


EVOLUTION OF THE BORDER GUARD OF UKRAINE AND ADJACENT EUROPEAN COUNTRIES: HISTORICAL RETROSPECTIVE

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Abstract: *The Russian armed aggression in 2014 created a strong necessity for Ukrainian border police to secure the state border, prevent the infiltration of armed terrorists and defend the country against a possible invasion by Russian armed forces. However, at the time, Ukraine's State Border Guard Service was a law enforcement agency with control and police functions while the military component was not considered primary. Some contemporary researchers believe that was one of the main reasons for the vulnerability of Ukraine's state border in 2014, and that the premature reduction of the military capabilities of border guards in favour of law enforcement control contributed to it. This retrospective analysis explains why the transformation of Ukraine's military border guard institution into a law enforcement agency following the European model, which took place within the framework of Ukraine's European integration aspirations, was a logical necessity in the absence of territorial claims from adjacent states and a real military threat to Ukraine. At the same time, the reform of the border guard institution in Ukraine took place in close cooperation with neighbouring countries and the European community, aiming to improve the entire border security system. Currently, the border guard institutions of the European Union are responsible for guarding a significant external section of the state border with Ukraine. Therefore, comprehensive knowledge of the history of these structures' development will be of use to the personnel of the Ukrainian specialized state institutions operating at the border and to the citizens of the EU member states.*

Keywords: history of border security, external borders of the European Union, border guard institution, law enforcement agencies, armed aggression, state border.

Rezumat: Evoluția pazei de frontieră a Ucrainei și a țărilor europene adiacente: retrospectivă istorică. În anul 2014, agresiunea armată a Rusiei a impus o cerință strictă instituției poliției de frontieră a Ucrainei, relativă la protecția frontierei de stat împotriva infiltrării teroriștilor înarmați și apărarea acesteia împotriva unei posibile invazii a forțelor armate rusești. Cu toate acestea, pe atunci, Serviciul de pază a frontierei de stat a Ucrainei avea statutul unei agenții de aplicare a legii, cu funcții de control și poliție, în care componenta militară nu era considerată ca având o deosebită relevanță. Unii cercetători contemporani consideră că acesta a fost unul dintre principalele motive ale vulnerabilității frontierei de stat a Ucrainei în anul 2014 care a contribuit la slăbirea prematură a capacității militare a polițiștilor de frontieră în favoarea funcțiilor de control al aplicării legii. Această analiză retrospectivă explică de ce transformarea instituției militare de pază a frontierei ucrainene într-o agenție de aplicare a legii după modelul european, care a avut loc în cadrul aspirațiilor de integrare europeană ale Ucrainei, a fost o necesitate logică în absența unor pretenții teritoriale din partea statelor adiacente și a unei amenințări militare reale la adresa Ucrainei. În același timp, reforma instituției poliției de frontieră din Ucraina s-a făcut în strânsă cooperare cu țările vecine și cu comunitatea europeană, cu scopul îmbunătățirii întregului sistem de securitate a frontierelor. În prezent, instituțiile poliției de frontieră ale Uniunii Europene sunt responsabile de paza unei secțiuni semnificative a frontierei de stat cu Ucraina. Prin urmare, o cunoaștere cuprinzătoare a istoriei dezvoltării acestor structuri va fi utilă atât pentru personalul instituțiilor specializate ale statului ucrainean care operează la frontieră, cât și pentru cetățenii statelor membre ale UE.

INTRODUCTION

The Russian armed aggression in 2014 imposed stringent constraints on Ukraine's Border Guard Service in terms of national border protection, preventing armed terrorist infiltration, and defending the country against a potential Russian military invasion. However, as of 2014, the Ukrainian State Border Guard Service was already a law enforcement body with police and control duties, but the military component was not considered the most important. Since 1991, Ukraine has worked to restructure its border security system, shifting from military border protection toward law enforcement functions. This shift, according to contemporary researchers, is one of the primary causes of 2014's lack of state border protection against military threats. They suggest that the premature decrease of border guard military capabilities in favour of law enforcement controlling functions was a contributing factor.

In the specified context, historical retrospectives help explain that the transformation of the Ukrainian military border guard institution into a law enforcement agency following the European model, which took place within the framework of Ukraine's European integration aspirations, was a logical necessity. This transformation occurred in the absence of territorial claims from adjacent states and a real military threat to Ukraine. Furthermore, the reform of the border guard institution in Ukraine took place in close cooperation with neighbouring countries and the European community, intending to improve the entire border security system.

Thus, this research undoubtedly has a scientific character for scholars and experts whose task is to continuously deepen their knowledge of the European community's external border defence. This research is relevant for border guards who work to improve border cooperation and security.

HISTORIOGRAPHY OF THE ISSUE

Analysis of recent publications shows that contemporary scholars and experts have rarely addressed the specific topic¹, although significant improvements have been made in this regard². In Ukraine, V. Baratiuk, T. Filipenko, E. Suslin and M. Palahniuk have researched the history of border structures of EU countries³. The legal foundations of their operational and service activities were of interest to K. Yemelianova⁴. While issues related to border

¹ G. Cornelisse, *What's Wrong with Schengen? Border Disputes and the Nature of Integration in the Area Without Internal Borders*, in "Common Market Law Review", Vol. 51, 2014, No. 3, in <https://ssrn.com/abstract=2451038> (Accessed on 20.05.2023).

² O. Marenin, *Challenges for Integrated Border Management in the European Union*, in https://www.researchgate.net/publication/242634998_Challenges_for_Integrated_Border_Management_in_the_European_Union (Accessed on 20.05.2023).

³ V. I. Baratiuk, O. M. Stavytskyi, O. V. Zhabenko, A. I. Voitovych, *Okhorona derzhavnoho kordonu sumizhnymy derzhavamy* [The State Border Protection by Adjacent States]: Training Manual, Khmelnytsky, Publishing House of the National Academy of the State Border Guard Service of Ukraine, 2004, pp. 31-33; T. Filipenko, *Prykordonna politsiia Rumunii – rivnopravnyi chlen Yevropeiskoho soiuzu* [Border Police of Romania – Equal Member of the European Union], in "Kordon", 2003, № 3, pp. 40-41; E. V. Suslin, M. G. Palahniuk *Linhvokrainoznavstvo Rumunii* [Linguistic and Country Studies of Romania]: Training Manual, Khmelnytskyi, Publishing House of the National Academy of the Border Troops of Ukraine, 2003, 152 p.

⁴ K. Yu. Yemelianova, *Pravovi osnovy operatyvno-sluzhbovoi diialnosti partneriv Prykordonykh viisk Ukrainy iz sumizhnykh krain* [Legal Foundations of Operational and

arrangements have been covered in the departmental press⁵, it is still premature to claim that these studies are comprehensive and well grounded. Therefore, further in-depth research is needed to reconstruct the complete historical trajectory of border guard institutions in Ukraine's bordering states. The authors' study can contribute to this endeavour and serve as one of the sources for a more comprehensive understanding.

The purpose of the article is to examine, in a historical retrospective, the evolution of the transition from military formations to law enforcement agencies in the border guard institutions of Ukraine's neighbours, currently full members (Poland, Slovakia, Hungary, and Romania) or candidates (Moldova) for EU accession.

UKRAINE: FROM BORDER TROOPS TO BORDER GUARD SERVICE

The declaration of Ukraine's sovereignty as well as the change in the country's political system required a new structure for border protection. Several variables made this attempt a challenge in Ukraine. Specifically, due to the conditional nature of the territorial delineation among former Soviet Union republics, Ukraine found itself without technically equipped and legally established state borders.

Ukraine's lack of defined state borders and low economic resources for its defence led to an actual vulnerability to trans-border criminal activities such as illegal migration, terrorism, smuggling, and more. At the same time, Western European countries advocated for the introduction of new democratic values, which stated that state borders should transform from dividing lines between European nations into frontiers of mutually beneficial intergovernmental

Service Activities of the Partners of the Border Guard Troops of Ukraine with Adjacent Countries], Bulletin of the Academy of Customs Service of Ukraine. Series: Law. № 2 (11), 2013, pp. 109-110.

⁵ V. Peleh, *Hromadskist Bukovyny zanepokoiena diiamy Rumunii shchodo vydachi pasportiv tsiiei derzhavy meshkantsiam kraiu* [Bukovina Public Opinion are Concerned about Romania's Actions Regarding the Issuance of Passports of this State to the Residents of the Region], "Prykordonnyk Ukrainy", December 21, 2002, p. 3; *Suttievykh zmin u perehovorakh ne vidbulosia* [No Significant Changes Occurred in the Negotiations], "Prykordonnyk Ukrainy", December 21, 2002, p. 2; *Uzghodzheno spilni zakhody z protydii kontrabandnii diialnosti ta nelegalnii mihratsii na ukrainsko-rumunskomu kordoni* [Joint Measures to Counter Smuggling Activities and Illegal Migration at the Ukrainian-Romanian Border Have Been Agreed], "Prykordonnyk Ukrainy", July 6, 2002, p. 2.

cooperation in the political, economic, and cultural spheres. Under these circumstances, the border agencies of neighbouring countries were expected to actively contribute to comprehensive cooperation and peaceful coexistence among their peoples. During this time, similar slogans appeared in Ukraine's socio-political life. In the new political and socio-economic conditions, the Ukrainian government had to urgently seek new ways to protect the state border, as previous approaches based on Soviet Union methods had proven ineffective.

The European Union (EU) was expanding in the early 2000s, causing the reform of national border guard institutions and the demilitarization of borders. At the same time, in Ukraine, the Border Troops remained a military institution that employed military border defence measures.

A political challenge arose once Ukraine started its path towards European integration: conforming all state activity fields to European legislation. One of these tasks was to ensure that the system of border protection met European standards. According to these standards, the Ukrainian Border Troops, as a military formation, needed to be transformed into a law enforcement agency following the European model.

Thus, considering the socio-economic changes in European countries at the end of the 20th and the beginning of the 21st centuries, the reform of the border guard institution became a logical necessity. Moreover, the philosophy of safeguarding the state border itself has changed. The border violator was now considered a citizen of Ukraine (or another country) who had breached the border legislation, and therefore, needed to be held accountable under the law. In such circumstances, the use of military formations safeguarding the state border of Ukraine, such as the Border Guard Troops, contradicted the Constitution and violated the state's fundamental laws governing human rights and citizenship.

During Ukraine's first decade of independence, there were changes in the balance of political and military forces on the international stage, as well as efforts towards disarmament. In the early 2000s, Ukraine established itself as a full member of European society, obtaining international security guarantees, signing cooperation agreements with all neighbouring countries, and taking an active role in guaranteeing Europe's stability.

Meanwhile, neighbouring countries of Ukraine, such as Poland, Slovakia, Hungary, Romania, and Moldova, actively reformed their border guard institutions into law enforcement agencies, with a corresponding change in their assigned functions. Consistent efforts were made to improve the effectiveness of their service activities, particularly in combatting economic crime, illegal

migration, and terrorism. In turn, Ukraine decided to apply these countries' experience to reform its own border guard institution.

On April 3, 2003, the Verkhovna Rada of Ukraine adopted the Laws "On the State Border Guard Service of Ukraine."⁶ Since then, the entire system of state border protection has undergone fundamental changes. A comprehensive law enforcement cycle was established to prevent law violations at the state border. A fundamentally new model of state border protection was introduced, unprecedented for Ukraine. In practice, this meant a definitive break from the military structure of border protection, with border posts located along the border. The transformation of the Border Guard Troops into the State Border Guard Service of Ukraine aimed to enhance the quality of border security. The overall reform of Ukraine's border guard agency, transitioning it from a military structure to a law enforcement body and changing the approaches to organising the entire border protection system, was aimed at aligning with the standards of the EU countries. It fully corresponded to Ukraine's strategic course towards European integration and its aspirations for NATO membership.

Thus, within the Ukrainian border institution, the military component with defence tasks took an ultimately secondary place in favour of law enforcement methods for border security.

The reform of the Ukrainian border guard institution was going on in close cooperation with neighbouring countries, particularly with Poland (542.39 km of shared border), Slovakia (98.5 km of shared border), Hungary (136.7 km of shared border), Romania (613.8 km of shared border), and Moldova (1222 km of shared border)⁷. The evolution of the border institutions in the abovementioned countries is further explored.

THE BORDER GUARD OF THE REPUBLIC OF POLAND

Since 1990, the Border Guard of the Republic of Poland (BG RP), which succeeded the Border Defence Forces (BDF) that protected the borders from 1945 to 1990, has guarded the border of the Polish neighbours.

The Border Guard of the Republic of Poland, with the status of a self-

⁶ On the State Border Guard Service of Ukraine. The Laws of Ukraine, in <https://zakon.rada.gov.ua/laws/show/661-15#Text> (Accessed on 21.05.2023).

⁷ *Derzhavna prykordonna sluzhba Ukrainy: Zavdannia, orhanizatsiia, perspektyvy* [State Border Guard Service of Ukraine: Tasks, Organization, Perspectives], Kyiv, Derzhcomkordon, 2004, p. 4.

governing entity, became part of the Ministry of Internal Affairs and Administration of the Republic of Poland, which determined its organizational and staffing structure.⁸ The BG RP had central and regional bodies. The main headquarters of the BG RP, located in Warsaw and led by a Chief Commander, served as the central administrative body responsible for border security. The Main Command coordinated the work of departmental regional divisions, which, in turn, were responsible for the operations of border guard posts, checkpoints, and battalions. The border guard units consisted of enlisted personnel initially, but during the 1990s and early 2000s, there was a transition to a professional basis of recruitment.

Before Poland's official accession to the European Union in 2004, its border guard agency implemented a program to strengthen the eastern border and build infrastructure along the border with Germany and the Czech Republic. It modernized existing border crossing points, improved personnel resources, amended the powers of legal acts governing foreigners, and finalized the principles of the state migration policy by EU standards. The Polish Border Guard's Bieszczady (Przemysl) and Bug (Chełm) divisions, as well as separate intercity (regional) operational border guard units, controlled the border with Ukraine. Special rapid response units were created within these divisions, stationed in the cities of Sanok and Przemysl. There were fourteen border guard stations, seven international checkpoints, and seven simplified checkpoints along the border with Ukraine. Since 2000, there has been an increase in the number of personnel on the border with Ukraine, with more active use of radio-technical equipment and nearly doubling the frequency of border patrol aviation flights. As for the border protection system of the Polish Border Guard with Ukraine, its organization was based on a layered system of operational, investigative, reconnaissance, and regulatory measures carried out by personnel from border guard stations, special units, operational units, and separate intercity (regional) operational border guard units under the Main Command.

Currently, there is an effective international cooperation between the State Border Guard Service of Ukraine and Border Guards of Poland. Cooperation takes place in the field of border protection, exchange of information on the situation at the state border, and joint risk analysis⁹. According to the official information of

⁸ Strazgraniczna.pl. [Border Guards], in <https://www.strazgraniczna.pl/pl/straz-graniczna/struktura-sg> (Accessed on 21.05.2023).

⁹ *Respublika Polshcha* [The Republic of Poland], in <https://dpsu.gov.ua/ua/1590393158-Respublika-Polshcha/> (Accessed on 03.11.2023).

the State Border Guard Service of Ukraine, in 2020, 264 illegal migrants were detained at the state border between Ukraine and Poland. They found 282 weapons and 1300 pieces of ammunition. Seized: 53.1 kg of drugs and goods worth UAH 186.1 million; 597,000 packs of cigarettes; 10,000 litres of alcohol¹⁰.

THE SLOVAKIAN STATE BORDER PROTECTION SYSTEM

The Border Police and the Police for Foreigners, which operated as a separate division under the Police Corps of the Ministry of Interior, carried out the protection of the state border in Slovakia¹¹. Regional divisions of the Border Police and the Police for Foreigners were incorporated into the territorial police groups of the border districts. As of July 2000, the Border Police and Police for Foreigners Bureau of the Police Corps of the Ministry of Interior became the central apparatus. By 2003, the Border Police had undergone complete professionalization. The protection of the state border with Ukraine was carried out by two divisions stationed in the administrative centres of regions – the cities of Prešov and Kosice. The divisions of the Border Police and the Police for Foreigners for direct border protection deployed Border Police detachments. Additionally, international checkpoints were operational for border control along the Slovak–Ukrainian border crossing section. In total, nine Border Police detachments and four international checkpoints were established on the Slovak side of the border with Ukraine. In 2003, a special unit combatting illegal migration began operating on the Slovak–Ukrainian border. The core of the border protection system with Ukraine consisted of operational, investigative, reconnaissance, and regulatory measures carried out by personnel from the Border Police detachments, reserve border special units, and operational units with the involvement of the local population.

Currently, there is effective international cooperation between the State Border Guard Service of Ukraine and Slovakia. Current problems on the adjacent state border include illegal migrants, smuggling of goods, and ensuring the passage of Ukrainian citizens in need of temporary protection (asylum)¹². According to the official information of the State Border Guard Service of Ukraine,

¹⁰ *Derzhavna prykordonna sluzhba Ukrainy*. [The State Border Guard Service of Ukraine], in https://old.dpsu.gov.ua/upload/file/4_rozdil2020.pdf (Accessed on 03.11.2023).

¹¹ V. I. Baratiuk, O. M. Stavvyskyi, O. V. Zhabenko, A. I. Voitovysh, *op. cit.*, p. 35.

¹² *Slovakia* [The Slovakia], in <https://dpsu.gov.ua/ua/Slovacka-Respublika/> (Accessed on 03.11.2023).

in 2020, the Ukrainian border guards at the state border between Ukraine and Slovakia detained 217 illegal migrants. They found 14 weapons and 110 pieces of ammunition. Seized: 0.61 kg of drugs and goods worth UAH 12.6 million; 8000 packs of cigarettes; 1200 litres of alcohol¹³.

THE PECULIARITIES OF THE HUNGARIAN STATE BORDER PROTECTION SYSTEM

The Border Guard (BG) carried out the protection of the state border of Hungary. In 1990, a reform of the entire border guard system began in Hungary. In particular, the detachments were reformed into border directorates, and specialized educational institutions were opened to train professional border guards. By 1998, the Hungarian Border Guard had fully transitioned to a professional basis¹⁴. The BG of Hungary, operating as the Main Directorate, was a part of the Ministry of Internal Affairs. The protection of the state border was entrusted to ten border directorates. Under the direct supervision of the directorates, there were seventy-one representations of border checks, fifty-three for border security/border surveillance, twenty-six criminal intelligence services, ten special operations divisions, and eight foreigners' affairs centres. In preparation for EU accession, Hungarian border guards continuously improved the effectiveness of border protection measures and worked on enhancing border security efficiency. This was done by increasing the border agency's staff to 11,760 people and modernising its technology.

Nyírbátor¹⁵ Border Directorate (located in Nyírbátor, Hungary) was responsible for guarding the state border with Ukraine. To directly protect the border, the Border Guard established five representations¹⁶. In 2001, the Main Directorate of the Border Guard arranged for the establishment of five new representations within the territory of the Nyírbátor Border Directorate. To carry out border control in this area, the following checkpoints were set up: "Záhony", "Tiszabecs", "Beregsurány", "Eperjeske", as well as simplified checkpoints:

¹³ *Derzhavna prykordonna sluzhba Ukrainy* [The State Border Guard Service of Ukraine], in https://old.dpsu.gov.ua/upload/file/4_rozdil2020.pdf (Accessed on 03.11.2023).

¹⁴ Y. Deak, *Znaiomtesia: Prykordonna okhorona Uhorshchyny* [Meet: Border Guard of Hungary], in "Kordon", 2003, № 2, p. 32.

¹⁵ L. Petrényi, *A Határórség és a Nyírbátori Határőr Igazgatóság története 1945-től az integrációig* [History of the Border Guard and the Nyírbátor Border Guard Directorate from 1945 to integration], Debreceni Egyetem, 2009, 57 p.

¹⁶ V. I. Baratiuk, O. M. Stavvtskyi, O. V. Zhabenko, A. I. Voitovych, *op. cit.*, p. 24-26.

“Barabás” and “Lónya”¹⁷. Thus, there were ten representations of the Border Guard (posts), four border-crossing points, and two simplified checkpoints functioning on the border with Ukraine. The criminal intelligence department of the directorate and its two subordinate criminal intelligence services in the towns of Záhony and Beregsurány carried out operational work. Two units of “border hunters” also operated in the Hungarian-Ukrainian border area: “Szabolcs” Company (in Záhony) and “Bereg” Company (in Csenger). Considering the existing organizational and staffing structure on the border with Ukraine, approximately 1000 Hungarian border guards were on duty. The basis of border protection with Ukraine consisted of operational search, intelligence, and regulatory measures carried out by the personnel of border representations, rapid response units, the operational staff of Nyírbátor Border Directorate, criminal intelligence services, and separate border operational agencies.

Currently, there is effective international cooperation between the State Border Guard Service of Ukraine and Hungary. Current issues on the adjacent state border are combating the smuggling of goods and ensuring the passage of Ukrainian citizens in need of temporary protection (asylum)¹⁸. According to the official information of the State Border Guard Service of Ukraine, in 2020, the Border Guard Service of Ukraine on the state border between Ukraine and Hungary detained 80 illegal migrants. They found 13 weapons and 27 pieces of ammunition. Seized: 0.71 kg of drugs and goods worth UAH 20.2 million; 342,000 packs of cigarettes; 614 litres of alcohol¹⁹.

THE ROMANIAN BORDER POLICE

Until 1999, the protection of the state border on land and sea in Romania was entrusted to the National Border Guards Command (Border Guard), while control at the border crossing points was under the responsibility of the Main Directorate of Border Police. These two bodies of border guard organizations were structurally incorporated as independent directorates within the Ministry of Internal Affairs.

¹⁷ *Ibid.*, p. 26.

¹⁸ *Uhorshchyna* [The Hungary], in <https://dpsu.gov.ua/ua/1590396613-Ugorshchina/> (Accessed on 03.11.2023).

¹⁹ *Derzhavna prykordonna sluzhba Ukrainy* [The State Border Guard Service of Ukraine], in https://old.dpsu.gov.ua/upload/file/4_rozdil2020.pdf

https://dpsu.gov.ua/ua/upload/%D0%91ila_kniga/4_rozdil2020.pdf (Accessed on 03.11.2023).

The Border Guard organization consisted of border brigades, regiments, and battalions, from which detachments and posts were deployed. The main form of border protection was military-operational, while the Border Police focused on operational border control at the border crossing points²⁰.

As a result of the law enforcement reform, starting from July 1, 1999, the Border Police (under the Ministry of Internal Affairs) and the Coast Guard were tasked with guarding Romania's state borders on land and at sea, as well as protecting the continental shelf and the exclusive (maritime) economic zone. Based on the nine brigades of the Border Guard, nine divisions of the Border Police were established²¹.

The General Inspectorate of the Border Police, established within the Ministry of Internal Affairs, carried out the overall management of border security in all directions, including the maritime border.

The Romanian Border Police had a widely branched structure. The Inspectorate had authority over all units of the Border Police, twenty inspections, eight training centres for sergeant preparation, personnel retraining school, and a school for training personnel to work on border patrols. The local offices of the Border Police were subordinate to the respective county inspections. At this level, groups and sectors of the Border Police were formed. Each border region had its own territorial administration²².

The jurisdiction of each local Border Police extended to a border area within a radius of 30 km from the state borderline and the coast of the Black Sea, as well as within 10 km of the navigable waters of the Danube, which is open for international navigation.

The following units of the General Inspectorate of the Border Police were responsible for protecting national interests along the section of the state border with Ukraine: the "Satu Mare" Territorial Service of the Border Police (Satu Mare City), with nine border police sectors and five border checkpoints; the "Maramureş" Territorial Service of the Border Police (Sighet City), with five border police sectors and two checkpoints; the "Suceava" Territorial Service of the Border Police (Rădăuţi City), with four border police sectors and six checkpoints;

²⁰ *Skhovyshche dokumentiv Administratsii derzhavnoi prykordonnoi sluzhby Ukrainy* [Storage of Documents of the Administration of the State Border Guard Service of Ukraine], Inv. 8265, Case 79, Vol. 2, s. 365.

²¹ *Ibid.*, s. 331.

²² *Prykordonna okhorona sumizhnykh krain (dovidkovi dani)* [Border Guard of Adjacent Countries (reference data)], Kyiv, Derzhcomkordon, 2002, 51 p.

the “Botoșani” Territorial Service, which had four border police sectors (eight in total) and one checkpoint.²³

The Coast Guard (located in Constanța) guarded the river (Danube) and maritime sections of the state border. The Border Police conducted county inspections on the Romanian-Ukrainian border under its supervision. Specifically, the “Tulcea” (Tulcea City) county inspection had six border police sectors, and the “Braila” (Brăila City) county inspection had a border police sector called “Văcăreni” that was in charge of the border with Ukraine.

In addition, the units of the Coast Guard included the following: the fourth Maritime Brigade (Constanța City), a separate Maritime Division (Constanța City), a separate Maritime Division (Mangalia City), and a separate River Brigade (Brăila City). The fleet of the Coast Guard consisted of twenty-one “Shanghai” type cutters and a significant number of small patrol boats²⁴.

Starting in 2001, Border Police units implemented a professional recruitment system for staff.

Since the beginning of the 2000s, Romania has been rapidly integrating into Euro-Atlantic security structures, and in 2004, it became a member of NATO, followed by its accession to the EU in 2007. During this period, the protection of the state border with Ukraine relied on a system of operational, investigative, military, regulatory, and intelligence measures carried out by the personnel of the border police sectors and the operational staff of regional administrations of the Border Police.

Ukraine and Romania signed the agreement “On the Regime of the Ukrainian–Romanian State Border, Cooperation, and Mutual Assistance in Border Matters” on June 17, 2003 (ratified by the Verkhovna Rada of Ukraine on May 12, 2004, and by the Parliament of Romania on April 5, 2004)²⁵, and have been

²³ For a minute presentation of the situation, please see

<https://www.politiadefrontiera.ro/en/main/pg-teritorial-structures-19.html> and
<https://www.politiadefrontiera.ro/en/main/pg-border-crossing-points-88.html>
(Accessed on 28.10.23)

²⁴ *Skhovyshche dokumentiv Administratsii derzhavnoi prykordonnoi sluzhby Ukrainy* [Storage of Documents of the Administration of the State Border Guard Service of Ukraine], Inv. 8166, Case 46, Vol. 1, s. 256.

²⁵ *Dohovir mizh Ukrainoiu ta Rumuniieiu pro rezhyom ukrainsko-rumunskoho derzhavnogo kordonu, spivrobitnytstvo ta vzaiemnu dopomohu z prykordonnykh pytan vid 17 chervnia 2003 r.* [Agreement between Ukraine and Romania on the Regime of the Ukrainian–Romanian State Border, Cooperation, and Mutual Assistance in Border Issues of June 17, 2003.], in <https://romania.mfa.gov.ua/spivrobitnictvo/180->

continuously developing their border interaction and cooperation.²⁶

Currently, there is effective international cooperation between the State Border Guard Service of Ukraine and Romania. The main area of cooperation is the organization of joint patrolling on the adjacent state border.²⁷ According to the official information of the State Border Guard Service of Ukraine, in 2020, the Border Guard Service of Ukraine on the state border between Ukraine and Romania detained 131 illegal migrants. They found 171 weapons and 139 pieces of ammunition. Seized: 14.1 kg of drugs and goods worth UAH 28.5 million; 1.3 million packs of cigarettes; 3,700 litres of alcohol.²⁸

THE BORDER PROTECTION SYSTEM OF THE REPUBLIC OF MOLDOVA

In Moldova, the formation of the state border and border protection took place under extremely challenging conditions. Presidential Decree No. 190 of the Republic of Moldova dated September 3, 1991, placed the section of the Western border of the former Soviet Union that passed through Moldova's territory under the new and exclusive jurisdiction of the state of Moldova. The Ministry of National Security was entrusted with the task of guarding the state border.

By Presidential Decree No. 139 of the Republic of Moldova dated June 10, 1992, the Ministry of National Security was proposed to initiate the establishment of its own border institution. Following this decree, on June 15, 1992, Government Resolution No. 400 was adopted, which contributed to the creation of the Border Guard Troops of the Republic of Moldova²⁹. In 1999, through the Law of December 23, the Border Guard Troops of the Republic of Moldova were reformed into the Department of Border Guard Troops of the Republic of Moldova. In 2000, the

dogovirno-pravova-baza-mizh-ukrajinoju-ta-rumunijeju (Accessed on 06.04.2023).

²⁶ *Plan rozvytku spivrobotnytstva prykordonnykh vidomstv Ukrainy i Rumunii na 2019 rik pidpysaly holovy sluzhb dvokh krain* [Development Plan for Cooperation between the Border Guard Services of Ukraine and Romania for 2019 was signed by the Heads of the Services of the two countries], in <https://ua.interfax.com.ua/news/political/550883.html> (Accessed on 06.04.2023).

²⁷ *Rumuniia* [The Romania], in <https://dpsu.gov.ua/ua/Rumuniya/> (Accessed on 03.11.2023).

²⁸ *Derzhavna prykordonna sluzhba Ukrainy* [The State Border Guard Service of Ukraine], in https://old.dpsu.gov.ua/upload/file/4_rozdil2020.pdf (Accessed on 03.11.2023).

²⁹ I. Nykytiuk, *Departament Prykordonnykh viisk Respubliki Moldova: istoriia ta sohodennia* [Department of the Border Guard Troops of the Republic of Moldova: History and Contemporaneity], "Kordon", 2004, № 4, p. 22-23.

Department of Border Troops was separated from the Ministry of National Security and reorganized into an independent state institution.

The development of the Ukrainian border protection was marked by significant difficulties, primarily related to locating the border units and creating connections with the local population³⁰.

The organization of border security with Ukraine was based on a system of operational, search, regulatory, and military measures carried out by personnel of border checkpoints, border commandants, the operational staff of directorates and the Border Guard Department.

According to Government Resolution No. 357 dated April 23, 2005, the Border Guard Department was reorganized into the Border Guard Service of the Republic of Moldova. The organizational structure was also redesigned, with border units transformed into regional directorates responsible for the surveillance and control of the state border.

On December 1, 2005, the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM) was launched in Moldova and Ukraine. The Presidents of the Republic of Moldova and Ukraine initiated this international project. It marked the beginning of the real process of integrating Moldova's border institution into the European structures of national security. On November 22, 2006, an official delegation from the Border Guard Service of Moldova participated in a trilateral meeting on border issues between the Republic of Moldova, the European Union, and Ukraine, held in Brussels.

By Government Decision No. 1210 dated December 27, 2010, the National Strategy for Integrated Border Management was approved in Moldova. The guiding principles of the strategy are "European Integration: Freedom, Democracy, and Prosperity." Its implementation was required to ensure the success of the Association Agreement negotiations with the EU and the dialogue on visa liberalization.

The Government of Moldova passed a draft law in December 2011 that will reform the Republic of Moldova's Border Guard Service as the Border Police and move it to the Ministry of Internal Affairs beginning July 1, 2012. In addition to the responsibilities of the border guard service, the new institution assumed the duty to combat cross-border crime.³¹

³⁰ *Ibid.*, p. 22.

³¹ Ministerul Afacerilor Interne /Guvernul Republicii Moldova [Ministry of Internal Affairs /Government of the Republic of Moldova], in <https://border.gov.md/index.php/ro/istoria-politiei-de-frontiera> (Accessed on

Currently, there is effective international cooperation between the State Border Guard Service of Ukraine and Moldova. The current challenges are the expansion of exports of goods in the context of Russia's full-scale aggression and the introduction of joint border control at the state border checkpoints.³² According to the official information of the State Border Guard Service of Ukraine, in 2020, the Border Guard Service of Ukraine on the state border between Ukraine and Moldova detained 241 illegal migrants. They found 40 weapons and 902 pieces of ammunition. Seized: 3.4 kg of drugs and goods worth UAH 18.2 million; 186,000 packs of cigarettes; 29,300 litres of alcohol.³³

To keep the information confidential, with the beginning of the Russian invasion in 2022, Ukraine's State Border Guard Service ceased giving comprehensive information on its activities in 2021, 2022 and 2023.

Therefore, it is possible to present only general reports on the results of the work of the State Border Guard Service of Ukraine in the study. The official report of the State Border Guard Service of Ukraine on the overall results of its work in 2021 indicated that the border guards detained about 15,300 illegal migrants. They found 630 weapons and 30,400 pieces of ammunition. 700 kg of drugs and goods worth UAH 690 million were seized.³⁴

The official report of the State Border Guard Service of Ukraine on the results of its work for 9 months of 2023 indicated that its employees detained 4,231 illegal migrants at the border. They found 714 weapons and 50692 pieces of ammunition. They seized 131.7 kg of drugs and goods worth UAH 293.88 million. The official Report of the State Border Guard Service of Ukraine on the results of work for 9 months of 2022 indicates that its employees detained 10013 illegal migrants. They found 364 weapons and 11571 pieces of ammunition. They seized 84.5 kg of drugs and goods worth UAH 456.81 million³⁵.

International cooperation with the European Border and Coast Guard Agency Frontex is an essential duty of Ukraine's State Border Guard Service.

05.05.2023).

³² *Moldova* [The Moldova], in <https://dpsu.gov.ua/ua/1590397040-Respublika-Moldova/> (Accessed on 04.11.2023).

³³ *Derzhavna prykordonna sluzhba Ukrainy* [The State Border Guard Service of Ukraine], in https://old.dpsu.gov.ua/upload/file/4_rozdil2020.pdf (Accessed on 03.11.2023).

³⁴ *Uriadovyi portal* [Government portal], in <https://www.kmu.gov.ua/news/zvit-derzhavnoyi-prikordonnoyi-sluzhbi-pro-rezultati-roboti-u-2021-roci> (Accessed on 04.11.2023).

³⁵ *Derzhavna prykordonna sluzhba Ukrainy* [The State Border Guard Service of Ukraine], in <https://dpsu.gov.ua/ua/Potochniy-rik/> (Accessed on 04.11.2023).

Ukraine continues the process of integration into the European Union. It is necessary to implement national border guard strategies and common national interests. Due to Russia's military aggression, the Government of Ukraine suspended the operation of 111 control points on the state border with Russia and Belarus. Border control was ensured at 124 control points on the state border with the European Union. In the first weeks of the war, people had to be evacuated through the operating control points to save their lives. According to official data from the State Border Guard Service of Ukraine, from February 24, 2022, to September 2023, 55 million people crossed the state border of Ukraine, including 29 million people leaving Ukraine, as well as more than 77,000 vehicles with humanitarian cargo³⁶. Since the beginning of the war, Frontex has activated its crisis response mechanism and created a special response team that works 24 hours a day, 7 days a week. Through this mechanism, Frontex regularly informs Member States and EU institutions about the situation at border crossings and monitors refugee flows. Between February 24, 2022, and the end of 2022, Ukrainian citizens travelled to Poland (8,318,304); Slovakia (994,881); Hungary (1,299,058); Romania (1,647,982); and Moldova (608,904).³⁷

CONCLUSIONS

Based on the research, Ukraine's border institution has undergone its historical development from a military structure to a European-standard law enforcement agency, alongside neighbouring countries that are now members of the EU.

With the formation of the EU as an economic and political union of states with common borders, reforms took place regarding the demilitarization of borders. The border institutions of EU countries transformed into state bodies that provide services to citizens for crossing borders, transporting goods, and travelling by vehicle, among other things. Purely military units within European border structures were reduced. Thus, law enforcement principles became the foundation for protecting the state border in European countries. Later on, the

³⁶ *Intehrovane upravlinnia kordonamy u formati FRONTEX* [Integrated border management in the FRONTEX format], in <https://dpsu.gov.ua/ua/news/Integrovane-upravlinnya-kordonami-u-formati-FRONTEX/> (Accessed on 04.11.2023).

³⁷ *Frontex. 2022. In brief.* Frontex, 2023. p. 8, in https://www.frontex.europa.eu/assets/Publications/General/In_Brief_2022/2022_in_brief.pdf (Accessed on 04.11.2023).

border agencies transitioned to the status of law enforcement agencies and started performing police control functions at the external borders of the EU.

Considering the socio-political changes in Europe at the end of the 20th and the beginning of the 21st century, reforming the Border Guard Troops of Ukraine into the State Border Guard Service was a logical necessity. The reform involved shifting away from military defence tasks towards law enforcement functions.

Indeed, the evolution of Ukraine's border institution into a European law enforcement agency and the change in approaches to the organization of the entire border security system is entirely consistent with Ukraine's strategic course towards European integration and NATO membership. These transformations were aimed at harmonizing Ukraine's practices and standards with those of European and Euro-Atlantic structures, demonstrating Ukraine's commitment to aligning with international norms and fostering cooperation with its European partners.

Russia's armed aggression in 2014 proved that it was premature to exclude the military component of the Ukrainian State Border Guard Service's duties. The elimination of military units within the State Border Guard Service of Ukraine was a mistake of the Ukrainian government. This mistake can only be explained by ignoring the potential military threat from neighbouring Russia.

Further research will examine the historical experience of border structures in other EU member states. Studying the development and evolution of their border institutions may provide valuable insights regarding best practices, strategies, and approaches to border security and management. Comparing and learning from the experiences of other EU countries will contribute to a broader understanding of effective border governance and assist in identifying potential areas for improvement in Ukraine's border institution. This analysis can also guide policy decisions and future developments in the context of Ukraine's European integration process.

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