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UPDATING THE INTEGRATED BORDER MANAGEMENT STRATEGY IN UKRAINE UNDER MARTIAL LAW

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Abstract. *The paper analyzes the steps taken by Ukraine in the process of updating its Strategy of Integrated Border Management in the context of European integration. The legal and institutional mechanisms for improving the border management system are investigated.*

Keywords: *integrated border management, European integration, border security, Russia's war against Ukraine.*

Introduction.

Since the beginning of the full-scale war of the Russian Federation against Ukraine, the problems of security and protection of the external borders of the European Union have become topical. In this situation, it can be observed that both the barrier and contact functions of the Ukrainian state border with the EU member states are being strengthened. With the emergence of new challenges and threats there was a need to review and update existing programs and strategies in the field of Integrated Border Management (IBM). At the pan-European level, IBM is designed to ensure effective management of border crossing and migration processes; to respond to potential threats and coordinate joint combat against cross-border crime; to provide a high level of security and at the same time open borders with respect for the basic rights and freedoms of citizens.

Main text.

Since 2010, Ukraine has been implementing its policy in the field of state border security, introducing the European standards of integrated border management. The Concept of Integrated Border Management has been regularly updated every five years in accordance with the current needs and tasks of the European integration policy [1]. IBM in Ukraine is a coordinated activity of the competent state institutions and military formations, aimed at creating and maintaining a balance between ensuring the appropriate level of border security and the openness of the state border both for legal cross-border cooperation and for travelers.

After the beginning of the armed aggression of the Russian Federation in 2014, approaches to ensuring border security changed, and such issues as force protection of the border and democratic public control over the activities of IBM entities alongside the problems of occupied territories appeared on the agenda of the Ukrainian state. When the Association Agreement between Ukraine and the EU entered into force in 2017, the implementation of the principles of integrated border management began in accordance with its Article 16 (Part 2) [2, 3].

Taking into account the new reality in the conditions of a full-scale war, the Ukrainian and European sides agreed on the need to review the current programs and action plans in the field of IBM in order to safely and quickly manage goods and passenger flows across the border. The main attention was focused on the need to use more effective tools and practices for managing the intensive cross-border movement of people and goods between Ukraine and the neighbouring EU countries.

After Ukraine received a candidate status for EU membership, in July 2023 the Cabinet of Ministers of Ukraine made some changes to the current Integrated Border Management Strategy for the period until 2025. These changes envisage "the fulfillment of tasks related to Ukraine becoming a member of the European Union, implementation of a set of urgent measures aimed at overcoming the consequences of a full-scale armed invasion of the Russian Federation into Ukraine, ensuring readiness to protect the external borders of the EU within the state border of Ukraine after its acquisition of full membership in the EU" [4].

Monitoring and evaluation of the effectiveness of work in this direction is carried out on the basis of the National methodology for assessing the quality of the integrated border management task fulfillment approved in June 2023. This special mechanism for the quality evaluation of task fulfillment in the field of IBM is expected to help achieve the strategic goals defined by the Strategy of Integrated Border Management for the period until 2025 [5].

The legal basis for the implementation of the IBM Strategy and the European integration of Ukraine in the field of border management is the Action Plan of Integrated Border Management for 2023-2025, approved by the Cabinet of Ministers of Ukraine on December 27, 2023 [6]. This Action Plan defines the main strategic goals and tasks that must be achieved in order to comprehensively and efficiently respond to all current challenges in the field of state border security, cross-border activities, and cooperation with Western neighbours - the EU states. In the process of their fulfillment, it is necessary to implement the leading European practices and available tools for conducting control procedures, joint border checks based on the "one-stop" principle, technical modernization of checkpoints, digitalization and automation of processes, information exchange, and much more.

In the process of implementation of the Association Agreement provisions, a whole complex of sectoral reforms is being carried out. Also, there is an ongoing process of adaptation of the Ukrainian legislation in various areas such as justice, security, freedom and human rights.

To counter organized cross-border crime, in December 2023 the Verkhovna Rada of Ukraine adopted the Law on the Criminalization of Smuggling, which provides for criminal liability for evasion of customs duties during transportation of all goods across the border but not just certain groups of goods, as it was the case before. The need to criminalize smuggling was one of the preconditions for Ukraine to receive the last tranche of the macro-financial aid provided by the European Commission in 2023.

In response to the armed attack by the hostile state, transformation of the functions of IBM entities and creation of new institutions turned out to be an objective necessity. First of all, the changes affected the State Border Service of

Ukraine (SPSU), which had to quickly refocus on repelling armed attacks and taking new measures to protect and strengthen the border. An important role is assigned to the newly established National Coordination Center for Integrated Border Management and Risk Analysis. Its purpose is to comprehensively involve the integrated border management entities, to accumulate the information space for effective monitoring, risk analysis and decision-making, as well as to ensure control over fulfillment of the tasks. In the future there are plans for it to join the pan-European network of coordination centers. In addition, intensified work is carried out by the active Interdepartmental Working Group on Coordination of Integrated Border Management (a consultative and advisory body of the Cabinet of Ministers of Ukraine).

Following almost two years of Russia's full-scale war against Ukraine, European experts and analysts highly appreciate the work on the implementation of the IMC Strategy in Ukraine, considering the extremely difficult conditions of Russia's armed aggression. It is obvious that without political, financial and technical support from the EU, Ukraine would not be able to deal with the border security problems that arose right after the beginning of the war.

Ukraine's participation in the EU programme "Connecting Europe Facility" (CEF) is another step towards its integration into the EU, in particular, the integration of the Ukrainian transport network into the European space. CEF functions within the framework of the Solidarity Lanes initiative. It aims to help improve transport connections between Ukraine and the EU and facilitate exports from Ukraine to the European countries as well as attract EU funding to support the development of trans-European networks in transport, energy and digital services. In addition, now Ukraine can apply for European Commission grants (up to 50% of project costs). Also, special attention will be paid to implementation of the infrastructure projects approved by the European Commission in order to modernise rail and road border crossings with Romania, Poland, Hungary and Slovakia [7].

Summary and conclusions.

The updated Strategy of Integrated Border Management in Ukraine should strengthen the protection and security of the state border, help avoid queues at the border, speed up the movement of goods, create a convenient border space for businesses and citizens. Also, it will enable the fulfillment of new tasks of border management restoration on the de-occupied state border sections. All of this corresponds to Ukraine's national interests with regard to receiving a candidate status and the start of the negotiation process for joining the European Union and will significantly contribute to the post-war reconstruction of the Ukrainian state in the future.

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