

Conference “Prospects of Visa Liberalisation by the EU for Ukraine and Other Eastern European Countries”

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Visa-free travel with the EU is achievable for Ukraine

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I would like to thank the organisers and donors of this conference - CPCFCU, the civic initiative “Europe without Barriers” and the International Renaissance Foundation - for having arranged and supported it. Visa-free travel to the EU for Ukrainians is an important goal that we all want to achieve.

To start with, I would like to say a few words about my organisation, the European Stability Initiative. We are a European think-tank registered in Berlin, but with representatives and offices in Brussels, Istanbul, Vienna and other places. We deal mainly with EU enlargement issues, so we have naturally focused on the Western Balkans and Turkey, but we have also done some work in the EU’s wider neighbourhood.

In the Western Balkans, we have conducted a large project in support of the visa liberalisation process, and that’s what I am going to talk about today. I would like to show three things:

- Visa-free travel is a realistic and achievable goal for Ukraine;
- Visa-free travel will not be a political gift from the EU, but it will require hard work, which, however, is doable; and
- It is in the EU’s interest that Ukraine succeeds and meets the conditions for visa-free travel.

To show that, I will draw on the experience of the Western Balkans. They were the first countries to receive visa-free travel in return for far-reaching reforms in the justice and home affairs area, and this approach is the model for the Eastern Partner countries.

Allow me to start with how it all began. Before the war in former Yugoslavia which started in 1991, Yugoslavs could travel to most European countries without a visa. But with the war came hundreds of thousands of refugees that poured into the EU, and organised crime got a foothold in the Balkans. In response, EU countries imposed visa restrictions.

As soon as the last conflict in former Yugoslavia ended – and that was in 2001 in Macedonia – the governments of the new countries that had emerged in the Western Balkans as well as neighbouring Albania began to ask the EU to lift the visa requirement. Their citizens detested the difficult, stressful and often humiliating experience of having to obtain a visa before making a trip.

In the meantime, the EU had established the Schengen area and had a common visa policy, so the issue was to convince all the EU member states that an abolition of the visa regime would be the right step.

The EU said 'No'. It was afraid of illegal migrants and organised crime from the Balkans. Then in 2003, at a EU/Western Balkans summit in Thessaloniki, the EU promised that the European Commission would hold discussions with the Western Balkan countries about the reforms necessary to lift the visa barrier. In the summit declaration these reforms were described as "*major reforms in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal migration, and strengthening administrative capacity in border control and security of documents.*"

At first nothing happened. Nothing happened for years. Nothing happened even against the backdrop of the European perspective of these countries. They were assured that their future lay in the European Union, but at the same time the EU made it difficult for their citizens to come and visit the EU.

But then things started to change. A first step was done when the EU launched negotiations about visa facilitation and readmission agreements in 2006, a year after such negotiations had commenced with Ukraine. This coupling of two separate issues – easier visa procedures in return for readmission, which the EU was keen on – was important since it later became the basis for the approach to visa liberalisation.

In parallel, the situation in the Western Balkans was improving. The rule of law was slowly returning, and organised crime was declining. More and more EU countries as well as the European Commission realised that the visa requirement was counter-productive.

However, what was *decisive* was the realisation of EU Interior Ministers that they could get the Balkan countries to do many things that were really important to the EU, in exchange for visa-free travel; in fact, that they could make sure that what they feared – illegal migration and organised crime – would be controlled. The idea of a designing a catalogue of conditions and demanding their implementation in return for visa-free travel was born.

So in January 2008 the visa process for the Western Balkans was launched. The EU foreign ministers agreed to begin visa dialogues with 5 Western Balkan countries – Albania, Bosnia, Macedonia, Montenegro and Serbia – and announced the elaboration of "*detailed roadmaps setting clear benchmarks to be met by all the countries in the region in order to gradually advance towards visa liberalisation.*"

A few months later, in May and June 2008, all 5 countries received roadmaps. The roadmaps were identical, only slightly adjusted to the situation and terminology used in each country. They listed almost 50 conditions from the fields of passport security, border control, and the fight against illegal migration, organised crime and corruption. These conditions were challenging.

I have brought some material, which is only in English at the moment. There you can find the roadmap for Serbia with all the conditions, a glossary of all relevant terms, a chronology of the process for the Balkans and a few other documents, which I hope will be of interest to you (to be found at: www.esiweb.org/whitelistproject).

Before I continue, allow me to make a few general remarks:

Firstly, as mentioned, the Western Balkan countries were the first where the new approach - far-reaching reforms in return for visa-free travel - was used. It took them many years of lobbying to get a visa liberalisation process, but this was because they paved the way. Things are moving faster for Ukraine and the other Eastern partner countries. The Commission promised Ukraine and the other 5 Eastern partner countries visa liberalisation in 2008, and in May 2009 EU leaders confirmed this goal.

Ukraine has had a visa dialogue since 2008. At the Ukraine/EU JLS Troika meeting this week, Ukraine was promised a roadmap – which, in the case of the Eastern Partners will be called “action plan”. The action plan is due to be handed over at the Ukraine/EU summit in the autumn, probably in November. This is when things will get serious. Then Ukraine will know exactly what the EU expects it do to; and then Ukraine will determine the pace of the process since the pace will depend on how fast it implements the requirements.

Secondly, the conditions from the roadmap/action plan for Ukraine will be tough. It will cost a lot of efforts, time and money to meet them. But the EU has an active interest that the Ukraine fulfils these conditions. If they are implemented, Ukraine will be a partner in protecting the EU’s external borders and the Schengen zone inside. Its passport will be forgery-proof and only persons who are entitled to them, will hold them; Ukraine will take back its citizens if they reside in the EU illegally, as well as third-country nationals that have reached the EU via Ukraine; it will have well-controlled borders with modern equipment; it will manage migration flows through Ukraine and apply the Refugee Convention to those in need of protection; and it will step up the fight against organised crime and corruption.

These conditions are demanding, but they can be met. Three Western Balkan countries have already met them, the remaining two are likely to get visa-free travel this year. There is no doubt that Ukraine too can meet these conditions.

Back to the story of the Western Balkans:

So, in May and June 2008, they all got roadmaps. With that, the criteria were clear. What were the next steps? What followed was a clearly structured process, and I hope that Ukraine will get the same.

By 1 September 2008, the countries had to send reports to the Commission outlining where they stood in relation to each requirement, and what they intended to do when to fulfil it.

Based on these reports, the Commission wrote a first assessment for each country in November 2008. The assessments showed the strength and weak points of each country, so they knew what to focus on in the coming period.

But the Commission did not only rely on what the WB countries had written. Between January and March 2009, it organised assessment missions to each country. The missions comprised Commission officials but also experts nominated by EU member states. There were different missions, but altogether experts spent roughly 3 weeks in each country.

And they were thorough. For example, in Macedonia a Dutch expert who visited a border crossing point gave the authorities his passport and asked them to check it. It was a good forgery, and he wanted to see if they would discover it. Another expert spent a whole day in a reception centre for asylum seekers and looked at everything, from the toilets to the filing system. The experts made surprise visits to border crossing points, to civil registries that were issuing birth certificates based on which people got passports. In Macedonia, they once checked all the registry offices in one specific region.

As a result of these assessment missions, Macedonia got the green light for visa-free travel in July 2009, while Serbia and Montenegro were asked to do a bit more work on a few remaining issues. By October, they had fixed the problems in these areas. So in November 2009, the Council of the EU, where all the EU MS are represented, decided to lift the visa barrier for Macedonia, Montenegro and Serbia. Albania and Bosnia have had to do some additional work, but it looks that the visa restrictions for them will be lifted in the autumn.

So, what the visa liberalisation process for the Western Balkans shows is that not only the criteria for visa-free travel were clear, but that there was also a clear process with clear timelines and clear deliverables. The governments knew well what was expected from them, the Commission also provided advice whenever needed, which made it easier for the countries to implement the requirements.

So far, visa-free travel for the Balkans has been a success. No incidents at the EU borders have been reported, people travel without problems, and their number is probably growing. Initially, there was no rise in trips to the EU, but the Balkan countries have been hit hard by the economic and financial crises, so many people might not be able to afford frequent trips to the EU.

There was one problem, but it was resolved quickly and successfully thanks to the new cooperation in the area of visa policy:

In January and February of this year, the number of *asylum seekers* from Macedonia and Serbia, mostly ethnic minorities from these two countries, suddenly rose in Belgium and in Sweden.

Previously, only a handful of asylum seekers from these two countries had requested asylum in Belgium and Sweden each month, and their asylum requests were hardly ever decided positively. To give an example: in the last three years – 2007, 2008 and 2009 - 362 Macedonians applied for asylum in Belgium, which is an average 10 per month. Of all the 362 requests in these three years, only 6 were decided positively. That's 1.66 percent.

Now, in January and February 2010, 850 asylum seekers from Macedonia and Serbia arrived in Belgium and around 800 in Sweden. All the concerned governments reacted immediately. The Belgian and Swedish authorities informed their counterparts in Macedonia and Serbia, which promised to take every of their citizens back. The EU governments shortened the period it usually takes them to process an asylum request from several months to a few weeks. They told the asylum seekers that their chances to be granted asylum were minimal, and they offered free transport home, which most people accepted. In Macedonia, the government launched campaigns informing their citizens that they would not be granted asylum in the EU, while in Serbia Belgian authorities themselves went to the Albanian villages in the south to spread the word. There were also investigations in Macedonia and Serbia who was behind this exodus as it appeared to be organised.

As a result of these activities, the vast majority of these asylum seekers have returned home. This episode shows that visa-free travel has opened new channels of communication and increased the willingness of the Western Balkan countries to prevent their citizens from abusing the EU asylum system.

Since March, there have been no such incidents anymore, and Balkan countries have stepped up their efforts to explain their citizens what visa-free travel means: that it is the right to visit the Schengen zone for up to 3 months within a 6-month period; that it does not represent a work permit or a residence permit; and that hardly any citizen from the Balkans qualifies for asylum in the EU since the EU does not think that persecution based on race, nationality, religion or political opinions occurs in the Balkans anymore.

Allow me to return to the visa process for the Western Balkans. As I mentioned before, it required a lot of effort and money for the Western Balkan countries to implement the roadmap conditions – they did not do it just in passing. This was made a national priority in each country. Special task forces were set up. There was central oversight.

In Macedonia for example, the Deputy Prime Minister chaired the task force, which was made up of deputy ministers and department heads. They met once a week, everybody had to report to him, and then a report for the government was drawn up. The report was discussed at the weekly government meeting. If there were hiccups somewhere, the Prime Minister would sometimes call the responsible official and inquire what the problem was.

Without such focused efforts, the Western Balkan countries would not have been able to implement the roadmaps fast.

Now, where does Ukraine find itself today and what can it do to fasten the process to visa-free travel?

Many of the issues that will be listed in the action plan towards visa liberalisation are things that Ukraine has worked on for years. They have been part of the first EU Action Plan on Justice and Home Affairs from 2001, there have been part of the revised action plan from 2007, they have been discussed in the Sub-Committee on JLS affairs, they have been discussed in the framework of the visa dialogue since 2008.

Ukraine has already achieved a lot with regard to a good number of these issues, and this is important for visa-free travel. It would be important to make the achievements visible. I work in Brussels, and I have been in touch with officials from the EU member states who are in charge of visa issues or who deal with the Eastern European countries. They are not aware of how advanced Ukraine is. The same is the case in the EU capitals. Show that has already been accomplished, keep them informed pro-actively!

Secondly, it is important that Ukraine builds trust. It could for example ask border guards from Germany to come and visit and give advice on border control issues. It could invite document security experts from France. It could request bilateral help to implement the action plan/roadmap. When these experts come and see the situation on the ground and that there is a strong commitment to make further progress, they will report it back to their governments. It is very important to build such networks.

Thirdly, it would be useful to start to work on the action plan already now. It is known which conditions it will list. Early action will make a good impression on the Commission and EU member states, but also shorten the time until the visa barrier will be lifted since these things will not have to be done anymore.

To conclude: visa-free travel is a real option for Ukraine, but it will not fall into its lap. It will require hard work. But this work can be accomplished, and it is in the EU's interest that it is accomplished. And visa-free travel is certainly a goal that is worth-while the effort.