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The European Union's perspectives on the Ukrainian–Russian border

Since the EU–enlargement 2004, the European Union shares a common border of more than 5,000 kilometres with Belarus, Moldova, Russia and Ukraine. The way that the richer countries have responded to the flight of people out of the poorer and destabilised regions has aggravated the plight of migrants and made it even more difficult for transit countries and countries of destination to receive and help settle them, or indeed to benefit from them. Marko Bojcun looks at what has to be done.

Looking through the publicly available documents of the European Union I have not been able to locate a policy statement that explicitly addresses the Ukrainian–Russian border. However, what happens on this border is of considerable interest to the European Union, and that interest can be discerned in the EU's Common Strategy on Ukraine, its Common Strategy on Russia, its programme of Technical Assistance to the Commonwealth of Independent States, the EU's New Neighbourhood policy and the emerging EU Common Immigration and Asylum Policy. One issue above all stands out in these documents that motivates the EU's interest in the Ukrainian–Russian border: the migration of people from east to west. This issue has preoccupied EU decision makers for several years, but it has become more urgent since the EU's enlargement in May 2004, when eight new member states from East Central Europe and the Baltic littoral joined (alongside Malta and Cyprus). The European Union now shares a common border of more than 5,000 kilometres with Belarus, Moldova, Russia and Ukraine.¹ 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 European Union.

Migration and settlement

The overland migration path across the northern tier states of Eurasia has become one of the main routes for migrants and refugees coming into Europe. The path brings together people emigrating from China, South East and South West Asia, the Middle East and even Africa who move into the Central Asian states and the Russian Federation, and then on to Belarus, Ukraine and Moldova. The great majority of migrants entering Ukraine come over the border from the Russian Federation, the remainder by air and sea directly into Ukraine from their homelands or from other, third countries.² These migrants from "the far abroad" are joined on the territory of the Former Soviet Union by migrants from that territory itself – Central Asian peoples, Russians, Ukrainians and others – who are also emigrating and going westward. The biggest crossing point into Central Europe for this stream of migrants is the Ukrainian western border adjoining three states that joined the European Union

in May: Hungary, Slovakia and Poland, and a fourth – Romania – which will join the EU in the next wave of enlargement around 2007.

It is, of course, difficult to make precise estimates of the numbers of people involved in this ongoing migration. However, the available evidence suggests that at the present time the numbers of unregistered migrants who are either settled or still in transit across the continent are distributed thus: approximately 2–3 million people are in the Russian Federation, one million are in Ukraine, Belarus and Moldova, and about as many again are in the Central European countries. The International Organisation on Migration estimated in 2000 that there were approximately one half million migrants trying to enter the EU each year. Of this number, the great majority would be coming into the EU over the east–west path (as opposed to the south–north path out of Africa, or the considerably smaller path from Latin America).³

In addition to this long distance westward stream of migrants and refugees, there are important migration streams over shorter distances, as well as recurrent migrations for seasonal labour or trade whose numbers and directions of movement are determined by changing regional disparities in the costs of labour and commodities. In the late 1980s and early '90s participants in the very widespread suitcase and shuttle trade across the entire region from China to Central Europe and the Middle East were the first to familiarise themselves and their home communities with the opportunities for seasonal and even permanent labour migration. Labour migration became an increasingly prevalent phenomenon during the 1990s as the economic crisis throughout the Former Soviet Union deepened. For the purposes of this discussion about the Ukrainian–Russian border, the most important of these regional migration streams to mention is the north–eastwards labour migration from Ukraine to Russia. It has been stimulated by the relatively higher wages available to Ukrainian workers in Russia and made easier by virtue of an estimated 40% of Ukrainians having relatives living in Russia. The number of Ukrainian migrant workers in Russia grew throughout the 1990s; the biggest centre of the migrant community being Moscow, where they work mainly in transport and construction, and constitute about one third of the capital's total foreign workforce. Overall, there are more than one million migrant workers from the "near abroad" countries working in the Russian Federation, and half of these have come over the border from Ukraine.⁴

Inevitably a proportion of long distance migrants have settled down before reaching their intended destination. In doing so, often against their will, they have increased the migrant stock in the populations of the key transit countries. In year 2000, migrants made up an estimated 9% of the population of Russia, 12% of Belarus, 14% of Ukraine and 11% of Moldova.⁵ Similarly, the East Central European states that have joined the European Union have also become net recipient countries in their own right, with significant immigration from Ukraine, Russia, Belarus and Moldova. A majority of these migrants in Central Europe do not have legal status there. As for the older member states of the European Union, the contribution of migrants from the east to their total populations over the past 15 years has not been as proportionately large as it has been for the Central and East European states. Two factors account for this: the much larger settled population of the pre–2004 European Union (295m) than that of the accession states of East Central Europe and the Baltic littoral (100m) and the increasingly effective controls employed by the European Union to keep out migrants.

The marked growth in migration across Eurasia since the late 1980s – long and short distance, seasonal and permanent, westward and eastward – has been attributed mainly to several causes: the economic crises of the post-Soviet states since 1991 and violent conflicts in some of them; the civil and military conflicts in Sri Lanka, Kashmir, Afghanistan, Kurdistan, Iraq and in North Africa; and the regional financial crises that gripped East Asia in 1997 and spread into Russia and Ukraine in 1998, disrupting national economies and entire peoples' livelihood. However, it should also be noted that the unprecedented opening of borders after 1991, starting with the partial demilitarisation of the Russo-Chinese border in the east and ending with the opening of the borders between the former Soviet Union's territory and its former East Central European satellites in the west, allowed for an unprecedented freedom of movement. This was an undoubtedly positive development because it gave many people a better chance to escape poverty, repression and war, not to mention the new opportunities it provided for the economic regeneration of communities living in border regions.

Immigration policy, strategy and instruments of the European Union

The reaction of the publics and of governments in Western Europe to the growth of immigration during the 1990s was increasingly negative. Far right movements, particularly in Austria, Holland, France and Britain heightened and exploited this anti-immigrant sentiment. National governments accommodated to the rightward shift and the European Union followed in their wake. The Amsterdam Treaty, signed in 1997 by the EU member states stipulated that the Union should have in place a Common Immigration and Asylum Policy by May 2004. EU leading bodies have responded by creating tougher immigration controls at the borders of the EU and promoting closer co-operation between EU member states in matters of intelligence gathering, detention and deportation of unregistered migrants and the sharing of costs of dealing with refugees and asylum seekers. EU northern states like Britain, Germany, Holland and France have employed additional immigration controls of their own. On the other hand southern member states like Greece, Italy, Spain and Portugal have periodically relaxed their immigration laws through amnesties and given legal status to unregistered migrant workers, while still relying upon EU policies and resources to prevent further, unwanted immigration. The general policy of the European Union has become a policy of exclusion at its borders and the repatriation of unregistered, "illegal" migrants who are apprehended by the authorities inside the member states.

In addition to consolidating this anti-immigrant domestically, the European Union has taken important steps to externalise its immigration policy and so to create new lines of defense well beyond its existing borders. European Council meetings of heads of state and the Justice and Home Affairs Council meetings of ministerial representatives, have addressed the need to take action in third countries in order to meet the EU's own immigration policy objectives. In the period from the 1999 to 2002, these bodies have developed a strategy to combat "illegal" or "irregular" immigration at its sources:

- a) by attempting to address in a comprehensive way the "root causes" of migration, which are identified as poverty, state institutional fragility and political instability in the countries of origin and transit of migrants,
- b) by identifying the key migrating groups (national, social, gender, etc), their informal networks and organising agents and

the geographic routes of migration into the European Union,
 c) by gaining the co-operation of third countries in a set of joint programmes and measures designed to prevent migration to the European Union,
 d) by making the provision of EU aid programmes to third countries conditional upon their full co-operation in reducing migration to the EU. Those countries that do not meet the EU's demands would see their aid and trade agreements with the Union reassessed.⁶

In line with this strategy the EU sought the co-operation of the Ukrainian and Russian governments in three principal areas. First, in its Country Strategy Paper for Ukraine for the period 2002–2006 the EU Commission stated that Ukraine should be able to effectively control and monitor all its borders, including those with Russia, Belarus and Moldova, and that the EU was prepared to provide technical assistance to help it do so.⁷ Under the TACIS Regional Co-operation Programme, released in parallel with the above strategy document, the EU set out the overall task of creating "a comprehensive migration, asylum and border management system" for the whole region on the basis of national programmes and through enhanced co-operation between the relevant ministries, law enforcement agencies and border guards of Russia, Ukraine, other states of the region and EU bodies. Assistance from the EU was to include "technical capabilities for executing border controls ... surveillance ... as well as apprehending illegal migrants and migrant smugglers".

The EU also disclosed plans to station its own "liaison officers" at border crossings and embarkation points in third countries to check documents and work with local authorities to detect illegal immigrants. Such liaison officers already work at some embarkation points for large numbers of travellers to the EU. They are to be introduced soon into the Western Balkans and "the experience gained in the Balkans could be extended to include other regions of strategic interest to the European Union".⁸

Furthermore, the TACIS programme aimed to improve the capacities of Ukraine, Belarus and Moldova (but not Russia) to accept greater numbers of asylum seekers by improving the legislation governing asylum claims, by training the relevant officials in asylum related matters and helping to establish asylum reception centres. The authors of the TACIS Regional Co-operation Programme concluded that, just as "financial assistance is given to the accession candidates and to the relevant partner countries in order to strengthen the future EU external border" so too was "the complementary creation of further 'filters' in the East – in the interest both of the EU and the partner states since these are increasingly confronted with the phenomenon and the problems of illegal migration." Such "filters", they noted in passing, were also to be created in the Caucasus and in Central Asia.⁹

Second, co-operation between Europol and the police and intelligence forces of third countries was to be stepped up in an effort to create an "early warning system – to provide immediate information on first indications of illegal migration and facilitator networks, particularly in the countries in which migration operates."¹⁰ The Common Strategy on Russia agreed by the Cologne European Council in June 1999 envisages "co-operation with Europol – for improving the fight against illicit trafficking in human beings and drugs as well as immigrant smuggling."¹¹ Similarly the EU's Common Strategy on Ukraine, adopted six months later at Helsinki, calls for "co-operation between EU

member states' law enforcement agencies, Europol and Ukrainian law enforcement agencies."¹² Such co-operation presumably includes contribution to and some degree of sharing of the Eurodac database of fingerprints taken from asylum seekers and illegal immigrants moving across borders towards the EU.¹³

Finally, the EU has been pressing for the conclusion of readmission agreements with Russia and Ukraine that will require the latter states to accept without delay all of their nationals as well as stateless persons and nationals of other countries who have resided on or passed through their territories and who are being expelled from the territory of the European Union. The EU's 1999 Common Strategies on both Russia and Ukraine spelled out the need to improve co-operation regarding readmission of expelled people. This was re-iterated in the Final Joint Statement of the EU-Russia summit of 3 October 2001.¹⁴ The EU made repeated diplomatic contact with Russian officials to conclude a readmission agreement, but apparently got no formal response.

EU officials sent Ukrainian representatives the text of such an agreement in April 2002 and formal negotiations started in November of that year.¹⁵ However, the EU-Ukraine summits at Yalta in October 2003 and The Hague in July 2004 revealed no substantial progress on this issue. The situation with Ukraine appeared more hopeful for the EU than with Russia insofar as Ukraine already has readmission agreements with Hungary, Moldova, Poland and Slovakia. It has also signed agreements waiting to be ratified with Bulgaria and Latvia, and has draft agreements under negotiation with the Czech Republic and Romania.¹⁶ This affords the EU some recourse to the bilateral agreements of its member states and accession states to protect its eastern flank, but it does not cover all the EU member states to which immigrants manage to arrive from the east. Yet both Russia and Ukraine, it would seem, have been reluctant to conclude this type of agreement directly with the EU.

Meanwhile, the EU has moved ahead in its long-term planning: it is prepared to finance the establishment of reception centres for people sent back to third countries such as Ukraine. The European Council has already approved the forcible as well as voluntary "return" of expelled people, and it can rely on specialist agencies such as the International Organisation on Migration to organise and supervise their repatriation on a large scale. The June 2002 Seville European Council expressed the EU's desire to return illegal migrants and rejected asylum seekers "to their countries of origin more quickly" and called for the "speeding up of the conclusion of readmission agreements currently being negotiated ... (and the) adoption of a repatriation programme ... by the end of the year."¹⁷

The proposal to establish "reception centres" for migrants and asylum seekers in countries across the border from EU member states, first advanced in 2002 by British representatives at Seville, proved to be highly controversial. It was opposed by other EU member states as well as a wide array of non-governmental organisations. As a result the idea was temporarily shelved, only to be revived in 2004 on the argument that such centres could prevent the deaths of many migrants and asylum seekers from Africa who were drowning in the Mediterranean Sea while trying to cross into southern Europe. Tunisia was mentioned as the location for the first such "reception centre". Yet the proposal continued to attract widespread hostility and accusations that the EU was really trying to save itself a lot of money and at the same time absolve itself of its international responsibilities of protection and asylum.

The IOM and the EU on the Ukrainian–Russian border

The IOM was founded in 1951 on the initiative of the USA and Belgium under the name of the Provisional Intergovernmental Committee for the Movement of Migrants from Europe. In 1989 it was renamed the IOM. With 79 member states, 43 observer states and several multilateral organisations like the United Nations, the International Labour Organisation and the European Bank for Reconstruction and Development in its ranks, the IOM has become a special service advising and supporting Western governments in the control of international migration, notably by the establishment and maintenance of effective border regimes. To that end the IOM assisted the Central and East European countries acceding to the EU in 2004 to adopt the EU's framework legislation (the *acquis communautaire*) through an EU–funded PHARE project entitled "Migration, Visa and External Border Control Management". In Kosovo the IOM has fulfilled the role of an EU protectorate authority by providing support to border police and immigration authorities. In year 2000 the IOM organised for the EU member states 87,628 "voluntary returns" of apprehended migrants and rejected asylum seekers. At the 223rd Council Meeting on Justice and Home Affairs in Luxembourg, the EU's strategic planning body, the High Level Working Group on Asylum and Migration, noted the "excellent co–operation" it received from the IOM.¹⁸ Despite its cosmetic appearance as a humanitarian organisation working to protect migrants and refugees, by its actions it is clear that the IOM is an intergovernmental agency charged with strengthening the immigration controls of its member states.

In May 1999, following extensive consultations with the IOM, the Ukrainian Cabinet of Ministers agreed to the establishment of a Capacity Building in Migration Management Programme (CBMMP), whose two principal aims were to harmonise and integrate Ukraine's migration policy and management system with those of its direct neighbours and of the EU, and to reduce illegal migration into and through Ukraine to Western Europe. Under the CBMMP in 1999 the IOM helped the Ukrainian government set up a demonstration project on its eastern border with Russia in the Kharkiv–Belgorod vicinity. This project involved the introduction of new border detection, control and information devices, including "long range infrared monitors, motion and carbon dioxide detectors" and equipment to detect document fraud. In addition, the IOM planned to help the Ukrainian government "establish capacity for detention and deportation of illegal migrants".¹⁹

Commenting on their early successes, IOM Kyiv Mission Chief Steve Cook noted:

that sector of the border, previously the most heavily travelled by illegal migrants, has been basically shut down ... that's what we wanted to demonstrate, and as a result we've got sufficient donor funds to develop another project on the Ukrainian–Belarusian border.²⁰

The IOM did organise a second demonstration project on the Ukrainian–Belarusian border. Then it set out to

initiate work with Russian authorities, to introduce cross border elements, including shared command posts and communications infrastructure, and co–ordinated deployment of patrols. This will require the establishment of parallel

inter-ministerial structures on the Russian side ...²¹

This initiative also met with success and in November 2000 representatives of the Ukrainian and Russian governments toured the facilities on both sides of their common border and agreed on a set of objectives for its further improvement: a shared database about violators of the border; co-operation between central executive organs; and co-operation at the operational level in law enforcement. Reporting on these developments, the IOM foresaw the next step being a memorandum of understanding between the two governments so that the actual work could go ahead.²²

In February 2001 the IOM Kyiv Mission launched an EU-funded project "that will take counter-trafficking measures in Ukraine to a new and more comprehensive level by reinforcing prevention activities, promoting further criminalisation of trafficking and strengthening the national capacity to provide protection ... to victims." In addition to the IOM, the Organisation for Security and Co-operation in Europe, La Strada and the Office of the Ombudsman of Ukraine were actively involved. The IOM reported in 2002 that it had financing for its counter-trafficking work from another source as well: the Swedish International Development Co-operation Agency.²³

Indeed, as the 2004 accession loomed ever closer, the European Union stepped up its efforts to establish a critical mass of programmes, agencies and resources to assist the Ukrainian government (among others) to relieve the new EU border of excessive migration pressure. The control of migration became a centrepiece of the newly declared EU New Neighbourhood programme, which codified EU policy priorities towards states excluded from EU accession in the foreseeable future. A "Soderkoping Process" was launched, an inter-agency initiative of the United Nations Human Rights Commission, the European Commission and the Swedish Migration Board to foster cross border co-operation on migration and asylum between EU member states on the one side and Ukraine, Belarus and Moldova on the other. This Process finances regular meetings of senior officials of all participating states. Furthermore, the EU agreed an Action Plan on Justice and Home Affairs with the Ukrainian government, that drew up priority targets to be monitored by way of a "Scoreboard" and that included the elusive readmission agreement and more effective migration border management.²⁴ In February 2004 the IOM announced further funding had been secured to combat "human trafficking in Ukraine" within the framework of the EU's Action Plan.²⁵

Do Ukraine and Russia agree with the EU's objectives?

The most striking feature of these developments to my mind is the boldness and determination of the EU to reorganise and reinforce borders that it does not share in the pursuit of its own immigration objectives. The EU can behave in this way because it has considerable economic power, which it asserts over neighbouring countries through the conditions it attaches to aid, trade and other interactions with them. That is feels legitimate and comfortable in designing and supporting such interventions as the IOM's on the Ukrainian Russian border testifies to the profound transformation of "development aid" in the hands of the core western states. They are far more prescriptive and comprehensive about the changes they expect in exchange for the aid they provide than they were during the Cold War.

However greater the persuasive powers of the European Union may be today upon the successor states of the USSR, the effectiveness of its drive to

refashion the Ukrainian–Russian border must certainly depend upon whether its objectives coincide with the objectives either of the Ukrainian or of the Russian government or of both of them.

Strengthening the EU's new external border and its Central–East European interior against the unlawful entry of migrants has automatically reverberated eastwards onto the states across whose territories these migrants tread. Those who manage to cross Ukraine's western borders without visas into countries with which Ukraine has readmission agreements are sent back to Ukraine if they are apprehended. Should Ukraine sign readmission agreements with the EU, then the numbers of such apprehended people who are sent back to Ukraine will grow even more.

This situation evokes different reactions among Ukrainian leaders and senior officials. One kind of reaction is anger at the European Union for effectively making Ukraine (and Belarus, one should add) the EU's dumping ground of expelled migrants and rejected asylum seekers.²⁶ Another reaction is to fall in line with the EU's strategy and to erect stronger barriers on Ukraine's eastern borders in order to prevent migrants and refugees from entering the country.²⁷ Still another reaction is to accept the need for a tighter Ukrainian–Russian border, but at the same time to criticise the European Union for not doing enough to assist the Ukrainian government to create it or to meet the costs of holding and repatriating failed migrants and asylum seekers.

Ukrainian state officials continue to insist that they do not have sufficient funds to hold apprehended migrants and refugees for any length of time or to deport them to their home countries. This is the reason why the Ukrainian government is unwilling to conclude a readmission agreement with the European Union, and why the latter is offering to help defray the Ukrainian government's costs. According to Hennadiy Moskal, Head of the State Committee for Nationalities and Migration, the Ukrainian government had not received any EU funds as of May 2004 to defray such costs, and that the funds provided by the EU to strengthen Ukraine's border with Russia are inadequate. Moskal goes on to argue that the EU should be deporting such people directly to Russia because "one hundred per cent of all illegal migrants come to us from Russia."²⁸ Although this is, of course, a slight exaggeration, Moskal is trying to emphasise the fact that Ukraine's strategy on the readmission issue is dependent upon Russia's. Were the Russian government to fall in line with the EU's strategy of reinforced "filters" across the East and readmission agreements between states, then it would considerably ease the worries of the Ukrainian authorities. But like the Ukrainian government itself, the Russian government is in no hurry to sign a readmission agreement either with the European Union or with Ukraine.²⁹ And the reason for such a stance is probably the same as the reason of the Ukrainian government – they cannot afford to honour such an agreement.

These difficulties are compounded by another: the unwillingness of the Russian government to agree to demarcation (with fences and observation posts) of the full length of its common border with Ukraine. There has been some progress on this issue since the collapse of the Soviet Union (when the border was an internal, inter-republican one, not an international one). Russia and Ukraine delimited their common border on maps in 1997. In April 2004 the Ukrainian and Russian parliaments ratified an agreement which acknowledges the permanency of the border and which regulates border crossings by private individuals and commercial entities.³⁰ From January 2005 citizens of Russia (and Moldova) will require foreign passports to cross into

Ukraine.³¹

However, Russia's acceptance of an international boundary with Ukraine remains partial, and is countermanded by other Russian state initiatives, such as the creation of the Single Economic Space, which call for more open borders in the interests of co-operation and long term integration. The Russian authorities have also cited their concerns about the maintenance of cultural and family ties across this border as an important reason for keeping it open for the free movement of people. But this is hardly a credible argument because, like the EU external border, the Ukrainian–Russian one is being fashioned to be freer for some to cross than for others. The great majority of local people on both sides cross this border at the few manned crossing points that exist on the major roads, where their passage is made quite difficult by long queues, bureaucratic procedures and bribe taking. On the other hand intergovernmental efforts, Ukrainian, Russian and EU, are directed to easing the blockages on the flow of goods, services and capital, not of ordinary people.

As for long distance migrants and refugees, it is still along the minor roads and tracks through the open countryside that lies between these few manned border crossing points that they are being transported without detection from Russia into Ukraine. As long as there is no meeting of minds between Ukraine, Russia and the EU on east–west migration in general, that will probably remain the case. The Russian authorities are not interested in arresting the migration flow out of their country. The Ukrainian authorities are for all intents and purposes unable to police the entire length of an undemarcated border. Additionally, there are officials on both sides who profit from the continued flow of migrants. Having such partners naturally places severe limits on any attempts by the EU to strengthen the border against westbound migration.

Conclusions

Migration along the east–west path into Europe is likely to remain substantial for so long as political instability, poverty and repression drive people out of the countries of the former Soviet space, China, South Asia and the Middle East. In its face, but equally in response to racist, anti-immigrant sentiment in Europe, the EU appears determined to enforce a general policy of exclusion and to impose repatriation upon countries of origin and transit of migrants.

The Ukrainian–Russian border is a strategically important crossing point for east–west migration, and therefore it will preoccupy the EU until it is reinforced. The Russian and Ukrainian governments are in the process of resolving the status of this border in international law and for this reason their ability to contribute to the EU's objective of strengthening it is slowly improving. However, there does not appear to have been much progress in the negotiation of readmission agreements between the EU on one side and both Ukraine and Russia on the other, as well as between Russia and Ukraine.

The European Union's current policy on migration is consistent with its historical *raison d'être* to defend the common market of its member states, amongst other ways by regulating the movement of labour into its territory. The EU's policy to severely limit the numbers of incoming migrants leaves its member states free to devise their own selective recruitment and registration of foreign workers in order to fill critical labour shortages. However, a certain proportion of unregistered migrants within the EU is tolerated, in fact deemed necessary. Unregistered migrants work in the lowest status occupations for very low wages, thereby contributing directly to a higher rate of profit for

employers and to a higher standard of living for the rest of the workforce. They have become all the more needed as the EU's population ages, as the proportion of its working age people diminishes and as the burden grows upon the national systems of social security. The objective impact of the threat of repatriation is to reduce the capacity of those migrants who are not apprehended and deported to win social and political rights, including the right to a minimum wage.

What can be done to resolve the knot of problems arising out of the EU's response to inward migration, and specifically the outward projection of its policy of exclusion to Ukraine, Russia and their common border? I have deliberately put the question in such a way so as to emphasise the point that migration in and of itself is not the main problem. Migration is a permanent feature of human history, a recurrent response to threats and opportunities which present themselves to individuals, communities and sometimes entire nations. Certainly the movement of many people over large distances in search of work and refuge creates its own massive problems and challenges for both migrants and host societies. However, the way that the richer countries have responded to the flight of people out of the poorer and destabilised countries has aggravated the plight of migrants and made it even more difficult for transit countries and countries of destination to receive and help settle them, or indeed to benefit from them. Today, the EU member states are reconsidering earlier positions of harsh exclusion as they recognise their long term wellbeing depends upon continued in-migration. Possibly tomorrow they will create a general all-EU policy that positively recognises the subcontinent's dependence upon its Eurasian hinterland. For that to occur, a number of important steps need to be taken.

First, the criminalisation of the act of migration and the associated criminalisation of whole migrant communities in the public discourse should be vigorously opposed. It has become commonplace throughout Europe, east and west, to utter the words "illegal migration" as though they are one, as though migration were never anything but an illegal act. The principal beneficiaries of this turn of affairs are in fact the organised gangs of people smugglers and their associates in positions of state authority

Second, the states of Russia, Ukraine, Belarus and Moldova should be working together to secure a new collective agreement on migration with the European Union and to make their participation in the maintenance of their 5000 km long common border conditional upon such an agreement. It should include the following terms:

- a) the legalisation of all unregistered resident migrants in the EU member states and in the states of Russia, Ukraine, Belarus and Moldova;
- b) an organised programme of legal migration to the EU from Russia, Ukraine, Belarus and Moldova, the annual numbers of migrants and duration of stay in the EU to be negotiated on a periodic basis;
- c) an equitable agreement on sharing the costs of caring for refugees, regardless of where they currently reside; the proportional burden to be determined by each country's per capita GDP.

The need for such a comprehensive collective agreement should be raised by the Ukrainian and Russian heads of state at their next respective summits with

EU leaders.

This article is based on a paper presented in April 2003 at an international seminar on Ukrainian–Russian borderlands, Kharkiv National University (Ukraine). It has been revised for Eurozine.

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- ⁵ Stalker's Guide to International Migration; <http://www.pstalker.com/migration.htm>
- ⁶ The strategy and the measures to implement it are recorded in: Presidency Conclusions of the Cologne European Council, 4 June 1999; Presidency Conclusions of the Tampere European Council, 15–16 October 1999; Presidency Conclusions of the Helsinki European Council, 10–11 December 1999; "Proposal for a Comprehensive Plan to Combat Illegal Immigration and Trafficking in Human Beings in the European Union", *Official Journal of the European Communities*, 14 June 2002; Presidency Conclusions of the Seville European Council, 21–22 June 2002.
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- ⁸ "Proposal for a Comprehensive Plan to Combat Illegal Immigration"
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- ¹⁰ 218th Council Meeting on Justice and Home Affairs, Brussels, 27/28 May 1999.
- ¹¹ "Common Strategy on Russia", Presidency Conclusions of the Cologne European Council, 4 June 1999.
- ¹² "Common Strategy on Ukraine", Presidency Conclusions of the Helsinki European Council, 10–11 December 1999.
- ¹³ The extension of the Eurodac system to hold fingerprints of apprehended immigrants was approved by the 218th Meeting of the Council on Justice and Home Affairs, Brussels, 27–28 May 1999.
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- ¹⁵ Statewatch Report and Analysis; www.statewatch.org/news/2002/nov/14safe.htm
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- ²² "IOM in Ukraine: Border Management", *IOM in Eastern Europe and Central Asia*, Issue No. 2, January–March 2001.
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- ²⁴ EU Commission, Commission Staff Working Paper SEC (2004) 566: European neighbourhood Policy Country Report on Ukraine; Brussels, 12 May 2004.
- ²⁵ IOM press release 11 May 2004.
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- ²⁸ BBC Monitoring Service 15 April 2004, citing an interview with Hennadiy Moskal by Iryna Nykypelova on the website Glavred on 13 April 2004.
- ²⁹ *Zerkalo nedeli* 13–19 October 2001.
- ³⁰ Radio Liberty/Radio Free Europe Report, Prague 21 April 2004.
- ³¹ This requirement was agreed in September 2004 at a meeting of the Heads of Consular Services of the Commonwealth of Independent States and, according to the website of the Mission of Ukraine to the European Communities, it "is correlated with the correspondent provision of the Implementation Scoreboard of the EU Action Plan on Justice and Home Affairs of Ukraine".