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Georgia: Towards Visa-free Regime (Nº 2)

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One of the arguments raised against introducing a visa-free regime for Georgia is that its two regions of South Ossetia and Abkhazia are self-proclaimed, unrecognised states in the internationally-recognised territory of Georgia. However, this corresponds to a situation identical to Moldova, which was able to receive a visa-free regime with the EU in April 2014.

In spite of the fact that Moldova is divided by Transnistria, an unrecognised, self-proclaimed state in the internationally recognised territory of Moldova, in November 2013 the European Commission considered "that the Republic of Moldova meets all the benchmarks set out in the four blocks of the second phase of the VLAP"¹.

The European Commission has recognised the border management and border crossing between Transnistria and Moldova as adequate. Transnistrian residents who travel to Moldova are obliged to only show documents at the Transnistrian "border point". Moldova resigned from check points not to establish a "border" with an unrecognised state. As far as crossing the "border" from Moldova to Transnistria is concerned, Moldovans travelling to Transnistria need to show their passport (foreigners are additionally obliged to fill out a migration card) to the Transnistrian "border guard".

Obviously, Moldova has not resigned from controlling its borders. There are separate mobile control units of the Moldovan border police which conduct second-line checks in the territory of Moldova in the so-called security zone along the administrative border. Moldova also exchanges border crossing information with Ukraine, especially on foreigners entering Transnistria from the Ukrainian side. The Moldovan Bureau for Migration and Asylum (BMA) opened six territorial offices along the "border" with the Transnistrian region for the registration of foreigners entering the country through the common border with Ukraine.

Georgia has implemented similar solutions with Abkhazia and South Ossetia. However, Russian interference is stronger in Georgia than in Moldova, which is why it appears to be a question of whether the EU recognises the Georgian procedures as appropriate in the context of visa-free movement.

One year after the Russian-Georgian war in 2008, the *de facto* authorities in Abkhazia have established infrastructure which is characteristic for any state border, including 10 check points. Moreover, in Abkhazia Russian border guards are cooperating with local border guards near the "border" dividing it from Georgia.

¹ Fifth Report on the implementation by the Republic of Moldova of the Action Plan on Visa Liberalisation, Brussels, 15.11.2013, p.36

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The *de facto* South Ossetian authorities have already started the delimitation and demarcation of the “border” with Georgia in 2009. They plan to build 20 military border posts and 15 ordinary check points. At the moment there are only four check points. Furthermore, in addition to the cooperation between the Russian and Ossetian border guards, Russia is supervising and implementing a project called the “Rural Wall” which will provide tank traps, embankments and five vantage points². Only once the construction work started was the Georgian side alarmed that the project goes 300 metres deep into territory controlled by the Georgian authorities³.

Georgians and foreigners travelling to Abkhazia and South Ossetia are obliged to receive permission from Abkhazian State Security⁴ or the Ossetian Ministry of Internal Affairs and have to present this to the “border guards”. Residents of the two unrecognised states do not need permission or a visa when travelling to Georgia since they are recognised as two Georgian administrative regions. Foreigners who come to Georgia through the self-proclaimed republics are fined GEL 400 (around EUR 172). Furthermore, both administrative lines are monitored by standard Georgian police patrols and army troops.

The mandate given to the OSCE mission in 1992 in South Ossetia expired in 2008. The UN Observer Mission in Georgia, established in 1994 in Abkhazia, expired in 2009. The extension of both missions has been blocked by Russia in the OSCE and the Security Council of the UN. The EU Monitoring Mission established in 2008 still works on the territory controlled by Tbilisi and the administrative border lines between Abkhazia, South Ossetia and Georgia, but is not allowed inside Abkhazia or South Ossetia⁵.

Generally, as can be seen in the European Commission evaluation of Georgia's implementation of the VLAP: “The demarcation of state borders is progressing. The border with Turkey is already fully demarcated [...] 71% of the borders with Armenia and 66% of those with Azerbaijan have already been agreed. 86% of the border with Russia has been agreed [...] but the work stopped as a result of the 2008 military conflict. The borders with Turkey, Armenia and Azerbaijan are controlled. The border with Russia is partly monitored”. Cooperation with FRONTEX is on-going with the support of experts from the EU Special Representative Border Support Team. Anti-corruption training is being held for the officials responsible for border management and customs. At the moment there are no concerns about the implementation of the existing legislation. The National Integrated Border Management Strategy and Action Plan, and its Action Plan, are being implemented by the Border Police Department, Patrol Police Department of the Ministry of International Affairs and the Revenue Service of the Ministry of Finance. Adequate infrastructure for border management is in place. On 15th October 2014, the Deputy Minister of Internal Affairs in charge of border management said that Georgia has renovated and opened up new facilities at 10 border checkpoints⁶.

As was mentioned at the beginning, the Georgian situation reflects the Moldovan one, and in the process of visa facilitation and liberalisation the EU should follow a symmetric path and apply comparable conditions and assessments to all the Eastern Partnership countries participating in this process. This is what visa dialogue between the EU and EaP countries is all about. All the more so because Georgia is systematically legislating and implementing section 2.1 of the Visa Liberalisation Action Plan regarding border management.

² <http://www.rosbalt.ru/ex-ussr/2010/10/25/783968.html>

³ <http://kommersant.ru/doc/2233445>

⁴ <http://www.mfaapsny.org/council/questions.php#sthash.2M48kJez.dpuf>

⁵ <http://www.globalsecurity.org/military/world/war/abkhazia-8.htm>

⁶ <http://monitoring.visa-free-europe.eu/georgia>