



COMMITTEE ON EUROPEAN INTEGRATION

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Tbilisi, June 6, 2007

To: Ms. Elisabeth Arnold
Chairman of the European Affairs Committee,
Folketinget,
Copenhagen, Denmark

Dear Ms. Arnold,

It is indeed my honor and pleasure to address you. First of all, let me take this opportunity and express our appreciation for continuous support from your country of Georgia's reforms and its ongoing democratic transformation. Since the Rose Revolution of 2003, Georgia has made remarkable progress in revitalizing its political and economic system. One of our core priorities has been to strengthen our relationship with the European Union, a commitment underscored by our new action plan within the European Neighborhood Policy framework.

In this context, it is critical for Georgia that we begin negotiations with the European Union on a visa facilitation agreement in the nearest future. The finalization of the Union's preferential visa agreement with Russia last month has added real urgency to this matter, underscoring the political importance of beginning negotiations as soon as possible.

As you know, Georgian citizens living in the "frozen conflict" regions of South Ossetia and Abkhazia, Georgia, have been subject to a "passportization campaign" - the illegal distribution of Russian passports, in violation of Georgian, Russian, and international law. One dangerous and unintended result of the EU's decision to simplify the visa regime with Russia is that residents of the conflict zones who succumb to Russian passportization efforts will have easier access to the EU countries than those who insist on holding legal Georgian passports. In fact, the EU's simplified visa regime with Russia is likely to serve as an incentive for even more residents of these regions to illegally obtain Russian passports. It is clear that this will not contribute to a peaceful resolution of the conflicts on our territories, which is of paramount importance both to my country and to the EU (*You can find more details on the existing problem in the enclosed document*).

Fortunately, there is a remedy that can be pursued with relative speed and that will redress the negative impact of the EU-Russia visa accord: the timely commencement of visa facilitation negotiations with Georgia in order to grant our country the same benefits that the European Union has extended to our neighbor.

I would like to ask for your indispensable support on this matter. Understanding the significant political underpinnings of the problem, I hope that you can voice the importance of the matter to the relevant EU institutions, since the timely commencement of negotiations is not secured at this stage. In particular, we believe, that the upcoming COSAC meeting may be the proper forum for such a discussion.

Please accept, Ms. Arnold, the expression of my highest consideration and please do not hesitate to contact me should you need additional information on this matter.

Sincerely,



David BAKRADZE

Chairman of the Committee
Co-Chairman of the EU-Georgia Parliamentary Co-operation Committee

Encl: 4 pages.

Advancing a Georgia-EU Visa Facilitation Agreement

EU-Russia Visa Agreement Underscores Need for Immediate Action

- Migration issues and a visa dialogue are core areas of cooperation in the EU-Georgia ENP Action Plan. As such, Georgia welcomes the decision to establish the EU-Georgia cooperation sub-committee on Justice, Freedom, and Security matters, which will tackle migration issues, including the visa dialogue.
- Georgia also welcomes the Commission Communications on "Strengthening the ENP" and on a "Global Approach on Migration," which call on the EU to build stronger and deeper relationships with its neighbors. The mobility of persons is of the utmost importance in strengthening these relations. Promoting people-to-people contacts and easing short-term travel is an indicator of the strength of the ENP.
- The recent EU-Russia Visa Agreement, meanwhile, makes it urgent for Georgia to immediately begin negotiations with the European Union on visa facilitation. This was noted when Presidents Saakashvili and Barroso met in Brussels on February 27, 2007.
- The EU agreement with Russia, which takes effect June 1, unintentionally poses a threat to the peaceful resolution of the conflicts on Georgia's territory.
- As is widely known, Georgian citizens living in the conflict zones of South Ossetia, Georgia, and Abkhazia, Georgia, have been subject to a passportization campaign—the illegal distribution of Russian passports, in violation of Georgian, Russian, and international law (75-80% of population in the South Ossetia and 70-75% in Abkhazia now hold Russian passports).
- One dangerous and unintended result of the EU's decision to simplify its visa regime with Russia is that conflict zone residents who hold illegal Russian passports will have easier access to the EU than those who insist on holding legal Georgian passports. In fact, the EU's simplified visa regime with Russia is likely to serve as an incentive for even more residents of these regions to illegally obtain Russian passports.
- The EU-Russia visa agreement thus sends the wrong political signal to residents of the conflict zones and undermines the ongoing peace efforts of the entire international community, including the European Union.
- Expediting a visa facilitation dialogue between the EU and Georgia therefore takes on special significance.
- To resolve the situation, Georgia seeks comparable arrangements to those accorded to Russia. Georgia is not seeking the annulment of the EU-Russia agreement.
- This situation has extremely serious security implications for Georgia. As such, we are dismayed by the lack of progress on a visa dialogue and by what appears to be the Commission's limited understanding of the political consequences of a failure to act.
- We have been conveying our concerns via all existing channels to the Commission for over 12 months: Georgian Prime Minister Nogaideli wrote to President Barroso, and Foreign Minister Bejushvili wrote to Vice President Frattini. In his reply, VP Frattini stressed EU support for Georgia's territorial integrity, but failed to address the visa dialogue; President

Barroso has yet to reply. President Saakashvili intends to raise the issue yet again with President Barroso in the coming days.

- Unfortunately, the informal preparatory meeting of the EU-Georgia Justice, Freedom and Security Subcommittee session held in Brussels on March 19, 2007, made it clear that the EC civil servants are not assessing the political importance of the matter, nor are they able to act without instructions from higher quarters.
- Commission civil servants have cited three reasons for the delay in the visa dialogue: First, a lack of Commission negotiating capacity, given that the Commission was engaged in visa negotiations with Western Balkan countries. Second, that several EU Member States did not support a visa facilitation agreement with Georgia. Third, that the Commission prefers a “package approach” to the three southern Caucasus countries.
- However, there is no longer any problem of negotiating capacity: The Commission concluded negotiations in April with Albania, Bosnia and Herzegovina, Montenegro, and the Former Yugoslav Republic of Macedonia; negotiations with Serbia were finalized in May. As such, the question of administrative capacity is not an issue for the Commission.
- With respect to purported Member State opposition, no such opposition has been proclaimed; and even if some did exist, only a qualified majority is needed for the Commission to receive a mandate to start a visa dialogue with Georgia.
- Furthermore, Georgia measures up well against all the countries with which the EU has just signed visa facilitation agreements—and against Ukraine and Moldova, which also concluded visa facilitation and readmission agreements with the EU.
- It is clear that by all objective measures Georgia deserves an expedited visa facilitation agreement—even in the absence of the troubling accord between the EU and Russia. Georgia is making serious progress on a series of issues that matter deeply to JHA ministers: Its judiciary and criminal-justice systems are undergoing deep reforms, its border management is the best in the eastern neighborhood, and it is committed to fighting human trafficking and illegal migration.
- Regarding the issue of engaging simultaneously with all S. Caucasus countries, this is simply not viable, since they do not all seek a visa dialogue and they are all at different levels of preparedness for such a dialogue; the EU must not punish Georgia because other countries are slow to reform—by contrast, it should recognize Georgia’s progress.
- Finally, Georgia is committed to signing a readmission agreement with the EU, in tandem with a visa facilitation agreement. It also is committed to enforcing other EU standards, such as biometric passports; however, while continual progress is being made on meeting these standards, they should not interfere on the core goal of signing a visa facilitation/readmission agreement—there is no precedent for this and doing so would harm the mutual goals that the EU and Georgia share.
- Georgia is working in very close cooperation with the EU, within the context of the Neighborhood Policy, to develop a comprehensive approach on issues of common concern. As part of its profound commitment to regional and European security, Georgia intends to become a model country for its improved performance in the areas of justice, freedom, and security.

NGOs.

Border Management

The Georgian Border Police have made significant advances in transforming the Soviet-style border security system into a modern law enforcement agency. In 2006, a new Law of Georgian Border Police (GBP) was elaborated. In cooperation with experts of the EU Special

Migration Management

In building a strong a strong democracy grounded in the rule of law, Georgia strives to achieve European standards in migration management, in particular to prevent irregular migration. Since the current government took power in 2004, there has been a significant reduction in the number of Georgians emigrating; meanwhile tens of thousands of emigrants, encouraged by the vastly improved socio-economic and political conditions in Georgia, have decided to return home.

As part of its effort to combat illegal migration, Georgia is negotiating readmission agreements with EU member and candidate states. Such agreements have been signed with Italy and Republic of Bulgaria, and are in negotiation with Germany, France, the Benelux countries, Lithuania, Czech Republic, the Kingdom of Sweden, the Republic of Latvia, Estonia, and the Federal Government of Austria.

The effective implementation of readmission obligations largely depends on attractive conditions for voluntary return of illegal residents and provision of conditions for their effective reintegration. In this regard, Georgia attaches particular importance to the implementation of reintegration programs, which will promote voluntary return of irregular migrants and offer them appropriate training to improve their qualifications and assist them in finding jobs.

Georgia has unilaterally adopted a liberal visa policy that allows citizens of EU member states to stay in Georgia for a period of up to 90 days. At the same time Georgia has a simplified visa regime with the following EU member states: Estonia (foresees a 90-day visa-free regime that was introduced on November 20, 2006, for citizens of Georgia who hold diplomatic passports), Bulgaria (foresees a 90-day visa-free regime for diplomatic passport holders), Hungary (foresees a 30-day visa-free regime for diplomatic and service passport holders), Romania (foresees a 90-day visa-free regime for diplomatic and service passport holders) and Slovakia (foresees a 90-day visa-free regime for diplomatic and service passport holders).

As regards to the improvement of security of travel documents, the Ministry of Justice of Georgia is considering the opportunity of introduction of the Biometric Passports starting from 2009.

The Fight Against Trafficking & Organized Crime

Numerous laws and programs are in place to combat and prevent human trafficking, to assist in the prosecution of these crimes, and to protect victims. The Georgian Parliament adopted a special law in 2006 "On the Combat of Human Trafficking" and ratified the Council of Europe Convention "On the Suppression of Human Trafficking." An action plan on anti-trafficking activities is in place for 2007-2008. The First shelter providing services for victims of human trafficking began operations in summer 2006. An anti-trafficking information campaign and large-scale educational activities are underway in cooperation with the international and local NGOs.

Border Management

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Representative Support Team, the Standard Operating Procedures (SOP) were finalized and their implementation started in 2007. The draft of the Concept of Integrated Border Management (IBM) has been elaborated and will soon be presented. Based on the recommendations of the EUSR support team, the optimization of the number of regional offices and sectors has increased the effectiveness of the border service.

The budget of the Border Police increased substantially: from GEL 9 mln. in 2003 to GEL 46 mln. in 2007. The working conditions of the GBP personnel have been improved. In 2006, salaries were raised almost threefold, while a further increase is planned this year. A modern training system was set up with the active participation and support of the EU, OSCE, USA, and IOM.

In Conclusion

We believe that today's Georgia—with its ambitious reform agenda and visible achievements—can become the leading "success story" of the European Neighborhood Policy. Just three years after the Rose Revolution, the World Bank named Georgia the number-one reformer in the world. We will continue to build on this success.

A visa facilitation agreement would further enhance the dynamism of the reform process.

It is our hope that the urgency of the matter created by the EU-Russia visa facilitation agreement will be duly assessed by our European partners, and that this will lead to a proper mandate being given by EU member states to the Commission to begin visa facilitation negotiations with Georgia.