



Converging and conflicting ethical values in the
internal/external security continuum in Europe

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D.5.4. Recommendation Report on the Consequences of the ENP In Terms of its Value-based and Ethical Implications for the Eastern Neighborhood

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Recommendation Report on the Consequences of the ENP In Terms of its Value-based and Ethical Implications for the Eastern Neighborhood

Contributors:

Kerry Longhurst, Marcin Zaborowski and Anna Zielinska

The six recommendations presented in this short report represent the accumulated reflections of the Work Package Five team based on the research carried out for the INEX project. Our recommendations pertain essentially to the implementation of the European Neighbourhood Policy (ENP) in the Eastern neighbourhood, with a focus on Ukraine, Moldova and Belarus. It seems an opportune time to draw out some key recommendations on the future of the ENP given that the EU is currently in the midst of a strategic review of neighbourhood policy. **The question of ‘balance’ within ENP and in particular the EU’s strategic focus and allocation of funding between the East and the South has become ever more pertinent as a result of the revolutions sweeping across North Africa.** In this sense the familiar intra-EU discord on the East versus the South as priority areas in EU neighbourhood policy has returned and will probably intensify as long as uncertainties remain in the South. At the moment there is a fairly robust caucus of EU states calling for a shift of funding and new modalities for the EU’s relations with the Southern ENP states.¹ Since the EU’s foreign policy radar will be directed towards North Africa for the foreseeable future, **the implementation of ENP and EaP in the East needs to focus on efficiency, making the most of allocated funds and delivering tangible results.** This report will attempt to provide some food for thought in this respect.

By definition this paper has a modest length and will skirt across many details, our aim here is to concisely outline some ethical consequences of ENP implementation, refer to key EU objectives in relevant areas and then to draw out some recommendations. Our hope is to spur debate in the context of INEX final conference.

As well as our general comments and recommendations about ENP-East, we will also provide some proposals on what became a key focus in our research on ENP-East, namely EU (Schengen) Visa Policy and the gamut of issues caught up in this area, including readmission agreements, visa facilitation and more recently, liberalization dialogues and Action plans towards ‘Visa Free Travel’ with ENP states.² As ENP states edge forwards in

¹ See Franco Frattini’s comment in the Financial Times on the need for a renewed focus on the South. For Euro-Mediterranean stability February 17 2011 <http://www.ft.com/cms/s/0/97c0cc46-3a9b-11e0-9c65-00144feabdc0.html> and the French non-paper of the same day http://www.diplomatie.gouv.fr/fr/IMG/pdf/11-02-17_Non_papier_Action_de_l_Union_europeenne_en_direction_du_voisinage_Sud.pdf

² We are essentially talking about Schengen ‘Type C’ short stay Visas.

their relations with the EU (in this context Ukraine and Moldova), new generations of Association Agreements are being negotiated, replete with DCFTAs and offers of better opportunities for ENP citizens to travel to, reside and work in EU states. **As we posited elsewhere, we see EU Visa policy and cognate issues as core components in the EU's security practices towards the East which constitute efforts at 'bordering' and demarcating the internal and external realms at the Union's outermost frontiers.**³ What's interesting in the East is that one witnesses an ever more complex set-up of schemes and devices which aim to both harden and soften borders at the same time. In the following two boxes we highlight some notable advances and some ongoing roadblocks.

Some Notable Successes

- Visa Facilitation and Readmission Agreements with Ukraine and Moldova; many categories of fee waivers, more multiple entry visas being issued. Belarusians still pay double the amount for a Schengen visa.
- At the end of 2009 the Common Visa Application Centre in Chisinau which was opened in 2007 was issuing visas for ten EU Member States and two other Schengen states.⁴ In 2009, the Centre issued 6,918 visas, compared to 7,487 in 2008, a slight decrease linked to the decrease of applications.
- Partners are accepting the readmission of illegal entrants.
- Visa Liberalisation Action Plans with Ukraine and Moldova.
- Reform and restructuring of Border Guards; Ukraine and Moldova in the right direction
- Moldova has been particularly strong in adapting to EU standards in bio-metrics (document security), IBM and also the creation of a National Agency for migration.
- EUBAM – effective on the ground; contributing to border security; relations between Ukraine and Moldova and the Transnistria problem (at least in economic terms). Having positive spill-over effect in region – a 'beacon' for IBM and cross-border activity.
- Pilot projects on mobility carried out in Moldova (and Georgia and Cape Verde) being used as model for further adaptation in the neighbourhood.
- Some degree of border demarcation occurring.
- Adoption and development of technologies/surveillance/data storage of travelers; generally solid. An example being Moldova's implementation of a project to

³ See Bohdana Dimitrova 'Remaking Europe's Borders Through The European Neighbourhood Policy' CEPS Working Documents, March 2010 <http://www.ceps.be/book/remaking-europe%E2%80%99s-borders-through-european-neighbourhood-policy>

⁴ 'The first EU "Common Visa Application Centre" opens in Moldova', IP/07/561, 25 April 2007, available at www.europa.eu/rapid/pressReleasesAction.do?reference=IP/07/561&format=HTML&aged=0&language=EN&guiLanguage=en

establish an on-line connection between the border crossing points and the Interpol database.

- A working arrangement between the EU and Belarus on border issues is on line to be signed. Cooperation between the Belarusian State Border Committee and Frontex Agency signed October 2009⁵
- Ukraine, Moldova and Belarus will participate in ‘Local Border Traffic Zones’ across the EU’s external borders.
- Significant regional cooperation occurring (often with ENP regional funds) on border management area.
- All three states have signed MoUs with FRONTEX and have carried out operations with the agency.

• **Some Key Roadblocks**

- The perpetual situation in Transdnistria – has ENP had any effect?
- The EU says that talks on visa facilitation and readmission agreements could start once better political conditions transpire in Belarus.⁶ Prior to the December 2010 election, there was talk of beginning a discussion on visa facilitation.
- Ukraine has moved into second place to Moldova on most areas, including biometrics, migration management.
- Migration Management, asylum (legal frameworks, holding facilities, accommodation for asylum seekers etc) remains a weak area, with progress to EU standards deemed unsatisfactory in Ukraine and Moldova.⁷
- Corruption and organized crime remain endemic – impeding implementation and monitoring of objectives
- Political instabilities (especially Ukraine) inhibit implementation.
- Lack of clear border demarcation in the region, particularly Ukraine, Russia and Belarus.
- Capacities of local EU Representations at implementing and monitoring projects.

⁵ The Belarusian State Border Committee participates in: the Integrated Border Management; ENPI Cross-Border Cooperation Programme «Latvia-Lithuania-Belarus»; 3. Cross-Border Cooperation Programme «Poland-Belarus-Ukraine»; the EU Technical Assistance Information Exchange Instrument (TAIEX).

⁶ EUROPEAN NEIGHBOURHOOD AND PARTNERSHIP INSTRUMENT BELARUS COUNTRY STRATEGY PAPER 2007-2013 AND NATIONAL INDICATIVE PROGRAMME 2007-2011
http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_belarus_en.pdf

⁷ European Court of Auditors ‘The Effectiveness of EU Support in the Area of Freedom, Security and Justice in Ukraine, Moldova and Belarus

ENP East - EU Visa Politics, Mobility and Security

As we have already argued, **developments in the mobility/visa area have become a litmus test for the EU's capacity and commitment in the East** to:

- (a) Come up with common solutions and policies on cross-border mobility in a new post-Lisbon context.
- (b) Act as a normative power by virtue of creating porous borders at Europe's outermost frontiers – as espoused in ENP rhetoric.
- (c) Fulfill those pledges made to the Eastern neighbours for the greater freedom of movement and possibilities of cooperation – as espoused in ENP rhetoric.
- (d) Find an optimal balance or accommodation between the provision of internal security and external security⁸ with a view to ameliorating the internal/external security continuum as it plays out in the Eastern neighbourhood.
- (e) Forge a functioning EU concept of migration management and standard application of the EU Visa Code, amongst other innovations, in line with new regulations and declaratory intentions.
- (f) To provide an attractive enough 'hook' upon which ENP partners can fix their reform efforts and mobilize domestic forces.

We also agree with a number of other scholars that it is in the area of EU Visa Policy and its application to ENP states that one witnesses a host of ethical consequences to do with the 'securitization' of the mobility agenda and the role that the Schengen border plays in diving the EU from Eastern Europe. In short, it is an argument that EU Visa Policies have less to do with a migration/development rationale or sense of 'duty' and openness and more to do with a view of migration from the East as a source of threat to be repelled. Whilst we concur in general with such conclusions, we see that upon closer inspection that the extent of there being a securitized agenda vis à vis the Eastern neighbours is far less the case when compared with the EU's agenda towards the South. **There seems to be, at least from our perspective, attempts on the part of the EU to transcend an overly securitized agenda via an emphasis upon facilitating lawful cross border movement (of course on the EU's terms), manifest in the coupling of Readmission Agreements and Visa Facilitation arrangements.** Others might argue that there is a naïveté to this assertion, nevertheless this is an idea worth pursuing.

It is important to note that relatively speaking the amount of irregular traffic that crosses the EU's eastern borders either originating from or transiting through the three neighbouring states under study here is relatively low, compared to the South. The most active EU borders in this respect in the East are the small sliver of land between Ukraine and Slovakia and the Greek/Turkey land border. **The intensity and nature of illegal crossings and crimes may**

⁸ Based on the understandings presented by INEX

well alter when Bulgaria and Romania join the Schengen zone as new fronts on the EU-Turkey and EU-Ukraine borders will be established and Moldova will become a direct neighbour of the EU. Given the potential for increased irregular movements across these new borders, the EU is being particularly exacting when it comes to ensuring that Bulgaria and Romania come up to scratch on border management and that implementation is fully verifiable. Greater stringency here is delaying the enlargement of the Schengen area.

This is not to say that there are no threats or security-related problems coming via the Eastern borders, but the nature and intensity has been different to the situation in the South. A broad-brush comparison of the structure and content of the EU's relations with the two sets of neighbours immediately reveals innate differences, which reflect different conceptualizations of the two neighbourhoods. In the East hitherto there are no thematic 'baskets' aimed at regional cooperation – based on a security logic, as designed in the Barcelona Process. ENP-East does not have a 'Political and Security Basket' aimed at creating a 'common area of peace and stability'. Furthermore, the EU member states do not have Visa Facilitation/Readmission Agreements with the Southern neighbours and there is no real discussion of this on the horizon (though maybe this will alter when the situation across the Southern neighbourhood becomes a bit clearer and predictable). Considerable strides are set to be taken in the coming year on further Visa Liberalisation with Ukraine, Moldova and Georgia. **To repeat, this is not to say that security concerns do not determine and underlie EU policy in the East, indeed the mobility-security nexus is centrally framed in one of the EU's most recent initiatives towards the East (the mobility partnerships), moreover Integrated Border Management has become a Flagship Initiative of the Eastern Partnership, but still, comparatively speaking one can argue that a threat-based logic of security has been a less overt factor in the East.**

As noted above, the primary role of this report is that of setting out recommendations. With this in mind the Work Package team discussed what we think we have learnt in terms of the ethical consequences of ENP implementation in the East in general and specific terms. We already noted elsewhere in our INEX reporting that identifying the ethical dimensions of foreign policies is a tricky job and one that requires a sound understanding and clarity of the key terms involved. Obviously, the original INEX document provided us with a good basis from which to pursue our research in this way and since then amongst other scholars, some of them INEX colleagues have elaborated upon the idea of the EU as an ethical / normative power and the consequences and side effects of EU security practices, including new technologies for border management, which have provided us with further pointers. At the same time our objective was not to be overly theory-laden and not too restricted by conceptual issues, but rather to pursue empirical avenues of enquiry based on field-work, studies of primary sources and documents and traditional policy analysis and to then pose some conclusions.

Before moving on we will reflect a little on what we take as our understanding of 'values-based' and 'ethical consequences' of ENP and what the implications are. One of INEX' core concerns revolved around the notion that **EU policies, supposedly designed to enable freedom and security within and beyond the borders may actually have adverse effects,**

by diminishing security on the other side of the border and de-coupling the security of the EU from the security of the neighbours. This contradicts the official objectives of ENP (indeed the *raison d'être* of the EU) and its notion of security as a collective and mutually reinforcing good that should be extended. **Indeed the conceptual demolition and physical erosion of national borders has been the most noticeable result of the construction of common security amongst EU (Schengen) members over the past decades.**

To repeat what came in an earlier INEX report we accept that the key to understanding the nature of the international role of the EU and ENP in particular is to acknowledge what the EU *is*. **Consequently, what are the values and norms providing the impulses behind ENP? How are they being transmitted and are they having the desired effects in the Eastern neighbourhood?** This brings into focus the large body of work within which scholars have tried to define the EU as a 'normative power', 'ethical power', 'force for good', 'a unique kind of power' and so on, as a means to understand the content and message of EU policies and not just the results and end products. In this report we have the challenging task of trying to bring elements of this together.

What are the Values and Ethical Assumptions Underpinning ENP?

We seek here to very briefly revisit the underlying assumptions and impulses of ENP-East. These are mostly very obvious points, but are worth mentioning since they are bound up in the *raison d'être* of the EU – 'what it is'.

The European Union's Self Conception and Mission vis à vis the Eastern Neighbours

That the EU represents a force for good in international politics, it is a security provider and has a 'transformative' mission to fulfill, beginning with its immediate neighbourhood.

That political and economic integration are the keys to the transcending of conflict amongst neighbours and a key ingredient of bringing security in the neighbourhood.

That the norms and core values of European integration are attractive (if not irresistible) to the neighbouring states and that they can be tutored and encouraged to absorb them and subsequently align themselves to EU policies. And that conditionality is a means to achieve this.

That the policies and pledges contained in ENP provide incentives for domestic elites to mobilize societal support in favour of working towards greater proximity with the EU.

That the democratisation of the Eastern neighbourhood is in the vital security interests of the EU.

That stability equals security.

That the EU's offer of cooperation with the neighbours is superior and more attractive than that being offered by Russia as an alternative actor in the neighbourhood.

That the EU and the neighbours have a mutual interest in securing shared borders and those further to the East. That border management conforming to EU standards is a win-win situation for the EU and the neighbours.

That un-managed and un-demarcated borders open up the EU to security threats posed by illicit cross-border activities, including illegal/irregular migration.

That enhanced mobility and people to people contacts across the EU's outermost borders form essential building blocks for security.

Of course **such elements are pursued and applied in imperfect, often inconsistent ways and in any case they will have ethical consequences for the neighbours.** There are also internal contradictions between the notions listed above. Emphasis may switch between a threat-led rationale to one based upon mutual security and a prioritization of cross-border cooperation. The nurturing of democratization by the EU in any given neighbour may be incoherent and subject to change if, for example it clashes with other items on the EU's agenda, such as energy security or trade. Differing perspectives and preferences of member states impinge upon the application of the EU's priorities and the introduction of new technologies at borders also have consequences in this respect. Furthermore, the fact that ENP uses the same integrationist logic as the enlargement process, but remains separate to it, negates the value and usefulness of the ENP from the perspective of the neighbours, especially Ukraine and Moldova. **Consequently, whilst ENP promotes closer association and cooperation, it still keeps the neighbours at arms length.** We see that regarding this latter point, the topic of EU Visa Policy as a tool of inclusion/exclusion is particularly pertinent.

Ethical Consequences: Diminishing Security, Negative Effects and Inhibiting the EU's Role

We ask in what ways is ENP diminishing security on the other side of the border, which also have consequences for the security of the EU. Perhaps there are geopolitical, economic and socio-cultural dimensions in all of this. We propose the following as food for thought.

1. There is a substantial gap between ENP rhetoric and ENP reality. The deal is far less than a partnership. The one-sidedness of the policy (EU's role in progress reporting, EU setting benchmarks etc.) diminishes its reception and aptitude to nurture change and bring security in the neighbourhood.
2. Elites in ENP states have to make explicit choices about foreign policy orientations and thus sign-up their countries to certain developmental paths. In the case of the Eastern states, adhering to ENP essentially entails a choice made in favour of the EU, rather than Russia. This puts a responsibility on the EU's shoulders to become an adequate security provider for the Eastern neighbours.

3. ENP might be framed in an idea of partnership and interdependence. However on balance the partner state becomes dependent on the EU. It becomes a responsibility of the EU which should oblige the latter to constantly improve the offer to the ENP state to nurture and reward reforms. If this does not occur momentum and commitment can be lost.
4. Though the standard 'package deal' of VF/RAs to ENP states in the Eastern neighbourhood resembles a balanced offer and a notion of partnership, the reality is that the deal favours the EU, with the partner required to make sizeable and costly reforms in very tricky areas (judiciary, migration, asylum etc.) with quite limited concessions in the way of visa facilitation.
5. The limits of the VF/RA deal offered to the neighbours inhibits a positive perception of the EU, which is viewed from the outside as an impenetrable fortress only concerned with its internal prosperity and wellbeing.
6. The EU's overall approach effectively pushes the responsibility for EU security onto the shoulders of the neighbouring states with which it has agreements. The open question is whether this has the desired effect? Does it actually enhance the security of the EU?
7. The seeming complexities and rigid requirements for the acquisition of a Schengen Visa is a turn-off. In contrast, mobility into Russia for ENP citizens is a less costly and thus a more attractive option.
8. Visa facilitation agreements and new offers of further Visa Liberalisation may hold promise, but one compelling argument is that such Visa schemes generally only favour elites and not the wider population. Similarly, local border traffic zones facilitate cross border movement for a very small portion of the population, virtually residing at the border rather than a wider environ.

Background Policy Developments: A Brief Overview

The free movement of European citizens to live and work within any member state has been one of the key projects of the EU since its very inception. One of the consequences of this has been the rising distinction made between EU-nationals and non-EU-nationals, which subsequently fed into a conceptualisation of the situation as a matter of security as part of the 'Schengen Culture'. The EU was a safe place, in contrast to the less-safe places on the outside.⁹ Of relevance to our purposes here were the fears and neurosis of most member states after the end of the Cold War and in the run up to enlargement about the potential flows of illegal immigrants coming from the East. Such perceptions heavily influenced and shaped

⁹ Jörg Monar, 2001 'The Dynamics of Justice and Home Affairs: Laboratories, Driving Factors and Costs', *Journal of Common Market Studies*, Vol. 39, No. 4,

the threading together of the internal and external nexus of cooperation in the JHA/JLS area. As we noted in our earlier reports, such challenges were seen as part of a new matrix of ‘soft security threats’; challenges for the EU’s social and economic integrity.

Crucially, such destabilising effects formed much of the rationale and impulse for what became ENP. For example, in a letter addressed to the Spanish Presidency of the EU the British Foreign Secretary Jack Straw expressed a concern, which was prevailing at this time: ‘Within three years, Ukraine and Moldova will border the EU – with all the attendant problems of cross-border crime, trafficking and illegal immigration. Moldova will not be an EU neighbour until later, when Romania joins, but it already faces grinding poverty, huge social problems, and mass emigration.’¹⁰ The idea of cooperation with the neighbours for the sake of ensuring stability outside the EU’s borders and securing internal borders from illegal immigrants, terrorists, criminal groups and other threats became the basic logic of ENP – which attempted to ‘balance internal security concerns and deal with external stabilisation’.¹¹

Without going into too much detail here since we have discussed this at length elsewhere, Two distinct narratives stand out within the general discourse surrounding the creation of ENP – the narrative of ‘threat’ and the ‘duty’ narrative.¹² To counter the perceived threat from the East, the EU extended its ‘Schengen culture of security’¹³ to the new member states, requiring them to adopt all the Schengen *Acquis*, replacing whatever border and visa arrangements had previously been in place. Obviously this brought about a huge transformation of regional relations and disturbance of existing cross-border social and economic activity.¹⁴ At the same time, from its genesis through to the present day ENP is imbued with a ‘duty’ narrative, which when applied to the issue of mobility purports to build greater freedom and opportunity for the neighbours to visit the EU by ensuring that new borders do not re-divide Europe by restricting mobility.

To conclude this short section we see that with regards to the East and questions of mobility EU policy is stuck between threat and obligation and that ENP and EaP modalities are trying to come up with solutions to somehow ameliorate the situation. The leading dictum right now is the notion of ‘enhancing mobility in a secure environment’, which forms the basis of the ‘Mobility Partnerships’, already piloted in Moldova (with certain EU member states) and set to be rolled out across the Eastern neighbourhood in the context of the EaP.

¹⁰ Foreign and Commonwealth Office. Letter from Jack straw to Josep Pique, Ministry of Foreign Affairs of Spain, London, 28 January 2002.

¹¹ Florian Trauner & Imke Kruse, ‘EC Visa Facilitation and Readmission Agreements: Implementing a New Security Approach in the Neighbourhood’, CEPS Working Document No. 290, 2008, p.2.

¹² Julien Jeandesboz, ‘The Genesis of the ENP: Alternative Narratives, bureaucratic Competitions’, in: Thierry Balzacq (ed.), *The External Dimension of EU Justice and Home Affairs: Governance, Neighbours, Security*, Basingstoke; New York : Palgrave Macmillan, 2009, p. 37.

¹³ Ruben Ziaotti, ‘The ENP and Security: Creating New Dividing Lines in Europe?’ in: Thierry Balzacq (ed.), *The External Dimension of EU Justice and Home Affairs: Governance, Neighbours, Security*, Basingstoke; New York : Palgrave Macmillan, 2009, p. 188.

¹⁴ Sandra Lavenex, ‘Justice and Home Affairs and the EU’s New Neighbours: Governance beyond Membership?’ In Henderson, Karen (ed.), *The Area of Freedom, Security and Justice in the Enlarged Europe*, London: Palgrave, 2004, p. 94.

Six Recommendations

What can the EU member states and the ENP countries do to improve ENP implementation and to address discrepancies in the area of Visa Policy. More specifically, can the awkward or negative consequences of EU policy be addressed? We advocate the following:

1 Organising the Neighbourhood.

As we already noted, a substantial part of the debate concerns the balance between the south and the east. Though all eyes are focused on the South at present, democratic backsliding in Ukraine and the entrenchment of authoritarianism in Belarus shows that there is much unfinished work still to be done in the East. The implementation of ENP over the past five years or so has issued patchy results all in all. The standard answer to this is that greater differentiation should be injected based on a greater division between the Southern and Eastern portions of the neighbourhood. A profound geographical split would serve to sever the EU as a whole from neighbourhood policy and as a consequence EU policy towards the neighbourhood would become parochial and would be subject to the often very specific preferences of sub-sets of member states with their geopolitical interests. In short, the wider strategic goals set out in ENP (however imperfect and ill-defined they might sometimes be) would be lost. **Where ENP needs to remain joined up is on tackling the ‘big issues’, namely democratization; installation of the rule of law; good governance, tackling corruption and so on.** Coherent definitions, firm principles backed by funding dedicated to specific priorities which can be monitored and verified over time form a sound basis. Expanding the basis of the Governance Facility could be considered.

Our recommendation is based on the idea that little can be gained by making such a clear and decisive division. Instead, **differentiation should be more graduated; based on concepts of (a) region and on measures of (b) performance.**

- (a) The UfM and the EaP have already brought strong elements of regionalization to ENP, which, especially in the case of the latter can be said to be delivering results. New arrangements within ENP like EaP, UfM and newer ‘Macro-Region’ initiatives such as the Baltic Sea Strategy or the Danube Strategy can play a complimentary role within and in service of the ENP. However, we see that their emphasis and role should not lie in the creation of new institutional frameworks or secretariats that might overlap with existing structures, but should be project-oriented and fit to function. In this way the EaP provides a very useful example with its emphasis upon **regionally relevant** Flagship Initiatives, such as those on energy security and border management. The key idea we seek to stress here is that of relevance. Infrastructure, transport and environmental projects might be the kind of areas where regionally focused projects within ENP could find currency in the South, where the UfM structure does not seem able to deliver.

(b) Further on the issue of differentiation is the notion of creating mechanisms and opportunities for ENP states to take an **accelerated rate of cooperation** with the EU if they demonstrate a will and capacity to move along the reform track. The EU's offer, it seems, has not been strong enough to prize Belarus out of its isolationism and neither has it been entirely successful at mobilizing a generation of Ukrainian elites to pursue a Westwards course. Moldova presents a less derisory picture, though at the same time Brussels should not take things for granted. More responsive mechanisms need to be in place to take forwards or pull back on the EU's offer in response to neighbours' performance. We see that enhanced mobility options, in the direction of more fee waivers, swifter application procedures etc. can play a very crucial role here.

2 More Funding for Regional Endeavors

ENPI funding is overwhelmingly dished out on a country by country basis. This national focus mirrors the bilateral Action Plan-based design of Neighbourhood Policy and will not alter fundamentally. However, our research findings suggest that a bolstering of monies dedicated to multilateral/regional endeavors could help partner states deliver in such key areas as infrastructure, regional transport networks, cross border activities, border management and the like – all of which can deliver security. This idea is based on an assumption that better regional networking in amongst the neighbours enhances regional security in the neighbourhood and is thus advantageous for the EU too. At the moment one of the consequences of the design of ENP/ENPI is that peripheral areas of countries, and often border regions, are overlooked. Second, also owing to the design of ENP there are many missed opportunities for interregional cooperation. Where are the incentives for mutual learning and sharing of information between Ukraine and Moldova on the implementation of their Action Plans, for example? Such gaps are already being addressed by the new initiatives in EaP and new 'macro-region' set-ups, but without a re-thinking of how best to allocate funds (national/regional) multilateral endeavours to enhance security may well come in under par.

A final comment on this issue relates to Belarus. Due to its position as an outlier, if not outlaw of ENP, Belarus' funding is small compared to its neighbours and is aimed at socio-economic well-being, and prioritises regional and local authorities. Belarus would gain significantly if a bigger proportion of ENPI funds were dedicated to regional/multilateral projects, which would boost security and sideline the central government – which is a central objective of EU policy.

3 More Mobility Options

We already argued that commitment from the EU in terms of Visa Facilitation/liberalization has become a key litmus test of the EU's resolve towards the Eastern neighbours. The marriage of VF and RA has become, as noted above, a basic ingredient in the EU's relations with the neighbours. This has resulted, it is argued in a securitisation of migration and mobility: rather than enhancing security it is diminishing the commodity. The EU's borders

are hard-edged, which results in a fortress ringed by a zone of insecurity. We already stated that we do not disagree with this widely held assumption, but at the same time we see a more nuanced picture. The hard edges of the EU are perforated by the effects of visa facilitation agreements between EU member states and ENP countries and by local border traffic zones (LBTZ), for example. This is not a bad start, but clearly there is scope for more far reaching efforts in these areas.

- (a) **Local Border Traffic Zones:** In line with this we recommend extending the scope of LBTZs. At present such zones cover up to 30kms on either side of a border and are strictly implemented. We discover, however that traffic is very much one-way. In one of the Polish-Ukrainian LBTZs mobility basically consists of local Ukrainian nationals crossing the border once a day selling two packets of cigarettes bought in Ukraine and then nipping back home having made a small income for a days work. In its current design it seems that LBTZs are not meeting their potential. Actively broadening the border zone, to say 50kms and providing special privileges for local SMEs to do business, as well as incentives for student exchange LBTZs could play a security-building role based on socio-economic objectives across strategically important border areas.
- (b) **EU Visa Policy Developments** have led to steady positive changes in the facilitation of the issuing of Schengen Visas, in terms of easier and swifter delivery of results and easier and cheaper application procedures. We note that more multiple entry visas are being delivered for a basis of six months or more, and that queuing times have been reduced and become more uniform across consulates. More fee waivers are being issued, but at the same time more people are opting to use external service providers to ensure swifter visa delivery, at a cost. Despite this, the perception remains that the EU practices a very restrictive Visa policy, which surely impinges upon the EU's notional role as a normative power. Based on this conclusion we recommend that the EU presses fast forwards with its efforts at visa liberalization with Ukraine and Moldova and holds out the option for Belarusian citizens too. This need not be pursued in a grandiose way, but with clearly demarcated steps, such as issuing more multiple entry long term visas, establishing more common application centres, or at least think more creatively in this respect, also taking on board the need to address the lack of consular services in towns beyond national capitals and other major cities. Properly standardizing lists of required documents is also a must, since at present particularly on the questions of means to return home, the list of documents required is rather unspecific or open to interpretation.

5 Migration Strategy

The securitization of the EUs mobility and visa policies has been explained in part by a rather weak EU migration policy vis à vis third countries. We concur with this in the sense that by having a Readmission Agreement with a third country the EU can expel an irregular migrant/asylum seeker back to a country of origin or transit which are not really 'safe'. Such practices do not sit well with the EU's self-perception as a normative power and champion of

human rights. The EU has been rather remiss in its procedure for examining the human rights record of a country both before agreeing on readmission and just as importantly during the operation of that agreement. Obviously, the EU will not be launching a new crusade on human rights in its immediate and further neighbourhood, but where ENP could play a role in ameliorating the situation is by giving more attention to the 'root causes' of migration. People leave a country due to poverty or because of conflict or human rights abuses. To address these, the EU needs to enact a fairer trade policy, including a reform of the Common Agricultural Policy, and give more development assistance. Clearly, this is very much an idealistic wish-list, but the main point is that Readmission Agreements need to be accompanied by a better migration agenda focused on root causes as well as the creation of fairer rules on the migration of further workers and family members, for example.

6 Language and Contours of the Debate

Throughout our research we have been struck by the great variation and confusion of terms, as well as a lack of fundamental debate about key issues. Our recommendations here relate to #5 as well. The securitisation of the migration/mobility agenda has eclipsed a proper debate about the merits of migration in the 21st Century and the EU's position in this as a beneficiary. It has also led to a confusion of terms and definitions, such as illegal migrant / irregular migrant / over-stayer – which are all quite different. This is partly about an apparent lack of economic indicators and consideration of the positive effects of migration for the EU, but also about more fundamental debates about the EU's role in the world, notions of duty and responsibility. What also has to be brought into the open air is discussion about the important role migration can play in the long-term development and socio-economic wellbeing of the country of origin and in this respect how circular migration can benefit both countries.

ANNEX 1

EU VISA POLICY OBJECTIVES IN THE ENP-EAST AREA

- Initiation of discussions between member states and ENP countries on ways to **simplify / cheapen Visa acquisition to enter the EU – ‘Visa Dialogues’, ‘Visa Facilitation Agreements’ and ‘Visa Liberalisation Action Plans’** (possibly leading to Visa-free travel).
- The development of **common rules and procedures** on the part of the EU for the application and issuing of Schengen Visas (short-stay) (SVs). To eradicate the variations in national procedures and therefore rates in the issuing of SVs. Leading to the EU Visa Code, the Visa Information System (sharing of application/refusal information *inter alia*). Setting up of **Common Application Centres (CACs)** in ENP-states for Schengen visa applications.
- More fee-waivers; more multiple entry visas

READMISSION AGREEMENTS IN THE ENP-EAST AREA

- Agreements between ENP countries and EU member states for measures to ensure the proper **return of ENP citizens and other third country nationals of their entry into the EU is illegal/irregular**. Such agreements have proceeded in tandem with Visa Facilitation agreements, the latter being offered as a sweetener for Partner’s assent to a Readmission Agreement with the EU.

INTEGRATED BORDER MANAGEMENT OBJECTIVES IN ENP-EAST

- Efforts at **coordinating and bringing coherence to the guarding of the EU’s outer borders**, through common technologies (including biometric passports), methods, curricula for staff etc.
- The export of the nascent EU IBM model to the ENP countries and states to beyond, as part of the EU’s drive for security.
- Calling for better **demarcation and guarding of national borders in the Eastern region, including use of proper national passports** (rather than internal CIS travel documents). Many borders between former Soviet states are not politically or geographically marked.
- Fostering **inter-regional cooperation between border guard agencies**, using the Soederkoeping framework for this pursuit.
- EU efforts at aiding states to improve their general migration management capabilities, asylum laws etc.
- EU efforts at **reforming national border guard agencies** away from paramilitary-style or conscript organisations towards ‘professionalisation’ based on EU models.

Reference List

Dimitrovova Bohdana, *Remaking Europe's Borders Through The European Neighbourhood Policy*, [CEPS Working Documents](http://www.ceps.be/book/remaking-europe%E2%80%99s-borders-through-european-neighbourhood-policy), March 2010 <http://www.ceps.be/book/remaking-europe%E2%80%99s-borders-through-european-neighbourhood-policy>

European Court of Auditors, *The Effectiveness of EU Support in the Area of Freedom, Security and Justice in Ukraine, Moldova and Belarus*, Special Report No 9/2008 <http://eca.europa.eu/portal/pls/portal/docs/1/2362310.PDF>

European Neighbourhood and Partnership Instrument – Belarus Country Strategy Paper 2007-2013 and National Indicative Programme 2007-2011 http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_belarus_en.pdf

Frattoni Franco, *A pact for Euro-Mediterranean stability*, Financial Times 17 February 2011 <http://www.ft.com/cms/s/0/97c0cc46-3a9b-11e0-9c65-00144feabdc0.html>

French non-paper *Action de l'Union européenne en direction du voisinage Sud*, 17 February 2011 <http://www.rpfrance.eu/spip.php?article1349#Non-papier-Action-de-l-Union>

Jeandesboz Julien, *The Genesis of the ENP: Alternative Narratives, bureaucratic Competitions*, in: Thierry Balzacq (ed.), *The External Dimension of EU Justice and Home Affairs: Governance, Neighbours, Security*, Basingstoke; New York : Palgrave Macmillan, 2009.

Lavenex Sandra, *Justice and Home Affairs and the EU's New Neighbours: Governance beyond Membership?* in: Henderson, Karen (ed.), *The Area of Freedom, Security and Justice in the Enlarged Europe*, London: Palgrave, 2004.

Letter from Jack Straw to Josep Pique (Minister of Foreign Affairs of Spain), Foreign and Commonwealth Office, London, 28 January 2002.

Monar Jörg, *The Dynamics of Justice and Home Affairs: Laboratories, Driving Factors and Costs*, *Journal of Common Market Studies*, Vol. 39, No. 4, 2001.

The first EU "Common Visa Application Centre" opens in Moldova, IP/07/561, 25 April 2007, www.europa.eu/rapid/pressReleasesAction.do?reference=IP/07/561&format=HTML&aged=0&language=EN&guiLanguage=en

Trauner Florian & Kruse Imke, *EC Visa Facilitation and Readmission Agreements: Implementing a New Security Approach in the Neighbourhood*, CEPS Working Document No. 290, 2008.

Ziaotti Ruben, *The ENP and Security: Creating New Dividing Lines in Europe?* in: Thierry Balzacq (ed.), *The External Dimension of EU Justice and Home Affairs: Governance, Neighbours, Security*, Basingstoke; New York : Palgrave Macmillan, 2009.