

EU VISA FACILITATION: CONSEQUENCES AND PROSPECTS

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Summary

After two and a half years delay the Belarusian authorities accepted the EU's invitation to start visa facilitation negotiations. Why did the Belarusian authorities agree to the EU's initiative at this point of time?

One persuades the other, and vice versa

Ten-year story of failed attempts to start visa facilitation negotiations between the EU and Belarus is a show case how the citizens' interests become hostage of the ruling elites' political considerations.

Until 2010 it was the EU's organs which believed that visa negotiations with Belarus were premature. In 2004-2007 Belarus repeatedly addressed the European Commission with proposals to start visa negotiations, but the EU stayed indifferent referring to the country's issues with democracy and human rights.

In 2010 the idea got the upper hand in the EU that conditioning of visa facilitation for Belarusians with the progress in political reforms and human rights was counterproductive. On the eve of the presidential election in Belarus, in October 2010, the Council of the EU called the European Commission to draw up negotiation directives on entering into visa facilitation and readmission agreements with Belarus.

In spite of sharp deterioration of the human rights situation in the country in the aftermath of the presidential election, the EU organs continued internal procedures and, finally, in June 2011, the European Commission sent Belarus an invitation to start negotiations on visa facilitation and readmission.

However, at that stage the situation changed drastically: now it were the Belarusian authorities who considered any progress on the visa issue premature referring to the EU's sanction policy and suspension of top-level contacts. The Belarusian side used its concerns as to the negative consequences of the readmission agreement with the EU as a cover for actual political reasons behind delay.

Why agreeing now?

If the Belarusian authorities had been guided by the citizens' interests exceptionally, they would have started the negotiations back in 2011. However, better late than never; therefore the MFA head Uładzimir Makiej's statement at Eastern Partnership (EaP) summit of the willingness to begin the long-awaited negotiations is positive news. After the two periods of unilateral intention to progress on visa issues, the time has finally come when the both parties, the EU as well as Belarus, have declared their readiness to proceed with visa regime facilitation.

With the recent signing of the readmission agreement with Russia (November 15th) the main Belarus' legitimate argument for delay in negotiations with the EU devaluated. Previously, the Belarusian authorities would voice their concerns over large numbers of illegal third-country migrants travelling to the EU via Belarus. Russia's obligation to accept illegal transit migrants – reportedly up to 90% of them come to Belarus via Russia – obviously gives fewer reasons for such Belarus' concerns over the consequences of the readmission agreement with the EU (see detailed analysis of the likely consequences of the EU-Belarus readmission agreement at <http://belinstitute.eu/en/node/1113>).

Additional external factors push the Belarusian authorities towards progress with the visa issue. At present, Belarus clearly lags behind all the other EaP countries and Russia in the area of visa facilitation with the EU. Since Azerbaijan signed the visa facilitation agreement with the EU at the past EaP summit, Belarus remains the last eastern European country without such an agreement. Moldova, Russia, and Ukraine signed visa facilitations agreements with the EU back in 2007-2008 and each of them are steadily moving towards the visa-free regime.

In case of inaction, the Belarusian authorities (to say nothing of the Belarusian society) would find themselves in an unpleasant situation when the Belarusians would have to spend time and money on, to fray their nerves with the visa procedures, while Russians and Ukrainians would travel to the EU visa-free. This situation would seemingly occur at some point in future anyway, since Belarus is currently 2-3 years behind its neighbours on the way towards visa-free regime with the EU.

Expressed intention to finally proceed with the visa negotiations could be considered a certain goodwill gesture on behalf of the Belarusian authorities, which find their relations with the EU at a deadlock. Against the background of a joint rebuke to Viktor Yanukovich by Dalia Grybauskaitė, José Manuel Barroso, and Herman van Rompuy at the final press conference of the EaP summit, Makiej's statement looked very positive.

Both Barroso and van Rompuy were careful to point at Minsk's readiness to advance towards visa facilitation as an achievement of the Eastern Partnership. Therefore Makiej played not only for Lukashenka's ("it is a directive of our country's president") but also for the European officials' interest, as the latter tried to compensate the fiasco of the Association Agreement with Ukraine with more modest achievements of the other EaP countries.

When would the agreement be signed and would will it change

On the one hand, based on the functioning agreements with the other five EaP countries, drawing up the texts of the visa facilitation and readmission agreements (they go in one package) between Belarus and the EU shall not take much time. On the other hand, as

the experience of the other EaP countries shows, it took at least nine months from the beginning of the negotiations to actual signing of the agreements. One may expect the visa facilitation and readmission agreements to be signed at the next EaP summit in Latvia in the first half of 2015. At best, the agreements will be signed earlier and by the summit time they will have come into force upon the ratification procedures.

By all means, it is beneficial to Lukashenka to resolve the issue before the election which is scheduled on autumn of 2015. In this case the country's leader would list visa facilitation agreement with the EU as one of the few achievements of his presidential term.

The visa facilitations agreement will provide the following principal benefits for Belarusians:

1. The standard fee for the Schengen visa application will be reduced from 60 to 35 euros.
2. The VFA entails the exemption of visa fees for certain categories of visa applicants and higher possibility to receive long-term multiple-entry Schengen visas. Functioning EU Visa Code actually allows the EU countries' consulates to waive visa fees for some categories of citizens and to issue Schengen visas with a period of validity up to five years. Therefore political will of the EU countries and MFAs' instructions to the consulates are instrumental in simplification of visa procedures even in the absence of a functioning visa facilitation agreement.
3. Visa facilitation agreement is indispensable on the way towards a visa-free regime. After the visa facilitation agreement is enacted, Belarus will be able to launch a visa dialogue with the EU, which would eventually lead to visa liberalization. Seemingly, the visa regime will be abrogated for Moldova already in 2014; Ukraine and Russia are to follow later. For Belarus, the road to the visa-free regime with the EU will seemingly take at least five years.

Why is visa facilitation of interest to the Belarusian authorities

There are good reasons to consider Makiej's statement about Lukashenka's directive to enter into the agreement with the EU "within a very short period of time" is a genuine intention of the Belarusian authorities.

Ex facte, it seems paradoxical, since significant visa facilitation and increase in numbers of Belarusians travelling to the EU bears political and economic risks for the ruling elite. First, greater awareness of the Belarusians of the living standards of their western neighbours would enhance pro-European sentiments in the society. Second, increase in expenses of Belarusians on the goods and services in the EU countries would aggravate the already complicated financial situation in Belarus.

These points are true, indeed. They explain why the Belarusian authorities are reluctant to launch the local boarder traffic (LBT) regimes with Lithuania and Poland, which would significantly enhance mobility of the border residents.

In contrast to the potential LBT regimes with Lithuania and Poland, the visa facilitation agreement with the EU would not increase mobility considerably. In fact, the visa facilitation agreements do not bring significant facilitation of the visa regime with the EU, in spite of the agreements' name. Analysis of the functioning agreements between the EU

and Ukraine, the EU and Moldova (both enacted in early 2008) shows that benefits for the most visa applicants, besides the reduction in visa fees, are rather insignificant.¹ Visa procedures are simplified to a limited extent; possibility to receive free, long-term, and multiple-entry Schengen visas is increased but only for some categories of the visa applicants. In 2008 popular Ukrainian daily *Korrespondent* awarded the visa facilitation agreement with the title *Disappointment of the Year*, which demonstrated that the agreement came short of expectations of the Ukrainian population.

Indeed, even in the absence of the visa facilitation agreement with the EU, Belarusians get higher share of multiple-entry Schengen visas (47% in 2012) than Moldovans (27%) and Ukrainians (27% and 39%, respectively).

Since the VFAs brought comparatively insignificant benefits for the visa applicants, Moldova and Ukraine in 2011 started negotiations with the EU in order to amend the existing VFAs. The amended VFAs foresee the liberalisation of visas for additional categories of citizens, the extension of long-term multiple-entry visas for more citizens. The EU countries' consulates shall issue multiple-entry visas with a term of validity of one year to a number of categories of persons (not to all visa applications), provided that during the previous year they have obtained at least one visa and have made use of it. Such categories of the population include *inter alia* participants of international sports events, regularly travelling students, and drivers conducting international cargo and passenger transportation services.

Thus, no matter how paradoxical it may seem, Belarus' signing of the visa facilitation agreement will not significantly increase the number of the Belarusians travelling to the EU. Belarusian authorities may also efficiently regulate the number of the visas by limitations of the number of personnel of the EU countries' consulates.

Therefore the functioning visa facilitation agreement will not result in political and economic risks to the authorities. It will neither affect labour outflow to the EU (short-term Schengen visas do not give the right to be employed in the Schengen area) nor significantly increase the Belarusians' expenditure in the EU. At the same time, signing of the agreement will be used by Lukashenka as his achievement in the 2015 presidential campaign. Belarusian authorities will thus be able to avoid excessive discontent of the population over the lack of progress in the visa issues compared to the eastern European neighbours. Thereby, the Belarusian society's interests resonate with the authorities' rational calculation, which gives a strong reason to believe that the visa facilitation and readmission agreements between Belarus and the EU will be launched soon.

¹ See Part 5 of the research paper "EU-Belarus visa regime facilitation: existing barriers and expected benefits" for details. Available at <http://belinstitute.eu/en/node/450>