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Kalinigrado en la red: ¿mundo con o sin visado? Rusos y europeos enfrentados a la cuestión del visado

RESUMEN :

La cuestión de Kalinigrado es ahora de particular interés cuando la ampliación de la Unión Europea (UE) está a la orden del día. El asunto de los visados es un desafío clave e inminente. Las negociaciones de adhesión que la UE está desarrollando con Polonia y Lituania darán como resultado que Kalinigrado será un enclave ruso dentro de una Europa ampliada. Los acuerdos de Schengen obligarán a que los ciudadanos de Kalinigrado necesitarán visado para dejar Oblast por carretera. Para precisar la situación de Oblast, este artículo diferencia la cuestión de las fronteras y las prácticas fronterizas. Después de una breve descripción histórica sobre el tema de los visados en Kalinigrado, el análisis de los posibles relaciones entre este enclave y la UE demuestra que la consecución de un equilibrio entre los criterios de seguridad interna y externa será esencial si la UE quiere evitar la creación de nuevas líneas de división en Europa.

Kaliningrad on the Net: World With or Wwithout Visa? Russians and Europeans Confronted to the Question of Visa Issuance

SUMMARY :

The question of Kaliningrad is of particular interest now that EU enlargement is coming to the fore. The visa issuance is a key and imminent challenge to understand the issue. The accession negotiations which the EU is having with Poland and Lithuania will result in making Kaliningrad a Russian enclave within the enlarging EU. Schengen visa rules will make Kaliningraders need visas to leave the Oblast by land. To make the point on the Oblast situation, this article singles out the issue of borders and border practices. After a brief historical overview on Kaliningrad's visa issue, the analysis of the possible relation schemes between Kaliningrad and the EU shows that achieving balance between internal and external security will be essential if the EU is to avoid creating new dividing lines in Europe.

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KALININGRAD ON THE NET: WORLD WITH OR WITHOUT VISA? RUSSIANS AND EUROPEANS CONFRONTED TO THE QUESTION OF VISA ISSUANCE

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It has been broadly recognized that introducing a strict visa regime in the case of Kaliningrad is problematic. The conclusions from a conference on Kaliningrad, organized by Denmark and the Nordic Council of Ministers in Copenhagen in 1999, included the point that European and Russian institutions should keep the issue of border crossing and free travel in the Baltic Sea region on their agenda. The Council of Baltic Sea States resumes the situation as follows: *The approach taken by the EU in the Treaty of Amsterdam seems to be an attempt to find solutions to contemporary problems relating to globalisation and the migration tendencies. But creating unified rules for the whole EU area will not necessarily solve the problems of individuals who come from third countries and intend to visit an EU country. There might be a risk of a more automatic and less humane handling of visa applications in a large and unified system. Furthermore, the price for abolition of checks at internal borders within the EU, which are partly also CBSS members states' borders, may be that the border regime between EU member states and third countries [...] becomes more restrictive than before. Making travel into the EU area more difficult because of progress within the EU cooperation does not seem to be fair and in harmony with the OSCE commitments¹.*

The question of Kaliningrad is of particular interest now that EU enlargement is coming to the fore. This note probes into the unfolding of the EU-Russia relationship and the debate about the appropriate balance between EU internal and external security by singling out the issue of borders and border practices in the case of Kaliningrad.

The visa issuance is a key element to understand the issue. The question is to know whether Kaliningrad is going to be *on the net* or *in the net* within EU / Russian relations. If it is *on the net* of communication, it implies that the Russian *Oblast* will take advantage of new border policies by participating actively into the EU

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¹ Cf. Council of the Baltic States, 2000, Secretariat Report on Visa Requirements in the Baltic Sea Region. 2nd of June.

integration process, though it is not inside the EU yet. It will be also an essential connecting point between the EU and the rest of Russia. Conversely, if Kaliningrad is *in the net* made of tight borders, it will come to a dead-end for the whole region, with serious risks of destabilizing EU / Russian relations.

1. A BRIEF HISTORICAL OVERVIEW OF THE VISA ISSUE

During the Soviet period, the EU did not have a reason to have Kaliningrad on the EU's mental map. From the EU perspective, in the Cold War and communist period, both Kaliningrad land borders were behind the Iron Curtain. On the southern border, neighbouring Poland was a Soviet ally. The boundary with Lithuania was simply a line on the map within the Soviet Union. Kaliningrad belonged to the Baltic Economic Zone along with the Baltic States. The use of the rouble throughout the area and the fact that borders between Russia and the Baltic states were not sovereignty borders meant that Kaliningraders enjoyed a de-bordered world where Soviet political space was the organizing framework structuring the people's lives. In addition, Kaliningrad was the homeport of the Soviet Baltic Fleet.

From the EU perspective, Kaliningrad was clearly outside the EU, and the EU paradigm of viewing states as either inside or outside the EU fit with the reality of the Cold War era.

Kaliningrad became an exclave of Russia, separated from what is sometimes called "big Russia" when the Soviet Union dissolved and Belarus and the Baltic states became independent. Travel by land between Kaliningrad, "little Russia", and "big Russia" now involves crossing three borders. Options involve crossing the borders of Lithuania and Latvia or Lithuania and Belarus or Poland and Belarus.

The need or wish to travel is important for many Kaliningraders because the *Oblast* (Region) is only 15,100 square kilometres and the *Oblast* population of 930 000 is predominantly Russian with small minorities originating principally from the rest of the former Soviet Union. For that reason, many Kaliningraders travel or would like to travel to visit friends and relatives in the former Soviet Union and many more would travel to other countries if cost and visa requirements made travel a realistic financial possibility in their personal budget.

Visa-free travel for Kaliningraders to Poland and Lithuania has made access easy from a *degree of control* perspective but limited border infrastructure has meant that ordinary travellers often have to wait for many hours to cross the borders at the most popular border crossing points to Poland and Lithuania.

Due to the lack of visa requirements, the region of Kaliningrad and its neighbours has become what the Russian Foreign Ministry Representative in Kaliningrad, Mr.

Kuznetsov, likes to call “our regional Russian-Lithuanian-Polish *acquis communautaire*.”

The extensive trade and travel between Kaliningrad and its neighbours has been possible partly because Kaliningraders have some travel access advantages in comparison with Russians from the rest of Russia. Russians from “big Russia” need a visa for Lithuania unless they are in transit by train. Russians from “big Russia” have visa free access to Poland at present if they have diplomatic or “official” blue passports. Russians who hold a standard red national passport have two options: for a business trip a formal invitation is needed from the inviting organization in order for a Polish visa to be issued, for tourism, a voucher is needed but no visa.

The accession negotiations, which the EU is having with Poland and Lithuania, will result in making Kaliningrad a Russian enclave within the enlarging EU. When Poland and Lithuania are required to adhere to Schengen visa rules, Kaliningraders will need visas to leave the *Oblast* by land even if they are only travelling to “big Russia” by land. Poland will require visas by the end of 2001 and Lithuania may have a visa requirement in effect by 2003.

2. THE COMMUNICATION BETWEEN THE EU AND RUSSIA

Clarifying the future EU policies in a 2001 communication, the Commission stated that all Kaliningraders would have to be in possession of a passport rather than the current internal identity document. The *acquis* provides for the issuance of transit visas, short-term visas, and long-term national visas allowing for smooth border crossing and the possibility of multiple entries.

This Commission opinion does not recognize that the principle of a visa involves the idea that some people can be denied visas, and that if a Russian is denied a visa to travel between Kaliningrad and the rest of Russia, that visa denial constitutes interference with freedom of movement by land within Russia.

The Russian response to the Commission’s communication was formalized on 22 March 2001 when the Russian Cabinet adopted a new “Concept of Federal Social-economic Policy Towards the Kaliningrad oblast”. Russia will develop details later, but an overview of the Russian government press release about the policy and news reports makes it clear that Moscow is asking for visa-free access for Kaliningraders to Poland and Lithuania, contrary to Schengen rules. In addition, Moscow asks that trips by Russian citizens to and from the Kaliningrad *Oblast* be made according to the existing agreements. However, Russia also reportedly says that it may be necessary to consider a simplified visa regime for entry to the Kaliningrad *Oblast* by citizens of Poland and Lithuania and subsequently by all EU citizens after Polish and Lithuanian accession.

3. THE BLURRING OF INTERNAL AND EXTERNAL SECURITY CONCEPTS

The dialog between Russia, the EU and EU applicant states indicates that due to visa and other issues, Russia becomes inevitably involved in EU affairs and likewise, the EU becomes more involved in relations not only between the RU and Russia but also between “little Russia”, Kaliningrad, and “big Russia”. Kaliningrad, due to its forthcoming enclosure by the European Union and its status as an exclave of “big Russia”, appears to blur any clear-cut division into an inside or outside of either Russia or the EU. Blurring of the “inside”/ “outside” borders is occurring because one’s perspective changes depending on whether one is focusing on location or on sovereignty boundaries. From the perspective of location, Kaliningrad will be outside mainland Russia and inside the enlarging EU. From the perspective of sovereignty, Kaliningrad will be inside Russia but outside the EU because Russia will not be a member of the EU.

The blurring of borders of what is “inside” and “outside” the EU and Russia raises the question of whether or no the EU will be able to maintain its conventional binary distinction between internal and external security and achieve internal security without sacrificing external security, in this case its relations with Russia.

The external security goal entails trying to contribute to the peace, prosperity and stability of neighbouring countries, which will not join the EU in the foreseeable future. As part of this wish for external security, the EU would like to avoid creating new dividing lines in Europe. This goal has been expressed in the Northern Dimension plan which tries to create cross-border cooperation among Russia, the EU and EU candidates.

The EU internal security goal entails minimizing soft security risks such as illegal immigration and crime partly by creating tightly controlled EU external borders and using visas as one *degree of control* mechanism to monitor the movement of people.

Even though visas are foreign policy instruments which link the EU to other countries, visa policy is increasingly coming within the EU *acquis* on “justice and home affairs”. The EU’s institutional framework for “justice and home affairs” has changed enormously over the past decade. It developed from intergovernmental negotiations in the 1980s to the “third pillar” plus a Schengen Agreement that remained outside the EU institutional framework. A new *acquis* was created on migration and asylum in the Amsterdam Treaty in 1999, with all matters relating to movement of persons (border controls, asylum, visas, immigration and cooperation on civil justice) placed in the EU’s “first pillar”, leaving the “third pillar” containing police cooperation and criminal justice. The EU’s aim is now to create an “Area of Freedom, Security and Justice”.

Achieving balance between internal and external security will be essential if the EU is to avoid creating new dividing lines in Europe. The future accession of Poland and Lithuania makes this challenge imminent.

a. The “status quo” school of thought

This school argues that Kaliningrad future borders with the EU should pose no more problems than are found on the EU’s Finnish/ Russian border. This perspective starts from the premise that EU relations with Russia are “external relations” who can be dealt with by the Partnership and Cooperation Agreement (PCA), the cornerstone agreement linking the EU and Russia, and more recently by the EU’s Common Strategy of the EU on Russia and by the Northern Dimension. All of these agreements provide a menu of cooperation possibilities.

The “status quo” viewpoints are within the paradigm that EU governance has strict boundaries between what is inside and outside the EU. It is not far from the inside/outside paradigm, which the EU used for comprehending the Soviet Union, so it is the most comfortable paradigm for the EU because it requires the least change in intellectual orientation and policy.

The “status quo” school of thought asserts that Schengen is a red herring, meaning that visa requirements need not constitute new dividing lines in Europe. This argument ignores the important difference that Schengen within the EU is a question of whether people are controlled at borders or not whereas between the EU and Russia, visas are required which are not required among EU members.

Another common argument heard from this school of thoughts is the view in Brussels that the EU’s common visa will be a great advantage for Kaliningraders because one visa will allow them to go anywhere from Rome to Lisbon. This “Eurocentric” argument misses the point that the place many Kaliningraders can and want to go is not Rome but home to the rest of Russia and they see no reason why they should need a visa to visit their own country.

A corollary argument espoused by this “status quo” school of thought is the point that there are EU programs which provide enough cross-border cooperation to ensure that external security is not sacrificed in the interests of internal security. Programs include TACIS, Euro regions and the EU’s Northern Dimension, including the Nida Initiative developed by Russia and Lithuania to enhance transport, environment, health and border control cooperation between Kaliningrad and Lithuania. In this scenario, there is no serious threat to EU/Russia relations caused by the encirclement of Kaliningrad by prospective EU members.

The “status quo” school of thought implies that little change is needed in either the EU’s paradigm or programs. This perspective can vary in nuance ranging from Fortress Europe to cooperation. A European Parliament report has recently summarized the options this way when considering Kaliningrad: “ In principle, the policy response can aim at containment through isolation or at stabilization through co-operation”.

From the EU perspective, the temptation to create a Fortress Europe is substantial and arises from EU member states’ domestic political pressures, which often call for

policies to cut soft security risks such as crime and immigration, especially illegal immigration or asylum seekers. This creates a psychological and policy predisposition focused on self-defence and may give internal security a higher priority than external security.

b. The alternative school of thought: tension between EU internal and external security

The needs of Kaliningraders to maintain efficient contacts with family and friends whom they contacted routinely in the Baltic States during the Soviet period are not comprehended well by the “status quo” school of thought. Regional cooperation needs receive more consideration from an alternative school of thought.

In this paradigm² a tension is growing between the internal and external security policies of the EU. Russia’s non-membership of the Union will prevent the Baltic Sea from becoming a whole “internal” EU sea. Consequently, the tension between the EU’s “external” policies (development aid), on the one hand, and its “internal” policies (structural funds, spatial planning, trans-Europe networks) on the other, is bound to continue, if to a lesser degree. In this respect, enlargement could be viewed as merely pushing the EU’s border further east, but not changing the basic division between East and West that regionality in the Baltic is supposed to overcome. Indeed, focusing not just the evolution of the EU, but also region-building in the Baltic on a distinction between Russia and the EU could well be expected to lead to greater divisions. Regionality in the Baltic would be bound to suffer.

The need to preserve cooperation within post-soviet space is still important from the perspective of Kaliningraders. Post-soviet space is still a paradigm, which organizes their lives. For example, some military personnel who were stationed in Latvia still have family and friends there, and would like to visit them without great expense and inconvenience, but there is no way to apply for a visa in Kaliningrad.

For other people, the Kaliningrad version of the “split city” problem, which is most well known, is the case of the Kaliningrad border with Lithuania, because the Lithuanian city Kybartai will join the EU whereas the Russian Chernishevskoye will not. The focus of the alternative school of thought is the concern that the EU is sacrificing too much external security in pursuit of internal security.

² Batt, Judy 1999, *Final report of the reflection group on The Long-Term Implications of EU Enlargement : the Nature of the New Border*. Florence, Italy : The Robert Schuman center for Advanced Studies, European University Institute with The Forward Studies Unit, European Commission. See also Grabbe, Heather. July 2000 “ The sharp edges of Europe : extending Schengen eastward ” *International Affairs* vol. 76, N°2 : 519-536.

c. The lack of proper tools for the EU to define clear external/internal security objectives

There is also concern that the EU does not have adequate tools to see and cope with its external and internal security objectives in a comprehensive way. This problem occurs because the Common Foreign Policy is not linked in cross-pillar mechanisms with the first pillar, which was expanded in the Treaty of Amsterdam to include freedom of movement policies such as visas and border control. The EU's foreign aid programs TACIS, Euro regions and the Northern Dimension do not adequately address first pillar policies such as visas. This creates a disconnect between EU internal and external security.

Other tools are needed to account the fact that Kaliningrad will increasingly become a Russian enclave within the enlarging EU and is not strictly "external relations" of the EU: Kaliningrad is affected not only by the EU's agreements with Russia but also by the pre-accession changes which are occurring in its neighbours, Poland and Lithuania. The related bureaucratic costs and time loss being imposed on Russians to acquire national passport and visas are the consequence of any Russian policy initiative, but only because Lithuania, Poland and Latvia have chosen to join the EU and the EU has chosen to accept them. Payment by the EU for the true costs of implementing Schengen would be problematic. The future borders between EU and Kaliningrad are unique and the binary distinction between "insiders" and "outsiders" is insufficient. Two other categories are necessary to comprehend Kaliningrad blurring of borders.

One regionally specific category is post-Soviet space. EU enlargement to the Baltic States raises the question of what is happening in post-Soviet space as EU enlargement divides post-Soviet space into EU "insiders" and "outsiders". There are some indicators that post-Soviet space may indeed present unique challenges. For example, on the Lithuanian border Kaliningrad has a small version of the "split city" problem. But a binary distinction between "insiders" and "outsiders" is not a sufficient analytical tool, because the dissolution of the Soviet Union is still in progress. Lithuania and Poland share some border issues, but the two countries need to be distinguished. Even this differentiation between Poland and post-Soviet space is not a sufficient analytical tool to comprehend all of Kaliningrad circumstances because it implies that the Russian border with Lithuania is comparable with the Russian borders with Estonia and Latvia.

A third analytical category is necessary, namely factors which are unique to Kaliningrad because of its status as an enclave of "big Russia" and a future Russian enclave within an enlarging EU. EU's quest for internal security may sacrifice external security by disrupting freedom of movement within Russia, as people need visas to travel between Kaliningrad and the rest of Russia. It is the unique factor, which differentiates Kaliningrad borders from the Russian borders with Estonia, Latvia or Finland.

Kaliningrad borders are unique and cannot be reduced to the model of Finnish/Russian borders. In fact, comparison to the Russian/ Finnish has been encouraged by Russia, as a response to the EU's Common strategy and Northern Dimension, which applied all the programs at the Russian/ Finnish border.

Six main differences between Kaliningrad borders and the Russian/Finnish border include:

1. Kalinigraders must cross three borders in order to reach "big Russia"
2. Current EU Schengen policy leaves some flexibility to member states; bilateral relations are important.
3. If Lithuania introduces a visa requirement before a common EU visa comes into effect, it would mean that Kaliningraders would have to get a visa for Lithuania in order to go to foreign embassies in Vilnius in order to get a visa for other countries.
4. Finland is a developed country. The extent of corruption problems and need for training and equipment are bigger implications.
5. The military transit issue is not an issue on the Russian/ Finnish border.
6. Finland does not require an invitation before a visa is granted whereas Germany does. Finnish policies are not necessarily acceptable to other EU members.

Historically, images of dividing lines in Europe called up the memory of the division between east and west made by the Iron Curtain and by the Berlin Wall. The border between Finland and Russia, the first EU border with Russia, might have potentially presented a division within this paradigm. By contrast, Kaliningrad borders present an additional and new risk for the EU and for Russia. They present the risk not just dividing east from west, but also the risk that the EU will inadvertently become an actor de-stabilizing centre-periphery relations between "big" and "little" Russia.

d. The internal/external paradigm as an oversimplification

A new perspective is also needed because both the "status quo" and alternative schools of thought share an internal/external paradigm, which focuses on insiders and outsiders. This is an oversimplification of reality in two respects.

One problem is that until the EU develops a common visa and procedures used by all member states, the effective visa barriers are still set by each member state. This means that the "insiders", the EU member states, should not be considered as being just one uniform whole. Instead, the visa requirements of each EU member state must be considered separately because that is the reality, which Russians now face when applying for a visa.

A second oversimplification contained an internal/external paradigm is the idea that the locus of policy-making is clear. This perspective misses the point that there is a grey area. Brussels mandates some policy but there is also allegedly some latitude for policy made by applicant states. Some changes are symptomatic of profound

changes in the international system and in the authority of states. They raise fundamental questions ranging from the reasons why crucial control functions were concentrated on linear borders, and whether control of persons can effectively be maintained when other kinds of control (on capital movements, on financial and consultancy services, on goods and on information) are dismantled.

4. THE MANAGEMENT DIMENSIONS OF VISA ISSUANCE

This study is focused on the travel of civilian individuals. Military travel, maritime travel, commercial travel and customs regulations involving traded products are not the subject of this study. Two border management dimensions are used:

- A first dimension of border management is the actual border infrastructure such as the number of lanes and the way the personnel work and procedures used at the crossing points. Solutions to infrastructure problems at the borders might involve EU financing. As part of Russia, Kaliningrad is eligible for TACIS programs. Lithuania and Poland, as EU candidates, are eligible for PHARE programs.
- The *degree of control* of individuals includes the issues, which are included within the EU's Schengen *acquis*. *Degree of control* policy changes involves not only the documents such as visas but also the related infrastructure required for issuance of visas. No EU member state has a consulate in Kaliningrad although Sweden will reportedly open one during 2001. Only Poland and Lithuania have consulates in Kaliningrad now. Latvia has applied to open a consulate this year. The main question raised is to know what kind of infrastructure changes are likely to be needed when Poland and Lithuania introduce visas.

*Michael Emerson has summarized degree of control options as including three categories.*³

One category is "EU-Schengen orthodoxy" by which he means that accession to the EU and to Schengen would occur simultaneously. This would mean that Kaliningraders would need a Schengen visa to leave the oblast by land.

A second category is what Emerson describes as the "canal lock system" which involves the idea that accession to the EU is not simultaneous with the accession to Schengen. In this system, the Schengen border would remain at the Polish/German border, which would continue to be controlled. Kaliningraders would be allowed continued visa-free access to Poland. This is envisioned as a transition system.

Emerson's third category is "double perimeter defences" which would mean that in order to check that borders of applicant states are up to Schengen standards, Kaliningraders would need a Schengen visa if they wished to travel to the rest of the EU. Emerson's view is that this system would create the impression that the EU

³ Emerson, Michael, 17 January 2001, "Three options for Schengen and the Enlarging EU's Borderland". Paper prepared for the Expert seminar on policy alternatives to Schengen border controls on the future EU external frontier. The Centre for European policy Studies, Finnish SITRA Foundation, Stefan Batory Foundation. Warsaw.

was trying to build a “fortress Europe”. Current thinking is that the “EU-Schengen orthodoxy” as described by Emerson is unlikely. A more likely outcome is what he calls the transitional “canal lock system”. Using this logic, the January 2001 paper by the EU Commission ⁴ states that visa-free travel could be allowed until border controls between the accession state and the rest of the EU are lifted.

5. KALININGRAD BORDERS IN A REGIONAL CONTEXT

The study of Kaliningrad Borders probes into the debate about the appropriate balance between EU internal and external security by singling out the issue of borders and border practices in the case of Kaliningrad, and especially on visa requirements.

This studies examines the similarities and differences between Kaliningrad border with Lithuania and its border with Poland. It also examines issues, which arise due to border policies, and practices used by other states such as Latvia and Belarus, which used to be part of the Soviet Union and are still important to Kaliningraders for family, business or transit reasons.

It is important to do this study now, because Poland has said it will introduce visa requirements for Russians and Byelorussians in the second half of 2001. If Poland introduces visas before Lithuania, it may be that pressure will increase on Lithuania because it will be the easiest remaining route for visa-free travel between “big” and “little” Russia. Will the EU’s quest for internal security with its visa requirement create new dividing lines in Europe, destabilizing relations between the EU and Russia?

a. Transit between “big Russia” and “little Russia”

It involves crossing three borders. For Russians, the total cost of travelling from one part of their country to another includes the accumulated *transaction cost* of all the three borders added together.

Belarus has not required a transit visa for Russians. However, from a broader perspective, the Belarus visa policies affecting westerners are important because they affect the investment climate possibilities and overall degree of isolation of Kaliningrad.

Transit through Latvia is also an issue. Latvia will abrogate its agreement with Russia, which allows Russians to travel in transit through Latvia without a visa.

⁴ Commission. 17 January 2001, *The EU and Kaliningrad*. Communication from the Commission to the Council.

A second transit route between “little Russia” and “big Russia” is via Poland. This route is reportedly preferred by some people who are travelling by car from “big Russia” to Kaliningrad because Lithuania requires a visa of Russians from “big Russia” unless they are in transit by train. Travel via Poland avoids this cost and the *transaction cost* of getting a visa.

From the *degree of control* perspective, Lithuania is in the spotlight not only because it is the main transit state between “big Russia” and “little Russia”, but also because of the special visa-free travel for Kaliningraders. Generally speaking, Kaliningraders can travel for thirty days to Lithuania without a visa and can use their domestic passport (there are two kinds of Russian passports: a domestic passport and a national passport). But Lithuania has announced that visas will be required beginning in 2003. The issue is raised about why poor people should have to buy national passports just to cross Lithuania in transit to visit the rest of Russia. From the Kaliningrad perspective, this is a serious problem.

b. Travels to the Baltic States as destinations

After the Baltic States and Belarus became independent, Estonia and Latvia began requiring visas of Russians. As a result, there is less travel and the train to Riga from Kaliningrad was discontinued. One Kaliningrader’s story about the problems of travelling to Tallinn, Estonia for a conference illustrates the problems due to Schengen issues. In his case, the person had to leave Kaliningrad in order to get a visa at the Estonian Embassy in Moscow. Then because he did not have a visa for Latvia, he had to enter Estonia via St Petersburg.

Some of the liberties remained in force until recently. Special visa regimes have existed with regard to Lithuania. Such an arrangement allows residents of Kaliningrad and Lithuania to cross their mutual border on internal passports/ID cards. The visit period is 30 days. Russian citizens residing in Kaliningrad do not require visas for their transit to and back from the KR while travelling by regular direct trains if they do not get off in the territory of Lithuania. There are some specific cross-border travels between the Baltic states and Kaliningrad, being good example of cross border regional integration, like Lithuanians school teachers who cross each day school the border, shuttle trading among people who live near the borders, or professional and tourism travel along the coast in Nida, Lithuania.

c. Travels to Poland

Travelling to Poland involves issues such as travel for personal, professional, transit, shuttle trading or tourism reasons. During the Cold War, travel by ordinary people was limited. Even now the border is reportedly still marked by barbed wire, dogs and patrols. During the post-Cold War period, travel by ordinary people to Poland has become common and it has become typical to wait in line for many hours in order to cross the border by car.

Kaliningraders do not need a visa to travel to Poland although a visa requirement may be introduced in the second half of 2001. According to an agreement, simplified rules of border crossing apply on the Russian-Polish border, including Kaliningrad. The border can be crossed on the basis of permits, identity cards and other ID documents and stay is allowed without visa in the localities mentioned in the single-use permit. The duration of the stay is limited to seven days. Currently, Russian citizens also need a voucher, which shows the name of the traveller and the hotel reservation in Poland. The voucher system is a ritual without serious meaning. In other countries such as Finland, serious attention is given to comparable requirements that travellers be able to show that they can support themselves during visits.

d. Travels to other countries

Kaliningrad officials sometimes have to go to Brussels and they need visas. In general, Belgium has a reputation for having tough standards for the issuance of visas. And problems regularly occur even with such so-called VIPs. Then what can we say about common people?

But the most politically sensitive relations are those with Germany due to historical and economic reasons. There is no German consulate in Kaliningrad. Germany is reportedly not now interested in having a consulate in Kaliningrad because it is considered a European problem.

In the summer of 2000, countries, which processed visa applications in Kaliningrad, were Sweden, Denmark and Iceland. They share an Honorary Consul. In 2000, these countries were not formally members of Schengen, so the Honorary Consul could not issue Schengen visas.

6. THE VISA REQUIREMENT AND ITS IMPLICATIONS

a. The respect of human rights and international commitments

The EU visa policy raises the question of whether or not parts of the Treaty of Amsterdam are consistent with OSCE commitments and the Universal Declaration of Human Rights of 1948.

The Universal Declaration states in part that “Everyone has the right to leave any country, including his own, and to return to his own country.” The idea of keeping people out of the EU with a visa requirement would mean that in the future when Poland and Lithuania join the EU, it would be impossible for Russians who were denied visas to travel between “big” and “little” Russia by land. Would this be a violation of the Human Rights declaration? What right does the EU have to restrict freedom of movement “within” Russia? Would such policies be perceived as creating new dividing lines in Europe? Mr. Kuznetsov has written the most comprehensive logical presentation of the issue: “Only a court can remove or limit a

person's freedom. That is, it is possible to imagine a situation in which some European court arrives at a decision concerning limitation of freedom of movement of Kaliningraders and their neighbours, changing their relationships concerning visas. The affair might finish where the EU will have to pay compensation for the inflicted damage.

The OSCE agreements, which defended the freedom to travel, have fallen out of fashion now that the EU is so focused on protecting itself from soft security risks, which may come from external sources. The EU still claims to adhere to the OSCE agreements and the OSCE documents, which are technically still in force but are now out of fashion in the EU.

b. The isolation attitude

The isolation constellation includes hypotheses that high *transaction costs* for a visa issuance could cause attitudinal and behavioural responses which include the following: isolation for the poor, less tourism travel outside the *Oblast*, less transit to "big Russia" and the former Soviet Union, less interest in foreign training opportunities and autarchy, meaning an increasing trend toward self-sufficiency. Although these hypotheses about relationships which could occur if Poland and Lithuania introduce visas and if border infrastructure costs are high, there are already some signs that these hypotheses might be reasonable expectations.

Even travel between Kaliningrad and "big Russia" is an increasing financial burden for Russians even when there are no visa costs. From the perspective of curtains of silver and gold, meaning financial limitations, last year a news report indicated that the twenty-two-hour train journey to Moscow cost approximately thirty dollars in the cheapest compartments, about a month's pay for most Russians. The risk is that of creating not an Iron curtain but what is sometimes known as a "paper curtain" or curtains of silver and gold. Money determines and limits the opportunity, which people have for travel. The visa required for work on a trip to Britain costs one hundred dollars and was available through the services of a local travel agent. This cost is far beyond the income of many people.

Some Kaliningraders might be tempted to get some fake documents like Polish or Lithuanian passports, or try to corrupt as an effort to seek exemptions from rules.

c. The opposite trend: the cross border cooperation

Practically, Russia would like visa-free access but knows that this is unlikely. The official position of the city of Kaliningrad starts from the position of accepting the fundamental Schengen principle that Kaliningrad will be outside Schengen and therefore Kaliningraders must have visas to leave the *Oblast* by land in the future. Visas should be long-term, low cost and multiple entry, the city argues. Numerous constructive measures came onto purpose and emerged the following proposals:

- joint EU facility could be established in Kaliningrad.

- consulate of one of its member states being empowered to issue visas on behalf of the other member states.
- moving consulates closer to borders and extending opening hours,
- increasing the use of long term multiple entry visas,
- the construction of more border crossings and
- the introduction of shorter procedures at the border.
- introducing the establishment of extensive data banks combined with the checking of fingerprints at borders. (stamp in the passport)

d. Will an EU common visa solve Kaliningrad problems ?

Without a common visa, some people would try to get a visa to enter the EU via the country, which has the lowest requirements, or the lowest *transaction costs*. If an EU common visa is created, it would be most efficient if shared consular facilities of EU member states are set up in Kaliningrad as the Commission suggested.

It would solve the problems, which now exist requiring trips out of the *oblast* to obtain visas for other countries.

It would also deal with the double barrier problem for the future : if Lithuania requires a visa of Kaliningraders, they would need a visa just to go by land across Lithuania if they had to go there to get a visa for some other country.

It would also solve the problem of parity of diplomatic offices. The problem of parity is that in bilateral relations each country normally has the same number of consulates in its country as its counterpart country allows in its country. Thus, in order for a country to open a consulate in Kaliningrad, that country would have to allow Russia to open a new consulate.

Even if a common EU visa is a basically good idea, it is not clear how it would work in practice or what the reciprocity implications would be. It raises the question of EU harmonization of visa policies.

e. The question of the exemption from visas

A correlated problem with the question of an EU common visa is the exemption from visas, and to know to what extent it might be possible. A recent European Parliament report suggested that member states should consider visa exemptions for children on organized trips.⁵ But are other categories of potential exemptions perhaps equally meritorious ? Some examples come quickly to mind : pensioners,

⁵ European Parliament, 2001, 8/13.

people who work for EU programs in Kaliningrad and who need to travel as part of their work.

If exemptions are not an option for many people, the EU should consider the recommendation from the Council of Europe⁶, which focuses on reducing the barrier aspect of the visa application process for the members of the Council of Europe Parliamentary Assembly.

The use of long-term national visas and multiple-entry Schengen visas valid for one year has been suggested as well by the Stefan Batory Foundation for these categories of individuals :

1. persons involved in business activities,
2. persons active in culture, science,
3. scholarship holders, students,
4. sport people
5. persons visiting their families,
6. inhabitants of border regions,
7. representatives of local self-government authorities,
8. activists of non-government organizations.

f. Practical issues about visas issuance

The idea of granting visas at the border would appear to be a considerable change in Russian thinking. From the perspective of control of individuals at the border, any special arrangement for Kaliningraders would imply that it would be necessary to easily identify which Russian citizens are residents of Kaliningrad, which is not always easy. At present, only the Russian domestic passport shows the home address of the person holding the passport. The national passport, which is used for international travels, does not show the home address.

If the EU is concerned about fake documents or documents held by non-Kaliningraders, the EU could pay for new documents perhaps even including fingerprints as such data is now coming into use regarding asylum seekers. If a sufficiently secure system for checking visas comes into place, it might be possible to use the Israeli system control of an individual at the border. Control of an individual would be followed by a stamp in the passport, which would be considered a 'visa'. If this process were completed efficiently, it would remove the high *transaction cost* which occur when people are required to go to the German Embassy in Moscow for a personal interview.

⁶ CBSS 1999a, 38.

g. The security at the EU borders

The most worrying problem about border security is the evidence of the porous Polish border. It raises doubts about the ability of Poland, and Eastern European countries in general, to comply with Schengen regulations on border security after gaining membership. Know-how and training of border officials may help. Moving personnel from the German-Polish border to the EU external Polish border might be considered.

EU member states already have visa policies requiring Russians to have visas. Anyone who thinks that visa policies are effective in deterring organized crime would do well to note that Europol recently announced that Russian organized had already established a presence in eleven EU member states.⁷ Considering that visa requirements have not been effective at stopping organized crime, one must wonder whether extending an ineffective policy to the borders of Poland and Lithuania will help solve the problem. From an EU perspective, goals include preventing illegal immigration, asylum seeking and stopping shuttle trading. There is also the problem of insufficient penalties in Russia.

h. The question of bilateral and multilateral initiatives

Bilateral initiatives regarding Kaliningrad involve agreements between Russia and other countries. There are both advantages and disadvantages of bilateral initiatives. Advantages include the following :

1. Neighbours have a lot more experience than non-neighbours because the Oblast trades substantially with neighbours.
2. In the case of Lithuania, some of the officials speak excellent Russian and can deal more easily with Russian officials.
3. neighbours also have some additional incentives because they have domestic constituencies whose economic or other personal interests give them a special incentive to the resolution of problems.

But bilateral initiatives can also have disadvantages :

1. The current mood of “return to Europe” and residual hostility to the Soviet Union sometimes motivates an anti-Russian aspect to domestic politics and can put a brake on cooperation initiatives.
2. If the overall bilateral relations between Russia and the state in question such as Poland or Latvia are no good, then optimal solutions are unlikely.

There are several multilateral options for analysis of border-crossing issues, including visas. Often, the Council of the Baltic Sea States is thought of as being an optimal organization in which discussion of Baltic border issues should take place. But the Council of Europe is to be mentioned as well.

⁷ European Parliament 29 November 2000, 24/27.

Recently, Kaliningrad has become a special item on the EU/Russia agenda. It was specifically included within the EU's Northern Dimension. The Feira European Council (Portugal) specifically highlighted three areas of the Northern Dimension : the environment, the fight against international crime and Kaliningrad. Russia has accepted that the EU places Kaliningrad on its agenda and has itself proposed that perhaps a "special agreement" is needed and that Kaliningrad could become a "pilot region" in EU/Russian relations.

CONCLUDING REMARKS CONCERNING THE VISA ISSUANCE FOR THE KALININGRAD REGION

The EU has to understand just how many problems may occur when the entire population of the Kaliningrad Oblast, approximately 930 000 people, are all required to get a visa just to leave the *Oblast* by land. This massive requirement that the entire population get a visa is unprecedented in history and offers many opportunities for destabilization of Russian/EU relations.

A new paradigm is called to comprehend the fact that Kaliningrad encirclement by an enlarging EU blurs lines : Kaliningrad is both inside and outside Russia, and is inside and outside the EU.

The old paradigm includes several myths about what the future will look like when an enlarging EU makes Kaliningrad a Russian enclave within the EU.

- One myth is that there is plenty of time left to resolve Schengen issues. Kaliningrad as a neighbour of EU Member States should not come on the top of the EU agenda, which prioritises action among members.
- A related myth is that Schengen is a red herring not a red flag. In fact, even now Schengen barriers present real travel obstacles for Kaliningraders.
- A third myth is that Kaliningrad is just one more Russian border which in the future can be assumed to present no more problems than already occur on the EU's first border with Russia at Finland.
- A fourth myth is that all problems can be resolved within the EU's PCA agreement with Russia. This ignores the problem that there is a lot of grey area between EU and its members or future members.
- A fifth myth is that it is a technocratic debate. On the contrary it is a debate for the civil society and the business community. Consequently, it could be an objective for any development agency to represent the interest of the business sphere.

These myths are aspects of the old paradigm that there is a clear "inside" the EU in contrast to a clear "outside" the EU. This is also the current Schengen concept : one can have freedom of movement "inside" the EU and tightly controlled borders "outside" the EU.

The EU seems to be just now beginning to comprehend that this is not sufficiently sophisticated to accommodate the new reality. It is much more real to Moscow, which has already basically understood clearly that EU enlargement will mean that Poland, Latvia and Lithuania will be obliged to abrogate agreements which they have with Russia.

For borders not to become barriers, the EU and Russia need to make Kaliningrad a pilot region within which innovative propositions and concepts have to emerge. And the issue of visa issuance is essential to show concretely that political will integrates the new paradigm.

Numerous constructive measures have already been purposed. There is a constructive basis on which negotiation should rely and could help the pilot region concept to become more concrete and substantial. Time for propositions should leave the place to the implementation.

Consequently, the issue of visas is a strategic necessity, delaying the upshot of the question would probability have rather damaging effects in terms of stability and would further undermine the prospects of economic as well as social recovery.

Crucial issues if visa issuance

i. Issue	Role of the Agency (RDA)	Impact on project
1. Communication between the EU and Russia	improve coordination of the communication among actors (EU, RF, KGD)	Significant
2. The question of bilateral and multilateral initiatives	Thank tank action in direction of RF and EU and with other institutions (Northern Dimension, CBSS, Euro regions, etc.)	Very important
3. cross border cooperation	Favour cross border cooperation project according to existing TOR.	Very important
4. tension between EU internal and external security	1- Economic Bridge function (switching from a security/garrison vision of Kaliningrad to an economic concept) 2- RDA providing additional tools	Very important
5. human rights and international commitments	1- favour a joint understanding of Europe & Russia in terms of human right and culture 2- building-up a positive image of Kaliningrad (valorisation of Kant image)	Significant Very important
6. practical issues about visa issuance	1- Proposing simplification of visa issuance 2- helping prevention of corruption and illegal activity (fake documents, illegal cross bordering, shuttle trading, security matters, cooperation with authorities) 3- support exemption from visas for business purpose and other matters	Important
7. Management dimensions of visa issuance	1- strategic dimension of the question: prevent KGD from becoming a double periphery and promoting economic integration on both sides (EU and RF) 2- supporting border infrastructure programmes including building, personnel, procedures, etc. 3- lobby for empowering a consulate of one of EU member states to issue visas on behalf of the other member states	Very important

8. Transit between "big Russia" and "little Russia"	necessity to find out joint arrangements, to play complementarities more than adversity in the competition	Very important
9. International Trade	Accentuation of regional and international volume of trade and foreign Investment in accordance with the development strategy	Very important
10. Travels to other countries	Favour the mobility of persons including in the business and tourist areas, clusters & networks, community	Very important