.⁵

In his works, Kolstø asks how and why quasi-states exist, survive, and why some survive longer than others. He further introduced specific criteria that must be met in order to meet the definition of a quasi-state entity: its leadership must be in control of (mostly all claimed) territory; it works towards the international recognition as an independent state, but did not receive it (while he puts apart those entities that are in state of “non-recognition” of less than two years)⁶ – naturally, this has a significant impact on territorial borders and boundaries.

In this case we see that it is almost completely true for Transnistrian case – the PMR authorities effectively control the claimed territory and it also seek international recognition as an independent State (however, the sincerity of such efforts is strongly questionable). Before the international recognition as an independent State, PMR authorities were dreaming about becoming a part of Russian federation – they often use the Kaliningrad instance. Besides the referendum in 2006 conducted in PMR on unification with Moldova or independence and subsequent unification with Russia, the most recent step of PMR “president” Y. Shevchuk, who on

⁵ P. Kolstø, “The sustainability and future of unrecognized quasi-states,” *Journal of Peace Research* Vol. 43, No. 6, 2006, p. 723.

⁶ *Ibid*, p. 727.

September 9, 2016 signed a decree on implementing the results of 2006 referendum, proofs this aim.⁷

In Ukraine, the situation is slightly different. The so called Donetsk People's Republic (DNR) creation was declared on April 7, 2014 and creation of Lugansk People's Republic (LNR) followed the Donetsk scenario, announcing its existence on April 27, 2014. Up to date we may say that the DNR and LNR authorities control most of the claimed territory (area considered by Government in Kiev as "temporarily occupied territories"), however, full ceasefire is not applied and, therefore, we cannot exclude changes of current territorial status in near future. Regarding the international recognition, this question is rather ambiguous. DNR and LNR authorities, besides the option of special status within Ukraine, were asking for the incorporation of the controlled territory into Russian federation – following the Crimea scenario. In addition, the authorities took some steps towards international recognition – if we can say so – when approaching South Ossetia (which recognized both DNR and LNR), Abkhazia, PMR as well as Russia and calling for recognition. There are also rather symbolic activities as appointing "honorary consuls" in e.g. Slovakia or Czech Republic.

As further argued by Kolstø, quasi-states are weak entities while building on a rigid definition of the State by Nodia⁸, who argues that such States can perform functions that are declared by themselves and are also required by the population itself. On the other hand, he used the definition of weak States by Young⁹, who defines the weak state as a state that complies with the minimum of Weber's definition of government – legal institutions respectively, is capable of carrying out part of the basic functions, but is far from domestic and international expectations of "normal" state.

Kolsto claims that the essential characteristic of quasi-states is weak state-building.¹⁰ State-building can be characterized as activities related to reconstruction, or alternatively creating efficient and autonomous governance structures in the State or territory in which anything like this until now did not exist, or has been greatly negatively undermined.¹¹ State-building,

⁷ "Transdniester decides it's time to join Russia," *Transitions Online: Regional Intelligence*, September 9, 2016. Available online: <http://www.tol.org/client/article/26298-transdniester-moldova-russia-referendum-shevchuk.html> (accessed on September 9, 2016).

⁸ G. Nodia, "Putting the state back together in post-Soviet Georgia," in Beissinger & Young, eds, *Beyond state crisis: post-colonial Africa and post-Soviet Eurasia in comparative perspective*, Washington DC: Woodrow Wilson Press. S, 2002, p. 415.

⁹ C. Young, "After the fall: state rehabilitation in Uganda," in Beissinger & Young, eds, op. cit., p. 446.

¹⁰ P. Kolstø, op. cit., p. 728.

¹¹ R. Caplan, *International governance of war-torn territories: rule and reconstruction*, Oxford: Oxford University Press, 2005, p. 304.

or better said shortcomings in this process, are considered by Kolstø as fundamental defect which adversely affects the sustainability of the existence of a quasi-state. At this point, he focuses primarily on the economic causes of shortcomings in building state and its institutions. He offers some reasons why quasi-states fail to build quality economies. Usually it is a legacy of the civil war that gave rise to a presumption a quasi-state, in the form of destroyed villages, towns and infrastructure.

Then there are the so-called “economic costs of non-recognition.”¹² In this case, foreign investors are afraid to invest in a quasi-state, whereas the agreements in this case may not be legally enforceable. Similarly, investors are reluctant to take such action since this could undermine bilateral relations with the mother country which market is generally larger. Last but not least it is the criminalization of the economy and targeted creation of informal, grey economy by elites of the country who enjoy private benefits from such activities. Due to the non-recognition based on international law, international conventions cannot be applied on this territory and it is not possible to conduct any effective monitoring by international institutions. Such a situation of non-transparency only promotes the development of criminal elements and the grey, criminal economy.

We can therefore conclude that the factors that negatively affect the existence quasi-states are weak efforts on building effective State structures together with the criminalization of the economy and the development of the grey economy. Of course, it is impossible to underestimate the consequences of previous armed conflict, which often triggered the emergence of a quasi-state and resulted in not only the destruction of many towns and villages but infrastructure as well as – which is a case in point more for DNR and LNR. In other words, quasi-states are not recognized by the international community and do not have strong internal institutions or stable and sustainable economy, and despite these facts they exist. The following question therefore is – what factors help quasi-states to survive?

The existence of quasi-states is according to Kolstø subjected to the following factors - symbolic nation-building, the militarization of society, the weakness of the mother country, support of external patron(s) and the lack of involvement on the part of the international community.¹³ All of these aspects put together have serious impact on delimitation of borders. There are no doubts that PMR has rich experience in all these areas during last 25

¹² S. Pegg, “De facto states in the international system,” Institute of International Relations, The University of British Columbia *Working paper*, No. 21, 1998, p. 43. Available online: <http://www.sirag.org.uk/defactostates-somaliland.pdf> (accessed on September 9, 2016).

¹³ P. Kolstø, op. cit., p. 729.

years. Hippler¹⁴ explains nation-building aspect in terms of socio-political development based on economic integration, cultural integration, political centralization, etc.¹⁵ State-building focuses on institutional, economic and military life of the state. On the other hand, nation-building focuses on “soft” side of consolidating the state such as the building of national identity through symbols, propaganda, interpretation of history, or even targeted compliance habits – whether traditional or really contrived. Through various dimensions of nation-building leaders of quasi-states are trying to win the support of the population and thus strengthen its sovereignty and internal coherence.

Despite the fact that case of DNR and LNR are unique, based on the Kolsto’s terminology and structure, together with previous analysis and instance of PMR, we can identify several common trends.¹⁶ Firstly, the area of DNR and LNR will in short and medium horizon remain disputed territory, another quasi-state or de facto state on the political map of former Soviet Union. Secondly, the conflict behind this territory will remain in official terms “frozen” (frozen through international agreements as Minsk II) with more or less frequent clashes on both sides of the line of contact.

The line of contact between DNR/LNR and Ukraine, or in other words, contact line between the government controlled areas and non-government controlled areas was established under Minsk I and Minsk II agreements. Moreover, Kyiv decided to establish a sort of “border” regime between the two areas in order to:

stabilize the situation at the “border” between the two sides in the crisis area; prevent, detect and block the penetration of sabotage and reconnaissance terrorist groups and illegal armed groups, the supply of arms, ammunition, explosives and also to prevent the conflict spreading to other regions of Ukraine; stop the uncontrolled movement of civilians and goods from the territory controlled by illegal armed groups.¹⁷

¹⁴ J. Hippler, *Nation-building: a key concept for peaceful conflict transformation?* London: Pluto Pres, 2005.

¹⁵ *Ibid.*, p. 7.

¹⁶ “Why Donbas is not a new Transnistria,” Institute of World Policy, November 5, 2014. Available online: <http://iwp.org.ua/eng/public/1290.html> (accessed on September 9, 2016).

¹⁷ J. Benedyczak, “Ukraine towards visa free regime,” Stefan Batory Foundation, March 5, 2015. Available online: <http://www.batory.org.pl/upload/files/Programy%20operacyjne/Otwarta%20Europa/No%20-%20Towards%20visa-free%20regime%20-%20Ukraine.pdf> (accessed on September 9, 2016).

We suppose that the existence of “internal border/boundary” within Ukraine is inevitable in short and medium horizon. It is still not completely clear what official form this dividing or ceasefire line, separating DNR and LNR from mother country, will have. Nonetheless, based on the instance of other similar cases on post-Soviet space as South Ossetia, Abkhazia or, especially, Transnistria, we may identify several challenges this line will be subjected to.

Lessons learned

Above, we aimed to provide a framework for common features in theory and practice of DNR/LNR and PMR existence. In this part we would like to go further and identify the main challenges the internal and external border of Moldova and Ukraine could be or is subjected to in terms of mobility policies and permeability of this boundary – this naturally underlines the fact that borders and boundaries are not static. In this regard, different actors in any particular case may use different tools to harden or soften the permeability of the border or boundary, especially in case of *de facto* borders.

Mobility policies may include more or less formal or informal policies affecting in our case *de facto* borders. According to Prelz¹⁸, formal aspects of mobility policies includes “policies aimed at allowing or limiting the movement of people and goods; planning of infrastructure to facilitate or hamper the movement of people and goods; and commercial policies between *de facto* states and other regional actors.” She further continues providing examples of unofficial, informal policies as “facilitating or impeding unsanctioned trade; influencing peacekeeping operations; and promoting or reining in non-state violence in the border lands.”

As aforementioned, borders might have different functions, including barriers or bridges. In case of conflict, borders and boundaries may have both these functions and as being a social construction, it depends on the particular point of view which aspect dominates. In economic exchange between the communities on conflict sides, let it be Ukraine and DNR/LNR, the border might have both positive and negative function. Economic exchange through the dividing line is one of the ways how to make financial profit for living – the most important goal in war affected communities. In addition, this way could bring together members of both communities along the diving line into direct contact. Simply said, when the main aim of these communities it to “buy,” respectively “sell,” the possibility of con-

¹⁸ G. Prelz Oltramonti, *op. cit.*, p. 160.

flict is diminished – of course, not excluded. Social interactions might have positive effect on further process of making the barriers softer. On the other hand, it also offers space for bribery, smuggling and building of shadow economy.

Understanding mobility policies and rules aimed at facilitating or limiting the movement of people and goods – is essential for understanding boundaries and borders. An analysis of mobility policies shows clearly which actors attempted to harden and which actors attempted to soften which borders and boundaries, why and how.¹⁹

So how the border crossing between right and left bank of Dniester river looks like? In formal terms it is very similar to any other regular border crossing point between two States. There are check points on both PMR and Moldovan side. However, the difference is in the level of control of citizens' documents. When entering the left bank – territory controlled by official Moldovan authorities, Moldovan and Transnistrian residents are obliged to show their passports only on the Transnistrian check point. The same applies when crossing from left bank to Transnistria – Moldovan and Transnistrian residents are obliged to show documents only on Transnistrian check point. International visitors are required to stop on the Transnistrian check point and fulfill a migration card which allows them to spend limited time (one day) in Transnistrian region. In case they want to spend more time there, they have to receive a permission from Transnistrian "ministry of interior." The reason behind the process of not checking the passports on Moldovan side is very simple – officially, Republic of Moldova does not recognize PMR as a State, therefore, the dividing line between the two is not recognized as a border and PMR is understood as an integral part of Moldova and in general there is no passport control inside the country. However, Moldovan authorities are well aware about possible security challenges deriving from PMR and therefore established mobile control units which execute several controlling activities along the administrative boundary line. Moreover, there are six territorial offices of the Moldovan Bureau for Migration and Asylum along the administrative boundary line with PMR which serves mostly for the needs of citizens of other countries crossing to PMR.

The situation in Ukraine is comparably tighter. In this case, in total seven border crossing points were created out of which four serve for the movement of people and three for movement of goods. The movement of people and goods via other ways is strictly prohibited. According to the

¹⁹ Ibid

analysis of J. Benedyczak²⁰, possession of valid Ukrainian internal passport with permission (which works for round directions and for maximum of ten days) from so-called coordination points at the Ministry of Internal Affairs in Starobilsk, Velyka Novosilka or Mariupol is the prerequisite of crossing through any of the border points. In case of will to cross from Ukraine to separatist territories, in addition to aforementioned, the following documents are required:

an application including the reason for travel and the route, a copy of the passport, copies of documents confirming the reason for travel, i.e. a document confirming residence in the territories under separatist control or that the person will stay with his/her family in this territory, documents confirming burial places of relatives in the territory under separatist control, documents confirming the death or disease of relatives in the territory under separatist control, documents confirming proprietorship in the territory under separatist control as well as other documents confirming the reason for travel. Providing false information and an unproven reason for travel would be a ground for the refusal of admission.

Besides the movement of people, transportation of goods is another crucial aspect. In this regard, as Bendyczak continues, the following documents are required –

a sales invoice, certified copy of the certificate of registration of a business entity in the Ukraine, a certified copy of the taxpayer's certificate, registered with the fiscal authorities of Ukraine, or an extract from the register of VAT taxpayers and a certified copy of the purchase contract, plus the relevant statutory certificates of conformity for products.

Besides the control of Moldovan – PMR dividing line, there is also a need to control and manage the border of Moldova with Ukraine, including the PMR segment. Moldova and Ukraine share 1222 km long border with 67 permanent border crossing points. Out of this, 453 km is under control of PMR, including 25 official border crossing points. At this point, the EUBAM – European Union Border Assistance Mission to Moldova and Ukraine, plays a crucial role. It was already in 2003 when Dutch Mission to the OSCE came up with an idea to deploy EU led peacekeeping mission to Moldova in order to help in Transnistrian conflict resolution. It was on June 2, 2005 when the then Moldovan and Ukrainian presidents V. Voronin and V. Yushchenko respectively signed a joint statement ad-

²⁰ Ibid

dressed to J. M. Barroso and J. Solana, with a request to EU assistance in monitoring the Moldovan – Ukraine border with special emphasis on PMR controlled part of the border. Officially, the Mission started its mandate on October 7, 2005, where the legal basis is a Memorandum of Understanding signed by the European Commission and the Governments of Moldova and Ukraine, with its headquarters based in Odessa. According to the EUBAM official website,

the aim of the mission is to work with Moldova and Ukraine to harmonize border control, and customs and trade standards and procedures with those in EU Member States; improve cross-border cooperation between the border guard and customs agencies and other law enforcement bodies; facilitate international coordinated cooperation; assist Moldova and Ukraine to fulfill the obligations of the Deep and Comprehensive Free Trade Area (DCFTA) they have signed as part of their Association Agreements with the EU; contribute to the peaceful settlement of the Transnistrian conflict through confidence building measures and a monitoring presence at the Transnistrian segment of the Moldova-Ukraine border.²¹

In Ukraine the situation is different, however, similar to Moldovan experience until the deployment of EUBAM. Ukraine – Russian border is 2295 km long out of which 409 km is under control of separatist regions where Kyiv does not have any influence. According to the website of DNR “ministry of foreign affairs,”²² the border under their administration is subjected to regular international control. For Russian citizens crossing the border there is a visa free regime. In May 2015, Ukrainian government decided to build a 2000 km long wall along the land border with Russia. According to prime minister A. Yatesenyuk, the building of wall has two goals. “First one is security and defense from Russian saboteurs and the second one is to support our economy, to create new jobs and to develop our science research.”²³ Concerning the international engagement, important role plays the Organization for Security and Cooperation – OSCE which deployed a Special Monitoring Mission to Ukraine as well as the Observer Mission to the two

²¹ See: Official website of EUBAM. Available online: <http://eubam.org/> (accessed on September 9, 2016).

²² See: Official website of Ministry of Foreign Affairs of the Donetsk People’s Republic. Available online: <http://mid-dnr.ru/en/> (accessed on September 9, 2016).

²³ “Great wall of Ukraine fortification along Russian border set for completion before late 2018,” UNIAN. Available online: <http://uatoday.tv/politics/great-wall-of-ukraine-fortification-along-russian-border-set-for-completion-before-late-2018-pm-428981.html> (accessed on September 9, 2016).

Russian checkpoints of Gukovo and Donetsk. First helps in monitoring the Ukraine security zone and line of contact with separatist territories and the former assists at the border with Russia.

Instead of recommendations

Political, social, economic and geopolitical changes and developments in post-Soviet space are very often accompanied with revision of borders. Soon after the collapse of USSR, fights in Transnistria, Nagorny Karabakh broke up and other regions in Central Asia, Northern and Southern Caucasus as well as in Ukraine found themselves in tensions over control of State power and (ethnic) self-determination. It was in 2008 when Russian federation recognized Abkhazia and South Ossetia – two Georgian regions which turned their autonomous status and autonomous borders into de facto interstate borders and de facto statehood. Later on, in March 2014 world witnessed another change in borders – Crimean peninsula and self-proclaimed people's republics in the region of Donbas. Both are qualitatively different as the former is according to Russian law an integral part of the federation while the former is officially unrecognized. Markedonov points on obvious fact that the political settlement of any of aforementioned cases, with full or partial recognition, is absent. He further continues stating the

process of ethnic self-determination accompanying the Soviet collapse is not finished. This stage in history will not be complete until there is successful conflict resolution and all newly established borders are recognized as legitimate. Meanwhile, without the completion of this process, it is impossible to speak about the sustainability of post-Soviet countries, their real independence, and the transition to democracy. In this context the conflicts between recognized and unrecognized states are not typical interstate disputes. They concern such fundamental issues as the nature of the state itself, the balance between ethnicity and civic identity in the process of state/nation-building and political legitimization.²⁴

²⁴ S. Markedonov, "De facto statehood in Eurasia: a political and security phenomenon," *Caucasus Survey* Vol. 3, No. 3, 2015, p. 206.

This was to offer the broader context on the possible near future border stability in post-Soviet space.

Turning back to Ukraine and looking for policy recommendations in terms of borders and border management, this also is a part of broader national context, where borders play important but derived role. In other words, to aspire for secure external borders of Ukraine, first of all, their control has to be returned to Ukraine. As for the internal borders – between Ukraine and DNR/LNR (area of “temporarily occupied territories”), the possibility of their citizen-friendly borders-crossing management (and even their cancellation) exists. However, both are subjected to internal reform of political system and territorial autonomy reform in Ukraine, as well as to termination of Russian technical (and military) support to separatists. As for the policy implications, Ukraine finds itself at crossroads at the best. All relevant authorities are aware and in favor of power decentralization process, which is probably the most important one within the overall political system reform. As Shapovalova argues,

decentralisation will transfer a degree of power to local communities and authorities. This should bolster local democracy and improve prospects for local and regional development, provided that adequate mechanisms are established to ensure accountability and transparency. The reform also requires fiscal and budget decentralisation which can be achieved through amendments to the Tax and Budget codes so that local authorities have their own revenues and budget autonomy to better serve local communities.²⁵

In regards to border control and management, the experience of EUBAM might be very useful. Despite the fact that the EUBAM was launched in very different security and political situation both in Moldova and Ukraine (it was launched upon a request of presidents of Moldova and Ukraine with a positive attitude and political will at the level of European Commission), there exist important lessons learned and experienced that might be transferred to contemporary Ukraine, in particular to assist in harmonizing border management practices with those in the EU, in capacity building of border guards and custom officials, in improving risk analysis capacities, etc. Just as EUBAM, as Tallis puts it, “the reason behind this is that heightened border control would curb smuggling and reduce illicit income flow into Transnistria, destabilizing the illegitimate regime in this region and providing incentives for renewed negotiations.”

²⁵ N. Shapovalova, “The politics of regionalism and decentralisation in Ukraine,” FRIDE, June 2014. Available online: http://fride.org/descarga/PB_183_The_politics_of_regionalism_and_decentralisation_in_Ukraine.pdf (accessed on September 9, 2016).

This is very accurate, just with substituting word “Transnistria” by Donbas.²⁶

What is impossible to forget is the role of the OSCE. Besides the crucial OSCE efforts in crisis management in Ukraine on international level, the OSCE is present in the field as well through three initiatives – OSCE Special Monitoring Mission to Ukraine, OSCE Observer Mission at the Russian Checkpoints Gukovo and Donetsk and Project Coordinator in Ukraine. In addition, before its own launch, EUBAM mission has to some extent build upon the previous work of the OSCE. Out of the three aforementioned initiatives, the OSCE Observer Mission at the Russian Checkpoints Gukovo and Donetsk has a direct mandate to work on the border. This mission, as it is stated, aims to enhance border security while facilitating legitimate travel and commerce, protecting human rights and promoting human contacts. The observers will observe activities and movements across the border at the Donetsk and Gukovo checkpoints, based on OSCE principles and commitments related to border management.²⁷

Nonetheless, the criticism towards this mission is large – not because of its operation, but because of mandate. Observing only two checkpoints is simply not enough and there are concerns that this mission will have only marginal effects. On the other hand, it is the only international initiative accepted by the Russian federation on own territory, therefore, it is still better as nothing. Hence, continuing for pushing further such initiative and enlarge its mandate could be a way how to assist in border control and management.

However, any international attempt to assist the situation in Ukraine, not only regarding border control and management, but in general, has to be undertaken only with a sense of full local ownership by Ukrainian side.

²⁶ B. Tallis, X. Kurowska, “EU Border Assistance Mission. Beyond border monitoring,” *European Foreign Affairs Review* Vol. 14, 2009, p. 53.

²⁷ “Border management,” Official website of OSCE. Available online: <http://www.osce.org/om/121741> (accessed on September 9, 2016).