

LOCAL BORDER TRAFFIC AS A FORM OF VISA LIBERALISATION AND TERRITORIAL DEVELOPMENT

G. Kretinin*
D. Mironyuk*



This article addresses the issue of visa liberalisation between Russia and the European Union, which constitutes a key aspect of the parties' diplomatic cooperation. This work sets out to identify the main results of Russia/EU cooperation. The authors have conducted a brief historical analysis of this area of relations. The visa "regionalisation" is considered in the context of identifying the key actors of the EU-Russia negotiations: the Kaliningrad region, Germany, Poland, and Lithuania. In their analysis, the authors rely mostly on primary sources: intergovernmental agreements on simplified border traffic, border-crossing statistics for the Kaliningrad region in the framework of the local border traffic, expert interviews, and related analytic reports. Specifically, local border traffic is viewed as the most effective form of interaction in the field of visa regime simplification and border territory development. An assessment of the positions of key negotiators shows that local border traffic between the Kaliningrad region of Russia and the Polish border voivodeships is a success, which stresses the need for a prompt transition to a visa-free regime with the EU.

Key words: Russia, European Union, visa-free regime, local border traffic, border crossing, energy supply, cooperation

Introduction

The target of a visa-free regime between Russia and the European Union was set in the early 2000s [24, p. 29]. In 2003, an agreement was reached to recognise it as a "long-term perspective" of the bilateral relations [17].

* Immanuel Kant Baltic Federal University.
14 A. Nevski St.,
Kaliningrad, 236041, Russia

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However, the exclave features of Russia's Kaliningrad region required a prompt solution to the visa problem. Simplified transit documents for Russian citizens travelling via Lithuania from (to) the Kaliningrad region to (from) mainland Russia by car or train, and the Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation of June 1, 2007 resulted in the simplification of visa issuance for certain social groups [15].

Russia's Ministry of Foreign Affairs made attempts to include the visa problem (its Kaliningrad aspect) into the new strategic agreement on Russia-EU cooperation. In 2008—2010, a number of recommendations on unresolved issues were formulated. They included the introduction of visas with a limited territorial range for Kaliningraders (the entry of and sojourn on the territory of several states), reinstatement of the practice of issuing national Lithuanian and Polish visas for Kaliningraders (discontinued in 2007), the possible issue of fee-free Schengen visas for Kaliningraders, suggestions on the simplified issue of visas for cross-border cooperation [25]. However, these proposals were not supported by the EU.

A certain breakthrough in solving the visa problem was made in 2010. At the Russia-EU summit in Rostov-on-Don, Russia presented a draft bilateral agreement on lifting the visa requirement to the EU leadership. The draft agreement did not suggest granting a right to free movement across the territories of Russia and the EU. Russia extended the practice to more than 50 countries of the world that had concluded special agreements with the EU [22].

The EU leadership did not have the political will to identify concrete benchmarks for solving the problem. "A transition to a visa-free regime is likely to be quite a lengthy ongoing process," the Deputy Head of the EU Delegation to Russia stressed, thus returning to the idea of "a long-term perspective" voiced by Brussels in 2003 [31].

Against this background, the regionalisation of the visa problem in North-West Russia, first, of all, Kaliningrad became an urgent issue. By autumn 2010, experts identified the key actors of the EU-Russia negotiation process: the Kaliningrad region, Germany, Poland, and Lithuania.

European Union

The EU's position on the visa problem is not unanimous and is susceptible to the internal political situation in certain member states. The establishment of the Schengen system in the framework of a common border protec-

tion policy also led to ambiguous consequences — the borders of several member states fulfil the function of an external EU frontier and bear responsibility for the observation of EU entry rules by foreigners [21, p. 500]. This is especially true in the cases of the Baltics and, first of all, Lithuania as an immediate neighbour of the Kaliningrad region.

Overall, the European position on the Kaliningrad aspect of the visa problem rests on the EC regulation 1931/2006 approved by the European Parliament and the EU Council at the end of 2006. The regulation grants the member states a right to establish a simplified visa regime with third countries based on the local border traffic regime [23]. The essence of local border traffic is that the residents of border territories on the either side have a right to visit the neighbouring country within a range of 30 (in exceptional cases 50) kilometres following a simplified procedure.

However, the observation of these technical requirements would divide the population of the Kaliningrad region into three categories: those who can visit either Poland or Lithuania (in the framework of local border traffic) or neither of the countries. I.e. those living in the municipalities situated beyond the 30—50 kilometre range from the border would not be able to use this procedure.

Germany

The positions of individual EU member states often differ from each other and the common Union's stand. The most constructive approach to solving the Kaliningrad visa problem is demonstrated by the countries of so-called “old Europe” — Germany and France.

The position taken by Germany in 2009—2010 was voiced by Chancellor Angela Merkel in September 2010, when she raised the possibility of a visa free regime for the Kaliningrad region [1]. This position is controversial, since on October 19, 2010, the final communique of the heads of three states (France, Germany, and Russia) concluding the meeting in Deauville expressed hope that a progress in taking joint steps towards a visa free regime of travel between the Russian Federation and the EU would be reached at the EU-Russia summit in December 2010. [26]. Thus, the Kaliningrad problem became part of the visa-free problem but was not withdrawn from the agenda.

Germany's actions in solving the Kaliningrad visa issue can be explained by a new stage of German-Russian cooperation and the region's inclusion into the system of the countries' economic cooperation as a useful tool for

implementing joint economic projects in the fields of both innovations and energy security (possible supply of power from the Baltic NPP).

Overall, Germany's increasing interest in the region is indicative of an adjustment of the country's policy towards the region at the level of the top political leadership and the readiness to boost Russian-German economic cooperation in the Kaliningrad region. In this case, Germany can lobby for a visa-free regime for the Kaliningrad region.

Poland

In 2010, Poland also supported the visa regime simplification. In April 2010, in a letter to the European Commission, Russia's and Poland's Ministers of Foreign Affairs S. Lavrov and R. Sikorski suggested extending special conditions of cross-border travel to all residents of the Kaliningrad region. In particular, they stressed that residents of one part of the region would be able to enjoy the simplified cross-border regime and residents of the other part would be denied it. Moreover, this regime would not be extended to the residents of Kaliningrad. S. Lavrov and R. Sikorski called for the European Commission to take into account the region's specific features.

Joint efforts towards a simplified visa regime for Kaliningraders included a meeting of minister of foreign affairs of the so-called "Weimar Triangle" (Germany, France, and Poland) with Russian participation in June 2010. Russia and Poland reached an agreement on the simplification of the visa-regime between Kaliningrad and the Polish border districts. This decision was supported by all parties. "This is a very significant political signal if we look back at our history", G. Westerwelle, the then German Minister of Foreign Affairs noted [4]. In this context, an efficient tool is using bilateral and multilateral semi-formal meetings with representatives of the EU member states to lobby for a visa-free regime, while the European Commission still insists on a gradual procedure [6, p. 20].

At the end of July 2010, during a working visit to the Kaliningrad region he reiterated that Poland was ready to sign an agreement on a visa-free regime for the whole territory of the Kaliningrad region rather than a 30-kilometre border area covered by the Schengen regulations. "We will do everything to persuade the EU to change the instructions. If that fails, then we are prepared to take the risk of undertaking such an agreement even if some people in Brussels don't like it," the Polish minister said. "Poland and Russia will show Europe our joint position and Europe will be persuaded by it" [18].



The Polish position was reiterated in September 2010 by the deputy head of the Commission of the Polish Sejm Foreign Affairs Committee, T. Iwiński. The MP stressed that Warsaw counted on a prompt implementation of a large visa-free programme for the Kaliningrad region. This proposition was supported by both Moscow and Warsaw. The latter was ready to “open” the whole territory of the Kaliningrad region for a visa-free regime with Poland. In particular, T. Iwiński stressed that this regime should be extended to all residents of the Kaliningrad region rather than those of the border area [3].

These efforts of the Polish leadership were considered as interest in boosting cross-border economic cooperation between Poland and the Kaliningrad region, which would contribute to the development of both territories [13, p. 38]. We define regional development as economic development generated by factors operating within a given geographical space [9, p. 3]. In particular, active negotiations and the process of deploying the production facilities of Polish enterprises in the Kaliningrad region started in November 2010. This was aimed at bringing Polish produce closer to the Russian market and employing Kaliningraders as cheaper workforce. Polish business, in particular the Chamber of Commerce of the Warmian-Masurian voivodeship, put forward the idea of inviting Kaliningrad specialists to work in the border areas of the Warmian-Masurian voivodeship, which enjoyed the status of a special economic zone. The Polish business entertains the idea of purchasing power from the Baltic NPP, which is being constructed in the Kaliningrad region, or a different facility that might be erected in its place.

Lithuania

Initially, Lithuania supported significant simplification of the visa regime for the residents of the Kaliningrad region and the border districts of Lithuania. However, this initiative extended to a 30-kilometre zone on the either side of the border. A hope was expressed that, in the future, all Kaliningraders would be able to visit the neighbouring republic without visas. In July 2009, Lithuania signed a trilateral (Lithuania, Poland, Russia) address to the EU leadership with an appeal to simplify the visa regime for the residents of the Kaliningrad region and intensify cooperation on local border traffic at the borders of the Kaliningrad region, Lithuania, and Poland [28].

In 2010, the priorities of Lithuanian leadership changed dramatically. As early as June 2010, Lithuania’s Prime Minister A. Kubilius stressed that Lithuania supported only the idea of simplified travel for the residents of certain border areas as mandated by the EU law. The introduction of such a

regime throughout the Kaliningrad region would require a decision of the relevant EU authorities [5].

Changes in the policy pursued by the Lithuanian leadership were finalised in the August statement of the spokesperson of the Ministry of Foreign Affairs, R. Kačinskas, after the Polish government had expressed an intention to address the EU partners with an appeal to extend the local border traffic agreement to the whole territory of the Kaliningrad region. “At the moment, Lithuania is not considering a possibility of joining the Polish initiative. It is our belief that first of all we should sign agreements under the existing EU regulations, i.e., in the framework of the Schengen regulations,” Mr Kačinskas stressed [12]. Vice Minister of Foreign Affairs E. Ignatavičius confirmed this position stressing that there were certain concerns relating to security requirement, smuggling, and an inflow of excisable goods to Lithuania, which would damage the country’s economy [14].

The radically changed position of Lithuania decelerated the pace of negotiations on the visa issue and weakened the pressure on Brussels thus reducing the number of signatures under the appeal aimed to approve the situation (by analogy to the joint Russian-Polish and Russian-Polish-Lithuanian appeals of 2009—2010).

Experts emphasise that a radical change in Lithuania’s position on the Kaliningrad issue could relate to the tensions in Polish-Lithuanian relations triggered by the problem of national minorities in Lithuania. Moreover, Lithuania did not approve of Poland’s positive attitude to the prospective energy facilities in the Kaliningrad region. This tore down the wall built by Lithuania around the Russian energy facility in the Kaliningrad region.

This condition of relations between Vilnius and Warsaw — recent partners in opposing European initiatives towards the Russian Federation — significantly damaged Lithuania’s image. Vilnius’s position required further explanations, which were given by President Dalia Grybauskaitė. On the contrary, she stressed that Lithuania did not mean to block any decisions if Russia reached an agreement with Brussels. President Grybauskaitė also called the Polish-Russian initiative mere PR. The Delfi portal reported her as saying: “If the European Union decides that Russia or Belarus or any other third party is ready for a visa-free regime and is a reliable partner in this respect, Lithuania will in no way object to that” [10].

Mass media stressed that Lithuania’s position on the Kaliningrad and Russian visa issue was more acceptable for the European Commission. This was emphasised by the Polish party in Kaliningrad on February 21, 2011 at a trilateral Russia-Germany-Poland parliamentary meeting. The European

Commission opposed the idea of extending local border traffic to the whole territory of the Kaliningrad region [27].

On June 2014, it was announced that Lithuania's leadership did not consider the introduction of a visa-free local border traffic regime with the Kaliningrad region. It was disclosed by the Russian ambassador to France, Alexander Udaltsov, at a meeting of the Government of the Kaliningrad region. "Today, all our bilateral structures designed to develop cooperation are frozen. As an ambassador, I have to acknowledge that. It is not our initiative. It is a policy of the Lithuania party. Probably, that of the European Union. In this vulnerable situation, we do focus on the issues that we are not of our primary interest. One of such issues is the local border traffic problem. We did not receive an unambiguous response. At the moment, Lithuania's answer is negative," Ambassador Udaltsov noted.

Moreover, Alexander Udaltsov stressed that the residents of Lithuania's border districts — especially, businesspeople and politicians — support the idea of local border traffic [11].

A breakthrough in the visa issue was achieved in the Polish direction.

The signing of an agreement on local border traffic between the Kaliningrad region of the Russian Federation and the northern voivodeships of Poland on December 14, 2011 opened opportunities for developing a new cooperation format not only between the two neighbouring regions, but also by Russia and the EU in general. The document's preamble states that the parties "desiring to develop and strengthen good-neighbourly relations between the Republic of Poland and the Russian Federation, and to develop cooperation in the fields of economy, trade, technology and culture, and in other fields, desiring to introduce mutual facilities for crossing the state border by residents of the border area, considering the specific geographical location of the Russian Federation's Kaliningrad Oblast, have agreed on the following: ...this Agreement establishes the rules governing mutual travel by border residents of the States of the Contracting Parties" [30].

The agreement between the governments of the Russian Federation and the Republic of Poland on local border traffic came into force on July 27, 2012.

According to the Polish Centre for Business and Culture in Kaliningrad, today, every other Kaliningrader enters Poland within the local border traffic programme. From July 2012 to July 2012, the Consulate General of the Republic of Poland in Kaliningrad issued more than 200,000 permits [29]. According to the press service of the Warmian-Masurian Office of the Border Service in Kętrzyn (Poland), local residents have crossed the Polish border using LBT cards 2,483,956 times [33].

Two years after the Agreement had been signed, one can analyse its advantages and disadvantages to estimate its further prospects.

Experts stress the exceptional nature of this form of border crossing, since the area of local border traffic includes the north-western voivodships of Poland and the Kaliningrad region of the Russian Federation. According to the Agreement, the area of simplified visa regime includes the whole territory of the Kaliningrad region on the Russian side and part of the Pomeranian voivodship (Gdynia, Gdansk, Sopot, Puck, Nowy Dwór Gdański, Malbork) and part of the Warmian-Masurian voivodship (Braniewo, Elbląg, Lidzbark, Bartoszyce, Olsztyn, Kętrzyn, Mrągowo, Giżycko, Olecko, Węgorzewo) on the Polish side. An obvious diplomatic achievement of the two states is the uniqueness of the agreement: this regime of border crossing with Lithuania was not introduced (Vilnius strongly opposes the idea of extending the LBT regime beyond the 50-kilometre area), whereas a similar agreement with Latvia extends to a 30-kilometre area [2].

In an interview with RIA Novosti, the Polish ambassador to Russia, Katarzyna Pełczyńska-Nałęcz, stressed that “Poland was very interested in local border traffic with Kaliningrad”. “This was a mutual initiative of the two sides, both Russia and Poland, which have done everything possible to make the lives of our citizens easier. The results have surpassed all expectations — the border is no longer a barrier to travel. We are interested in as many Russian citizens as possible visiting Poland as often as possible. It is important to us that Russians see what type of neighbour Poland is”, Pełczyńska-Nałęcz said, adding that Warsaw was calling for the speedy establishment of a visa-free regime between Russia and the European Union. In 2013, Polish consular establishments issued 143,799 Schengen visas of one year or less, 75,545 two-year multi-entry visas, 4,993 visas valid for three years, 689 for four years and 27 five-year visas. To the question about the strategic problems in Russian-Polish bilateral relations, she said, “There is a rift in Moscow-Warsaw relations, but this is not a deterioration of relations between Russia and Poland, but rather between Russia and the European Union. Second, the energy issues: we pursue different interests here. Poland is interested in diversification of energy deliveries, while Russia is interested in its active presence at the Polish and EU markets. Russia treats the European energy legislation differently” [19].

Justyna Szubstarska, spokesperson to the Warmian-Masurian Office of the Border Service in Kętrzyn — a supervising authority over the checkpoints in Gołdap, Bezledy, Gronowo, and Grzechotki — stressed that the broader traffic regime between Poland and the Kaliningrad region was a

success not only for the border services, but also for travelers. “Today, every second Russian entering Poland show local border traffic permits. The number of those travelling in the framework of LBT rises monthly. Border crossing within the LBT procedure is more rapid. At the Gołdap and Bezledy checkpoints, 59 % of foreigners cross the border with such permits. In December last year, the number of LBT tourists exceeded the number of those travelling with visas. A new record was set on January 3 before the Russian Christmas Day, when 30,000 Kaliningraders crossed the Polish border in one day” [8].

Other positive moments include the possibility of mutual economic penetration and tourism development, which is of great psychological significance for the Kaliningrad exclave.

According to the spokesperson to the Customs Chamber in Olsztyn (Poland), Ryszard Chudy, Kaliningraders spent approximately 93 m zlotys (1,072 m roubles) on tax-free entry goods in Poland. The customs office statistics show that, from January 1 to mid-August 2013, Russians submitted tax-free receipts for 48 m zlotys (approximately 559.68 m roubles). He also stressed that the cost of Kalininrgaders’ purchases had increased twofold over a year [32].

Of special importance is the partial similarity in the economic development of the neighbouring border municipalities and, therefore, the social condition of citizens on either side of the border in the recent years. In particular, the Warmian-Masurian voivodeship shows a traditionally high unemployment rate, which, to a certain degree, is a result of the closure of the Russian-Polish border after Poland’s accession to the EU in 2004. The Kaliningrad districts adjoining the border also suffer from social pressure caused by a lack of jobs. Despite that, the Agreement does not grant working permits, the rate of employment of local population is increasing in different spheres under the conditions of this form of border crossing.

The 14th meeting of the Russian-Polish Council on Cooperation co-chaired on the Russian side by the Kaliningrad Governor Nikolai Tsukanov and the First Vice-Minister of Foreign Affairs Piotr Stachańczyk took place on June 11, 2014. At the meeting, Piotr Stachańczyk stressed that “both the Polish and the Russia parties have concluded the procedure of preparing an agreement on border railway traffic. Now, the Polish side is waiting for the resolution of the European Commission”. It is planned to increase the number of lanes at the Grzechotki checkpoint. The Gołdap checkpoint will be opened for trucks, which will require the modernisation of the roads to Gołdap. It is planned to attract national and EU funds for this project [7].

Conclusion

However, despite the positive development of relations and an increase in the employment rate, there are a number of problems affecting the new border traffic regime. These problems exist on the either side of the border.

Firstly, Polish experts emphasise technical border-crossing problems existing on the Russia side, where a large number of Polish “petrol-trippers” (who, in effect, smuggle cheap Russian petrol to Poland) concentrates. The Polish have to impose border-crossing limits on their citizens transporting petrol. There is information that Polish criminals start to coordinate “petrol trippers” on the territory of the Warmian-Masurian voivodeship.

Certain aspects of the LBT regime adversely affect the Russian party, in particular, retailers, as a significant number of Kaliningraders opt for buying cheaper Polish goods. The difference in the pricing policy of the two territories — the Kaliningrad region and the Warmian-Masurian voivodeship — is a different story. However, this difference results in a decreasing demand in the Kaliningrad commodity market.

According to Russian experts, an important factor affecting the pricing in the Kaliningrad region is the region exclave and the related transportation, tariff, and customs problems. Warmian-Masurian producers do not face these problems.

It is worth noting that the Polish mass media has published statements by the municipal authorities of the Pomeranian and Warmian-Masurian voivodeship as to the need to extend the LBT area or change its form (through including maritime traffic) [20]. The first two years of local border traffic have shown that an increase in crime rate — which was the main concern of the opponents of LBT — did not take place. The same holds true for other threats, which stresses the possibility of a transition towards a visa-free regime. According to the municipal authorities, the key reason behind the extension of the LBT zone is the interests of local business oriented towards tourism and selling agricultural goods.

However, Polish experts believe that the expansion of the Polish LBT zone is not likely to take place in the near future. At the moment, regardless of its political will, Warsaw cannot solve this problem on its own. Everything depends on the position of the European Union, which supervises changes in the cross-border cooperation formats across all regions. Another change in the LBT area has to be reconciled with the EU countries.

However, in this case, the interests of Polish municipalities depend on the actions of the Polish side, which can submit a corresponding initiative to Brussels.

For Russia, a successful development of this border-crossing form is another argument in favour of a speedy transition to a visa-free regime with the EU.

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Appendix

Number of Russian citizens entering Poland in the framework of local border traffic (data from all checkpoints)

2012 (thousand people)	
August	36
September	1460
October	3118
November	7562
December	15100
2013 (thousand people)	
January	16 376
February	22 036
March	47 358
April	56 077
May	75 105
June	93 908
July	111 616
August	141 591
September	121 170
October	139 982
November	149 121
December	184 426

2014 (thousand people)	
January	148 079
February	132 193
March	132 896
April	111 136
May	132 138
June	153 812
until July 15	72 932

Source: press service of the Warmian-Masurian Office of the Border Service in Kętrzyn (Poland) // URL: <http://www.wm.strazgraniczna.pl/archiwmu-new/85-wmosg-rzecznik-prasowy/aktualnosci/933-dwa-lata-funkcjonowania-mrg> (accessed on 31.08.2014).

About the authors

Prof. Gennady Kretinin, Immanuel Kant Baltic Federal University, Head of the Baltic Regional Information and Analytical Centre, Russian Institute for Strategic Studies, Russia.

E-mail: baltrisi@baltnet.ru

Denis Mironyuk, PhD student, Immanuel Kant Baltic Federal University, Russia.

E-mail: p.aeg.iordt@gmail.com