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Eastern neighbors join the race for visa-free travel to the EU

Visa liberalization in Eastern Partnership Countries A Comparative study: Moldova, Ukraine, Georgia, Armenia, Belarus, and Azerbaijan

INTRODUCTION: SETTING THE STAGE FOR VISA-FREE TRAVEL

The six countries that are party to the Eastern Partnership (EaP) initiative of the European Union (EU) are challenged with the need to reform policies in order to open up the prospect of the greatest benefit for their citizens since the end of the Cold War and the fall of communism – visa-free travel to the enlarged EU.

The process can be facilitated through the exercise of political will and reform actions by the individual EaP countries, but will be pushed forward through application of different instruments developed by the EU itself. These include the questionnaires and criteria foreshadowing European Commission roadmaps (or “action plans”) for meeting the technical criteria that are a precondition of visa-free travel. Although the EU’s approach might be similar towards all EaP countries, the reform processes, their scope, and speed differs from one country to another.

To determine how far each of the EaP countries has progressed in the visa liberalization process and the level of momentum to implement further reforms, a baseline overview of the state of

affairs in the visa facilitation process was conducted in the six EaP countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine).

The baseline studies will be used for the next stage of the project, namely scoping detailed analytical work in areas identified as priorities for the respective country. For the purposes of the studies, individual and comparative, the term visa liberalization is used to label the process of visa facilitation, visa dialogue towards visa liberalization, and ultimately conclusion of agreements with the EU on visa-free travel.

This policy brief provides a comparative overview of the state of play in the visa liberalization process in each of the participating countries. It also provides analysis of the state of political will (in the EaP countries, not cross-referenced with political will in the EU, which will be covered later in the project) in terms of supporting or opposing this process. An insight into public debates in the respective countries related to the topic illustrates the scope for civil society (academia, media, non-governmental organizations, and businesses) to act as pressure groups in the visa liberalization process.

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The six accompanying country baseline studies are available for download at www.novisa.eu

Table I. Making the grade for visa-free travel

How the six Eastern Partnership countries are progressing in selected criteria to be met for visa liberalization with the EU

Country	Introduction of first biometric passports	Integrated border management	Cooperation agreement with EUROPOL	Implementation of GRECO (Council of Europe's Group of States against corruption) anti-corruption recommendations	Effective law on protection of personal data
Moldova	2008	Yes ^{1,2}	Yes	10 of 15 ³	Draft law now subject of public debate ⁴
Ukraine	N/A ⁵	Yes ^{2,6}	No	5 of 22 ³	July 2010 ⁷
Georgia	April 2010	Yes ⁸ 2010 ⁹	No	8 of 15 ³	draft law due before parliament at end of 2010 ¹⁰
Armenia	2011 ¹¹	2010 ⁹	No	18 of 24	Draft law ¹²
Azerbaijan	2010-2012	2010 ⁹	No	15 of 27 ¹³	N/A
Belarus	2012	2012 ¹⁴	No	N/A ¹⁵	2008 ¹⁶

Information based on the individual baseline studies

¹ In September 2010, the Moldovan government created a Task Force on elaborating the strategy on Integrated Border Management. The structural/institutional problem of the Border Guards Service is that it is not included as an autonomous institution within the Ministry of Interior, as many think it should be. The general view is that the Border Guards Service is better reformed than the Ministry of Interior.

² In 2006, the EU established EUBAM (European Union Border Assistance Mission), which is designed to counter the smuggling of goods and to enhance cooperation between Moldova and Ukraine for efficient border controls.

³ As of May 14, 2009, GRECO invited the governments to supply additional information on the implementation of certain recommendations by November 30, 2010. http://www.coe.int/t/dghl/monitoring/greco/documents/index_en.asp

⁴ The current Data Protection Law, enacted in 2007, is not considered in line with EU standards. A new draft law is currently the subject of public debate.

⁵ Ukraine is not issuing biometric passports yet. Launch of their issuance is supposed to be preceded by the introduction of a data protection system and a tender for their production.

⁶ The State Migration Service (SMS) has not been established yet in Ukraine. On December 9, 2010, President Viktor Yanukovich issued a decree stipulating the re-establishment of the SMS under the auspices of the Ministry of Interior. It is likely to be founded in the first half of 2011.

Migration control issues are divided between three bodies:

- State Border Service, a separate body responsible for border security;
- State Department for Citizenship, Immigration and Personal Registration within the Ministry of Interior;
- State Committee on Nationalities and Religions (refugees' issue).

On October 27, 2010, the Cabinet of Ministers adopted a Strategy for Integrated Border Management according to EU standards for the period 2011-2015.

⁷ According to the Law on Personal Data Protection, a data protection body should be established. Human rights activists expressed some concerns regarding possible misuse of that law by possible limitation of collection and publishing of some personal information which would be of high importance for society (such as corruption cases, ownership, etc).

⁸ In December 2009, President Mikheil Saakashvili signed an Action Plan on Integrated Border Management that obliges certain Ministries to develop legislation and other regulations, intensify cooperation among the agencies, start robust cross-border cooperation with neighboring countries, and upgrade the training of personnel managing Georgia's borders. Investment in equipment and infrastructure is an integral part of the development plan.

⁹ Date of launch of Southern Caucasus Integrated Border Management regional program (Georgia, Armenia, Azerbaijan)

¹⁰ The government of Georgia is planning to accumulate all personal data under the supervision of a single agency (Data Exchange Agency).

¹¹ estimated date

¹² Law not yet enacted; still at draft stage.

¹³ Final Addendum, Compliance Report (GRECO RC-I/II (2008) 4 E) Azerbaijan, http://www.coe.int/t/dghl/monitoring/greco/documents/index_en.asp

¹⁴ Completion date of a modern data transmission network on the basis of fiber-optic technology on the Western border of Belarus with EU countries.

¹⁵ Belarus signed the agreement concerning immunities and privileges of GRECO representatives and evaluators only in January 2010, therefore it is too early to evaluate its progress in implementation of the GRECO recommendations.

¹⁶ Law on Information, Informatization and Data Protection.

CONCLUSIONS: POLITICAL WILL, COMPETENCE, AND PUBLIC AWARENESS KEY TO SETTING THE PACE

In terms of visa liberalization, Moldova, Ukraine and Georgia are the frontrunners in the Eastern Partnership countries. Armenia and Azerbaijan are following some way behind, and Belarus is lagging even further mainly because of lack of political will, and the persistent failure to improve the human rights situation in Belarus, which is an EU prerequisite for reaching agreements. The progress and continuing success of the three frontrunners will be contingent on:

- the political will to put this issue on the top of the agenda;
- the competency of the governments to pursue all visa liberalization reforms;
- the consensus among all political actors that visa liberalization is a national priority.

Once these political conditions are in place, the chances for the visa liberalization process to be implemented smoothly are much higher.

However, the achievement of visa-free travel in all countries can also benefit from increased public awareness and knowledge about the visa liberalization process. The experience from the Western Balkans countries shows that using media and civil society as partners - advocates and pressure groups - can prove productive towards achieving the final goal.

Therefore, it is recommended that:

- Governments must work on opening their communications (sharing information on the visa liberalization process) with civil society organizations and media;
- Capacity building be provided to civil society organizations and media in effective advocacy in their respective countries (tailor made to the needs of the visa liberalization process) so they can act as pressure groups and push the reforms and visa dialogue further;
- Capacity building of civil society to act as advocates at the EU level for their respective countries' progress related to visa liberalization.

BUILDING BLOCKS TOWARDS VISA-FREE TRAVEL:

Relations between the EU and the EaP countries

Conceived by the governments of Poland and Sweden, the EU Eastern Partnership (EaP) initiative was launched during the Czech EU Presidency (the first half of 2009). Aimed at improving political and economic relations, the EaP initiative has the potential also to contribute to democratization and economic liberalization in the partner countries, particularly by means of promotion of good governance and rule of law as well as combating corruption, through harmonization with EU standards and norms.

Relations between the EaP countries and the EU are regulated by agreements. Table II shows that all the countries (except Belarus) have concluded and implemented a Partnership and

Cooperation Agreement (PCA) coupled with a Detailed Trade Agreement. These agreements have expired over time, but are still in force. Since the transition to the Eastern Partnership initiative, the EaP countries (except Belarus and Azerbaijan) have commenced negotiations for an Association Agreement (AA), which will replace the PCA. The AA is the basis for close cooperation, and may or may not lead to later EU membership of the country in question.

The common denominator in these bilateral relations is the European Commission as the EU counterpart whereas the national counterparts differ across the EaP countries. Table II shows that some of the EaP countries have chosen the Ministries of Foreign Affairs (Azerbaijan and Moldova) to be the focal point for cooperation with the EU and to coordinate all EU-related processes on the national level; whereas in other cases a special Minister or body has been established to handle such issues (e.g. Minister of European integration or Bureau for European integration).

Table II: The actors in the visa liberalization process and governing agreements

Country	Past agreement	Current agreement	Coordinator of the process
Moldova	Partnership and Cooperation Agreement (1994)	Negotiations for Association agreement (2010)	Ministry of Foreign Affairs and European Integration
Ukraine	Partnership and Cooperation Agreement (1994)		Deputy Prime Minister & Bureau for European Integration
Georgia	Partnership and Cooperation Agreement (1996)	Negotiations for Association agreement (2010)	State Minister of European and Euro-Atlantic Integration
Armenia	Partnership and Cooperation Agreement (1996)	Negotiations for Association agreement (2010)	Interagency Committee (chaired by the Secretary of the National Security Council)
Azerbaijan	Partnership and Cooperation Agreement (1996)	N/A	Ministry of Foreign Affairs
Belarus	no contractual relations with the EU	no contractual relations with the EU	N/A

Source: Author's interpretations based on the individual baseline studies

THE ROAD TO VISA LIBERALIZATION:

Georgia close to joining Ukraine and Moldova in the fast lane

Azerbaijan and Belarus yet to join Armenia on the starting line

For the citizens of Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine, the EU has in place a visa regime. Since 1994, when the first Partnership and Cooperation Agreements (PCAs) were concluded, the EU visa policy towards these countries has evolved (except for Belarus). This has been particularly the case in the past three years when the visa facilitation process came into effect in some cases - whereby a number of categories of professionals were provided easier ways to obtain a visa and/or the visa costs were decreased to € 35.

One interesting facilitation mechanism can be observed in Moldova where a Common Application Centre hosted by the Hungarian

Embassy is issuing visas for 16 Schengen states. This model could be exported to other countries where the representation of EU member states is limited (i.e. Armenia). In three EaP countries, Armenia, Azerbaijan and Belarus, a visa facilitation agreement has not been concluded yet (Armenia started talks with the EU in the course of 2010).

For Azerbaijan and Belarus, the commencement of visa facilitation negotiations depends on domestic political will.

Moldova and Ukraine are the frontrunners, as they have managed to open a visa dialogue with the EU, which commenced in 2010 and in recent months has in both cases resulted in

an “action plan” for visa liberalization (similar to the ‘roadmap’ used in the Western Balkans).

The dialogue is assisted through assessment missions that themselves are informed through a questionnaire, a tool the EU also used when assessing progress on reforms related to visa liberalization in the Western Balkan countries.

On March 1, 2011, the visa facilitation and readmission agreements finally came into force in Georgia, which brings it closer to the two frontrunners. On the very same day, the Council of the EU authorized the European Commission to begin talks on visa facilitation and readmission agreements between the EU and Belarus.

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Table III: State of play in the visa liberalization process

Country	History of the process	Current state of play
Moldova	Visa Facilitation and Readmission Agreements (2007) Characteristics: <ul style="list-style-type: none"> • 60 categories of professionals • Visa cost reduced to € 35 	Visa dialogue (2010) Assessment through questionnaire; Action plan for visa liberalization given in January 2011
Ukraine	Visa Facilitation and Readmission Agreements (2008) Characteristics: <ul style="list-style-type: none"> • Better access • Wider issuance • Fewer documents • Visa cost reduced to € 35 	Visa dialogue (2010) Assessment through questionnaire; Action plan for visa liberalization given in November 2010
Georgia	Visa Facilitation and Readmission Agreements came into force on March 1, 2011 Characteristics: <ul style="list-style-type: none"> • Visa cost reduced to € 35 (and no visa fee for children below the age of 12, pensioners, disabled persons, students, close relatives, and representatives of civil society organisations) • Simplified procedures for further categories of citizens 	N/A
Armenia	Negotiations opened on Visa Facilitation and Readmission Agreements (2010)	N/A
Azerbaijan	Negotiations expected to start on Visa Facilitation and Readmission Agreements by summer 2011.	N/A
Belarus	On March 1, 2011, the Council of the EU authorized the European Commission to begin talks on Visa Facilitation and Readmission Agreements between the EU and Belarus.	N/A

Source: Author's interpretations based on the individual baseline studies

Armenia has so far failed to sign a visa facilitation agreement. Negotiations were opened in 2010 and seem to be especially important as only 8% of Armenians have visited any EU member state. Unfortunately, this is not the case for Azerbaijan and Belarus, where the commencement of the process depends on political will, and is highly dependent on domestic political debates and, in the case of Belarus, meeting political conditions of the EU concerning human rights and political freedoms.

OVERCOMING "REJECTION BY EUROPE"

The state of political will and public debate in the Eastern Partnership countries

Once the goal of visa-free travel becomes a priority and is put forward on the national political agenda, progress can be readily observed in the visa liberalization process in the EaP countries. Visa-free travel appears to be a priority in foreign and domestic politics among the frontrunners: Moldova, Ukraine, and Georgia. In Armenia, the issue is on the policy agenda, which is not the case in Azerbaijan.

At the same time, even after the protests from the EU side over the violent arrest of opposition leaders after the December 2010 presidential election in Belarus, the EU's Council Conclusions of January 31, 2011 stated that it looks forward to the start of negotiations for visa facilitation and readmission agreements with Belarus, once the negotiating directives have been adopted.

The Moldovan example further demonstrates that publicly displayed political will and wide political consensus over the visa liberalization

process seem to be 'key' for success¹. The three frontrunners broadly follow this model, though in some countries business interests appear to be strongly impeding some of the visa-related reforms (i.e. in the document security area in Ukraine, the issuance of biometric passports is subject to war between various business interests).

“The media is reporting overwhelmingly on the negative side, namely on the obstacles the visa regime erects for citizens of EaP countries.”

Since many reforms take place independent of party politics, a coalition between media and civil society is also crucial. However, a prerequisite is the openness of the government to civil society and media, and the government's willingness to allow them to monitor the process and contribute to overall trust-building among citizens that visa-free travel is possible once the reforms are pursued.

This will also allow for civil society organizations and media to act as pressure groups on the national governments pushing for further reforms on the visa liberalization agenda. Such openness is still missing in most of the countries, even among the frontrunners.

For the time being, the media is reporting overwhelmingly on the negative side, namely on the obstacles the visa regime erects for citizens of EaP countries, placing them in the position of facing "rejection by Europe", which contributes

¹ Litra, Leonid (2010): Some reflections on the timing of Moldova's negotiations of the EU Association Agreement, Moldova's Foreign Policy Statewatch, Issue 1, Institute for Development and Social Initiatives, http://www.viitorul.org/public/2706/en/Policy_Statewatch+.pdf

to the negative image of the EU in the region. This is especially the case in Belarus.

Furthermore, the opportunity to use domestic civil society and media as a pressure group or advocate for visa-free travel at the EU level is not utilized to a significant degree in any of the EaP countries.

Poor public awareness, combined with closed political elites, coincides with a wide debate in the media on the EU visa regime, but very little informed debate on the current state of affairs in the area: analysis of the process, stakeholders, progress to date, and future challenges.

However, the expectations of the citizens that they will be granted visa-free travel after the process is concluded are high. In Georgia, 8.3% of the citizens think that simplifying visa and travel procedures will be the most important international aid for the country and its citizens.²

About the author:

Marija Risteska holds a PhD in Political Science from Cyril and Methodius University in Skopje, and a Master of Arts in European Public Administration and Public Policy from Katholieke Universiteit Leuven. Besides numerous policy studies on European integration of Macedonia, public policy development, good governance, health, gender, and migration, Marija has co-edited the book 'European Law for SMEs'. She has 10 years of consulting experience with the EU and all UN agencies. She managed a program in NDI, and the education portfolio of the World Bank in Macedonia. Risteska is the founder of the Center for Research and Policy Making, a leading Macedonian think tank, which is a member of PASOS.

² EPF Georgian Public Opinion Survey on European Integration, 2010

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