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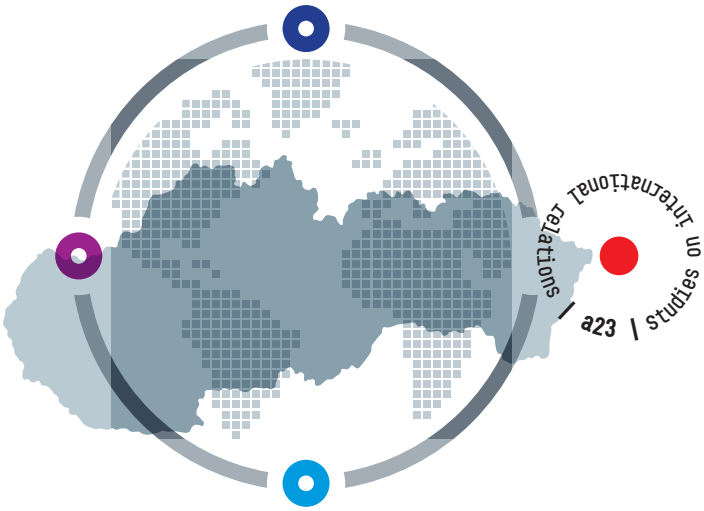

Impact of bilateral inter-governmental relations: policies and practices

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Intergovernmental relations create the basic framework for cross-border cooperation between neighboring countries at the sub-national actor level. Ukrainian–Slovak intergovernmental relations have always been dynamic and ambiguous. Cooperation between the two countries has evolved from stalemate in the 1990s to an intensive strategic partnership in the 2000s. The two countries' strategies were shaped by various factors, the political situation, the course of Euro-Atlantic integration and the actions of key international players and geographical neighbors (EU, NATO, Russia). The starting conditions for the transformation of the Ukrainian and Slovak political systems in yielded similar results. In the 1990s, the two transitional countries had similar types of political regime with a strong executive chain of command. The impact of post-communism led to the formation of two specific models of governance, Slovak "Mečiarism" (1993–1998) and Ukrainian "Kuchmism" (1994–2004). The critical difference between their post-communist development is that Slovakia reshaped the government and subsequently changed foreign policy orientation to focus on NATO and EU integration. Ukraine nearly parted ways with post-communism in 2004 (the "Orange Revolution") but it did not take the geopolitical turn to the West that Slovakia did, having implemented only superficial, cosmetic reforms.

Since gaining independence in 1993, Slovakia has been a parliamentary republic, in which the government has the key role in executive power. Ukraine has a presidential system of government (since 2006, except for 2010–2014, Ukraine has been a presidential-parliamentary republic)

in which the president is the head of the executive and extremely powerful. Over the past 30 years, Slovakia has had more governments than Ukraine has had presidents, so the dynamics of the bilateral intergovernmental agenda depend more on changes in Slovak governments, including approaches to Ukraine, than on Ukrainian presidents. Although the intergovernmental level of bilateral relations is more complex, in terms of the impact of the intergovernmental agenda on cross-border cooperation between regional and local actors, the two following main periods can be identified: 1993–1999 and 2000 onwards.

The Mečiar governments in Slovakia (1992–1994, 1994–1998) took a negative attitude to local government participation in cross-border cooperation in the 1990s, arguing that the legislative framework had to be created first to set appropriate local government competencies in cross-border cooperation with foreign partners. Although Slovakia signed the European Cross-border Cooperation Framework Convention of the Council of Europe in 1994, it did not come into force until 2000. The Dzurinda governments (1998–2002, 2002–2006) were the only ones to make any fundamental changes to Slovakia's approach to cross-border cooperation. It was only in 2001 that Slovakia finally concluded bilateral treaties on cross-border cooperation with its neighboring countries. However, despite the rapprochement between the two countries, the ambiguity was still there. Indeed, even this new format of bilateral cooperation faced multiple controversial issues and challenges. The following issues proved the most problematic:

1. competition between the two countries for the presidency over the 52nd UN General Assembly in 1997 and to obtain a non-permanent seat on the UN Security Council in 1999;[1]

2. energy transit through Slovak–Ukrainian territory was strategically crucial for both countries, as well as for Russia and the EU. Geographically, both countries are located along the main Russian gas supply lines to "old Europe". Slovakia and Ukraine become active participants in Russia's politicization of the "gas issue" or "gas blackmail", and, in practice, hostages to the political confrontation between Russia and Europe;

3. Slovakia introduced a visa regime for Ukrainian citizens: on the one hand, Slovakia had to comply with EU visa policy, under its upcoming membership. On the other hand, the introduction of visa restrictions always introduces tensions into the relations between the countries involved;

[1] V. Hudak, "Relations between Ukraine and Slovakia: recent history and future opportunities," in J. Clem, N. Popson, eds, *Ukraine and its Western Neighbors,* Washington DC: Woodrow Wilson International Center for Scholars, 2000.

4. the politicization of the Ruthenian (Rusyn) movement in Transcarpathia, which has always been controversial. The Ukrainian authorities took the opposite stance to Slovak and designated Ruthenism a political, rather than an ethnocultural movement.[2]

Slovakia's EU accession process was a key factor that changed the essence of the bilateral Slovak–Ukrainian regime on the common border. The adoption of the EU legislation, as well as having to bring administrative capacities and border infrastructure in line with EU standards, had a major impact on the bilateral border regime between Slovakia and Ukraine that had been in place since the beginning of the 1990s. In fact, the *Europeanization* of the border regime was the second most substantial change to the Slovak–Ukrainian border regime after 1993, when both countries gained independence.

Slovakia's EU accession led to a tighter border regime and generated restrictions on cross-border cooperation at the border with Ukraine, compared to the pre-accession period. The Slovak and Ukrainian governments have lost their ability to regulate border management, including permeability insofar as the movement of goods, services and persons are concerned, on the basis of bilateral agreements alone. As an acceding country, Slovakia had to transfer a significant part of its national sovereignty to the EU institutions over its border with Ukraine, which became part of the Union's external border.

Slovakia has fully integrated its border management into the Schengen system, including protecting the external EU border. On October 13, 2006, Slovakia implemented the Schengen Border Codex, which regulates the crossing of the external Schengen border. The Slovak–Ukrainian border

[2] N. Belitser, "Political and ethno-cultural aspects of the Rusyns' problem: A Ukrainian perspective," *Minority Rights Information System*.

became an external border of the Schengen Area on December 21, 2007, and the borders with Austria, Czech Republic, Hungary, and Poland became internal land borders within the Schengen Area. Slovakia's international airports, located in Bratislava, Košice and Poprad, became external EU air borders on March 30, 2008.[3]

Given the history of Slovak–Ukrainian relations on visa policy and border management, Ukraine's political will for greater proximity with the EU has done much to improve bilateral relations, especially since 2007 when Ukraine started talks on its Association Agreement. One can conclude that since then transnational EU–Ukraine relations have had a positive impact on bilateral Slovak–Ukrainian relations. The visa-free regime, together with the collaborative management of the common border achieved during the 2010s, has also improved conditions for regional and local actors to engage in cross-border cooperation.

Like Slovakia's accession to the EU, which reinforced the restrictive nature of the border regime with Ukraine, rapprochement between Ukraine and the EU through the Eastern Partnership triggered the process of easing the restrictive nature of the Slovak–Ukrainian border as well as improving conditions for cross-border interaction. The most substantive part of the EU's offer under Eastern Partnership (EaP) was the opportunity for partnership countries to conclude Association Agreements with the EU, including agreements on the Deep and Comprehensive Free Trade Area (AA/DCFTA). The AA/DCFTAs are a means whereby the EaP countries can achieve political association and economic integration with the EU. By implementing their AA/DCFTAs they can become part of the

[3] "Ako funguje schengenská hranica," [How the Schengen border works] Ministry of Interior of the Slovak Republic. Available online: http://www.minv.sk/?schengenske-hranice-a-cestovanie&galeria=ako-funguje-schengenska-hranica (accessed on February 24, 2022).

EU internal market, including the markets of countries with similar types of EU integration agreement – the EEA agreements (Norway, Iceland and Lichtenstein) and the customs union agreement (Turkey). Switzerland has an extensive set of bilateral sectoral agreements with the EU that have a similar effect. In terms of approximation with the European legislation, Ukraine's AA does not differ greatly from the structure of the EU accession treaties (the most recent on is Croatia's accession treaty) and it is almost identical to the EEA type agreements.[4]

The EaP initiative also includes specific cooperation programs for approximating EaP country national legislation and policies to the EU Schengen and energy *acquis,* where the aim is to abolish the visa free regime and gradually integrate the EaP countries into the EU energy market. In other words, the EU has shown more flexibility on the EaP, as it enables EaP partner countries to proceed with integration in selected EU sectorial policies via separate bilateral agreements – visa dialogue and energy policy. In these two sectors, the EU common space is open to EaP countries prior to implementation of all the AA provisions. Visa liberalization between the EU and Ukraine is of particular importance for the development of Slovak–Ukrainian cross-border cooperation.

Implementing the entire *acquis* of the AA will mean integrating Ukraine into the EU internal area of the free movement of goods, services and capital, including laying the foundations for the free movement of labor. The visa abolishment and Ukraine's economic integration with the EU will fundamentally alter the nature of the Slovak–Ukrainian border, which is currently an external EU border. Full and successful implementation of the AA/DCFTA would signal that Ukraine was institutionally and economically prepared for full EU membership. Following implementation of the AA/DCFTA, Ukraine's joining the EU will then be down to a political decision by the EU member states and, of course, Ukraine's political will to satisfy the political criteria of membership. Slovakia has supported Ukraine's rapprochement with the EU since its accession in 2004.

[4] A. Duleba, "Differentiated European integration of Ukraine in comparative perspective," *East European Politics and Societies and Cultures* Vol. 36, 2/2022, pp. 359–77.

The problem that has framed Slovak–Ukrainian relations since the early 1990s, including cross-border cooperation, is mutual perception. Looking at the history of Slovak and Ukrainian nationalism, it is hard to find common interests and cooperation in the past. Nonetheless, unlike in Polish–Ukrainian relations, there are no historical conflicts that could be the source of national animosity or conflict in the future. Rather, the Slovaks and Ukrainians have historically been indifferent to each other. The Slovak political elite has always viewed Slovakia's relations with Ukraine through the prism of Slovakia's relations with Russia, which caused a great deal of misunderstanding in Slovak–Ukrainian bilateral relations after 1993. Slovakia's attitude towards Ukraine can be summed up by

the fact that it only politically "discovered" it in 1995. Although even that only applied to Ukraine's importance to Slovak-Russian relations.

Slovak nationalism has traditionally been pro-Russian. By contrast, Ukrainian nationalism has been traditionally anti-Russian and has quite different historical features. That is another reason for Slovakia's historical "coolness" towards Ukraine and Ukrainians. It took more than a decade after the collapse of communism for the Slovak political establishment and the general public to stop conceiving of the entire post-Soviet space and/or "lands beyond the Carpathian Mountains" predominantly as "Russia." In other words, Russian thinking was much closer to Slovaks than their immediate neighbor Ukraine. This stereotype created a rather negative mental framework for Slovak–Ukrainian relations after the two nations became independent at the beginning of the 1990s.

It should also be noted that many in Kyiv still think that "if we manage to agree with Brussels, Berlin or Warsaw, Bratislava will follow." It is like the mistaken belief in Slovakia (under Mečiar's foreign policy in the 1990s) that "if we manage to agree with Moscow, Kyiv will follow." Unlike the Ukrainian political class, Slovak politicians cast off this illusion at the beginning of the 2000s. In Kyiv, there is still a tendency in foreign policy thinking to underestimate Slovakia as a political actor. Ukraine's approach to Slovakia as a "smaller neighbor" has created serious difficulties in bilateral relations.

In the 1990s, Slovakia's foreign policy strategies centered around Russia, not Ukraine, whereas Ukraine's foreign policy tended to be Czechia-oriented (due to mass seasonal labor migration from Ukraine) or Poland-oriented (the geopolitical leader of Central Europe), but it was not focused on Slovakia. While the Mečiar governments prioritized relations with Russia and the Dzurinda governments prioritized relations with Ukraine, the Smer-SD governments (led by Robert Fico, 2006–2010, 2012–2016, 2016–2018) and then Peter Pellegrini (2018–2020) opted for a third variation of Slovak Eastern policy. This "double-track" policy, i.e., the pursuit of good relations with both Russia and Ukraine, was the result of a "pragmatic" economy-and-trade-focused approach to foreign policy. On the one hand, in 2006 the Fico government declared it would continue with the foreign policy of the Dzurinda government, but on the other hand, it stressed that it wanted to focus on economic diplomacy and international cooperation in all "four cardinal directions," to include the West, and especially countries such as Russia, Ukraine and China.[5]

Since 2014, the Russian–Ukrainian crisis has become a foreign-policy issue that divides Slovak politicians and society. The diving line cuts across the government coalition and the parliamentary opposition. A clear majority of Slovak citizens consider Ukraine to be an independent state and think that Russia has no right to interfere in its domestic affairs; yet half of them do not think that Russia's unfair actions against Ukraine should mean a change in Slovakia's "business as usual" style of policy towards Russia, including the adoption of sanctions that would harm the Slovak economy. This public schizophrenia is evident in Fico's post-Maidan Eastern policy. Slovakia's Janus-faced policy toward the Russian–Ukrainian crisis since 2014 can be summarized as follows. Its first face is represented by former president Andrej Kiska (2014–2019), President Čaputová (since 2019) and Prime Minister Eduard Heger (since 2020) who all condemned the Russian aggression against Ukraine and viewed the Maidan as the Revolution of Dignity of Ukrainian citizens who

[5] A. Duleba, "Relations with the Eastern Neighbours in 2007," in P. Brezáni, ed., *Yearbook of Slovakia's Foreign Policy 2007*. Bratislava: Research Center of the Slovak Foreign Policy Association, 2008, pp. 62–78. Available online: https://www.sfpa.sk/wp-content/uploads/2022/01/Yearbook-of-Slovakias-Foreign-Policy-2007.pdf (accessed on February 24, 2022).

have a sovereign right to live in a democratic and free country. They also boosted Ukraine's European aspirations, supported the anti-Russian sanctions adopted by the West, and lastly called for more defense spending and greater resilience so Slovakia can protect itself against the security threats posed by Russia, including its disinformation campaign, which is aimed at undermining the unity of the Euro-Atlantic structures and democratic institutions of Western countries.

We must rid ourselves of the illusion that Russia is a strategic partner that the Slovak Republic needs on side to implement "big projects" for developing and modernizing the country. Illusions such as prime minister Mečiar's belief that cooperation with Russia would give life to military production in Slovakia. Or prime minister Fico's belief (until Nord Stream 2) that Russia adopted a special approach to Slovakia insofar as gas transit was concerned and that it would always take Slovakia's interests into account on this issue. Fico also believed in the construction of the "wide gauge railway", a major development project connecting Western Slovakia with China and Russia. And most recently, the former prime minister Igor Matovič (2020–2021) believed that the Russian Sputnik V vaccines would save Slovakia from the COVID-19 pandemic, despite being uncertified by the EU.[6] Slovak prime ministers who have believed in the illusion of Russia's strategic importance to Slovakia have always been insensitive to, or ignorant, of Ukraine's interests and questioned EU and NATO policies. It is remarkable that Slovakia even has politicians who come to power and ignore the statistical data or are unable to interpret it properly in order to make

[6] A. Duleba, "Slovakia's Eastern policy in 2020: good start with a bad end," in P. Brezáni, ed., *Yearbook of Slovakia's Foreign Policy 2020*. Bratislava: Research Center of the Slovak Foreign Policy Association, 2021, pp. 124–49. Available online: https://www.sfpa.sk/wp-content/uploads/2021/08/Yearbook-of-Slovakias-Foreign-Policy-2020.pdf (accessed on February 24, 2022).

responsible decisions in the interests of Slovakia's prosperity and security. That, however, does not apply to the current government led by Prime Minister Eduard Heger who made relations with Ukraine, including support for its European integration, a foreign policy priority of his government and was among the most active European leaders who supported Ukraine.

Slovakia's support for Ukraine's European integration since the start of the full-scale military invasion of Ukraine in February 2022 is no longer just out of a natural interest in developing cooperation and a good relationship with an immediate neighbor but has taken on a pan-European significance. The EU can no longer afford to repeat its earlier mistake: its hesitant response to Russia's aggression against Ukraine in 2014 created a geopolitical vacuum in Eastern Europe that allowed Russia to unleash another war in 2022, the biggest war since WWII. If the EU wants to stabilize the situation in Eastern Europe in the long term, it needs to anchor Ukraine in EU-based integration processes. Otherwise, the destabilization of Eastern Europe will continue, the security costs of European countries will rise and the prospects for prosperity and the EU's ability to deliver on its strategic objectives will deteriorate. In the event Russia succeeds in the war, the EU member states will have to raise defense spending dramatically, security costs will increase many times over; public spending on social services, health, education and science, the green transition and modernization projects will have to be reduced; and the quality of life of citizens in all European countries will fall dramatically.

About SFPA

Slovak Foreign Policy Association (SFPA), founded in August 1993, is an independent, non-partisan and non-profit organization whose activities are devoted to active contribution to the integration of the Slovak Republic to the community of democratic states and their political and security structures. It is the oldest foreign policy think-tank in Slovakia. Through its programs of meetings, seminars, workshops and publications, the SFPA spreads objective information about international relations from primary sources. Its research center (RC) was established in 1995. In accordance with its status, the RC SFPA provides:

- independent expert analyses on crucial issues of international relations and foreign policy;
- publishes periodical and non-periodical expert publications serving to increase awareness in the field of international relations and foreign policy and to serve as a source of qualified information for both, the expert and general public;
- organizes expert events and participates in international scientific cooperation in the field of international relations and security;
- contributes to the fostering of the expert discourse on international relations and foreign policy;
- creates a favorable environment for the growth of the new generation of the Slovak experts in the field of international relations; and
- stimulates the interest of wider Slovak public in the global events as well as a deeper understanding of the significance of foreign policy and its link to the domestic policy.

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