




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

European Commission, 7th Framework Programme

D.5.6. Fact finding workshop: First feedback to partners, researchers and political class from the case countries

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D.5.6. Workshop Report

25 November 2010, Warsaw

This workshop brought together academics, practitioners and other researchers to explore the range of themes involved in the relationship between migration, mobility and visa regimes vis a vis the EU's Eastern neighbours. The aim was to debate current developments in this area – both from a policy and a conceptual point of view.

The workshop was held at a very opportune moment. Introductory speeches mentioned the strides being made in bilateral visa dialogues between EU member states on the one hand and Georgia, Ukraine and Moldova on the other. It was also mentioned that Ukraine has just been presented with a JHA Action Plan, which should specify those goals that Kiev has to meet on route to greater visa liberalization for its citizens coming into the EU. The forthcoming review of the European Neighbourhood Policy and intensified efforts at realizing the Eastern Partnership over the coming year might present fresh opportunities for serious discussions on a range of mobility questions and the rolling out of more pilot projects. The Polish EU Presidency has set visa liberalisation as one of its most important agenda points within the Eastern Partnership. Moreover, a decision is expected during the Hungarian EU Presidency regarding Romania and Bulgaria's entry into the Schengen zone.

Given this context, one of the overall conclusions of the workshop was that mobility issues have emerged as one of the most decisive topics in relations between the EU and the Eastern neighbours and furthermore, that this will continue to be the case over the coming year.

The workshop opened with a review of the effects of the imposition of Schengen borders to the eastern borders of those states that joined the EU in 2007. Speakers noted the very vibrant cross-border-activities which had characterized life in the border regions between Central and Eastern Europe since the end of the Cold War and break-up of the Soviet Union. Socio-economic life rested to a large degree on routine trade activities (both legal and illegal) that bridged national divides. With the enlargement of the Schengen zone conditions at both sides of the border diminished, leading to impoverishment in social, economic and cultural terms. Speakers confirmed that numbers of border crossings made after 2007 went into free-fall. At the same time, the EU's attempts at ameliorating the situation via such initiatives as the setting up of 'Euroregions' have not proved effective enough as a form of compensation. Speakers confirmed that the EU is still not doing enough to reinvigorate life in the borderlands; the rigorous implementation of Schengen rules is actually running counter to the EU's own security interests, it was posed.

Speakers addressed the topic of Readmission Agreements, and posed that such accords have become key features in relations between the EU and the Eastern neighbours – in

the context of wider visa dialogues. Visa facilitation is the reward given to partners for their efforts at accepting and adapting to EU readmission policies. It was interesting to note that EU policy innovates in the sense that it aims to readmit illegal arrivals into Schengen back to a country of transit, and not necessarily a country of origin.

There are a host of very technical issues at stake here, but the main point of readmission agreements is that they serve as a tool of conditionality: for the EU to shape domestic legal arrangements, data protection norms, elevate human rights and asylum standards and so on in the partner states. To confirm this, speakers emphasized that the numbers of persons readmitted to Ukraine, for example, under such agreements is relatively small.

Participants saw that the missing ingredient in all of the visa-dialogues is that of a membership perspective. Without this, those states with membership aspirations often have little incentive to enact very protracted and costly changes to bring their border regimes up to Schengen levels. At the same time, domestic elites in the partner countries need to make more of an effort at selling the painful changes to their citizens.

A further conclusion made at this stage is that hopes for new regimes that would enable Ukrainians, Moldovans and Azaris, for example, to travel into the EU without a visa are rather unrealistic. Time horizons are beyond the long term. Thus there is too much false hope attached to swift and far reaching change. Moreover, visa dialogues are about process, rather than having a clear-end goal in sight.

Developments and events ‘on the ground’ were discussed at length. Using the case of Poland as an example, speakers noted that the number of border crossings between the newer EU states and the Eastern partners has shrunk dramatically. Along with this concentration of official border crossing points, the numbers of illegal crossings being caught is decreasing; most are just tipped back over the border less than a kilometer into the Schengen zone. Participants queried the nature of the relationship in this respect. It was also an open question as to the role of FRONTEX in securing the Eastern borders – how can the agency’s part be assessed? From a Polish perspective, there are no significant changes to migratory patterns from the East – it is mostly Russians, Ukrainians and Vietnamese – in this sense the situation remains quite stable. The most common problem, it was noted, is that of people staying after their visa expires.

A challenge for the EU is how best to construct policies that bridge the traditional divides between the main JHA area, development policy, foreign and security policy and trade etc. Speakers argued that there are many examples of where EU policy is most effective when such policy competencies and tools are brought together. For better chances of success this logic needs to be applied to the range of mobility questions in the relationship between the EU and the Eastern neighbours. A related point was that discussions about the problems of illegal cross-border activities need to be linked to a more serious debate about the positive effects of migration into the EU. The security dimension needs to step out of the spotlight in this domain, to put it simply.

Discussion also focused on the cultural underpinnings of the EU's policy approach as evidenced in the new Internal Security Strategy. It was posited that the EU is attempting to construct a new security modal, the main tenets of which seem both unclear and highly contestable. The new modal under development seems not to leave much space for the development of better cross-border initiatives and / or regional security endeavours at and beyond the EU's borders.

The importance of border regions and their vitality to the EU's security policies was consistently underlined during the workshop. Whilst EU security policies proceed in their development at the national levels, local security communities are being both disrupted and rebuilt at the EU's eastern boundaries. A negation of the importance of border regions and the technical /administrative boundaries that they sit on will ensure that the EU's efforts at stabilising and securing its Eastern neighbourhood will be sub-optimal.

PROGRAM

Migration and Visa issues at the EU's Eastern Borders Collegium Civitas, Warsaw, 25 November 2010.

10.30 Coffee

10.45 Welcome, *Peter Burgess* (PRIO) and *Kerry Longhurst* (Collegium Civitas)

11.00 – 13.00 Three Years on....The New Schengen Borders and the Eastern Neighbours

- Schengen area enlargement and the EU's Eastern European Neighbours: Lessons learnt
- Marta Jaroszewicz (Centre for Eastern Studies, Warsaw)
- Challenges Facing Ukrainian Migration Policy In the Context of Implementation of Readmission Agreement – Piotr Kaźmierkiewicz (Institute of Public Affairs, Warsaw)
- Perspectives from the Border - Aleksandra Świątecka (Polish Border Guards, Head of International Co-operation Bureau)
- Exporting Schengen further East - Janusz Gąciarz (Polish Ministry of Interior and Administration, European Union and International Co-operation Bureau)

Chair: Kerry Longhurst

13.15 – 14.30 Lunch in Palace of Culture Restaurant

14.45 – 16.15 Visa Facilitation and Readmission Agreements – An Assessment

- The readmission-visa facilitation nexus: a migration cooperation pattern for Eastern Europe – Raul Hernández Sagrera (Institut Barcelona d'Estudis Internacionals)
- The EU's New Visa Code – Rafał Kownacki (Polish Institute of International Affairs)
- The EU-Ukraine Visa Dialogue – Volodymyr Bachynskyi (Ukrainian Ministry of Foreign Affairs, Deputy Director of EU Department)

Chair: Karol Reczkin (European Parliament)

16.15 – 16.30 Coffee break

16.30 – 17.30 Surveying the Paradoxes of EU Internal/External Security Policy – Strategies and Implications

- The Importance of Cross-border Culture for Security Policy - Ann Kennard, Visiting Research Fellow at University of the West of England
- Security culture on the border: The Internal Security Strategy - Peter Burgess (PRIO)

Chair: Jacek Czaputowicz (Collegium Civitas and Poland's National School of Public Administration)

20.00 Dinner, Restaurant "U Kucharzy" address: Ossolińskich Street 7

Other participants:

Prof. Jadwiga Koralewicz, President of Collegium Civitas
Anna Zielińska, Collegium Civitas

Daniela Morari, Ministry of Foreign Affairs, Moldova

Olivia Bernard, College of Europe
Iryna Krasnoshtan, College of Europe



Dr Kerry Longhurst (Collegium Civitas), Prof. Peter Burges (PRIO)



Dr Marta Jaroszewicz (Centre for Eastern Studies, Warsaw), Dr Kerry Longhurst (Collegium Civitas), Aleksandra Świątecka (Polish Border Guard Headquarters)